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Dimensions of Toleration in the Political Theory of Johannes Althusius

Introduction

This chapter deals with the political theory of one of the leading reformist political thinkers in the early modern period: German jurist and civil servant Johannes Althusius (1557–1638).¹ The analysis focuses on the religious character of Althusius' *Politica methodice digesta atque exemplis sacris & profanes illustrate* (1614) which has been under increasing scrutiny for some of years now. Previously, Althusius was hailed mainly from a secular point of view that overlooked or downplayed the religious element, but this line of interpretation has lost much of its credibility in light of the more recent research. However, there remains a tension between the secular and religious side of Althusius' theory, as well as between its many interpretations.² I seek to ease these tensions by presenting an interpretation that takes the religious features of Althusius' theory seriously but shows them to their proper place in the structure of the social and political life Althusius presents. As a result, space is cleared for the secular, or rather civil, aspect of social and political life within the overall religious setting of Althusius' theory.

My analysis proceeds in a close reading of Althusius' theory with the purpose of providing a systematic account of key sections in the text. The argument is developed first in section II with the introduction of the most important religious elements of Althusius' theory. A distinction is drawn between the general metaphysical and normative features of the world (II.1) and those related to the actual practice and doctrine of religion (II.2). Next, in section III, Althusius' varied, even contradictory, views on religious toleration are explained by identifying two separate grounds for toleration: non-coercion of inner thoughts and beliefs (III.1), and prudence (III.2). In section IV, attention is paid to the ways tolerated persons and groups are excluded or included in the common life with the members of the true (Calvinist) religion. The claim is made that territorial separation of different religions and confessions agrees with some of Althusius' views (IV.1), while others fit better with distancing of social kind (IV.2). This entails the conclusion that for Althusius toleration is not

¹ David Henreckson (*The Immortal Commonwealth: Covenant, Community, and Political Resistance in Early Reformed Thought*. Cambridge: Cambridge University Press, 2019, 128) has recently characterized Althusius' prominence in early Reformed thought in two ways: "first, in the sense that his work was given a quasicanonical status by many of his immediate heirs and critics; and second, insofar as his work was a crystallization and even culmination of the thought of many of his contemporaries".

² For a relatively recent overview on research literature concerning Althusius see e.g., Stephen J. Grabill, introduction to *On Law and Power* by Johannes Althusius (Michigan: CLP Academic, 2013), xxvi–xlii, and Henreckson, *The Immortal Commonwealth*, 129–132.

so much religious but civil in character. The conclusion is supported by the fact that, while belonging to the true religion is necessary for receiving an ecclesiastical office, it is not a definite criterion for obtaining a citizenship (IV.3) or a civil office (IV.4). Finally, in section V, I give a short summary of my key findings.

II. Religious Elements of Althusius' Political Theory

As mentioned, Althusius' political theory cannot be considered purely as a secular theory. Accumulated research has in numerous ways argued for the religious, and particularly Reformist (Calvinist), context of Althusius' thought and for the essential position religious ideas have in the social and political life that Althusius is presenting in his theory.³ In the following I will give a short but systematized view on what I see to be the most important religious elements in Althusius' theory.

II.1. The Religious Underpinnings of Althusius' Theory

The first observation concerns Althusius' notions of human nature and salvation. In a nutshell, Althusius combines the Augustinian notion of human deficiency and the idea that salvation cannot be achieved in isolation with the Aristotelian notion of the importance of community. As a result, human beings are driven to social life, or in Althusius' terms, to symbiotic life, to satisfy both the needs of the body and the soul, where the latter include not only the need to develop reason and morals but also to attain eternal life. In Althusius' setting, human beings are fundamentally social, or symbiotic, beings who not only need the help and support of others to provide for their needs but require mutual life to provide for the needs of others, and to answer and fulfill their calling from God that directs them to their proper place and function in the society.⁴

³ To mention just a few recent examples that relates Althusius' political theory explicitly to its Calvinist background: Jesse Chupp and Cary Nederman, "The Calvinist Background to Johannes Althusius's Idea of Religious Toleration," in *Jurisprudenz, Politische Theorie und Politische Theologie*, ed. Fredrick S. Carney, Heinz Schilling und Dieter Wyduckel (Berlin: Duncker & Humblot, 2004), 243–260; John Witte, *The Reformation of Rights: Law, Religion and Human Rights in Early Modern Calvinism* (Cambridge: Cambridge University Press, 2007); Mario Miegge, "Communicatio mutua (Althusius und Calvin)," in *Politisch-rechtliches Lexikon der Politica des Johannes Althusius*, ed. Corrado Malandrino and Dieter Wyduckel (Berlin: Duncker & Humblot, 2010), 147–155; Cornel Zwielerlein, "Consociatio," in *Politisch-rechtliches Lexikon der Politica des Johannes Althusius*, ed. by Corrado Malandrino and Dieter Wyduckel (Berlin: Duncker & Humblot, 2010), 175–200; Corrado Malandrino, "The Calvinistic Covenant's Theology and Federalism: the Experience of Althusius," in *Reformierte Staatslehre in der Frühen Neuzeit*, ed. by Heinrich de Wall (Berlin: Duncker & Humblot, 2014), 99–131; David Henreckson, *The Immortal Commonwealth*.

⁴ For the human condition, see e.g., Carl Joachim Friedrich, introduction to *Politica Methodice Digesta of Johannes Althusius (Althaus)* by Johannes Althusius (Cambridge: Harvard University Press, 1932), lxx–lxxi, and Bettina Koch,

The concern over body and soul is unambiguously present in politics. Althusius writes that the final cause of politics is “a comfortable, useful, and happy life, and common welfare; so that we can live a peaceful and quiet life with piety and honor.... a society which aims at a life where it is possible to worship God without error and quietly”.⁵ The care for bodily and spiritual matters carries on to the purpose and duties of governing in general and manifests further in the dual character of sovereign rights and their administration as these involve again rights and duties pertaining to both the body and soul.⁶

Thirdly, between human nature and its end, the symbiotic life takes place in a world that has an objective normative order. This order is inscribed in varying degrees on the hearts of human beings, in their consciences.⁷ It is further clarified and reinforced by God’s revelation, particularly by the Decalogue and the double commandment of love.⁸ The result is a combination of natural and biblical law that forms a common and universal normative order given for all the people and not only for the Christians.⁹ This common law (*lex communis/jus commune*) seems dominantly biblical in character, because Althusius approaches it mainly through the Decalogue.¹⁰ Essentially the common law constitutes of general principles that still need to be applied and elaborated for local conditions in the form of proper laws of particular communities.¹¹

Finally, Althusius paints a picture of an interventionist God, as the fear of God and his sound worship are the causes of private and public happiness, whereas contempt of God and the neglect of divine worship are causes of all evil and misfortune.¹² Even an evil commonwealth is sheltered from the

“Johannes Althusius: Between Secular Federalism and the Religious State,” in *The Ashgate Research Companion to Federalism*, ed. by Ann Ward and Lee Ward (Burlington: Ashgate Publishing Company, 2009), 82–83.

⁵ Johannes Althusius, *Politica methodice digesta atque exemplis sacris & profanes illustrate* (Aalen: Scientia Verlag, 1981), I § 30: “Finis politicae, est usus vitae commodae, utilis, & felicitis, atque salutis communis; 1. Tim.6. 2. 2. ut tranquillam & quietam vitam degamus cum omni pietate & honestate, Luc.6.1.74.75. Psal. 107.7.36... Finis quoque est conservatio humanae societatis, cujus finis est, habere vitam, in qua possis sine errore & quiete Deo inservire.” Note that when the reference is made directly to Latin text in Althusius 1981 it means either that (a) the translation in question is mine, as in this case, and/or (b) that the referred section is not included in Carney’s existing abridged translation which I, however, prefer to use as a general reference for accessibility and the usage of which is indicated by reference to Althusius 1995. Note also that the reference is given by chapter (I) and section (§ 30) number, as is customary. Finally, see also I § 3 where Althusius writes that the end of human beings is a “holy, just, comfortable, and happy symbiosis”.

⁶ Johannes Althusius, *Politica. Johannes Althusius, an abridged translation of Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples*, ed. and trans. by Frederick S. Carney (Indianapolis: Liberty Fund, 1995), I § 13–17, IX § 28, 31–32, and chapters XXVIII–XXX.

⁷ Althusius, 1995, XXI § 19–21.

⁸ *Ibid.*, XXI § 22–28.

⁹ *Ibid.*, XXI § 29.

¹⁰ The exact relationship between natural and biblical law in Althusius’ theory and the character of their resulting combination have been of interest for a long time. On the one hand, it has been suggested that Althusius provides a natural law interpretation of Bible, and on the other, that he provides a biblical/Christological interpretation of natural law. (Grabill, introduction, xxxi–xxxii.) In any case, it is clear that not all biblical norms are part of the common law, but rather describe Jewish proper law (Althusius, 1995, XXI § 33–41).

¹¹ Althusius, 1995, XXI § 30–33.

¹² *Ibid.* XXVIII § 8–9.

wrath of God if it includes pious people, which gives the ruler an incentive to nourish Christian religion in the realm.¹³ Apart from the last point, the afore mentioned elements relate rather to metaphysical features of the world than to practice of a certain religion or confession, however, we will see that the stage is being set for the one and only true religion.

II.2 Religious Pact and Public Jurisdiction

My interpretation of the proper position of religion in Althusius' theory hinges on two ideas: first, on the distinction between the general metaphysical features of the world described above and the actual practice and doctrine of a religion, and second, on the distinction between the private and public dimensions of religion.

In Althusius' view religion spreads only through God's calling and exposure to his word.¹⁴ The calling from God is a private matter between an individual and God. Exposure to the word of God can be made public, for example, through education and schooling, which Althusius recommends, but it is also a private matter because the duty to instruct children to the true knowledge of God is assigned to their parents, that is, into the private family community.¹⁵

Crucially, the public dimension of the (true) religion comes about only through the religious covenant (*pactum religiosum*) made between God, the people, and the ruler (i.e., *summus magistratus*) of a commonwealth.¹⁶ By it "the magistrate, together with the members of the realm commonly and solemnly consenting in councils of the realm, promise to God the performance of this twofold duty"¹⁷ of "introduction of orthodox religious doctrine and practice in the realm"¹⁸ and "the conservation, defense, and transmission to posterity of this doctrine and practice"¹⁹. This covenant does not establish religion *per se* in a commonwealth, but instead it serves as a legitimation for the public jurisdiction and administration of ecclesiastical matters for the good of the soul. Moreover, it provides a conceptual tool for holding the contracting parties to their pledged word. God is the ultimate

¹³ Ibid.

¹⁴ Althusius, 1995, VII § 6, IX § 37, XXVIII § 64.

¹⁵ Ibid., II § 41, III § 37, IX § 37–38, XXVIII § 33–36.

¹⁶ The *pactum religiosum* is discussed in XXVIII § 15–26. In addition, there are two other types or phases of covenanting: (1) agreement (*consensus*) between the members of the commonwealth to establish common life with certain laws and rights, and (2) a pact (*pactum/contractum mandati*) between the people and the ruler concerning the administration of these laws and rights. (Althusius, 1995, IX § 1, 3, 5, 7, XVIII § 10, XIX § 6–7.)

¹⁷ Althusius, 1995, XXVIII § 15: "Utrumque hoc officium, pacto religioso, magistratus cum regni membris Deo solemniter in regni comitiis, communi consensu promittit,..." (Althusius, 1981, XXVIII § 15).

¹⁸ Althusius, 1995, XXVIII § 13: "...de doctrina & exercitio religionis orthodoxae in regnum introducendis" (Althusius, 1981, XXVIII § 13).

¹⁹ Althusius, 1995, XXVIII § 13: "...de iisdem conservandis, defendendis, & ad posteros transmittendis" (Althusius, 1981, XXXVIII § 13).

vindicator of the covenant, but in the relationship between the people and the ruler both can hold each other accountable for the observance of the covenant.²⁰

III. Religious Toleration in the World of the One True Religion

In this section we will consider the situation where a religious pact has been made, and both the civil and ecclesiastical administration has been established for the good of the body and soul of subjects. The main aim is to explore the dimensions of religious toleration in such a setting. Due to strict space constraints, I refer the reader to works of Bettina Koch²¹ and Francesco Ingravalle²² for a detailed examination of Althusius' account of the ecclesiastical administration and limit myself to those features that are most relevant for current purposes. Unlike other researchers of the subject I will present Althusius' remarks on religious toleration in a way that clearly distinguishes between two separate grounds for toleration and consequently provides two lines of argument to consider. Partly for this reason the conclusions drawn differ from most previous analyses, which, however, rightly note a certain graduality in Althusius' views on toleration. My reading conflicts especially with the rather optimistic account of Jesse Chupp and Cary Nederman²³ and is more in line with Diego Quaglioni's²⁴ critical analysis.

III.1 Principle of Non-coercion of Inner Thought and Beliefs

The first ground for religious toleration is to be found in Althusius' condemnation of forceful conversion and violent religious persecution in realms where the true religion does not thrive.²⁵ He holds that faith and religion belong to the imperium of God, and not that of earthly the ruler. Althusius writes that to God "alone the secrets and intimate recesses of the heart are known. And he administers his kingdom, which is not of this world, through his ministers of the Word. For this reason, faith is said to be a gift of God, not of Caesar. It is not subject to will, nor can it be coerced..."²⁶

²⁰ Althusius, 1995, XXVIII § 17–19.

²¹ Koch, "Johannes Althusius."

²² Francesco Ingravalle, "Theologie und politischer Calvinismus im XXVIII. Kapitel der *Politica methodice digesta* des Johannes Althusius. Beobachtungen," in *Reformierte Staatslehre in der Frühen Neuzeit*, ed. by Heinrich de Wall (Berlin: Duncker & Humblot, 2014).

²³ Chupp and Nederman, "Johannes Althusius's Idea of Religious Toleration."

²⁴ Diego Quaglioni, "Judaism and religious toleration in Althusius," in *Konfessionalität und Jurisprudenz in der frühen Neuzeit*, ed. by Christoph Strohm and Heinrich de Wall (Berlin: Duncker & Humblot, 2009).

²⁵ Althusius, 1995, XXVIII § 63–65.

²⁶ *Ibid.*, XXVIII § 63: "...Deus solus in haec habet imperium, *Matth.c.10.* & huic soli arcana, cordisque recessus intimi sunt noti, *Act.c.10.* & suum regnum, quod non est de hoc mundo, *Joh.c.18.* per suos ministros verbi administrat,

It is fundamental to grasp what exactly is forbidden for the earthly ruler on these grounds: it is the violent invasion of the inner thoughts and beliefs of his subjects as he is “forbidden in his administration to impose penalty over the thought of men”.²⁷ This does not amount to a full blown freedom of thought, because the ruler is bound to promote the true religion by establishing schools and other functions of ecclesiastical administration that spread the word of God with the sword of spirit instead of corporal arms.²⁸ Likewise, the ruler must prohibit the importation and sale of heretical books, thus restricting in effect the spreading of wrong thoughts and beliefs.²⁹ Crucially, the external behavior of people still lies within the ruler’s jurisdiction: “[h]eretics, so far as they are delinquent in external actions, are to be punished just as any other subjects, even the otherwise pious”³⁰.

In the light of these remarks, Althusius’ rather definite statement that the “administrator ought to establish and permit only one religion in his realm, and that the true one”³¹ means that he should only permit external behavior compatible with the true religion, and in case of inner life, promote the spread of thoughts and beliefs consistent with the true religion and restrict the spreading of the contrary.³² Compatibility with true religion means at a bare minimum that public expressions of false religions, heresies, or ungodliness, are not allowed.³³ For example, such impious and profane people for whom there is hope of correction can be tolerated, but this leniency does not extend to manifest impiety and profanity, like atheism, epicureanism, or libertinism that must be expelled from the realm.³⁴

As a somewhat special case Althusius concedes from the outset that a pious ruler can, with a good conscience, allow both Jews and Papist (roman Catholics) to live within the realm.³⁵ However, this does not mean that they can openly practice their religion, since Althusius does not allow synagogues

Ephes.c.1.6.5. 1.Corinth.c.12. Act.c.20. & fides ideo donum Dei, non Caesaris dicitur, quae nullo modo vult, vel potest cogi” (Althusius, 1981, XXVIII § 63).

²⁷ Althusius 1995, XXVIII § 64: “...Cogitationibus hominum, poenam in politica administratione imponere vetatur,...” (Althusius, 1981, XXVIII § 64). See also § 65 for the consequences of not abiding to this limitation.

²⁸ Althusius, 1995, XXVIII § 64.

²⁹ Althusius, 1995., XXVIII § 68.

³⁰ *Ibid.*, XXVIII § 64: “...Quatenus haeretici externis actionibus delinquant, sunt illi puniendi, sicut quilibet alii subditi, etiam alias pii” (Althusius, 1981, XXVIII § 64). See also § 26 and 49.

³¹ Althusius, 1995, XXVIII § 51.

³² Althusius (1981, XXVIII § 51) also clearly stated that the ruler must restore the fallen or depraved worship of God and actively reform the church.

³³ On the face of it, Chupp and Nederman (“Johannes Althusius’s Idea of Religious Toleration,” 253–254) have a different interpretation since they write that “Althusius encourages tolerance of those whose unbelief is not manifest in open rebellions...” However, they also set the threshold for open rebellions quite low since “non-believer who incites unbelief in others is a seditious person” and accountable for the magistrate. I can agree with this, if ‘inciting’ is taken simply as stating one’s unbelief publicly, and thus the reference to ‘open rebellion’ in the first quote means just ‘public unbelief’.

³⁴ Althusius, 1995, IX § 44, XXVIII § 52.

³⁵ *Ibid.*, XXVIII § 53, 56.

or temples.³⁶ Later he notes that practitioners of disapproved religions should not be allowed to have even secret meetings and colleges.³⁷ This is revealing, because *collegia* in principle are in Althusius' systematization private, not public, communities.³⁸ Thus, and quite consistently, the practice of other religions is severely restricted. It seems that the only sphere beyond one's inner thoughts where Althusius is not willing to extend the restrictions is the family community.

A further point of consideration arises in relation to the treatment of heretics in a well-constituted realm (*imperium*) – a setting which I think is intended as a depiction of the ideal situation where the true religion does thrive.³⁹ Here Althusius distinguishes between severe heresies that tear up the foundations of faith, such as Arianism⁴⁰, and those of milder kind that err in some articles of faith but leave the foundations intact, such as Novatian⁴¹ heresy.⁴² The first kind should not be tolerated at all, but treated severely by the magistrate with exile, prison, or sword, whereas the second kind warrants admonition, and if not effective, ultimately excommunication.⁴³ The reason for such non-toleration is the need to prevent the corruption of the faithful.⁴⁴ Even here though, in accordance with Althusius' other remarks, if heretical thoughts and ideas are not shared or made public, we can presume that no penalty can be prescribed.

Althusius also recommends restrain in judging and excluding those who err, if the error or doctrine has not yet been found a manifest heresy in a free synod (ecclesiastical assembly).⁴⁵ Elsewhere, referring to a Swiss Protestant theologian, Benedict Aretius (1505–1574), he recommends moderation in handling differences of opinion in the church, and cautions, for example, against demanding decision on all opinions in even most minute matters.⁴⁶ He states that “no mode of thought has ever

³⁶ Ibid., XXVIII § 53, 56.

³⁷ “Nec permittet, ... ut conventicula & collegia improbatæ religionis clam habentur, feret...” (Althusius, 1981, XXVIII § 69.)

³⁸ Althusius, 1995, II § 2, 13, and Chapter IV for *collegia* in general.

³⁹ Discussion in XXVIII § 56–59.

⁴⁰ 4th century Christian doctrine concerning the nature and relationship between God the Father and Son of God which stresses the unity rather than the trinity of God. It was named after Arius (256–336), a Christian presbyter from Alexandria, Egypt. The doctrine was condemned as heresy by the Council of Nicaea in 325. The fact that non- and antitrinitarian views designated as Arianism emerged (and were condemned) also following Protestant reformation can explain Althusius' usage of the term.

⁴¹ 3rd century Christian sect named after the Christian theologian Novatianus (200-258) who was against permitting the *Lapsi* (those who had denied their faith) back into the church but who also defended the trinity doctrine against many objecting views. Although he and his followers were excommunicated in 251, the Novatian sect survived for several centuries.

⁴² Althusius, 1995, XXVIII § 56. See also IX § 42–43.

⁴³ Ibid., XXVIII § 56–57. Cp. IX § 42–43, where Althusius writes more leniently that separation from church should not be given based on such errors that do not touch the fundamentals of faith.

⁴⁴ Ibid., XXVIII § 57.

⁴⁵ Ibid., XXVIII § 58–59.

⁴⁶ Ibid., IX § 42–43.

come forth so perfect that the judgment of all learned men would subscribe to it.”⁴⁷ All in all, these last points indicate that within the church there is, or should be, at least some room for difference of opinion, but the resolution of the synod is conclusive in respect to the demarcation between heresy and pure religion.

III.2. Prudence as Basis of Toleration

Based on what has been stated, Althusius does not really come through as a champion of religious toleration. Quite the opposite. The covenant with God establishes a duty to promote and protect the true religions and leaves only the inner thoughts and beliefs of subjects beyond the coercive powers of the ruler and submits even those to the persuasive powers of the word of God. Subjects cannot insult the true religion or promote a false one without incurring more or less severe punishment. This holds across the different situations considered above (realm where the true religion does not thrive, Jews and Papists, and a well-constituted realm).

The picture is significantly different when Althusius introduces the second ground for religious toleration which seems to extend the scope of toleration considerably:

But it is asked, when certain cities or estates in a realm embrace different opinions in their creeds—for the defense of which each alleges the wrd of God—whether the magistrate who embraces the opinion of one party may persecute the remaining dissenters by force of arms and the sword. We may say in this case that the magistrate who is not able, without peril to the commonwealth, to change or overcome the discrepancy in religion and creed ought to tolerate the dissenters for the sake of public peace and tranquillity, blinking his eyes and permitting them to exercise unapproved religion, lest the entire realm, and with it the household of the church, be overthrown. He shall therefore tolerate the practice of diverse religions as a skilled navigator bears with diverse and conflicting winds and clashing waves. Just as amidst these winds and waves the navigator brings his ship safely into the harbor, so the magistrate directs the commonwealth in a manner that keeps it free from ruin for the welfare of the church.⁴⁸

⁴⁷ Ibid., IX § 43: “...Nam nullum unquam ingenium tam elimatum emersit, cujus iudicio omnium doctorum sententiae subscriberent” (Althusius, 1981, IX § 43).

⁴⁸ Althusius 1995., XXVIII § 66: “Verum quaeritur, quando in regno civitates vel status quidam discrepantes in confessione sententias amplectuntur, pro quarum defensione quilibet verbum Dei allegat: an tum magistratus, qui unius partis sententiam amplectitur, reliquos dissentientes armis & gladio persequi possit. Hoc in casu dicimus, quod magistratus qui sine Reip. periculo & turbatione mutare, vel tollere non potest religionis & confessionis discrepantiam, ob pacis & tranquillitatis publicae causam, tolerare debeat dissentientes, connivendo & permittendo exercitium religionis improbatæ eousque, donec Deus reliquos illuminet, ne alias totum regnum & cum eo ecclesiae hospitium evertatur. Vide

However, when Chupp and Nederman quote this section as evidence for toleration in Althusius' theory, they miss completely that here in it toleration is based on political prudence only.⁴⁹ Here the ruler would still be well within his jurisdiction to drive out the practitioners of false religions, but he should do it only if it is practically possible. Quaglioni instead hits the mark when he notes that "the magistrate cannot permit religions prohibited by law..., unless this prohibition constitutes a serious danger for the State" and that "[a]part from this case, the magistrate cannot tolerate public exercise of other religions".⁵⁰

It is significant that peace is now considered as a higher good than the religious unity.⁵¹ However, this should not be taken as a sign of total reversal of priorities. Rather, peace is a necessary condition for the existence of the commonwealth and for the practice of the true religion by the faithful in that commonwealth. Althusius makes it also clear that toleration of other religions is not an acknowledgement of their validity, nor is it the case that the ruler could embrace more than one religion or decide against the word of God.⁵² The religious pact is still intact and binding, but the difference in respect to the ideal situation is that for prudential reasons it is not imposed on all subjects.

The difference in respect to the situation discussed above where the true religion does not thrive in the realm is the power and status of those who uphold false beliefs. Elsewhere, when Althusius writes about toleration, his analysis concentrates on the ruler–subject relationship where the subjects are considered as particulars (e.g., heretic, atheist etc.) or groups (e.g., Jews, Papists). Here, instead, at the stake is the ruler–member relationship, because for Althusius the cities and provinces – instead of individuals – are the members of the commonwealth, and the estates and/or ephors are their representatives.⁵³ The scope of toleration is now extended in this ruler-member relationship, but only for prudential reasons, because merely the fact that the opposer of the true religion is a member of

Luc.c.24. 11. 25. Vide exempla 1. Reg.c.14. 6.22. 2. Reg.c.12. 6.14. 6.18. Dan.c.3. 6.6. & alia apud Joh. Gerard. quaest. polit. cent. ult. Diversarum igitur religionum exercitium non aliter tolerabit, quam peritus nauclerus diversos & contrarios ventos & inter se certantes fluctus, ut sicut hic inter ventos & fluctus pugnantes navem salvam in portum adducit, ita ille Remp. a ruina immunem ad salutem ecclesiae gubernet." (Althusius, 1981, XXVIII § 66.)

⁴⁹ Chupp and Nederman, "Johannes Althusius's Idea of Religious Toleration," 252.

⁵⁰ Quaglioni, "Judaism and religious toleration in Althusius," 233–234.

⁵¹ Indeed, Althusius generally emphasizes (a) the need for harmony, concord, fairness, and mutual affection, etc. and (b) magistrate's role in fostering them (see e.g., VI § 46–47, XXXI *in toto*). In case of toleration, the difficulty arises from the fact the especially Christian religion is contributing to concord and happiness of the commonwealth (XXVIII § 8). Consequently, unbelievers pose a potential threat to harmonious life which the magistrate need to deal with.

⁵² Althusius, 1995, XXVIII § 65.

⁵³ Althusius, 1995, IX § 5, XVIII § 48–62, XXXIII § 1, 4, 11, 20, 30.

the commonwealth does not grant immunity – or any sort of freedom of religion – but by default call for a retribution from the ephors of the realm.⁵⁴

IV. How the Tolerated Belong in the Commonwealth

Having explored the religious character of Althusius' model for the commonwealth and the dimensions of religious toleration in it, it is now possible to ask a fundamental question about belonging to that commonwealth. Based on what has been stated, there is hardly any doubt that first and foremost Althusius' design for social and political life privileges followers of the true religion. Especially their aspiration for a pious and holy – as well as otherwise good – life is advanced by investing the earthly ruler with powers to promote and protect the true religion. Other religions are tolerated only to an extent that a modern reader hardly would call toleration at all.⁵⁵ Nevertheless, I will argue that this does not mean that followers of other confessions and religions would be entirely excluded. There are ways in which they are part of the common life. Specifically, under certain restrictions they can take part in civil life (*secularis communio*), even if they are excluded from ecclesiastical life (*ecclesiastica communio*). My argument is directed against interpretations which tend to fuse civil and ecclesiastical life together, with the consequences that the tolerated become an anomaly.⁵⁶ Note that, while Althusius uses the terms 'secular' and 'civil' interchangeably, this does not mean that the civil life would be secular in our sense of the term.⁵⁷ As we will see, this holds even after separating civil and ecclesiastical life from each other.

IV.1. A Solution: Territorial Separation of Different Religions

Koch has provided an elegant way to reconcile Althusius' secular federalism with his religious views.⁵⁸ Before we can appreciate the solution, a couple of explanations are in order. Federalism refers here to idea that, for Althusius, society consists of different types of communities that are

⁵⁴ Althusius, 1981 XXVIII § 60.

⁵⁵ Even Chupp and Nederman ("Johannes Althusius's Idea of Religious Toleration," 256) acknowledge that "Althusius can hardly be called a proponent of modern secular toleration".

⁵⁶ Intended or not, this seems to happen with almost all the readings that emphasize the religious elements of Althusius' theory as most of them do not even consider the distinction between the followers of the true religion and others. Chupp's and Nederman's interpretation is in this respect exceptional as they consider that the tolerated have a real place in Althusius' commonwealth. Koch's interpretation also makes room for the integrations of the followers of other religions in Althusius' commonwealth but in a more qualified manner than Chupp's and Nederman's. Since in general I find Koch's interpretation to be the strongest and most agreeable in its attempt to account for both the civil and ecclesiastical side of Althusius' commonwealth, I will aim my constructive critic against it.

⁵⁷ See also Koch, "Johannes Althusius," 83, and Henreckson, *The Immortal Commonwealth*, 155, for the distinction between secular/civil and religious dimensions of common life.

⁵⁸ Koch, "Johannes Althusius."

formed from the bottom up – from families and guilds (*collegia*), through cities and provinces, all the way to the commonwealth, and even beyond to confederations – which can retain their rights and laws even after becoming members of larger communities.⁵⁹ This does not sit well with Althusius’ religious views because religious affairs are conducted in a centralized way from top down. For example, while there are ecclesiastical functions present in cities and especially in provinces, these are directed by the supreme magistrate and ecclesiastical administration he establishes.⁶⁰ The result seems to be that while there can be different local laws and rights adapted to local conditions on civil matters, there can hardly be great local variation in laws concerning religious matters, since pure practice and doctrine of true religion is enforced from above.⁶¹

Instead of laws, for Koch the unifying factor in the commonwealth is ultimately *censura*.⁶² It enforces common morals in the realm compatible with the true religion with the threat of excommunication of those who do not comply. Together with functions of ecclesiastical administration (e.g., education of the true religion) enforcement of common morals lead to religious uniformity within the realm in the long run.⁶³ However, based on Althusius’ views on toleration Koch concludes that – before such uniformity develops – “Althusius is an advocate of territorial separation between different religions, although they are accepted in the realm”⁶⁴.

Based on my analysis of the religious toleration in section III, other religions are never accepted as publicly manifest, except when they are suffered for the sake of peace and the existence of the commonwealth. Still, the territorial separation of different religions fits perfectly with this scenario, since here it is some of the cities and provinces of the commonwealth that uphold the false religion. These cities and provinces in turn are by nature territorial as well as public and political.⁶⁵ Otherwise, other religions are accepted only as internal beliefs and thoughts – possibly shared in the family sphere, but not openly outside it – which does not really amount to religious tolerance. In such a scenario there is only one accepted manifest religion in the territory of a commonwealth. In a sense, this fits with the idea of territorial separation, if we think that different religions are accepted in different realms. However, the territorial approach to toleration ultimately fails because it is not able to tackle the relations of members of different religions within a civil community.

⁵⁹ For Althusius’ federalism, see e.g., Koch, “Johannes Althusius,” and Malandrino, “The Calvinistic Covenant’s Theology and Federalism”.

⁶⁰ See e.g., Althusius, 1995, VI § 30, VII 4–7, VIII § 6–38, XXVIII § 26–32.

⁶¹ Such uniformity is sought with visitation, church assemblies, and laws (Althusius, 1995, XXVIII § 38–48).

⁶² Koch, “Johannes Althusius”, 83–84.

⁶³ *Ibid.*, 86–87.

⁶⁴ *Ibid.*, 85. See also Chupp and Nederman, “Johannes Althusius’s Idea of Religious Toleration,” 255.

⁶⁵ Althusius, 1995, V § 5–7.

IV.2. Another Solution: Gradual Social Distancing in Common Life

To get in the crux of the matter, let us consider again Althusius' views on the treatment of heretics in a well-constituted realm. Remember that upholding milder heresies warranted at upmost an excommunication, whereas severe heresies lead to complete expulsion from the commonwealth. Here we have then at the same time an indication that (1) the borders of the communion of the faithful and the civil community are not the same, but that (2) belonging in the civil community still requires a certain measure of alignment with its religious norms. These are ultimately provided by the common law (natural inclination and Decalogue) as universal and objective normative order of the world:

...If the external and civil life of words, deeds and works is accompanied by true faith—together with holiness of thought and desire, and with a right purpose, namely, the glory of God—then it becomes theological. So therefore, when the works of the Decalogue are performed by the Christian to the glory of God because of true faith, they are pleasing to God. But if, to the contrary, they are performed by an infidel or heathen, to whom the Apostle Paul indeed ascribes a natural knowledge of and inclination towards the Decalogue, these works are not able to please God. But in political life even an infidel may be called just, innocent, and upright because of them...⁶⁶

We read that if the Decalogue is followed in external behavior the result is justness, innocence, and uprightness in political life even for infidels and heathen. While it might be that Althusius has here in mind the civil life in non-Christian communities, we can still conclude that for Althusius' ideal commonwealth the result is that atheists and others who (openly) disregard the commandments of the Decalogue cannot be part of the commonwealth in any sense, neither as part of the ecclesiastical nor as part of the civil life.⁶⁷

Further nuances become apparent when we focus on the toleration of Jews and Papist. As already noted, neither of these groups should be allowed to have places of worship for their false religions, but besides that, Althusius gives also other restrictions for their life in the commonwealth which points to segregation between the members of the true religion and others. For example, he recommends separate quarters for Jews which speaks of physical distancing analogical to the

⁶⁶ Althusius, 1995, XXI § 41: "...Ad hanc externam & civilem vitam in verbis, gestibus & operibus, si accesserit vera fides, & cogitationum atque cupiditatum sanctitas & scopus rectus, gloria scilicet Dei, tota fiet theologica. Sic igitur quando opera Decalogi a Christiano ex vera fide, ad gloriam Dei fiunt, illa Deo placent. Quod si contra ab infideli & ethnico eadem fiunt, quib. Apostolus etiam decalogi cognitionem & inclinationem naturalem tribuit, *Rom.c.1. & 2.* Deo placere non possunt, quamvis in vita politica ex his etiam infidelis, justus, innocens & integer dicatur...." (Althusius, 1981, XXI § 41.)

⁶⁷ See also Althusius, 1981, XXVIII § 71.

territorial separation. The other measures, however, speak more of social distancing: Jews should bear an insignia by which they are recognized, the faithful should not marry with them, to participate in their rites, have too close friendships with them, or live too familiarly with them.⁶⁸ Similar measures of social distancing are also applied in relation to the Papists: the pious should not marry with Papist, live too familiarly with them, or partake in their superstitions.⁶⁹

The key point here is that with these restrictions common life is still possible – since the aim is not a complete separation as it is in case of severe heretics – but that this common life is civil rather than ecclesiastical. As Quaglioni⁷⁰ rightly observes in passing, it is ‘secular relations’ that are submitted to special caution, when Althusius writes that “[in] the *civil intercourse* of the Jews with inhabitants of the realm, most prudent and pious thinks that” the afore mentioned “precautions should be observed”⁷¹. Presumably this secular, or rather civil, intercourse can be related to various occasions and tasks since there are numerous ways in which members of a community can contribute to the common good through their works based on their innate natural inclinations.⁷² Nonetheless, as seen, the ecclesiastical communion is possible only if these religious others abandon their former false beliefs and accept the one true religion – just as heretics must abandon their heresies to be included among the faithful.

I conclude so far that the proper sense in which these others – Jews, Papist, and mild heretics – are tolerated is not religious but civil: they are tolerated as part of the civil life but not as part of the religious life of the faithful or as having their own manifest religion – except for prudential reasons.⁷³ The territorial separation between the members of different religions is not necessary. Instead, the

⁶⁸ Ibid., XXVIII § 54. Althusius adds that the magistrate should make sure that ungodly rituals are not exercised in the territory of the realm, and that the Jews are to be thought the word of God. Also, Jews must not exercise too high interest rate, nor mock Christ.

⁶⁹ Althusius, 1995, XXVIII § 56. Note that, in accordance with the social distancing interpretation, the severe heretics must be expelled so that they “cannot have fellowship or intercourse with the faithful, impart their disease to others, or infect, ruin, or corrupt them. The magistrate should command men by public interdicts to abstain from fellowship with them.” (Ibid., XXVIII § 57.)

⁷⁰ Quaglioni, “Judaism and religious toleration in Althusius,” 237.

⁷¹ Althusius, 1981 XXVIII § 54: “In *conversazione* Judaerum *civili* cum regnicolis, sequentes cautiones plerique prudentes & pii putant esse observandas...” Emphasis mine. Althusius also specifies that it is up to the theologians to determine “how far it is permitted to have private contact with infidels, atheists, impious men, or persons of different religions by distinguishing between the learned, the faithful, and uneducated, and the weak, and the purposes for which the contacts are to be held” (Althusius, 1995, XXVIII § 55.)

⁷² For the variety tasks in a commonwealth see e.g., Althusius, 1981, II § 16–36, VII § 13–30. Also, by prohibiting too high interest rates charged by the Jews, Althusius indirectly recognizes their money lending function (Ibid., XXVIII § 54).

⁷³ Cf. Koch, “Johannes Althusius,” 84, who sees that if a person is excommunicated the result is that “fellow citizens are thereafter forbidden to share a table or trade with the punished, the condemned person is no longer either a member of the sacral community, nor a full member of the political community.” However, the conclusion is unsatisfactory, because no textual evidence is given for it, only a reference to the traditional medieval conception of excommunication and its results and a statement that in Althusius’ Calvinist view results of excommunication are identical.

faithful are required to uphold gradual social distance to the rest. Yet, such gradual civil toleration does not mean leaving the tolerated to their own accord. They are still under the power of the *censura* (as well as other aspects of civil administration) which enforces common morals compatible with the true religion, while not its practice and doctrine which are to be taught rather than forced on to unbelievers.⁷⁴ For these reasons – and because of the overarching normative order of the common law – the civil life is not properly secular, i.e., non-religious, even for the tolerated.

IV.3 The Civil Status of the Members of Other Religions

Should such civil toleration be reality, it remains to be determined to what extent the tolerated are then part of the civil sphere. Koch seems to think that they are not citizens in the proper sense.⁷⁵ This is based on Althusius' depiction of citizens enjoying "the same laws (*leges*), *the same religion*, and the same language, speech, judgment under the law, discipline, customs, money, measures, weights, and so forth"⁷⁶ leading to an interpretation that in a city there can be only one religion among the citizens – be that false or true. Here Althusius is discussing the rights of the city (*jura civitatis*) and making the point that they "are shared with the people in the suburbs, outposts, and surrounding villages, but not with travelers and foreigners."⁷⁷

I am not convinced by the presented textual evidence, because in the previous chapter Althusius has already given another and more detailed account of citizenship. There he discusses full citizens, residents, strangers and foreigners, honorary citizens, and citizens of allied countries.⁷⁸ He states that a person acquires a full citizenship either by the birthright or by the consent and vote of other citizens.⁷⁹ There is no mention of any threshold based on religious beliefs, while there is a reference to a French jurist, Petrus Gregorius Tholasanus' (1540–1597) position that inclusion and exclusion of foreigners in the civil right is to be judged based on the morals, nature, and character of those

⁷⁴ See e.g., Althusius, 1981, XXX § 15 which indicates that the censor must call even those who do not belong to the accepted religion to the ecclesiastical consistory and to be thought (morally) better there. In XXVIII § 54 is stated that unbelievers must be taught about the true religion.

⁷⁵ Koch, "Johannes Althusius", 79, 87.

⁷⁶ Althusius, 1995, VI § 40: "Utuntur enim cives iisdem legibus, *eadem religione*; *Deut.c.16.& per tot. librum Exod. Levit. Num. do Deut. Psal. 122. Ruth c.1. & C.2. lingua, sermone, iudicio, disciplina, moribus iisdem, numis, mensuris, ponderibus, ulnis iisdem, &similibus, nec tam singuli sibi, quam omnes omnium similes sunt,....*" (Althusius, 1981, VI § 40). Emphasis mine.

⁷⁷ Althusius, 1995, VI § 39: "...imo suburbiis, castris, pagis, eisdem subjectis communicantur. *Los. part.3.6.13.6.15. num.27. e segg. de jure univers. non vero peregrinis & extraneis, Nehem.c.2.20. ibi, Vobis non est pars aut jus...*" (Althusius, 1981, VI § 39). Note here that belonging in a commonwealth is necessarily mediated through belonging in a city, because Althusius does not admit separate citizenship at the level of commonwealth.

⁷⁸ Althusius, 1981, V § 13–20.

⁷⁹ *Ibid.*, V § 15–16.

whom the candidate is in position to injure or benefit.⁸⁰ Referring to another French jurist and political philosopher, Jean Bodin (1530–1596), Althusius also writes that in his time citizenship is often determined by the will, law, and custom of particular cities.⁸¹ Based on these remarks I think it is not so much religion *per se* that is bound to the citizenship, but morals and customs among the current citizens. Thus, the list of things shared by the citizens referred by Koch is descriptive rather than prescriptive.

Of course, it seems entirely plausible that, if the current citizenry is willing to grant full rights only to persons of certain religion, they can do this. However, I do not see any necessity for such conclusion, while it is a viable option especially if we consider the citizenry to consist of the faithful determined to advance their agenda. In such a situation it seems that those who are tolerated in civil life are not necessarily fully welcomed to its rights, but they would have to settle for something less as, for example, for residence rights. In such a situation the recommendation to keep social distance between the members of the true religion and others develops to full-blown political and legal segregation. But again, this is just one possibility among others since there is no build-in connections between citizenship and belonging into a certain religion. In any case, there is a whole spectrum of civil status open, and consequently, more or less full membership obtainable for the tolerated – or for members of the true religion when they are in minority – instead of a binary choice between exclusion and inclusion in the civil community.

IV.4 Religion and Holding an Office

As a final remark, I will consider one more sense of belonging: being part of the governors instead of the governed.⁸² When speaking generally of those elected for offices, Althusius notes that wise and virtuous persons should be elected, persons who have experience of things, wisdom, justice, and piety.⁸³ He also recommends that officials should be elected from those who have citizenship by birth and cautions against electing strangers and foreigners, because the latter do not know the local morals and customs, and because their commitment to the good of the commonwealth is suspect.⁸⁴ However,

⁸⁰ Ibid., V § 16.

⁸¹ Ibid., V § 14.

⁸² "For an extensive analysis of the ethical underpinnings and requirements of works and offices in Althusius' *Politica*, see Katharina Odermatt, "Konfessionelle Einflüsse auf das Berufs- und Amtsverständnis in Althusius' „Politica“, in Strohm and de Wall, *Konfessionalität und Jurisprudenz in der frühen Neuzeit*."

⁸³ Althusius, 1995, VII § 40. See also § 19, 23–25, 30–32.

⁸⁴ Ibid., VII § 41, XXXII § 44.

if “the foreigners can be loyal, wise, and gifted, and useful for the commonwealth, then they are to be admitted to some part of it, even to the Senate.”⁸⁵

When it comes to religion, the exclusion of heretics – and the like – is explicit within the ecclesiastical administration where the ministers and officials must conform to the orthodox practice and doctrine.⁸⁶ In case of civil administrators Althusius does not present similar explicit requirements. However, this does not mean a complete detachment from the religious aspect, since in matters of the soul the civil magistrate is subject to the ecclesiastical administration (and vice versa).⁸⁷ As we have seen, heretics generally face the threat of excommunication from the church, but as I have suggested, this does not necessarily mean expulsion from the civil community.

Unfortunately, Althusius does not make a general statement concerning the fate of an office holder who is a heretic or confesses another religion. However, more can be said specifically of the office of the supreme magistrate (the ruler of the commonwealth) to which, among other qualifications, “an atheist, an impious or wicked man, or one who is a stranger to true and orthodox religion should not be elected.”⁸⁸ While there should be a regard for piety and virtue, the fact that supreme magistrates have been elected for mundane reasons does not make those elections invalid.⁸⁹ Furthermore, since elections are not always free but subject to the fundamental laws of a particular realm, e.g., to hereditary succession, it can happen that the prince called to rule the commonwealth is not of the true religion. In such a case he is to be instructed to the true religion, and if this cannot be done, he will be required to grant the exercise of the true religion to the members of the realm.⁹⁰ In conclusion it seems to me that there clearly is a general preference to elect pious and just officials, but at the same time the mere fact that an official is not a of the true religion does not make the person unfit for a civil office.

⁸⁵ Althusius, 1981, VII § 41: “Quando vero extranei fideles, prudentes, ingeniosi, & Reipublica nostrae utiles esse possunt, ad aliquam Reip partem, atque adeo in senatum etiam sunt admittendi.”

⁸⁶ Althusius, 1995, VIII § 19, 38, XVIII § 100–101, XXVIII § 31, 69.

⁸⁷ Ibid., VII § 32, XXVIII § 48.

⁸⁸ Althusius, 1995, XIX § 73: “Non tamen eligendus erit atheus, impius, sceleratus, & a vera religione orthodoxa alienus:...” (Althusius, 1981, XIX § 73.)

⁸⁹ Ibid.

⁹⁰ Ibid., XIX § 87.

V. Conclusion

Drawing together the different strands of the analysis I make the following final conclusions. Religious toleration is not really an ingredient of Althusius' political theory. Althusius recommends religious tolerance only for prudential reasons, that is, when the public practice of false religions cannot be eradicated without risking the peace and survival of the commonwealth, and consequently, the mission of the faithful to live a holy life within it. In such a situation territorial separation of different religions seems a desirable solution.

The sanctity of the inner thoughts and beliefs, which Althusius promotes, does not amount to real religious tolerance, because wrong thoughts and beliefs cannot be publicly expressed. Nevertheless, there is no denying that Jews, Papist, and mild heretics can be tolerated, that is, when they keep their thoughts and beliefs private. But in such a case they are tolerated in a sense that is rather civil than religious. They can participate in the various functions of civil life – including potentially even full citizenship and civil office – but not in ecclesiastical life.

However, the toleration in the civil sphere is not boundless. First, the faithful are instructed to keep social distance to the non-members of the true religion, which can develop to extensive political and legal segregation of the latter, if the members of the true religion constitute the citizenry and use the discretionary power prescribed to the citizenry to enforce religious unity. There is no necessity for such outcome, just a possibility. Second, it is necessary for all members of the civil community to comply with the minimum requirement of the decent way of living. On the one hand, normative framework for social life in every human community is given with objective normative order expressed in the common law – particularly in the Decalogue – which excludes severe heretics, atheist, and other ungodly person altogether from common life. On the other hand, the *censura* is tasked to enforce common morals in the commonwealth and the ecclesiastical administration to teach the word of God even for the faithful. This means that the civil sphere and the private religious sphere allowed for the tolerated is not free from intervention from the public power attending to both the good of the soul as well as body of the subjects.

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