The philosopher as vir bonus: Affectiones and virtutes of councillors and inferior magistrates in Althusius' Politica of 1614

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Althusius has been one of the very few German authors of the period between the Reformation and the Early Enlightenment that has found considerable treatment in recent works on political thought. This is not least due to the fact that he had been recovered during the nineteenth century by Otto von Gierke. Gierke used him to provide evidence for precisely the "anticipations of modern epistemological or ethical doctrines" - in his case corporate popular sovereignty and a state based on associations/Genossenschaften - that the seminar attempts to rectify. What has been largely overlooked by this older approach but has been recovered during the last twenty years, primarily by Jochen Winters, Michael Behnen, Emilio Bonfatti, Hasso Hofmann, Emilio Scattola, and Horst Dreitzel, is the relation between his legal framework, his ethics, his religion and his political theory and practise. Horst Dreitzel has emphasised the way in which Althusius in his inaugural lecture at Herborn (Oratio Panegyrica, de necessitate, utilitate & antiquitate scholarum) subsumed Christian doctrine under issue of civic improvement, treated like a discipline of philosophy. For example, Christ and the Apostles are described in terms of the founders of institutions of erudition; studying at such institutions is described in terms of a way to perfect the soul almost to regain its original state as God created it. Emilio Bonfatti has elaborated Althusius' conception of Conversatio Civile as a means of rite facere. Because Althusius understood the virtues being attached to the norms described by theology, law and politics, Ethics as an independent discipline is left only with decorum, not with recte facere, but with rite facere. This finding has to be squared with Michael Behnen's research on the place of vices and virtues in Althusius' Politica, in particular the middle-chapters outlining the
practical problems of magistrates dealing with subjects. Here, the affections of
magistrates and subjects are lined out. Ways to treat subjects in order to allow effective
government are discussed. In particular the last edition of Althusius' Politica of 1614
carried an extensive analysis of this issue, and thus reflected to some degree the work of
Althusius as syndic of the town of Emden from 1604 and the struggle of the urban
magistrates both against their own subjects and against the count of Eastern Frisia, the
local prince. Active participation of magistrates, high and low, remained a core-
cornerstone to securing the welfare of the res publica, and insight into the problems of
human vices and passions, adequate control of them in others, and sufficient shaping of
them in magistrates, not least by attending educational institutions, remained core issues
to understanding his own persona, but also his vision of the persona of the responsible
magistrate, the vir bonus, whose successful government is inextricably linked to a vita
activa and the rule over subjects.

I

The Roman law jurist Althusius was concerned about religion and prudence. The laws,
foremost of them the decalogue, were the vinculum quo respublica cohaeret & spiritus
vitalis (c X, 4). But they need to be understood and applied by persons capable to do that
appropriately by their virtues, their control of their vices, their experience and their
specialised knowledge. Given the objectively complicated and difficult state of affairs in
a Europe ridden by confessional civil war, the utter inability of the multitude of subjects
to live up to prudence or to control their vices, and the threat from supreme magistrates to
turn into tyrants, government has to be executed by a large number of officers in stations
high and low, some of them even able to constrain and punish the supreme magistrate.
The personae of these inferior magistrates and of their councillors - to both the inferior
magistrates and the supreme magistrate - do fit to these responsibilities. They are part of
their office to allow the potential of men living together under laws to develop with the
help of both their moral abilities and their knowledge about how to allow this to come
about - technicians of political life. The philosopher is, against this background, the
specialist either teaching prospective specialists and inferior magistrates or being himself
active in administrative duties. His *persona* has to be fit to serve these duties. In Althusius' *Politica* is thus very much on one end of the pole that Conal Condren describes in his paper, a "manifestation and representative of an office, an embodiment of a moral economy…. a whole sphere of responsibilities, rights of action for their fulfilment, necessary attributes, skills, specific virtues, and concomitant vices and failures." This follows from the whole intention and structure of Althusius' Politica.

The work is part of the genre emanating from the 1590s in Germany and the Netherlands and growing out of the commentaries on Aristotle that mushroomed during the sixteenth century, but now transformed by the impact of Bodin and the experience of sustained religious civil war in France, the revolt of the Netherlands and the crisis of constitutional safeguards in Germany form the later 1580s. This background needs to be remembered to understand the place of such a "manifestation and representation of office" in it.

From the 1590s to the 1620s a wave of treatises saw publication that were subsequently identified as core texts of this genre as it was about to emerge. Some of the authors were Reformed (Althusius, Keckermann), some Catholic (Contzen), but most were Lutheran. These works reflected a number of diverse developments at universities all over the Empire, in particular the scholarly reception of current legal and political thought and reactions to contemporary confessional strife. The Lutheran reformation had already given the occupation with Aristotle's politics a new emphasis, beginning with Melanchthon's refusal to find evidence for the organisation of the body politic in scripture and his 1530/31 "Commentarii in aliquot politicos libros Aristotelis". From 1535 editions of Aristoteles'...

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1 To 1620 in nearly every major German university at least one *Politica* did appear, see Dreitzel, *Aristotelismus*, pp. 411-4; idem, 'Die Staatsräson und die Krise des politischen Aristotelismus: Zur Entwicklung der politischen Philosophie in Deutschland im 17. Jahrhundert', A. Enzo Baldini (ed.), *Aristotelismo Politico e Ragion di Stato*, Florence 1995, pp. 129-56; Stolleis, *Öffentliches Recht*, p. 111; Weber, *Prudentia*, 9-89; e.g. Arnold Clapmarius (1574-1604), Altdorf, De arcans rerumpublicarum libri sex, 1605; Henning Arnisaeus (1575?-1632), Helmstedt, Doctrina politica in genuinam methodum, quae est aristotelis, 1606; Adam Contzen, Mainz, Politicorum libri decem, 1620; Dietrich Reinkingk, Tractatus de regimine saeculari et ecclesiastica, 1619; Johannes Limnaeus, Juris publici Imperii Romano-Germanici, 1619-34; Bartholomeaus Keckermann, Systema politica, 1607; Lambertus Danaeus, Politices Christianae Libri Septem, 1596; Hermann Kirchner, Res publica, Marburg 1608.
politics mushroomed. The Lutheran distinction between revelation and law allowed to build up a sphere of inquiry into the nature of politics not directly dependant on the interpretation of scripture. Neo-Aristotelianism did not so much provide a guideline determining the argument - apart from general assumptions on the ethics and aims of government - but rather a set of questions, problems and organisational procedures to integrate a number of varying concerns as they came to be considered.

These concerns had been added in the course of the growing body of constitutional thought on the Empire and the increasing streamlining of government in town and countryside. Moreover, from the 1570s the strain on practical politics due to confessional tensions brought home to scholars the need for conscious repair and consolidation of the body politic. Theoretical and practical knowledge on the origins and legitimacy of society and government, updated information on current legal procedure and sophisticated advise on specific means to uphold order needed to be moulded into a new discipline for both teaching and learned inquiry. From the 1580s the reception of Bodin gave this alleged need further focus. Moreover, confessional strife kept stimulating debate on these issues.

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3 Even this cautious attempt at definition holds not true for Arnisaeus' Politica - despite its subtitle stressing Aristotelian methodology - see Dreitzel, Arnisaeus, pp. 174-5.

4 E.g. the forced recatholisation of Würzburg, the fruitless efforts to defend protestantism in areas surrounded by Catholic imperial estates (1575-76) and the struggle for the protestant administration of Magdeburg, to name but a few, see recently Dietrich Kratsch, Justiz - Religion - Politik, Tübingen 1990; Eike Wolgast, Hochstift und Reformation, Stuttgart 1995.


6 E.g., the conception of maiestas realis and personalis was first conceived by Hermann Kirchner (1562-1620), Res Publica, Marburg 1608; see Thomas Klein, 'Conservatio Reipublicae per bonam educationem - Leben und Werk Hermann Kirchners (1562-1620)`, Walter Heinemeyer et al. (eds.), Academia Marbugensis, Marburg 1977, pp. 181-230, pp 212-18 on the impact of the contemporary struggle between the imperial estates of Reformed Hesse-Cassel - for whoma Marburg university based Kirchner wrote - and Lutheran Hesse-Darmstadt over the Upper-Hessian inheritance. Since Hesse-Cassel did expect more favourable treatment of its case before the Imperial Chamber Court then before the Imperial aulic court, scholars from
Subsequently, topics such as the philosophy of politics, guides to the developing imperial public law and advice on the upkeep of order were merged to a new independant subject in the spectre of the artes liberales. Its object was politics and standard kind of publication highlighting its birth was the 'politica', summoning political philosophy, legal training and practical advice.7

Within this genre, various strands of thought are commonly distinguished. Lutheran work on the *Monarchia Christiana* emphasized the independance of the church and the responsibility of lay authorities to the upkeep of a pious order, frequently making use of Lutheran three estate theory (Reinkingk).8 Neo-Aristotelians (Arnisaeus) are alleged to have been particularly engaged in the methodical exploitation of the Aristotelian renaissance.9 Some accounts remained more indebted to Lipsius and the rhetoric of Tacitism.10 Althusius eschews easy allocation to any sub-category not least due to his terminology.11

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7 Topics included matters such as dealing with religious minorities, the printing press, schools, taxes, coinage, the economy and so on, see Weber, *Prudentia*. Note that none of these issues can be directly related to what has been called the rise of modern monarchy with regard to England or France. Only the middling and small jurisdictions of the imperial estates provided the economy of scale to actually engage in the kind of detailed regulation of economy and society so typical for the advise of the politica.


9 Since most contemporaries were influenced by some aspect of the Aristotelian renaissance yet all combined a number of other issues as well useful for classification, the denominator "Neo-Aristotelianism" shifts from embracing a whole lot to very few tracts. Thus Dreitzel, 'Krise des Aristotelismus', deals with many of the 'politicas' quoted above as being inflicted by the crisis of Aristotelianism, but then distinguishes among them pp. 129-31 "Monarchomachist treatises" such as Althusius' Politica (Scupin, 'Bodin und Althusius', disagrees with that denomination), "Political Aristotelians" such as Arnisaeus, "Thomist-Aristotelian" tracts by Catholics like Contzen, tracts orientated towards the Lutheran doctrine of three estates like Reinkingk and authors interested simply in the development of imperial public law. To Stolleis, *Öffentliches Recht*, pp 221-4, Limnaeus is such an author.


11 On the evolvement of this terminology see now Scattola, Von der Maiestas zur Symbiosis, in: Duso et al., 211-250; Horst Dreitzel, *Absolutismus und ständische Verfassung*, Mainz 1992, pp. 23-35 offers as a compromise six roots or overlapping sets of influences characterising the Politica: a. the debate among reformed monarchomachists after the Bartholomew day's massacre in 1572; b., the Dutch debate justifying the
Despite significant differences among these writers, all reflected the constitutional experience of the Empire and a common concern for order. Political practice in the Empire was reinforced and enshrined in the treaties of Augsburg 1555 and Osnabrück 1648. It remained based on the achievement of imperial "Landfrieden" and its medieval basis, the emergence of territorial subsovereignty (Landeshoheit) exercised by the imperial estates. Within that framework, the 'politica' as a genre was meant to provide an *ars conservandi* in times perceived to be troubled. It took for granted that the body politic was defined as a structure of some giving orders and therefore ruling and others obeying those orders, and that the *civitas* of citizens was thus in need of an institutional configuration of order, the *res publica* of magistrates, controlling subjects. Thus, to transform any loose number of men into a body politic, not only government had to be introduced, but that government was increasingly seen as part of an institutional structure distinguishable from the civitas itself.

The champion of monarchical absolutism Henning Arnisaeus was quoted for promoting this view just as his opponent Althusius. Against this common background, most authors, including Althusius, preferred monarchy or aristocracy and identified democracy with turmoil and technical problems of government as a consequence of the nature of rebellion against Spain; c., Spanish legal philosophy concerning both Roman Law concepts of the corporation and its representation and the further development of the notion of natural law; d., aspects of presbyterian ecclesiology; e., Bodin's notion of sovereignty; f., practical advise on achieving stability borrowed from Lipius.

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13 Henning Arnisaeus, *De republica seu relectionis politicae libri duo*, Frankfurt 1615, cap I, s. 1 n. 14: "Perfecta igitur definitio reipublicae est, quod sit ordo civitatis, tum aliorum imperium, tum praeicipue summæ potestatis, a quo profluit regimen per medios magistratus in universos subditos", see Dreitzel, Arnisaeus, 171-4, on his break with the received tradition by failing to mention the moral mission of the state.

14 Christian Liebenthal, *Collegium Politicum*, Amsterdam 1652, VI, 185, quotes Althusius for "*res publica constat ex imperantibus & obedientibus*, probably Althusius, *Politica*, C1, 36: "...ita conventus & societas in Rep. imperantium & obedientium se habet...", an interesting place because Althusius rather uses the terms "*consociation publica particularis (for civitas) and civitas or regnum or consociation publica universalis (for res publica)."
men. Magistrates in command over obedient subjects were conceived to be a functional necessity no matter what form of government was at issue. More specifically, a main issue of these works was how to avoid, forestall or suppress internal conflict for the sake of the common good, for unity and the preservance of internal harmony was seen as a key problem. The 'politica' as a genre - from the pen of Althusius just as from Arnisaeus - was therefore not least a body of work dedicated to the control of subjects and to the avoidance of turmoil. It was an exercise in the sophistication of the upkeep of order.

Given these fundamental similarities, important differences need to be kept in mind, for they also defined the place of the learned specialist in Althusius' work. Three need special attention. One, in particular "Neo-Aristotelians" accepted that the supreme magistrate could be an aristocracy or a monarchy, as long as superioritas remained in the sole possession of that magistrate. That was not the case with Althusius. He insisted that the specific kind of monarchy he envisaged was the only truly useful form of government, including the highly specific constitutional set-up that he devised, and that it could be found back everywhere. Second, according to him, sovereignty belonged to the universitas of the regnum itself, not to the person or persons of the supreme magistrate. It was exercised by magistrates representing the state and thus acting in behalf of it. These had various functions. The most important function belonged indeed to the supreme magistrate himself. But even this supreme magistrate could be, if failing in his office, constrained or punished by those magistrates whose office it was to secure the laws of the regnum, designated by Althusius as the Ephors. The representation of the realm by the collectivity of the Ephors and their ability to constrain and punish the supreme magistrate is beyond doubt one of the most conspicuous particularities of Althusius' approach,

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15 Althusius chapter on democracy (XXXIX) is part of his appendix of special subjects treated in the last chapters. He stated his view on popular participation much earlier. To him, any kind of election by the common men is riddled with danger for the unity of the body politic and will trigger rebellion and sedition: Althusius, XVIII, 56: "Esset enim difficilinum ...suffragia omnium civium, & eorum , qui alicujus Reip. partes sunt, a singulis exigere, idcirco convenit, plebis multidudinem per ejus optimates negotia publica ita expedire, ut absque tumultibus & seditionibus tuto a Repub. negotia illius peragantur".

16 E.g. on the need for harmony Althusius, Politica, C1, 36.

though in Germany, where the electoral princes did indeed share in the maestas of the Empire itself this design was much less conspicuous than it would have been in England or France. Althusius, however, had devised his politica to be an analytical description of the true nature of every society.

Third, in particular to his contemporary arch-opponent, Arnisaeus, civil society is the demesne of the private and pre-political rights of subjects against the state. But it does not constitute a corporation capable of any legal action in its own right, nor can the state be represented by any other instance then the supreme magistrate himself.\(^\text{18}\) Closely following the influential translation of Aristotle by Petrus Victorius that effectively deprived the notion of *civitas* from being a body with political power, he wrote that "res publica est ordo totius civitatis consistens in regimine summae potestatis per medior magistratus".\(^\text{19}\) To Arnisaeus, the hierarchy of order and subjection itself provided the core vinculum of society and state. In contrast, to Althusius, platonic ideas of a common goal of society inherent in his approach to Christianity provide the reason why society can work in the first place, as men bound together under the decalogue. To an extent, this difference reflects that between Lutheranism and Calvinism, the former more clearly distinguishing issues of gospel and law, the latter seeing church and state as a unity. But that does not mean that Althusius did not take on board the notion of the need of an institutional configuration of order, the magistrates, in order to allow society - civitas - to work.. Indeed, there is hardly a better example for the distinction of society and state then Johannes Althusius own work. What Arnisaeus did insist upon was that the institutional order of the state sprang from no other root then the exercise of majesty by the supreme magistrate, who possessed majesty by

\(^{18}\) Dreitzel, *Arnisaeus*, pp 336-57: The civitas provides the populus with a sphere of private property rights, but these rights do not carry public power. The restrictions imposed on the monarch within that system, natural law and fundamental law, are primarily left to protect these private rights, see Dreitzel, *Arnisaeus*, 202-26.

conquest, inheritance or transferral. He thus denied the accountability of the supreme magistrate to inferior magistrates or even positive civil laws.  

Althusius also accepted the clear-cut distinction between the res publica, the institutional configuration of order headed by magistrates, and the notion of society as helpless without the order imposed by magistrates. But in contrast to Arnisaenus, Althusius’ res publica rested on the legal person of the universitas. That legal person itself possessed majesty. It was represented by magistrates on various levels, rather than by the supreme magistrate alone. A specific group of magistrates, the Ephors, could even judge and punish the supreme magistrate according to the laws of the universitas. Althusius was just as hostile to any participation of subjects in government as Arnisaenus, and he even abolished such elements of democratic participation as existed in Emden, the town where he served as syndic. He enforced the rule of a tightly knit oligarchy there, because he argued that democratic government could not function and that aristocratic rule needed to be restored. But he put the rights of sovereignty firmly in the hands of the universitas itself, the regnum, represented essentially by the magistracy as a whole, not into the hands of any single supreme magistrate. Magistrates thus ruled by possessing an office, and they possessed this office by virtue of representing the corporate body politic, the universitas. Every magistrate thus remained accountable. Inferior magistrates were accountable by the supreme magistrate. The supreme magistrate could be hold accountable by the Ephors acting together - not, however, by subjects. Arnisaenus, in any

21 Johannes Althusius, Politica Methodice Digesta, Herborn 1614, c I, 11-13. Although Althusius began his book with a description of social life and families, households and guilds, and only later (c V) in his book described the universitas (c V), even at the very beginning of his book this social life is presupposing the existence of magistrates directing social life, magistrates who are later described as representing the universitas: Praefectus, praestes, seu imperans administrandi, disponendo, jubendo, monendo, vel vetando, cogendo, aut abstrahendo, cum autoritate dirigit & gubernat vitae socialis negotia ad obtemperantium singulorum, vel universorum utilitatem. See c V, 22-25, in particular c V n 25 "Hi superiores praesides ex consensu communi civium suorum constituuntur, & et constituti representant ipsam civistatem, non aliter, quam syndicus universitatem". Althusius’ description of the various communities that any society is made of – families and guilds, and urban and provincial societies having their own magistrates, must not allow us to oversee that majesty is located in the regnum, not in society itself. See the new edition of Hasso Hofmann, Repraesentation. Studien zur Wort- und Begriffsgeschichte, Berlin 2003, 355-75.
way, did attack him for this reason as dangerous monarchomach. And indeed, Althusius' world was divided into magistrates, including the inferior magistrates, and subjects, not into the single supreme magistrates and all the rest. And also in contrast to Arnisaeus, the co-ordination of the magistrates itself was not eventually based on the coordinating power of a supreme magistrate possessing majesty, but on the assumption of the existence of the potential of consent within society, expressed in the laws, primarily the Decalogue, providing society with the potential for social harmony, described in platonic terms. Indeed, to Althusius, laws are the vinculum quo respublica cohaeret & spiritus vitalis (c X, 4). Potentially, men, in need of living together, were also united by common goals and potential insight into the needs and goodness of Christian life. The divergences among men, in terms of their abilities and riches, for instance, empirically stirring social unrest, could be turned by adequate government into the actual realisation of this potential and the consent based on it eventually holding human society, and thus the state, together. Though Althusius was acutely aware that in practise, both subjects and magistrates did submit to their vices, and that to turn the potential for harmony into its actual realisation needed constant work. This work was the application of political prudence as taught in the political in practical government. To that end, magistrates, including university teachers, needed certain virtues and abilities.

Already twenty years ago, Michael Behnen pointed out that rights and obligations of the symbiotici, of men bound together in society, are to be understood with regard to the

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24 See on the broad strand of theory Horst Dreitzel, Monarchiebegriffe in der Fürstengesellschaft, Köln 1991, vol 2, 529-546, in particular on Althusius 531-532, only one member of this group.
25 See Behnen, Herrschaft, 171.
26 Althusius, Politica, C1, 36: "Deinde conservatio & duratio omnium rerum consistit in illa ordinationis, & subjectionis concordia. Nam sicut ex diversi toni fidibus, ad symmetriam intensis, sonus dulcissimus oritur & melodia suavis, gravibus, mediis & acutis conjunctis: ita conventus & societas in Rep. imperantium & obedientium se habet, & ex divitum, pauperum, artificum, sedentatorum & id genus diversorum graduum personorum statu, quam suavissima oritur & conveniens harmonia; & si ad concentum reducantur, efficitur Concordia laudabilis, felix & pene divina, & durabilior. Quod si vero omnes aequales, singulique pro arbitrio vellent alios regere, & alii recusarent regi, hinc facilis est discordia, & discordia dissolutio societatis: Nullus est gradus virtutis, nullus meritum, & sequeatur, ut ipsa aequalitas est summa inaequalitas...Hinc inter signa irae divinae refertur, quando haec imperantium & obtemperantium symmetria, ejusque ministri, & duces non sunt." The problem of order in a society not only characterized by human vices. Rather, both inequality among men and the distribution of labour with its concomitant problems is reflected when concluding that lack of government and harmony makes "ut ipsa aequalitas est summa inaequalitas".
establishment and upholding of social interaction described in the Politica in terms such as "symmetria", "concordia", "symphonia" and "harmonia", for only then the aim of politics was, to Althusius' mind, accessible. Further, Behnen argues that Althusius depended on Cicero's notion of "juris consensu" for his understanding of the multitude turning into a body politic. Consent, even if enforced by constraint, is at the core of that body politic. That consent is measured against the Decalogue, but frequently described in aesthetic categories like musical harmony. To actually make men to achieve and keep this harmony, Behnen further argues that Althusius provided frequent advice for magistrates to direct, discipline and manipulate the behaviour of subjects. In particular, he argues, the middle parts of the Politica were concerned, like other pieces of the genre, with the practical problems confronting governments in controlling the men and his vices. Behnen has submitted these middle sections of the Politica to close scrutiny. While chapters I to XX deal with the construction of the consociationes and the establishment of public order and chapters XXXII-XXXIX form an appendix devoted to special subjects such as democracy, chapters XXI to XXXI deal with topics such as "de natura et affectione populi" (XXIII), "de censura" (XXX) or "de studio concordiae conservandae" (XXXI). It is in these chapters that Behnen detects notions of Tacitist dictatorship in the politica, strongly influenced by the accounts of Botero and Clapmarius. Althusius Politica thus combines three accounts of the working of the body politic. There is a sociological account of the social units of which each society is made of, such as families, guilds, towns, provinces. These are the famous "consociationes" whose description have led to the - false - assumption that

27 Althusius, Politica, c 1 30 "Finis politicae, es usus vitae commodae, utilis, & felicis, atque salutis communis".

28 Michael Behnen, 'Herrscherbild und Herrschaftstechnik in der Politica des Johannes Althusius', Zeitschrift für historische Forschung 11 (1984), pp. 417-72, quotes p. 422 Althusius, Politica V, 4 ("Homines congregati sine jure symbiotico, sunt turba, coetus, multitude, congregatio, populus, gens") and hints towards Cicero, De re publica, Liber primus, 25, and his definition of "coetus multitudinis juris consensu et utitate communione sociatus". It is important, however, to remember that Cicero has Africanus to define "Est igitur, res publica res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis...", i.e., that this is Cicero's definition of the res publica, while Althusius transfers it to a definition of the consociatio and the ius symbioticum.


30 Behnen, 'Herrscherbild', p. 423.

31 Ibid, 426; Giovanni Botero, Della Ragion die stato, Venice 1589; Clapmarius, De arcanis.
Althusius is describing a federal state. There is a legal account of the relation of state and society, and thus subjects and magistrates, addressed in terms of the representation of the state by magistrates. And there is a political account of the office of the magistrates in its fullest sense, including the dangerous vices and possible virtues of magistrates and councillors, in order to prepare the students of the politica for their challenges and duties in office. It is here that the persona of the magistrate, and by this token, of the teacher at university, is described.

II

To officeholders and councillors Althusius provided both a Christian philosophy where church and faith were described as acquirable prudence improved by mankind across time, and a casuistry on responsibilities and appropriate virtues and abilities to fulfil the office of government.

Despite the primary importance of the decalogue as the central law of the republic, there is not systematic superior place for theologians. To Althusius, true religion - essentially Confessional Calvinism - is the single most important element in holding society together. The decalogue, in its calvinist interpretation, is the prime law of the commonwealth. Althusius' Christian philosophy is most clearly expressed in his Inaugural at Herborn in 1603 on the value and importance of university education. Althusius’ Oratio does not work from the Lutheran distinction of law and gospel, but rather subsumed Christian doctrine to issues of civic improvement and submits it to the regulation of civic magistrates. Christian doctrine is treated like a discipline of philosophy; Christ and the Apostles are described in terms of founders of institutions of erudition; the history of the church is described in terms of the rise and fall of these institutions; studying is described in terms of a way to perfect the soul to almost regain its original state as God created it and as it was lost by the fall; with regard to the inquiry into the nature of God emphasis is laid on Physico-theology, which meant understanding.

the nature of God by studying the natural world as his creation and addressing theology as the study of the deeds of God as reflected in the natural world. While all law had to be based on the Decalogue and the *conservatio consociationis*, law, ethics and religion were bound together by Althusius’ understanding of the law of nature, that to him was not only reflected in the second, but in both tables of the Decalogue. There was thus no clear-cut distinction between *religio naturalis* and *religio relevata*, and thus ‘*communio symbiotica universalis regni est ecclesiastica, vel secularis*’ (c 9 n 31).

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33 See Hasso Hofmann, cited above.
Althusius' account of the vices and virtues of magistrates and people is embedded in this approach to Christianity and the constitutional arrangement described in the Politica. As a consequence to Althusius' spreading of responsibilities of government to all magistrates, the cataloguing of virtues that had been often restricted to the prince was extended to a discussion of the virtues and vices of both, people and magistrates. To allow the necessary steering of subjects, all magistrates need to be aware of and being counselled on the necessary prudence, the knowledge about how society works, and on both the passions and vices of the people and the passions and vices of themselves. And the writing of the Politica and the teaching of its substance to potential officeholders, as Althusius had done himself, is part of the active steering of society by preparing officeholders for their work in society.

His account starts with the introductory chapter, “De generalibus affectionibus Politicae” (my emphasis - affectiones rather then the affectus). In order to protect us from misery and to live justa & felix, we share a natural inclination to live together, and only then, in the exercise of this civil life, can we strife ad exercitium & actionem virtutum. (I n 4). As distinguished from the legal emphasis of his Dicaeologicae or his Jurisprudentia Romana, Politica is defined as the art to organise and keep men into, referring to Cicero, a coetus juris consensus & utilitatis (I, 7), serving that purpose, and appearing as consociationes, according to their aim either private or public ones.34

Chapter XXI "de lege, ad quam suscepta Reipublicae administratio est instituenda" addresses the supreme magistrate as "dux, pastor, pater patriae, rex, custos & salvator populi & corporis consociati", whose approach to the administration of the body politic must be prudential (c XXI n 6). This prudentia, in turn, is explained with direct reference to

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34 See also Althusius, Politica V, 4 ("Homines congregati sine jure symbiotico, sunt turba, coetus, multitudo, congregatio, populus, gens") and hints towards Cicero, De re publica, Liber primus, 25, and his definition of "coetus multitudinis juris consensus et utilitate communione sociatus". It is important, however, to remember that Cicero has Africanus to define "Est igitur, res publica res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis...", i.e., that this is Cicero's definition of the res publica, while Althusius transfers it to a definition of the consociatio and the ius symbioticum.
Lipsius and Seneca (ibid., n 8). It is in particular important to deal with the vices of the people. In particular chapter XXIII described in detail passions among men. Introduced by a specification of the shape of passions according to region, climate and religion natura & ingenium vulgi & populi is described as inconstans & mutabile, pronum in affectus (XXIII 21). One core to these problems are social differences among men in their capacity as private members of the consociationes privatae in a rather negative fashion. For example, he reminds the reader of the danger of ambition, quoting Ghibellines and Guelfs in Italian cities, and of luxury. The existing variety of men and wealth, while accepted as a fact of life, is anathema to the harmony that is to be achieved. Therefore, the ocean he finally advises the prospective magistrate to sail the ship of the commonwealth through is a stormy sea of human tempers and habits.

It is important to remember that Althusius does not consider here the legal issue of the exercise of government in a hierarchy of order and subjection where the office to rule had to be determined within the actual social hierarchy of men, but the impact of affectus/affectiones on the coetus of men, for that coetus was to him the very basis of the working of the res publica. Thus he has to consider the affectio corporis consociati erga suum magistratum quae comitatur imperantes (XXIV 1). These are of two kinds, implanted (ingenerata), that is by nature and perpetual (naturalis & perpetua) and those acquired (conciliata). Among the affectiones imperium by nature are those brought about by the dulcedo and licentia of rule and exhibited in Croesus, Nebukadnezar, Tarquinius Superbus, Caligula, Nero, and so forth (XXIV 4), superbia (pride) and insolentia (Uebermut). I spare us a summary of Althusius’ examples of the practical impact of these on the coetus, they

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35 On the influence of Lipsius on Althusius description of the prince see Michael Behnen, Herrschaft und Religion in den Lehren des Lipsius und Althusius, in: Bonfatti, Duso, Scattola, 165-184, but mainly with reference to chapter XXIV.


38 Althusius, *Politica* c XXXI, 63.

39 See on this Althusius, *Politica*, c XXXII as well.
bring about novationes et mutationes periculosae, as the history of rulers from Saul to Tiberius shows ((XXIV, 9-12), that in turn produce hate (odium) among the subjects toward their magistrates and then further disaster (12).

In contrast, the main affectio assumpta concilia ta extrinsecus is benevolentia, that in turn stirs and keeps alive (excitare & fovere) the affectiones benevolentiae & reverentiae among subjects (15). Althusius describes here the mutual growth of affections by their actual exercise, a process in which officeholders, magistrates, need to take the lead and that is subject to historic change. The affect of benevolence (benevola affectio) among subjects is described as inclinatio & amor magistratum statum. On the side of the magistrates, it compares to lenitas (Milde) and indulgentia & studio bene merendi de Rep. (commitment and zeal). The one is for instance exemplified in king David, calling his subjects brothers (18, 19). Referring to Lipsius, the people have to be governed (tractare, gubernare) like a wild horse (equus ferox).

After his outline of this alleged mechanism of how the affections of the people can be shaped in their impact on the coetus by the performance of certain affections by the magistrates, specifically from XXIV, 19 onwards most paragraphs contain historical examples, mainly from scripture. For instance, 1. Sam 12 is referred to even twice (24, 38) in order to take Samuel’s proposal to return taken (=taxed) goods as an example of the benevolence expected from magistrates. Seneca, Lipsius and Botero are quoted in order to illustrate this mechanism by a kind of empirical historical sociology. David, Salomo and Josia figure as positive examples. These are in themselves quite conventional pieces of advise to any government. But Althusius transfers a repertoire that had been also used to argue in favour of a regimen politicum of citizens by late medieval authors like Tolomaeus of Lucca, such as the use of Samuel 1. 8-12 - into his framework of the firm need for order and subjection. Indeed, he adds an analysis of how to then deal with subjects in order to achieve order by stirring appropriate passions, referring to Sallust and Lipsius (19).

The references to 1. Sam 8-12 are cases in point. To Tolmaeus, 1. Sam 12 was proof of the beneficial effects of his regimen politicum on the passion of love to fatherland to subjects
and citizens, because it proved the _temporary_ character of officeholding. Roman citizens thus exhibited _zelum iustitiae_, _zelum benevolentiae civilis_ and _amor patriae_. To Althusius, the distinction of _regimen politicum_ and _regimen regale_ was plainly useless. Not only was the labour market for his students mainly made up of principalities, but he himself restored as syndic Emden an aristocratic rule of some leading citizens by crushing with mercenaries the institutions of increased popular participation that had developed during the 1590s. Indeed, he denounced these institutions, in particular the Council of the Forty, as a mutation ("permutieret") to popular government ("statum popularem") and explicitly aimed at restoring the original aristocratia administratio due to the damage always produced by popular government.40

His chapter is neither an account ignoring the issue of _affectio_ in favour of an unqualified assumption of obedience nor one emphasising common participation in rule, but an empirical sociology how under varying circumstances the performance of certain affectiones imperii has either brought havoc or harmony to the coetus, essentially by bringing into motion response-affectiones among the subjects triggered by the performance of affectiones imperii by magistrates. This mechanism – triggering certain affections rather than others – makes the distinction between the natural affects of power – _superbia_ and _insolentia_ – from those acquired so vital. His Oratio on the usefulness of studying gives the relevant background to where he thought that both affects necessary for magistrates and the technical knowledge and the experience, the prudence necessary to govern, were learnt and stimulated, while he also stuck to insisting that piety and modesty are favourable to rule (see also XXV, 31-66).

The choice between harmony or havoc lays primarily with the magistrates. But these are by no means primarily princes or kings, although their behaviour provides most of his examples. Chapter XXV is indeed primarily addressing the _auctoritas_ of the prince, and addresses the need for him to have _pietas_, _providentia_, _fortitudo_, _fide_, _modestia_, _temperantia_, _affectuum moderatione_, _sufficientia_ (c XXV, n 25).41 These virtues will move

40 See his diarium 1615, quoted after Antholz 53.
41 See Behnen, 173.
the subjects, and help to establish order (n 26). But to Althusius, the term magistrate applies
to anyone carrying office of the res publica, with terms such as magistratus summus, ephors and optimates and senators used to distinguish various officeholders from emperor via territorial nobility to urban council. His writings addressed primarily inferior magistrates like himself. These were defined by their civilis dignitas, a magistrato collocata, while inherited dignity - ...seu natalium dignitas...ab intercessore parente – remained secondary. Whether possessing inferior noble title or not, office from and for the res publica made Althusius and his fellow-officeholders, not their meagre parental privileges or possessions. The large majority of Althusius’ students and fellow-magistrates had to study, for example, at the university of their own home-territory, few could afford to study anywhere but at one of the universities in the Empire, a European tour or even attending a major foreign university were rather exceptions, while he himself did study at Basle, his own family background is as modest as that of the large majority of territorial officeholders – clergy, territorial local administration, no substantial private resources. The difference in primarily intended audience to, for example Erasmus' Institutio principis could have been hardly more clearly pronounced.

While the ephores generales are plainly the German electoral princes (XVIII, 110), the ephores speciales consist of a whole range of groups in the provinces and parts of the kingdom, as far as they are formally acknowledged as being immediately subject to the emperor, including the urban magistracy of imperial cities and imperial free counts. Serving the consociatio publica while the people only served their consociationes privatae, like guilds or families, they had to lead by showing the right affectio. But within the province there were also magistrates.

Althusius addresses here councillors and men of specialised knowledge that need to be heart. Given the importance of the laws, the most important binding element of the republic (see above), men knowing the laws are vital to get government going, hinting to no one less then leaders of the people of Israel like Josia, for in civitate, vir indigus,

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42 Johannes Althusius, Dicaelogicae libri tres, I, 26, 14; see also Politica XXV, 37, pt.80
43 See Hotson in Wolfenbuettel.
44 See now Jan van Herwaarden, Erasmus en zijn Vorst, unpublished ms.
sapiens qui liberavit ipse civitatem istam sapientia sua must have a central role (c XXI, 9). The necessary prudentia politicae is exercised by the membra prudentiae, who are made of the intellectus nimimus politicus, and the delectus agendorum in Reipub. Administratione (ebd.). Althusius served as both, as professor in Herborn and Syndic in Emden. Educating the prince and counselling in various matters of expertise is their office. This knowledge is acquired by learning and practise - thus, new councillors need to study at university, and they need to acquire practise in administrative tasks. To take recourse to the counsel of men with this knowledge is at least as important to defend the authority of the magistrate as are arms (consilia necessaria, quibus arma sunt temperanda"), c XXV, 19). A whole chapter is dedicated to acquiring prudentia in terms of knowledge and practise, both for the magistrates themselves and their councillors. It even advises, for the advisor in actual administrative business, to be capable of dissimulatio and diffidentia (c XXVI, 5-9). We see here that Althusius' reduction of ethics to rite facere is important, because against this framework otherwise morally dubious activities become entirely legitimate and part of the necessary persona of the officeholder in charge of certain responsibilities.

The subsequent chapter is then especially addressing the councillors. Addressed as membrae prudentiae, the chapter opens with references to Lipsius and Cicero, stressing the need for sapientia, and mainly elaborating the combination of theoretical knowledge from books and learning and practical experience. By the end of the day, this combination allows to instruct the magistrate (c XXVII 2). Being fidus and peritus, loyal and experienced, they suggest healing means (salutaria) and indeed help to steer the rudder of government ('clavum regere juvant", c XXVII, 6), despite that fact that they of course lack potestas, imperium and jurisdiction. This is why the description of the affectiones imperantes had been so all encompassing and the vocabulary to describe magistrates so wide-ranging. The differences between princes and imperial estates directly subject only to the emperor and these councillors is by no means ignored, but in actual practise, and surely in Althusius' own practise in Emden, a councillor could have

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45 See on this also Wolfgang E. Weber, Potestas Consilio & auxilio juvandi, 194-195.
enormous practical influence. Thus, the councillor, just as the inferior magistrate, needs to be in love with integrity and piety (XXVII, 10). In describing the necessary range of knowledge and the need to acquire it and allow consultation on it, Althusius is here falling back on the contemporary genre of descriptions of higher civil servants, a genre now studied by Wolfgang Weber.\footnote{See Weber, Potestas consilio, 201, footnote 72, where he is referring to his current research project on early modern ideas on councilors in Germany, pertaining to emphasizing the need for knowledge.} In terms of the moral qualities important to be able to do the job, the differences to the actual magistrates are barely visible. Not dedicated to accepting or giving favours. They may come from all walks of life, not only from the nobility or the clergy, but also the populus (34), but in any case they must be "bonus ex fama & plurimonium testimoni" (XXVII, 14). Listening to their advice is part of the office of the prince, not due to his choice.\footnote{C XXVII 42: Princepts igitur, seu magistratus omnia negotia privata & Reipublicae cum senatus & consiliariis suis communicare debet.}

III

Although they are not strictly speaking magistratres, university based teachers and councillors are treated by Althusius as a species who take part in government and thus need abilities and virtues making them fit for that office. They are not part of the vulgus, and they have the capacity to acquire, by being taught, sufficient affectiones, making them fit to participate in rule.

Sapientia and prudentia are treated as specialised knowledge that is to be used in order to follow a prescribed end - the steering of the ship of state by influencing subjects in a way that allows the coetus of men to hold, despite the structural sociological and political problems with human beings. Althusius' description of the university based councillors is thus very much description of what is important in terms of virtues and abilities and knowledge for "an office", these characteristics are "an embodiment of a moral economy…. a whole sphere of responsibilities, rights of action for their fulfilment, necessary attributes, skills, specific virtues, and concomitant vices and failures." In so far, Althusius is entirely traditional, and Aquinas (actually Tolomaeus of Lucca) is among his
books of reference. The good of the state remains entirely defined as a common good to be measured against true religion, understandable and acquirable by human beings.\textsuperscript{49} However, in order to actually achieve this common good within human society, Althusius takes on board the new emphasis on defending status by authors like Lipsius. His uncompromising emphasis on the Decalogue is combined with the need to integrate the practical and ruthless side of defending order, such as the need for \textit{dissimulatio}. Understanding the common good and knowing appropriate prudentia has become more difficult, more complicated. Certain virtues, the acquired among the affectiones imperantes are more important then ever, but they need to be supplemented by sufficient technical knowledge. The councillor is providing both. He is very much a tool of government, but a tool that needs to be heart not only on the execution of pre-ordained measures, but about the nature of these measures themselves. Sixteenth century German princes, listening to theologians about how to reform the church, had already made acquaintance with specialists of certain realms of knowledge who claimed an enormous degree of autonomy and authority in their respective subject areas. With the Althusian councillor, specialists in politics also began to make their voice heart. Under the peculiar conditions of the nature of the magistracy in Germany, and the objective importance of legal and political council in German government, large and small, Althusius account, no matter what the idiosyncrasies of his constitutional set up, does very well fit into, as Wolfgang Weber has remarked, with the more general development of a genre describing the role and importance of councillors. The relatively large importance of magistrates defined by their civilis dignitas, a magistrato collocata, - as opposed to…seu natalium dignitas…ab intercessore parente\textsuperscript{50} - in Germany provides a background to the subsequent connection between - specialised university - knowledge, governing power and reflections on the appropriate persona for men of learning in Germany.\textsuperscript{51}

\textsuperscript{49} See Matthew Kempshall, The common good in late medieval political thought. (Oxford, 1999).
\textsuperscript{50} Johannes Althusius, Dicaelogicae libri tres, I, 26, 14; see also Politica XXV, 37, pt.80