

# Liberty and Popular Sovereignty

Johannes Althusius (1563-1638) and Humanist Political Thought

Bert Drejer

Thesis submitted for assessment with a view to  
obtaining the degree of Doctor of History and Civilisation  
of the European University Institute

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European University Institute  
**Department of History and Civilisation**

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## **Thesis abstract**

### **Liberty and Popular Sovereignty: Johannes Althusius (1563-1638) and Humanist Political Thought**

This thesis supplies a new interpretation of the theory of popular sovereignty developed by Johannes Althusius in his *Politica, methodice digesta*, showing how it is underpinned by a particular understanding of civil liberty as well as re-examining its polemical character. The thesis begins with a full account of the development of humanist political thought in Renaissance Germany, and then moves on to consider Althusius's contribution to each of the topics singled out for debate by the German humanists. Although Althusius is chiefly known as a Calvinist political theorist, he turns out to be addressing a range of issues more characteristic of the Renaissance than of the Reformation. By approaching Althusius's treatise in this way, the thesis is at the same time able to offer a richer account of what he is doing in presenting his central constitutional doctrine, his theory of popular sovereignty. Althusius's theory first of all embodies a critical response to some prevailing assumptions about the character of well-instituted communities and about the role of citizens in the creation and maintenance of such an ideal. But Althusius's theory also embodies a forceful reaction to the arguments put forward by the contemporary theorists of absolute sovereignty. Althusius is often claimed to be at least partially indebted to the work of these writers. By emphasising Althusius's reliance on a Roman-law understanding of civil freedom, however, this thesis is able to challenge this interpretation. It argues that what Althusius lays out is a theory not of absolute but of 'limited' popular sovereignty. By focusing on Althusius's contribution to the political debates of the Renaissance, the thesis is thus able at the same time to illustrate the different ways in which the concept of popular sovereignty was discussed by contemporary political theorists.

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Since I started working on my PhD thesis in September 2017 I have tried out a number of ways to make sense of Althusius's political thought. I initially hoped to be able to say something of interest about the fact that his main political treatise appeared in three quite different editions. This was the main aspiration underlying my original research proposal, and both of my initial supervisors – Ann Thomson and Stéphane van Damme – helped me to think about the bibliographical complexities involved in the sort of study this would require. As it turned out, I found nothing important to say about the development of Althusius's treatise at all, except that his entire argument in favour of popular sovereignty can already be found in the first edition of his treatise. I can only apologise for having failed to do more with the support I received at this stage.

While trying to find a more fruitful approach to the study of Althusius's thought, I incurred a number of further obligations. During the first two and a half years of my studies many people generously found time to discuss my work with me, including (but not limited to) Angela de Benedictis, Lea Campos Boralevi, Alberto Clerici, Lucia Felici, Mark Greengrass, Angus Gowland, Knud Haakonssen, Mads Jensen, Shiru Lim, Sarah Mortimer, John Robertson, Jacqueline Rose, Quentin Skinner, Georgios Varouxakis and Richard Whatmore. During the period that followed it became much more difficult to have such conversations in person, and it was in these years that I struggled most with the direction of my thesis. Having abandoned my hopes to say anything significant about the differences between the various editions of Althusius's treatise, I initially sought to explore the Reformation background of his political thought. I increasingly found, however, that this approach could not help me to answer the specific questions in which I had become interested. I finally turned to the political and intellectual debates of the Renaissance, deciding that these debates provide a more helpful context for understanding Althusius's most distinctive intellectual commitments.

In undertaking these further studies I again benefited from much help and guidance. I first of all need to express my thanks to the library staff at the European University Institute,



whose hard work in very difficult circumstances made it possible for me to continue my research even when the rest of the world seemed at times to have come to a standstill. I owe a further obligation to the Dr. Günther Findel-Stiftung and the Rolf und Ursula Schneider-Stiftung, whose support enabled me to conduct further research at the Herzog August Bibliothek in Wolfenbüttel in February and March of 2022. Above all, however, I need to single out two people whose personal guidance has been not only welcome but indispensable. One is Ann Thomson, who graciously agreed to supervise my work on a topic quite far from her own interests. She has been ceaselessly encouraging and always ready to help me when needed. The other is Martin van Gelderen, who has read much of what I have written over the years and discussed my research with me on many occasions. I owe them both a debt of gratitude greater than I can put into words.

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## Conventions

*Abbreviations.* The following abbreviations are used in the footnotes.

BSB: Bayerische Staatsbibliothek

HHStAW: Hessisches Hauptstaatsarchiv Wiesbaden

HAB: Herzog August Bibliothek

HAAB: Herzogin Anna Amalia Bibliothek

KB: Koninklijke Bibliotheek

*Gender.* I have generally felt restricted by my sources to speak of ‘he’ and ‘him’ as opposed to using gender neutral language. Althusius in particular makes it clear that, in speaking about citizens, he is speaking about male members of a community (nor is he even speaking about all male members).

*Translations and references.* When quoting from non-English sources, all translations are my own, although I have sometimes been helped by existing translations, in which case I cite this translation in my first reference. I have for the most part added the relevant phrases in the original language in the footnotes. When quoting from Latin texts, I have made minor alterations to the spelling (I use ‘v’ as well as ‘u’ and change ‘j’ to ‘i’).



## Introduction

### Althusius and popular sovereignty

This thesis examines the political thought of Johannes Althusius, and specifically the element of his political thought that Althusius himself above all liked to single out: his doctrine of popular sovereignty. Some reflection on this concept can already be seen in some of Althusius's early legal writings of the late 1580s,<sup>1</sup> but it is in his work published in the opening years of the seventeenth century that we find him expressing his commitment to an ideal of popular sovereignty for the first time. His argument about the inalienable sovereignty of the people was initially adumbrated in a disputation entitled *De regno recte instituendo*, which Althusius wrote in the name of one of his pupils in 1602.<sup>2</sup> The next year witnessed the appearance of the *Politica, methodice digesta*, Althusius's longest and most original discussion of sovereignty and government, in which his argument is fully laid out.

Althusius expresses his commitment to an ideal of popular sovereignty with great vehemence in his foreword to the *Politica*. 'I am aware that according to the view generally held by teachers of *scientia politica* the rights of sovereignty or *iura maiestatis* should be ascribed to the prince or chief magistrate as his personal property. In my view, however, these rights need to be attributed to the people.'<sup>3</sup> To which Althusius adds that, 'even if the people would choose to alienate these rights, they would by no means be able to do so'.<sup>4</sup> A similar announcement of Althusius's basic commitment occurs at the start of the revised and enlarged version of the *Politica* issued in 1610. Although 'many legal and political scientists ascribe the rights of sovereignty to the prince or chief magistrate alone, I insist on the opposite point of view', namely that these rights can reside with none other than the people as a whole.<sup>5</sup>

By the time Althusius issued these statements, the concept of popular sovereignty had already come to be widely debated, in particular during the European wars of religion of the late sixteenth century. In several parts of Europe, critics of the existing monarchical governments came to insist that no king can lawfully possess a power greater than that of the

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<sup>1</sup> Althusius 1588, I. VIII, p. 25.

<sup>2</sup> [Althusius] 1602, sig. A, 2v. See also Stolleis 1987, pp. 170, 172-3.

<sup>3</sup> Althusius 1603a, sig. (:), 4v: 'Sed haec [sc. iura maiestatis] ... populo attribui. Scio, communi doctorum calculo haec principi & summo magistratui propria adsignari.' Here, as throughout, I have made my own translations from the Latin original. But I need to stress that I have frequently consulted those of Carney in Althusius 1995.

<sup>4</sup> Althusius 1603a, sig. (:), 5r: 'etiamsi velit, ... alienare nequaquam possit'.

<sup>5</sup> Althusius 1610a, sig. \*, 4r: 'Plerique iurisconsulti & politici haec [sc. iura maiestatis] soli principi & summo magistratuit ... adscribunt, ... Contrarium ego ... statuo'.

whole body of the people over whom he rules.<sup>6</sup> Such arguments became an especially prominent feature of the public debates of the 1570s in France. After the Catholic government under Catherine de' Medici allegedly ordered the massacre of St Bartholomew's Day in 1572, a number of French Huguenots sought to defend the right of the people to depose a tyrannous ruler in these exact terms.<sup>7</sup> The most influential of the resulting texts, the anonymous *Vindiciae, contra tyrannos* of 1579, repeatedly states that 'the People as a whole are more powerful than a King'.<sup>8</sup> The people retain the 'supreme lordship' over the kingdom, and hence remain the proprietors of ultimate sovereignty, or *maiestas*.<sup>9</sup>

Althusius makes it clear at numerous points in the *Politica* that he is much indebted to these so-called 'monarchomach' or 'king-wounding' writers,<sup>10</sup> among whom the author of the *Vindiciae* is particularly singled out.<sup>11</sup> Nevertheless, there can be no doubt that Althusius's elaboration of these arguments yielded an outstanding contribution to the theory of popular sovereignty. His analysis of the kind of power that the people need to possess if the purposes of social life are to be fulfilled is more comprehensive and complex than anything that had hitherto appeared. As one of his earliest commentators remarked, 'Althusius devotes virtually his entire book on politics to explaining' how public affairs should be governed on the basis of the popular will.<sup>12</sup>

The *Politica* seems initially to have been well received, and Althusius himself assures us in his foreword to the second edition that his original text won him 'the acclaim of many persons'.<sup>13</sup> It went through a total of six printings before Althusius's death in 1638, after which it was reissued once more in 1654.<sup>14</sup> By this time Althusius had come to be widely cited as an authority on popular sovereignty, and he would continue to be cited in this manner during the decades that followed.<sup>15</sup> Furthermore, his *Politica* had come into standard use in the academies and universities of the German-speaking world as a textbook not merely on sovereignty but on

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<sup>6</sup> For a recent overview of the contexts in which this argument was invoked see Mortimer 2021, pp. 155-78, 201-11.

<sup>7</sup> Skinner 1978, vol. 2, pp. 302-48.

<sup>8</sup> *Vindiciae* 1579, p. 86 on the fact that 'Populum universum Rege potioem esse'; cf. p. 193. Although I quote from the original edition of 1579, my translations are greatly indebted to those of Garnett in *Vindiciae* 1994.

<sup>9</sup> *Vindiciae* 1579, p. 83 on the 'Populi maiestatem' and p. 89 on the 'supremo dominio Populi'.

<sup>10</sup> The term of 'monarchomach' or 'king-wounder' was coined by William Barclay, who used it to criticise the author of the *Vindiciae* and several likeminded writers. See Barclay 1600, title-page on 'Brutum ... & reliquos Monarchomachos'.

<sup>11</sup> See Althusius 1603a, ch. XIV, p. 167 on the author of the *Vindiciae* ('Stephanus Iunius Brutus'). On Althusius's debt to the monarchomachs see Salmon 1959, pp. 40-6; Wyduckel 2002a, pp. 138-47.

<sup>12</sup> Hoen 1608, disp. III, p. 55: 'In quibus explicandis Althusius Politicam suam fere totam consumit.'

<sup>13</sup> Althusius 1610a, sig. \*, 2r, stating that 'priorem meam ... politicam multis probari'.

<sup>14</sup> Althusius 1603, 1610a, 1610b, 1614, 1617, 1625, 1654.

<sup>15</sup> Gierke 1902, pp. 5, 7 and n12; Kossmann 2000, pp. 45, 46; von Friedeburg 2002a, pp. 238-9.

the proper conduct of public life.<sup>16</sup> As Johann Boecler observed in 1663, not without some misgivings, Althusius's *Politica* remained one of the set texts in civil philosophy in the middle decades of the seventeenth century.<sup>17</sup>

Hereafter interest in Althusius's work seems to have dwindled, until it eventually became superseded as a leading discussion of popular sovereignty by more familiar contributions such as those of Locke, Rousseau and Kant. More recently, however, it has been suggested that Althusius's political thought might be worth reconsidering. Some commentators have drawn attention to his claim that, if the general will of all is to provide the basis of civil government, it is essential that the communities of which a larger commonwealth is composed should be governed in strict 'accordance with laws that have been approved by themselves'.<sup>18</sup> The political arrangements of these communities should at all times be founded on the consent of their own citizens, enabling them to collectively speak and act on behalf of the entire population in the making of the laws for the whole commonwealth.<sup>19</sup>

This vision of what Althusius describes as a federated commonwealth<sup>20</sup> has sometimes been said to supply us with a means of questioning some prevailing assumptions about sovereignty and government. Giuseppe Duso has argued that Althusius's federalism can be invoked to cast doubt on the individualistic premises governing the Hobbesian understanding of political covenants.<sup>21</sup> Carl Friedrich has instead suggested that Althusius may be taken to 'speak to us today' precisely because he is opposed to the modern idea of a unitary or 'national state'.<sup>22</sup> Writing in similar vein, Thomas Hueglin has sought to challenge what he characterises as the 'dominant' centralist and majoritarian elements in modern political thought.<sup>23</sup> The value of Althusius's account, according to Hueglin, is that it helps us to see how political power might be organised along more pluralistic lines and from the bottom up, in such a way as to institute government on the basis of 'consent rather than majority rule'.<sup>24</sup>

My aim in what follows shall not be to make a case for the current relevance of Althusius's political thought but rather to offer a historical and contextual account of the central

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<sup>16</sup> For a discussion of its use at one such institution see Hotson 2002, pp. 253-9. See also Hotson 2020, pp. 39 n70, 138.

<sup>17</sup> Boecler 1663, I. III, p. 235.

<sup>18</sup> Althusius 1603a, ch. V, p. 53, requiring that such a community 'gubernatur secundum leges a se approbatas.'

<sup>19</sup> Althusius 1603a, ch. V, p. 53; ch. VI, pp. 54, 57-8; ch. XIII, pp. 130-2.

<sup>20</sup> See Althusius 1603a, ch. VII, pp. 72-4 on how *respublicae* are instituted by way of a *confoederatio*. Cf. Dreitzel 2002, pp. 51, 63-6, who complains that the use of the word federalism in connection with Althusius's thought is anachronistic. But for a corrective see Tierney 1982, p. 75.

<sup>21</sup> Bonfatti, Duso and Scattola 2002, pp. 10-1. See also Duso 2002, pp. 18-24.

<sup>22</sup> Friedrich 1975, p. 13.

<sup>23</sup> Hueglin 1999, p. 210.

<sup>24</sup> Hueglin 1999, pp. 202, 222.

concept in his theory in the *Politica*, that of popular sovereignty. To understand what he means by this concept, we shall have to examine his views in relation to the intellectual and ideological contexts out of which they originally arose. If and only if we take this approach will it be possible – to cite a celebrated phrase – to see what Althusius is *doing* in presenting his theory of popular sovereignty in the *Politica*.<sup>25</sup> How far is he invoking, endorsing or perhaps restating pre-existing beliefs about sovereignty and the nature of public life? To what extent is he questioning any accepted or even prevailing assumptions? If he is questioning any such assumptions, what sort of response is he offering? These are the sort of questions I shall seek to address in what follows.

### **The contexts of Althusius's constitutional theory**

Ever since Gierke's classic monograph, first published in 1880, students of Althusius's political thought have tended to raise two complementary questions about its intellectual contexts. One widely debated question concerns the relationship between Althusius's constitutionalism and its sources. How extensive is his debt to earlier constitutionalist traditions? The other question typically addressed in the literature is about the relationship between Althusius's argument and the targets at which it may be said to be directed. What kind of response does it embody? Since I will be concerned with very similar questions, I need to begin by examining the ways in which these issues have so far been discussed.

Turning first to the question about sources, we find that it has generally been handled in two contrasting ways. It has first of all been argued that Althusius's constitutional theory ought to be examined in relation to some long-standing traditions of thinking about the powers of communities over their rulers. Althusius himself (as we saw) displays a particular willingness to acknowledge his debt to the monarchomach writers of the previous generation. As several studies have shown, the monarchomachs in turn derived much of their inspiration from yet earlier legal and ecclesiastical discussions of popular sovereignty.<sup>26</sup> The conclusion at which many commentators have arrived is accordingly that, as Brian Tierney has put it, Althusius's position needs to be 'defined' in relation to this whole tradition of thinking about sovereignty and government.<sup>27</sup>

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<sup>25</sup> Skinner 2002, vol. 1, esp. pp. 57-127.

<sup>26</sup> See most notably Skinner 1978, vol. 2, pp. 318-34; Skinner 2002, vol. 2, pp. 245-63. Gierke already emphasised that the monarchomachs 'essentially reproduce a theory that had been fully developed in the Middle Ages'. See Gierke 1902, pp. 143-4.

<sup>27</sup> Tierney 1982, p. 72.

Gierke in his study of this tradition placed strong emphasis on Althusius's originality, arguing that he was the first to speak of the people not merely as sovereign but also as the sole proprietors of inalienable supreme power.<sup>28</sup> More recent contributions, however, have tended to conclude that, while Althusius's account is undoubtedly more systematic than earlier discussions of popular sovereignty, it is nonetheless overwhelmingly derivative.<sup>29</sup> Several commentators have characterised his argument as a 'summary' of monarchomach thought, and especially of the monarchomach defence of the lawfulness of popular resistance.<sup>30</sup> Others have gone further, claiming that the underlying vision of the people as a corporation capable of appointing and deposing its own rulers had begun to be developed by some legal commentators as early as the twelfth century, and can already be found in full-fledged form in the conciliarist literature of the fifteenth century. Althusius's constitutional theory, then, is 'derived from a specific Roman law tradition that had been adapted in a particular way by late medieval ecclesiology.'<sup>31</sup>

According to another strand in the historiography, the roots of Althusius's constitutionalism lie instead in the intellectual culture of sixteenth-century Calvinism. To understand Althusius's doctrine of popular sovereignty, it is claimed, we need to focus on the extent to which it can be shown to have arisen out of a Calvinist or Reformed tradition of thinking about law and government.<sup>32</sup> It is true that this is sometimes presented less as a thesis about the Calvinist character of Althusius's political theory than as a claim about the religious allegiances of some of the writers with whom he is seen to align himself. John Witte, for example, speaks of Althusius as an exponent of a 'distinct' Calvinist tradition of legal and political thought, but he treats this as equivalent to saying that Althusius makes use of certain arguments that had already been invoked by 'earlier Calvinist writers'.<sup>33</sup>

A number of commentators, however, have maintained that the arguments employed by Althusius are themselves specifically Calvinist in provenance and character.<sup>34</sup> His commitment to an ideal of popular sovereignty, we are told, is grounded on a view of lawful government which in turn stems from the leading Reformed theologians. Some scholars have claimed that it is Calvin's doctrine of divine providence that underpins Althusius's defence of

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<sup>28</sup> Gierke 1902, pp. 28, 144-5, 148, 157.

<sup>29</sup> But for a different emphasis see Mortimer 2021, p. 237.

<sup>30</sup> For this way of putting the point see Kossmann 2000, pp. 147, 158; Wyduckel 2002, p. 139. Cf. also Friedrich 1932, p. lvii.

<sup>31</sup> Tierney 1982, p. 77. See also Hofmann 1974, pp. 358-74.

<sup>32</sup> For a different approach, centred on the idea that Althusius's theory itself can be said to be 'confessionally defined', see Schmidt-Biggemann 1988.

<sup>33</sup> Witte 2007, pp. 2, 154-5, 189, 200, 206. A similar interpretation can be found in Kingdon 1997.

<sup>34</sup> On Althusius as a 'specifically Calvinist' thinker, see for example Friedrich 1975, p. 9.



popular sovereignty.<sup>35</sup> Others have suggested that the main inspiration for Althusius's line of argument derives from the covenantal theologians<sup>36</sup> and their distinctive view of the 'relationship between the people and their God', a view on which his theory of popular sovereignty is said to be based.<sup>37</sup> The implication in both cases is said to be that we need to start by considering Althusius's 'theological' commitments if we are to make sense of his constitutional theory.<sup>38</sup>

These approaches have culminated in a particular view of the relationship between Althusius's argument in the *Politica* and the tradition on which he is said to be drawing. Since these commentators all think of Althusius as an exponent of a Calvinist or Reformed intellectual tradition, they tend to view his constitutional vision as an attempt to amplify the social and political assumptions already embodied in this tradition.<sup>39</sup> Carl Friedrich, for example, refers to Althusius's aim to develop 'the ideas concerning society and government which Calvinism implied'.<sup>40</sup> John Witte similarly speaks of Althusius's aspiration to create a political theory 'from Calvinist premises', and of how this prompts him to expand and deepen the Calvinist inheritance.<sup>41</sup>

I turn now to consider the existing discussions of the polemical intentions embodied in Althusius's doctrine of popular sovereignty. There has been little debate over the targets of Althusius's argument. Althusius himself in his original preface to the *Politica* cites Jean Bodin as his principal opponent,<sup>42</sup> and most commentators have in consequence agreed that what chiefly needs to be investigated is the relationship between Althusius's views and those of contemporary theorists of absolute sovereignty, in particular those of Bodin in his *Six livres de la république*, which first appeared in 1576. Althusius's constitutional theory has thus come to be seen above all as a contribution to the late sixteenth century disputes between the exponents of monarchical absolutism and popular sovereignty.

It is Gierke who first sketched what remains the most widely accepted account of Althusius's contribution to these debates. According to Gierke, Althusius's discussion of popular sovereignty is distinguished by the emphasis it places on a couple of contentions about the nature of sovereign power which had first been advanced by Bodin. Like Bodin, Althusius

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<sup>35</sup> See, for example, Winters 1963, pp. 247-8.

<sup>36</sup> For a survey and critique of the relevant literature see Dreitzel 2002, pp. 52-63.

<sup>37</sup> Henreckson 2019, pp. 151, 154-8.

<sup>38</sup> Winters 1963, p. 270; Henreckson 2019, p. 128.

<sup>39</sup> Cf. Henreckson 2019, pp. 128, 156.

<sup>40</sup> Friedrich 1932, p. xvii.

<sup>41</sup> Witte 2007, pp. 9, 150, 206, 207.

<sup>42</sup> Althusius 1603a, sig. (:), 4v-5r.

views this power as inherently inalienable and indivisible, prompting him to reject the ideal of the mixed or balanced constitution. This observation leads Gierke to what he regards as one of Althusius's great achievements as a political theorist. This is that he took up the absolutist conception of sovereignty and used it to defend the supremacy of the people, thereby wielding the absolutists' own weapons against them.<sup>43</sup> This view of Althusius's dependence on his opponent has been much reiterated in the literature.<sup>44</sup> Julian Franklin has argued that, although Althusius 'is known as a critic of Bodin', he is in complete agreement with Bodin about the nature of sovereignty.<sup>45</sup> Daniel Lee has more recently written in similar terms, affirming that 'Althusius absorbed Bodin's teachings' to such an extent that, on the subject of sovereignty, he speaks simply 'with the voice of Bodin'.<sup>46</sup>

Even though this interpretation remains the orthodoxy in the scholarly literature, there are some commentators who have argued a strongly contrasting case. Althusius, on this reading, is a theorist not of absolute sovereignty<sup>47</sup> but of the ideal of the mixed or balanced constitution.<sup>48</sup> His political vision cannot therefore be said to be based on a Bodinian conception of absolute and indivisible sovereignty. He is instead claimed to have 'composed the strongest German rejection of Bodin's theory of sovereignty'.<sup>49</sup>

While many of these interpretations have yielded valuable insights into Althusius's political thought, they can I believe be supplemented. If we are to understand his theory of popular sovereignty, we shall have to broaden our investigations of its contexts in two complementary ways. One is by taking a wider view of the intellectual debates in which Althusius is seeking to intervene in the *Politica*. The prevailing focus on his response to the absolutist political thought of his day, and more specifically to Bodin, seems to me an unduly narrow one. Rather we should see his constitutional vision as framed in large part as a contribution to the political debates of the Renaissance. This becomes clear as soon as we reflect on the basic theme of Althusius's *Politica*. The question he raises at the outset is 'what ought to be considered

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<sup>43</sup> Gierke 1902, pp. 151, 157.

<sup>44</sup> Friedrich 1932, pp. lix, xci-ii; Salmon 1996, p. 508; Wyduckel 2002, p. 139; Mortimer 2021, p. 236.

<sup>45</sup> Franklin 1991, p. 312.

<sup>46</sup> Lee 2016, pp. 227, 233.

<sup>47</sup> See, for example, Scupin 1965, p. 3, criticising Gierke's interpretation. It must be noted, however, that Gierke saw more clearly than some of his successors that Althusius is not arguing in favour of an 'absolute' sovereignty of the people. See Gierke 1902, pp. 157-8.

<sup>48</sup> For Althusius on constitutional checks and balances see Dreitzel 1992.

<sup>49</sup> Van Gelderen 2002, pp. 204, 207.

essential for instituting a Commonwealth'.<sup>50</sup> His concern is thus with the classical and humanist ideal of the *res publica*.

By the time Althusius first issued the *Politica* in 1603, this concept had already been widely discussed by the German humanists of the Renaissance, many of whom had published special treatises on this topic.<sup>51</sup> It is true that the resulting literature has often been said to be more characteristic of the Reformation than of the Renaissance. The fact that some of the leading contributions to this genre were composed by avowed Protestants has sometimes been taken to license this conclusion.<sup>52</sup> But it seems to me most plausible to treat the arguments on which I will be focusing basically as products of the humanist culture of the Renaissance. This is because – as I shall attempt to show – they were largely derived from a small selection of ancient texts recommended for study by the humanist pedagogues of the age.

There has been a growing tendency in the historical literature to stress the extent to which especially German writers of this period sought to promote an outlook which is often described as 'Christian politics'. One of the leading tenets of this school of thought, it is said, was the belief that political doctrine should be founded on the Scriptures as opposed to the moral literature of Greek and Roman antiquity. There can be no doubt that many writers at the time adopted such a strictly biblical approach to politics.<sup>53</sup> Still it would be misleading to suggest that the humanists with whom I will be concerned shared the same belief.<sup>54</sup> One of the most striking features of their political treatises, as we shall see, is the overwhelming extent to which their analysis of the central concept in their political thought – the concept of the *res publica* – is indebted to the works of Plato, Aristotle and Cicero as well as to the relevant sections of Justinian's *Codex*.

The significance of this context, I wish to suggest, is that it helps us to make sense of some further elements in Althusius's argument about the sovereignty of the people in the *Politica*. The thesis he seeks to defend is that, as he states in his preface, there can be no commonwealth 'worthy of the name' in which the rights of sovereignty are not permanently lodged with the body of the people as a whole.<sup>55</sup> This in turn leads him to address two further issues with which the German humanists had been much preoccupied. One is what it means for

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<sup>50</sup> Althusius 1603a, sig. (:), 4v: 'quid ad Rempublicam constituendam essentielle sit'.

<sup>51</sup> Dreitzel 1991, vol. 2, pp. 474-81. Also see Dreitzel 1992, p. 21 n12.

<sup>52</sup> See, for example, Witte 2002, pp. 140-54. Cf. also Mortimer 2021, p. 144 on a specifically 'Protestant' concern with the concept of the common good.

<sup>53</sup> For this genre of literature on 'politica christiana' see Dreitzel 1991, vol. 2, pp. 484-528; von Friedeburg and Seidler 2007, pp. 128-48; Schorn-Schütte 2015.

<sup>54</sup> Cf. Weiß 2006, pp. 109-10.

<sup>55</sup> Althusius 1603a, sig. (:), 5r on what it means for a *respublica* to be *nomine hoc digna*.

a commonwealth to be properly mixed or tempered.<sup>56</sup> As we have seen, Althusius's views about the mixed constitution have usually been examined in relation to the absolutist treatment of the same theme. But this aspect of his argument embodies a reaction to the humanist account of the mixed constitution as well. To understand Althusius's views about the *respublica mixta*, we need to consider their relationship with both these contexts, and thus examine his position in the wider Renaissance debates on the subject.

The other topic Althusius addresses in the course of laying out his argument about the people's rightful proprietorship of sovereign power is the humanist ideal of active citizenship. There has been very little discussion of Althusius's view of what it means to serve one's community well in the existing literature,<sup>57</sup> and it has even been denied that he displays any sustained interest in this issue in the *Politica*. He is said to view the political community as a 'divinely ordained' whole, and therefore to be 'moving away' from classical and humanist traditions of writing about participative citizenship.<sup>58</sup> But I seek in chapter 5 to argue a strongly contrasting case: that a concern with this value underlies much of his discussion of popular sovereignty, and that our understanding of this aspect of his argument depends on seeing that he is responding to certain doctrines more traditionally espoused by German humanists.

I turn to discuss the second way in which existing accounts of the contexts of Althusius's political theory can I think be supplemented. This is by exploring the extent to which his doctrine of popular sovereignty can be shown to include an understanding of the concept of individual liberty derived from the *Codex* of Roman law. Freedom, on this view, is basically the name of a status, the status enjoyed by those who are free from the sort of dependence suffered by all those who live in slavery or servitude.<sup>59</sup> To be a slave, it is claimed, is equivalent to 'being subject to the *dominium* or power of someone else', and hence to living in dependence on the will of another.<sup>60</sup> Since everyone in civil society is either bond or free, it follows that a free person must be someone who is not dependent on the will of anyone else, but is *sui iuris*, in his own right and under his own control.<sup>61</sup>

A great deal has been written in recent decades about the role played by this concept of freedom in early modern constitutionalism, although scholars have generally focused on one

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<sup>56</sup> Dreitzel 1991, vol. 2, pp. 490-1. On a preoccupation with this concept as a characteristic feature of German political thought in this period, see Weber 1997, p. 106.

<sup>57</sup> But see the brief if important discussions in Van Gelderen 2002, p. 206 and Schmidt 2007, pp. 43-4. See also von Friedeburg 2006 for a discussion of Althusius's views about 'inferior magistrates'.

<sup>58</sup> Mortimer 2021, p. 238.

<sup>59</sup> For this point see Skinner 2022, p. 243. For further expositions of this view of freedom see Pettit 1997; Pettit 2012; Skinner 1998. For a recent collection of valuable contributions see Dawson and De Dijn (ed.) 2022.

<sup>60</sup> Justinian 2014b, 1. V. 4. 1, p. 7: 'dominio alieno ... subicitur'; cf. Justinian 2014a, 1. III. 2, p. 4.

<sup>61</sup> Justinian 2014b, 1. VI. 1, p. 8; Justinian 2014a, 1. VIII, p. 5.

specific constitutionalist tradition. This is the tradition of thinking about the *civitas libera* or free state; the vision of public life outlined in the writings of some of the ancient Roman moralists and historians, which was revived by the Italian humanists of the Renaissance and subsequently gave rise to Machiavelli's republicanism in the *Discorsi*.<sup>62</sup> As Quentin Skinner in particular has emphasised, one of the basic contentions of this school of thought is that it is possible to be free only in a free state or self-governing community, because any community that is ruled not by its own will but by someone else is one in which its members are dependent on the will of another, and are in consequence compelled to live as slaves.<sup>63</sup>

Although this way of thinking about the freedom of communities was of great importance for the evolution of early modern political thought, I am more concerned with the contrasting monarchomach strand of constitutionalist argument. As we saw, it is with the exponents of this line of reasoning that Althusius has usually been aligned. But scholars have tended to draw a sharp distinction between the contractual theories of popular sovereignty developed by the monarchomachs and the republicanism defended by writers like Machiavelli. As Skinner has pointed out, the monarchomachs were not greatly concerned with the question of what it means for a community to be free.<sup>64</sup> Nor were they always or even typically committed to an ideal of self-government; in most cases, their chief aspiration was to vindicate the right of the people to remove an oppressive ruler.<sup>65</sup>

This is not to say, however, that the monarchomach theorists make no use in their argument about the sovereignty of the people of the concept of personal liberty.<sup>66</sup> One way in which they do so is by invoking the idea that all people are originally and naturally free from government.<sup>67</sup> A further claim advanced by the monarchomachs is that, if the freedom of the people is to be preserved under government, it is essential that all rulers should be appointed on the strict condition that they shall never use their powers merely at their own discretion. If we inspect their reasoning at this stage, moreover, we find that their understanding of the concept of liberty closely echoes the account given in the relevant passages in Roman law.<sup>68</sup> This is perhaps most clearly seen in the *Vindiciae, contra tyrannos*, a text which Althusius (as we saw) knew well. Defending the inalienable sovereignty of the people, the author of the

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<sup>62</sup> Skinner 2002, vol. 2, pp. 17-30, 126-34, 148-57.

<sup>63</sup> Skinner 1998, pp. 66-77.

<sup>64</sup> Skinner 1998, p. 23 n69; Skinner 2002, vol. 2, p. 342.

<sup>65</sup> Skinner 1998, p. 21 n65; Skinner 2002, vol. 2, pp. 387-8.

<sup>66</sup> For a recent account illustrating the role played by the idea of individual liberty in a monarchomach theory of popular sovereignty, see Sabbadini 2020, pp. 39-43.

<sup>67</sup> Garnett 1994, p. xxxiii and Skinner 2008, p. 38 point out that this claim is derived from Roman law.

<sup>68</sup> Skinner 2002, vol. 2, pp. 295-7, 299, 389; Skinner 2018, pp. 200-1.

*Vindiciae* insists that the ‘license of their Prince’ must not be allowed to ‘take away the liberty of the People’.<sup>69</sup> No ruler can be permitted to act simply at his pleasure, for this would place his subjects in a state of ‘dependence on the will of someone else’.<sup>70</sup> By consenting to this kind of subjection, the people would be selling themselves into slavery, ‘putting themselves into fetters and chains’.<sup>71</sup> As in Justinian’s *Codex*, we are being told that being subject to the mere will of another is what it means to be unfree.

The same understanding of the concepts of unfreedom and freedom, I shall argue, also underlies much of Althusius’s theory of popular sovereignty in the *Politica*. This is not of course to imply that the *Codex* of Roman law is the only authority on which Althusius relies in mounting his argument. Nor is it to deny that, if we examine his discussion of civil liberty, we find him referring to a range of additional texts. In his original account in the first edition of the *Politica*,<sup>72</sup> and again in an added discussion in the second edition,<sup>73</sup> Althusius includes extensive references to passages from the Bible in which the concepts of liberty and slavery are invoked, and in which we are exhorted to do no harm to others.<sup>74</sup> In none of these passages is there any hint, however, of the idea that the fundamental contrast in the analysis of the concept of personal freedom is between the status of those who are free and the status of those who live in dependence on the will of someone else. For the most authoritative statement of this view we need to turn to Justinian’s *Codex*, and it is this fact which prompts me to speak of Althusius’s understanding of liberty as one derived from the texts of Roman law.

It is worth underlining the distinctive character of this view of freedom, if only because some commentators have denied that there is any recognisable conception of individual liberty embodied in his account. In a theory such as Althusius’s, it is claimed, the question at issue is not how we can hope to live as ‘free individuals’ in human society, but how it is possible to establish and maintain a proper ‘social order’, one in which we are all under legal ‘obligations’ to perform various social functions.<sup>75</sup> It is true that the concept of liberty implied by this analysis – the idea that liberty depends on the silence of the law – is of no great importance to

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<sup>69</sup> *Vindiciae* 1579, p. 106 on what ‘libertati Populi demitur’ and ‘Principis licentiae adiungitur’.

<sup>70</sup> *Vindiciae* 1579, p. 126: ‘ab alieno arbitrio ... pendere’.

<sup>71</sup> *Vindiciae* 1579, p. 170: ‘populus sibi ipse catenas & compedes iniiciat’; cf. p. 125.

<sup>72</sup> See Althusius 1603a, ch. XXXI, pp. 452-3, where we are referred to Luke 13: 14, John 18: 22-4, Deuteronomy 27: 24, Acts 25-9, Exodus 21: 24-36 and 22: 21-3.

<sup>73</sup> See Althusius 1610a, ch. X, p. 135, where we are referred to Luke 13: 24, Leviticus 19, Matthew 22 and 7: 12.

<sup>74</sup> In examining these passages I have made use of the translation of the Old Testament by Emmanuel Tremellius and the translation of the Old Testament by Theodore Beza, which are published together in Junius (ed.) 1590. These are also the versions of the biblical texts used by Althusius himself.

<sup>75</sup> Kossmann 2000, p. 160. For similar accounts see Hofmann 1974, pp. 366-7 and Duso 2002, pp. 18-24.

Althusius. But it hardly follows that he is not concerned with any concept of personal liberty. It simply means that he is not much interested in this specific understanding of the concept.

One might well ask why this all matters. Even if Althusius endorses the view of liberty outlined in Justinian's *Codex*, does our recognition of this fact really serve to alter our understanding of his political theory in any significant way? I should like to think that it does. One crucial way in which it seems to do so is by encouraging us to reconsider the prevailing interpretation of his response to the absolutist theorists of his day, and especially to the absolutism of Jean Bodin. On this reading, as we saw, Althusius is in essential agreement with Bodin and likeminded theorists about the nature of sovereignty. His basic,<sup>76</sup> real<sup>77</sup> or even sole<sup>78</sup> quarrel with these writers is said to stem from his insistence that sovereign power must always be permanently lodged with the whole body of the people. It is arguable, however, that this interpretation underestimates the sweep of Althusius's constitutional argument in the *Politica*. If we were to take notice of the extent to which his theory of popular sovereignty is underpinned by the distinctive view of liberty I have singled out, we might I think be led to see in it a more fundamental criticism of the absolutist and Bodinian concept of sovereignty.

This might be significant in a yet further way. If my suggestion about Althusius's relationship in the *Politica* with contemporary absolutist political thought is correct, we might be led to question the prevailing tendency to treat the theorists of popular sovereignty of Althusius's time as if they were all exponents of absolute sovereignty. Daniel Lee provides a particularly clear example of this tendency in his recent book on the subject. Lee starts by defining the idea of popular sovereignty as the doctrine that the people possess an 'unlimited and absolute' power, and he subsequently goes on to examine the various versions of this doctrine to be found in early modern constitutional thought, treating the leading monarchomachs, Bodin and Althusius all as exponents of this basic doctrine.<sup>79</sup> If Althusius could be shown to be defending a more limited kind of popular supremacy, however, then we might perhaps be led to reconsider this whole approach. We might, that is, be led to see the debates about sovereignty in this period in part as debates about what it means to speak of the sovereignty of the people.

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<sup>76</sup> Salmon 1996, p. 508.

<sup>77</sup> Franklin 1991, p. 312.

<sup>78</sup> Lee 2016, p. 227.

<sup>79</sup> Lee 2016, pp. 2, 128, 151, 227. Cf. also Bourke 2016, pp. 2-3, 9, who appears similarly to assume that to speak of the sovereignty of the people is invariably to refer to a kind of 'absolute' power.

Because I will be treating Althusius's theory of popular sovereignty in the *Politica* as an intervention in pre-existing debates, I shall have to begin by discussing these contexts themselves. The first two chapters of my thesis will therefore be largely devoted to examining the humanist culture of Renaissance Germany. Chapter 1 is concerned with the educational culture of Renaissance humanism and the extent to which Althusius can be plausibly described as an exponent of this culture. Chapter 2 focuses more specifically on the political literature produced by the German humanists, and considers both the sources of their political thought and the range of topics they sought to address. The chapter starts by discussing the writings of the leading political theorists of the German Renaissance, while the second half of the chapter concentrates on the emergence of a more 'absolutist' vision of sovereignty and government within these debates.

I turn in chapters 3-5 to investigate Althusius's view of popular sovereignty in relation to the same debates. The first of these chapters is concerned with his doctrine of popular sovereignty itself, with the underlying understanding of the concept of freedom, and with the way in which Althusius deploys his theory to challenge the absolutist conception of sovereignty. In chapter 4 I turn to examine Althusius's connected argument about what it means for a commonwealth to be properly mixed or tempered. This chapter seeks to show both how Althusius lays out this part of his argument and how it relates to other Renaissance discussions of the mixed constitution. Chapter 5 finally explores the extent to which Althusius's constitutional theory may be said to embody a particular understanding of the concept of active citizenship. This had been a major topic of debate ever since the leading humanists had first introduced it. The chapter accordingly seeks to show what position Althusius is occupying within the wider political and intellectual debates of the German Renaissance.

Here is also the place to say something about my treatment of Althusius's political theory in relation to its contexts, and specifically about the particular contexts on which the chapters that follow will focus. The thesis will focus, as I have already announced, on the contexts that help to make sense of what Althusius is doing in mounting his argument about the sovereignty of the people. This in turn means that I will have almost nothing to say about another feature of his work whose significance is stressed by Althusius himself on the title-page of the *Politica*. His political doctrines, he assures us, will be appropriately 'illustrated' by means of examples drawn from sacred and non-sacred texts.<sup>80</sup> The reason why I nevertheless

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<sup>80</sup> The full title of Althusius's treatise reads: 'Politica, methodice digesta et exemplis sacris et profanis illustrata'. See Althusius 1603a, title-page.



have little to say about Althusius's use of these sources is because, whatever their relevance to the rest of his arguments, they do not (so far as I can see) provide a very helpful context for understanding Althusius's view of popular sovereignty.

As a consequence, I will not be seeking to contribute to the debate about the extent of Althusius's reliance on the Bible which has recently been revived by Christoph Strohm, at least not to this debate as Strohm understands it. According to Strohm, the question at issue is not merely or even principally whether Althusius's arguments may be said to be drawn from the Bible.<sup>81</sup> Strohm's chief concern rather is with the role played by Althusius's extensive references to this source in his later writings, and especially with whether they can be said to reflect an attempt on Althusius's part to suggest that it is possible to defend or justify his views based on the evidence of the Scriptures. It is Strohm's view that this question can be answered in the affirmative, and thus that Althusius can in this sense be said to rely on the Bible.<sup>82</sup> This is not a question, however, with which I will be concerned in what follows. By contrast, when I refer to Althusius's – or some other writer's – reliance on a certain authority or source, I am suggesting simply that the specific argument I am considering can be shown to be derived from this particular source.

A word should finally be said about the sources on which my own account of Althusius's political theory is based. In addition to Althusius's *Politica*, I also make use of a number of his other legal and moral writings in which he addresses political matters. But I treat these further texts mainly as contexts of his *Politica*, since it is in this work that he provides the most sustained discussion of the concept of popular sovereignty. Furthermore, I largely focus on Althusius's original version of the *Politica* of 1603, even though he went on to reissue his treatise in a more extended version in 1610 and again in 1614. This is because I have found that his theory of popular sovereignty remains fundamentally the same over the course of these three editions. My quotations in what follows will accordingly be taken from the original text, unless Althusius offers significant clarifications of his earlier arguments in the later editions, in which case these will be cited as well. Alternatively, I could have simply concentrated on the edition of 1614 (as most commentators have done), or I could have provided detailed references to each version of his text throughout. But the former strategy seems somewhat unhistorical, while adopting the latter approach would surely have the effect of making my notes overly cumbersome and unreadable.

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<sup>81</sup> Strohm 2008, p. 210.

<sup>82</sup> Strohm 2008, pp. 191, 210-1, 214, 218, 224.

## Chapter 1: Althusius and Humanism

### Althusius's humanist studies

Johannes Althusius was born as Johannes Althaus in 1563 in Diedenshausen in the German County of Sayn-Wittgenstein.<sup>83</sup> At around the same time the existing Lutheran churches in Sayn-Wittgenstein were being reorganised along Calvinist lines,<sup>84</sup> and Althusius would almost certainly have been introduced to the Calvinist or Reformed faith from a very early age. Of greater significance, however, for my present argument is the classical education that Althusius would have received in his youth. By the time of Althusius's birth, there was one particular curriculum that had come to be widely followed in the classical schools and universities of the German-speaking world. Young students were required to immerse themselves in the so-called 'humane' disciplines: grammar, rhetoric, poetry, history and moral philosophy.<sup>85</sup>

The main grounds for studying these disciplines, it was widely agreed, is that the skills and abilities they can be said to nurture are among the most valuable talents in public life. Among these skills, the art of public speaking was seen as perhaps the most important of all.<sup>86</sup> When Johannes Ferrarius asks in his *De republica* what 'the *studia humanitatis* may be said to contribute to a Commonwealth', it is this ability to speak in public about such matters as virtue and civil happiness that he chiefly singles out.<sup>87</sup> When Jakob Omphalius considers the same question in his *De civili politia* of 1563, he similarly highlights the 'usefulness' in civil communities of 'eloquence', the 'faculty of speaking well'.<sup>88</sup>

As a consequence of this emphasis on the art of speaking, the subjects on which children were principally required to concentrate in the schools were Latin grammar and classical rhetoric.<sup>89</sup> Johannes Sturm, who was the first rector of the Gymnasium in Strasbourg, proposes in his *De literarum ludis* of 1538 that a boy should be given into the care of a teacher at the age of six or seven and remain with him for nine years.<sup>90</sup> The first four years of this boyhood

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<sup>83</sup> Warnecke 1988, pp. 158-9. Since my chief concern in what follows is with Althusius's humanist allegiances, I have refrained from trying to sketch a complete biography. For more general overviews of Althusius's life see Friedrich 1932, pp. xxiii-xli; Wyduckel 1991 and Janssen 1992, pp. 15-21.

<sup>84</sup> Wolf 1955, p. 165; Schmidt 1993, pp. 124-5.

<sup>85</sup> For references to discussions of the *studia humanitatis* by German pedagogical theorists see Seifert 1996, pp. 229-34. On the humanist curriculum see Kristeller 1961, pp. 92-119; Skinner 1996, pp. 19-40.

<sup>86</sup> Cox 2010, pp. 173-8. For the emergence of a related concern with the art of preaching see O' Malley 1983 and Burnett 2006, pp. 158-65.

<sup>87</sup> Ferrarius [1556], 4. II, p. 49: 'Humanitatis studia quantum Reipublicae conferant.'

<sup>88</sup> Omphalius 1563, I. 17. 8, p. 30 on the 'bene dicendi facultas' and II. 34. 4, p. 307 on the 'usus eloquentiae'.

<sup>89</sup> On rhetorical education in the German schools see Knox 1994.

<sup>90</sup> Sturm 1538, fos. 12r-13r. On Sturm and the Strasbourg curriculum see Schindling 1977, pp. 162-210.

education should be devoted to learning to speak ‘Latin correctly’,<sup>91</sup> after which the study of rhetoric should be taken up in the fifth year.<sup>92</sup> During the years that follow the pupil can expect to spend most of his time learning the various elements of the *ars rhetorica*, including the ability to find out the most appropriate arguments to use and the ability to describe or express them with the greatest rhetorical effect.<sup>93</sup> The initial aim will be to ‘attain to that purity and copiousness of speech in which the authors of antiquity’ excelled,<sup>94</sup> while the emphasis in the final years will overwhelmingly be on learning to speak in an ideally ‘ornate style’.<sup>95</sup>

Besides inculcating the precepts of classical rhetoric, teachers of the highest classes were normally expected to introduce their pupils to at least one work of ancient moral philosophy. Aristotle was sometimes recommended, particularly his *Nicomachean Ethics*, but the most popular handbook was Cicero’s *De officiis*, widely agreed to be the most suitable text for children.<sup>96</sup> Philipp Melanchthon at the outset of his edition of the *De officiis* characterises it as an outstanding work from which young boys can learn about every aspect of civic life.<sup>97</sup> Sixtus Birck speaks in similar terms in his preface to his commentary on Cicero’s treatise, in which he describes it as one of the few pagan texts worthy of being memorised in its entirety by those of tender age.<sup>98</sup> And when Johannes Placotomus outlines his ideal curriculum in the *Ratio docendi* of 1566, he again recommends Cicero’s *De officiis* as the most useful epitome or compendium to moral philosophy.<sup>99</sup>

The surviving statutes of the classical schools from this period show that these recommendations were widely taken up.<sup>100</sup> The statutes of 1538 for the Strasbourg Gymnasium require that the teacher of the ‘first’ or highest class should expound the first Book of the *De officiis* as well as the rhetorical precepts contained in Cicero’s *De partitione oratoria*.<sup>101</sup> The ‘laws’ drawn up in 1553 for the School in Magdeburg likewise call on the teacher of the highest class to introduce his pupils to the *De officiis* and to one of Cicero’s rhetorical works.<sup>102</sup> The 1558 statutes of the Augsburg Gymnasium state that teachers should treat ‘Aristotle’s views on the virtues’ in the *Ethics* in the penultimate year, and round off with courses on rhetoric and

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<sup>91</sup> Sturm 1538, fo. 13r: ‘orationi latinae atque dilucidae’.

<sup>92</sup> Sturm 1538, fos. 19r-v.

<sup>93</sup> Sturm 1538, fo. 19v on the topics of *inventio* and *elocutio*.

<sup>94</sup> Sturm 1538, fo. 22r: ‘assequendi eam orationis copiam & puritatem, qua nostris scriptoribus veteres praestant’.

<sup>95</sup> Sturm 1538, fo. 23v on the goal of ‘ornatae orationis’.

<sup>96</sup> On the popularity of the *De officiis* in Renaissance Germany see Eusterschulte 2018.

<sup>97</sup> Cicero 1525, fos. 2v, 3r.

<sup>98</sup> Birck 1544, sig. α, 2r.

<sup>99</sup> Placotomus 1566, p. 36.

<sup>100</sup> Seifert 1996, pp. 251-3, 296.

<sup>101</sup> Fournier 1894, pp. 31-2; cf. Schindling 1977, p. 180.

<sup>102</sup> Praetorius 1553, sig. B, 1r-v.

Ciceronian moral philosophy.<sup>103</sup> The Württemberg church ordinance of 1559 states that Cicero's *De officiis* should be expounded in local schools in the fifth class, followed by 'the whole art of Rhetoric' in the sixth and final class.<sup>104</sup>

Those students who continued at a university in this period were required to undertake yet further humanistic studies.<sup>105</sup> New arrivals were normally expected to have completed at least their grammatical training, although it is clear from a number of university statutes from the middle decades of the sixteenth century that additional instruction was sometimes offered to those who had not yet mastered the rules of Latin grammar.<sup>106</sup> After a student had shown that he knew Latin well enough, he attended lectures on the full range of the *studia humanitatis*.<sup>107</sup> The statutes granted in 1541 to the arts faculty of the University of Frankfurt, for instance, prescribe morning lectures on dialectic, Latin poetry and history, followed by ancient moral philosophy and Ciceronian rhetoric in the afternoon.<sup>108</sup>

One scholar who made the transition to university in his youth was Johannes Althusius. Althusius matriculated on 13 April 1577 at the University of Marburg, where he initially became a student at the *paedagogium*.<sup>109</sup> The *paedagogium* in Marburg prepared students for university lectures, furnishing them – as the statutes required<sup>110</sup> – with instruction in those subjects in which their skills were judged to be lacking. The privilege originally conferred by Landgrave Philip I of Hesse in 1529 provided for training in grammar, logic and rhetoric. For the latter two courses, the sets texts were Melanchthon's handbooks, the opening Book of Quintilian's *Institutio oratoria* and Erasmus's *De copia*.<sup>111</sup>

After students in Marburg had demonstrated their competence in these subjects, they were admitted to the university lectures.<sup>112</sup> The statutes in force while Althusius attended the University specify that the subjects on which teachers should concentrate at this stage are rhetoric, logic and moral philosophy.<sup>113</sup> Althusius would have been required to begin with rhetoric, for which the recommended authors were Quintilian and Cicero. He would then have

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<sup>103</sup> Vormbaum (ed.) 1860, pp. 449, 453.

<sup>104</sup> *Von Gottes gnaden* 1582, pp. 210, 211.

<sup>105</sup> On humanism at the universities see Overfield 1984, pp. 298-327; cf. Helmroth 1988, pp. 190-2, 195-9.

<sup>106</sup> See for example Burnett 2004, pp. 307-8 on the University of Basel.

<sup>107</sup> Some classical schools offered similar public lectures. See Seifert 1996, pp. 294-5, 296, 297, 298.

<sup>108</sup> Bauch 1900, pp. 144-5; cf. Overfield 1984, p. 308.

<sup>109</sup> Holzhauser 1988, pp. 110-1. On the University of Marburg see Baumgart 1978; Seifert 1996, pp. 286-8.

<sup>110</sup> Hildebrand 1848, p. 44. For a valuable discussion of the Marburg *paedagogium*, see Bauer 2000, pp. 14-6.

<sup>111</sup> Hildebrand 1848, p. 11.

<sup>112</sup> Janssen 1992, p. 17 raises a doubt as to whether Althusius actually proceeded from the *paedagogium* to the University. Cf. Holzhauser 1988, p. 111.

<sup>113</sup> Hildebrand 1848, p. 44.

progressed to logic. Here the set texts included Cicero's *Topica* and the modern handbooks of Rudolph Agricola and George of Trebizond.<sup>114</sup>

By the mid-1580s Althusius had embarked on the final phase of his formal education. He had received some further instruction in Cologne,<sup>115</sup> and subsequently moved on to Basel, where he was registered as a student at the University in May 1586.<sup>116</sup> It is clear from Althusius's letters, however, that he must have arrived in Basel at least a year earlier. There he attended some historical lectures,<sup>117</sup> but principally devoted himself to the study of the law, evidently focusing on Roman law, in which he gained his doctorate in June or July 1586 after defending a series of theses on the Roman laws of intestate inheritance.<sup>118</sup> For an indication of what Althusius read during his legal studies we can turn to his earliest treatise, the *Iuris Romani libri duo*, which appeared in Basel in 1586. There we find him relying to an overwhelming extent on the *Institutiones*,<sup>119</sup> the part of Justinian's *Codex* that was taught at the University of Basel by Hippolytus a Collibus.<sup>120</sup> We also find Althusius referring familiarly to numerous later authorities. Among these are Bartolus of Sassoferrato, the most celebrated of the medieval commentators,<sup>121</sup> as well as several prominent legal scholars of the sixteenth century, including Ulrich Zasius,<sup>122</sup> Matthias Wesenbeck, François le Douaren and Jacques Cujas.<sup>123</sup>

### **Althusius's humanist teachings**

Shortly after completing his education Althusius received an offer to teach in his native area, at the Academy of Herborn in the County of Nassau-Dillenburg. Founded in 1584 by Count Johann VI, this institution served to furnish local children with a grounding in the humanities and the higher faculties, including law, medicine and Calvinist theology.<sup>124</sup> By the middle of 1586, however, the Academy was still without a teacher of civil law,<sup>125</sup> prompting Johann VI

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<sup>114</sup> Hildebrand 1848, p. 10.

<sup>115</sup> Friedrich 1932, pp. xxiv, lii n2.

<sup>116</sup> Wackernagel 1956, p. 342.

<sup>117</sup> Friedrich 1932, pp. cxx, cxxii-iii.

<sup>118</sup> Althusius 1586a, title-page – the published version of Althusius's theses – states that he defended them 'in the seventh hour of the morning of 30 June' ('ultima Iunii ... hora septima matutina'). But on the only extant version – which is lodged in the BSB – the date has been altered to read '1 Julii'.

<sup>119</sup> See Althusius 1586b, sig. ): (, 3r on the 'Institutionibus' of Justinian.

<sup>120</sup> Thommen 1889, pp. 182-4.

<sup>121</sup> Althusius 1586b, 1. I, pp. 4, 5; 1. V, p. 11; 1. XXXIII, p. 74; 1. XLVI, p. 98; 1. XLVIII, p. 100; 1. LV, p. 117 *et passim*.

<sup>122</sup> Althusius 1586b, 1. XXV, p. 58; 1. LII, p. 110; 2. IV, p. 150; 2. XVI, p. 170; 2. XIX, p. 175.

<sup>123</sup> The last three writers are singled out by Althusius in his preface. See Althusius 1586b, sig. ): (, 4r.

<sup>124</sup> Menk 1981, pp. 22-35. For the curriculum at the Academy of Herborn in its early years, see *Leges scholae Herbornensis* 1585, sig. A, 4v to sig. B, 1r.

<sup>125</sup> Menk 1981, p. 39.

to offer the position to Althusius, who duly began his teaching activities in late 1586 or early 1587<sup>126</sup> and by October 1588 had been made Professor.<sup>127</sup> Althusius initially taught in Herborn until the Spring of 1592, when he moved on to nearby Steinfurt to teach law at the Gymnasium founded by Count Arnold IV of Bentheim.<sup>128</sup> There Althusius remained until 1596, at which point he returned to Nassau-Dillenburg, reverted to his former role at the local Academy,<sup>129</sup> and subsequently acted in this capacity until the summer of 1604.<sup>130</sup>

If we reflect on Althusius's scholarly activities in this period, it becomes evident that he remained largely indebted to the humanist culture on which he had been brought up. As we shall see in the chapters that follow, this is a fact of considerable significance for the study of Althusius's mature political thought. Nevertheless, it is an aspect of his intellectual career that has never been fully explored. It is true that some commentators have already referred to Althusius's 'humanist' allegiances and to the 'influence' of the *studia humanitatis* on his intellectual development.<sup>131</sup> Little attempt has been made, however, to uncover any specific traces left by the pedagogical culture of Renaissance humanism on Althusius's teaching and writings.<sup>132</sup> It is this gap in the existing literature that I will try to fill in what follows next, if not fully then at least in a preliminary way.

Turning first to Althusius's pedagogical activities, we find that he took part in the teaching of several of the canonical humanist disciplines. It is true that Althusius was employed in Nassau-Dillenburg as well as Steinfurt as a teacher of Roman or civil law, and the theses and disputations of his students that have survived suggest that this was his primary professional role throughout this period.<sup>133</sup> It is clear, however, that at least at the Academy of Herborn Althusius was also involved in the teaching of the *studia humanitatis*. We know that he gave lectures 'on Philosophy' after his return from Steinfurt,<sup>134</sup> while one of the disputations defended under his supervision in the ensuing period shows that he also addressed some more

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<sup>126</sup> Vogel 1818, pp. 165-6 states that Althusius began teaching at around Christmas 1586, but does not substantiate this claim. Friedrich 1932, p. xxvi follows Vogel. The earliest evidence of Althusius's teaching I have been able to find is the disputation that was defended under his supervision on 25 March 1587. See [Althusius] 1587, sig. A, 4r.

<sup>127</sup> See Althusius's letter of 3 October 1588, printed in Friedrich 1932, p. cxix.

<sup>128</sup> Friedrich 1932, p. xxvii; cf. Warnecke 1988, p. 153.

<sup>129</sup> Warnecke 1988, pp. 157-8.

<sup>130</sup> Friedrich 1932, p. xxxiv; Antholz 1955, p. 45.

<sup>131</sup> Friedrich 1932, p. xxv and Lee 2016, p. 231.

<sup>132</sup> Notable exceptions include Van Gelderen 2002, pp. 206, 207 and Schmidt 2007, pp. 43-44. For attempts to associate some of Althusius's doctrines with 'biblical humanism', see Dreitzel 2002, pp. 60-1; Hollenstein 2004.

<sup>133</sup> Most of the surviving theses and disputations address issues of Roman private law. For an overview see Wyduckel 1991, p. 356.

<sup>134</sup> HHSStAW, 95, 391, fo. 18v. Cf. Benrath 1988, p. 87.

specific matters of moral philosophy.<sup>135</sup> But the strongest evidence of Althusius's role in the teaching of the humanities is furnished by the theses he proposed for discussion by one his pupils shortly after he began teaching at the Academy of Herborn, in March 1587. Among the 'philosophical' disciplines Althusius<sup>136</sup> expected his pupil to discuss are the *artes* of rhetoric and dialectic and all the subjects traditionally included under the heading of moral philosophy.<sup>137</sup> The topics proposed by Althusius thus centred on the two main components of the humanist curriculum: the art of speaking and moral instruction.

Among humanist pedagogical theorists, it was generally agreed that the art of speaking consists of five related skills.<sup>138</sup> Within the textbook tradition, the emphasis was overwhelmingly on three of these skills. Melanchthon lists them in his handbook of 1531 as Invention, Disposition and Elocution, remarking that together these 'three parts' may be said to constitute 'almost the entire art' of the orator.<sup>139</sup> The standard understanding of these terms was derived from the Roman rhetorical manuals, with the pseudo-Ciceronian *Rhetorica ad Herennium* supplying perhaps the most widely used definitions. By *inventio* is meant the ability to 'find out' the most suitable arguments to use in one's speech; *dispositio* is the skill of judging how these arguments should be 'ordered and distributed'; and *elocutio* is the capacity to express them in the most persuasive style by making use of 'appropriate words and thoughts', including the figures and tropes of speech.<sup>140</sup>

It would seem that Althusius attempted to impart basically the same understanding of the art of speaking. This can be seen most clearly in the theses he drafted for his pupil in 1587. It is admittedly true that Althusius's theses embody something of a departure from the classical tradition, and specifically from the view that invention and disposition should be regarded as 'parts' of the *ars rhetorica*.<sup>141</sup> What we instead find is the simplified classification of the relevant skills popularised by Petrus Ramus and his followers, according to which invention and disposition should be treated as elements of the discipline of logic alone.<sup>142</sup> Despite their

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<sup>135</sup> See [Althusius] 1602 and the discussion in Stolleis 1987, pp. 167-8.

<sup>136</sup> That Althusius composed the theses is suggested by the fact that some passages closely echo the corresponding sections in the revised version of his legal treatise, which appeared in 1588. Compare, most notably, [Althusius] 1587, sig. A, 3r on the *respublica* with Althusius 1588, I. III, p. 12. Cf. [Althusius] 1587, sig. A, 3v and 1588, I. VIII, pp. 24-5.

<sup>137</sup> [Althusius] 1587, sig. A, 2r-v, 3r-v.

<sup>138</sup> Vickers 1988, pp. 62-7; Skinner 1996, pp. 45-51.

<sup>139</sup> Melanchthon 1531, sig. A, 8v: 'in his tribus partibus fere tota ars consumitur.' Further examples are discussed by Mack 2011, pp. 106-7, 125, 131, 132-3.

<sup>140</sup> *Rhetorica ad Herennium* 1954, I. II. 3, p. 6: 'Inventio est excogitatio rerum ... Dispositio est ordo et distributio rerum ... Elocutio est idoneorum verborum et sententiarum ad inventionum admodum'.

<sup>141</sup> See, for example, Cicero 1949, I. VII. 9, p. 18.

<sup>142</sup> Mack 2011, pp. 136-59. Cf. [Althusius] 1587, sig. A, 2r. On 'Ramism' at the academies of Herborn and Steinfurt see Hotson 2007, pp. 103-5.

reductionist treatment of the rhetorical arts, however, Althusius's theses reflect a clear commitment to the traditional view of the scope of the orator's art.<sup>143</sup> It is stated at the outset that 'all disciplines' must be studied together, so that the qualities fostered by each of them can be combined in practice. What then follows is an account of the *artes* of rhetoric and logic. Rhetoric is concerned with enabling us to speak with full expressiveness, especially by introducing us to 'the different kinds of tropes'.<sup>144</sup> Logic is concerned with the complementary skills of Invention and Disposition, the qualities we require if our speech is to be 'composed' in a meaningful way.<sup>145</sup> As before, the topics of invention and disposition are thus seen to constitute essential elements of the art of speaking.<sup>146</sup>

Althusius appears to have taught the rudiments of moral philosophy in an even more overtly humanistic style. The educational theorists of Renaissance Germany liked to suggest in the first place that this part of the curriculum should be coupled with the study of history.<sup>147</sup> Melanchthon, for example, observes in his *De corrigendis adolescentiae studiis* that we can learn much about the conduct of public life from historical 'examples', to which he adds that 'I therefore judge it appropriate to include' the study of history 'under the heading of philosophy'.<sup>148</sup> Turning to the discipline of moral philosophy proper, the humanists usually required that pupils should first be instructed in ethics, and hence in the leading virtues.<sup>149</sup> As we have seen, the most widely recommended moralist was Cicero, who had laid it down in Book I of *De officiis* that 'there are four sources from which all that is honest arises':<sup>150</sup> the virtues of prudence, justice, fortitude and temperance. It is consequently on Cicero's discussion of these virtues that the humanists expected teachers to draw. This is the advice given by Melanchthon in his foreword to his edition of the *De officiis*, and it is likewise what we find in the treatises on education of Johannes Rivius and David Chytraeus.<sup>151</sup>

If we return to the theses composed by Althusius in 1587, we find both of these humanist suggestions taken up. His theses first of all allude to the humanist vision of history as a subspecies of philosophy, referring as they do to several lessons capable of being derived

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<sup>143</sup> See Mack 2011, pp. 142-4, who valuably stresses the same point with respect to Ramus himself.

<sup>144</sup> [Althusius] 1587, sig. A, 2r on the 'troporum genera'.

<sup>145</sup> [Althusius] 1587, sig. A, 2r, stating that the *notiones* that have been found out by *inventio*, 'postea in Dispositione componantur'.

<sup>146</sup> Althusius later writes in similar vein about the linguistic disciplines in the *Civilis conversationis*. See Althusius 1601, I. I, p. 7; I. VI, pp. 103-6.

<sup>147</sup> Muhlack 1991, pp. 44-66; Seifert 1996, p. 335; see also Overfield 1984, p. 67.

<sup>148</sup> Melanchthon 1518, sig. B, 2r: 'Complector ergo philosophiae nomine ... morum rationes & exempla'.

<sup>149</sup> See, for instance, Placotomus 1566, p. 36.

<sup>150</sup> Cicero 1913, I. V. 15, p. 16: 'omne, quod est honestum, id quattuor partium oritur ex aliqua'.

<sup>151</sup> Cicero 1525, fo. 2v; Rivius 1550, p. 46; Chytraeus 1562, sig. D, 1r-2r.



from the study of past societies, in particular from the case of ancient Rome.<sup>152</sup> A larger part of Althusius's theses is then devoted to considering the basic elements of the three traditional branches of moral philosophy: ethics, economics and politics. Here too the precepts of humanist pedagogy are followed almost to the letter. Not only is the subject of ethics given pride of place; it is also treated in a manner seemingly directly inspired by Cicero's *De officiis*. We are told that it is the topic of 'honesty' that furnishes ethics with its general theme, and that there are 'four species' that together go to make up this quality. These 'are known to us as the virtues', and their individual names are 'prudence, justice, fortitude and temperance'.<sup>153</sup> Even more so than his handling of the disciplines of logic and rhetoric, Althusius's moral teachings seem to have been distinctively humanistic in character.

As well as indicating his own humanist allegiances, Althusius's theses might perhaps be said to illustrate the standing of humanist pedagogy at the Academy of Herborn at large. It has been claimed that, in adopting Ramus's doctrines, the Herborn pedagogues sought to 'supplant the unmediated study of the classics across the entire arts curriculum', thereby 'breaking decisively with the humanist tradition'.<sup>154</sup> Althusius's theses suggest, however, that what displacement took place was by no means so complete. If we inspect the statutes in force at the Academy throughout this period, moreover, we find this impression strongly confirmed. While the works of Ramus and his associate Omer Talon are prescribed for basic courses on logic and rhetoric, the set texts in moral philosophy and the public lectures outlined show that the humanist programme was never wholly abandoned. The former subject is to be taught out of Cicero, starting with his dialogues *De amicitia* and *De senectute*, before ending with the *De officiis*. And students are to round off their rhetorical training by attending lectures on Cicero's *Orations*, the most deeply venerated model of a good rhetorical style among the humanist pedagogues of the German Renaissance.<sup>155</sup>

### **Althusius's humanist writings**

While there can be little doubt that Althusius taught the *studia humanitatis* in the early years of his professional life, his own interests at this stage seem to have been confined to the juridical

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<sup>152</sup> [Althusius] 1587, sig. A, 3v on the 'Republica Romana'. See also the Ciceronian claim that history constitutes the light of truth or 'lux veritatis'. Cf. Cicero 1942, II. IX. 36, vol. 1, p. 224. The same view of the value of history is repeated in Althusius's *Politica*. See Althusius 1603a, ch. XVI, p. 201.

<sup>153</sup> [Althusius] 1587, sig. 3r: 'Honesti species quas virtutes appellamus, sunt quatuor, prudentia, iustitia, fortitudo, & temperantia.'

<sup>154</sup> Hotson 2007, pp. 57, 88.

<sup>155</sup> *Leges scholae Herbornensis* 1585, sig. A, 4v.

genre to which he had already contributed while living in Basel. Within two years after his arrival in Nassau-Dillenburg, he managed to complete an extensively revised version of the *Iuris Romani*, which appeared under the new title *Iurisprudencia Romana* in Herborn in 1588 and in Basel in 1589.<sup>156</sup> He subsequently issued a brief discussion of the office of a judge,<sup>157</sup> and dedicated himself to the ambitious project of bringing together the doctrines of Roman law and those of the Bible in comprehensive fashion. By October 1591 he had produced a brief ‘epitome’ he was willing to make public, and this was duly appended to the reprint of the *Iurisprudencia Romana* issued in Herborn during the following year.<sup>158</sup>

Althusius continues to refer with great frequency in these works to those scholars who owed their fame to their application of humanist techniques to the study of Roman law, and whom he had earlier singled out for the outstanding ‘accuracy’ of their ‘definitions’ in the preface to the original text of the *Iuris Romani*.<sup>159</sup> In spite of his evident familiarity with this approach, Althusius himself never deploys any of the same techniques in his legal writings.<sup>160</sup> If we turn to the treatises published by Althusius in the opening years of the seventeenth century, however, we not only find that he was much preoccupied with characteristically humanist themes; we also find that each of his published works took the form of a contribution to a well-established humanist genre.

Althusius first of all contributed to the characteristically humanist genre of moral writings on decorum and civility.<sup>161</sup> This aspect of moral theory had been much discussed by the educational writers of the German Renaissance ever since Erasmus, whose *De civilitate* of 1530 remained one of the most widely used textbooks on the subject throughout the sixteenth century.<sup>162</sup> A similar preoccupation with the Ciceronian ideal of decorum distinguished the contemporary Italian literature on good manners, or ‘civil conversation’.<sup>163</sup> This too became widely known after such leading Italian treatises as Baldassare Castiglione’s *Cortegiano*, Giovanni della Casa’s *Galateo* and Stefano Guazzo’s *Civil conversazione* were issued in Latin and German translations.<sup>164</sup>

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<sup>156</sup> Althusius 1588, 1589.

<sup>157</sup> Godelmann 1591, sig. R, 2v to sig. S, 1v.

<sup>158</sup> For the date of completion see Althusius 1592, sig. A, 1v.

<sup>159</sup> Althusius 1586, sig. ): (, 4r singles out the work of Le Douaren and Cujas for their ‘definitiones ... accuratiores’.

<sup>160</sup> This might perhaps be said to cast some doubt on the prevailing view of Althusius as an exponent of ‘humanist jurisprudence’. Cf. Wyduckel 2002b, p. 3 and Strohm 2008, pp. 202-3. Cf. also Brett 2011, pp. 65-8, who argues that the view of natural law taken by Althusius may be said to be humanistic in character.

<sup>161</sup> On this genre and Althusius’s contribution to it see Bonfatti 1979, pp. 151-4 and Bonfatti 1992.

<sup>162</sup> Knox 1995.

<sup>163</sup> Burke 1993, pp. 98-102; Panichi 1994.

<sup>164</sup> Castiglione 1565, 1569; Della Casa 1579; Guazzo 1585, 1599.

Althusius's contribution to this humanist literature appeared in August 1601, when his *Civilis conversationis libri duo* was published, apparently with his permission, by his first cousin on his father's side, Philipp Althusius, in Hanau.<sup>165</sup> Althusius's *Civilis conversationis* is very much a discussion of good manners in the style of Erasmus, Della Casa and Guazzo, all of whom are mentioned in tones of considerable respect.<sup>166</sup> Although Althusius starts by characterising his treatise as a work of 'Ethics', he immediately makes it clear that his concern is not with the theory of the virtues itself but rather with the strictly practical and thus more limited topic of 'decorous' conduct.<sup>167</sup> Althusius accordingly focuses on the question of how to exhibit one's virtue and honesty in accordance with one's social standing and the general dictates of 'propriety and civility, in comely fashion'.<sup>168</sup> By way of an answer, Althusius presents his readers with detailed instructions about how to eat, dress, talk and comport themselves in such a way as to exhibit both affability and gravity.

During the same period Althusius also contributed extensively to the Renaissance debates about the ideal of the *res publica* or commonwealth. The question of what it means for a commonwealth to be 'well-instituted' had been widely debated by the political theorists of the German Renaissance, who had laid an overriding emphasis on two elements in the theory of society and government.<sup>169</sup> Drawing on their ancient authorities, above all on Cicero's moral and rhetorical writings, they had first of all invoked Cicero's dictum to the effect that, if a community is to achieve its highest goals, its rulers must make sure that, 'in everything they do, they devote themselves to the good of the citizen body', always 'caring for the body of the *res publica* as a whole'.<sup>170</sup> Invoking another one of Cicero's doctrines, the humanists had added that the one and only means of attaining and preserving such an ideal of the common good is by acting with justice, and that this is a virtue every leader should place at the heart of his government.<sup>171</sup>

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<sup>165</sup> In his preface to the *Civilis conversationis*, the publisher, Philippus Althusius, refers to 'Joannes Althusius' as 'patruelis meus'. See Althusius 1601, sig. ¶, 2r. For the date of publication see Althusius 1601, sig. ¶, 5r. There can be little doubt that Johannes Althusius authorised the publication of this treatise, for he often refers to it as his own work in his later *Politica*. See Althusius 1603a, ch. XI, pp. 100, 104, 105; ch. XV, pp. 193, 194, 195; ch. XX, p. 282 *et passim*.

<sup>166</sup> Althusius 1601, I. III, p. 40; I. IX, p. 162; II. I, p. 213; II. III, p. 247.

<sup>167</sup> Althusius 1601, I. I, p. 1: 'ETHICA ... quae revera nihil aliud, quam ars decore conversandi cum hominibus'.

<sup>168</sup> Althusius 1601, I. VII, p. 122, stating that how to act 'venuste & civiliter & decenter ... sola Ethica praescribit'.

<sup>169</sup> For discussions centring on these two arguments, see Ferrarius [1556], 1. IV, p. 11; 2. V, p. 27; Omphalius 1563, I. 19. 3, pp. 40-1; III. 6. 7, p. 342; Valerius [1566], ch. 16, pp. 54-6; Heresbach 1570, 1. XIV, fos. 48r-v; 2. IV, fo. 96r.

<sup>170</sup> Cicero 1913, I. XXV. 85, p. 86, stating that rulers 'ut utilitatem civium sic tueantur, ut quaecumque agunt, ad eam referant' and adding that 'totum corpus rei publicae curent'.

<sup>171</sup> Cicero 1949, II. LIII. 160, p. 328: 'Iustitia est habitus animi communi utilitate conservata'.

Althusius first addressed this classical vision of the *res publica* in discussing the duties of leading members of society in Book II of the *Civilis conversationis*. One of his claims at this juncture is that those who rule over others must ‘exercise honesty, piety, justice and all the other virtues’.<sup>172</sup> His other claim is that such virtuous behaviour is indispensable if the purposes of government are to be fulfilled.<sup>173</sup> If and only if the rulers of the *res publica* cultivate the necessary virtues will they be able to promote the welfare of the whole community and that of its individual members at the same time.<sup>174</sup>

Of greater importance as a contribution to the humanist political literature is Althusius’s treatise entitled *Politica, methodice digesta*, which he published in Herborn in August 1603.<sup>175</sup> It is true that Althusius informs us in his preface that, in laying out his theory of popular sovereignty, he is at the same time repudiating ‘the view of these matters generally held by our teachers’ of *scientia politica*.<sup>176</sup> In spite of this polemical commitment, however, Althusius remains in complete agreement with his humanist predecessors about the basic question that a political theorist must answer. ‘The proper role of the political scientist is to examine what should be considered essential for instituting a Commonwealth’.<sup>177</sup> Nor does Althusius take issue with the classical and humanist view of what it means to speak of a community as a *res publica*. To describe a community in these terms is to claim that it is justly governed, in such a way as to promote the ‘common benefit’,<sup>178</sup> and that it is consequently able to attain its highest ends, the ‘purposes of political life’.<sup>179</sup>

Appended to the *Politica* is Althusius’s *Admonitio panegyrica*, a typical humanist exercise in the so-called *genus demonstrativum*.<sup>180</sup> Among the rhetoricians of ancient Rome, this mode of rhetorical speech had generally been defined, in the words of the *Ad Herennium*, as the one ‘given over to the praise or vituperation of some particular person’.<sup>181</sup> By contrast,

<sup>172</sup> Althusius 1601, II. VI, p. 285: ‘dirigat & conformet ad honestatis, pietatis, iustitiae, aliarumque virtutum exercitium’.

<sup>173</sup> For these purposes see Althusius 1601, II. IV, pp. 260-1.

<sup>174</sup> Althusius 1601, II. VII, p. 309 on the ruler’s *cura* ‘pro salute singulorum, atque universorum’. Cf. Seneca 1928, I. 3. 3, p. 366.

<sup>175</sup> For the date see the preface to the appended *Admonitio panegyrica*, which is signed ‘23 Augusti Anni 1603’. See Althusius 1603b, p. [4].

<sup>176</sup> Althusius 1603a, sig. (:), 4v on the ‘communi doctorum calculo’.

<sup>177</sup> Althusius 1603a, sig. (:), 4v: ‘Politicus ... recte ... quid ad Rempubicam constituendam essentielle sit, inquiri’.

<sup>178</sup> For the relationship between just government and the *Reipublicae utilitas* or *bonum commune*, see Althusius 1603a, ch. VI, p. 56; ch. XVI, p. 208.

<sup>179</sup> On the ‘finis politicae’ see Althusius 1603a, ch. I, p. 5.

<sup>180</sup> For suggestions about the year in which Althusius’s oration was originally delivered, see Benrath 1988, p. 99; Strohm 2008, p. 194.

<sup>181</sup> *Rhetorica ad Herennium* 1954, I. II. 2, p. 4: ‘Demonstrativum est quod tribuitur in alicuius certae personae laudem vel vituperationem.’ For a pertinent discussion of the *genus demonstrativum* in classical and Renaissance rhetorical thought see Skinner 2002, vol. 3, pp. 57-9.

Aristotle had originally observed that things no less than persons are capable of being commended,<sup>182</sup> and this more inclusive understanding was later taken up by Quintilian, who writes in Book III of the *Institutio oratoria* that our praises can properly be bestowed on animals, inanimate objects, cities, public works and ‘every other kind of thing’.<sup>183</sup>

The same inclusive view of the *genus demonstrativum* also recurs among the German rhetorical theorists of the Renaissance, who came to exhibit a special interest in the sub-genre of panegyrics on the ‘academies’ and ‘schools’. By the end of the sixteenth century a large number of such orations had come to circulate, most of them composed by practicing teachers of the rhetorical arts.<sup>184</sup> Among the earliest instances are Johannes Stigel’s panegyric on the Academy in Jena of 1558,<sup>185</sup> Anton Moker’s oration on the dignity of the schools of 1566<sup>186</sup> and Andreas Musculus’s speech about the dignity of academies of 1573.<sup>187</sup> Meanwhile Quintilian’s suggestion that almost anything should be capable of being praised had also been much elaborated by German humanists, most notably by Melanchthon in his two leading handbooks, the *De rhetorica* of 1519 and the *Elementorum rhetorices* of 1531.<sup>188</sup>

Althusius’s *Admonitio* takes the form of a contribution to the same humanist sub-genre. This is admittedly somewhat obfuscated by Althusius’s opening remark to the effect that ‘Schools of letters, Gymnasia and other similar Academies’ have not generally received ‘the praise that they are due’.<sup>189</sup> After this flourish, however, Althusius goes on to speak about the dignity of the schools in much the same way earlier humanists had done, in close accordance with the precepts of classical and neo-classical rhetoric. Melanchthon had stressed that the ‘arts and disciplines’ are particularly susceptible of being effectively praised.<sup>190</sup> Althusius duly focuses on the ‘studies that are being taught and cultivated in the schools’.<sup>191</sup> Quintilian had proposed (and Melanchthon had repeated) that, while commending *res* or things, we should above all seek to draw attention to their antiquity and their usefulness.<sup>192</sup> Taking this advice to heart, Althusius divides his speech into two parts, one devoted to demonstrating the *utilitas* of

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<sup>182</sup> Aristotle 2020, I. 9. 2, p. 88.

<sup>183</sup> Quintilian 2002, 3. 7. 7, vol. 2, p. 104; 3. 7. 26-7, vol. 2, p. 114 and 3. 7. 28, vol. 2, p. 114 on ‘rerum omnis modi’.

<sup>184</sup> Erman and Horn 1904, pp. 21-2.

<sup>185</sup> Stigel 1558.

<sup>186</sup> Moker 1591, fos. 110r-20r.

<sup>187</sup> Musculus 1573.

<sup>188</sup> Melanchthon 1519, pp. 60-8; Melanchthon 1531, sig. F, 4v, 5v-6r.

<sup>189</sup> Althusius 1603b, p. 5 on the fact that they ‘merita sua laude carere’.

<sup>190</sup> Melanchthon 1531, sig. F, 5v-6r: ‘res laudantur, ut artes’; cf. Melanchthon 1519, p. 61 on Poliziano’s praise of the study of history.

<sup>191</sup> Althusius 1603b, p. 6: ‘hiscie studiis, quae in scholis excoluntur & discuntur’.

<sup>192</sup> Quintilian 2002, 3. 7. 26-7, vol. 2, p. 114 on ‘vestustas’ and ‘utilitas’; cf. Melanchthon 1519, p. 62 on ‘antiquitate’ and ‘utilitas’.

the schools, the other to demonstrating their *antiquitas*, chiefly on the basis of the Scriptures, ‘the most ancient and most certain of all histories’.<sup>193</sup> Finally, Melanchthon had added that our strategy in defending the practical value of something should be to insist that it is ‘necessary’ for human life.<sup>194</sup> Althusius duly concludes that, since a genuinely humane life would ‘by no means by possible’ without the schools and the education they provide,<sup>195</sup> these institutions should be regarded as ‘necessary, useful’ and thus worthy of our admiration.<sup>196</sup>

These final years at the Academy of Herborn were arguably the most important and certainly the most fruitful of Althusius’s intellectual career.<sup>197</sup> It was in this period that he developed and first put into print a number of his most distinctive ideas and arguments, including his theory of popular sovereignty, his most original contribution to Renaissance political thought. As we shall see in chapter 3, Althusius’s conclusion that sovereign power must reside with the body of the people was first presented in the disputation entitled *De regno recte instituendo* which he composed in the name of one his pupils in 1602,<sup>198</sup> after which he went on to lay out his argument in full in the *Politica* of 1603. It is the *Politica* that consequently became the most widely debated of Althusius’s treatises, and Althusius himself felt able to boast when he issued a new edition in 1610 that ‘the previous version of my *Politica* has won the acclaim of a many persons’.<sup>199</sup>

### **Althusius’s political career**

Althusius’s activities as a scholar were interrupted in May 1604<sup>200</sup> when he received a letter from the ruling council of the city of Emden. Professing themselves impressed with his scholarship, Emden’s rulers wrote to formally offer Althusius the position as the city’s syndic,<sup>201</sup> thereby enabling him to fulfil his long-standing ambition of playing an active part in the conduct of government. In the *Civilis conversationis* Althusius voices a typical humanist admiration for those who ‘actively’ serve their community,<sup>202</sup> and in the *Politica* he reflects in

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<sup>193</sup> Althusius 1603b, p. 24: ‘quae omnium historiarum antiquissima & certissima’.

<sup>194</sup> Melanchthon 1531, sig. 6v on those ‘res’ that are ‘in hac tota vita maxime necessariae’.

<sup>195</sup> Althusius 1603b, p. 13: ‘Sine quibus humana vita constare nullo modo potest’; cf. pp. 10, 14, 16, 20.

<sup>196</sup> Althusius 1603b, p. 10: ‘necessaria, utilis & mirabilis’.

<sup>197</sup> Wyduckel 1991, p. 346.

<sup>198</sup> Stolleis 1987, pp. 170, 172-3.

<sup>199</sup> Althusius 1610a, sig. \*, 2r, boasting that ‘priorem meam ... politicam multis probari’.

<sup>200</sup> For a full discussion of the ensuing phase of Althusius’s life see Antholz 1955, on which I draw extensively in what follows. See also Behnen 1997.

<sup>201</sup> See Friedrich 1932, pp. xxxii-iii and Antholz 1955, pp. 43-4, both of whom note that Althusius had earlier been informally approached through a colleague in Herborn, Matthias Martinus.

<sup>202</sup> Althusius 1601, II. I, p. 201.

similar Ciceronian fashion that he reserves his appreciation for those who have ‘dedicated themselves to honourable and illustrious affairs.’<sup>203</sup> Althusius’s enthusiasm for the active life was much older, however, for in 1588 we already find him writing to Johann VI of Nassau-Dillenburg to request a place in the local chancellery.<sup>204</sup> After his return to the Academy of Herborn in 1596 Althusius was finally awarded a role as ‘Counsellor of Nassau’,<sup>205</sup> yet his activities on behalf of the count appear to have been sporadic, and can hardly have answered to his ideal of political involvement.<sup>206</sup> The offer he received from Emden’s leaders must thus have been a welcome one, and he promptly accepted it. On 19 July Althusius arrived with his wife Margarethe – whom he had married in 1596 – and their three children in Emden,<sup>207</sup> and on 6 August he was duly installed as the city’s new syndic.<sup>208</sup>

With this appointment began a new phase of Althusius’s professional life, a period in which his emphasis was increasingly on his practical duties as opposed to his scholarship.<sup>209</sup> Emden by this time had become engaged in a bitter conflict with its territorial overlord, Count Edzard II of East Frisia. In the spring of 1595<sup>210</sup> the predominantly Calvinist citizen-body of Emden had risen up against the Lutheran count, appointing new rulers over itself and demanding the preservation of its religion as well as the recognition of its civic autonomy. After his efforts to regain control of the city had been frustrated by the Dutch States General, Edzard on 15 July signed the Treaty of Delfzijl, by which he granted Emden’s citizens the freedom to exercise their ‘present’ religion and allowed them to elect their own magistrates, retaining for himself merely a choice between previously ‘nominated’ candidates.<sup>211</sup> This second concession – in effect a recognition of Emden’s standing as a self-governing community – was to underpin the city’s independent policies throughout the ensuing period, and received further confirmation in 1597, 1599 and 1603.<sup>212</sup>

Althusius’s role as syndic was twofold.<sup>213</sup> One of his duties was to offer Emden’s magistrates advice on how to manage the affairs of their city. But no doubt Althusius’s most

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<sup>203</sup> Althusius 1603a, ch. XI, p. 101: ‘splendidis ac praeclaris negotiis deditos, splendidos & praeclaros esse praesumimus.’

<sup>204</sup> HHStAW, 95, 743, fo. 54r.

<sup>205</sup> See the letter of 13 April 1597, printed in Friedrich 1932, p. cxxi on his role as ‘Consiliarius Nassovicus’.

<sup>206</sup> Menk 2004, pp. 332-4. But Althusius’s cousin writes in the preface to the *Civilis conversationis* that he was at this point greatly occupied in public affairs. See Althusius 1601, sig. ¶, 4v.

<sup>207</sup> On Althusius’s marriage with Margarethe see Wyduckel 1991, p. 345. The couple would have six children in total. See Vogel 1818, pp. 169-71.

<sup>208</sup> Friedrich 1932, pp. xxxiii-iv; Antholz 1955, pp. 44-5.

<sup>209</sup> As he himself always insisted. See Althusius 1610a, sig. \*, 2r; Althusius 1617, sig. ): (, 2r.

<sup>210</sup> For what follows see Antholz 1955, pp. 24-38; Schilling 1991, pp. 28-39; Kappelhoff 1995.

<sup>211</sup> [Althusius] 1612, pp. 122, 125.

<sup>212</sup> [Althusius] 1612, pp. 156-7, 214, 234.

<sup>213</sup> Friedrich 1932, pp. xxxiv-v; Antholz 1955, pp. 45, 47-9.

important task was that of speaking on the city's behalf in matters pertaining to its jurisdiction and standing, and hence of defending its autonomy both in writing and at various courts and assemblies, including the assembly of the Frisian estates. This first of all meant that Althusius had to familiarise himself with all the relevant treaties and decrees, which he duly published in an annotated collection in 1612, in which he describes the documents included as fundamental 'laws or constitutions of our province',<sup>214</sup> and repeatedly points out how they may be said to confirm Emden's independent rights and jurisdictions.<sup>215</sup> But Althusius was also able to make use in his role as spokesman of his city of the doctrines he had earlier developed in his scholarly writings, and especially of those contained in the *Politica*. This is most clearly illustrated – as we shall see in chapter 3 – by the text he seems to have been commissioned to write by Emden's ruling councils,<sup>216</sup> and which began to circulate in manuscript in 1608 under the title *Vindiciae iuris populi contra usurpationem iniquam Comitis usque ad annum 1608*.<sup>217</sup>

Although he appears to have devoted most of his time after 1604 to his practical duties, Althusius nonetheless managed at some point to return to his earlier scholarly interests, which resulted in him making a number of further contributions to his chosen fields of study. Perhaps the most anticipated was the *Dicaeologicae*, Althusius's major synthesis of the legal doctrines of the Bible and Roman law.<sup>218</sup> As we have seen, he had started work on this daunting project in the late 1580s or early 1590s, and by 1601 his cousin, the publisher of the *Civilis conversationis*, assured his readers that the *Dicaeologicae* was nearly complete and shortly to follow.<sup>219</sup> It is not clear why Althusius decided to put off its publication, but the outcome was that his long-awaited book at last appeared in Herborn in March 1617.<sup>220</sup>

The intervening period also saw Althusius reverting to his earlier humanistic studies. One of his treatises on which he resumed work is the *Civilis conversationis*, which was issued in a slightly extended edition in 1611.<sup>221</sup> But it seems that he above all concentrated on rewriting and enlarging the *Politica*, while at the same time making some minor revisions to the appended *Admonitio*. This project appears to have been conceived at some point in 1606, for in December 1606 we find his friend Ubbo Emmius writing about his efforts to arrange for

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<sup>214</sup> [Althusius] 1612, sig. \*, 3r: 'constitutiones provinciales'. For Althusius's authorship see Antholz 1955, p. 155.

<sup>215</sup> [Althusius] 1612, pp. 121-2, 155, 209.

<sup>216</sup> Antholz 1955, p. 127.

<sup>217</sup> For a discussion and some suggestions as to why the tract does not bear Althusius's name, see Antholz 1955, pp. 128-32.

<sup>218</sup> Strohm 2008, pp. 199-217.

<sup>219</sup> Althusius 1601, sig. ¶, 4v.

<sup>220</sup> Althusius claims in his preface that many people have urged him to complete his treatise. See Althusius 1617, sig. ):(, 2r. For the date see Althusius 1617, sig. ):(, 2v.

<sup>221</sup> Althusius 1611.



the new version of the *Politica* to be printed in nearby Groningen.<sup>222</sup> It was completed in late February 1610, when two almost identical editions of the *Politica* appeared in Groningen and Arnhem.<sup>223</sup> Hereafter Althusius enlarged his text once again in 1614, but this time decided to entrust it to his first printer in Herborn, having already expressed dissatisfaction with the way in which the previous version had been handled by its printers.<sup>224</sup>

In the preface to the second version of the *Politica*, Althusius characterises his text as a ‘new political treatise’,<sup>225</sup> and some commentators have therefore interpreted the later versions of his work as a departure from the doctrines of the original.<sup>226</sup> While the editions of 1610 and 1614 display many new features, however, it seems clear that Althusius’s central argument remains basically unchanged. As he tells us in his new foreword, his main concern is still with the humanist ideal of a *res publica*, and he remains convinced that this ideal can only be realised in a community founded on the sovereignty of the people.<sup>227</sup> Furthermore, his explanation of why this is so and his account of what it means for the people to possess the rights of sovereignty or *iura maiestatis* likewise echo his original analysis with striking closeness, so that his constitutional vision remains fundamentally the same.

This is not to say that there are no changes of emphasis to be discerned. One notable feature of the later versions of the *Politica* is the increasingly aggressive way in which Althusius expresses his commitment to an ideal of popular sovereignty.<sup>228</sup> His original preface distinguishes his view from the one prevailing in his time, and specifically singles out Jean Bodin as an opponent.<sup>229</sup> He speaks in similar terms at the outset of the second edition,<sup>230</sup> but subsequently engages in vehement polemics not just with Bodin but also with numerous other protagonists of absolute monarchy,<sup>231</sup> in particular with William Barclay, Giovanni Beccaria and Alberico Gentili.<sup>232</sup> Finally, the third edition of the *Politica* responds at greater length to Barclay,<sup>233</sup> thus presenting us with an even more forceful statement of Althusius’s theory.

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<sup>222</sup> Brugmans and Wachter 1911-23, vol. 1, p. 343.

<sup>223</sup> Althusius 1610a (Arnhem), 1610b (Groningen). For the date see Althusius 1610a, sig. \*, 6r. Althusius 1610b contains numerous printing mistakes as well as omitting the new index which in Althusius 1610a is placed after the main body of the text. When quoting from the second version of the *Politica*, all my references will accordingly be to Althusius 1610a, the Arnhem edition.

<sup>224</sup> See the letter of 29 January 1611, printed in Friedrich 1932, p. cxxvii.

<sup>225</sup> Althusius 1610a, sig. \*, 2r, characterising his text as an ‘opus politicum work’.

<sup>226</sup> See, for example, Scattola 2002, pp. 242-3.

<sup>227</sup> Althusius 1610a, sig. \*, 4r-v.

<sup>228</sup> As pointed out in Antholz 1955, p. 141.

<sup>229</sup> Althusius 1603a, sig. (:), 4v-5r.

<sup>230</sup> Althusius 1610a, sig. \*, 4r.

<sup>231</sup> Althusius 1610a, ch. IX, pp. 122-5; ch. XXXVIII, pp. 688-9.

<sup>232</sup> Althusius 1610a, ch. XXXVIII, pp. 677-88.

<sup>233</sup> Althusius 1614, XVIII. 92-106, pp. 308-14; XXXVIII. 87-111, pp. 920-9.

Another conspicuous feature of Althusius's later versions is the greatly extended account he gives of the government of cities and provinces. Whereas his handling of this topic had been restricted to one chapter on the original text, he now devotes four chapters to the same theme.<sup>234</sup> As might be expected of Emden's syndic, Althusius in this section chooses to underline several aspects of his argument that specifically concern the standing of cities and the role of counts and other rulers of provinces, but which had remained implicit in the earliest version of the *Politica*. One of the claims he goes on to emphasise derives from the fact that, as he had originally put it, every civic community within a *regnum* ought to be under its own 'control' and be governed on the basis of the consent of its own members.<sup>235</sup> It follows, he now adds, that we must attribute such 'autonomy' not only to cities directly subject to a *regnum*, but also to those that are included in a province and thus 'recognise a superior' authority.<sup>236</sup> A similar clarification occurs in Althusius's extended discussion of provincial rulers, of whom he had previously said that their local powers are 'the same as the power of the chief magistrate over the *regnum* as a whole', suggesting that their policies should similarly express the will of the assemblies of their territories.<sup>237</sup> Again the implication is clearly spelled out in the later editions of Althusius's text, in which he declares that the task of a *praeses* of a *provincia* is simply that of ensuring 'the execution of what has been decided by the estates'.<sup>238</sup>

After the publication of the *Dicaeologicae* in 1617, Althusius seems to have abandoned any remaining scholarly interests, as he went on to dedicate himself completely to the affairs of his community. A good humanist, he had already refused to exchange his position as syndic for a professorship at the University of Franeker in 1606, 1607 and 1610,<sup>239</sup> avowing that he could not in good conscience withdraw from public life and give up his vital post in Emden.<sup>240</sup> In April 1617 he saw his importance to Emden grow yet further as he was elected church elder.<sup>241</sup> It would appear that this honour convinced him to decisively abandon his studies, for

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<sup>234</sup> See Althusius 1603a, ch. V, pp. 35-54 and Althusius 1610a, ch. V, p. 42 to ch. VIII, p. 113. For discussions see Antholz 1955, pp. 63-7, 104, 140-3; Odermatt 2002.

<sup>235</sup> Althusius 1603a, ch. V, p. 53: 'civitas regitur & gubernatur secundum leges a se approbatas.'

<sup>236</sup> Althusius 1610a, ch. VI, p. 68 on the 'ἀυτόνομιάν' that is also rightfully possessed by a 'civitas ... agnoscens superiorem'.

<sup>237</sup> Althusius 1603a, ch. XIV, p. 165, attributing to them 'quod summus magistratus in toto regno [habet]'. Cf. ch. XIII, pp. 130-1 on the assemblies or estates of the *regnum*.

<sup>238</sup> Althusius 1610a, ch. VIII, p. 106: 'quae ... conclusa sunt ab ordinibus, ... executioni illa mandare'.

<sup>239</sup> Antholz 1955, pp. 113, 120, 145.

<sup>240</sup> As he wrote to his friend Sibrandus Lubbertus on 11 May 1607. For the letter see Friedrich 1932, pp. cxxiii-iv. See also Althusius 1603a, ch. I, pp. 4-5, arguing that the duties of the *vita activa* should always be given preference over those of the *vita contemplativa*.

<sup>241</sup> Antholz 1955, p. 80.

it marks the end of Althusius's active contribution to the intellectual debates of his day.<sup>242</sup> Althusius continued to occupy his positions in the church and civil government until his death, with his last recorded activity in the service of his city dating from the end of 1637, less than a year before he died in Emden on 12 October 1638.<sup>243</sup>

My main aim in this chapter has been to illustrate the extent to which Althusius can be described as an exponent of the humanist culture of the Renaissance. The chapters that follow will be for the most part concerned with what it is arguably Althusius's greatest contribution to this culture: his theory of popular sovereignty. It is to this theory and its more specific contexts that I will now turn.

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<sup>242</sup> Both the *Dicaeologicae* and the *Politica* were reissued during his lifetime, but neither of these two editions differs in any way from the ones he had last published. See Althusius 1618, 1625.

<sup>243</sup> Antholz 1955, pp. 83, 218.

## Chapter 2: The Ideal of the *Res Publica*

By the time Althusius first published his reflections on society and government in the opening years of the seventeenth century, the ideal of the *res publica* or commonwealth had already come to be much discussed by the pedagogical and political theorists of Renaissance Germany. The German humanists had put into widespread circulation an essentially classical vision of public life, and had subsequently come to argue with growing intensity about the means best suited to bringing about this ideal in practice. The present chapter will be concerned with the nature and evolution of this debate. Chapters 3, 4 and 5 will examine Althusius's contribution to it, thereby situating his theory of popular sovereignty within the intellectual context out of which it arose.

### Humanism and the *res publica*

The German humanists' preoccupation with the ideal of the *res publica* chiefly arose out of their view of the point or purpose of studying the 'humane' disciplines, which in turn was underpinned by their conception of citizenship.<sup>244</sup> As they liked to insist, a good citizen will always be distinguished by his willingness to take an active part in the affairs of his community – in the *res publica*. Their main authority at this point was Cicero, who in the course of considering the rival values of contemplative leisure and public service in Book I of *De officiis* had laid it down that 'it is contrary to our duty to allow ourselves to be carried away from public affairs by our studies, for the whole praise of virtue lies in activity'.<sup>245</sup>

One of the earliest restatements of this argument by a German humanist is supplied by Melanchthon in his commentary on Aristotle's *Ethics* of 1529,<sup>246</sup> but we find it perhaps most emphatically endorsed in the *Scholia* on the Book of Ecclesiasticus published in 1542 by Erasmus Sarcerius (in the words of his title-page) 'for the benefit of our Christian youth'.<sup>247</sup> Discussing the duties of philosophers, Sarcerius strongly denies that it can ever be just for such a *vir sapiens* to 'keep his gifts to himself'.<sup>248</sup> This is because we each have a duty to perform

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<sup>244</sup> On humanist pedagogy and citizenship in Renaissance Germany, see Schindling 1977, pp. 171-2; Eusterschulte 2018. For a general discussion see Skinner 1978, vol. 2, pp. 216-20.

<sup>245</sup> Cicero 1913, I. VI. 19, p. 20: 'studio a rebus gerendis abduci contra officium est. Virtutis enim laus omnis in actione consistit'.

<sup>246</sup> Melanchthon 1529, sig. B, 3v-4r.

<sup>247</sup> Sarcerius 1542, title-page: 'in usum ... Christianae iuventutis'. For the date see Sarcerius 1542, fo. 9r.

<sup>248</sup> Sarcerius 1542, fo. 316: 'dona sua apud se retinere'.

‘honest actions, from which all praise and commendation derives’.<sup>249</sup> It follows that all those blessed with the talents of a *vir sapiens* must dedicate themselves to the administration of the *res publica*, playing a leading role in public affairs and ‘living as citizens in the manner taught by Cicero’.<sup>250</sup>

If the wise have a duty to lead, the most suitable education for the children of prominent citizens must be one that enables them to become – as Erasmus was to put it – philosophers and governors at the same time.<sup>251</sup> The value of the *studia humanitatis*, the German humanists all agreed, is that an education in these disciplines provides just such a preparation for public life. We already encounter this argument in Jakob Wimpfeling’s *Germania* of 1501, which contains a resoundingly Ciceronian plea for all sons of the nobility and leading citizens to be instructed in the humanities, so as to render them ‘fit to take an active part in the government of the *respublica*’.<sup>252</sup> A generation later we find Sturm underlining the same demand, proclaiming on the opening pages of *De literarum ludis* that it has always been vital for the preservation of communities that children should be ‘occupied in the study of those disciplines which above all deserve the name of liberal arts’ as a training for public life.<sup>253</sup>

If these are the studies that enable us to play our part as leading citizens, this can only be because they help us to attain certain skills and qualities that we need in public life. As we have seen in chapter 1, one such skill the humanists tended to single out is the art of public speaking, the ability chiefly acquired through the study of rhetoric.<sup>254</sup> It was generally agreed, however, that this ability alone will never be sufficient for the successful performance of the duties of citizenship. As the humanists argued, we need in addition to know about the precise nature of our civic duties, and hence about the type of government that we are expected to serve. We require an understanding of what it means for a community to be properly administered, or ‘well-instituted’.

It follows according to the humanists that there must be an important role in a truly civic education for the study of politics, the discipline specifically concerned with the conduct of public life – with the *res publica*. Sturm, for example, recommends that, after the necessary oratorical skills have been attained, the aspiring civic leader should next immerse himself in ‘those doctrines that have been explicated by philosophers concerning the Commonwealth’, of

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<sup>249</sup> Sarcerius 1542, fo. 160v: ‘honestas actiones, ex quibus omnis laus & commendatio’; cf. fos. 400r-v.

<sup>250</sup> Sarcerius 1542, fo. 316v: ‘Quis vir sapiens sit vir civilis, ... monet Cicero’.

<sup>251</sup> Erasmus 1529, fo. 27v.

<sup>252</sup> Wimpfeling [1501], sig. G, 1v: ‘ad rempublicam regendam ... apti’. For a discussion see Schindling 1977, pp. 24-5.

<sup>253</sup> Sturm 1538, fo. 2v: ‘in artium liberalissimarum disciplina versatos’.

<sup>254</sup> See Vickers 1988, pp. 194-6 and Berwald 1994, pp. 8-24, on Melancthon; as well as Skinner 1996, pp. 83-7.

which no good citizen ‘can possibly be ignorant’.<sup>255</sup> Later this gave rise to a whole genre of humanist writings devoted to celebrating the role of *scientia politica* in the formation of the ideal citizen.<sup>256</sup> One of the earliest instances of this genre – Nikolaus Reusner’s *De sapiente perfecto* of 1589 – takes the form of a discussion of what *artes* or disciplines above all need to be mastered by the *homo vere politicus*, the man who is wise in a truly political sense. One of these disciplines is claimed to be rhetoric, ‘because the sort of wisdom of which we are presently speaking cannot exist without eloquence’.<sup>257</sup> But a mere talent for oratory does not make a ‘citizen who knows how to benefit his native community’.<sup>258</sup> This is why the other discipline that needs particularly to be studied is ‘that branch of Philosophy which is called politics’, the *scientia* concerned with showing us how to administer the *respublica*.<sup>259</sup>

This defence of the study of politics was followed up by the German humanists of the Renaissance in two complementary ways. Some undertook the important task of identifying the texts most worthy of study, focusing in particular on such major classical contributions as the writings of Plato, Aristotle and Cicero as well as the relevant sections of Justinian’s *Codex*. Melanchthon published commentaries on the moral and political works of Aristotle, issued an edition of Cicero’s *De officiis*,<sup>260</sup> as well as recommending the study of the texts of Roman law – as opposed to the medieval commentaries on the law – in his *De legibus*.<sup>261</sup> Sturm makes the same point about the need to study the original Roman legal texts, and further singles out Aristotle, Plato and Cicero as the three philosophers everyone must be sure to read.<sup>262</sup> A generation later we still find David Chytraeus concentrating on the same range of authorities. In the field of ‘politics’ Aristotle’s contribution needs to be read, as well as the books of Cicero and Plato, and the ‘fragments of the texts of the legal experts of antiquity’ included in Justinian’s *Codex*.<sup>263</sup>

As well as compiling such lists and producing their own editions and commentaries, the humanists also devoted themselves to bringing together the most pertinent teachings of the ancients, often presenting their resulting treatises in the form of digests of classical wisdom,

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<sup>255</sup> Sturm 1538, fo. 27v on those things a citizen ‘neque ignarus potest esse’, including ‘quae de ... Republica a philosophis sunt explicata’. For similar demands see Wimpfeling [1501], sig. G, 1v; Chytraeus 1562, sig. C, 5r; Placotomus 1566, p. 52.

<sup>256</sup> Weber 1992, pp. 31-42.

<sup>257</sup> Reusner 1589, sig. C, 5r: ‘Nam nec sine eloquentia esse ea potest, de qua hic loquimur, sapientia’.

<sup>258</sup> Reusner 1589, sig. C, 2v on the ‘utilis patriae civis’.

<sup>259</sup> Reusner 1589, sig. E, 6v: ‘Philosophiae pars illa, quae πολιτική appellata est’.

<sup>260</sup> Kuropka 2016.

<sup>261</sup> Melanchthon 1525, sig. 2C, 7v to sig. 2D, 1r.

<sup>262</sup> Sturm 1538, fos. 26v, 28r-v.

<sup>263</sup> Chytraeus 1562, sig. C, 5r: ‘fragmenta ex libris veterum Iurisconsultorum’.

while at the same time relating them to the institutions of their time as well.<sup>264</sup> In doing so the humanists originated the very genre that would later give rise to Althusius's *Politica*, and it is to the early contributions to this genre that we must now turn.

### The early political literature

Considering the duties of citizenship in their political treatises, the early exponents of this approach generally focused on the underlying ideal of the *res publica* – the ideal form of public life that citizens have a duty to help bring about and preserve. Among numerous contributions, one of the most widely influential was Melanchthon's commentary on Aristotle's *Politics*, first published in Wittenberg in 1530.<sup>265</sup> This was followed by a number of more systematic discussions. One of these was written by Andreas Modrevius, who studied in Wittenberg before he published his *Commentariorum de republica* in 1551.<sup>266</sup> Another was issued in 1556 under the title *De republica bene instituenda* by Johannes Ferrarius, who too studied in Wittenberg before he became the first rector of the University of Marburg.<sup>267</sup>

One of the central assumptions embodied in these works is that a properly instituted commonwealth must take the form of a mixed monarchy, in which a king or emperor is bound to act as the law commands, and his sovereign powers are capable of being held in check by some kind of independent authority. To this they add that this is also the form of government found in most European polities, including the German Empire.<sup>268</sup> The same argument was taken up by a number of later writers, most notably by Konrad Heresbach in his *De educandis erudiendisque principum*, which appeared in Frankfurt in 1570 while Heresbach was employed at the court of the Duchy of Cleves.<sup>269</sup>

The reason these writers give for preferring a mixed or tempered form of monarchical government is that it is the form of government best suited to bringing about the ideal of the *res publica*. Reflecting on this concept, they all begin by asking about the ends or purposes served by well-instituted societies. The basic purpose is said to be that of preserving us in a state of mutual peace and concord. The main point these writers make, however, is that by

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<sup>264</sup> Dreitzel 1991, vol. 2, pp. 474-81. Also see Dreitzel 1992, p. 21 n12.

<sup>265</sup> Jensen 2020, pp. 53-96.

<sup>266</sup> Pietrzyk-Reeves 2020, pp. 59-62, 210-3, 225-6, 231. I quote from the 1554 version of Modrevius's treatise, which appeared in Basel.

<sup>267</sup> Eckert 1976, pp. 15-8, 27-44. See also von Friedeburg 2002b, pp. 138-40; Schorn-Schütte 2002, pp. 171-6; von Friedeburg 2016, pp. 156-64; and on Modrevius and Ferrarius see also Stolleis 1988, pp. 86-8; Mortimer 2021, pp. 144-8.

<sup>268</sup> On the same view of the Empire in the Reformation debates of this period see Moraw e.a. 1984, pp. 462-5.

<sup>269</sup> Dreitzel 1991, vol. 2, pp. 490-1; cf. Singer 1981, pp. 118-21.

maintaining the peace these communities are at the same time able to furnish us with an indispensable framework for living the good life.<sup>270</sup> One early restatement of this classical view by a German humanist is supplied by Ulrich Zasius's *Lucubrationes* of 1518, in which 'a life that is both peaceful and happy' is described as the greatest blessing that properly governed communities are able to bring.<sup>271</sup> The same argument is invoked by Cornelius Valerius in the *Ethicae, seu de moribus*, first published in Basel in 1566 and frequently reprinted thereafter.<sup>272</sup> Once an 'amiable concord' has been secured, Valerius writes, we will all be able to pursue our chosen ends, and hence 'to live the good life'.<sup>273</sup>

As well as invoking this classical belief, most German humanists go on to offer an account of how a life lived at peace with our fellow citizens might be seen to be conducive to our happiness. The answer typically given – adapted from Cicero<sup>274</sup> – is that the protection of the law may be said to provide us with a certain kind of security and liberty. It enables us to enjoy our standing as free subjects or citizens, to live without fear of injury and to enjoy our possessions.<sup>275</sup> This is Melanchthon's view, for example, in his *De legibus*, first published in 1525.<sup>276</sup> One of the great benefits of living in a society governed by good laws, Melanchthon explains, is that we are each preserved in 'a state of liberty and tranquillity', so that 'everyone's lives and their goods are kept safe'.<sup>277</sup> Such 'freedom surely gives delight to us all', thereby contributing to our greater happiness.<sup>278</sup>

If all these ends are to be attained and a flourishing form of public life is to be realised, the cause of public peace will need to be upheld. The German political writers of the Renaissance accordingly devote their principal attention to explaining how this can be done, and it is in answering this question that they follow their classical authorities with the greatest fidelity.<sup>279</sup> They usually start by insisting that the one and only means of achieving this goal is by making sure that all actions of government serve to promote the common good, the *bonum commune* or *communis utilitas*.

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<sup>270</sup> Modrevius 1554, 1. I, p. 10; Ferrarius [1556], 1. IV, p. 13.

<sup>271</sup> Zasius 1518, p. 108 on a 'vitamque hominum quietem et beatam'.

<sup>272</sup> Valerius's treatise was reissued in Antwerp in 1567, 1572, 1574, 1575, 1579 and 1582. Details from BSB and KB catalogues.

<sup>273</sup> Valerius [1566], ch. 1, p. 4 on the purpose of bringing about 'amabilem concordiam, ut ... bene vivatur'.

<sup>274</sup> Cicero 1913, II. XXII. 78-9, p. 254.

<sup>275</sup> For these claims see Ferrarius [1556], 6. I, p. 86; 7. II, p. 116. For a similar view see Omphalius 1563, II. 34. 8, p. 308.

<sup>276</sup> Jensen 2020, pp. 22-52.

<sup>277</sup> Melanchthon 1525, sig. 2B, 8r on the preservation of people in *libertas ac tranquillitas*, 'ut in tuto sint suae cuique res & vita'. Cf. also Melanchthon 1530, sig. C, 7v-8r on the liberty enjoyed under the law.

<sup>278</sup> Melanchthon 1525, sig. 2B, 7r: 'libertatem ... quae profecto ... nos ... delectant'.

<sup>279</sup> In trying to make sense of this part of their argument I have been greatly helped by the discussions in Skinner 2002, vol. 2, pp. 24-7, 48-53, 371-3.



One of the main inspirations for this argument is provided by Aristotle, who in Book 3 of the *Politics* had claimed – as Melanchthon writes in his commentary on Aristotle’s treatise – that there cannot be any prospect of our community remaining in ‘a tranquil state’ unless the actions of our rulers aim steadily at ‘the public benefit’.<sup>280</sup> But the source on which the humanists chiefly like to draw is Cicero’s account of the connections between the preservation of concord and the promotion of the common good. As he had explained in the opening Book of *De officiis*, any ruler ‘who considers only one part of the citizenry, while neglecting the rest, will be introducing discord into his civil community’.<sup>281</sup> This is why those who rule over us must always ‘look after the welfare of the body of the *res publica* as a whole’, treating the value of ‘concord’ as fundamental, and ‘never allowing themselves to care only for one part while betraying the rest’.<sup>282</sup>

The political writers of the German Renaissance frequently repeat these claims almost word for word. An early instance can again be found in Zasius’s *Lucubrationes*, in which he refers us to Cicero for the judgment that ‘all undertakings must aim at the common good’, because it is by this means alone that we can promote ‘an advantageous concord among human beings’.<sup>283</sup> Ferrarius similarly says in the first Book of *De republica* that ‘we should have a special regard for those matters that concern the common benefit’.<sup>284</sup> Our rulers must ‘care for the whole body of the commonwealth’,<sup>285</sup> since this is the only way to avoid the collapse of ‘the common condition of peace’.<sup>286</sup>

Next these writers ask how the ideal of the common good can in practice be upheld, and thus how all members of the *res publica* can be given the attention and care that they are due. Their answer again closely echoes that of their classical authorities. There can be no hope, they think, of our receiving these benefits unless our rulers observe the dictates of justice at all times. The ideal of justice, as Justinian’s *Digesta* had defined it, demands that we ‘constantly and perpetually’ give to each their due, or their right – *ius suum cuique*.<sup>287</sup> It follows, the

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<sup>280</sup> Melanchthon 1530, sig. C, 3r on how a ‘tranquillitas ... publici status’ may be retained if ‘finis omnium civium est publica utilitas’.

<sup>281</sup> Cicero 1913, I. XXV. 85, p. 86: ‘Qui autem parti civium consultant partem neglegunt, ... in civitatem inducunt ... discordiam’.

<sup>282</sup> Cicero 1913, I. XXV. 85, p. 86: ‘ut totum corpus rei publicae curent, ne, dum partem aliquam tuerentur, reliquas deserant’. On *concordia* as one of the ‘fundamenta rei publicae’, see Cicero 1913, II. XXII. 78, p. 254.

<sup>283</sup> Zasius 1518, p. 108, stating that the end ‘ad quem omnia referuntur’ is the ‘commune bonum, id est, salubris hominum concordia’.

<sup>284</sup> Ferrarius [1556], I. IV, p. 11: ‘ut earum rerum habeatur ratio, quae communem utilitatem complectuntur’.

<sup>285</sup> Ferrarius [1556], 2. V, p. 27: ‘totum corpus reipublicae curent’.

<sup>286</sup> Ferrarius [1556], I. V, p. 14 on the undermining of ‘communem pacis conditionem’.

<sup>287</sup> Justinian 2014b, I. I. 10, p. 1: ‘Iustitia est constans et perpetua voluntas ius suum cuique tribuendi.’ The same definition is repeated in Justinian 2014a, I. I. 1, p. 3.

humanists infer, that the common good can only be attained and preserved under a just government. Only in these circumstances can everyone receive the care that they deserve.

As before, it is Aristotle and Cicero who are most often quoted to this effect. Discussing the laws of a well-instituted community in Book 3 of the *Politics*, Aristotle had argued that it is better to be governed by just laws than by the mere will of a ruler, thus assuming – as Melanchthon puts it in his commentary – that ‘what is most just or equitable must also be of the greatest possible benefit to the commonwealth’.<sup>288</sup> Adopting the same viewpoint, Cicero had stressed in *De inventione* that it is by acting with justice that the common good can alone be conserved.<sup>289</sup> ‘It is by this means’, he had added in *De officiis*, ‘that the community of human beings and, as it were, their common way of life is maintained’.<sup>290</sup>

These arguments are again taken up by the political theorists of Renaissance Germany. Valerius draws on both these passages from Cicero in his chapter on the virtue of justice, as well as quoting the definition from the *Digesta* in full.<sup>291</sup> Ferrarius likewise writes that the administration of justice is so important that, unless our rulers ‘render to each their due with a constant will’,<sup>292</sup> the ‘conservation of a kingdom, a city or any other community of human beings will be impossible’.<sup>293</sup> The reason, he explains, is that the ‘public benefit’ cannot be upheld if ‘justice is not exercised’ by those in government.<sup>294</sup>

Summarising these claims, Ferrarius concludes that the administration of justice may be described as the fundament of a well-instituted *respublica*.<sup>295</sup> Endorsing the same line of reasoning, Heresbach maintains that when a community is justly ruled, ‘its laws are directed towards the common good’ and thereby serve to promote the cause of public peace,<sup>296</sup> so that we are justified in saying that the *respublica* has attained ‘its best or ideal state’.<sup>297</sup>

When discussing what form of government is best adapted to realising this ideal, these writers all express a preference for a system of monarchical rule. They generally insist, however, that the sovereignty of the monarch will need to be suitably tempered or limited, so as to prevent him from acting contrary to justice. Melanchthon in his commentary lays out

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<sup>288</sup> Melanchthon 1530, sig. D, 1r on ‘quid sit aequissimum ac maxime utile reipublicae’.

<sup>289</sup> Cicero 1949, II. LIII. 160, p. 328: ‘Iustitia est habitus animi communi utilitate conservata’.

<sup>290</sup> Cicero 1913, I. VII. 20, p. 20: ‘qua societas hominum inter ipsos et vitae quasi communitas continetur’.

<sup>291</sup> Valerius [1566], ch. 16, pp. 54-6.

<sup>292</sup> Ferrarius [1556], 3. II, p. 32: ‘cuique quod suum est constanti voluntate tribuatur’.

<sup>293</sup> Ferrarius [1556], 3. II, p. 33: ‘adeo necessaria est, ut nullum regnum, nulla civitas, nullus hominum coetus sine ea ... conservari possit’.

<sup>294</sup> Ferrarius [1556], 1. IV, p. 11, stating that what is ‘publice utile’ cannot be promoted ‘absque ... iustitiae studio’.

<sup>295</sup> Ferrarius [1556], 3. II, p. 33.

<sup>296</sup> Heresbach 1570, fo. 7r: ‘ut leges ad communem utilitatem dirigantur, ut ... pax & tranquillitas in Republica ... sarciatur’.

<sup>297</sup> Heresbach 1570, 2. VI, fo. 105r on the ‘Reipublicae status optimus’.

exactly this argument, concluding that what needs to be set up is a species of kingship in which ‘supreme authority’ is not capable of being exercised at will, but is instead ‘circumscribed by fixed laws’.<sup>298</sup> Adopting the same viewpoint, Heresbach roundly declares that the best form of public life is a ‘tempered monarchy’.<sup>299</sup>

How can we ensure that the limitations imposed on the monarch’s power remain effective? The answer generally given is that he will need to be held in check by some independent authority, an agency possessed of its own powers. The specific way in which this answer tends to be expressed reveals a further debt to the philosophers of antiquity. Some writers invoke the concept of the *respublica mixta* or mixed constitution. Heresbach refers to Plato’s discussion of this concept in the *Laws* as well as Aristotle’s contrasting account in the *Politics*.<sup>300</sup> Several writers also allude to Cicero’s discussion in Book III of *De legibus* of the underlying idea that it must be possible for supreme rulers to be ‘opposed’ in the exercise of their powers by some independent agency. As Cicero observes, it was to perform this function that ‘the *ephoroi* were set up in Sparta in opposition to the kings’.<sup>301</sup>

Melanchthon similarly refers to the Spartan *Ephori* as an example of an institution set up to make use of ‘the right to bring the actions of kings back in line’ with the dictates of justice and the laws.<sup>302</sup> Heresbach yet more closely echoes Cicero’s account,<sup>303</sup> while Ferrarius expresses the point in the form of an argument in favour of what he calls mixed forms of government. In such a constitution, he explains, there is always someone capable of ensuring that the common good is duly followed and the cause of peace upheld.<sup>304</sup> The best form of *respublica*, Modrevius confirms, is one that is ‘mixed’ and composed of various elements, because this provides the best means of preserving the *communis utilitas*.<sup>305</sup>

According to these writers, these ideals have actually been realised in practice. The German Empire in particular is widely agreed to be just such a mixed monarchy. The sovereignty of the emperor is limited; and the prince-electors and imperial estates constitute independent authorities capable of constraining his actions. Zasius offers a classic account of both these elements in the imperial constitution in his legal writings. He insists that the emperor

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<sup>298</sup> Melanchthon 1530, sig. C, 6r: ‘regni species summum imperium ... certo iure circumscriptum’.

<sup>299</sup> Heresbach 1570, 1. XXXIII, fo. 83r: ‘temperatam optimam esse monarchiam’. Cf. Heresbach 1570, 2. VI, fo. 105r. See also Valerius [1566], ch. 14, pp. 45-6.

<sup>300</sup> Heresbach 1570, fos. 86v, 87r.

<sup>301</sup> Cicero 1928, III. VII. 16, p. 476: ‘ephoroi Lacedaemone ... oppositi regibus’.

<sup>302</sup> Melanchthon 1530, sig. C, 6r: ‘custodes Regibus, qui ius haberent redigendi eos in ordinem’.

<sup>303</sup> Heresbach 1570, fo. 87r.

<sup>304</sup> Ferrarius [1556], 3. III, p. 35.

<sup>305</sup> Modrevius 1554, 1. II, p. 11-2: ‘Optimum vero Rempublicam statum illum perhibent, qui ex tribus illis generibus permistus sit’.

is far from capable of governing at his pleasure, and that the laws have therefore been wrongly interpreted by those who allege that the ‘Roman prince has a kind of absolute power’.<sup>306</sup> He also writes that the ‘Counts and other princes are capable of exercising the same powers in their territories as the Emperor in the Empire as a whole’.<sup>307</sup> Such ‘lords of particular regions’ may thus be said to possess an element of sovereignty, or *merum imperium* ‘on the basis of their dignity and excellent standing’ within the Empire.<sup>308</sup> Reflecting on these institutions, Melanchthon observes that the ‘Electors in Germany’ may be said to perform a similar function as the *Ephori* in Sparta.<sup>309</sup> Heresbach likewise states that the powers of the German emperor are capable of being held in check by the ‘authority of the Electors and the estates’.<sup>310</sup> The conclusion at which these writers thus arrive is that the Empire constitutes an ideally mixed and tempered monarchy, a *respublica mixta*.

The final question these writers all go on to raise is what role citizens have to play in this scheme of things. In addressing this question, they generally insist on two sharply contrasting points. One is that anyone who has not been entrusted with some form of magistracy or public office is required simply to submit to the powers that be. Melanchthon emphasises that in every community ‘there are those who rule over others and those who obey’,<sup>311</sup> while Ferrarius frequently returns to the same point.<sup>312</sup> Valerius strongly underlines the argument, agreeing that a good citizen must always ‘submit to his magistrate’, even when his magistrate is ‘not good’.<sup>313</sup>

The other point stressed by these writers is that there must at all times be an active role to play in public affairs for those who possess the necessary qualities. They all agree that the goals of political life can never be attained by the existing powers without any assistance, and that there must in consequence be a duty on the part of all wise and leading citizens to act on their rulers’ behalf. Anyone appointed to such a role in government should help to conserve the good standing of the community, its laws and the welfare of its members as a whole.<sup>314</sup> As

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<sup>306</sup> Zasius 1539, p. 192: ‘eadem leges a Doctoribus male in argumentum trahuntur, quasi principis Romani absoluta potestas’. For discussions see Skinner 1978, vol. 2, pp. 129-30 and Rowan 1987, pp. 193-6.

<sup>307</sup> Zasius 1539, p. 9, remarking that ‘principes & Comites in eorum territorio tantum posse, quantum Imperatorem in Imperio’. On the evolution of this doctrine in German legal debate see Benert 1967, pp. 300-26. See also von Friedeburg and Seidler 2007, pp. 120-6.

<sup>308</sup> Zasius 1537, commentary *De iurisdictione*, p. 106: ‘domini terrarum particulares: hi omnes ex dignitate & conditionis excellentia merum imperium habent’. On Zasius’s view of the Roman law concept of *merum imperium* see Gilmore 1941, pp. 57-62.

<sup>309</sup> Melanchthon 1530, sig. C, 6r, comparing the *electores in Germania* with the *Ephori*.

<sup>310</sup> Heresbach 1570, fo. 87r on how ‘Imperium Germanicum’ is tempered by ‘Electorum ordinumque auctoritate’.

<sup>311</sup> Melanchthon 1530, sig. C, 3r: ‘alii praesunt alii parent’.

<sup>312</sup> Ferrarius [1556], 2. I, p. 18; 4. I, p. 46.

<sup>313</sup> Valerius [1566], ch. 14, p. 47: ‘magistratui pareatur ..., sin malus, patienter featur

<sup>314</sup> See also Omphalius 1563, II. 34. 1-2, pp. 306-7.

we have seen, Melanchthon had already spoken in these terms in his earlier work, and we find him expressing a similar commitment in his commentary on the *Politics*.<sup>315</sup> Modrevius makes clear the nature of the service involved when he states that those who are assigned a role in government must ‘execute what has been commanded’ by their rulers.<sup>316</sup> Valerius places even stronger emphasis on the need for citizens who ‘know how to properly discharge their public duties’,<sup>317</sup> while Heresbach likewise urges rulers to call on the services of leading citizens in their government, arguing that this helps to preserve the peace.<sup>318</sup>

It is Ferrarius, however, who supplies the fullest statement of this argument. He starts by declaring that no ruler is ‘able to govern a great number of people’ without the help of inferior magistrates.<sup>319</sup> If the ends of government are to be attained, our rulers will have to choose certain individuals and appoint them to such a function. These persons in turn must know how to ‘care for the welfare of the Commonwealth and that of their fellow citizens’.<sup>320</sup> They should also recognise that they are appointed to act in their rulers’ name. They are ‘officials through whose agency the administration’ of public affairs is conducted.<sup>321</sup> The powers they exercise are not their own, but those of their masters, at whose pleasure they serve. It is on their rulers’ behalf that they perform an active role in the creation and maintenance of the ideal of the *res publica*.

### The ‘absolutist’ challenge

In the final years of the sixteenth century a number of the basic assumptions of the writers on whom I have so far focused came to be widely questioned. They had argued that, if the common good and the cause of peace are to be upheld, it is essential that the powers of our rulers should be ‘tempered’, and hence be subject to some form of control. Among humanists of the next generation, however, such a system of mixed and divided sovereignty came increasingly to be viewed with contempt.<sup>322</sup> There can be no flourishing form of public life, these commentators

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<sup>315</sup> Melanchthon 1530, sig. C, 3r.

<sup>316</sup> Modrevius 1554, 1. XII, p. 48 on the need for those ‘qui imperata ... exequerentur’.

<sup>317</sup> Valerius [1566], ch. 14, p. 46: ‘officia ... publica ... recte exequi possit’. For Valerius on the theme of citizenship see Peltonen 1995, p. 44 and Schmidt 2007, pp. 46-7.

<sup>318</sup> Heresbach 1570, 2. V, fo. 107r: ‘Convenire videtur ad communem ordinem concordiam’; cf. 2. X, fos. 121r-v.

<sup>319</sup> Ferrarius [1556], 2. I, p. 16: ‘populi multitudinem soli gubernare non possunt’.

<sup>320</sup> Ferrarius [1556], 1. IV, p. 11: ‘Reipublicae & civium salutis consulat’.

<sup>321</sup> Ferrarius [1556], 3. I, p. 30 on the *administratio* of public affairs ‘per officiales’.

<sup>322</sup> Salmon 1991, pp. 234-5; Mortimer 2021, pp. 180, 187, 233-4.

began to urge, unless all legitimate power remains with a single ruling authority, who may thus be said to possess ‘absolute’ sovereignty.

This in turn led the German exponents of this viewpoint to question two further ideas on which their predecessors had laid much emphasis. The earlier humanists had characterised the German Empire as a limited or mixed monarchy, and they had defended the autonomy of local ‘princes’ within the Empire, suggesting that the rights of these rulers must be protected under the imperial constitution. By contrast, several political theorists of the next generation came to insist on the undivided nature of sovereignty within the Empire, and consequently denied that any element of sovereignty can rightfully be possessed by strictly local and thus inferior agencies. If all power lies with one authority, such merely provincial rulers can never be more than *subditi* or subjects, whose duty is simply to ‘obey’ their sovereign.

Among German political theorists, these arguments were primarily invoked by those who acknowledged the influence of Jean Bodin’s *Six livres de la république*, first published in 1576 at the height of the French religious wars.<sup>323</sup> Bodin issued a Latin translation – suitably entitled *De republica libri sex* – in 1586,<sup>324</sup> and it is this version of his text which appears to have had the greatest impact on German political debate.<sup>325</sup> It was twice reprinted in Frankfurt before the end of the century, and a German translation appeared in Montbéliard as early as 1592.<sup>326</sup> Reflecting on the nature of public life, Bodin developed a theory of what he in the Latin version of his text calls a theory of absolute sovereignty or *maiestas*, declaring that ‘there is nothing that seems to me of greater importance for the understanding of the nature of a Commonwealth’ than this concept.<sup>327</sup> To this Bodin added the provocative but widely influential claim that, if we consider the true nature of sovereign power, ‘the Commonwealth of the German nation cannot be described as a tempered’ form of monarchy.<sup>328</sup>

Bodin’s absolutist understanding of the *res publica* was soon taken up by German constitutional theorists. It is true that previous studies of the legal and political debates of this period have tended to suggest that, while Bodin’s theory of sovereignty was no doubt much discussed, it was always agreed among the leading German commentators to be out of line with

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<sup>323</sup> For Bodin as a theorist of absolute sovereignty see Franklin 1973; Skinner 1978, vol. 2, pp. 284-301.

<sup>324</sup> On this edition see McRae 1962, pp. A28-A38, A81. It appeared in Paris and Lyon. All my quotations are from the Latin Paris edition of 1586.

<sup>325</sup> But Lloyd 2017, p. 118 notes an earlier partial Latin translation, printed in Magdeburg in 1581.

<sup>326</sup> Quaritsch 1986, pp. 66-8.

<sup>327</sup> Bodin 1586. 1. VIII, pp. 78-79: ‘nihil ad Reipublicae naturam intelligendum maius, vel magis necessarium esse videatur.’

<sup>328</sup> Bodin 1586, 2. I, p. 181, denying that the ‘Respublica Germanorum ... temperata dici possit’.

what Julian Franklin has described as ‘the basic facts’ of the imperial constitution.<sup>329</sup> But this interpretation overlooks the fact that in the late 1590s a number of commentators professed themselves quite willing to accept Bodin’s version of the facts, or at least a version capable of illustrating his theory of sovereignty. One such writer was Eberhard von Weyhe, who held a professorship at the University of Wittenberg and a position at the court of Elector Christian II of Saxony at the time of the publication of his *Explicatio* of 1598.<sup>330</sup> While closely echoing Bodin’s account of the imperial constitution, Von Weyhe admittedly discusses only the most basic elements of the underlying theory of sovereignty. By this time, however, a fuller restatement of Bodin’s argument had already been developed – and applied to the Empire – at the University of Marburg. In 1596 Andreas Schepsius issued his *Questio an princeps legibus sit solutus*, composed in association with Philipp Matthaëus, one of the leading members of the legal faculty in Marburg.<sup>331</sup> Schepsius very often follows Bodin word for word, and praises him for having supplied the first clear definition of the concept of sovereignty.<sup>332</sup>

For Bodin and his followers, it is crucial that any well-instituted community should be governed by some species of absolute sovereignty, an authority in which all legitimate power resides. If an ideal form of public life is to be attained, sovereignty must never be divided or subject to the authority of anyone else. This is not to imply that these writers have any quarrel with the traditional humanist view of what it means to say that a society is well instituted.<sup>333</sup> This is to claim, these writers agree, that its laws are just and thereby serve to promote the common good, and that its citizens are in consequence able to live in a state of mutual peace and free to pursue their own ends.

It is true that Bodin’s treatise opens by stressing that our pursuits ought ultimately to be contemplative in character, and thus contains an explicit challenge to the Ciceronian ideal of active citizenship.<sup>334</sup> When Bodin goes on to discuss the conditions that need to be brought about if we are to have any hope of living such a life of contemplation, however, he echoes far more closely the arguments about the nature of properly constituted communities I have so far considered. He agrees that we can never hope to live the good life unless justice and the common good are upheld in society at large, affirming that it is in the ‘harmonious welfare of

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<sup>329</sup> Franklin 1991, p. 311. This interpretation seems to be derived from Gierke. Cf. Gierke 1913, pp. 215-6 on the ‘actual state of affairs’ in the Empire. Cf. also Quaritsch 1986, p. 72; Weber 1997, p. 106.

<sup>330</sup> For these biographical details see von Weyhe 1598, p. 149. See also Stolleis 1988, p. 189. The *Explicatio* was reprinted three times, in 1600 1602 and 1618. Details from HAB and HAAB catalogues.

<sup>331</sup> On Matthaëus see Strohm 2008, p. 272 n890.

<sup>332</sup> Schepsius 1596, p. 6; cf. Bodin’s own boast to the same effect at Bodin 1586, 1. VIII, p. 78.

<sup>333</sup> Skinner 1988, pp. 446-7 valuably stresses the point in relation to Bodin.

<sup>334</sup> Bodin 1586, 1. I, pp. 4-8. For some valuable reflection on the contemporary socio-religious significance of this commitment, see Mortimer 2021, p. 182.

all its members' that the safety of a commonwealth consists.<sup>335</sup> Bodin further maintains such just arrangements will serve not only to preserve public peace, but at the same time to ensure that all subjects are able to 'enjoy their liberty and their own possessions', and hence to pursue his own happiness by means of contemplation.<sup>336</sup>

Von Weyhe writes in similar vein in examining the purposes which underlie the institution of government in the *Explicatio*. Our basic aspiration in civil life, he too agrees, is to 'live a peaceful and quiet life'.<sup>337</sup> Asking about the benefits that such a life is capable of bringing, Von Weyhe again answers in traditional humanist terms, concentrating on the values of individual freedom, dignity and happiness.<sup>338</sup> Finally, when he examines the means by which these values can be secured, he likewise argues that the purposes of government can be attained if and only if our rulers observe the dictates of justice in their public acts. It is by means of just government alone that we can attain 'a happy Commonwealth'.<sup>339</sup>

When, however, these theorists turn to consider the nature of the authority best suited to sustaining such a polity, their argument suddenly becomes explicitly absolutist in character. They insist that there can be no prospect of our enjoying the blessings of just government under any system of tempered and mixed sovereignty. If and only if our supreme rulers are able to wield extensive powers can the ideal of the *res publica* be brought about and preserved.

It is Bodin who offers the fullest statement of this argument in the course of analysing the concept of sovereignty in *De republica*. He takes as his starting-point the claim that, as he emphasises in his opening chapter, the existence of a 'supreme ruling power is a matter of the greatest importance in any Commonwealth'.<sup>340</sup> He then continues by arguing that, when we say that someone possesses such *summa potestas* or *maiestas*, we can only be referring to a sovereign who is absolute, and hence capable of exercising power over all members of the community at will. The point is most forcefully made in Bodin's chapter 'On the rights of sovereignty' in his first Book. By characterising the sovereign's authority as absolute or *legibus solutus*, Bodin explains, he means that the sovereign's will – his *arbitrium* or *voluntas* – must be seen as the sole immediate basis of law and government. Although the sovereign is subject

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<sup>335</sup> Bodin 1586, 4. IV, p. 449: 'salus omnium concors ..., arctissimum in omni Republica vinculum incolunitatis'. Cf. Bodin 1586, 6. VI, pp. 751, 753, 775-6. For discussions of Bodin's view of justice see Keohane 1980, pp. 79-82; Mortimer 2021, pp. 180-2. See also Becker 2020, pp. 154-8.

<sup>336</sup> Bodin 1586, 2. II, p. 189: 'subditi libertate ac dominio, rerum fruentes'. Cf. Bodin 1586, 1. I, pp. 5-6; 4. IV, p. 431. For Bodin on civil liberty see Skinner 2008, pp. 58-9.

<sup>337</sup> Von Weyhe 1598, p. 33 on our aspiration to live a 'placidam & quietam vitam'.

<sup>338</sup> Von Weyhe 1598, pp. 5, 6, 7.

<sup>339</sup> Von Weyhe 1598, p. 38 on wise and just government as the means of attaining a 'beatam ... Rempubicam'.

<sup>340</sup> Bodin 1586, 1. I, p. 3 on the 'summa imperandi potestas' as one of the three elements 'quae in omni Republica potissima iudicantur'.



to the laws of God and nature, he alone holds independent legislative power, so that it is on his will that the laws depend<sup>341</sup> and by his will that ‘everything is governed’.<sup>342</sup>

Bodin repeatedly emphasises that all sovereigns have a duty to serve justice, and hence to exercise their powers in accordance with the laws of God and nature.<sup>343</sup> But he strongly denies that such supreme rulers can ever be tied by the positive laws of their own communities to observe the dictates of justice. Since the powers of a sovereign are absolute, he must at all times be able to make and unmake laws at will, and thus be free from external constraints to legislate in any particular way.<sup>344</sup> It follows that, while every sovereign must make sure that his laws are just, he can never be compelled by any of his subjects to satisfy this requirement. Even if the laws he has enacted are not ‘just or honest’, it cannot be permissible for them to actively oppose or ‘break his laws’.<sup>345</sup>

If all things within a commonwealth are under the control of the sovereign, it follows that all subordinate powers must also hold their dignities and jurisdictions at his pleasure.<sup>346</sup> The idea that a ruler of a single city or province can be said to be possessed of independent authority is thus dismissed out of hand. Bodin underlines this aspect of his argument in chapter X of Book 1, in which he expresses his contempt for those who have ‘confused’ the rights of sovereignty with mere ‘magisterial duties’.<sup>347</sup> As a result, they have ‘attributed the supreme power of kings to Dukes and even to Counts’, while such strictly local rulers can never have a status higher than that of *subditi* or subjects of the sovereign.<sup>348</sup>

This in turn means that a sovereign can never be ‘tempered’ or limited by any agency within the community. As Bodin insists with characteristic assurance, ‘sovereignty can never be liable to limitation or control by any power’, because the sovereign stands above all other powers, with the result that there is ‘no one greater than himself’.<sup>349</sup> In chapter X of his first Book Bodin mounts a yet more direct attack on the ideal of mixed or tempered government, claiming that the institution of such a system invariably involves a ‘division’ of sovereignty,

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<sup>341</sup> Bodin 1586, 1. VIII, p. 86, stating that ‘leges ... ab unius iubentis voluntate pendere’. Cf. also 1. X, p. 153 on the right to make laws without the consent of one’s subjects as the defining mark of sovereignty.

<sup>342</sup> Bodin 1586, 1. VIII, p. 89: ‘Princeps arbitrio suo, ac voluntate, omnia moderatur’.

<sup>343</sup> Bodin 1586, 1. VIII, pp. 86, 89, 97.

<sup>344</sup> Bodin 1586, 1. VIII, p. 86.

<sup>345</sup> Bodin 1586, 1. VIII, pp. 98-9: ‘nec tamen si Princeps aliter decreverit, subditos honestatis, aut equitatis specie, leges infringere oportet’. As Bodin later points out, subjects do have a duty of passive disobedience in case their sovereign rulers violate the laws of God and nature. See Bodin 1586, 3. IV, pp. 297-8.

<sup>346</sup> Bodin 1586, 1. VIII, p. 79.

<sup>347</sup> Bodin 1586, 1. X, p. 148: ‘praecipua maiestatis capita ... cum magistrorum muneribus confuderunt’.

<sup>348</sup> Bodin 1586, 1. X, p. 148: ‘Ducibus ... ac ... Comitibus ... summum planeque regiam tribuunt potestatem’.

<sup>349</sup> Bodin 1586, 1. VIII, p. 80: ‘Maiestas vero nec ... potestate ... definitur ... nam is maiestatem habet, qui ... seipso maiorem videt neminem’.

and that ‘there is no way in which a Commonwealth can tolerate such a division, as it were, of the whole into separate elements or parts’.<sup>350</sup> As he later confirms, sovereign authority ‘is indivisible by its very nature’.<sup>351</sup> To institute a *respublica mixta* is simply impossible.

Bodin corroborates this analysis in the course of discussing the forms of government. There are, he repeatedly affirms, only three viable forms: sovereignty must be possessed by a single person, an aristocracy, or the people as a whole.<sup>352</sup> Bodin eventually expresses a strong preference for absolute monarchy, concluding that sovereignty is most effectively exercised if one ruler is able to dispose of public power at will.<sup>353</sup> But he accepts that it can also be wielded by an assembly. In this case it is crucial that each member of the commonwealth should submit to the decisions of the sovereign body, since ‘sovereignty is annexed to the members of an aristocracy or a democracy as a whole, not to them individually’.<sup>354</sup> It is no less important that the sovereign assembly should be capable of acting on the basis of the will of a majority, the will of a *maior pars*. As Bodin puts it in his chapter on aristocracies, if a verdict has been reached by those who ‘have the greater number’, the resulting actions must count as legitimate expressions of ‘the right of sovereignty possessed by the assembly’ as a whole, and the assembly’s decrees must be binding on each member in particular.<sup>355</sup>

These claims are further underlined in Bodin’s chapter on the concept of ‘a popular state’. This is a commonwealth in which the sovereign ‘right to rule’ is wielded by ‘the citizen-body as a whole or by a majority of the citizens’. When it is in effect held by a majority, no less than when it remains with the whole community, this power must be capable of being exercised over ‘all remaining citizens’, both the individual members of the community and all citizens assembled together.<sup>356</sup> According to Bodin’s understanding of the concept of popular sovereignty, the consent of a numerical majority constitutes a sufficient condition of lawfully exercising the powers of the community at large.

We encounter essentially the same argument in the treatises of Schepsius and Von Weyhe. These writers agree in the first place that in every commonwealth there must be a species of absolute sovereignty, a single authority in control of all legitimate power. Von

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<sup>350</sup> Bodin 1586, 1. X, p. 148: ‘Respublica partitionem illam, quasi totius in partes, ... recipere nullo modo possit.’

<sup>351</sup> Bodin 1586, 2. I, p. 176: ‘maiestas per se ipsa quiddam est individuum’.

<sup>352</sup> Bodin 1586, 2. I, pp. 174-5; 6. IV, p. 692.

<sup>353</sup> See in particular Bodin 1586, 6. IV, p. 712.

<sup>354</sup> Bodin 1686, 6. IV, p. 710: ‘tametsi universis in aristocratia ac democratia maiestas attribuitur, singulis non item’.

<sup>355</sup> Bodin 1586, 2. VI, p. 223, stating that a verdict can be reached by those *principes* who ‘numero vincebant’, and that the actions of the ‘conventus’ which possesses ‘summum ius maiestatis’ are binding on all *principes*.

<sup>356</sup> Bodin 1586, 2. VIII, p. 230: ‘cives universi, aut maxima pars civium caeteris omnibus non tantum singulatim, sed etiam simul coacervatis & collectis imperandi ius habent’.

Weyhe accepts that such *maiestas* can be held by a monarch, an aristocracy or the people at large, but he is emphatic that in each case the authority of the sovereign must be ‘absolute and complete’, and hence capable of being wielded over all subjects at will.<sup>357</sup> The implications of this view of absolute sovereignty are more fully spelled out by Schepsius, who begins by confirming that, when we speak of a supreme and absolute power, we must be referring to a ruler who alone holds independent authority and ‘begets, conserves and controls’ all other powers.<sup>358</sup> We must further be referring to an undivided power, because only the combination of all ‘integral parts of sovereignty can properly be described as a *summa potestas*’.<sup>359</sup> Finally, this power cannot be liable to any sort of control because, with the sole exception of God, ‘there is no one who is able to prescribe laws’ that can bind a sovereign ruler.<sup>360</sup>

When discussing the German Empire, these writers all treat the presence of just such an absolute and sovereign power as an unquestionable feature of its constitution. It is true that these writers differ in their interpretations of the Empire. Schepsius chooses to represent it as an absolute monarchy, declaring that ‘nowadays the Roman Empire of the German nation is preserved and controlled in its entirety by our Emperor Rudolph II’.<sup>361</sup> By contrast, Bodin and Von Weyhe both insist that, in view of the preponderance of the German princes, ‘the Roman Empire in its present condition must be an Aristocracy’.<sup>362</sup>

Whatever classification they adopt, however, these writers agree that the supreme ruling element in the imperial constitution is distinguished by its exclusive right to wield absolute sovereignty. As a result, they reject both elements in the more traditional argument I began by singling out. They deny in the first place that the Empire can be said to represent a tempered and mixed constitution, a point on which Bodin (as we have seen) lays strong emphasis.<sup>363</sup> Schepsius speaks in similar terms, maintaining that such a form of government does not even ‘exist’.<sup>364</sup> These writers also repudiate any suggestion that certain German princes and cities can be said to lawfully wield a measure of sovereignty within their own territories. Bodin admits that he once believed this to be the case. But he adds that ‘I have turned away from this

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<sup>357</sup> Von Weyhe 1598, pp. 75, 99, 100-1 on ‘omnem maiestatem’ and ‘plena & absoluta potestas’.

<sup>358</sup> Schepsius 1596, p. 7 on the *summa potestas* as ‘procreatrix, conservatrix & gubernatrix’ of all other powers.

<sup>359</sup> Schepsius 1596, p. 12: ‘integrales maiestatis partes recte dicuntur, potestas summa’.

<sup>360</sup> Schepsius 1596, p. 31: ‘nemo est, qui leges Principi praescribat’.

<sup>361</sup> Schepsius 1596, p. 8: ‘totumque ... Romanogermanicum hoc imperium ... Imperator noster RUDOLPHUS II, ... hodie ... conservat & gubernat’.

<sup>362</sup> Von Weyhe 1598, p. 101: ‘Romani Imperii status nunc sit Aristocraticus’; cf. Bodin 1586, 2. VI, p. 223.

<sup>363</sup> Bodin 1586, 2. I, p. 181, denying that the ‘Respublica Germanorum ... temperata dici possit’.

<sup>364</sup> Schepsius 1596, p. 11: ‘quartum imperiumque nullum est.’

belief'.<sup>365</sup> Since the Empire is an aristocracy, all rights of sovereignty must reside with the assembly of princes and cities, so that no supreme authority is lodged with any of them in particular. Schepsius similarly denies that any of the 'German Princes' or 'so-called Free Imperial Cities' can be said to possess *summa potestas*.<sup>366</sup> 'The rights of sovereignty', Schepsius always insists, belong exclusively 'to our Emperor Rudolph II'.<sup>367</sup>

### **The anti-absolutist response**

Although these absolutist arguments were a more prominent feature of the political debates of the German Renaissance than has generally been recognised, they were also quickly challenged.<sup>368</sup> Anxious to uphold the traditional understanding of the Empire, a number of commentators launched a violent attack on the absolutist account of its constitution. These writers typically started by insisting on the monarchical nature of sovereign power in the Empire. To this they added that, in spite of the presence of this overarching authority, the leading cities and princes of the Empire must all be seen to possess their own rights of government, and to be capable of holding the emperor's powers in check. The Empire, they thus concluded, should after all be regarded as a mixed or tempered monarchy.

This is the response seen, for example, in the treatise issued by Otto Melandrus in 1599, which contains in a direct attack on 'the definition of Sovereignty put forward by Bodin'.<sup>369</sup> The same view of the imperial constitution was also defended by Johannes Kahl in a number of contributions, most emphatically in his *De principe* of 1600.<sup>370</sup> In the German Empire, Kahl begins by emphasising, *summa auctoritas* or sovereignty is possessed by the emperor. But the emperor is not the only authority capable of wielding independent power, for there are many 'Princes and those who are their equals who likewise hold Regal power'.<sup>371</sup> This in turn means that the emperor's sovereignty cannot be said to be absolute; he is bound to uphold the existing laws of the Empire, including the 'laws of the Dukes, counts and Imperial cities',<sup>372</sup> and he is

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<sup>365</sup> Bodin 1586, 2. VI, p. 223: 'Putabam ego quidem antea principes ac civitates Imperiales habere iura maiestatis ... sed ab hoc sententia discessi'.

<sup>366</sup> Schepsius 1596, pp. 16, 18, denying that *summa potestas* can be attributed to the 'Germaniae Principibus' or the 'Imperiales URBES, quae LIBERAE vulgo dicuntur'.

<sup>367</sup> Schepsius 1596, p. 17: 'maiestatis iura ... Imperatori nostro Rudolpho II competere'.

<sup>368</sup> This makes it misleading to suggest – as von Friedeburg 2013, p. 308 does – that Bodin's doctrines were simply ignored.

<sup>369</sup> Melandrus 1599, p. 67: 'a Bodino traditam Maiestatis definitionem'; cf. pp. 64-7.

<sup>370</sup> See also Kahl 1595a, p. 185 and Kahl 1595b, pp. 126, 128, 142. Cf. Strohm 2008, pp. 403-5.

<sup>371</sup> Kahl 1600, p. 135: 'Principes, & qui illis pares sunt, Regalem ... potestatem habent'.

<sup>372</sup> Kahl 1600, p. 51: 'Duces, comites, civitates Imperiales, suas sibi leges ferre ... patitur'.

even capable of being deposed by the prince-electors and the imperial estates.<sup>373</sup> Kahl explicitly criticises ‘Bodin and those who follow him’ for failing to acknowledge the legitimacy of such a political system founded on limited sovereignty.<sup>374</sup> And he concludes by expressing his admiration for the harmonious way in which all elements in the imperial constitution are ‘mixed and joined together’.<sup>375</sup>

These early responses were soon followed by a number of more sophisticated discussions of the underlying idea of the *respublica mixta*.<sup>376</sup> Bartholomeus Keckermann issued his *Systema disciplinae politicae* in 1608;<sup>377</sup> Hermann Kirchner’s *Respublica* appeared in the same year;<sup>378</sup> and Henning Arnisaeus engaged at length with Bodin’s arguments in his *Doctrina politica* of 1606<sup>379</sup> and especially in his *De republica* of 1615.<sup>380</sup>

A similar engagement with contemporary absolutist political thought can also be seen in Althusius’s earlier *Politica*. Althusius’s treatise is undoubtedly intended as a contribution to the political debates of the German Renaissance. Like the humanists with whom I began, he is chiefly concerned with the ideal of the *res publica* or commonwealth. As we shall see in chapter 3, he displays a large measure of agreement with these writers and their successors about what it means for a community to be properly instituted. And as we shall see in chapter 5, he also shares their preoccupation with the ideal of active citizenship, presenting his constitutional doctrines in the form of an argument about how citizens should seek to serve their communities. But Althusius in the *Politica* at the same time seeks to counter the absolutist arguments about the proper institution of public life. His theory of ‘limited’ popular sovereignty embodies a response – as we shall see in chapter 3 – to the absolutist claim that a genuine commonwealth needs to be distinguished by the presence of a species of absolute power, a power capable of being exercised at will. And as we shall see in chapter 4, his resulting argument about the features of a well-instituted *respublica* culminates in an explicit revival of the ideal of a mixed or tempered constitution, and thus takes the form of a further counterblast to the absolutist attacks on this ideal.

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<sup>373</sup> Kahl 1600, pp. 41, 65.

<sup>374</sup> Kahl 1600, pp. 103, 108 on ‘Bodinus, & eum secuti’.

<sup>375</sup> Kahl 1600, p. 134: ‘mirabili harmonia coniunctum & mixtum est’.

<sup>376</sup> Franklin 1991, pp. 314-28; Van Gelderen 2002, pp. 208-12.

<sup>377</sup> Keckermann 1608, II. IV, pp. 559-75.

<sup>378</sup> Kirchner 1608, sig. C, 1r-4v.

<sup>379</sup> Arnisaeus 1606, 1. VIII, pp. 159-89.

<sup>380</sup> Arnisaeus 1615, 2. VI, pp. 859-1107. On Arnisaeus see Dreitzel 1970, pp. 239-44, 285-97.

## Chapter 3: Althusius on Popular Sovereignty

### Althusius's anti-absolutist turn

Preparing a new version of the legal treatise he had published in 1586 as the *Iuris Romani libri duo*, Althusius extensively rewrote his chapter 'On public power'. In the original version of his text he had stated that 'sovereignty can be either free and unbound or limited and circumscribed'.<sup>381</sup> By contrast, in the revised edition Althusius issued in 1588 under the title *Iurisprudentia Romana* he organises his whole chapter around the discussion of 'absolute' sovereignty, omitting any reference to the possibility that this power might conceivably be limited in character. Althusius makes it clear that he is now chiefly drawing on the analysis of the concept of sovereignty in the recently published Latin version of Bodin's *Six livres de la république*, which is extensively cited and often echoed word for word.<sup>382</sup>

During the years that followed Althusius developed his own restatement of the absolutist conception of public life that rose to prominence in German political debate around this time. The resulting argument is most fully articulated in the *Civilis conversationis* of 1601, in which Althusius starts by endorsing the traditional humanist understanding of the concept of a commonwealth. Reflecting on the duties of leading members of society, he claims that the aim of our rulers should be to maintain the peace, so that we may each enjoy the sort of security required for living the good life. They need to 'institute, defend and conserve all those things that pertain to our safety and to a tranquil, honest and pious life'.<sup>383</sup> Considering the means by which these ends can be attained, Althusius first affirms that those who preside over the *respublica* should 'care for our individual welfare and that of that of the whole community' at the same time.<sup>384</sup> He then argues that it is only if our rulers 'observe the dictates of justice in their actions' that everyone can be given the care that they are due.<sup>385</sup> Only then can an ideal form of public life be brought about and retained.

But when Althusius turns to discuss the form of public authority needed to sustain such a just government, he offers an account that is very different from the one we encountered in

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<sup>381</sup> Althusius 1586b, 1. VIII, p. 18: 'Imperium illud est liberum indefinitum: limitatum & circumscriptum'.

<sup>382</sup> Althusius 1588, 1. VIII, pp. 24-5. For discussions see Dreitzel 1992, pp. 22-3; Scattola 2002, pp. 234-8.

<sup>383</sup> Althusius 1601, II. IV, pp. 260-1: 'constituendi, defendendi, conservandi ea, quae ad salutem & tranquillam, honestam ac piam pertinent'.

<sup>384</sup> Althusius 1601, II. VII, p. 309 on the ruler's *cura* 'pro salute singulorum, atque universorum'. Cf. Seneca 1928, I. 3. 3, p. 366.

<sup>385</sup> Althusius 1601, II. VII, p. 312: 'iustitiam observant & exercet'.

the writings of such earlier German exponents of the *studia humanitatis* as Melancthon, Ferrarius and Heresbach, explicitly aligning himself with several of the leading theorists of absolute sovereignty.<sup>386</sup> Melancthon and his followers had argued (as we have seen) that the authority of our rulers must be limited or tempered if the common good is to be upheld. By contrast, Althusius insists that our rulers must always wield absolute authority if they are capable of discharging their role to good effect.<sup>387</sup> The ideal magistrate is said to be not merely defender but also ‘lord of the bodies, lives, goods and reputation of his subjects’.<sup>388</sup>

The nature of this absolute authority is more fully described in some of Althusius’s earlier writings, especially in the *Iurisprudencia Romana*. An absolute sovereign must be capable in the first place of exercising his power at will, because his authority chiefly consists in the right ‘to make laws without the consent of anyone else’.<sup>389</sup> He must in addition hold complete sway over all other powers within the commonwealth, since he must always be able to ‘deprive them of their jurisdictions’.<sup>390</sup> This in turn means that his authority must be incapable of being limited or controlled by any other agency, since he recognises no superior power.<sup>391</sup> Finally, sovereignty can never be mixed or divided. Althusius concludes that there are only three viable forms of sovereign government: monarchy, aristocracy and ‘a popular state’.<sup>392</sup> As he had already insisted in his theses of 1587, ‘those who suppose that it is possible to construct a fourth form out of these three must be hallucinating’.<sup>393</sup>

This thoroughly Bodinian argument in favour of the rule of absolute sovereigns constitutes Althusius’s earliest contribution to the Renaissance debates about the ideal of the *res publica*. Shortly after completing the *Civilis conversationis*, however, Althusius began to devote himself to the development of a very different view of how a commonwealth should be ‘instituted’. It has sometimes been suggested that Althusius’s withdrawal from the absolutist stance of his early work was a gradual process.<sup>394</sup> It would seem, however, that he retreated from this position rather suddenly. Within two years he had arrived at the radical conclusion

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<sup>386</sup> Althusius 1601, II. IV, p. 260 cites Bodin’s *De republica* and Pierre Grégoire’s work of the same name. On Grégoire as a theorist of absolute sovereignty see Collot 1965, pp. 177-213, 286-302; Gambino 1978, pp. 53-92. See also Mortimer 2021, pp. 233-6.

<sup>387</sup> Althusius 1601, II. IV, p. 259.

<sup>388</sup> Althusius 1601, II. IV, p. 258: ‘negari non potest, Magistratum dominum & defensorem esse subditorum corporum, vitae, bonorum ... & existimationis’.

<sup>389</sup> Althusius 1588, I. VIII, p. 24: ‘leges ... dare ... sine alterius consensu’.

<sup>390</sup> Althusius 1588, I. VIII, p. 25, stating that such powers ‘sua iurisdictione a superiore penitus privari possunt’; cf. also Althusius 1592, p. 7.

<sup>391</sup> Althusius 1588, I. VIII, p. 24.

<sup>392</sup> Althusius 1588, I. VIII, p. 25 on monarchy, aristocracy and a ‘popularis status’.

<sup>393</sup> [Althusius] 1587, sig. A, 3v: ‘hallucinantur, qui arbitrantur esse posse ex tribus precedentibus conflatum aliquam quartam’.

<sup>394</sup> Scattola 2002, pp. 223, 230, 231, 234, 242-3.

that the one and only means of establishing the rule of justice and securing the liberty of subjects is by ensuring that sovereignty is at all times lodged with the body of the people as a whole. He had by this stage come to feel, moreover, that even the people's sovereignty must in effect be limited, prompting him to abandon the belief that sovereign power should always be capable of being exercised at the mere will of those who hold it. We already find Althusius expressing his commitment to an ideal of popular sovereignty in the disputation he composed in the name of one of his pupils at the Academy of Herborn in 1602, and which he gave the title *De regno recte instituendo*.<sup>395</sup> For the definitive presentation of Althusius's mature theory of popular sovereignty, however, we must turn to his *Politica, methodice digesta*. As we saw in chapter 1, the *Politica* was originally published in August 1603, exactly two years after the *Civilis conversationis*.

It is true that this account of Althusius's relationship in the *Politica* to the absolutists of his age stands in contrast with a long-standing tradition of scholarship, according to which his insistence that sovereign power must always be permanently lodged with the whole people represents his basic,<sup>396</sup> real<sup>397</sup> or even sole<sup>398</sup> quarrel with Bodin and likeminded theorists. Althusius's achievement, we are told, is that he took up the absolutist conception of sovereignty and used it to defend the supremacy of the people.<sup>399</sup> But it is arguable that this interpretation underestimates the sweep of Althusius's argument in the *Politica*. When he initially introduces his position in his preface, he admittedly lays all his emphasis on the claim that the rights of sovereignty must invariably inhere in the people, explicitly rejecting what he calls Bodin's noisy protestations about the absurdity of this view.<sup>400</sup> As Althusius's argument unfolds, however, it becomes increasingly clear that it is underpinned by a more fundamental criticism of the concept of sovereignty employed by his adversaries – and, formerly, by himself. Rather than wielding the absolutists' weapons against them, what Althusius appears to be doing is questioning their conceptual apparatus and their conclusions at the same time.

Althusius turns against his erstwhile authorities with such polemical force that it seems natural to ask what may have prompted him to distance himself from their accounts. This is not

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<sup>395</sup> Althusius's authorship is clear from the fact that the *De regno* echoes Althusius's account in the *Politica* word for word at numerous points. Compare, for example, [Althusius] 1602, sig. A, 3r on the 'Leges fundamentales', the 'Maiestatis iura' and the 'ius securitatis' with Althusius 1603a, ch. VI, pp. 58, 59; VII, p. 70. For the conclusion that the 'ius civitatis seu Reipublicae' is a common possession of 'omnibus civibus & membris Reipublicae', see [Althusius] 1602, sig. A, 2v. See also Stolleis 1987, pp. 170, 172-3.

<sup>396</sup> Salmon 1996, p. 508.

<sup>397</sup> Franklin 1991, p. 312.

<sup>398</sup> Lee 2016, p. 227.

<sup>399</sup> Gierke 1902, p. 157; Friedrich 1932, p. xci; Wyduckel 2002a, p. 139.

<sup>400</sup> Althusius 1603a, sig. (:), 5r on 'Bodini clamores'; cf. Bodin 1586, 1. X, pp. 147, 149.



the sort of question that can be answered with complete certainty, especially because Althusius never gives any indication as to why he changed his mind – nor, even, does he ever acknowledge the change itself. We can perhaps suggest at least a plausible answer, however, if we begin by recalling one of the most radical conclusions derived by the absolutists from their analysis of sovereign power. In rejecting the classification of the German Empire as a mixed monarchy they had at the same time sought to undermine the traditional belief that the German aristocracy and imperial cities may be said to possess an independent right to rule their own provinces. It is true that even in his more absolutist writings Althusius never unequivocally joins in this further attack. While he firmly repudiates the general idea of such local independence in his early legal work, he never offers any commentary on the current state of the Empire, and in the *Civilis conversationis* he confines himself, in an uncharacteristically ambiguous passage, to merely mentioning the ‘German’ custom of referring to dukes, marquesses, counts and barons as ‘supreme’ rulers.<sup>401</sup>

No reader of Bodin or any of his other German followers could have failed, however, to associate Althusius’s positively absolutist stance in these texts with the contention that (in Bodin’s own words) none of ‘the princes and cities of the Empire’ can be said to hold separate ‘sovereign rights’.<sup>402</sup> Nor could Althusius have been oblivious of the fact that this alleged corollary of the absolutist argument was hard to reconcile with the independent way in which his own employers at the time managed their estates. The city of Emden, which he later came to serve as syndic, had (as we have seen) by this time asserted its civic autonomy. Even more suggestive is the fact that Althusius’s employers during his career as a teacher were likewise accustomed to a large measure of independence.<sup>403</sup> In this period the counts of Steinfurt and Nassau-Dillenburg, like many of the neighbouring counts, were largely occupied, in (albeit unacknowledged) defiance of the Augsburg Confession as well as the Imperial Peace of 1555, in reforming their churches along Reformed or Calvinist lines – a process closely followed by Althusius.<sup>404</sup> Furthermore, these counts had by this time begun to mount a collective defence of their churches and autonomy. They had begun to train their own subjects as militias, and by

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<sup>401</sup> Althusius 1601, II. IV, p. 262.

<sup>402</sup> Bodin 1586, 2. VI, p. 223, denying that ‘principes ac civitates Imperiales habere iura maiestatis’.

<sup>403</sup> For contrasting attempts to relate Althusius’s views in the *Politica* to this background see von Friedeburg 2002a, pp. 106-23; Hotson 2002.

<sup>404</sup> On the shift from Lutheranism to the Reformed or Calvinist faith in the region, see Schmidt 1986, 1993. For a helpful discussion of the ways in which the changes involved would have been apparent to contemporaries, see Nischan 1984. On the somewhat anomalous legal status of Reformed Protestantism under the terms of the Imperial Peace, see Heckel 1983, pp. 76-8; Wolgast 2011, pp. 39-43. Althusius discusses the reformation of the church in two neighbouring counties in a letter from 1597. See Friedrich 1932, pp. cxx-i. In 1599 Althusius also took part in a local assembly summoned to promote and consolidate the reformation of the church. See Menk 2004, p. 333.

joining them together had managed to form a sufficiently sizeable force to compel even the troops of the King of Spain to leave the region.<sup>405</sup>

This background might perhaps be seen to furnish at least a partial explanation for Althusius's sudden withdrawal of his absolutist commitments in his later political works. He could hardly expect to recommend his doctrines or his services as an adviser or civic official to his employers while continuing to espouse a theory of sovereignty so widely associated with an attack on the very independence on which the policies of these rulers were based. But as we have seen in chapter 1, Althusius's avowed ambition of taking an active part in the conduct of government would have given him a compelling reason for wishing to commend himself in just this way. It seems probable, then, that in abandoning and even questioning the concept of absolute sovereignty he was motivated at least in part by a hope to win the favour of his employers and earn the appointment to a role of political influence he desired, but which he had not yet been offered when he originally wrote the *Politica*.

### **The authority of Roman law**

There are two main bodies of sources from which Althusius gained the confidence to mount his challenge on his former authorities in the *Politica*. Among the contemporary writers whose authority he feels able to invoke, by far the most important are a number of exponents of the view – widely debated during the late sixteenth-century wars of religion in France and the Netherlands<sup>406</sup> – that, if the subjects of kings are to be preserved in a state of liberty and security, the authority of these kings must be capable of being controlled or even taken away in the name of the whole people. Those who argued in these terms thus tended to conclude that no lawful ruler can be allowed to possess an authority greater than that of the people over whom he rules. The people, in other words, must remain sovereign.

This is the conclusion drawn in the anonymous *Vindiciae, contra tyrannos*, a work for which Althusius in the *Politica* expresses enormous respect.<sup>407</sup> The *Vindiciae* originally appeared in 1579, although it seems to have been drafted shortly after the massacre of St Bartholomew's Day in 1572, in which thousands of Calvinists were murdered throughout France.<sup>408</sup> This prompted the publication of a number of works in which the French Huguenots

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<sup>405</sup> Schmidt 1989, pp. 145-59, 363-5.

<sup>406</sup> See Skinner 1978, vol. 2, pp. 302-48 for the French exponents of this argument and Van Gelderen 1992, pp. 110-65 for the Dutch ones. For a recent survey of these debates see Mortimer 2021, pp. 155-77.

<sup>407</sup> Althusius 1603a, ch. XIV, p. 167.

<sup>408</sup> Garnett 1994, p. lxxv.

sought to legitimise their resistance to the existing Catholic government. Among these were the anonymous *Reveille-matin*, François Hotman's *Francogallia* and Theodore Beza's *Du droit des magistrats*.<sup>409</sup> Their arguments were in turn taken up and elaborated in the *Vindiciae*, causing its author to be singled out by William Barclay as one of the leading 'monarchomach' or 'king-wounding' writers in his treatise on absolute monarchy of 1600.<sup>410</sup> The essence of this monarchomach case is that – as the *Vindiciae* puts it – the people, with a view to the maintenance of 'their rights and privileges', must always hold the 'supreme lordship' in a kingdom, so that collectively they remain 'the King's superior' and hence in a position to depose him if his powers constitute a danger to the continued enjoyment of their liberty.<sup>411</sup>

Besides drawing on such revolutionary doctrines, Althusius also invokes a number of arguments derived from the texts of Roman law. As I showed in chapter 2, Justinian's *Codex* had always furnished the political writers of Renaissance Germany with one of their highest authorities. Althusius is no less clearly indebted to this source, above all to the chapters in the *Digesta* and the *Institutiones* devoted to the analysis of the concept of civil liberty. The distinctions drawn in these chapters had already been pressed into service by some of the leading monarchomach writers,<sup>412</sup> especially by the author of the *Vindiciae*, who makes extensive use of them in the course of defending 'the people's undiminished right' to release themselves from bondage and recover their liberty at any moment.<sup>413</sup>

Althusius's employment of the same distinctions has never been studied, and some commentators have even denied that there is a recognisable conception of civil freedom underpinning his constitutional argument in the *Politica*.<sup>414</sup> In what follows I shall attempt to show, by contrast, that Althusius assigns a clear meaning to the term *libertas* in connection with the standing of citizens or subjects, one derived almost entirely from the relevant passages in Justinian's *Codex*. Furthermore, I shall argue that it is this understanding of liberty that in turn governs much of his thinking about the sovereignty of the people, and consequently his response to Bodin and the other absolutist writers as well.

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<sup>409</sup> Skinner 1978, vol. 2, pp. 304-5.

<sup>410</sup> Barclay 1600, title-page on 'Brutum ... & reliquos Monarchomachos'.

<sup>411</sup> *Vindiciae* 1579, p. 89 on the importance of the 'supremo dominio Populi' for the maintenance of 'Populi iura & Privilegia' and on the fact that 'Populus universus Rege superior est'.

<sup>412</sup> On the later use of Roman law doctrines about freedom in connection with a 'monarchomach' theory of popular sovereignty during the English civil war, see Skinner 2002, vol. 2, pp. 286-307; Skinner 2018, pp. 200-1. See also Hamel 2013; Sabbadini 2020, pp. 39-62. For a general discussion of the use of 'ancient' ideas about freedom in northern Europe in this period, see De Dijn 2020, pp. 150-9.

<sup>413</sup> *Vindiciae* 1579, p. 105 claiming that the 'Populum ... perpetuae evictionis ius integrum habere'.

<sup>414</sup> Kossmann 2000, p. 160. Cf. also Hofmann 1974, pp. 366-7; Duso 2002, pp. 18-24.

The discussion of liberty in both the *Digesta* and the *Institutiones* begins by stating that our natural state as human beings is one of equal freedom.<sup>415</sup> This is followed by two complementary claims about what it means to be a free citizen or subject. To be free is in the first place to enjoy ‘the natural faculty of living as we please, provided that our actions are not prohibited by law or prevented by force’.<sup>416</sup> The other claim is that we cannot enjoy our freedom if we are reduced to a condition of slavery or servitude, because under the law ‘all people are either *liberi homines*, free persons, or *servi*, slaves’.<sup>417</sup> It follows that to be a slave is to be deprived of the ability to live as one wishes. For a slave ‘is subject to the power or *dominium* of someone else’, and thus lacks the freedom to act according to his or her own will, being obliged to act according to the will of his or her master or *dominus*.<sup>418</sup> This in turn means that we can only be free if we are not living under anyone’s power and sway. To be free is accordingly to be *sui iuris*, in one’s own right and under one’s own control.<sup>419</sup>

These doctrines make no appearance in Althusius’s early legal writings, in which he finds little to say about the concept of freedom.<sup>420</sup> But in the *Politica* he explicitly refers to them,<sup>421</sup> and goes on to argue in strikingly similar terms that servitude must be understood as the condition of living under the will of a *dominus* or lord, and hence as the antonym of civil liberty.<sup>422</sup> The same contrast is still more emphatically drawn in the text which Althusius – as we saw in chapter 1 – appears to have written on Emden’s behalf in 1608, and which circulated in manuscript under the title *Vindiciae iuris populi*.<sup>423</sup> Finally, Althusius also includes a much extended discussion of the concepts of liberty and servitude in the *Dicaeologicae* of 1617.<sup>424</sup> Here Althusius not only invokes the same distinction between free persons and slaves,<sup>425</sup> but he also underlines the crucial claim that it is the mere fact of being subservient to, and

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<sup>415</sup> Justinian 2014b, I. I. 4, p. 1: ‘iure naturali omnes liberi nascerentur’; cf. Justinian 2014a, I. II. 2, p. 3. My account in this paragraph draws in particular on Skinner 2022, esp. pp. 233-41. See also Wirszurbski 1968, pp. 1-3; Skinner 1998, pp. 38-44. For the main exposition of freedom as ‘non-domination’ see Pettit 1997.

<sup>416</sup> Justinian 2014b, I. V. 4, p. 7: ‘libertas est naturalis facultas eius quod cuique facere libet, nisi si quid aut vi aut iure prohibetur’; cf. Justinian 2014a, I. III. 1, p. 4.

<sup>417</sup> Justinian 2014b, I. V. 3, p. 7: ‘omnes homines aut liberi sunt aut servi’; cf. Justinian 2014a, I. III, p. 4.

<sup>418</sup> Justinian 2014b, I. V. 4. 1, p. 7: ‘dominio alieno ... subicitur’; cf. Justinian 2014a, I. III. 2, p. 4.

<sup>419</sup> Justinian 2014b, I. VI. 1, p. 8; Justinian 2014a, I. VIII, p. 5.

<sup>420</sup> As noted in Brett 2011, p. 161.

<sup>421</sup> Althusius 1603a, ch. XXXI, p. 453, referring in his discussion of the liberty of subjects to what the ‘Iurisconsulti tradunt’.

<sup>422</sup> Althusius 1603a, ch. XIX, pp. 255, 259, 263.

<sup>423</sup> Brenneysen 1720, vol. 1, p. 449. Brenneysen provides an excerpt of the text of the *Vindiciae iuris populi*. All my quotations in what follows are from this excerpt.

<sup>424</sup> Althusius explicitly cross-references to this discussion in the later versions of the *Politica*. See Althusius 1610a, ch. XXI, p. 276. For two contrasting discussions of Althusius’s view of freedom as presented in the *Dicaeologicae* see Witte 2007, pp. 165-9; Brett 2011, pp. 161-2.

<sup>425</sup> Althusius 1617, I. 22. 10, p. 84.

dependent on, the will of someone else that makes us unfree. This is because ‘personal liberty’ consists precisely in ‘not being dependent on anyone’.<sup>426</sup>

Even though Althusius here speaks of a complete absence of dependence, it is notable that – as he makes clear on the opening pages of the *Politica* – he does not think of our freedom as in any way diminished by what he describes, in humanist vein, as our human reliance on others.<sup>427</sup> He may thus be said to mark a distinction between such reliance on *auxilium* or help and being dependent on, and subject to, the will of a *dominus* or lord.<sup>428</sup> While the latter condition takes away our freedom, the ‘support of others’ not only leaves it intact but is even indispensable if we are to enjoy it to maximum effect.<sup>429</sup> The reason is that ‘no human being is capable of living the good life and achieving happiness’ unless assisted by others.<sup>430</sup> We retain our standing as free persons while receiving such assistance.

We also need to take note of another distinction introduced by Althusius in his account of human social life in the *Politica*. Although he refers towards the end of his book to the discussion of ‘the liberty of human beings’ in the texts of Roman law,<sup>431</sup> his early chapters show that he is specifically concerned with the liberty of male citizens who are the heads of their own families, and possess the status of *domini* in their domestic affairs.<sup>432</sup> This leads him in effect to mark out a third category of persons who are neither slaves nor entirely free, since they live to some degree in a state of subjection to the will of someone else. It is possible, according to Althusius, to lack personal liberty without being a slave.<sup>433</sup>

One class of persons falling into this category is that of domestic servants; another is that of children;<sup>434</sup> but Althusius is most emphatic in the case of wives or *mulieres*. Women, while part of what is said to be the weaker sex, sometimes enjoy a high standing in the community at large, and they can even hold certain public offices.<sup>435</sup> Nor are wives slaves; they and their husbands are partners, and they share with them ‘the government of their family and

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<sup>426</sup> Althusius 1617, 1. 25. 10, p. 97, defining ‘ius libertatis personam concernens’ as a matter of ‘a nullo pendere’. On this argument see Pettit 1997, pp. 63-4; Pettit 2014, pp. 41-6; Skinner 2022, pp. 244-8.

<sup>427</sup> Althusius is not here using the concept of necessity in any ‘deterministic’ sense, as Friedrich 1932, pp. lxix-xx suggests. Cf. also Kossmann 2000, p. 161. He is simply claiming that human beings ‘need’ each other if they wish to attain the goals of human life.

<sup>428</sup> For these terms see Althusius 1603a, ch. I, p. 1; ch. XIX, p. 263.

<sup>429</sup> Althusius 1603a, ch. I, p. 1 on what we might achieve ‘alio ... iuvante’.

<sup>430</sup> Althusius 1603a, ch. I, p. 6: ‘nemo hominum sufficit sibi ad bene & feliciter vivendum.’ For the suggestion that it is only possible to enjoy a ‘comfortable life’ while being free, see Althusius 1603a, ch. XXXI, pp. 452-3.

<sup>431</sup> Althusius 1603a, ch. XXXI, p. 453 on the ‘libertatem hominis naturalem’.

<sup>432</sup> Althusius 1603a, ch. III, p. 28; ch. IV, p. 29.

<sup>433</sup> For similar accounts see Skinner 2022, pp. 238-40.

<sup>434</sup> Althusius 1603a, ch. III, pp. 27-8 cf. ch. XIX, pp. 264, 265; ch. XXXI, p. 451.

<sup>435</sup> Althusius 1603a, ch. I, p. 8; ch. XI, pp. 100-1.

the care of domestic affairs'.<sup>436</sup> As Althusius explicitly adds, however, a wife always lives 'in subjection' to her husband's will, and cannot therefore be said to be fully free.<sup>437</sup> She is not capable of living as she wishes, because 'she is unable to act without her husband's counsel and consent'.<sup>438</sup> Even if her husband performs all his marital duties with the utmost love and care, she is nevertheless unfree, since she remains in a state of dependence on his goodwill.

Althusius is thus willing to treat as wholly unproblematic the claim that there exist various groups of persons who are incapable of enjoying the full extent of civil liberty and cannot be regarded as full-fledged citizens. The implication is that, when Althusius throughout the *Politica* speaks of free citizens, he is referring solely to male citizens who maintain complete control over their own families and households. His ideal of the *liber civis*, so he tells us, is that of the independent *paterfamilias*.<sup>439</sup>

There is a final point worth emphasising by way of rounding off these preliminary observations about the ideal of freedom underlying Althusius's doctrine of popular sovereignty. This is that he is content to take for granted the fact that, as he says in the *Dicaeologicae*, we all possess 'a free capacity or power to make our own choices'.<sup>440</sup> It is true that in the *Politica* he goes on to mark an explicit distinction between civil conduct and religious belief, denying that we are free to choose in matters of faith.<sup>441</sup> But he is still willing to assume that we are at liberty to make up our own minds about how we wish to pursue the ends of civil life. Among the philosophers and theologians of the Protestant Reformation, the existence of a free will even with respect to 'external matters' was hardly ever regarded as such a straightforward truth.<sup>442</sup> Some writers – notably Calvin – were at times inclined to deny it on the grounds that our choices are always subject to God's will.<sup>443</sup> Others – such as Melancthon – sought to argue that our civil actions (but not our faith) must be the outcome of our own free will because God does not impose on us any necessity to perform these specific actions.<sup>444</sup> Althusius, by contrast, exhibits no sustained interest in the relationship between our civil liberty and divine providence. He never tries to explain the nature of this relationship, nor does he pay

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<sup>436</sup> Althusius 1603a, ch. II, p. 15: 'familiae gubernatio ... & cura rei domesticae'.

<sup>437</sup> Althusius 1603a, ch. II, p. 13 on the wife's 'marito ... subiectionem'.

<sup>438</sup> Althusius 1603a, ch. II, p. 14: 'Sine cuius consilio & consensus nihil agit'.

<sup>439</sup> Althusius 1603a, ch. IV, p. 29.

<sup>440</sup> Althusius 1617, I. 25. 8, p. 97 on our 'libera potestas ... eligendi'; cf. Althusius 1601, I. XI, p. 182 on *liberum arbitrium* and Althusius 1603a, ch. XIX, p. 259, referring to our capacity to act in accordance with our *voluntas*.

<sup>441</sup> Althusius 1603a, ch. VI, p. 65; Althusius 1610a, ch. XXVIII, p. 428; cf. also Althusius 1617, I. 20. 7, p. 76.

<sup>442</sup> Brett 2011, pp. 48-56; Saarinen 2011, pp. 105-209.

<sup>443</sup> Calvin 1559, II. IV. 7, p. 103. But cf. Muller 2017, pp. 122-7 for a contrasting reading. See also Fergusson 2018, pp. 77-92.

<sup>444</sup> See, for example, Melancthon 1559, p. 77. For Melancthon on free will see Graybill 2010.

any attention to metaphysical questions about necessity and contingency. This aspect of the Reformation debate is simply ignored.

### **The defence of popular sovereignty**

To see how Althusius draws on these arguments about civil liberty to develop a theory of public life grounded on the sovereignty of the people in the *Politica*, we first need to recall the way of thinking about the ideal of the *res publica* which the German humanists had inherited from their classical authorities. To say that a community is properly instituted, these writers agreed, is equivalent to saying that its rulers follow the dictates of justice in their public acts, so that the common good is promoted and each individual member of the community is in consequence able to pursue his own happiness.

Althusius endorses this exact understanding of what it means for a society to be well-instituted. His point of departure in the *Politica* is furnished by the idea – explicitly derived from the text of Roman law – that our original state as human beings is one of ‘natural liberty’.<sup>445</sup> This leads Althusius to infer that every form of social and political life must be an outcome of human choice, and must thus be based on a *pactum* or agreement made by free people for their mutual benefit.<sup>446</sup> By way of a *pactum*, we give our consent to living together in familiar associations (unless we are born into them), in civil bodies, and finally in a commonwealth or *respublica*, in which ‘many communities’ are united together ‘and placed under one set of laws’ and a common government.<sup>447</sup>

We next need to know about the purposes for which people to enter into such agreements, because this in turn can help us to understand the terms these agreements serve to impose on the regulation of public life. It is at this juncture that Althusius starts to actively echo the arguments habitually invoked by the political writers of the German Renaissance. To follow Althusius’s particular line of argument, however, we first need to note a distinction around which his entire discussion of public life is structured. This is introduced in chapter VI, in which Althusius first explicitly distinguishes between the requirements of what he later

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<sup>445</sup> Althusius 1603a, ch. XXXI, p. 453 on the ‘libertatem hominis naturalem’; cf. also Althusius 1610a, ch. XVIII, p. 197.

<sup>446</sup> Althusius 1603a, ch. I, p. 5 on the fact that ‘causam efficientem consociationis politicae esse consensum & pactum communicantium civium.’ On the relationship between this argument and existing traditions of humanist political thought see Skinner 1978, vol. 2, p. 346; Höpfl and Thompson 1979, p. 936.

<sup>447</sup> Althusius 1603a, ch. VI, p. 55: ‘quod ex pluribus universitatibus ... constat, & collectum est sub iure’. Cf. ch. II, p. 11; ch. IV, p. 29; ch. V, pp. 36, 46; ch. VI, p. 54.

describes as ‘religious life’ and ‘civil or political life’.<sup>448</sup> As he explains, the attainment of the purpose of religious life depends on our fulfilling the laws of the first table of the Decalogue, while we may be said to have achieved the ends of civil life if our society is instituted in accordance with the laws of the second table of the Decalogue.<sup>449</sup>

It is this distinction that enables Althusius to incorporate the classical conception of what it means for a community to be well-instituted into his political philosophy. As he states at the outset, one of our aims in contracting to establish a political association must be to live in a way that ‘enables us to properly show our devotion to God’, in strict compliance with His will as revealed through Scripture.<sup>450</sup> This is the way of life that is set down for us by the first table of the Decalogue, whose teachings can be summarised by saying that they show us how to dedicate ourselves to God’s glory.<sup>451</sup> As Althusius never tires of reminding us, one of our highest goals should be to render to God the glory and obedience which He is due.<sup>452</sup>

Althusius’s discussion of civil life, however, is overwhelmingly couched in the distinctive political vocabulary of Renaissance humanism. Although he consistently refers to the requirements of civil life as precepts of the second table of the Decalogue, his analysis of what the laws of the second table prescribe closely follows the analysis of well-instituted societies developed by the leading German humanists on the basis of their classical authorities. Turning to expound the laws of the second table, Althusius maintains that justice must be served at all times, agreeing that a commonwealth may be said to be justly governed if each subject or citizen is given his due.<sup>453</sup> To which he adds that this will at the same time serve to promote the good of the commonwealth as a whole, for it is by means of just action that ‘the common good in human society’ is brought about.<sup>454</sup> The chief end of civil life, we are told, is that of procuring ‘the benefit of the people’.<sup>455</sup>

If what needs to be realised is a society in which everyone receives their due, the next question to ask must be what is rightfully due to the members of political associations. Addressing this question, Althusius’s answer again echoes the one given by earlier humanists. As we have seen, the political theorists of the German Renaissance had derived from their classical sources the belief that what is due to each of us is the preservation of those properties

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<sup>448</sup> Althusius 1603a, ch. XVI, p. 205 on ‘vitam religiosam’ and ‘vitam civilem politicam’.

<sup>449</sup> Althusius 1603a, ch. VI, p. 59.

<sup>450</sup> Althusius 1603a, ch. I, p. 5: ‘habere vitam in qua possis sine errore ... Deo inservire’; cf. ch. VI, pp. 60, 61, 65.

<sup>451</sup> Althusius 1603a, ch. VI, p. 59.

<sup>452</sup> Althusius 1603a, ch. XIV, pp. 137, 146-7; ch. XVI, pp. 197, 205; ch. XIX, p. 260.

<sup>453</sup> Althusius 1603a, ch. VI, p. 59: ‘iustitia suum cuique tribuens, quae est tabula secunda Decalogi.’

<sup>454</sup> Althusius 1603a, ch. XVI, p. 208 on promoting the *bonum commune in societate humana*.

<sup>455</sup> Althusius 1603a, ch. VI, p. 59 on acting ‘ad utilitatem populi’.



on which our happiness may be said to depend. Althusius speaks in exactly the same terms, while at the same time agreeing that, among these properties, it is our individual freedom that above all needs to be secured if we are to have any hope of living the good life. This argument is presented at the end of chapter V of the *Politica*, where Althusius writes that ‘each individual citizen must be allowed to enjoy his *libertas* and his right or due’.<sup>456</sup> Following established humanist usage, Althusius later goes on to link this value of civil liberty with the untrammelled enjoyment of our lives, our possessions or estates, and our good standing within our community.<sup>457</sup> These are said to be the properties that are due to each citizen under the laws of the Decalogue, and hence in a just commonwealth.<sup>458</sup> For ‘these same properties are also what a person needs to be able to enjoy in order to live a comfortable life’, a life of personal happiness.<sup>459</sup>

Armed with this analysis, Althusius next proceeds to explicate his view of the agreement or *pactum* out of which commonwealths arise. As he argues, the terms of this pact must always be such as to ensure that the purposes of both religious and civil life are capable of being fulfilled in the resulting *respublica*. Its individual members should be able to live a life of genuine godliness, and be free to pursue to their own happiness in consequence of being assured of their liberty, and hence of their lives, property and reputation. If and only if the requirements of justice as well as religion are capable of being satisfied can the founding *pactum* be said to be valid, and a political community be said to be properly instituted. The clearest statement of this view is found in the sixth chapter of the *Politica*, in which Althusius lays it down that those who agree among themselves to set up a commonwealth must ‘oblige themselves to the institution and defence’ of an ideal of public life that will allow its ‘members to live piously and to live a comfortable or good life’.<sup>460</sup> This is because the ‘foundation of a well-ordered society’ chiefly consists in the upholding of justice and religion.<sup>461</sup>

We can now see what role Althusius assigns to the concept of individual liberty in his argument about the nature of a well-instituted form of political life. He argues that the arrangements of a justly constituted *respublica* must be such that each citizen or subject will be assured of his freedom, and hence of all that is required to pursue his happiness. If and only

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<sup>456</sup> Althusius 1603a, ch. V, p. 54: ‘civi cuilibet ... ius, libertas ... relinquitur’. Cf. Althusius 1610a, ch. X, p. 134; ch. XXI, p. 276.

<sup>457</sup> Althusius 1603a, ch. XXXI; pp. 452-3. The same values are also singled out in [Althusius] 1602, sig. B, 1v, but not connected with the concept of freedom.

<sup>458</sup> Althusius 1603a, ch. XVI, pp. 205-6.

<sup>459</sup> Althusius 1603a, ch. XXXI, p. 452: ‘quibus [bonis] si homo ... fruitur, commode ... vivat.’

<sup>460</sup> Althusius 1603a, ch. VI, p. 54 on how the parties to the *pactum* ‘obligant se’ to the *constitutio* and *defensio* of a *respublica*, ‘ut membra illa ... commode, bene, pie ... vivant’.

<sup>461</sup> Althusius 1603a, ch. VI, p. 59 describes the dictates of *religio* and *iustitia* as ‘fundamenta ... bonae societatis’.

if these are the public structures we contract to bring into being can the purposes for which we enter into political life be realised. It remains to ask how Althusius draws on his specific understanding of civil liberty to defend a vision of public life in which the body of the people remains the ultimate bearer of sovereignty at all times. It is this question that now needs to be investigated.

Among Althusius's humanist predecessors, the idea of organising public life on the basis of popular authority had been widely regarded with deep hostility.<sup>462</sup> There can be little prospect of upholding justice, let alone of lasting public peace, these writers had maintained, when supreme authority is assigned to the people. Johannes Ferrarius argues in these terms in his *De republica* of 1556, as does Jakob Omphalius in his *De civili politia* of 1563 and Konrad Heresbach in his political treatise of 1570.<sup>463</sup> Among Althusius's direct contemporaries we find the same judgment no less widely expressed. Bodin quotes Xenophon to the effect that in 'popular states' there is no regard for justice.<sup>464</sup> Hippolytus a Collibus speaks in similar terms in his *Princeps* of 1593,<sup>465</sup> while Eberhard von Weyhe yet more forthrightly states in his *Explicatio* of 1598 that entrusting undivided sovereignty to the *populus* is not 'very safe'.<sup>466</sup>

By contrast with all these writers, Althusius defends a form of public life based on the sovereignty of the whole people as the one and only means of preserving the freedom of each citizen, and hence as the only way to establish a just commonwealth. There cannot, he insists in his preface to the *Politica*, be any commonwealth 'worthy of the name' in which the *iura maiestatis* or rights of sovereignty are the property of the *populus universus*, the body of the people as a whole.<sup>467</sup> No other arrangement can be valid, since it is only by assigning ultimate authority to the people that the purposes of political life can be realised.

Describing the sort of power that should be possessed by the people, Althusius refers us again to his distinction between religious and civil life. In both domains of public life the sovereignty rightfully possessed by the people is equated with a power to 'dispose' of public affairs for good of all, and more specifically with a power to establish the legal basis of government.<sup>468</sup> But as Althusius argues, the people cannot have a right to legislate at their own discretion in matters pertaining to our spiritual welfare and eternal life, for all 'decisions

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<sup>462</sup> Cf. Dreitzel 1992, p. 29.

<sup>463</sup> Ferrarius [1556], 2. II, p. 19; Omphalius 1563, I. 5. 2, p. 11; Heresbach 1570, fo. 86v.

<sup>464</sup> Bodin 1586, 6. IV, p. 697: 'Iustitiam ... aversatur'.

<sup>465</sup> Collibus 1593, ch. I, p. 12.

<sup>466</sup> Von Weyhe 1598, p. 67, reversing Machiavelli's commitment to the effect that it is 'tutius' to entrust the preservation of liberty to the *populus* than to the nobility.

<sup>467</sup> Althusius 1603a, sig. (:), 5r on what it means for a *respublica* to be *nomine hoc digna*.

<sup>468</sup> Althusius 1603a, ch. VI, pp. 57-9.

concerning the true and pure worship of God need to be made on the basis of God's word alone'.<sup>469</sup> The power ascribed to the people in *religio* is thus restricted to a power to make sure that God's commandments are duly followed.

In the regulation of civil affairs, however, the consent of the whole people is taken to be indispensable. If justice is to be upheld, it is essential that civil government should be conducted wholly on the basis of laws enacted with *consensu communi*, the consent of the members of the body politic as a whole. As Althusius maintains, every legitimate civil law must reflect such consent, so that it 'can also be described as a public decree issued on behalf of the people',<sup>470</sup> or as an expression of the general will.<sup>471</sup>

The further requirement that needs to be satisfied in the regulation of civil life, Althusius goes on, is simply that the resulting legal and political arrangements must at all times remain in line with 'moral equity' or justice.<sup>472</sup> As we have seen, Althusius thinks of the ideal of justice as demanding that each citizen should be able to live freely, and the specific limitation on popular sovereignty to which he is referring accordingly arises from the fact that the body of the people has no right to deprive any of its individual members of his freedom. As the second version of the *Politica* confirms, even though the law is basically an expression of the popular will, no law can ever be 'allowed to diminish, or to take away, either the use of bodily functions or the *libertas*' of anyone in particular.<sup>473</sup>

It remains for Althusius to explain why it is only in a form of public life grounded on the sovereignty of the people that it is possible for the requirements of justice and liberty to be met and the ends of political life to be attained. The essence of Althusius's answer is that, unless the whole body of the people retains the sovereign right to determine the actions of government in civil affairs, the value of civil liberty can never be sustained. If in constituting a commonwealth we give up our collective possession of sovereign power, we will invariably be forfeiting our freedom.

It is true that Althusius does not take this to be the only way in which we can lose our freedom. Even if we have not completely handed over our collective powers, we might find that those to whom we have given these powers in 'trust' to be used for our benefit come to

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<sup>469</sup> Althusius 1603a, ch. VI, p. 61: 'de vera & pura Dei ... cultu, ... ex solo Dei verbo est constituendum'.

<sup>470</sup> Althusius 1603a, ch. VII, p. 67: 'Vocari etiam potest lex iussio publica populi'.

<sup>471</sup> Althusius 1603a, ch. VI, p. 58 on the 'communi voluntate'.

<sup>472</sup> Althusius 1603a, ch. VII, p. 67, stating that the laws cannot prescribe anything 'morali aequitati ... contrariae'.

<sup>473</sup> Althusius 1610a, ch. X, p. 135, stressing that no element of 'libertasve, aut usus corporis' can be 'minuatur, vel adimatur' by the laws.

use them for our detriment instead.<sup>474</sup> Such an ‘abuse of the rights of sovereignty’<sup>475</sup> would of course constitute a violation of our *libertas*, which consists in part in the free enjoyment of our own lives, and hence in a ‘freedom from oppression, coercion’ and any other kind of unjustifiable attack on our personal safety.<sup>476</sup> If we are to enjoy our freedom, it is essential that our rulers should act justly and avoid ‘inflicting any harm’ on us.<sup>477</sup>

When Althusius discusses the terms of the *pactum* that must underlie any just form of political life, however, he defends the sovereignty of the people by advancing the much stronger claim that, unless this is the arrangement we agree to set up, we can never truly be free at all. If we examine his reasoning at this stage, moreover, we find that his case wholly rests on the contrast between the *liber homo* and the *servus*, the free person and the slave, drawn in Justinian’s *Codex*. Any community in which sovereignty is possessed not by its members as a whole but by their rulers, Althusius declares, is one whose members are subject to a power capable of being exercised without their consent. But to live in subjection to the mere will of another – to a *dominus* or lord – is what it means to be a slave. The radical conclusion at which Althusius arrives in the *Politica* is thus that the only alternative to a system of government founded on the sovereignty of the people is the complete loss of civil freedom.

We already encounter this line of thought in several earlier monarchomach treatises, most notably in the *Vindiciae, contra tyrannos*, which presents a similar account of the nature of the covenant made by a people with its king at the start of his reign. The only arrangement to which the people can legitimately give their consent is one in which they retain the ‘supreme lordship’ and their ruler is appointed to act merely as their ‘servant’.<sup>478</sup> The reason is that any other agreement would have the effect of subjecting the people to a *dominus*, a master or lord. By entering into such a contract they would accordingly be selling themselves into slavery, ‘putting themselves into fetters and chains’.<sup>479</sup> This is because they would be placing themselves in a state of ‘dependence on the will of someone else’.<sup>480</sup> The only legitimate form of monarchical government must thus be one in which the will not of the king but of the whole people is sovereign, so that the ‘license of their Prince’ is not able to ‘take away the liberty of

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<sup>474</sup> For the image of magistrates as trustees (those whose powers are given to them in trust or ‘fidei’) see Althusius 1603a, ch. XIV, p. 145; ch. XV, pp. 168, 195; ch. XIX, p. 260.

<sup>475</sup> Althusius 1603a, ch. XIV, p. 158 on a ruler who ‘abutitur iuribus maiestatis & potestate sua a populo accepta.’

<sup>476</sup> Althusius 1603a, ch. XXXI, p. 452 on being *liber* ‘a ... coercionem & suppressionem’.

<sup>477</sup> Althusius 1603a, ch. XIV, p. 157 on the need to avoid *innocentes affligere*. For the underlying understanding of just conduct as the avoidance of *iniuria*, see in particular Cicero 1913, I. XIII. 41, p. 44.

<sup>478</sup> *Vindiciae* 1579, p. 89 for ‘supremo dominio Populi’ and pp. 86-7 for the analogous comparison of the king to a ‘servus’.

<sup>479</sup> *Vindiciae* 1579, p. 170: ‘populus sibi ipse catenas & compedes iniiciat’; cf. p. 125.

<sup>480</sup> *Vindiciae* 1579, p. 126: ‘ab alieno arbitrio ... pendere’.

the People'.<sup>481</sup> The terms of the political covenant must always be such that the king is bound to act in accordance with the consent of the people as a whole,<sup>482</sup> who remain the 'lord or *dominus* of the commonwealth'.<sup>483</sup>

Althusius lays out a similar argument about the *pactum* or agreement that gives rise to a just commonwealth at various points in the *Politica*, but he supplies the fullest statement of the underlying view of civil freedom in chapter XIX. Taking as his starting-point the idea that what it means to possess *libertas* as a subject must be defined by contrast with an understanding of the concept of slavery, Althusius goes on to ask what it means to be a slave.<sup>484</sup> His ensuing analysis not only closely follows the account contained in the *Codex* of Roman law; it is even couched in the exact vocabulary of the law. 'We are maintained in a condition of servitude or slavery', Althusius affirms, whenever 'we are subject to a *dominus* or lord'.<sup>485</sup> How can the mere fact of being subject to a *dominus* be said to make us unfree? The answer is that in these circumstances we can never be free to act as we want, because we are at all times subject to the 'complete *dominium* or power' of our *dominus*, and hence under his control.<sup>486</sup> We will always be 'forced to serve him out of necessity' as opposed to being moved to act 'by our own will and interest'.<sup>487</sup> As in Justinian's *Codex*, we are thus said to lose our standing as free agents whenever we become 'unwilling subjects', agents ruled by the will of someone else.<sup>488</sup> To be a free citizen, in other words, is to be free from such subjection.

While Althusius is arguing that we can only be said to live in a just society if our liberty as citizens or subjects is assured, he accepts that our capacity to exercise our freedom can be rightfully curtailed. He thinks of liberty as a capacity to live and act according to 'our own will'. But Justinian's *Codex* had laid it down that our use of this 'faculty' must be subject to restrictions imposed by the commands of the law.<sup>489</sup> Althusius not only agrees but emphasises that without the appropriate legal regulations we would not be able to live together in a just

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<sup>481</sup> *Vindiciae* 1579, p. 106 on what 'libertati Populi demitur' and 'Principis licentiae adiungitur'.

<sup>482</sup> See *Vindiciae* 1579, pp. 119, 123-4 on the king's obligation to uphold the laws and his inability to pass new laws or alter existing ones without 'communi consensu'. Cf. also pp. 142-3 on the requirement of consent for taxation.

<sup>483</sup> *Vindiciae* 1579, p. 205: 'Populus, qui reipublicae dominus est'; cf. pp. 210-1 for the provision that it is only the whole people or *populus universus* that possesses the sovereign authority to set up and set down kings.

<sup>484</sup> Althusius 1603a, ch. XIX, p. 255; cf. also ch. XVIII, p. 246.

<sup>485</sup> Althusius 1603a, ch. XIX, p. 263: on how *domini* 'subditos pro servis habent'.

<sup>486</sup> Althusius 1603a, ch. XIX, p. 263: 'plenum dominium'.

<sup>487</sup> Althusius 1603a, ch. XIX, p. 259, for the distinction between being someone whom 'servire necessitas coegit' and being moved to act by one's own 'voluntas & utilitas'.

<sup>488</sup> Althusius 1603a, ch. XIX, p. 259 on being *invitus*.

<sup>489</sup> Justinian 2014b, I. V. 4, p. 7: 'libertas est naturalis facultas eius quod cuique facere libet, nisi si quid ... iure prohibetur'; cf. Justinian 2014a, I. III. 1, p. 4. Althusius quotes this phrase in Althusius 1610a, ch. XXXVIII, p. 688 and ch. XXXIX, p. 694. Cf. also Althusius 1617, I. 25. 7, p. 96.

society at all.<sup>490</sup> He further affirms that the range of actions we can lawfully perform is limited not merely by the laws of our own community but also by the laws of God and nature. These latter laws instruct us in our duties towards our fellow citizens, thereby enabling us to institute our lives and society in accordance with the dictates of justice.<sup>491</sup>

Even though these laws are seen as limiting our freedom of action, they are not taken to make us unfree. Althusius is adamant that it is possible to retain *libertas* in a society ruled by law and justice – to remain free in the sense of not being dependent on the will of another.<sup>492</sup> What Althusius is suggesting, then, is that there is a difference between being restricted in one's capacity to exercise one's freedom and being 'subject' to the power and will of someone else – which has the effect not of restricting our choices but of taking away our standing as free persons.<sup>493</sup> It is only when we forfeit our standing as free citizens that we become 'unwilling subjects', unfree agents. It is this outcome that needs to be avoided if we wish to enjoy our *libertas* under government.

It is this understanding of civil freedom that underpins Althusius's defence of the sovereignty of the people, for it is what enables him to insist that, unless the *pactum* underlying the *respublica* assigns ultimate sovereignty to the people, all subjects must be ruled by the will of those in power, and must thus be compelled to live as slaves. The only way in which civil liberty can be preserved is by organising political life on the basis of the will of the whole people, the *populus universus*, 'who must remain legally entitled to the ownership of the rights of sovereignty'.<sup>494</sup> If and only if this is the outcome of the *pactum* can the will underlying and sustaining social life be said to be 'the *communis voluntas*, the general will of everyone'.<sup>495</sup> This in turn means that there can be no other way to avoid the loss of civil freedom than by setting up a structure of government founded on the sovereignty of the people. To submit to any other government is tantamount to 'giving one's own life away',<sup>496</sup> for it is to place oneself in a state of subjection to the *dominium* of a ruler, to his lordship and will,<sup>497</sup> and therefore in an 'intolerable condition of complete servitude'.<sup>498</sup> To avoid this outcome, we must make sure,

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<sup>490</sup> Althusius 1603a, ch. VII, p. 67.

<sup>491</sup> Althusius 1603a, ch. XVI, pp. 203, 204.

<sup>492</sup> Althusius 1603a, ch. V, p. 54; Althusius 1610a, ch. X, p. 134.

<sup>493</sup> For this distinction see Pettit 2012, pp. 26-8; Skinner 2022, pp. 242-4.

<sup>494</sup> Althusius 1603a, sig. (:), 5r: 'proprietaem vero illorum [sc. iurium maiestatis] ... adeo ... iure ad ... populum universum pertinere contendo'.

<sup>495</sup> Althusius 1603a, ch. VI, p. 58 on the 'communi voluntate'.

<sup>496</sup> Althusius 1603a, sig. (:), 5r: 'vitam quam quisque habet, alii communicare'.

<sup>497</sup> Althusius 1603a, ch. XIX, p. 263.

<sup>498</sup> Althusius 1603a, ch. XIX, p. 255, speaking of a condition of 'totam servitutum' which *subditi* 'nec ... pati possunt'.

while instituting a commonwealth, that ultimate sovereignty is assigned to the body of people as a whole, so that they remain capable, at least in the last resort, of acting as ‘their own *dominus*’, and thus as masters of their own lives.<sup>499</sup>

These claims – which are further emphasised in the later versions of the *Politica*<sup>500</sup> – are also repeated in the *Vindiciae iuris populi* of 1608. As we saw, this tract seems to have been written by Althusius while he served as syndic of Emden, whose citizen-body had by this time effectively challenged the control over its civic affairs traditionally enjoyed by the counts of East Frisia. The text seeks to establish that the ‘Counts of these regions’ never rightfully possessed such authority to govern ‘at their mere pleasure’.<sup>501</sup> The reason why such authority cannot have been theirs by rights is because its very existence would ‘constitute a violation of the liberty of the people’.<sup>502</sup> Any power capable of being exercised at will ‘places its subjects under the yoke of servitude’.<sup>503</sup> It follows that the ‘contract’ that gave rise to the institutions of the Empire, and hence to the government of the ‘Counts of these regions’ as well, must serve to impose strict conditions on the exercise of political authority. ‘To maintain the subjects in a state of liberty’,<sup>504</sup> it must assign the sovereign or ‘greatest rights’ to the people, so that it must be unlawful for their rulers to undertake any action against the people’s sovereignty.<sup>505</sup> As a consequence, ‘our Counts must at all times have been sworn to uphold all the laws of our province’, and cannot therefore have possessed a just title to exercise their authority at their mere pleasure.<sup>506</sup>

Summing up, we might say – as Althusius himself does – that his constitutional argument in the *Politica* rests on the assumption that a commonwealth or *respublica* can only be claimed to be properly ‘instituted’ if its founding *pactum* serves to impose two connected conditions on the exercise of political power. The first is that all actions undertaken in the name of the community must serve at once to uphold the dictates of justice and religion, so that these actions are duly directed to pursuing the ends of civil as well as religious life. The other is that

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<sup>499</sup> Althusius 1603a, ch. XIX, p. 263: ‘populum, tanquam dominum proprium’; cf. ch. XV, p. 167 on the people’s *dominium*.

<sup>500</sup> See especially Althusius 1610a, ch. XVIII, p. 222 on how the *licentia* of rulers constitutes a violation of liberty; Althusius 1614, XVIII. 106, p. 314 on how government based on the sovereignty of the people represents the only way to avoid the existence of *potestas arbitraria*; XXIX. 2, p. 607, stressing that the powers of rulers must not be allowed to become so extensive that *populi libertas* is thereby annulled.

<sup>501</sup> Brenneysen 1720, vol. 1, p. 449: ‘*pro libitu*’.

<sup>502</sup> Brenneysen 1720, vol. 1, p. 449, claiming that it serves to ‘*libertatem ... populi ... minuere*’.

<sup>503</sup> Brenneysen 1720, vol. 1, p. 449 on how it serves to ‘*obstringere subditos servitutis iugo*’.

<sup>504</sup> Brenneysen 1720, vol. 1, p. 449: ‘*ut subditos in libertatem asserat*’.

<sup>505</sup> Brenneysen 1720, vol. 1, p. 449 on how it is unlawful to ‘*iura optima populi ... minuere*’.

<sup>506</sup> Brenneysen 1720, vol. 1, p. 451, claiming it to be manifest that ‘*omnes provinciales aut nostrates leges cum libertate connexas esse, & hanc sancire, in quas leges Comites iurati semper sunt*’.

political authority must at the same time be exercised in accordance with the laws enacted on behalf of the people, and in the case of the government of civil affairs should be based on the consent of the members of the commonwealth as a whole. This is because it is only under a government founded on the will of the people that it is possible to realise a just society, one in which individual citizens are able to live as free subjects, without being forced to live in subservience to and dependence on the will of their rulers. As Althusius more succinctly expresses it, political power must always be ‘circumscribed by fixed limits, namely by the laws of the Decalogue and the just will of the people’.<sup>507</sup> Unless these requirements are all enshrined in our political arrangements, whatever commonwealth we agree to set up ‘cannot be judged worthy of the name’.<sup>508</sup>

### **The attack on ‘absolute’ sovereignty**

Having defended an ideal of public life grounded on the sovereignty of the people, Althusius finally turns his fire against the theorists of absolute sovereignty, and especially against the absolutist understanding of the concept of popular sovereignty. It is important to underline this point, if only because commentators have tended to suggest that Althusius is defending a form of ‘absolute power inalienably vested in the people’.<sup>509</sup> But this is the almost opposite of what Althusius is doing in the *Politica*, in which the idea of absolute popular sovereignty is subjected to fierce criticism. It is this aspect of his argument that needs lastly to be investigated.

Among Althusius’s contemporaries, the most influential analysis of this concept was supplied by Bodin in his *Six livres de la République*, in which he maintains that (as he expresses it in the Latin edition of his treatise) any political authority whose powers are absolute, or *legibus solutus*, and ‘in whom sovereignty rests’,<sup>510</sup> must be capable of ‘governing everything by his will’ alone,<sup>511</sup> and hence be incapable of being controlled by anyone else in the exercise of his powers.<sup>512</sup> As we have seen in chapter 2, this analysis is subsequently applied by Bodin to the *respublica popularis*, a commonwealth in which the sovereign right to regulate civil life resides with the citizen-body itself. In such a community absolute power must be capable of being wielded by the ‘citizen-body as a whole’ or, in case universal agreement cannot be

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<sup>507</sup> Althusius 1603a, ch. XIV, p. 137: ‘potestas est ... populi ... arbitrio iusto, circumscripta’.

<sup>508</sup> Althusius 1603a, sig. (:), 5r: ‘nomineque hoc indigna iudicanda.’

<sup>509</sup> Franklin 1991, p. 312. For a similar account see Lee 2016, p. 227. Cf. also Friedrich 1932, pp. lxxix, xcii.

<sup>510</sup> Bodin 1586, 1. VIII, p. 80 on those ‘in quibus maiestas inest’.

<sup>511</sup> Bodin 1586, 1. VIII, p. 89: ‘Princeps arbitrio suo, ac voluntate, omnia moderatur’.

<sup>512</sup> Bodin 1586, 1. VIII, pp. 80, 85.



reached, by ‘a majority of the citizens’, a *maior pars*. And this majority must consequently be capable of subjecting not merely the whole community but also ‘all remaining’ and dissenting citizens to its will.<sup>513</sup>

This understanding of the concept of a ‘popular state’ is widely echoed by the German political writers of Althusius’s generation.<sup>514</sup> Of even greater significance from the point of view of my present argument, however, is the fact that Althusius himself endorses the same understanding in his earliest discussion of popular sovereignty in the *Iurisprudencia Romana*. Not only does Althusius in this work accept that all sovereignty is ‘absolute’, and is thus capable of being exercised at will, without the consent of anyone else.<sup>515</sup> He also agrees that, where this power belongs to the whole people, it can be legitimately brought to bear by ‘a majority of the citizens’, on whose will the rest of the citizens all depend.<sup>516</sup>

By the time Althusius wrote the *Politica*, however, he had come to feel that this way of thinking about the concepts of popular sovereignty and majority decision-making embodies a dangerous misunderstanding of the ends of civil life. This is not to say that Althusius in his later writings expresses any disagreement with the underlying assumption that we need to think of some method for enabling a government to act on behalf of the community in the administration of civil life even when its members fail to reach a unanimous verdict. He also accepts that, in these cases, we shall have to permit a *maior pars* to settle the relevant affairs in the name of the community as a whole, so as to prevent the community from being governed in a manner ‘contrary to the will of a majority’.<sup>517</sup> As the second version of the *Politica* confirms, the reason why we need to accept this arrangement is simply that it is the only means by which ‘dissent can be overcome and a definitive decision can be made’.<sup>518</sup>

While conceding this point, however, Althusius at the same time expresses deep dissatisfaction with the further assumption that we have no choice but to permit such a majority to act in the name of the whole body of the people simply at will. In a sudden and violent attack on his own former position, Althusius goes on to declare this opinion to be not merely dangerous but also in conflict with the dictates of justice and equity. He has argued that a community can only be justly instituted if each individual citizen or subject is assured of his

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<sup>513</sup> Bodin 1586, 2. VII, p. 230: ‘cives universi, aut maxima pars civium caeteris omnibus non tantum singulatim, sed etiam simul coacervatis & collectis imperandi ius habent’.

<sup>514</sup> Collibus 1593, ch. I, pp. 11-2; Melandrus 1599, p. 73; Bornitz 1608, p. 51; Keckermann 1608, II. III, p. 548; Kirchner 1608, sig. E, 3r.

<sup>515</sup> Althusius 1588, 1. VIII, p. 24.

<sup>516</sup> Althusius 1588, 1. VIII, p. 25: ‘popularis status, in quo cives universi, aut maxima pars caeteris omnibus ... imperant’.

<sup>517</sup> Althusius 1603a, ch. XIV, p. 154: ‘maxima illorum parte dissentiente’; cf. also ch. XXVII, p. 371.

<sup>518</sup> Althusius 1610a, ch. XXXIII, p. 509: ‘ex maiore numero dissensio dirimi, & certi aliquid statui possit’.

freedom. But to say that a majority of a community's members are able to exercise its powers at will is equivalent to saying that all its remaining members are subject to the mere will of this majority, and hence unfree. To accept such an arrangement is accordingly to accept that the commonwealth might not be able to fulfil its fundamental purpose of preserving the liberty and safety of each subject. This line of criticism is most fully pursued in chapter XIV of the *Politica*, in which Althusius considers the predicament of a group of citizens 'who are incapable of looking after themselves and protecting themselves against force and injury' unless 'those acting in the name of the whole community are willing' to exercise this faculty for their benefit. To depend in such a way on the goodwill of someone else is, according to Althusius's understanding of the concept, what it means to lack personal liberty. As a result, the suggestion that we can approve or even accept such a majoritarian arrangement is instantly dismissed; and the arrangement itself is vehemently denounced as 'the height of injustice or unfairness'.<sup>519</sup>

This argument in turn has the effect of questioning the absolutists' view of sovereignty as an 'absolute' power over citizens, for it leads Althusius to wholly reject the idea that we can allow any such power to exist in a commonwealth. Althusius agrees that when we speak of a power of this kind, we must be referring to an arbitrary power whose exercise is not subject to any limitation imposed by the *arbitrium* or will of anyone but that of the agent that wields it, and is thus capable of being used simply at will.<sup>520</sup> But Althusius strongly denies that there can be a place for such a power in a just commonwealth, again arguing against his former self, and again deriving his conclusions from his analysis of the concept of civil freedom.

Althusius first considers the possibility of assigning absolute power to the officials entrusted with overseeing public affairs and exercising sovereignty. He immediately insists, however, that this would fatally undermine the purposes of the commonwealth. The act of enabling these 'administrators' to govern at will, to govern as sovereign lords or *domini*,<sup>521</sup> is invidiously compared to the act of selling oneself into slavery, or 'giving one's life to someone else'.<sup>522</sup> By relinquishing their sovereign rights the people would be placing themselves in state of subjection to their ruler's will, and thus be forfeiting their liberty. Any commonwealth founded on such a transfer of sovereignty is therefore to be judged unworthy of the name; and any ruler who acquires absolute sovereignty is said to be 'a tyrant'.<sup>523</sup>

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<sup>519</sup> Althusius 1603a, ch. XIV, p. 154: 'Iniquissimum enim essit, ut si alii, vel universi ..., nolint sibi consulere, ii qui sapiunt, non possint sibi prospicere & se tueri contra vim & iniuriam.'

<sup>520</sup> Althusius 1603a, ch. XIV, p. 137, describing 'potestas ... absoluta' in these terms; cf. also Althusius 1610a, ch. XXXVIII, p. 653.

<sup>521</sup> Althusius 1603a, ch. XIX, pp. 261-3.

<sup>522</sup> Althusius 1603a, sig. (:), 5r: 'vitam quam quisque habet, alii communicare'.

<sup>523</sup> Althusius 1603a, sig. (:), 5r-v; cf. also Althusius 1610a, ch. XXXVIII, pp. 687-8.

Althusius is scarcely less insistent that the body of the people cannot be permitted to lay claim to absolute power either. As we have seen, he accepts that the will of a *maior pars* must be capable of serving as a substitute for the will of the whole people in the regulation of civil life. But this means that, if we were to ascribe absolute sovereignty to the whole people, we would in effect be endorsing the very majoritarian arrangement that Althusius has denounced as a standing threat to civil liberty. We would be accepting that the lives and freedom of the remaining citizens depend on the majority whose will underlies the actions of government. We would be accepting, in other words, that such citizens are not free at all. The conclusion at which we are bound to arrive is that the very existence of arbitrary power, even when it is possessed by the people, must be incompatible with the maintenance of liberty and justice. There can never be a ‘just’ administration of public life, Althusius writes in chapter XX, ‘on the basis of the popular will or *arbitrium*’ alone.<sup>524</sup> Returning to the same argument in chapter XXXIII, Althusius states in yet more forthright terms that our aim in political life should not be ‘to please the greatest number of people, but to look after the common benefit’ by preserving the liberty that is everyone’s just due.<sup>525</sup>

One way of summarising Althusius’s dispute with his absolutist adversaries would accordingly be to say that their contributions embody two rival understandings of what it means to be sovereign. According to Bodin and his absolutist followers, those who are rightfully possessed of sovereign power should be capable of wielding it without the consent of anyone but themselves, so that the citizen-body of a ‘popular state’ should be able to legislate at its discretion. But Althusius denies that the mere will even of the people can possibly constitute a sufficient basis of legitimate government, and he consequently goes on to suggest that there should always be some means of ensuring that the laws enacted on behalf of the sovereign people remain in line with the requirements of justice and liberty. Discussing the making of new laws in chapter XXIV, Althusius concludes that such an act of sovereign power should be undertaken with the consent not only of the popular ‘estates’ themselves, but also of a separate institution entrusted by the people with the authority to make certain that their power is justly exercised.<sup>526</sup> By discharging this role this institution will be preventing civil life from

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<sup>524</sup> Althusius 1603a, ch. XX, p. 282 on how it would not be ‘iusto’ if the *respublica* would be administered ‘ex populi arbitrio’.

<sup>525</sup> Althusius 1603a, ch. XXXII, p. 467, stating that those who rule must ‘non tam ut placeant multitudini, quam ut consulant utilitati communi.’

<sup>526</sup> Althusius 1603a, ch. XXIV, p. 319, requiring that new laws should be made ‘consensu optimatum & statuum’. See Althusius 1603a, ch. XIV, p. 139 on this body of *optimates* as a further agency set up by the people to act in their name. For Althusius’s equation between the *status regni* and the assembled *membra regni* or *populus*, see Althusius 1603a, sig. (:), 5r; ch. VI, pp. 57-8; ch. XIII, pp. 130-2.

being governed on an arbitrary basis, so that no one is unfairly subordinated to the will of anyone else. The members of this institution can therefore properly be described – as the second edition of the *Politica* affirms – as protectors and guardians of civil liberty.<sup>527</sup>

If the body of the people is sovereign but not in possession of absolute power, how are we then to characterise its sovereignty? What are we to call the doctrine of popular sovereignty with which Althusius presents us in the *Politica*? Althusius indicates his answer when he observes that, in speaking of the rightful sovereignty of the people, we can only be referring to a power that is at once supreme and subject to strict limitations – to bounds or *finis*.<sup>528</sup> As he roundly declares in the third and final version of his text, ‘all power’ in a just commonwealth must always ‘be limited in character, never absolute or arbitrary’.<sup>529</sup> What Althusius offers us is a theory of ‘limited’ popular sovereignty.

This theory in turn underpins Althusius’s view of what it means for a commonwealth to be suitably tempered and mixed, and his understanding of what it means to act as a good citizen. What we find, in other words, is that his view of popular sovereignty underlies his position in two of the major debates in Renaissance political thought, the debate about the mixed constitution and the debate about the ideal of active citizenship. Chapter 4 will accordingly be concerned with his stance in the first debate, while chapter 5 will consider his intervention in the second debate.

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<sup>527</sup> Althusius 1610a, ch. XVIII, p. 209, describing them as ‘custodes, defensores ... libertatis’.

<sup>528</sup> Althusius 1603a, ch. XIV, pp. 138, 146.

<sup>529</sup> Althusius 1614, XVIII. 106, p. 314: ‘omnis potestas ... est limitata, nulla absoluta, ... arbitraria’.



## Chapter 4: Althusius on the *Respublica Mixta*

The final chapter of the second version of Althusius's *Politica* includes a new discussion of one of the main constitutional implications of the theory of popular sovereignty developed throughout the book. 'Properly speaking', Althusius writes, 'every species of public life should be said to be tempered and mixed'.<sup>530</sup> By way of an illustration, he refers to the contemporary monarchies of Germany and France, noting that both *regna* also 'include an element of Aristocracy'.<sup>531</sup> To which he adds that a well-instituted commonwealth should embody a democratic element as well, so that each element is able to keep watch over another one, 'constraining its actions and holding it in check'.<sup>532</sup>

To Althusius's original readers these claims would no doubt have been familiar. The classical ideal of a *respublica mixta* had, as I showed in chapter 2, been widely debated by the leading political theorists of Renaissance Germany. Drawing on the accounts bequeathed by the philosophers of antiquity, these writers had argued that, if justice is to be upheld, the sovereignty of kings should be susceptible to being bridled by an authority similar to that of the *Ephori* in ancient Sparta. The humanists had suggested, moreover, that this ideal of a mixed or tempered government had already come to be realised in the German Empire. According to this view, the prince-electors and imperial estates could be said to possess the independent authority needed to perform this balancing function, enabling them to act as supreme rulers in their own territories as well as to correct the emperor if he were to govern unfairly.

While Althusius in the *Politica* is clearly alluding to these discussions, he was also well aware that this concept of a tempered or mixed form of government had by this time been subjected to strong criticism by the exponents of 'absolute' sovereignty. To understand the nature of his intervention in these debates, we shall accordingly have to begin by considering these earlier attacks.

### The absolutist critique

As I argued in chapter 2, the most influential attack in this period on the concept of mixed government was mounted by Jean Bodin in his discussion of absolute sovereignty in his *Six*

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<sup>530</sup> Althusius 1610a, ch. XXXIX, p. 697: 'recte dicimus temperatam & mixtam esse quamvis Reipublicae speciem'.

<sup>531</sup> Althusius 1610a, ch. XXXIX, p. 695: 'quid insit Aristocraticum'.

<sup>532</sup> Althusius 1610a, ch. XXXIX, p. 697 on how each element 'continet & cohibet' another one.

*livres de la république*, which gained widespread readership in Germany after Bodin issued a Latin version in 1586.<sup>533</sup> As Bodin writes in chapter VIII of his first Book, any ruler who possesses sovereignty or *maiestas* must constitute the sole supreme power within his civil community. His standing is that of a *summa potestas*, whose *imperium* or ruling authority is ‘greater’ than that of any other member of the commonwealth.<sup>534</sup> This in turn means that the sovereign must be *legibus solutus*, and hence be absolute in the sense of having the ability to ‘govern everything at his will, so that whatever he has decreed or commanded carries the force of law.’<sup>535</sup> To be sovereign is simply to be able to govern or *imperare* at one’s discretion. It further follows that a sovereign must at all times be able to wield complete authority. If everything is subject to his will, then his authority can only be complete and undivided. Sovereignty, as Bodin later confirms, ‘is indivisible by its very nature’,<sup>536</sup> and cannot ‘be shared’ by a sovereign ruler ‘with any of his subjects’.<sup>537</sup>

Bodin admits that it is open to sovereigns to govern through agencies or ‘custodians of their ruling authority’ set up to act on their behalf,<sup>538</sup> and he goes on to declare with characteristic vehemence in Book 2 that this difference between the rights of sovereignty and ‘the method by which ruling authority is exercised has not, so far as I can tell, been discerned by anyone’.<sup>539</sup> It has recently been claimed that, in drawing this distinction, Bodin is in effect ‘prising apart “sovereignty” from the actual operation of governmental power’.<sup>540</sup> What is crucial to Bodin, however, is that sovereigns should always remain capable of governing at will, and thus of exercising their powers themselves. Since their sovereignty takes the form of a ‘supreme right to rule’, they must at all times ‘be able to exercise their ruling authority’ at will.<sup>541</sup> They need to retain ‘the capacity to coerce’ their subjects into obeying their laws.<sup>542</sup>

This argument enables Bodin to mount a powerful challenge on the ideal of the *respublica mixta*. One of his targets is the associated belief that certain ‘governors of the provinces’ of a commonwealth can be said to enjoy a certain independence.<sup>543</sup> If the sovereign

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<sup>533</sup> On Bodin and the ‘mixed constitution’ see Franklin 1973, pp. 26-33; Franklin 1991.

<sup>534</sup> Bodin 1586, 1. VIII, p. 78, treating ‘summa potestas’, ‘maius imperium’ and ‘maiestas’ as interchangeable terms.

<sup>535</sup> Bodin 1586, 1. VIII, p. 89: ‘Princeps arbitrio suo, ac voluntate, omnia moderatur, & quaecunque decrevit, ac iussit, ea legum vim habent.’

<sup>536</sup> Bodin 1586, 2. I, p. 176: ‘maiestas per se ipsa quiddam est individuum’.

<sup>537</sup> Bodin 1586, 1. X, p. 149, claiming that ‘maiestatis iura pereunt, si cum subditis communicantur’.

<sup>538</sup> See Bodin 1586, 1. VIII, p. 79 for ‘imperii custodes’.

<sup>539</sup> Bodin 1586, 2. II, p. 189, stating that ‘Reipublicae statum ab imperandi ratione distare plurimum’, and that ‘quod antea, nemo, quantum intelligere potuimus, animadvertit’. See also 2. VII, p. 233.

<sup>540</sup> Tuck 2015, p. 216. For a similar interpretation see Lee 2016, pp. 217-21.

<sup>541</sup> Bodin 1586, 2. VI, p. 217: ‘qui summum imperandi ius habent, ... quidem ... imperare possunt’.

<sup>542</sup> Bodin 1586, 2. II, p. 187: ‘summus dicitur qui ... caeteros cives ... coercere potest’.

<sup>543</sup> Bodin 1586, 1. X, p. 149 on the sovereignty allegedly possessed by ‘rectores provinciarum’.

is able to rule all things at will, such inferior authorities must hold their titles and jurisdictions at his pleasure, in the form of a revocable ‘concession’.<sup>544</sup> As a result, they not only ‘lack a sovereign right’, no matter how ‘great’ the power that has been conceded to them.<sup>545</sup> They must also remain ‘subject to the control’ of the sovereign, or ‘bound by his jurisdiction, his commands and his laws’.<sup>546</sup>

Bodin’s main target, however, is the concept of mixed or tempered government itself, a topic on which he speaks with great vehemence at the outset of Book 2 of his treatise. He observes that many ancient and modern writers have argued that it should be possible to establish a *respublica mixta*, a body politic composed of various independent authorities that share sovereignty and are able in consequence to balance one another. But he briskly responds that such a form of public life ‘cannot possibly be instituted, nor can it even be imagined in one’s mind’.<sup>547</sup> Not even ‘the Commonwealth of the German nation can be said to represent such a tempered form’.<sup>548</sup> The reason why such a commonwealth cannot be founded is because this would involve a division or distribution of sovereignty. ‘For if sovereignty is indivisible by its very nature, then how can it ever reside with’ and be shared by various authorities ‘at the same time?’<sup>549</sup>

In his native France, Bodin’s argument was weightily endorsed by Pierre Grégoire in his *De republica libri six et viginti*, a work which became widely known in Germany after it was reprinted in Frankfurt in 1597, and to which Althusius extensively refers.<sup>550</sup> Reflecting on the concept of sovereignty or *summa potestas* in Book 5, Grégoire starts by affirming that this power must always be ‘absolute’, so that whoever holds it must be entitled to ‘exercise ruling authority in his own name, without depending on the will of anyone else’.<sup>551</sup> Grégoire also agrees that sovereigns must be possessed of a complete authority, one capable of being wielded

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<sup>544</sup> Bodin 1586, 1. VIII, p. 79, stating that the sovereign ‘concessam eripere, suo iure possit’.

<sup>545</sup> Bodin 1586, 1. X, p. 149: ‘tametsi magnam habeant ... potestatem, maiestatis iure carere’.

<sup>546</sup> Bodin 1586, 1. X, p. 149 on those ‘qui aliena iurisdictione, alienis imperiis, alienis legibus teneantur’.

<sup>547</sup> Bodin 1586, 2. I, p. 176: ‘qui unius dominatum cum paucis, simul & universis constituere velit, non possit, ac ne mentis quidem cogitatione id consequi.’

<sup>548</sup> Bodin 1586, 2. I, p. 181, denying that the ‘Respublica Germanorum ... temperata dici possit’.

<sup>549</sup> Bodin 1586, 2. I, p. 176: ‘Nam si maiestas per se ipsa quiddam est individuum, ... qua ratione uni & omnibus eodem momento congruere possit?’

<sup>550</sup> He does so in both the *Civilis conversationis* and the *Politica*. See Althusius 1601, I. III, p. 30; I. X, pp. 171, 172, 174, 177, 181; I. XI, p. 190; II. I, p. 200 *et passim*. And see Althusius 1603a, ch. I, pp. 2, 4, 5, 6, 7, 8; ch. II, pp. 9, 11 *et passim*. On Grégoire see Collot 1965, pp. 171-5; Gambino 1978, pp. 56-61; Mortimer 2021, pp. 233-4.

<sup>551</sup> Grégoire 1597, 5. I. 2, p. 246: ‘imperat ... suoque nomine ... quae ex alterius, quam eius solius arbitrio non pendet’.



over all their subjects. For to be sovereign is simply to ‘be capable of ruling everyone and to be subject to no one’.<sup>552</sup>

These commitments first of all lead Grégoire to repudiate any suggestion that the governors of ‘cities and provinces’ subject to a sovereign government can ever have a title to govern ‘on their own behalf’.<sup>553</sup> Where *summa potestas* is embodied in a single ruler, ‘as is currently the case in the monarchy of France’, all such local authorities are ‘subject to the monarchy, since they are in the prince’s power’.<sup>554</sup> The other implication of his analysis which Grégoire goes on to underline is that the combination or mixture of various forms or types of sovereign power is ‘impossible’.<sup>555</sup> As Grégoire insists, rather than blending together harmoniously, the different elements involved would ‘expunge one another’.<sup>556</sup> Like Bodin, Grégoire concedes that it is possible for sovereign rulers to exercise their powers through the agency of those that act on their behalf. Yet he remains adamant that this kind of arrangement does not constitute a mixed form of government, arguing that such an agent can never be regarded as the possessor of sovereign power, since he cannot have the authority to rule at will, being obliged to ‘act in the name of someone else’.<sup>557</sup>

By this time this view of absolute sovereignty had also been taken up by German commentators. As I showed in chapter 2, one of its fullest restatements was supplied by Andreas Schepsius in his *Questio an princeps legibus solutus* of 1596, in which Bodin’s authority is repeatedly invoked.<sup>558</sup> Schepsius agrees that those possessed of ‘absolute’ sovereignty must be able to command (*imperare*) everyone at their discretion, without being subject to the control of anyone but ‘the immortal God’.<sup>559</sup> He also endorses Bodin’s rejection of the *respublica mixta*, accepting that sovereignty is indivisible, and thus that it cannot be lodged with different authorities at once, nor with any inferior or local powers.<sup>560</sup> There can only be one sovereign who ‘begets, conserves and controls all powers’.<sup>561</sup> Another ‘form of government does not exist’.<sup>562</sup>

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<sup>552</sup> Grégoire 1597, 5. IV. 11, p. 276: ‘qui omnibus imperet & nulli subiiciatur’.

<sup>553</sup> Grégoire 1597, 5. IV. 11, pp. 276-7 on those who think that ‘praesides ... provinciarum et civitatum’ their territories ‘tanquam propriam’.

<sup>554</sup> Grégoire 1597, 5. I. 18, p. 251, stating that ‘In Galliae monarchia, status nunc talis est’ all other powers are ‘sub monarchia ..., quia in potestate principis’.

<sup>555</sup> Grégoire 1597, 5. IV. 11, p. 276: ‘quod certe puto impossibile’.

<sup>556</sup> Grégoire 1597, 5. I. 3, p. 247: ‘quae si permicentur, se mutuo expungunt’.

<sup>557</sup> Grégoire 1597, 5. I. 3, p. 246, denying that an agent ‘qui alieno nomine gerit’ can be a sovereign lord.

<sup>558</sup> Especially at the outset. See Schepsius 1596, p. 6.

<sup>559</sup> Schepsius 1596, pp. 11, 31.

<sup>560</sup> Schepsius 1596, pp. 6-19.

<sup>561</sup> Schepsius 1596, p. 7: ‘earundem [sc. potestatum omnium] procreatrix, conservatrix & gubernatrix’.

<sup>562</sup> Schepsius 1596, p. 11: ‘quarta imperii forma ... [nulla] est’.

Not only was Althusius aware of this strand of thought when he wrote the *Politica*. He had earlier drawn similar conclusions himself. As we have seen in chapter 3, his writings of the late 1580s reveal a profound debt to Bodin's analysis of sovereignty. In his chapter 'On public power' in the *Iurisprudentia Romana* of 1588 Althusius strongly endorses Bodin's claim to the effect that those who possess 'absolute' sovereignty must be capable of commanding their subjects 'without the consent of anyone else', and thus at will.<sup>563</sup> He also agrees that the ruling authority of sovereigns must be *plenum* or complete. There can only be a single supreme power in any commonwealth, and all jurisdictions need to be held at its pleasure alone.<sup>564</sup> The implication is forcefully spelled out in the theses composed by Althusius in 1587, in which he declares that 'those who suppose that it is possible to construct' a mixed form of government 'are hallucinating'.<sup>565</sup>

When Althusius argues in the *Politica* that all commonwealths must in some sense be 'tempered and mixed', he is thus self-consciously rejecting a belief that was widely shared by contemporary theorists of absolute sovereignty, a view to which he had earlier subscribed himself. While this change of mind is remarkable in itself, however, it remains to ask about his reasons for insisting on the opposite point of view in the *Politica*.<sup>566</sup> How does he defend his claim that the institution of a *respublica mixta* is not merely possible but almost inevitable? What is his response to the absolutist theorists of his age? These are the questions that next need to be addressed.

### **Althusius's vision of the mixed constitution**

Although it is only in the second edition of the *Politica* that Althusius explicitly speaks out in favour of the institution of a *respublica mixta*, the argument underpinning his case is already fully stated in the original edition of his text. He begins by opposing the characteristically absolutist contention that those who possess sovereign power should always be capable of exercising it at their discretion. As we saw in chapter 3, he replies by arguing that, if the fundamental value of civil liberty is to be upheld, it is essential that sovereignty should at all times be exercised in such a way as to make certain that no citizen is ever subject to the mere will of anyone else. To avoid this outcome, we must place complete sovereignty in the hands

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<sup>563</sup> Althusius 1588, 1. VIII, p. 24: 'sine alterius consensu'.

<sup>564</sup> Althusius 1588, 1. VIII, pp. 24-6.

<sup>565</sup> [Althusius] 1587, sig. A, 3v: 'hallucinantur, qui arbitrantur esse posse ex tribus precedentibus conflata aliquam quartam'.

<sup>566</sup> For discussions see Franklin 1991, pp. 312-4; Van Gelderen 2002, pp. 204-7.

of the people as a whole, while at the same time preventing their powers from being used in any manner contrary to justice, in accordance merely with the will of a part of the population. To prevent this from happening, we ought to ascribe to the people a kind of sovereign power that cannot be rightfully exercised ‘on the basis of their will’ alone.<sup>567</sup>

As Althusius goes on to argue, however, if public life is to be conducted on the basis of a ‘limited’ sovereignty of the people, there ought to be some mechanism in place for ensuring that the actions performed on the people’s behalf remain so far as possible in line with the requirements of justice and liberty. Before considering the rest of his response to the absolutist writers, we first need to focus on Althusius’s proposals about the precise arrangements that must be adopted if there are to be any prospect of these requirements being met.

Outlining his constitutional vision, Althusius starts by dismissing any suggestion to the effect that sovereignty can be properly exercised by the citizen-body itself, acting ‘without a head’.<sup>568</sup> He consistently expresses his contempt for such self-governing arrangements, and goes so far as to argue in chapter XIV of the *Politica* that we can never hope to enjoy our freedom and live ‘comfortably’ unless we submit to a government capable of ‘holding us in check’.<sup>569</sup> If our liberty and the common good are to be preserved, ‘the power and right to administer public life’ shall accordingly have to be bestowed upon a specific ruling element or ‘chief magistracy’ by means of a *pactum* or covenant, but always on strict conditions and in such a way that this act of entrustment remains capable of being revoked at any time.<sup>570</sup> For the *summum ius* or sovereign right must remain the property of the people as a whole.

As I showed in chapter 3, the same view of the covenant underlying the institution of government had already been put forward by the so-called monarchomach theorists of popular sovereignty, most notably by the author of the *Vindiciae, contra tyrannos* of 1579. The *Vindiciae* states that when a people confers ruling authority upon a designated ruler, the terms of the agreement involved must always be such that they retain ultimate sovereignty or lordship,<sup>571</sup> since there can be no lawful agreement by which a people sells itself into slavery, this ‘being contrary to Nature’.<sup>572</sup> Althusius adopts exactly the same viewpoint when he

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<sup>567</sup> Althusius 1603a, ch. XX, p. 282, requiring that power should never be exercised ‘ex populi arbitrio’ alone.

<sup>568</sup> Althusius 1603a, ch. XIV, p. 134: ‘sine ... capite’.

<sup>569</sup> Althusius 1603a, ch. XIV, p. 134, insisting that there should be a government which ‘cives in officii contineat’, and that this constitutes the only way to promote ‘salutem & commodum subditorum’. Cf. ch. XXXII, pp. 467-9.

<sup>570</sup> Althusius 1603a, ch. XIV, pp. 133-4 on the way in which ‘ius & potestatem administrandae Reipublicae’ ought to be conferred.

<sup>571</sup> *Vindiciae* 1579, pp. 89, 205.

<sup>572</sup> *Vindiciae* 1579, p. 170, describing an act of self-enslavement on the part of the people as an act which ‘cum Natura pugnat’. Cf. also [Beza] 1576, pp. 41-2.

explains in his foreword to the *Politica* that the reason why the people can never alienate their sovereignty is that this would be tantamount to them giving their own ‘life away’.<sup>573</sup>

Althusius’s elaboration of this argument at the same time stands in marked contrast with the view of sovereignty we encountered in the works of Bodin and his absolutist followers. These writers had argued, as we saw, that those who possess sovereignty must be able to exercise all their powers themselves whenever they so choose. Althusius’s vision of a well-instituted *respublica*, by contrast, is one in which the people remain the ultimate holders of sovereignty but entrust its exercise to certain rulers or ‘administrators’, who are to discharge their role on strictly limited terms. The people are not pictured as actively participating in the conduct of government, for the agreement made with their rulers at their appointment is said to be such that the people hereafter lack even ‘the capacity to take part in the administration’ of their sovereign rights without the consent of their rulers.<sup>574</sup>

It would thus be a mistake according to Althusius to think of the relationship between the people and government as one between a sovereign ruler and the agency through which ruling power is exercised. Some commentators have admittedly interpreted Althusius’s theory of popular sovereignty as a restatement of the Bodinian conception of a ‘popular state’, and have accordingly taken him to be arguing that the people should be possessed of supreme ruling power in any well-constituted state.<sup>575</sup> But Althusius is always clear that what is retained by the people when they submit to government is not the right to rule, or *imperium*, but only the sovereign right to impose conditions on its exercise.<sup>576</sup> Although the people remain capable of depriving their rulers of their authority, they are assumed to make use of this faculty with a view to ‘entrusting the administration of their sovereign rights to someone else’, not in order to administer these rights themselves.<sup>577</sup>

The crucial question for Althusius is thus by what means the rulers of commonwealths can be compelled to observe the terms of the political covenant, and hence to exercise the powers entrusted to them in accordance with the requirements of liberty and justice. Althusius sees no reason why it should not be possible for these requirements to be met under the rule of

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<sup>573</sup> Althusius 1603a, sig. (:), 5r, comparing such an alienation of their sovereignty with the act of ‘vitam quam quisque habet, alii communicare’.

<sup>574</sup> Althusius 1603a, ch. XIV, p. 133: ‘nec populus sine ... consensu suorum ministrorum iura ... administrare potest.’

<sup>575</sup> Salmon 1996, p. 508 and Lee 2016, p. 234.

<sup>576</sup> For the clearest statement to this effect see Althusius 1603a, ch. XIX, p. 263, equating the *administratio* entrusted to magistrates with *imperium*, and hence with the right to rule. See also ch. XV, pp. 168, 175-6.

<sup>577</sup> Althusius 1603a, sig. (:), 5v, stating that after the *administratio maiestatis iurium* has returned into the hands of the people, it ‘alii ... demandatur’.

an assembly,<sup>578</sup> although he notes towards the end of his treatise that most commentators hold a preference for monarchy, and he indicates his acceptance of such regimes, if properly instituted, throughout.<sup>579</sup> At an earlier stage he had likewise conceded that hereditary and more strictly elective forms of kingship are equally capable of satisfying his demands,<sup>580</sup> so long as the appointed kings are suitably constrained in the exercise of their powers and their subjects are not maintained in a condition of servitude.<sup>581</sup>

Turning to discuss the means by which such constraints can best be imposed and enforced, Althusius first of all stresses that all magistrates must be bound to act according to the dictates of justice and the will of the people.<sup>582</sup> This is taken to mean in practice that their authority should be exercised in accordance with the existing laws of the commonwealth, and Althusius consequently lays great emphasis on the need to establish and maintain a structure of laws capable of serving as a suitable basis of government. All civil laws, Althusius maintains, ought to reflect the will of the entire population, for ‘social life is to be instituted and governed on the basis of the common agreement of everyone’.<sup>583</sup> The only legitimate form of public life is one that is ‘supported by fundamental laws which in turn have arisen out of general consent’.<sup>584</sup> As Althusius later adds, unless such laws are upheld by our magistrates, we can never hope to enjoy our individual liberty.<sup>585</sup>

Although the consent of everyone is said to be necessary, Althusius acknowledges that this poses some very serious difficulties, particularly in kingdoms and empires that are ‘composed of a large number of communities’.<sup>586</sup> One is that it will in these cases be virtually impossible to assemble the entire citizen-body in a single place, and hence ‘extremely difficult’ to allow the citizens to cast their votes ‘as individuals’.<sup>587</sup> Some of the leading monarchomach writers had already put forward a possible solution, arguing that we need to think of such composite *regna* basically as federated *respublicae*, bodies whose members are autonomous and therefore capable of managing their own affairs. This in turn will enable the communities

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<sup>578</sup> Althusius 1603a, ch. XXXII, p. 460.

<sup>579</sup> Althusius 1603a, ch. XXXII, p. 459. Cf. von Friedeburg 2002a, pp. 104-5, who claims that Althusius expresses a personal preference for monarchy.

<sup>580</sup> Althusius 1603a, ch. XV, pp. 182-3.

<sup>581</sup> Althusius 1603a, ch. XIX, p. 263 on magistrates who ‘subditos pro servis habent’.

<sup>582</sup> Althusius 1603a, ch. XIV, p. 137: ‘Administratorum horum Reipublicae potestas est ... populi ... arbitrio iusto circumscripta’.

<sup>583</sup> Althusius 1603a, ch. VI, p. 57, requiring that ‘ex communi placito vita socialis ... instituitur & regitur’.

<sup>584</sup> Althusius 1603a, ch. VI, p. 58: ‘Lex ... fundamentalis est ... qua ... [respublica] innititur ex consensu communi’.

<sup>585</sup> Althusius 1603a, ch. XIV, p. 167.

<sup>586</sup> Althusius 1603a, ch. VI, p. 55: ‘quod ex pluribus universitatibus ... constat’.

<sup>587</sup> Althusius 1603a, ch. XIV, p. 139: ‘Esset ... difficillimum ... suffragia omnium civium ... a singulis exigere’.

of which the commonwealth is composed to collectively enact laws for their common body, through an assembly of the estates, by acting in the name of the people as a whole.

This is the suggestion made by François Hotman in his *Francogallia* and by the author of the *Vindiciae*. We also find the same idea taken up at greater length in late sixteenth-century discussions of the standing of the assemblies of the estates in the Dutch Provinces, with François Vranck making the most celebrated contribution to the debate.<sup>588</sup> Vranck's account of the authority of the States of Holland became widely known after it was included in Emanuel van Meteren's history of the Dutch war against Spain, which appeared in German in 1596, followed by a Latin version in 1598.<sup>589</sup> As Vranck explains, what invests the assembly of the States of Holland with its right to exercise sovereignty is the fact that its members are agents of the province's self-governing cities, which together with the nobility form the estates into which the population is divided. When the States of Holland are properly assembled, they may therefore be said (in the words of the Latin version of Vranck's text) 'to represent the entire citizenry or whole body of the inhabitants'.<sup>590</sup>

When Althusius asks how we can best deal with the problem he has isolated, his answer closely echoes these earlier discussions, at least in its main outlines. He agrees that every civic association that is part of a commonwealth ought to be governed by its own magistracy 'in accordance with laws that have been approved by itself'.<sup>591</sup> He further assumes that it is due to their own autonomy that such 'members of the Commonwealth' are able to speak and act on behalf of the whole body of the people when they 'come together' in an assembly of the estates to give their consent to new laws.<sup>592</sup>

As well as reiterating these familiar claims, however, Althusius goes on to make one further and far more original suggestion. This is that, if the communities of which the commonwealth is composed are to perform this role to good effect, they will need to act 'on the basis of the consent of their own citizens'.<sup>593</sup> This suggestion had scarcely been raised by the earlier monarchomachs, who had generally restricted themselves to observing that the assemblies of the commonwealth may be seen to act for the whole people if all regions and

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<sup>588</sup> Van Gelderen 1992, pp. 199-207.

<sup>589</sup> Van Meteren 1596, 1598.

<sup>590</sup> Van Meteren 1598, p. 449: 'totum corpus incolarum & civium repraesentare'.

<sup>591</sup> Althusius 1603a, ch. V, p. 53: 'gubernatur secundum leges a se approbatas.'

<sup>592</sup> Althusius 1603a, ch. XIII, p. 133 on how the 'membra Reipublicae conveniunt' to settle their common affairs; cf. ch. VI, pp. 54, 57 on the use of law-making power by these members and ch. XXIV, p. 319 on how the estates give their consent to laws. For Althusius's equation between the *status regni* and the assembled *membra regni* or *populus*, see Althusius 1603a, sig. (:), 5r; ch. VI, pp. 57-8; ch. XIII, pp. 130-2.

<sup>593</sup> Althusius 1603a, ch. V on how they need to act 'ex civium consensu'.

cities are able to partake in their sessions.<sup>594</sup> Even Vranck is content to assume that the explicit consent of the wider citizenry is not necessary, for the decisions of a city's ruling council may be 'taken to bear the approval of the remaining citizens'.<sup>595</sup>

By contrast, Althusius is emphatic that the government of civic communities should ideally be such as to grant all citizens a voice in their affairs. If and only if all these communities act with the consent of the local citizenry can their common actions be claimed to be 'undertaken by everyone'<sup>596</sup> and the laws they make be regarded as 'decrees of the people'.<sup>597</sup> The legitimacy of the laws may accordingly be said to depend on the right of each citizen to make himself heard in the affairs of his immediate community. Each citizen should possess a 'a *ius suffragii*, or right to vote in his community's affairs', for this alone will ensure that the laws duly reflect the general will of all.<sup>598</sup> As the second edition of the *Politica* adds, even if this right can normally be exercised by a senate of leading citizens, the wider citizenry should at least be consulted in the weightiest affairs.<sup>599</sup>

A further difficulty stems from the fact that, as Althusius observes, the communities of which a commonwealth is composed will naturally be speaking with 'voices that are very different from one another'.<sup>600</sup> How then can they make laws that may be taken to express the will of them all, so that no citizen is forced to live in dependence on the will of anyone else? To this problem Althusius proposes a radical solution. He accepts that, in case unanimity cannot be reached, the assemblies of the commonwealth shall have to be permitted to act on the basis of the will of a majority.<sup>601</sup> He adds, however, that no community can be compelled to subject itself to the resulting laws against the wishes of its citizenry. As he unhesitatingly states in chapter XIV, it must always 'be possible for one part of a kingdom or realm to leave behind the rest of the body to which it is attached if the collective public safety of its own members manifestly requires such action'. Once it has done so, it will be able to 'choose a new form of public life for itself' founded on the will of its own citizens.<sup>602</sup>

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<sup>594</sup> See, for example, *Vindiciae* 1579, pp. 98, 100 and Hotman 1586, ch. XII, p. 95; ch. XIII, p. 108.

<sup>595</sup> Van Meteren 1598, p. 449: 'ratum a reliquis civibus habetur'.

<sup>596</sup> Althusius 1603a, ch. XIII, p. 131 on what 'ab omnibus peragatur'.

<sup>597</sup> Althusius 1603a, ch. VI, p. 58 on laws made 'sanctione populi'.

<sup>598</sup> Althusius 1603a, ch. V, p. 53 on the 'ius suffragii in communis negotiis'.

<sup>599</sup> Althusius 1610a, ch. V, p. 53.

<sup>600</sup> Althusius 1603a, ch. VI describes them as 'tam discrepantia membra Reipublicae'.

<sup>601</sup> Althusius 1603a, ch. XXVII, p. 371. The point is more explicitly conceded in Althusius 1610a, ch. XXXIII, p. 509.

<sup>602</sup> Althusius 1603a, ch. XIV, p. 163: 'Potest ... pars una regni ... novam Reipublicae formam sibi deligere, derelicto reliquo corpore cui adhaerebat, quando ... istius partis totius publica manifestaque salus id omnino suadet'.

Althusius had emphasised at the outset that the civil laws of the commonwealth must not only reflect the consent of the whole people but also be ‘just’. If the freedom of its citizens is to be preserved, it is vital that the people’s legislative powers can never be exercised simply at will. As we saw in chapter 3, Althusius thinks that the surest way of preventing this from happening is by setting up a further institution, one capable of participating in the act of legislation, and by entrusting it with the authority to make certain that every new law is both advantageous and ‘equitable’.<sup>603</sup> This institution, he adds, should be more peculiarly aristocratic in character than the estates assemblies he has so far discussed, although its authority, like the authority of all public institutions, should ultimately derive from and remain dependent on the sovereign people.<sup>604</sup>

The final question for Althusius is about the means by which the legal constraints upon the actions of government can be most effectively enforced, so that the commonwealth’s magistrates are prevented from ‘undertaking any action they are not ordered to undertake by the laws’.<sup>605</sup> If we examine Althusius’s answer, we find him restating and developing both of the suggestions the earlier humanists had put forward in their discussions of the mixed constitution. One is that even the highest rulers must be capable (as Cicero had put it) of being ‘opposed’ in order to coerce them into observing the laws.<sup>606</sup> It must be lawful, Althusius writes, for a representative agency acting ‘in the name of the people’ to ‘resist’ a chief magistrate who rules as a tyrant.<sup>607</sup> Every chief magistrate is appointed on the basis of an agreement with the collective body of his subjects, one that leaves him in ‘a state of dependence on the people’.<sup>608</sup> As a result, it will be open to the people to empower some representative agency to ‘judge’ his actions, ‘correct’ them if needed and ‘remove’ him if he proves to be incorrigible.<sup>609</sup>

Althusius is also in basic agreement with his humanist predecessors about the basic character of the government that needs to be set up if these constraints are to be effectively imposed. He envisages a balanced constitution in which the sanctity of the laws is capable of being ensured by various agencies.<sup>610</sup> One of these is the aristocratic element which takes the form of a body of *optimates* but who Althusius also describes, in humanist vein, as *Ephori*.

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<sup>603</sup> Althusius 1603a, ch. XXIV, p. 319, requiring that new laws should be made with the consent not only of the *status regni* but also of the *optimates*.

<sup>604</sup> Althusius 1603a, ch. XIV, p. 141.

<sup>605</sup> Althusius 1603a, ch. XIX, p. 267: ‘Magistratus ... nihil, nisi lege iubente, ... faciat’.

<sup>606</sup> Cicero 1928, III. VII. 16, p. 476 on those who were ‘oppositi regibus’.

<sup>607</sup> Althusius 1603a, ch. XIV, p. 146 on the *ius* ‘resistendi tyrannis, ... nomine populi’.

<sup>608</sup> Althusius 1603a, ch. XIX, p. 260 on the magistrate as a figure ‘qui ut a populo incepit, sic ab eodem pendeat.’

<sup>609</sup> Althusius 1603a, ch. XIV, pp. 141 (*corrigerere*), 144 (*iudicare*), 146 (*removere*), 152 (*iudicare, removere*).

<sup>610</sup> For a valuable discussion see Dreitzel 1992, pp. 24-32.



These ‘*Ephori* make use of the power of the people’ to set up and set down their magistrates, and are able in consequence to moderate the license of these magistrates, to check their tyranny and to maintain the rule of law.<sup>611</sup> A similar role is ascribed to the commonwealth’s assemblies, which likewise serve to ‘hold those who occupy positions of great authority in check’.<sup>612</sup>

These are the arrangements Althusius in the second edition of the *Politica* describes as the main features of a suitably ‘tempered and mixed form of public life’. As he explains, any government instituted along these lines may be said to display elements of monarchy, aristocracy and democracy, because the general assemblies and *optimates* will supply democratic and aristocratic elements, while monarchy will be represented by the chief magistracy. Althusius adds, moreover, that such a *respublica mixta* constitutes not merely the best but the only viable form of public life. He has argued that civil freedom can be preserved, in accordance with justice, if and only if leading magistrates are granted authority to act for the whole people in accordance with laws made on the people’s behalf in assemblies of the estates. And he has argued that, if these laws are to be upheld, it is essential that the authority of these magistrates should be checked and balanced by these same assemblies, together with a body of *optimates*. So he feels completely justified in concluding that ‘every species of Commonwealth’ ought to embody such a mixture.<sup>613</sup> ‘For what kind of administration of public life can exist or endure in the absence of either intermediate magistrates, councillors or a determinate head?’<sup>614</sup>

### **Althusius and the debates about the *respublica mixta***

Having followed Althusius’s argument at length, it now becomes possible to examine his position in the intellectual debates of his time in greater detail. As I began by emphasising, much of his account in the *Politica* takes the form of a response to the theorists of absolute sovereignty whose claims he had earlier endorsed. More specifically, I now want to suggest, it takes the form of a counterblast to their claims about the impossibility of setting up a viable form of mixed or tempered government. These writers had defended this conclusion, as we

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<sup>611</sup> Althusius 1603a, ch. XIV, pp. 138-9: ‘Ephori ... potestate populi utuntur’.

<sup>612</sup> Althusius 1603a, ch. XIII, p. 131: ‘qui in magna sunt potentia horum comitiorum metu ... in officio contineantur.’

<sup>613</sup> Althusius 1610a, ch. XXXIX, p. 697: ‘recte dicimus temperatam & mixtam esse quamvis Reipublicae speciem’.

<sup>614</sup> Althusius 1610a, ch. XXXIX, p. 696: ‘Quae enim Reipublicae administratio esse potest, aut stare, quae careat suis intermediis magistratibus ..., vel consiliis ..., vel certo quodam capite?’

have seen, by arguing that no durable form of public life can be based on a mixture or sharing of sovereignty, for this necessarily involves its division and, consequently, its demise.

Althusius in his preface to the *Politica* specifically singles out Bodin's contribution to the debate, quoting him to the effect that any 'sharing' of sovereignty is impossible, because the rights of sovereignty are so inseparably bound up with the supreme ruler of a commonwealth that 'by the very act of sharing them with any of his subjects these rights would perish and cease to exist'.<sup>615</sup> Althusius's own constitutional theory in the *Politica*, however, embodies the strongly contrasting assumption that it is possible for the body of the people to 'share' its sovereignty with a ruler without alienating its legal proprietorship of this power.<sup>616</sup> When the people bestow upon a designated magistrate the 'power and authority' to administer public affairs, they retain the right to prescribe and correct his actions, so that their ultimate sovereignty remains intact.<sup>617</sup>

Bodin – followed by Grégoire – had insisted that what Althusius is here describing is not a mixed constitution, but rather a particular type of self-governing arrangement, one in which the people choose to act through an agency constituted to rule in their name.<sup>618</sup> By contrast, Althusius emphasises that he is not referring to a form of self-rule at all, an arrangement he views (as we have seen) with unmixed contempt. He is instead speaking, as he later explains, of a community in which all civil laws are enacted with the consent of its members as a whole, after which the 'execution' of what the law commands is undertaken by its magistrates.<sup>619</sup> The people entrust the business of government to their rulers, and are consequently prevented 'from taking part in the administration' of the laws without their rulers' consent.<sup>620</sup> Rather than a kind of self-government, the arrangement envisaged by Althusius is one in which the people submit to government but retain the right to regulate its actions.

This view of the proper relationship between government and the governed in turn underlies Althusius's response to the absolutist critics of the mixed constitution. Having targeted Bodin in his preface to the *Politica*, Althusius immediately goes on to repudiate his claim to the effect that, since sovereignty is always indivisible, it cannot be 'shared' among rulers and ruled. The reason why this is nevertheless possible, Althusius retorts, is that in any

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<sup>615</sup> Althusius 1603a, sig. (:), 5r: 'iura maiestatis desinant & pereant eo ipse, quod cum subditis ... communicentur'; cf. Bodin 1586, 1. X, pp. 147, 149.

<sup>616</sup> Cf. Franklin 1991, p. 313.

<sup>617</sup> Althusius 1603a, sig. (:), 5r; ch. XIV, pp. 132, 141, 146.

<sup>618</sup> Bodin 1586, 2. I, p. 176; Grégoire 1597, 5. I. 3, p. 246.

<sup>619</sup> Althusius 1603a, ch. XIX, p. 267: 'magistratus exsecutor ... legis, qui nihil, nisi lege iubente ... faciat'.

<sup>620</sup> Althusius 1603a, ch. XIV, p. 133: 'nec populus sine ... consensu suorum ministrorum iura ... administrare potest.'

properly instituted commonwealth the administration of the sovereign rights is conferred upon certain rulers. This act of conferment cannot be taken to involve a division of the rights of sovereignty, Althusius maintains, for the complete ownership of these rights remains with the people, in whose hands they can alone ‘subsist and be preserved’.<sup>621</sup> In spite of their inalienable character, however, there is a sense in which these rights are nonetheless placed into the charge of government. As Althusius later puts it, we need to distinguish between the legal proprietorship of sovereignty which belongs to the people and its *usus* or exercise which is bestowed upon their rulers.<sup>622</sup> Once we grasp this distinction, we can readily see according to Althusius how the sovereign rights in a well-instituted *respublica* are able to reside with the people while being exercised by their rulers, and may thus be said to be ‘shared’ by rulers and ruled at the same time. Underlining the point in the second version of his treatise, Althusius adds that any commonwealth in which the inalienable rights of the people are upheld by public assemblies and an aristocratic institution, while *imperium* is exercised by a distinct ruling element, can be described as a *respublica mixta*.<sup>623</sup>

Closely associated with the concept of a *respublica mixta*, as we have seen, was the belief that the communities of which a commonwealth is composed should be regarded as essentially autonomous. This assumption had likewise been rejected by the absolutist writers, but Althusius in the *Politica* offers a radical defence of the same commitment. He argues that the legal and political arrangements of these ‘members’ of a commonwealth must be ‘based on the consent of their own citizens’.<sup>624</sup> Unless this requirement is met, it shall be impossible for the will of these citizens to be expressed in the public assemblies of the commonwealth, and hence in the laws enacted with the consent of these assemblies. But this is emphatically to affirm that these communities have to be autonomous. As Althusius declares in chapter V of his book, every civic association ought to be under its own ‘control’. It ought to ‘be governed in accordance with laws that have been approved by itself’.<sup>625</sup>

There is a further way in which Althusius seeks to challenge the absolutist thesis to the effect that such communities can never be truly independent. Maintaining that these associations ought to be governed on the basis of the collective will of their own members, Althusius goes on to insist that they should also be able to ‘leave behind’ the commonwealth

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<sup>621</sup> Althusius 1603a, sig. (:), 5r: ‘non nisi in [populo] consistere possunt & ab aliis conservari’. See also Althusius 1610a, XXXVIII, p. 687.

<sup>622</sup> Althusius 1603a, ch. XV, p. 167, distinguishing between the possession of sovereignty ‘ratione proprietatis’ and ‘ratione usus’.

<sup>623</sup> Althusius 1610a, ch. XXXIX, p. 696.

<sup>624</sup> Althusius 1603a, ch. V, p. 53: ‘ex civium consensu’.

<sup>625</sup> Althusius 1603a, ch. V, p. 53: ‘civitas regitur & gubernatur secundum leges a se approbatas.’

and choose a new form of public life for themselves. They must be able to repudiate all existing ties with the rest of the body to which they are attached ‘if the collective public safety of their own members manifestly requires such action’.<sup>626</sup> With this far-reaching vindication of the autonomy of all ‘members’ of commonwealths, the absolutist contention that such regions and their rulers should be strictly bound by the laws and commands of the sovereign is summarily dismissed.

This forms one of Althusius’s most challenging interventions in the debate. The suggestion that this kind of separation might be justifiable had barely been raised by earlier German writers on the mixed constitution. It had been discussed by several of the monarchomach critics of absolute kingship, but these commentators had generally rejected it.<sup>627</sup> They agreed that the freedom of the people can only be secure under a tempered form of government, one in which the power of a king is suitably constrained by law. They also emphatically defended the right of the people – or an agency acting in their name – to resist a ruler who violates the laws. They even allowed that such a right might be said to be lodged not merely with kingdom as a whole but also with its individual ‘parts’. They explicitly denied, however, that it can ever be permissible for one region to withdraw itself from the kingdom itself. The anonymous author of the *Dialogi* of 1574 reaches this conclusion in the course of discussing the various ways in which kings can lawfully be held in check, insisting that no act of resistance can be allowed to sacrifice the unity of the population of the whole kingdom.<sup>628</sup> The author of the *Vindiciae* strongly reaffirms the same commitment. Although it is lawful for the rulers of a single part of the kingdom ‘to expel a tyrant from their borders’,<sup>629</sup> it is never permitted ‘to secede from the kingdom’.<sup>630</sup>

But Althusius waves these anxieties aside.<sup>631</sup> As he remarks in chapter XIV, to refuse the citizens of such a community this recourse is to accept that they are dependent on the mere will of the rest of the population of the commonwealth for the preservation of their lives and liberty. If we would allow this, we would be accepting that these citizens ‘are not able to look after themselves and protect themselves against force and injury’ unless the rest of the

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<sup>626</sup> Althusius 1603a, ch. XIV, p. 163: ‘quando ... istius partis totius publica manifestaue salus id omnino suadet’.

<sup>627</sup> For a partial exception (from which Althusius quotes) see Daneau 1596, pp. 446-7. But at an earlier stage Daneau strongly rejects the idea that such action can ever be safe. See Daneau 1596, 3. VI, p. 223.

<sup>628</sup> *Dialogi* 1574, II, p. 67 on the consequence that ‘dissiparetur populus’. The same tract appeared in a French version in the same year, under the more familiar title of *Le reveille-matin des François*.

<sup>629</sup> *Vindiciae* 1579, p. 208: ‘tyrannum ... a suis finibus arcere’.

<sup>630</sup> *Vindiciae* 1579, p. 64: ‘a regno secedere’.

<sup>631</sup> Gierke summarised this part of Althusius’s argument by saying that he is presenting the ideas of earlier ‘monarchomach’ writers in more systematic form. But this interpretation seems to underestimate the extent to which he is the same time rejecting certain features of their analysis. Cf. Gierke 1902, pp. 243-4.

population ‘is willing’ to permit them to undertake such action. But as we saw in chapter 3, to depend on the mere will of someone else is according to Althusius what it means to be unfree, and hence to be deprived of the liberty that is our just due. Any arrangement that leaves its citizens in such a state of dependence must thus be ‘the height of injustice or unfairness’.<sup>632</sup> And this in turn means that it must be not merely permissible but lawful for one part of the commonwealth to leave it behind if this serves to promote the safety of its own members. Citing instances from Old Testament history, Althusius concludes that, if ever a community finds that such action is necessary, it can ‘rightly loosen itself’.<sup>633</sup>

As I suggested in chapter 3, it may be relevant that Althusius during his career as a teacher was employed by the counts of Steinfurt and Nassau-Dillenburg, whose policies in this period could undoubtedly be seen to illustrate an ideal of local autonomy. As we have seen, these rulers had begun reforming the churches in their territories along Reformed or Calvinist lines, and had further established a collective defence based on citizen militias drawn from their own territories. The idea that such individual ‘princes’ of the Empire might be said to possess any independent authority had been variably attacked by Bodin and his followers.<sup>634</sup> So it would not be surprising if Althusius, in formulating his defence of the standing of all ‘members’ of a commonwealth as autonomous communities, saw himself as contributing something of particular relevance to the cause of his own employers.

We also saw in chapter 1 that, by the time he completed the enlarged version of the *Politica* in 1610, Althusius had come to be hired as syndic of the city of Emden, which had earlier asserted its status as just such a self-governing community within the province of East Frisia. It is hardly surprising, therefore, to find the same doctrine developed at greater length in the new edition of Althusius’s book. He now introduces a distinction between civic and rural communities and provinces – having, somewhat curiously, treated provinces as a species of the former in his original text.<sup>635</sup> This enables him to underline two features of analysis, both of which he seems to have regarded as peculiarly relevant to the political disputes in which Emden had become involved. One takes the form of the claim that all provinces of a commonwealth – he explicitly names East Frisia as an example<sup>636</sup> – should be governed in accordance with the

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<sup>632</sup> Althusius 1603a, ch. XIV, p. 154: ‘Iniquissimum enim essit, ut si alii, vel universi ..., nolint sibi consulere, ii qui sapiunt, non possint sibi prospicere & se tueri contra vim & iniuriam.’

<sup>633</sup> Althusius 1603a, ch. XIV, p. 164, citing a number of examples of communities that made use of their capacity to *deficere* and did so *recte*.

<sup>634</sup> Bodin 1586, 2. VI, p. 223, rejecting his former opinion that ‘principes ac civitates Imperiales habere iura maiestatis’; cf. Schepsius 1596, pp. 16-8.

<sup>635</sup> Althusius 1610a, ch. V, p. 43; cf. Althusius 1603a, ch. V, p. 46.

<sup>636</sup> Althusius 1610a, ch. VIII, p. 102.

will of its estates or *ordines*, whose decisions the provincial ruler has a duty to ‘execute’.<sup>637</sup> The other and yet more pertinent point Althusius goes on to emphasise is that even those cities who are part of a province, and thus ‘recognise a superior’, are entitled to enjoy full civic ‘autonomy’.<sup>638</sup> Here the cities ‘of Frisia’ are cited as examples, ‘among which Emden in particular stands out’.<sup>639</sup> In these passages Althusius the political theorist and Althusius the politician and spokesman for his city are one and the same.

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<sup>637</sup> Althusius 1610a, ch. VIII, p. 106: ‘quae ... conclusa sunt ab ordinibus, ... executioni illa mandare’.

<sup>638</sup> Althusius 1610a, ch. VI, p. 68 on the ‘*ἀυτονομίαν*’ that is also rightfully possessed by a ‘*civitas ... agnoscens superiorem*’.

<sup>639</sup> Althusius 1610a, ch. V, p. 46: ‘*Frisae, inter was Embda eminent*’.



## Chapter 5: Althusius on Active Citizenship

Althusius's theory of the mixed constitution grounded on the sovereignty of the people culminates in a distinctive view of active citizenship. As he repeatedly indicates in the *Politica*, he takes part of the significance of his constitutional argument to be that it helps to explain what ought to be expected of good citizens in a properly instituted commonwealth. He concentrates on one such implication of his argument in chapter XIX, remarking that those with a leading position in political life need to understand that they are mere trustees of the people.<sup>640</sup> He returns to the point in the course of discussing the virtues of magistrates in the next chapter,<sup>641</sup> after which he takes it once more in his towards the end of his treatise, where he examines the behaviour that such leading figures need to exhibit in the light of his claim that they are only permitted to act in such ways as the people require of them.<sup>642</sup>

This chapter is concerned with these and other less explicit interventions in the Renaissance debates about the ideal of citizenship, and thus with Althusius's response to the prevailing views about what it means to act as a good citizen. The chapter begins by considering Althusius's basic humanist understanding of the duties of citizenship, and subsequently examines the ways in which he deploys his constitutional theory to question some of the received lines of argument.

### Althusius and the humanist ideal of citizenship

As I argued in chapter 2, the leading pedagogical theorists of Renaissance Germany had originally derived their basic understanding of the concept of citizenship from Cicero, whose *De officiis* had laid it down that, since 'the whole praise of virtue lies in activity', the highest duty of citizenship must be to play an active role in public affairs.<sup>643</sup> I also noted that the revival of this idea in turn served to underpin the humanists' sense of the value of their own studies. They argued that an education in the *studia humanitatis* offers a preparation for just such a life of public service, and thus for life as a good citizen.

Althusius endorses this exact view of citizenship.<sup>644</sup> He does so at many points in the *Politica*, but most emphatically in his opening chapter, in which he raises the 'question of

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<sup>640</sup> Althusius 1603a, ch. XIX, p. 260.

<sup>641</sup> Althusius 1603a, ch. XX, p. 280.

<sup>642</sup> Althusius 1603a, ch. XXXI, p. 434.

<sup>643</sup> Cicero 1913, I. VI. 19, p. 20: 'Virtutis enim laus omnis in actione consistit'.

<sup>644</sup> Schmidt 2007, pp. 43-4.



whether a life of contemplative study should be given preference over a life as an active citizen'.<sup>645</sup> Quoting directly from Cicero's *De officiis*, Althusius answers that we must recognise that 'we are not born simply for ourselves, because our native community and our friends are both able to claim a share in us'.<sup>646</sup> Acting on this insight, we must turn ourselves into zealous servants of our community, living a 'life of political activity', never allowing ourselves to be carried away from public life in the manner of 'monks, hermits and all those who live a solitary life'.<sup>647</sup> As Althusius later adds, in yet another allusion to *De officiis*, it is only those who have 'dedicated themselves to honourable and illustrious affairs' that are truly deserving of our admiration.<sup>648</sup>

This argument is underlined in a special chapter on the *officia* or duties of citizenship. Although he acknowledges that certain 'private' occupations can yield benefits for the commonwealth, Althusius remains adamant that the most important civic duties are those that concern the promotion of 'religion or piety' and the administration of 'public affairs or justice'.<sup>649</sup> All those possessing the necessary talents should dedicate themselves to a life of public service, 'helping to sustain this civil society' and promote the welfare of their fellow citizens.<sup>650</sup> This is not merely the way of life that is most beneficial to human society, but also the one most worthy of honour and esteem.<sup>651</sup>

Althusius also agrees that it is by means of a training in the humane disciplines that we can best prepare for such a life of active citizenship. His curriculum is most fully laid out in the *Admonitio panegyrica* which Althusius published – as we saw in chapter 1 – as an appendix to the *Politica*. He begins with grammar, 'the science of reading and writing', since this is the discipline that needs to be mastered before we can study 'the other disciplines'.<sup>652</sup> He then mentions mathematics and music, but goes on to place far greater emphasis on the disciplines of logic and rhetoric, 'whose value and necessity is so manifest that they do not need me to say anything in their defence.'<sup>653</sup> Finally, he turns to philosophy, and above all to those parts of

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<sup>645</sup> Althusius 1603a, ch. I, p. 4: 'quaestio, an vita contemplativa ... vitae activae ... sit praeferenda'.

<sup>646</sup> Althusius 1603a, ch. I, p. 4: 'Non enim nobis nati sumus solum, ortusque nostri partem patria vindicat [sic], partem amici.' Cf. Cicero 1913, I. VII. 22, p. 22.

<sup>647</sup> Althusius 1603a, ch. I, p. 5, contrasting a 'activam politicam vitam' with a 'vita ... solitariorum, monachorum, eremitarum'.

<sup>648</sup> Althusius 1603a, ch. XI, p. 101: 'splendidis ac praeclaris negotiis deditos, splendidos & praeclaros esse praesumimus.' Cf. Cicero 1913, I. XXI. 70, p. 72.

<sup>649</sup> Althusius 1603a, ch. XI, p. 101: 'Inprimis vero versatur hoc munus circa religionem seu pietatem, & circa Rempublicam seu iustitiam.' Cf. pp. 111-6.

<sup>650</sup> Althusius 1603a, ch. XI, p. 99: 'eiusque vita civilis socialis sustinetur & iuvatur.'

<sup>651</sup> Althusius 1603a, ch. XI, pp. 100, 101.

<sup>652</sup> Althusius 1603b, pp. 9-10 on the 'scientia legend & scribendi' and its importance for studying the *aliae artes*.

<sup>653</sup> Althusius 1603b, p. 12: 'Harum enim artium usus & necessitas ita ... manifesta est, ut meo testimonio non sit opus.'

philosophy concerned with social life, good morals, laws and all other matters that need to be understood if we are to ‘act well’.<sup>654</sup>

Turning in the *Politica* to examine the place of political science in this syllabus, Althusius proceeds to describe its significance in wholly familiar terms. As we saw in chapter 2, the humanists had claimed that there are two qualities we principally need in order to serve our community well: a talent for speaking in public and an understanding of how the *respublica* should be governed. To this they had added that, while the first of these qualities is chiefly acquired through the study of rhetoric, the second can only be fostered by a training in *scientia politica*. Althusius agrees that ‘those to whom the welfare of the *respublica* is entrusted stand in need of two qualities, *oratio* and *sapientia*’.<sup>655</sup> The first enables us to ‘persuade our fellow citizens’ of the most beneficial and honourable policies, while the second consists in an ‘understanding of what needs to be done and what needs to be omitted in the administration of public affairs’.<sup>656</sup> As Althusius had already confirmed in the *Civilis conversationis*, it is the discipline of rhetoric that above all needs to be mastered if we are to speak with genuine persuasiveness.<sup>657</sup> So he overwhelmingly focuses in the *Politica* on the art of government, assuring us in his preface that it is indeed an understanding of *scientia politica* that serves to ‘render us fit to play an active role in the government’ of our community.<sup>658</sup>

It is worth underlining these commitments, if only because Althusius has sometimes been claimed to be ‘moving away’ in the *Politica* from the classical and humanist traditions centred on the ideal of active citizenship.<sup>659</sup> But in fact he remains in basic agreement with Cicero and his Renaissance disciples about the ideal of active citizenship, arguing that such a life constitutes one of the highest values in human life, and even going so far as to denounce those who seek to escape their civic duties as transgressors ‘against the laws of God’.<sup>660</sup> And he clearly regards his own task in good humanist style as that of instructing his readers in their duties and the ways in which these duties should be discharged. As he states at the outset, he is writing about the *homo politicus*, and specifically about the ways in which such a politically active person should serve his community.<sup>661</sup>

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<sup>654</sup> Althusius 1603b, p. 14 on ‘bene agendum’.

<sup>655</sup> Althusius 1603a, ch. XVI, p. 200: ‘Est ... ei, cui Respublica est commissa, necessaria oratio & sapientia’.

<sup>656</sup> Althusius 1603a, ch. XVI, p. 200 on a capacity ‘ad persuadendum ... suis civibus’ and an ‘intellectus ... agendorum & omittendorum in Reipublicae administratione’.

<sup>657</sup> Althusius 1601, I. VI, p. 103: ‘Finem ... huius artis Rhetoricae, qui est bene dicere’.

<sup>658</sup> Althusius 1603a, sig. (:), 6r: ‘ad imperandum idoneum reddunt’.

<sup>659</sup> Mortimer 2021, p. 238. But for correctives see Dreitzel 1992, p. 31; Van Gelderen 2002, p. 206.

<sup>660</sup> Althusius 1603a, XXIV, p. 335 on acting ‘contra legem Dei de victu comparando & honestis occupationibus’.

<sup>661</sup> Althusius 1603a, ch. I, p. 2: ‘mediis, quibus homo politicus utitur, de quibus hoc in libro deinceps dicturi sumus.’

In announcing his preoccupation with the duties of citizenship Althusius is thus drawing on a wholly familiar series of arguments. When he goes on to outline his vision of how these duties ought to be performed, however, he suddenly parts company with the views the humanists of the previous generation had put into circulation, and which continued to prevail in his time. This is not to imply that Althusius was unaware of any of these existing beliefs. We find some of them alluded to in the *Politica*, and others even actively endorsed in his earlier work. What Althusius seems to be doing in the *Politica*, then, is seeking to push aside these existing doctrines about active citizenship and replace them with his own revised account of what it means to act as a good citizen.

### **Althusius and the debates about citizenship**

Like the earlier commentators whose views I examined in chapter 2, Althusius begins in his preface to the *Politica* by asking what sort of ideal of public life those who serve in government should aim to realise and uphold. When Althusius goes on to state his answer, however, he announces a radical departure. As he observes, the crucial way in which his handling of this question differs from most existing treatments is in his account of the authority on whose behalf public affairs should be administered, and thus in his account of the ultimate proprietor of the *iura maiestatis* or rights of sovereignty in a genuine *respublica*. ‘I am aware that according to the view generally held by teachers of *scientia politica* these rights should be ascribed to the prince or chief magistrate as his personal property. In my view, however, they need to be attributed to the people.’<sup>662</sup>

Although Althusius here declares his position in polemical fashion, he is generally anxious throughout his treatise to emphasise the extent to which his commitment to an ideal of popular sovereignty is underpinned by arguments derived from traditional authorities. As I showed in chapter 3, the authorities on which he chiefly relies are the texts of Roman law, and specifically the passages in the *Institutiones* and the *Digesta* devoted to the analysis of the concept of civil liberty. Both parts of Justinian’s *Codex* had laid it down that to ‘live in subjection to the power or *dominium* of someone else’ is what it means to be a *servus* or slave, and hence unfree.<sup>663</sup> Althusius reiterates the argument in exactly the same terms. There can be no prospect of our enjoying our freedom, he maintains, unless sovereign power remains lodged

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<sup>662</sup> Althusius 1603a, sig. (:), 4v: ‘Sed haec [sc. iura maiestatis] ... populo attribui. Scio, communi doctorum calculo haec principi & summo magistratui propria adsignari.’

<sup>663</sup> Justinian 2014b, 1. V. 4. 1, p. 7: ‘dominio alieno ... subicitur’; cf. Justinian 2014a, 1. III. 2, p. 4.

with the body of the people as a whole. This is because anyone who lives as a subject of a sovereign ruler lives in subjection to the *dominium* of his ruler or *dominus*, and is thus ‘maintained in a condition of servitude or slavery’.<sup>664</sup> To submit to such a ruler is accordingly tantamount to ‘giving one’s own life away’,<sup>665</sup> and no *respublica* or commonwealth based on such an act of self-enslavement can be ‘judged worthy of the name’.<sup>666</sup>

As Althusius goes on to explain, one of the key features of a commonwealth in which the people are sovereign is that the whole of civil life is governed in accordance with their collective will, and hence in accordance with the will of all citizens. In such a commonwealth all civil laws must be enacted with the consent of the entire population; and they must provide the sole basis of government, so that ‘social life is instituted and governed with the common agreement of everyone’.<sup>667</sup> If and only if these requirements are fulfilled can the affairs of the commonwealth be said to be administered in the name of the whole people and the freedom of citizens be preserved.<sup>668</sup>

Developing this line of thought, Althusius continues by outlining the sort of government or constitution that needs to be established if there is to be any prospect of these requirements being met. Here he sketches an account of a constitution in which various elements are distinguished, and which he describes in the second version of his treatise as a mixed or tempered constitution, a *respublica mixta*.<sup>669</sup> In the political treatises of the earlier German humanists and those of Althusius’s contemporaries we also encounter widespread discussion of the ideal of mixed government. Yet Althusius in his treatment of this concept differs from these writers in significant ways.

The leading political writers of Renaissance Germany had generally emphasised the need to institute a species of mixed monarchy, one in which monarchical sovereignty is balanced by authorities that keep watch over the laws and ensure that the common good is followed. These writers suggested, moreover, that such an ideal of mixed monarchy had already been realised in the German Empire, in which the powers of the emperor could be said to be held in check by the prince-electors and imperial estates, each of whom was seen to possess independent authority, or even an element of sovereignty. As we have seen in chapter 2, this was the interpretation of the imperial constitution defended by such leading

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<sup>664</sup> Althusius 1603a, ch. XIX, p. 263: on how *domini* ‘subditos pro servis habent’.

<sup>665</sup> Althusius 1603a, sig. (:), 5r: ‘vitam quam quisque habet, alii communicare’.

<sup>666</sup> Althusius 1603a, sig. (:), 5r, stating that such a *respublica* ‘nomineque hoc indigna iudicanda’.

<sup>667</sup> Althusius 1603a, ch. VI, p. 57: ‘ex communi placito vita socialis ... instituitur & regitur.’

<sup>668</sup> Althusius 1603a, ch. VI, p. 58; ch. XIV, pp. 133, 137, 167.

<sup>669</sup> Althusius 1610a, ch. XXXIX, p. 697: ‘recte dicimus temperatam & mixtam esse quamvis Reipublicae speciem’.

commentators as Melanchthon and Konrad Heresbach, and later by Johann Kahl, who in his *De principe* of 1600 expresses his admiration for the harmonious way in which the parts of the imperial constitution are ‘mixed and joined together’.<sup>670</sup>

There are a number of features of this analysis that are echoed by Althusius in his account of an ideal form of government in the *Politica*. He agrees, as we saw in chapter 3, that a properly instituted commonwealth must include a monarchical element, or at least some kind of ‘chief magistracy’, as well as an aristocracy of princes or *optimates*, and a general assembly of the estates. He also observes with evident approval that these elements can all be discerned in the constitution of the German Empire, which he thus treats as an embodiment of an ideal *respublica*.<sup>671</sup> The monarchical element is said to be represented by the emperor, as a result of which ‘the Commonwealth of the German nation’ should be seen as a true ‘Monarchy’.<sup>672</sup> Similarly, the ‘Electors in the German *regnum* of our time’ are said to constitute an element of aristocracy,<sup>673</sup> while the rulers of the various regions or parts of this *regnum* may collectively be described as the ‘estates of the Empire’.<sup>674</sup>

While accepting that these institutions all represent elements of a properly mixed constitution, however, Althusius strongly repudiates the prevailing understanding of how these institutions ought to be understood. None of them can be regarded as proprietors of any independent authority or sovereign rights, because each of them must act on their community’s behalf.<sup>675</sup> Like all chief magistrates, the emperor is appointed simply to ‘bear the *persona* constituted by the body of the people as a whole’,<sup>676</sup> and hence to act as ‘a representative of the *persona*’ collectively constituted by ‘all of his subjects’.<sup>677</sup> If he fails to properly discharge this role, he can, again like all supreme rulers, be lawfully resisted and even removed ‘in the name of the people’.<sup>678</sup> Similarly, the prince-electors as the embodiment of the aristocratic element of a well-instituted commonwealth have a duty to ‘act in the name of the people’,<sup>679</sup> who have bestowed on them some of their own authority. This means that the power they wield

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<sup>670</sup> Kahl 1600, p. 134: ‘mirabili harmonia coniunctum & mixtum est’.

<sup>671</sup> Althusius 1603a, ch. VI, p. 58.

<sup>672</sup> Althusius 1603a, ch. XXXII, p. 464 on how Bodin ‘male negat Germanorum Rempubicam esse Monarchicam’.

<sup>673</sup> Althusius 1603a, ch. XIV, p. 165: ‘In Germanico regno hodie generales Ephori sunt Electores quos vocant Imperii.’

<sup>674</sup> Althusius 1603a, ch. XIV, p. 166: ‘In Germanico regno seu Imperio speciales Ephori sunt status quos vocant Imperii’.

<sup>675</sup> Cf. von Friedeburg 2002a, p. 113.

<sup>676</sup> Althusius 1603a, ch. XIV, p. 133 on those ‘qui gerant personam totius populi’.

<sup>677</sup> Althusius 1603a, ch. XV, p. 189: ‘repraesentant personam ... omnium subditorum’.

<sup>678</sup> Althusius 1603a, ch. XIV, p. 146 on the *ius* ‘resistendi tyrannis, eosque removendi ... nomine populi’.

<sup>679</sup> Althusius 1603a, ch. XIV, p. 142: ‘populum eius nomine quid agunt’.

is never their own, but ‘that of the people’,<sup>680</sup> and that it remains at all times within the power of the people to ‘dismiss them’.<sup>681</sup> Nor can the estates of a genuine *respublica* be taken to possess any independent authority. They have a duty to collectively act on behalf of the entire population, of which they may be said to constitute ‘an epitome’.<sup>682</sup> The distinctive function of the imperial estates, then, is to express ‘the consent of the members of the Empire as a whole’.<sup>683</sup> This in turn requires them to act ‘on the basis of the consent of the citizens’ of the communities over which they rule.<sup>684</sup> Far from possessing any independent powers, they are thus mere ‘syndics’ or deputies of their constituents.<sup>685</sup>

This understanding of a well-instituted constitution in turn underpins Althusius’s view in the *Politica* of the duties of citizenship. As in the political writings of his predecessors, the basic duty of a good citizen is said to be that of helping to preserve the welfare of his community, labouring to uphold the good standing of its constitution. All citizens should be ‘wholly devoted to the common benefit and safety of the Commonwealth’, acting with the sole aim of enabling a well-ordered form of public life to be realised and maintained.<sup>686</sup> Speaking more specifically of those who serve as counsellors or advisers, Althusius adds that they must be distinguished by their desire to act honestly and promote the *communis utilitas*.<sup>687</sup> ‘A good counsellor will be seeking to act in such a way as to restore and conserve the good standing of the Commonwealth, or to raise it back up in case of its collapse’.<sup>688</sup>

The question for Althusius is accordingly what citizens can do to help sustain a form of political life founded on the sovereignty of the body of the people as a whole, and thereby help to preserve their own liberty and that of their fellow citizens at the same time. Addressing this issue, Althusius largely focuses on three distinct elements in the ideal of active citizenship. And it is in discussing these elements that he most clearly reveals his basic aspiration to challenge and supersede the doctrines of citizenship prevailing in his time.

One claim emphasised by Althusius is that, since a genuine *respublica* must be based on the sovereignty of the whole people, every citizen ought to have an equal right to make his

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<sup>680</sup> Althusius 1603a, ch. XIV, p. 139: ‘potestate populi utuntur’.

<sup>681</sup> Althusius 1603a, ch. XIV, p. 141 on how they can be ‘ab eodem populo exauctorantur’. Cf. Althusius 1610a, ch. XVIII, pp. 222-3.

<sup>682</sup> Althusius 1603a, ch. XIII, p. 130: ‘Comitia igitur sunt regni quasi epitome’.

<sup>683</sup> Althusius 1603a, ch. XIII, p. 130: ‘consensu totius Imperii’.

<sup>684</sup> Althusius 1603a, ch. V, p. 53: ‘ex civium consensu’. See also Althusius 1610a, ch. VIII, p. 106.

<sup>685</sup> Althusius 1603a, ch. XXVII, p. 371 speaks of ‘syndici’. Althusius 1614, XXXIII. 11, p. 707 speaks more plainly of ‘legati’ or deputies.

<sup>686</sup> Althusius 1603a, ch. I, p. 3: ‘cives conferunt omnia sua ad salutem vel commodum Reipublicae’.

<sup>687</sup> Althusius 1603a, ch. XXII, p. 298.

<sup>688</sup> Althusius 1603a, ch. XXII, pp. 288-9: ‘boni consiliarii faciunt ac conferunt in statu Reipublicae reformando et conservando, et collapsio erigendo’.

voice heard in the affairs of his community. This is not a claim which his predecessors – with their overwhelming emphasis on an ideal of personal service to rulers – ever discuss. Nor does Althusius consider it in his earlier discussion of the concept of citizenship in the *Civilis conversationis*. But in the *Politica* he treats it at some length in his discussion of the political arrangements of the communities of which a federated commonwealth will be composed. He argues that every civic community ought to ‘be governed in accordance with laws that have been approved by itself’,<sup>689</sup> adding that the right to make these laws is one that is ‘held in common by the citizens’.<sup>690</sup> It follows that each citizen must have ‘a *ius suffragii*, a right to vote in the community’s affairs’, so as to enable its government to be conducted ‘on the basis of the consent of the citizenry’ at large.<sup>691</sup> It is true that Althusius’s extended account of the government of such communities in the second edition of the *Politica* adds that this right will normally be exercised by a senate of leading citizens.<sup>692</sup> Althusius remains anxious, however, to emphasise that it may sometimes be necessary to enable all citizens to participate in the decision-making process, and goes on to suggest various ways in which they can be consulted and their ‘votes can be collected’.<sup>693</sup>

The second element in the idea of citizenship singled out by Althusius concerns the duty or *officium* of citizens who possess the required talents to serve as public officials, and hence to play an active part in the administration of public affairs. The point is particularly underlined in chapter XI, in which he speaks about the ‘activities that need to be undertaken on behalf of the Commonwealth’.<sup>694</sup> Althusius admits that the most important duties of citizenship ‘should be imposed only on those who are suitably endowed by God with the necessary gifts’.<sup>695</sup> Yet he is insistent that the burdens of the active life, and particularly those of civil magistracy, must be widely shared, declaring that ‘in every Commonwealth certain magistrates and ministers have to be chosen and assigned to specific aspects of government, so as to allow these matters to be better and more effectively administered.’<sup>696</sup>

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<sup>689</sup> Althusius 1603a, ch. V, p. 53: ‘gubernatur secundum leges a se approbatas.’

<sup>690</sup> Althusius 1603a, ch. V, p. 52: ‘Iura civitatis ... civibus ... communicantur’.

<sup>691</sup> Althusius 1603a, ch. V, p. 53 on the ‘*ius suffragii in communis negotiis*’ and the need for the government of the community to be conducted ‘*ex civium consensu*’.

<sup>692</sup> Althusius 1610a, ch. V, p. 52.

<sup>693</sup> Althusius 1610a, ch. V, p. 53 on the ways in which their ‘*suffragia adhibentur*’. Cf. von Friedeburg 2002a, p. 114.

<sup>694</sup> Althusius 1603a, ch. XI, p. 99: ‘*Reipublicae negotium gerendum suscipimus*’.

<sup>695</sup> Althusius 1603a, ch. XI, p. 101: ‘*iniungendum est iis, qui sunt ideonei, & necessariis ad Deo donis ad hoc sunt instructi.*’

<sup>696</sup> Althusius 1603a, ch. XI, p. 105: ‘*in quavis Republica ... magistratus & ministri illius eliguntur & ad singula negotia deputantur, ut melius singula curentur & expeditantur.*’

To understand how Althusius thinks about the duties of such officials, we first need to recall his argument about the different nature of sovereign power in matters of religion and civil affairs. As we saw in chapter 3, Althusius views the people's sovereignty in matters of religion essentially as a power to ensure that God is worshipped in accordance with His own commandments, and thus on the basis of the Scriptures. It follows, Althusius concludes in chapter XXIII of the *Politica*, that the right to determine the actions of government in matters of religion should in practice be assigned to the clergy; whose members must have a duty to supply the rulers of the commonwealth with 'advice' about how to institute and maintain the true religion, and be granted control over education and church affairs, as well as all legislation concerning religious teaching, the sacraments, the adiaphora and so forth.<sup>697</sup>

Althusius's contrasting view of the power held by the people over civil affairs, as we have seen, is that this aspect of public life must at all times be founded on their general will. This commitment in turn underlies his treatment of the duties of civil magistrates, which takes the form of a direct response to the ideal of citizenship embodied in the treatises of his predecessors and in his own earlier discussion in the *Civilis conversationis*.

A particularly detailed statement of the more common view of citizenship had, as we saw in chapter 2, been furnished by Johannes Ferrarius in his *De republica* of 1556. As Ferrarius explains, any citizen who performs some magisterial duty should be understood to be an agent of his ruler, who has appointed him to carry out his wishes and to exercise his powers 'by means of his agency'.<sup>698</sup> This was still Althusius's own view when he composed the *Civilis conversationis*. As he affirms in Book II, whenever we discharge some duty in service of the community, we must bear in mind that 'we are administering the affairs of our superior magistrate and are acting as his placeholder'.<sup>699</sup> This in turn means that we cannot act at our own pleasure but must 'have regard for his wishes'.<sup>700</sup>

In Althusius's *Politica*, however, this conception of citizenship is rejected outright. Since every citizen has a duty to help maintain the good standing of the *respublica*, and since this requires that civil life should be governed on the basis of the consent of the whole population, those who serve as magistrates cannot be regarded simply as agents of their rulers.

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<sup>697</sup> Althusius 1603a, ch. XXIII, pp. 314-6. See also Althusius 1614, XXVIII. 6, p. 570, stating more forthrightly that 'a magistrate in the administration of church affairs is not permitted to undertake any action unless the clergy has given advice on the basis of God's word and has given its consent' ('In administratione rerum ecclesiasticarum nihil aget magistratus sine consensu & consilio ecclesiasticorum ex verbo Dei sumpto').

<sup>698</sup> Ferrarius [1556], 3. I, p. 30 on such officials as agents through whose agency (*per*) their rulers are able to act or *facere*.

<sup>699</sup> Althusius 1601, II. VI, p. 289: 'magistratus superior, ... quorum negotia gerimus & administramus, & vices sustinemus'.

<sup>700</sup> Althusius 1601, II. VII, p. 306 on those required to 'servire voluntatem' of their master.



Instead, they ought to be seen as agents or trustees of the whole people, who must have supplied them with a specific ‘mandate upon their appointment’.<sup>701</sup> This in turn carries with it a number of practical implications that Althusius duly spells out in the course of discussing the ways in which the duties of citizenship should be assigned and discharged. One is that such *officia* cannot be assigned by the rulers of the commonwealth at will, but need to be ‘imposed on citizens with the approval of the people, who possess this authority’.<sup>702</sup> A further implication is that the citizens who act as magistrates ought not to view themselves basically as carrying out the wishes of their superior rulers, but instead as expressing the will of the people enshrined in the laws, whose commands every ‘Magistrate in the performance of his administrative duties’ must ‘execute’.<sup>703</sup> Lastly, because the true status of such civic officials is that of agents or trustees of the people, they should also be capable of being removed from their position in the name of the people.<sup>704</sup> ‘Just as their authority has arisen from the people, so it should also continue to depend on them’.<sup>705</sup>

The third claim advanced by Althusius about the role of citizens in the preservation of an ideal form of public life is that they have a further duty to help and support those who have been entrusted by the people with the right to resist a tyrannous ruler.<sup>706</sup> This commitment again stands in sharp contrast with the political treatises of the humanists of the previous generation, who (as we have seen) had generally insisted on the duty of citizens to submit to the powers that be. The same duty is even more strongly emphasised by a number of leading humanists writing during the wars of religion of the late sixteenth century. Among these writers, by far the most influential was Justus Lipsius in his *Politicorum libri sex*, first published in 1589 and frequently reprinted thereafter.<sup>707</sup> Asking towards the end of his treatise whether an oppressive ruler ought not to be opposed, Lipsius answers that nothing good can come of such an act of resistance, exhorting citizens instead to seek shelter behind the ‘shield of Endurance’.<sup>708</sup>

By contrast, Althusius in the *Politica* goes on to argue that there are some circumstances in which all citizens may be said to have a duty to join in an act of political resistance,

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<sup>701</sup> Althusius 1603a, ch. XIX, p. 260, describing the good magistrate as a ‘fidelem dispensatorem & defensorem, generali populi mandato constitutum’.

<sup>702</sup> Althusius 1603a, ch. VIII, p. 79: ‘Officium impositum, quod civis ... gerit, autoritate populi approbatum.’

<sup>703</sup> Althusius 1603a, ch. XIX, p. 267: ‘In administratione hac sua, Magistratus est ... exsecutor ... legis’.

<sup>704</sup> See also Althusius 1603a, ch. XIX, p. 263; ch. XX, p. 280.

<sup>705</sup> Althusius 1603a, ch. XIX, p. 260: ‘ut a populo incepit, sic ab eodem pendeat.’

<sup>706</sup> Von Friedeburg 2002a, pp. 121-2.

<sup>707</sup> Oestreich 1989, pp. 215-8. For fuller discussions see Skinner 1978, vol. 2, pp. 275-84; Van Gelderen 1992, pp. 180-7; Waszink 2004, pp. 67-73.

<sup>708</sup> Lipsius 1590, VI. V, p. 241 on the ‘Tolerantiae scutum’.

withdrawing the overriding emphasis he had likewise placed in the *Civilis conversationis* on the virtue of obedience.<sup>709</sup> It is true that even in his later discussion Althusius remains careful to deny that mere private citizens can ever have a right to wield the sword of justice against a lawfully constituted ruler, stating that they must ‘bear the yoke of tyranny’ unless an act of resistance has been instigated by the proper authorities – the aristocratic *optimates* or *Ephores* – on behalf of the sovereign people.<sup>710</sup> Once this has been done, however, every citizen should be understood to have a positive duty to support their efforts to restore the rule of law and uphold the welfare of the commonwealth. ‘The *optimates* who are engaged in such an act of resistance ought then to be joined by all subjects and citizens who are genuine lovers of their community and wish to maintain the Commonwealth in a sound condition.’<sup>711</sup>

### **Althusius and the debates about civic virtue**

When Althusius turns to discuss the personal attributes needed for effective citizenship, he starts by endorsing the basic account of these qualities derived from the moralists of antiquity. As I showed in chapter 1, the German humanists of the Renaissance especially liked to refer their students to Cicero’s analysis in the opening Book of *De officiis*, in which he had singled out the virtues of prudence, justice, fortitude and temperance or modesty. The same list recurs widely in the moral and political treatises of the humanists themselves. Ferrarius repeats it in his *De republica*; so too does Jakob Omphalius in his *De civili politia*; so too does Cornelius Valerius in his *Ethicae*.<sup>712</sup> As Valerius roundly declares, a ‘good citizen’ may be said to be distinguished by his possession of the ‘civic virtues’, namely justice, fortitude, prudence and temperance.<sup>713</sup> Althusius in the *Politica* speaks in almost identical terms, affirming in chapter VI that a good citizen can only be someone who has succeeded in attaining ‘genuine piety, prudence, courage, justice and temperance’.<sup>714</sup> These are the virtues, he later adds, that every citizen requires in the performance of his civic duties.<sup>715</sup>

There are, however, two points at which Althusius mounts a direct challenge to some prevailing assumptions about the nature of civic virtue in laying out his doctrine of popular

<sup>709</sup> Althusius 1601, II. IV-V, pp. 257-82.

<sup>710</sup> Althusius 1603a, ch. XIV, p. 160: ‘iugum tyranni ferent’.

<sup>711</sup> Althusius 1603a, ch. XIV, p. 153: ‘Resistenti vero ... optimati debent se adiungere subditi ... & cives patriae amantes qui salvam Rempublicam volunt.’

<sup>712</sup> Ferrarius [1556], 7. VIII, p. 132; Omphalius 1563, III. 1. 29-39, pp. 328-9.

<sup>713</sup> Valerius [1566], ch. 16, p. 46: ‘Bonus patriae civis appellandus est, qui civilibus ornatus virtutibus’.

<sup>714</sup> Althusius 1603a, ch. VI, p. 61: ‘boni cives ...: inprimis [sic] vero pii, prudentes, fortes, iusti, temperantes.’

<sup>715</sup> Althusius 1603a, ch. XI, p. 100.

sovereignty. He first turns against the belief – much reiterated in the moral treatises of his contemporaries – that those who are appointed to serve as magistrates should comport themselves in an allegedly magnificent style. The authority most frequently invoked in support of this commitment was Aristotle, and especially his discussion of the virtue of magnificence in Book 4 of the *Nicomachean Ethics*.<sup>716</sup> Theophilus Golius in his *Epitome* of Aristotelian moral philosophy claims that this virtue ought to be the distinctive attribute of those whose ‘public authority is greater than that of other people’.<sup>717</sup> Bartholomeus Keckermann likewise writes in his *Systema Ethicae* that it should be exhibited by all those ‘who hold a position of greater dignity’ in government.<sup>718</sup>

This view gave rise a large body of moral and political writings in which citizens were instructed in the best ways to cultivate this virtue.<sup>719</sup> A particularly full account is found in Johannes Caselius’s special treatise on the subject, which appeared in Rostock in 1587.<sup>720</sup> Closely following Aristotle, Caselius begins by laying it down that a true *vir magnificus*, a genuinely magnificent individual, needs to make a great display. As examples of suitable display Caselius mentions (among others) gifts for honoured guests, public banquets, games and other spectacles, pomp, and a richly decorated residence.<sup>721</sup> But the point Caselius above all wishes to emphasise is that the expenses involved ought to be ‘very large’. This is why a *vir magnificus* can only be a person ‘who has an abundance of wealth’.<sup>722</sup>

When Althusius in the *Politica* examines the qualities required of those who take part in the administration of public affairs, he turns violently against this view. This is not to say that he wholly rejects the value of display, or even the idea that it is appropriate for those who serve in government to be distinguishable by their appearance.<sup>723</sup> But he strongly denies that the sort of expenses recommended by Aristotle’s followers should be permitted in a well-instituted commonwealth. Althusius outlaws ‘extravagant games and spectacles’;<sup>724</sup> he yet more sternly forbids ‘sumptuous banquets’;<sup>725</sup> and he speaks with great vehemence of the need to ‘avoid expensive gifts, pomp and buildings that serve no other purpose than to flaunt the

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<sup>716</sup> On the commentaries on Aristotle’s *Ethics* of this period see Gauthier 1970, pp. 185-9, 196-202.

<sup>717</sup> Golius [1592], IV. II, p. 158: ‘Magnificentia solum decet eos, qui ... autoritate caeteris hominibus antecellunt’.

<sup>718</sup> Keckermann 1607, II. VI, p. 267: ‘qui ... dignitatem maiorem gerit.’

<sup>719</sup> Zwinger 1565, pp. 549-71; Heiland [1578], 4. II, pp. 74-8; Goclenius 1592, pp. 33-6; Golius [1592], IV. II, pp. 156-60; Keckermann 1607, II. VI, pp. 266-9.

<sup>720</sup> Roick 2021, pp. 25-32.

<sup>721</sup> Caselius 1587, pp. 22, 28-9.

<sup>722</sup> Caselius 1587, pp. 9-10: ‘Non enim cadit magnificentia, nisi in virum ... opibus affluentem.’

<sup>723</sup> Althusius 1603a, ch. XI, p. 104; ch. XXXI, pp. 436-9.

<sup>724</sup> Althusius 1603a, ch. XIX, p. 259, requiring that *ludi* and *voluptates* be hosted ‘sine ... luxu’.

<sup>725</sup> Althusius 1603a, ch. XXV, p. 337, forbidding ‘magnificus apparatus convivorum’.

vanity' of their owners.<sup>726</sup> What needs to be avoided, in short, is precisely what Aristotle's disciples had claimed to be characteristic of a *vir magnificus*.

Stating his reasons for adopting this position in chapter XXXII, Althusius refers us directly to his doctrine of popular sovereignty. Since these expenses are all 'unnecessary', he starts by explaining, they are invariably made at the expense of the people,<sup>727</sup> by whom the leaders of government are entrusted with the dispensation of the public estate. When these officials 'receive this estate', however, they are commissioned to administer the resources allocated to them in such a way as to promote the welfare of their subjects, not to use it for their own benefit.<sup>728</sup> The main reason why these expenses need to be avoided is accordingly that they are contrary to the 'general mandate given by the people', which requires that 'the public estate should be strictly managed'.<sup>729</sup>

The other point at which Althusius challenges the prevailing assumptions is in examining the connections between his constitutional argument and the requirements of the virtue of temperance. This virtue had sometimes been associated with the quality of being approachable and willing to engage in conversation with one's social inferiors,<sup>730</sup> a view of temperance with deep classical roots, and one which can be found in the moral writings of Seneca as well as Cicero.<sup>731</sup> There existed an equally long-standing tradition of casting doubt on the alleged benefit of such affability, however, and some of the arguments employed to this effect were in turn revived by a number of leading political writers of the Renaissance. Bodin makes use of them in his *Six livres de la république*,<sup>732</sup> but perhaps the most influential exponent of this strand of thought was Lipsius in the *Politicorum*.<sup>733</sup>

Lipsius is always anxious to emphasise that those with a leading position in society should guard against any loss of their authority or 'majesty'. One way in which he illustrates this commitment is by counselling princes not to be excessively modest.<sup>734</sup> More specifically, what he counsels them to do is to avoid being easily accessible, or 'all too civil'. They should

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<sup>726</sup> Althusius 1603a, ch. XXXI, p. 434: 'nimiae largitiones, ... pompa, ... aedificationes ... vanitatis ostentationem habentia'.

<sup>727</sup> Althusius 1603a, ch. XXXI, pp. 434-5 on 'sumptus supervacanei' and the ways in which they harm the people.

<sup>728</sup> Althusius 1603a, ch. XXXI, p. 434: 'hasce res a populo acceptit'.

<sup>729</sup> Althusius 1603a, ch. XXXI, p. 434 on the 'mandato generali populi' and the fact that the 'Dispensatio ... rerum publicarum stricta ... esse debet'.

<sup>730</sup> Omphalius 1563, II. 24. 8-9, p. 283; Heresbach 1570, I. XV, fo. 49r.

<sup>731</sup> Cicero 1913, I. XXV. 88, pp. 88-90; Seneca 1928, I. 13. 4, p. 396.

<sup>732</sup> Bodin 1586, 4. VI, pp. 455-6. For a discussion see Keohane 1980, 76-7. See also the discussion in Grégoire 1597, VIII. III. 4, p. 557.

<sup>733</sup> Van Houdt 2007, p. 21. For Lipsius on princely majesty see Scattola 2003a, pp. 248-9; Waszink 2004, pp. 83-4.

<sup>734</sup> Lipsius 1590, II. XVI, p. 66.

withdraw from public life as far as possible in order to cultivate a suitably enigmatic *persona*. The authority on whom Lipsius chiefly relies at this juncture is Tacitus, who had laid it down in the *Annals* that ‘majesty’ is invariably ‘more venerated from a distance’.<sup>735</sup> Once this has been established Lipsius’s conclusion readily follows. Anyone who wishes to retain his good standing in government will need to make extensive use of ‘the arts of absence and disengagement’.<sup>736</sup>

This view gained widespread acceptance among German commentators.<sup>737</sup> Nor was Althusius unaware of this argument, for he endorses it himself in Book II of the *Civilis conversationis*. Discussing the quality of *gravitas* in chapter VI, Althusius treats it as ‘its first requirement’ that those who perform some leading role in society need to ‘make certain that their personal conversations with their inferiors, the common people, shall be few in number and rare.’<sup>738</sup> As Althusius later confirms, the reason why they should do so is because ‘familiarity, in the proverbial phrase, breeds contempt’ of authority and majesty.<sup>739</sup>

If we turn to Althusius’s *Politica*, however, we find this commitment violently reversed. Althusius makes his point with the greatest force in chapter XX in the course of listing the requirements of the virtue of temperance or modesty. One thing it requires ‘is that we must be approachable’ and willing to ‘converse’ with others.<sup>740</sup> This is followed by a scornful attack on princes who live ‘a solitary life’, prevent their subjects from speaking with them and thereby ‘betray their pride’, which is wholly ‘unworthy of someone in their leading position’.<sup>741</sup>

Althusius’s primary reason for insisting on the virtue of being approachable is that the duty to cultivate this quality is attached to the office of magistrate itself. This is first emphasised in chapter XIX, in which all those who serve as magistrates are said to acquire their authority in the form of a trust imposed on them by the people.<sup>742</sup> ‘This is why there is no better way for someone with a leading position to gain the favour and acceptance of the people than by showing that he does not look down on them, which he is able to do by discussing public affairs

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<sup>735</sup> Lipsius 1590, II. XVI, p. 67: ‘maiestati maior ex longinquo reverentia’.

<sup>736</sup> Lipsius 1590, II. XVI, p. 67: ‘arte ut recessus & seiunctio’.

<sup>737</sup> Collibus 1593, ch. XXVII, pp. 99-100; Sigfrid 1594, p. 25; Casmann 1603, ch. XVI, pp. 65-6; Arnisaecus 1606, I. IX, pp. 203-4; Keckermann 1608, I. III, p. 95.

<sup>738</sup> Althusius 1601a, II. VI, p. 285: ‘Primum est [requisitae], ut parca & rara dignioris & honoratoris sit conversatio cum inferiore populari & viliori.’

<sup>739</sup> Althusius 1601a, II. VI, p. 299: ‘familiaritas, ut habet proverbium, parit contemptum.’

<sup>740</sup> Althusius 1603a, ch. XX, p. 281: ‘In sermone requiritur ... facilitas’.

<sup>741</sup> Althusius 1603a, ch. XX, p. 281, stating that ‘solitaria vita principis ... arguit ... principe superbiam’ and that this is ‘indignum principatu’.

<sup>742</sup> Althusius 1603a, ch. XIX, pp. 260-3.

with them'.<sup>743</sup> But Althusius also reverts to his claim that, since all magistrates are appointed by the people, 'they must remain dependent on them'.<sup>744</sup> The implication that those who fail to exhibit the required modesty can expect to be deposed is duly spelled out in the next chapter. As Althusius expresses it, those who are 'less virtuous' than others can at any moment 'be reduced to the status of a subject'.<sup>745</sup> As before, it is Althusius's theory of popular sovereignty that underpins his particular position in the debates about civic virtue.

With this final attack Althusius's rests his case. He has challenged the ideal of personal service embodied in the leading political writers of the German Renaissance (as well as his own earlier work). And he has rejected some of the more specific features of the analysis of the concept of civic virtue that had come to be associated with this ideal in the treatises of his contemporaries (and, again, his own former work). But he never seeks to abandon the underlying ideal of citizenship itself. As he puts it at the outset of the *Politica*, his concern throughout is with the 'ways in which a genuinely political person' is able to serve his community.<sup>746</sup> His suggestion is rather that, if we are to truly embody this Ciceronian ideal, we need to make sure that our actions remain consistent with the fact that ultimate sovereignty resides at all times with the whole people. This is the challenge he may be said to be putting to the prevailing doctrines about citizenship.

### **The end of Althusian politics**

I have been arguing that Althusius's doctrine of popular sovereignty in the *Politica* is intended as a contribution to the Renaissance debates about the ideal of the *res publica*, and that it in turn underpins his position in the related debates about the mixed constitution and political citizenship. These themes had all lain at the heart of the genre of political literature first introduced in Germany by the leading humanists of the previous generation, and they continued to occupy a central place in the political writings of Althusius's own contemporaries. Althusius's constitutional theory, I have suggested, should accordingly be understood as a reaction to the more traditional views about these matters, and more specifically as an attempt to supersede these existing doctrines.

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<sup>743</sup> Althusius 1603a, ch. XIX, p. 263: 'Quas ob causas nihil gratius & acceptius populo, quam si eum adeo non despicit princeps, ut ... de publicis negotiis cum eo agat'.

<sup>744</sup> Althusius 1603a, ch. XIX, p. 260: 'qui ut a populo incepit, sic ab eodem pendeat.'

<sup>745</sup> Althusius 1603a, ch. XX, p. 280: 'virtutibus inferior, quique ex principe subditus fieri possit'.

<sup>746</sup> Althusius 1603a, ch. I, p. 2: 'mediis, quibus homo politicus utitur, de quibus hoc in libro deinceps dicturi sumus.'

For a while Althusius's *Politica* seems to have enjoyed considerable success as a textbook on popular sovereignty, in particular at the Academy of Herborn, where he had originally written and published it. During the first decades after its appearance the doctrines of the *Politica* appear to have served as the main basis of political education at this institution.<sup>747</sup> Matthias Martinius in his 'encyclopaedic' discussion of the arts of 1606 admits that his section on politics takes the form almost of an 'epitome' of Althusius's *Politica*.<sup>748</sup> Philipp Hoen in the treatise on *scientia politica* he issued in 1608 also cites Althusius as his leading authority on the subject of popular sovereignty,<sup>749</sup> while Johann Alsted refers to Althusius's *Politica* in similar fashion in the fourth volume of his massive *Encyclopaedia*, which appeared in 1630.<sup>750</sup>

In the decades that followed, however, Althusius came increasingly to be singled out as a dangerous enemy of monarchical authority, and as perhaps the worst of all writers on popular sovereignty.<sup>751</sup> We already encounter some elements of this criticism in the commentaries of his own contemporaries, especially in the anti-monarchomach treatise published in 1612 by Henning Arnisaeus.<sup>752</sup> Arnisaeus condemns all 'those who subject the undivided Sovereignty of princes to the censures of the people',<sup>753</sup> and specifically mentions Althusius as a member of this group.<sup>754</sup> Later such attacks became more widespread. Hermann Conring was one of the most ferocious of Althusius's critics, and in the *De civili prudentia* of 1662 describes his doctrines as fit only to 'plunge the world into disorder'.<sup>755</sup> Johann Boecler speaks in similar terms in his political treatise of 1663, in which Althusius is reviled as a demagogue whose 'book should be damned to hell'.<sup>756</sup>

As well as becoming a target of such monarchists, Althusius was eventually simply ignored in discussions about popular sovereignty. It is true that some writers continued to reference him even in the final decades of the seventeenth century.<sup>757</sup> It would seem, however, that by this stage his commitment to an ideal of 'limited' popular sovereignty had come to appear somewhat irrelevant to many leading writers on the subject. Once such theorists as

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<sup>747</sup> Hotson 2002, pp. 253-9. See also Hotson 2020, pp. 39 n70, 138.

<sup>748</sup> Martinius 1606, II. tract. XX, p. 335.

<sup>749</sup> Hoen 1608, disp. III, p. 55.

<sup>750</sup> Alsted 1630, p. 1404, col. 1.

<sup>751</sup> Gierke 1902, pp. 4-8.

<sup>752</sup> Scattola 2003b, pp. 218-27.

<sup>753</sup> Arnisaeus 1612, title page on those 'qui omnem Principum Maiestatem subjiiciunt censurae ... populi'.

<sup>754</sup> Arnisaeus 1612, ch. I, p. 3.

<sup>755</sup> Conring 1662, ch. XIV, p. 362: 'turbando orbi aptus'.

<sup>756</sup> Boecler 1663, I. III, p. 235: 'librum orco damnandum'.

<sup>757</sup> Kossmann 2000, pp. 45, 46.

Spinoza and later Rousseau and Kant began to develop more emphatically absolutist conceptions of popular authority, they and their growing number of followers naturally came to view the kind of perspective that Althusius had sought to defend as little more than a relic of an unenlightened age.





## Conclusion

### Althusius and the monarchomachs

At the heart of the vision of a commonwealth ‘worthy of the name’ presented by Althusius in his *Politica* lies the contention that there can be no prospect of our attaining the ends of public life unless the government of civil affairs to which we are subject is instituted in accordance with the dictates of justice and on the basis of the will of the entire population.<sup>758</sup> If all citizens are to live comfortably, in a state of liberty, sovereignty must at all times reside with the whole people. No one can be free while being subject to the mere will of someone else, to a *dominus* or lord, since this is what it means to be ‘maintained in a condition of servitude or slavery’.<sup>759</sup> This is why the conduct of civil life must be based on ‘the general will of everyone’, so that no one is ever forced to live in dependence on the will of anyone else.<sup>760</sup> If and only if this requirement is fulfilled can ‘each citizen’ enjoy the *libertas* that he is rightfully due.<sup>761</sup>

By the time Althusius published the *Politica* the same argument had already been widely discussed by the so-called monarchomach writers of the previous generation. The clearest statement of this defence of popular sovereignty can be found, as we have seen, in the anonymous *Vindiciae, contra tyrannos* of 1579. Focusing on the authority of lawfully constituted kings, the author of the *Vindiciae* begins by stating that the ‘license of their Prince’ must never be permitted to ‘take away the liberty of the People’.<sup>762</sup> Every ruler must be bound to act with popular consent,<sup>763</sup> because his subjects would otherwise be living in a state of ‘dependence on the will of someone else’, and hence be unfree.<sup>764</sup> It follows that the only legitimate form of monarchical government must be one founded on the ‘supreme lordship of the People’ as a whole.<sup>765</sup>

Although Althusius’s constitutional theory owes an evident debt to these and similar monarchomach discussions, he at the same time furnishes a much extended analysis of the concept of popular sovereignty itself. This can above all be seen in Althusius’s account of the

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<sup>758</sup> Althusius 1603a, sig. (:), 5r on what it means for a *respublica* to be *nomine hoc digna*.

<sup>759</sup> Althusius 1603a, ch. XIX, p. 263: on how *domini* ‘subditos pro servis habent’.

<sup>760</sup> Althusius 1603a, ch. VI, p. 58 on the ‘communi voluntate’.

<sup>761</sup> Althusius 1603a, ch. V, p. 54: ‘civi cuilibet ... ius, libertas ... relinquitur’.

<sup>762</sup> *Vindiciae* 1579, p. 106 on what ‘libertati Populi demitur’ and ‘Principis licentiae adiungitur’.

<sup>763</sup> See *Vindiciae* 1579, pp. 119, 123-4 on the king’s obligation to uphold the laws and his inability to pass new laws or alter existing ones without ‘communi consensu’. Cf. also pp. 142-3 on the requirement of consent for taxation.

<sup>764</sup> *Vindiciae* 1579, p. 126: ‘ab alieno arbitrio ... pendere’.

<sup>765</sup> *Vindiciae* 1579, p. 89 for ‘supremo dominio Populi’.

nature of the powers that are rightfully possessed by the people. His predecessors had generally been content merely to ascribe sovereignty to the people. By contrast, Althusius goes on to argue that, if freedom and justice are to be upheld, it is essential that the powers possessed by the people should be 'limited' in character, so that public life can never be 'administered on the basis of the will of the people' alone, and no individual subject is ever forced to live in dependence on the will of a majority of the population.<sup>766</sup> This in turn leads Althusius to make the further suggestion that the aristocratic element in the mixed constitution must be included in the legislative process, enabling it to ensure that the laws enacted on the people's behalf remain in line with the requirements of justice.<sup>767</sup>

Althusius also furnishes a more considered account than the earlier monarchomach writers had offered of the means by which the civil laws can be enacted with the consent of the entire population. His predecessors had usually restricted themselves to observing that the public assemblies of a kingdom may be said to act in the name of the whole people if every region or member of the commonwealth is duly represented.<sup>768</sup> To this Althusius adds that, if the laws of the commonwealth are to properly express 'general will of everyone', each of its members needs to be capable of acting with the consent of the local citizenry. Every community of which the *respublica* is composed has to act 'on the basis of the consent of its citizens',<sup>769</sup> so that when these communities collectively make laws for the whole commonwealth their legislative act can be said to 'be performed by everyone',<sup>770</sup> and their resulting decrees may be seen as 'decrees of the people'.<sup>771</sup>

Besides enlarging on the existing analysis of popular sovereignty, Althusius goes on to mount a far more radical defence of the associated ideal of local autonomy. While the earlier monarchomachs had accepted that the various regions or 'parts' of a kingdom ought to be possessed of their own laws and government, they had tended to argue that this autonomy must not be maintained at the expense of the unity of the population, insisting that (as the author of the *Vindiciae* puts it) it can never be permissible for one part 'to secede from a kingdom'.<sup>772</sup> Althusius, by contrast, declares that the communities of which a commonwealth is composed must not merely be governed in accordance with the will of the local citizenry, but must also

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<sup>766</sup> Althusius 1603a, ch. XX, p. 282 on how it would not be 'iusto' if the *respublica* would be administered 'ex populi arbitrio'.

<sup>767</sup> Althusius 1603a, ch. XXIV, p. 319.

<sup>768</sup> See for example *Vindiciae* 1579, pp. 98, 100; Hotman 1586, ch. XII, p. 95; ch. XIII, p. 108; Van Meteren 1598, pp. 448-50.

<sup>769</sup> Althusius 1603a, ch. V, p. 53: 'ex civium consensu'.

<sup>770</sup> Althusius 1603a, ch. XIII, p. 131, stating that such an action 'ab omnibus peragatur'.

<sup>771</sup> Althusius 1603a, ch. VI, p. 58 on laws made 'sanctione populi'.

<sup>772</sup> *Vindiciae* 1579, p. 64: 'a regno secedere'.

be able to leave behind this larger body ‘if the collective public safety of their own members manifestly requires such action’.<sup>773</sup> Otherwise their citizens would be living in a state of dependence on the will of the rest of the population of the commonwealth, and this would be ‘the height of injustice or unfairness’.<sup>774</sup>

It is above all due to his elaboration and revision of these monarchomach arguments in the *Politica* that Althusius deserves to be recognised as one of the leading theorists of popular sovereignty of his age. In his handling of these arguments Althusius shows himself steadily committed to the view that, as he was to write in his *Dicaeologicae*, personal freedom consists in ‘not being dependent on anyone’.<sup>775</sup> And this leads him to develop a more complex analysis of the concept of sovereignty as well as a fuller account of the ways in which the people’s powers should be exercised than had hitherto appeared.

### **Althusius and the Renaissance debates**

One point I have sought to emphasise throughout this thesis is that Althusius in developing his doctrine of popular sovereignty is at the same time responding to a number of arguments that had earlier been put forward in Renaissance discussions of the ideal of the *res publica* or commonwealth. As I noted at the outset, however, Althusius’s doctrine has more usually been treated as a contribution to the intellectual debates of the Reformation. More specifically, his way of defending the popular sovereignty of the people has been claimed to be indebted to the religious culture of sixteenth-century Calvinism, and therefore to represent a peculiarly Calvinist contribution to the theory of society and government.

Althusius was no doubt a Calvinist, and he generally took care to present himself as a faithful servant of the Calvinist or Reformed church. In one of his letters from the late 1590s we find him remarking with approval that some local churches have been purged of ‘those who wish to be called Lutherans’;<sup>776</sup> and we later find him writing to his friend Sibrandus Lubbertus to express his support for Lubbertus’s opposition to the theology and ecclesiology of Vorstius and Grotius.<sup>777</sup> Furthermore, Althusius takes up a number of Reformation doctrines in the

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<sup>773</sup> Althusius 1603a, ch. XIV, p. 163: ‘quando ... istius partis totius publica manifestaue salus id omnino suadet’.

<sup>774</sup> Althusius 1603a, ch. XIV, p. 154: ‘Iniquissimum enim essit, ut si alii, vel universi ..., nolint sibi consulere, ii qui sapiunt, non possint’.

<sup>775</sup> Althusius 1617, l. 25. 10, p. 97, defining ‘ius libertatis personam concernens’ as a matter of ‘a nullo pendere’.

<sup>776</sup> Friedrich 1932, p. cxxi on those ‘qui se Lutheranos vocari volunt’.

<sup>777</sup> Friedrich 1932, pp. cxxvii-xxx.

*Politica*.<sup>778</sup> He maintains that we are justified through faith alone,<sup>779</sup> and that the true religion must be based solely on God's words as revealed through Scripture.<sup>780</sup> He provides a distinctively Calvinist account of how the church ought to be organised.<sup>781</sup> And he invokes the concept of the theological covenant, arguing that every community must swear to ensure the rule of righteousness among its members.<sup>782</sup>

Even though Althusius was a Calvinist, however, it would be misleading to suggest – as many commentators have done<sup>783</sup> – that his defence of popular sovereignty is specifically Calvinist in character and provenance, or even that it is intended as a contribution to Calvinist intellectual debates. Althusius's argument rests on the contention, as we have seen, that being subject to the mere will of someone else is what it means to be unfree. It is this view of freedom that enables him to insist that political life should be founded on 'the general will of everyone', so that no citizen is forced to live in dependence on the will of anyone else. But this particular understanding of the concept of civil freedom can hardly be claimed to be a distinctively Calvinist one, for the most authoritative statement of this view is found in the chapters about liberty and slavery in the *Codex* of Roman law, a source which Althusius explicitly cites.<sup>784</sup> Nor does it seem helpful to treat Althusius's constitutional theory as a contribution primarily to Calvinist debates.<sup>785</sup> As he makes plain at the outset of the *Politica*, one of his main purposes in laying out his argument is to intervene in the Renaissance debates about the nature of a well-instituted commonwealth.<sup>786</sup> These are accordingly the contexts to which we must chiefly turn if we are to make sense of Althusius's view of popular sovereignty.

What emerges if we do so, I have argued, is that one of Althusius's main concerns is to challenge two rival strands of sixteenth-century political thought. One of these had arisen out of the leading German humanists' efforts to develop an understanding of *scientia politica* on the basis of their classical authorities. Focusing on the concept of the *res publica* or commonwealth, these writers claimed in the first place that the surest way of realising such an

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<sup>778</sup> Mortimer 2021, pp. 238-9 argues that there are some further ways in which Althusius's political thought 'fits well' with the 'Protestant vision of politics'.

<sup>779</sup> Althusius 1603a, ch. XVII, pp. 218-20.

<sup>780</sup> Althusius 1603a, ch. VI, p. 61.

<sup>781</sup> Althusius 1603a, ch. XI, pp. 107-8; ch. XXIII, pp. 314-7; ch. XXV, p. 334. For a discussion see Antholz 1955, pp. 71-2, 76-9; Kingdon 1997, pp. 20-2. On Althusius on the institution of censorship see Bianchin 2005, pp. 243-92.

<sup>782</sup> Althusius 1603a, ch. XXIII, pp. 301-10.

<sup>783</sup> See in particular Winters 1963, pp. 247-8, 270; Kingdon 1997, p. 28; Witte 2007, pp. 206-7; Henreckson 2019, pp. 128, 154-8.

<sup>784</sup> Althusius 1603a, ch. XXXI, p. 453.

<sup>785</sup> As argued in Witte 2007, p. 152.

<sup>786</sup> Althusius 1603a, sig. (:), 4v.

ideal form of public life is by instituting a form of mixed monarchy, one in which the powers of a sovereign ruler are limited by law and held in check by certain independent authorities. The other concern of these writers was with what it means to live as a good citizen. Here they argued that the best way to benefit one's community is by acting as an agent of one's ruler, helping to bring about and to conserve an ideal of the common good.

As I showed in chapter 5, one of Althusius's underlying purposes in outlining his own constitutional theory is to push aside and replace both these doctrines. Committed as he is to an ideal of popular sovereignty, he develops a vision of the mixed constitution in which all elements are required to act as agents of the people. The monarchical element must 'bear the *persona* of the whole people';<sup>787</sup> the aristocratic element similarly 'acts in the name of the people';<sup>788</sup> and the syndics or deputies of the communities of which the commonwealth is composed also speak and act on behalf of the whole population, of which their assembly may be said to constitute 'an epitome'.<sup>789</sup> This in turn leads Althusius to mount a challenge to the ideal of personal service embodied in the prevailing doctrines of citizenship. Since all good citizens have a duty to help uphold the good standing of the community, their aim in public life should not be to serve their rulers, but rather to help sustain a form of political life founded on the sovereignty of the whole people. They must make use of their right to vote in the affairs of their community when required to do so.<sup>790</sup> If they possess the talents needed to serve as public officials, they should become members of the clergy or help to administer the civil laws, in accordance with a mandate received from the people.<sup>791</sup> And if the proper authorities have made clear their intention to resist an oppressive ruler, every citizen must support their efforts to restore the rule of law.<sup>792</sup>

As well as responding to this more traditional strand of humanist political thought, Althusius mounts a direct attack on the arguments advanced by the theorists of 'absolute' sovereignty of his day. According to these writers, the one and only means of sustaining an ideal form of public life is by instituting a form of supreme power that is absolute and hence capable of being exercised at will. It follows that a true sovereign can never be liable to limitation or control by anyone else. The institution of a mixed constitution is thus taken to be impossible.

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<sup>787</sup> Althusius 1603a, ch. XIV, p. 133 on those 'qui gerant personam totius populi'.

<sup>788</sup> Althusius 1603a, ch. XIV, p. 142: 'populum eius nomine quid agunt'.

<sup>789</sup> Althusius 1603a, ch. XIII, p. 130: 'Comitia igitur sunt regni quasi epitome'.

<sup>790</sup> Althusius 1603a, ch. V, p. 53.

<sup>791</sup> Althusius 1603a, ch. XIX, p. 260.

<sup>792</sup> Althusius 1603a, ch. XIV, p. 153.

Althusius seeks to discredit this line of argument in two connected ways. One is by challenging the key assumption that sovereign power must be capable of being exercised at will. It is true that to say this is to offer an unusual reading of Althusius's conception of sovereignty. The prevailing view is that he defends a form of 'absolute power inalienably vested in the people'<sup>793</sup> by drawing on Jean Bodin's 'teachings about the absolute nature of sovereignty'.<sup>794</sup> But this is not what Althusius says about the rightful authority of the people. He strongly denies that the will of the people constitutes a sufficient basis of government.<sup>795</sup> Nor does he accept that – as Bodin and his followers maintained – in a 'popular state' sovereignty should be capable of being exercised on the basis of the will of a majority. As he insists, our aim in political life should not be 'to please the greatest number of people, but to look after the common benefit' by preserving the liberty that is everyone's just due.<sup>796</sup>

Althusius related contention is that, since the only commonwealth worthy of the name is one that is founded on a 'limited' sovereignty of the people, it follows that the institution of a mixed constitution is not merely preferable but indispensable. If the civil laws of the commonwealth are to be just and reflect the consent of the whole people, it is essential that they should be enacted with the consent of public assemblies as well as a more aristocratic type of institution. And if these laws are to be properly administered, both these institutions must be capable of holding those entrusted with this responsibility in check, so as to prevent power from being exercised on an arbitrary basis. As Althusius summarises in the second version of the *Politica*, the only viable form of public life is one that contains a 'mixture' of democratic, aristocratic and monarchical elements.<sup>797</sup> Here Althusius explicitly revives the very same ideal the absolutist writers had criticised.

If this interpretation of Althusius's argument is sound, it is worth adding that it serves to cast doubt on the prevailing understanding of the constitutional debates of his time. According to this view, those who wrote about the sovereignty of the people in this period were all in basic agreement about what it means to ascribe sovereignty to the people. This means that the people must be in full possession of 'absolute' power. As I noted in the introduction, Daniel Lee's recent book on *Popular Sovereignty in Early Modern Constitutional Thought* offers a particularly clear statement of this view. As its title indicates, Lee's book is grounded

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<sup>793</sup> Franklin 1991, p. 312.

<sup>794</sup> Lee 2016, p. 227.

<sup>795</sup> Althusius 1603a, ch. XX, p. 282 on how it would not be 'iusto' if the *respublica* would be administered 'ex populi arbitrio'.

<sup>796</sup> Althusius 1603a, ch. XXXII, p. 467, stating that those who rule must 'non tam ut placeant multitudini, quam ut consulant utilitati communi.'

<sup>797</sup> Althusius 1610a, ch. XXXIX, p. 697.

on the assumption that the major discussions of popular sovereignty of the early modern period may all be said to embody the view that the people rightfully hold ‘unlimited and absolute’ power.<sup>798</sup> But this appears to be a misreading of at least some of the relevant sources. As I have attempted to show, two of the leading theorists of sovereignty in this period – Bodin and Althusius – developed not different versions of the same theory but rather two different theories, and hence two contrasting accounts of what it means to speak of the sovereignty of the people. According to Bodin, to say that the people are sovereign is to claim that supreme power is capable of being rightfully exercised by a numerical majority of the citizens, without the consent of anyone else.<sup>799</sup> But according to Althusius such an arrangement is contrary to justice, since it serves to place the rest of the citizens in a state of dependence on the will of a majority, thereby depriving them of their freedom.<sup>800</sup> To say that the people are sovereign, Althusius argues, is to claim that the actions of government in civil affairs are legitimate if and only if they are in line with the requirements of justice and express the will of the people at the same time.<sup>801</sup> And this in turn means that all laws must be enacted with the consent not only of the popular ‘estates’ themselves, but also of a separate institution entrusted by the people with the authority to make certain that that legislative power is justly exercised.<sup>802</sup> Rather than endorsing an absolutist understanding of the concept of sovereignty, Althusius develops a theory of ‘limited’ popular sovereignty.

### **Althusius and the ideal of liberty**

Althusius’s theory of popular sovereignty is underpinned, as I have shown, by a particular understanding of what it means to be free in civil society. Freedom, on this view, is basically the name of a status, the status (as Althusius writes in the *Dicaeologicae*) of ‘not being dependent’ on the will of ‘anyone else’.<sup>803</sup> It is this view of civil liberty that enables Althusius to argue that there can be no prospect of our living as free subjects unless we are members of a community founded on the sovereignty of the people as a whole. It is the same view of freedom that enables him to mount his case against the Bodinian understanding of popular

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<sup>798</sup> For Lee’s ‘definition’ of the concept of popular sovereignty see Lee 2016, p. 2.

<sup>799</sup> Bodin 1586, 2. VII, p. 230.

<sup>800</sup> Althusius 1603a, ch. XIV, p. 154.

<sup>801</sup> Althusius 1603a, ch. XIV, p. 137.

<sup>802</sup> Althusius 1603a, ch. XXIV, p. 319.

<sup>803</sup> Althusius 1617, 1. 25. 10, p. 97: ‘a nullo pendere’.



sovereignty, and thus to defend his distinctive claim that the sovereignty of the people must always be ‘limited’ in character.

This being so, a word should finally be said about Althusius’s line of argument in the *Politica* by comparison with the kind of constitutionalism that had earlier emerged in the Italian city-republics. This is the constitutionalist tradition centred on the concept of the *civitas libera* or free state, the vision of government classically outlined by such leading Roman historians as Sallust and Livy<sup>804</sup> and later revived and amplified by the Italian humanists of the Renaissance, most fully by Machiavelli in his *Discorsi* on Livy’s history of Rome.<sup>805</sup> As I observed at the outset, it is with this tradition of thought that the view of freedom invoked by Althusius has become primarily associated in the existing historiography.

Althusius never explicitly comments in any of his works on this way of thinking about free commonwealths, which is why I have not discussed it up to this stage. This is to not to say, however, that Althusius was unaware of this particular line of argument. He was probably familiar with its statement in Livy’s history, a work he mentions in tones of considerable respect.<sup>806</sup> He would almost certainly have encountered this vision of public life in his reading of Machiavelli’s *Discorsi*, which was available to him in the Latin translation first issued in Montbéliard in 1588,<sup>807</sup> and Althusius’s extensive references to this version suggest that he knew it well.<sup>808</sup>

Nevertheless, Althusius takes up none of Machiavelli’s more distinctive claims about freedom and government.<sup>809</sup> Machiavelli had maintained that our personal freedom can never be secure unless we live in a community that is itself free in the sense of ‘being governed by its own will’ rather than the will of anyone else.<sup>810</sup> To this he had added that such a free way of life can scarcely be sustained under a monarchical form of government, for it is only in republics that the common good is properly upheld.<sup>811</sup> By contrast, Althusius is happy to accept that our liberty can be preserved under any government based on the just will of the people, and thus under a law-abiding king no less than under the rule of an assembly.<sup>812</sup> Nor does

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<sup>804</sup> On their accounts see Wirszubski 1968, pp. 9-12; Skinner 1998, pp. 42-6.

<sup>805</sup> Skinner 2002, vol. 2, pp. 17-30, 126-34, 148-57.

<sup>806</sup> Althusius 1603a, ch. XXVIII, p. 374.

<sup>807</sup> Machiavelli 1588.

<sup>808</sup> Althusius 1603a, ch. V, p. 48; ch. XI, p. 103; ch. XIV, p. 160; ch. XXIX, pp. 398, 407; ch. XXX, p. 427.

<sup>809</sup> On Machiavelli’s republicanism see Skinner 2019, pp. 57-89.

<sup>810</sup> Machiavelli 1588, I. II, p. 11 on those communities that ‘sese pro suo arbitrio gubernarunt’. Cf. I. XVI, p. 90; II. II, p. 277.

<sup>811</sup> Machiavelli 1588, II. II, p. 271.

<sup>812</sup> Althusius 1603a, ch. XXXII, p. 456.

Althusius ever imply that it possible to live freely only in a free community.<sup>813</sup> His constitutionalism is couched in terms of the concept not of communal liberty but of popular sovereignty.

Although these are important differences, there remains the fact that Althusius, like Machiavelli, is concerned with the constitutional arrangements by means of which our liberty can be preserved. He likewise shares with a writer such as Machiavelli a commitment to the view that our liberty can be secure if and only if we live under a particular type of constitution. Althusius's handling of this theme differs from that of Machiavelli simply in his account of the arrangements involved. Whereas Machiavelli stresses the need for a form of republican self-government, Althusius argues (as we have seen) that we can only hope to live as free citizens in a commonwealth in which no arbitrary power is allowed to exist. Those who rule over us must not be permitted to exercise their authority merely at their own discretion, and the laws they are required to uphold should express the 'general will of everyone'. Unless such laws are observed by our magistrates, the value of individual freedom cannot be sustained.

This in turn suggests a way of approaching the two traditions of thought that are exemplified in the works of Althusius and Machiavelli: the monarchomach strand of early modern constitutionalism and the Renaissance tradition of thinking about free communities. If some at least of their exponents are concerned with basically the same issues, it might be best to treat them as different but related voices in a single debate. This might enable us to gain a better understanding both of their mutual relationship and of the evolution of the debate as a whole. For it might help us to see how far their exponents were arguing with one another, perhaps questioning certain features of each other's analyses, or perhaps seeking to develop their own standpoint in contrast with an alternative view. Such an approach has not I think been adopted by students of early modern constitutionalism, not at least with respect to the views held by these writers about the means by which civil liberty can best be secured. But I hope that these remarks may encourage the employment of such an approach in the future. If we were to adopt it, we might find that Althusius and the monarchomach writers played a more formative role in shaping the early modern debates about freedom and government than is sometimes supposed.

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<sup>813</sup> Althusius sometimes predicates freedom of entire communities, but he never implies that we can live in freedom only in a free community. See, for example, Althusius 1603a, ch. VIII, p. 75; ch. XIII, p. 122.



## Bibliography

### Primary sources

- Althusius, Johannes (1586a), *De successione ab intestato theses*, [Basel].
- Althusius, Johannes (1586b), *Iuris Romani libri duo*, Basel.
- [Althusius, Johannes] (1587), *Theses philosophicae*, Herborn.
- Althusius, Johannes (1588), *Iurisprudentia Romana*, Herborn.
- Althusius, Johannes (1589), *Iurisprudentiae Romanae*, Basel.
- Althusius, Johannes (1592), *Iurisprudentiae Romanae*, Herborn.
- Althusius, Johannes (1601), *Civilis conversationis libri duo*, ed. Philippus Althusius, Hanau.
- [Althusius, Johannes] (1602), *Disputatio politica de regno recte instituendo et administrando*, Herborn.
- Althusius, Johannes (1603a), *Politica, methodice digesta*, Herborn.
- Althusius, Johannes (1603b), 'De utilitate, necessitate et antiquitate scholarum admonitio panegyrica' in *Politica, methodice digesta* (1603).
- Althusius, Johannes (1610a), *Politica methodice digesta*, Arnhem.
- Althusius, Johannes (1610b), *Politica methodice digesta* Groningen.
- Althusius, Johannes (1611), *Civilis conversationis libri duo recogniti, & aucti*, ed. Philippus Althusius, Hanau.
- [Althusius, Johannes] (1612), *Receß und accord buch*, Emden.
- Althusius, Johannes (1614), *Politica methodice digesta*, Herborn.
- Althusius, Johannes (1617), *Dicaeologicae libri tres*, Herborn.
- Althusius, Johannes (1995), *Politica: An abridged translation*, ed. and trans. Frederick Carney, Indianapolis.
- Aristotle (2020), *Art of Rhetoric*, ed. and trans. John Henry Freese, rev. Gisela Striker, London.
- Arnisaeus, Henning (1606), *Doctrina politica in genuinam methodum*, Frankfurt.
- Arnisaeus, Henning (1612), *De autoritate principum in populum semper inviolabili*, Frankfurt.
- Arnisaeus, Henning (1615), *De republica seu relectiones politicae libri II*, Frankfurt.
- Barclay, William (1600), *De regno et regali potestate adversus Buchananum, Brutum, Boucherium, & reliquos Monarchomachos*, Paris.
- [Beza, Theodore] (1576), *Tractatus de iure magistratuum in subditos*, [Frankfurt].
- Birck, Sixtus (1544), *In M. T. Ciceronis libros commentaria longa eruditissima*, Basel.

Bodin, Jean (1986), *De republica libri sex*, Paris.

Boecler, Johann (1663), *In Hugonis Grotii ius belli et pacis commentario*, Strasbourg.

Bornitz, Jakob (1608), *Partitionum politicarum libri sex*, Hanau.

Brenneysen, Enno Rudolph (1720), *Ost-Friesische Historie und Landes-Verfassung*, 2 vols., Aurich.

Calvin, Jean (1559), *Institutio Christianae religionis*, Geneva.

Caselius, Johannes (1587), *Magnificentia et magnanimitas*, Rostock.

Casmann, Otto (1603), *Doctrinae et vitae politicae methodicum*, Frankfurt.

Castiglione, Baldassare, *Hofmann*, ed. and trans. Lorenz Kratzer, Munich.

Castiglione, Baldassare, *Aulicus*, ed. and trans. Hieronymus Turlerus, Wittenberg.

Cicero (1525), *Officia Ciceronis, cum scholiis*, ed. Philipp Melanchthon, Hagenau.

Cicero (1913), *De officiis*, ed. and trans. Walter Miller, London.

Cicero (1928), *De legibus*, ed. and trans. Clinton Walter Keyes, London.

Cicero (1942), *De oratore*, ed. and trans. E. W. Sutton and H. Rackham, 2. vols, London.

Cicero (1949), *De inventione*, ed. and trans. H. M. Hubbell, London.

Chytraeus, David (1562), *De ratione discendi*, Wittenberg.

Collibus, Hippolytus a (1593), *Princeps*, Basel.

Conring, Hermann (1662), *De civili prudentia liber unus*, Helmstedt.

Daneau, Lambert (1996), *Politices Christianae libri septem*, Geneva.

Della Casa, Giovanni (1579), *Galateus*, ed. and trans. Nathan Chytreus, Rostock.

*Dialogi ab Eusebio Philadelpho Cosmopolita*, [Strasbourg].

Erasmus, Desiderius (1529), *De pueris statim ac liberaliter instituendis*, Strasbourg.

Ferrarius, Johannes [1556], *De republica bene instituenda, paraenesis*, Basel.

Goclenius, Rudolph (1592), *Exercitationes ethicae*, Marburg.

Godelmann, Johannes Georgius (1591), *Tractatus*, Frankfurt.

Golius, Theophilus [1592], *Epitome doctrinae moralis*, Strasbourg.

Grégoire, Pierre (1597), *De republica libri sex et viginti*, Frankfurt.

Guazzo, Stefano (1585), *De mutua et civili conversatione*, ed. and trans. Henricus Coggeman, Cologne.

Guazzo, Stefano (1599), *De civili conversatione*, Frankfurt.

Heiland, Samuel [1578], *Aristotelis ethicorum ad Nicomachum libri decem*, Leipzig.

Heresbach, Konrad (1570), *De educandis erudiendisque principum liberis*, Frankfurt.

Hoen, Philipp von (1608), *Libri duo disputationum*, Herborn.

Junius, Franciscus ed. (1590), *Testamenti veteris biblia sacra*, Geneva.

Junius, Melchior (1602), *Politicarum questionum centum ac tredecim*, 3. vols., Strasbourg.

Justinian (2014a), ‘Institutiones’ ed. Paul Krueger in *Corpus iuris civilis*, vol. 1: *Institutiones and Digesta*, ed. Theodor Mommsen and Paul Krueger, Cambridge, pp. 3-58.

Justinian (2014b), ‘Digesta’ ed. Theodor Mommsen in *Corpus iuris civilis*, vol. 1: *Institutiones and Digesta*, ed. Theodor Mommsen and Paul Krueger, Cambridge, pp. 1-873 (2nd pagination).

Kahl, Johannes (1595a), *Propaedeia practica*, Frankfurt.

Kahl, Johannes (1595b), *Notae in politicos Aristotelis priores libros*, Frankfurt.

Kahl, Johannes (1600), *De principe, de maiestate, ac privilegiis eius*, Frankfurt.

Keckermann, Bartholomeus (1607), *Systema disciplinae ethicae*, Hanau.

Keckermann, Bartholomeus (1608), *Systema disciplinae politicae*, Hanau.

Kirchner, Hermann, *Respublica*, Marburg.

*Leges scholae Herbornensis* (1585), n. p.

Lipsius, Justus (1590), *Politicorum sive civilis doctrinae libri sex*, Frankfurt.

Machiavelli, Niccolò (1588), *Disputationum de republica quas discursus nuncupavit*, Montbéliard.

Martinius, Matthias (1606), *Idea methodica et brevis encyclopaediae*, Herborn.

Melanchthon, Philipp (1518), *De corrigendis adolescentiae studiis*, Wittenberg.

Melanchthon, Philipp (1519), *De rhetorica libri tres*, Basel.

Melanchthon, Philipp (1525), *Orations*, Hagenau, 1525.

Melanchthon, Philipp (1529), *In ethica Aristotelis commentarius*, Wittenberg.

Melanchthon, Philipp (1530), *Commentarii in aliquot politicos libros Aristotelis*, Wittenberg.

Melanchthon, Philipp (1531), *Elementorum rhetorices libri duo*, Wittenberg.

Melanchthon, Philipp (1559), *Loci praecipui theologici*, Wittenberg.

Melandrus, Otto (1599), *Idea sive exegesis universi studii politici*, Lich.

Modrevius, Andreas (1554), *Commentariorum de republica emendanda libri quinque*, Basel.

Moker, Antonius (1591), *Orationes & programmata*, Erfurt.

Musculus, Andreas (1573), *Oratio de dignitate et necessario usu academiaram*, Frankfurt.

Omphalius, Jakob (1563), *De civili politia libri tres*, Cologne.

Placotomus, Johannes (1566), *Ratio docendi iuventutem*, Leipzig.

Praetorius, Godescalcus (1553), *Ludi literarii Magdeburgensis ordo, leges, statuta*, n. p.

Quintilian (2001), *Institutio oratoria*, ed. and trans. Donald A. Russell, 5. vols., London.

Reusner, Nikolaus (1589), *Oratio de sapiente perfecto*, Jena.

*Rhetorica ad Herennium* (1954), ed. and trans. Harry Caplan, London.

Rivius, Johannes (1550), *De institutione puerorum*, Lyon.

Sarcerius, Erasmus (1542), *In Iesum Syrach, integra scholia*, Frankfurt.

Schepsius, Andreas (1596), *Questio an princeps legibus sit solutus*, Marburg.

Seneca (1928), 'De clementia' in *Moral Essays*, ed. and trans. John W. Basore, 3 vols., London, vol. 3.

Sigfrid, Thomas (1594), *Aulicus praeceptor*, Hanau.

Stigel, Johannes (1558), *Oratio*, Jena.

Sturm, Johannes (1538), *De literarum ludis recte aperiendis liber*, Strasbourg.

Valerius, Cornelius [1566], *Ethicae, seu de moribus philosophiae descriptio*, Basel.

Van Meteren, Emanuel (1596), *Historia, oder Eigentliche und warhaffte Beschreibung aller Kriegshändel und Gedenckwürdigen Geschichten*, n. p.

Van Meteren, Emanuel (1598), *Historia Belgica nostri potissimum temporis*, n. p.

*Vindiciae, contra tyrannos* (1579), [Basel].

*Vindiciae, contra tyrannos* (1994), ed. and trans. George Garnett, Cambridge.

*Von Gottes gnaden* (1582), Tübingen.

Weyhe, Eberhard von (1598), *Explicatio vetustissimae disceptationis politicae*, Lich.

Wimpfeling, Jakob [1501], *Germania ad rempublicam*, Strasbourg.

Zasius, Ulrich (1518), *Lucubrationes aliquot sane quam elegantes nec minus eruditae*, Basel.

Zasius, Ulrich (1537), *In primam partem Digesti veteris paratitla*, Basel.

Zasius, Ulrich (1539), *Responsorum iuris sive consiliorum*, vol. 2, Basel.

Zwinger, Theodor (1565), *Theatrum vitae humanae*, Basel.

## Secondary sources

Antholz, Heinz (1955), *Die politische Wirksamkeit des Johannes Althusius in Emden*, Aurich.

Bauch, Gustav (1900), *Die Anfänge der Universität Frankfurt a. O und die Entwicklung des Wissenschaftlichen Lebens an der Hochschule (1505-1540)*, Berlin.

Bauer, Barbara (2000), 'Melanchthon in Marburg. Eine Einleitung' in *Melanchthon und die Marburger Professoren (1527-1627)*, ed. Barbara Bauer, vol. 1, Marburg, pp. 1-29.

Baumgart, Peter (1978), 'Die deutsche Universität des 16. Jahrhunderts: Das Beispiel Marburg', *Hessisches Jahrbuch für Landesgeschichte* 28, pp. 50-79.

Becker, Anna (2020), *Gendering the Renaissance Commonwealth*, Cambridge.

- Behnen, Michael (1997), “‘Status regiminis provinciae’: Althusius und die “freie Republik Emden” in Ostfriesland’ in *Konsens und Konsoziation in der politischen Theorie des frühen Föderalismus*, ed. Giuseppe Duso, Werner Krawietz and Dieter Wyduckel, Berlin, pp. 139-58.
- Benert, Richard Roy (1967), ‘Inferior Magistrates in Sixteenth-Century Political and Legal Thought’, PhD dissertation, University of Minnesota, Minneapolis.
- Benrath, Gustav Adolf (1988), ‘Johannes Althusius an der hohen Schule in Herborn’ in *Politische Theorie des Johannes Althusius*, ed. Karl-Wilhelm Dahm, Werner Krawietz and Dieter Wyduckel, Berlin, pp. 89-107.
- Berwald, Olaf (1994), *Philipp Melanchthons Sicht der Rhetorik*, Wiesbaden.
- Bianchin, Lucia (2005), *Dove non arriva la legge: Dottrine della censura nella prima età moderna*, Bologna.
- Bonfatti, Emilio (1979), *La ‘civil conversazione’ in Germania: Letteratura del comportamento da Stefano Guazzo a Adolph Knigge 1574-1788*, Udine.
- Bonfatti, Emilio (1992), ‘Ethica ceremonialis. Johannes Althusius’ Ethik von 1601 zwischen Bibel und profanem Leben’, *Euphorion* 86, pp. 373-93.
- Bonfatti, Emilio, Giuseppe Duso and Merio Scattola (2002), in *Politische Begriffe und historisches Umfeld in der Politica Methodice Digesta des Johannes Althusius*, ed. Emilio Bonfatti, Giuseppe Duso and Merio Scattola, Wiesbaden, pp. 7-12.
- Bourke, Richard (2016), ‘Introduction’ in *Popular Sovereignty in Historical Perspective*, ed. Richard Bourke and Quentin Skinner, Cambridge, pp. 1-14.
- Brett, Annabel (2011), *Changes of State: Nature and the Limits of the City in Early Modern Natural Law*, Princeton, NJ.
- Brugmans, H. and F. Wachter (1911-23), *Briefwechsel des Ubbo Emmius*, 2 vols., Aurich.
- Burke, Peter (1993), *The Art of Conversation*, Ithaca, NY.
- Burnett, Amy Nelson (2004), ‘The Educational Roots of Reformed Scholasticism: Dialectic and Scriptural Exegesis in the Sixteenth Century’, *Dutch Review of Church History* 84, pp. 299-317.
- Burnett, Amy Nelson (2006), *Teaching the Reformation: Ministers and Their Message in Basel, 1529-1629*, Oxford.
- Collot, Claude (1965), *L’école doctrinale de droit public de Pont-à-Mousson (Pierre Grégoire de Toulouse et Guillaume Barclay)*, Paris.
- Cox, Virginia (2010), ‘Rhetoric and Ethics in Machiavelli’ in *The Cambridge Companion to Machiavelli*, ed. John Najemy, Cambridge, pp. 173-89.



- Dawson, Hanna and Annelien de Dijn ed. (2022), *Rethinking Liberty before Liberalism*, Cambridge.
- De Dijn, Annelien (2020), *Freedom: An Unruly History*, Cambridge, MA.
- Dreitzel, Horst (1970), *Protestantischer Aristotelismus und absoluter Staat: die "Politica" des Henning Arnisaeus (ca.1575-1636)*, Wiesbaden.
- Dreitzel, Horst (1991), *Monarchiebegriffe in der Fürstengesellschaft: Semantik und Theorie der Einherrschaft in Deutschland von der Reformation bis zum Vormärz*, 2 vols., Cologne.
- Dreitzel, Horst (1992), *Absolutismus und ständische Verfassung in Deutschland: Ein Beitrag zu Kontinuität und Diskontinuität der politischen Theorie in der frühen Neuzeit*, Mainz.
- Dreitzel, Horst (2002), 'Althusius in der Geschichte des Föderalismus' in *Politische Begriffe und historisches Umfeld in der Politica Methodice Digesta des Johannes Althusius*, ed. Emilio Bonfatti, Giuseppe Duso and Merio Scattala, Wiesbaden, pp. 251-89.
- Duso, Giuseppe, 'Herrschaft als Gubernatio in der politischen Lehre des Johannes Althusius' in *Politische Begriffe und historisches Umfeld in der Politica Methodice Digesta des Johannes Althusius*, ed. Emilio Bonfatti, Giuseppe Duso and Merio Scattala, Wiesbaden, pp. 13-33.
- Eckert, Brita (1976), 'Der Gedanke des gemeinen Nutzen in der lutherischen Staatslehre des 16. und 17. Jahrhunderts', PhD dissertation, Wolfgang Goethe-Universität, Frankfurt.
- Eusterschulte, Anne (2018), 'Zur Rezeption von 'De officiis' bei Philipp Melanchthon und im Kreis seiner Schüler' in *Cicero in der frühen Neuzeit*, ed. Anne Eusterschulte und Günter Franck, Stuttgart, pp. 323-61.
- Erman, Wilhelm and Ewald Horn (1904), *Bibliographie der deutschen Universitäten*, Leipzig.
- Fournier, Marcel (1894), *Les statuts et privilèges des universités Françaises depuis leur fondation jusqu'en 1789*, vol. 4: *l'université de Strasbourg et les academiés protestantes françaises*, Paris.
- Franklin, Julian H. (1973), *Jean Bodin and the Rise of Absolutist Theory*, Cambridge.
- Franklin, Julian H. (1991), 'Sovereignty and the Mixed Constitution: Bodin and his Critics' in *The Cambridge History of Political Thought 1450-1700*, ed. J. H. Burns and Mark Goldie, Cambridge, pp. 298-328.
- Friedeburg, Robert von (2002a), *Self-Defence and Religious Strife in Early Modern Europe*, Aldershot.
- Friedeburg, Robert von (2002b), 'Civic Humanism and Republican Citizenship In Early Modern Germany' in *Republicanism: A Shared European Heritage*, vol. 1: *Republicanism and Constitutionalism in Early Modern Europe*, ed. Martin van Gelderen and Quentin Skinner, Cambridge, pp. 127-45.

- Friedeburg, Robert von (2006), 'Persona and Office: Althusius on the Formation of Magistrates and Councillors' in *The Philosopher in Early Modern Europe: The Nature of a Contested Identity*, ed. Conal Condren, Stephen Gaukroger and Ian Hunter, Cambridge, pp. 160-81.
- Friedeburg, Robert von (2013), 'The Reception of Bodin in the Holy Roman Empire and the Making of the Territorial State' in *The Reception of Bodin*, ed. Howell A. Lloyd, Leiden, pp. 293-322.
- Friedeburg, Robert von (2016), *Luther's Legacy: The Thirty Year's War and the Modern Notion of 'State' in the Empire, 1530s to 1790s*, Cambridge.
- Friedeburg, Robert von and Michael J. Seidler (2007), 'The Holy Roman Empire of the German Nation' in *European Political Thought 1450-1700*, London, pp. 102-72.
- Friedrich, Carl J. (1932), 'Introduction' in Johannes Althusius, *Politica Methodice Digesta*, ed. Carl J. Friedrich, pp. xiv-cxl.
- Friedrich, Carl J. (1975), *Johannes Althusius und sein Werk im Rahmen der Entwicklung der Theorie von der Politik*, Berlin.
- Fergusson, David (2018), *The Providence of God: A Polychronic Approach*, Cambridge.
- Gambino, Luigi, *Il de republica di Pierre Grégoire: ordine politico e monarchia nella Francia di fine cinquecento*, Milan.
- Garnett, Georg (1994), 'Editor's Introduction' in *Vindiciae, contra tyrannos* (1994), ed. and trans. George Garnett, Cambridge.
- Gauthier, René Antoine (1970), *L'ethique a Nicomaque: introduction, traduction et commentaire, vol. 1: introduction*, Paris.
- Gierke, Otto von (1902), *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien: Zugleich ein Beitrag zur Geschichte der Rechtssystematik*, Breslau.
- Gierke, Otto von (1913), *Das deutsche Genossenschaftsrecht, vol. 4: Die Staats- und Korporationslehre der Neuzeit*, Berlin.
- Gilmore, Myron Piper (1941), *Argument from Roman Law in Political Thought 1200-1600*, New York, NY.
- Graybill, Gregory B. (2010), *Evangelical Free Will: Philipp Melancthon's Doctrinal Journey on the Origins of Faith*, Oxford.
- Hamel, Cristopher (2013), 'The Republicanism of John Milton: Natural Rights, Civic Virtue and the Dignity of Man', *History of Political Thought* 34, pp. 35-65.
- Heckel, Martin (1983), *Deutschland im konfessionellen Zeitalter*, Göttingen.

- Helmrath, Johannes (1988), “‘Humanismus und Scholastik’ und die deutschen Universitäten um 1500: Bemerkungen zu einige Forschungsproblemen’, *Zeitschrift für historische Forschung* 15, pp. 187-203.
- Henreckson, David P. (2019), *The Immortal Commonwealth: Covenant, Community and Political Resistance in Early Reformed Thought*, Cambridge.
- Hildebrand, Bruno (1848), *Urkundensammlung über die Verfassung und Verwaltung der Universität Marburg unter Philipp dem Grossmüthigen*, Marburg.
- Holzhauser, Heinz (1988), ‘Hat Althusius in Marburg Studiert?’ in *Politische Theorie des Johannes Althusius*, ed. Karl-Wilhelm Dahm, Werner Krawietz and Dieter Wyduckel, Berlin, pp. 109-11.
- Hofmann, Hasso (1974), *Repräsentation: Studien zur Wort- und Begriffsgeschichte von der Antike bis ins 19. Jahrhundert*, Berlin.
- Hollenstein, Helmut (2004), ‘Schule und Erziehung bei Althusius, Calvin und Comenius in ihrer Bedeutung für die Gemeinschaftsbildung’ in *Jurisprudenz, politische Theorie und politische Theologie*, ed. Frederick S. Carney, Heinz Schilling and Dieter Wyduckel, Berlin, pp. 7-22.
- Höpfl, Harro and Martyn P. Thompson (1979), ‘The History of Contract as a Motif in Political Thought’, *The American Historical Review* 84, pp. 919-44.
- Hotson, Howard, ‘The Conservative Face of Contractual Theory: The Monarchomach Servants of the Count of Nassau-Dillenburg’ in *Politische Begriffe und historisches Umfeld in der Politica Methodice Digesta des Johannes Althusius*, ed. Emilio Bonfatti, Giuseppe Duso and Merio Scattala, Wiesbaden, pp. 49-132.
- Hotson, Howard (2007), *Commonplace Learning: Ramism and its German Ramifications, 1543-1630*, Oxford.
- Hotson, Howard (2020), *The Reformation of Common Learning: Post-Ramist Method and the Reception of the New Philosophy, 1618-1670*, Oxford.
- Hueglin, Thomas O. (1999), *Early Modern Concept for a Late Modern World: Althusius on Community and Federalism*, Waterloo, Ont.
- Janssen, Heinrich (1992), *Die Bibel als Grundlage der politischen Theorie des Johannes Althusius*, Bern.
- Jensen, Mads Langballe (2020), *A Humanist in Reformation Politics: Philipp Melancthon on Political Philosophy and Natural Law*, Leiden.

- Kappelhoff, Bernd (1995), 'Die "Emder Revolution" und die Ausbildung der landständischen Verfassung in Ostfriesland bis 1611' in *Die "Emder Revolution" von 1595*, ed. Hajo von Lengen, Aurich, pp. 95-11.
- Keohane, Nannerl O. (1980), *Philosophy and the State in France: The Renaissance to the Enlightenment*, Princeton, NJ.
- Kingdon, Robert M. (1997), 'Althusius's Use of Calvinist Sources in his *Politica*' in *Konsens und Konsoziation in der politischen Theorie des frühen Föderalismus*, ed. Giuseppe Duso, Werner Krawietz and Dieter Wyduckel, Berlin, pp. 19-28.
- Knox, Dilwyn (1994), 'Order, Reason and Oratory: Rhetoric in Protestant Latin Schools' in *Renaissance Rhetoric*, ed. Peter Mack, London, pp. 63-80.
- Knox, Dilwyn (1995), 'Erasmus' *De Civilitate* and the Religious Origins of Civility in Protestant Europe', *Archiv für Reformationsgeschichte* 86, pp. 7-55.
- Kossmann, E. H. (2000), *Political Thought in the Dutch Republic: Three Studies*, Amsterdam.
- Kristeller, Paul Oskar (1961), *Renaissance Thought: The Classic, Scholastic, and Humanist Strains*, New York, NY.
- Kuropka, Nicole (2016), 'Melanchthon und die Ethik', *Zeitschrift für Theologie und Kirche* 113, pp. 235-57.
- Lee, Daniel (2016), *Popular Sovereignty in Early Modern Constitutional Thought*, Oxford.
- Lloyd, Howell A. (2017), *Jean Bodin: 'This Pre-eminent Man of France': An Intellectual Biography*, Oxford.
- Mack, Peter (2011), *A History of Renaissance Rhetoric 1380-1620*, Oxford.
- McRae, Kenneth Douglas (1962), 'Introduction' in Jean Bodin, *The Six Books of a Commonweale*, ed. Kenneth Douglas McRae, Cambridge, NY, pp. A1-A90.
- Menk, Gerhard (1981), *Die hohe Schule Herborn in ihrer Frühzeit (1584-1660): Ein Beitrag zum Hochschulwesen des deutschen Calvinismus im Zeitalter der Gegenreformation*, Wiesbaden.
- Menk, Gerhard (2004), 'Johannes Althusius und das Profil des frühneuzeitlichen Juristen: Überlegungen zu den materiellen und konfessionellen Rahmenbedingungen eines Berufsstandes im Konfessionellen Zeitalter' in *Jurisprudenz, politische Theorie und politische Theologie*, ed. Frederick S. Carney, Heinz Schilling and Dieter Wyduckel, Berlin, pp. 319-46.
- Moraw, Peter, Karl Otmar Frh. von Aretin, Notker Hammerstein, Elisabeth Fehrenbach and Werner Conze (1984), 'Reich' in *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. Otto Brunner, Werner Conze and Reinhart Koselleck, vol. 5, pp. 423-508.

- Mortimer, Sarah (2021), *Reformation, Resistance, and Reason of State (1517-1625)*, Oxford.
- Muhlack, Ulrich (1991), *Geschichtswissenschaft im Humanismus und in der Aufklärung: Die Vorgeschichte des Historismus*, Munich.
- Muller, Richard A. (2017), *Divine Will and Human Choice: Freedom, Contingency, and Necessity in Early Modern Reformed Thought*, Grand Rapids.
- Nischan, Bodo (1984), 'The "Fractio Panis": A Reformed Communion Practice in Late Reformation Germany', *Church History*, 53, pp. 17-29.
- Odermatt, Katharina (2002), 'Erst- und Drittausgabe der *Politica* im Vergleich: Zu den Entstehungsbedingungen politischer Theorie' in *Subsidiarität als rechtliches und politisches Ordnungsprinzip in Kirche, Staat und Gesellschaft*, ed. Peter Blickle, Thomas O. Hueglin and Dieter Wyduckel, Berlin, pp. 291-304.
- Oestreich, Gerhard (1989), *Antiker Geist und moderner Staat bei Justus Lipsius (1547-1606): Der Neustoizismus als politische Bewegung*, ed. Nicolette Mout, Göttingen.
- O'Malley, John W. (1983), 'Content and Rhetorical Forms in Sixteenth-Century Treatises on Preaching' in *Renaissance Eloquence*, ed. James J. Murphy, Berkeley, Cal., pp. 238-52.
- Overfield, James. H. (1984), *Humanism and Scholasticism in Late Medieval Germany*, Princeton, NJ.
- Panichi, Nicola (1994), *La virtù eloquente: La 'civil conversazione' nel rinascimento*, Urbino.
- Peltonen, Markku (1995), *Classical Humanism and Republicanism in English Political Thought, 1570-1640*, Cambridge.
- Pettit, Philip (1997), *Republicanism: A Theory of Freedom and Government*, Oxford.
- Pettit, Philip (2012), *On the People's Terms: A Republican Theory and Model of Democracy*, Princeton, NJ.
- Pettit, Philip (2014), *Just Freedom: A Moral Compass for a Complex World*, New York, NY.
- Pietrzyk-Reeves, Dorota (2020), *Polish Republican Discourse in the Sixteenth Century*, trans. Teresa Bałuk-Ulewiczowa, Cambridge.
- Quaritsch, Helmut (1986), *Souveränität: Entstehung und Entwicklung des Begriffs in Frankreich und Deutschland vom 13. Jh. bis 1806*, Berlin.
- Roick, Mathias (2021), 'Early Modern Readings of Aristotle's Theory of Magnificence in the Ethics' in *Magnificence in the Seventeenth Century: Performing Splendour in Catholic and Protestant Europe*, ed. Gijs Versteegen, Stijn Brussels and Walter Melion, Leiden, pp. 21-37.
- Rowan, Steven (1987), *Ulrich Zasius: A Jurist in the Renaissance, 1461-1535*, Frankfurt.
- Saarinen, Risto (2011), *Weakness of Will in Renaissance and Reformation Thought*, Oxford.

- Sabbadini, Lorenzo (2020), *Property, Liberty, and Self-Ownership in Seventeenth-Century England*, Montreal.
- Salmon, J. H. M. (1959), *The French Religious Wars in English Political Thought*, Oxford.
- Salmon, J. H. M. (1991), 'Catholic Resistance Theory, Ultramontanism, and the Royalist Response, 1580-1620' in *The Cambridge History of Political Thought 1450-1700*, ed. J. H. Burns and Mark Goldie, Cambridge, pp. 219-53.
- Salmon, J. H. M. (1996), 'The Legacy of Jean Bodin: Absolutism, Populism or Constitutionalism?', *History of Political Thought* 17, pp. 500-22.
- Scattala, Merio (2002), 'Von der Maiestas zur Symbiosis: Der Weg des Johannes Althusius zur eigenen politischen Lehre in der drei Auflagen seiner *Politica methodice digesta*' in *Politische Begriffe und historisches Umfeld in der Politica Methodice Digesta des Johannes Althusius*, ed. Emilio Bonfatti, Giuseppe Duso and Merio Scattala, Wiesbaden, pp. 211-49.
- Scattola, Merio (2003a), *Dalla virtù alla scienza: la fondazione e la trasformazione della disciplina politica nell'età moderna*, Milan.
- Scattola, Merio (2003b), 'Controversia de vi in principem: Vertrag, Tyrannis und Widerstand in der Auseinandersetzung zwischen Johannes Althusius und Henning Arnisaeus' in *Wissen, Gewissen und Wissenschaft im Widerstandsrechts (16.-18. Jh.)*, ed. Angela de Benedictis and Karl-Heinz Lingens, Frankfurt, pp. 175-249.
- Schindling, Anton (1977), *Humanistische Hochschule und freie Reichsstadt: Gymnasium und Akademie in Strassburg 1538-1621*, Wiesbaden.
- Schmidt, Alexander (2007), *Vaterlandsliebe und Religionskonflikt: Politische Diskurse im Alten Reich (1555-1648)*, Leiden.
- Schmidt, Georg (1986), 'Die "Zweite Reformation" im Gebiet des Wetterauer Grafenvereins. Die Einführung des reformierten Bekenntnisses im Spiegel der Modernisierung gräflicher Herrschaftssysteme' in *Die reformierte Konfessionalisierung in Deutschland: Das Problem der 'Zweiten Reformation'*, ed. Heinz Schilling, Gütersloh, pp. 184-213.
- Schmidt, Georg (1989), *Der Wetterauer Grafenverein: Organisation und Politik einer Reichskorporation zwischen Reformation und Westfälischem Frieden*, Marburg.
- Schmidt, Georg (1993), 'Die zweite Reformation in den Reichsgrafschaften. Konfessionswechsel aus Glaubensüberzeugung und aus politischem Kalkül?' in *Territorialstaat und Calvinismus*, ed. Meinrad Schaab, Stuttgart, pp. 97-136.
- Schmidt-Biggemann, Wilhelm (1988), 'Althusius's politische Theologie' in *Politische Theorie des Johannes Althusius*, ed. Karl-Wilhelm Dahm, Werner Krawietz and Dieter Wyduckel, Berlin, pp. 213-31.

- Schorn-Schütte, Luise (2015), *Gottes Wort und Menschenherrschaft: Politisch-Theologische Sprachen im Europa der Frühen Neuzeit*, Munich.
- Seifert, Arno (1996), 'Das höhere Schulwesen: Universitäten und Gymnasium' in *Handbuch der deutschen Bildungsgeschichte, vol. 1: 15. bis 17. Jahrhundert: Von der Renaissance und der Reformation bis zum Ende der Glaubenskämpfe*, ed. Notker Hammerstein and August Buck, Munich, pp. 197-374.
- Singer, Bruno (1981), *Die Fürstenspiegel in Deutschland im Zeitalter des Humanismus und der Reformation: Bibliografische Grundlagen und ausgewählte Interpretationen: Jakob Wimpfeling, Wolfgang Siedel, Johann Sturm, Urban Rieger*, Munich.
- Skinner, Quentin (1978), *The Foundations of Modern Political Thought*, 2 vols., Cambridge.
- Skinner, Quentin (1988), 'Political Philosophy' in *The Cambridge History of Renaissance Philosophy*, ed. C. B. Schmitt, Quentin Skinner, Eckhard Kessler, Jill Kraye, Cambridge, pp. 389-452.
- Skinner, Quentin (1996), *Reason and Rhetoric in the Philosophy of Hobbes*, Cambridge.
- Skinner, Quentin (1998), *Liberty before Liberalism*, Cambridge.
- Skinner, Quentin (2002), *Visions of Politics*, 3 vols., Cambridge.
- Skinner, Quentin (2008), *Hobbes and Republican Liberty*, Cambridge.
- Skinner, Quentin (2018), *From Humanism to Hobbes: Studies in Rhetoric and Politics*, Cambridge.
- Skinner, Quentin (2019), *Machiavelli: A Very Short Introduction*, Oxford.
- Skinner, Quentin (2022), 'On Neo-Roman Liberty: A Response and Reassessment' in *Rethinking Liberty before Liberalism*, ed. Hannah Dawson and Annelien de Dijn, pp. 233-66.
- Stolleis, Michael (1987), 'De regno recte instituendo et administrando: Eine unbekanntes Disputation von Johannes Althusius', *Wolfenbütteler Beiträge* 7, pp. 167-73.
- Stolleis, Michael (1988), *Geschichte des öffentlichen Rechts in Deutschland, vol. 1: Reichspublizistik und Policywissenschaft 1600-1800*, Munich.
- Strohm, Christoph (2008), *Calvinismus und Recht: Weltanschaulich-konfessionelle Aspekte im Werk reformierter Juristen in der frühen Neuzeit*, Tübingen.
- Thommen, Rudolf (1889), *Geschichte der Universität Basel 1532-1632*, Basel.
- Tierney, Brian (1982), *Religion, Law and the Growth of Constitutional Thought 1150-1650*, Cambridge.
- Tuck, Richard (2015), *The Sleeping Sovereign: The Invention of Modern Democracy*, Cambridge.

- Van Gelderen, Martin (1992), *The Political Thought of the Dutch Revolt 1555-1590*, Cambridge.
- Van Gelderen, Martin (2002), 'Aristotelians, Monarchomachs and Republicans: Sovereignty and Respublica Mixta in Dutch and German Political Thought, 1580-1650' in *Republicanism: A Shared European Heritage*, vol. 1: *Republicanism and Constitutionalism in Early Modern Europe*, ed. Martin van Gelderen and Quentin Skinner, Cambridge, pp. 195-218.
- Van Houdt, Toon (2007), 'The Spectacle of Power: Lipsius's Model of Princely (and Humanist) Conduct in His *Monita et Exempla Politica* (1605) in *Miraculum Eruditionis: Neo-Latin Studies in Honour of Hans Helander*, ed. Maria Berggren and Christer Henriksén, Stockholm, pp. 13-30.
- Vickers, Brian (1988), *In Defence of Rhetoric*, Oxford.
- Vogel, Christian D. (1818), *Archiv der Nassauischen Kirchen- und Gelehrten-geschichte*, Hadamar.
- Vormbaum, Reinhold ed. (1860), *Evangelische Schulordnungen*, vol. 1: *Die evangelische Schulordnungen des sechszehnten Jahrhunderts*, Gütersloh.
- Wackernagel, Hans Georg (1956), *Die Matrikel der Universität Basel*, vol. 2: *1532/33-1600/1*, Basel.
- Warnecke, Hans Jürgen (1988), 'Althusius und Burgsteinfurt' in *Politische Theorie des Johannes Althusius*, ed. Karl-Wilhelm Dahm, Werner Krawietz and Dieter Wyduckel, Berlin, pp. 147-60.
- Waszink, Jan (2004), 'Introduction' in Justus Lipsius, *Politica: Six Books of Politics or Political Instruction*, ed. and trans. Jan Waszink, Assen, pp. 1-170.
- Weber, Wolfgang (1992), *Prudentia Gubernatoria: Studien zur Herrschaftslehre in der deutschen politischen Wissenschaft des 17. Jahrhundert*, Berlin.
- Weber, Wolfgang (1997), 'Potestas et Potentia Imperii: Bemerkungen zum Bild des Reiches in der deutschen Politikwissenschaft des 17. Jahrhunderts' in *Bilder des Reiches*, ed. Rainer A. Müller, Sigmaringen.
- Weiß, Matthias (2006), "'...weltliche hendel warden geistlich.'" Zur politica christiana des 16. Jahrhunderts' in *Ideen als gesellschaftliche Gestaltungskraft im Europa der Neuzeit*, ed. Lutz Raphael and Heinz-Elmar Tenorth, Munich, pp. 109-24.
- Winters, Peter Jochen (1963), *Die 'Politik' des Johannes Althusius und ihre zeitgenössischen Quellen: Zur Grundlegung der politischen Wissenschaft im 16. und im beginnenden 17. Jahrhundert*, Freiburg.



- Wirszubski, Ch. (1968), *Libertas as a Political Idea at Rome during the Late Republic and Early Principate*, Cambridge.
- Witte, John jr. (2002), *Law and Protestantism: The Legal Teachings of the Lutheran Reformation*, Cambridge.
- Witte, John jr. (2007), *The Reformation of Rights: Law, Religion and Human Rights in Early Modern Calvinism*, Cambridge.
- Wolf, Karl (1955), 'Zur Einfeldführung des reformierten Bekenntnisses in Nassau-Dillenburg', *Nassauische Annalen* 66, pp. 160-93.
- Wolgast, Eike (2011), 'Calvinismus und Reformiertentum im Heiligen Römischen Reich' in *Calvin and Calvinismus: Europäische Perspektiven*, ed. Irene Dingel and Herman J. Selderhuis, Göttingen, pp. 23-45.
- Wyduckel, Dieter (1991), 'Althusius, Johannes' in *Die deutsche Literatur: Biographisches und Bibliographisches Lexikon, vol. 2: Die Deutsche Literatur zwischen 1450 und 1620*, ed. Hans-Gert Roloff, Bern, pp. 345-68.
- Wyduckel, Dieter (2002a), 'Althusius und die Monarchomachen' in *Politische Begriffe und historisches Umfeld in der Politica Methodice Digesta des Johannes Althusius*, ed. Emilio Bonfatti, Giuseppe Duso and Merio Scattala, Wiesbaden, pp. 133-64.
- Wyduckel, Dieter (2002b), 'Recht und Jurisprudenz im Bereich des reformierten Protestantismus' in *Martin Bucer und das Recht*, ed. Christoph Strohm, Geneva, pp. 1-28.