

Three Rival Versions of Political Enquiry: Althusius and the Concept of Sphere Sovereignty

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Abstract

Johannes Althusius is usually identified as the father of federalism, who was concerned with the division of powers within the sovereign state. The general argument is that Althusius' federalist principle is the principle of subsidiarity, which states that no higher authority can legitimately claim responsibility for something that a lower authority could do. This paper attempts to show that this vision of Althusius is incorrect. It is here argued that Althusius is not a federalist, sovereignist, or subsidiarity thinker, but that he developed his own alternative to both federalism, sovereignty and subsidiarity. This alternative is known as sphere sovereignty. By presenting sovereignty, subsidiarity and sphere sovereignty as three rival versions of political alternatives, it is shown why Althusius cannot be understood in terms of federalism, sovereignty and subsidiarity. The focus of this paper is therefore on sphere sovereignty, as a key to understanding Althusius.

Key words: sovereignty, subsidiarity, sphere sovereignty, Bodin, Althusius, Dooyeweerd

I. Introduction

Recently, several scholars have attempted to bring the works of Johannes Althusius to the foreground, to provide an alternative to Jean Bodin's concept of sovereignty (Keane 2003: 125; Benoist 2000a: 45). An important reason for this is that states, today, are called to divide and share their sovereignty with supranational authorities, which makes Bodin's model obsolete. Hence, supranational authorities have turned to the concept of subsidiarity, in order to legitimize the authority structure within their communities and the division of powers within their governments. The European Union, for instance, has introduced this concept in its 1992 Maastricht Treaty and in a Protocol of the 1997 Amsterdam Treaty. Though many member states (such as the United Kingdom) had hardly ever heard of subsidiarity, they nevertheless agreed with its application when they were reassured that, within the EU, subsidiarity would be translated as "Brussels only when needed" (Eijsbouts 1991: 486) and hence not contradict with their sovereignty. Not only fears of administrative centralization, but also lack of

familiarity with any other concept than that of sovereignty led to the translation of the concept of subsidiarity into federalist terms.

This federalist interpretation of subsidiarity is a very common error in political thought. Instead of presenting subsidiarity as a scholastic alternative to the concept of sovereignty, many scholars and politicians (such as Jacques Delors and Giscard d'Estaing) interpret subsidiarity as a sovereignist concept, as an exclusive attribute of statehood (Bellah e.a. 1992: 136; Føllesdal 1998: 200; Endo 2001: 9). These scholars and politicians claim that Althusius concerned himself with the question of shared jurisdictions, and that he argued that the state, on all levels of public life, should take care only of tasks that lower state levels cannot accomplish. Althusius is accordingly presented as both a defender of subsidiarity and the founder of federalism (Benoist 2000a: 55; Deschouwer and Hooghe 2005: 226). On closer inspection, however, it will be clear that these widely shared interpretations of Althusius and of subsidiarity are not correct. Neither is Althusius a subsidiarity thinker, nor has subsidiarity a relationship with federalism or distribution of state powers. Federal constitutions as such do not express the principle of subsidiarity at all.

Unlike sovereignty and federalism, subsidiarity is *not* an attribute of statehood, but of *nature*. It is a concept that is alien to both sovereignism and federalism. Sovereign states can be federal or not, but the concepts of sovereignty and subsidiarity in themselves tell us nothing about the distribution of powers within states. Subsidiarity is a scholastic natural law principle of hierarchy that not only applies to states, but also to human bodies, families, churches, villages, forests, seas – in fact, to all things of nature. Subsidiarity has little, if anything to do, with federalist issues of centralization and decentralization (distribution of powers) within states or within the European Union, because it is not an exclusive attribute of statehood. As a principle, subsidiarity only becomes relevant to states, when the state (and its citizens or political animals), like any other community (and its members), is thought of as a feature of nature, as Aristotle and the scholastics believe. Subsidiarity cannot be reconciled with the concept of sovereignty since it does not recognize sovereignty as the defining attribute of statehood or nature. As Paulo Carozza (2003: 69) has recently recognized the *rival relationship* between the two concepts, “the idea of subsidiarity leaves no room for sovereignty as such”.

This paper seeks to show that Althusius is neither a scholastic subsidiarity thinker, nor “the first federalist” (Benoist 2000a), or “a true Bodinian, nay more, the most profound and logical follower whom Bodin has had” who “stands between St. Thomas and modern political science” (Friedrich 1932: lix; xcvi), or “one of the founding fathers of the liberal constitutional state” (Woldring 1998: 123). The central argument of this paper is that while the principle of subsidiarity is grounded in Aristotelian metaphysics of the hierarchical part-whole relationship and the social and political nature of man, Althusius’ metaphysics is grounded on the Calvinist metaphysics that each association must fulfill its given responsibilities assigned to it according to its calling. Althusius introduces his own intellectual alternative to subsidiarity and sovereignty, which has become known as *sphere sovereignty* (Dooyeweerd 1950; Van der Vyver 1996). Althusius developed his concept not

only as a critique of Bodin's concept of sovereignty, but also as an alternative to scholasticism. Not only does Althusius reject the Bodinian idea of establishing a sovereign state by human or political will, as a social contract, but he also rejects the scholastic idea of community (*communio*).

This paper seeks to examine both the judicial and philosophical meaning of sphere sovereignty, in particular the nature of the "spheres" that Althusius calls "symbiotic associations". The aim of this paper is to discuss sphere sovereignty in relation to the alternative ordering principles of sovereignty and of subsidiarity, in order to arrive at a better understanding of "Althusius' rival version". It does not seek to provide an historical analysis, in terms of historical concepts like "ancient", "medieval" or "modern" states, but a systematic comparison between three distinct political philosophies that, it is assumed, are valid for all times and places. Sovereignty, subsidiarity and sphere sovereignty are presented as *eternal* concepts. It is assumed that these concepts are not defined by their historical backgrounds, but by three distinct understandings of the state, guided by the central questions whether or not the state is a part of nature, and, if so, then how is "nature" and "justice" to be understood. Hence, a comparison between the three concepts opens a discussion about the very nature of reality itself.

II. The concept of subsidiarity

Sovereignty is an attribute of a state that is supreme over and constitutionally independent from all communities within the territory that it controls. The sovereign holds supreme power to issue orders to all individuals, authorities, communities and associations within its territory, while it receives orders from none of them (Laski 1967: 44). Such is the distinguishing characteristic of the sovereign state. Subsidiarity, by contrast, is not an attribute of statehood, but of *nature*: it is a scholastic (and not a Stoic or humanist) natural law principle. Its fundamental premise is not the "individual" or "human nature", but the community (*communio*), which is not opposite to "nature", but part of it: communities, including the political community (state), are natural. In the subsidiarity vision, the success of the sovereign state implies *mastery* over diverse communities, because the sovereign state, such as the Roman Empire, the French state from Louis XI onwards, or Hobbes' Leviathan, is erected in a "community of individuals" who are emancipated from their communities. The slave in the Roman Empire is perhaps the most concrete example of such an "individual": he is perfectly emancipated from his family community, language, tribe, fatherland, religion and province (Patterson 1982: 302-4).

The sovereign state is unable to make communities. It does not have the power to create families, tribes, fatherlands, tribes, clans, nations, churches, craft guilds, or even universities. In the subsidiarity vision, these communities are, like the state, part of (social and political) nature. John Neville Figgis says that such communities "have all arisen out of the natural associative instincts of mankind" (Figgis 1913: 47). Communities are not autonomous (autonomous from the state), but free, that is, self-governing. They develop freely according to their given *telos*. The state, in this vision, as

Figgis explains, must accordingly be understood as the “political community of communities”, which, according to its own nature, provides a framework under which the perennial social instincts of men can develop (1913: 49-51). Precisely because the state belongs to nature and is not the master of nature, it cannot be emancipated from nature (as the master of nature), and, as such, it cannot be independent from other communities or be supreme over them.

According to both the ancients and the scholastics, the state, understood as *polis* or political community, does not share the sovereignist characteristic of constitutional independence and territorial control. It is not sovereignty (*majestas*), but *politeia*, *res publica*, (*suprema*) *potestas* or *civitas* for the ancients, and *auctoritas*, *subsidium*, *corpus* or *bonum commune* for the scholastics, which are the concepts that help explaining the order of political things and legitimate political authority. For Aristotle, the state is not a sovereign power but a perfect political community that owes its authority to its capacity of being a self-sufficient *polis*. For Aquinas, the state is not a sovereign but a servant of the *bonum commune* that is made up of all the virtues (faith, charity, hope, prudence, justice, moderation and courage) that are needed to live the good life of the virtuous Christian citizen. Scholastic philosophy is therefore grounded in the synthesis of the *civitas terrana* and the *civitas Dei*, which results in an intimate relationship between politics and religion. The fundamental premise is always the existence of the community.

Jacques Maritain (1950) argues that the concept of sovereignty is so antithetical to subsidiarity because, in its judicial meaning, sovereignty implies that the laws are issued by the sovereign (who, for Bodin, is “God on earth” and for Hobbes a “mortal god”), who is accountable to God alone. Sovereignists hold that such laws must be modeled on the natural and divine laws of God, yet, the sovereign does not recognize a higher (intellectual) authority that is able to know those laws: it is the sovereign himself who knows. Hence, in its judicial definition, the sovereign, though limited by natural and divine laws, is unaccountable to any authority higher than himself, except for God. And God is defined *politically* (rather than religiously) as the supersovereign of the cosmos: “the majesty of God, who is absolute lord of all princes of the world” (Bodin 1986: 217). In other words, in its judicial meaning, sovereignty evokes the *autonomy* of the political and legal organization of the state over the religious community, over the intellectual authority (*auctoritas*) of the Church and the scholastic tradition of subsidiarity.

Maritain holds that the nature of sovereignty is *absolutist*, because sovereignty always exercises supreme power in an *unlimited* manner upon the body politic that it controls: the sovereign state it is not subject to the laws of families, ethnic communities, craft guilds and the Church. As a result, the sovereignty always endeavors “with perseverance, in accordance with the principle of unaccountability, to escape the people’s supervision and control” (1950: 356). Hence the *philosophical* problem of sovereignty: if the state is accountable to the people (and their communities) and subject to popular will, the state is no longer sovereign. In *opposition* to the concept of sovereignty, Maritain introduces the scholastic principle of subsidiarity, which states that no political or religious power is

sovereign or supreme and that all powers have their own subsidiary responsibilities to the lower, intermediary bodies of authority. All powers, including the power of the people, and all subsidiary authorities of the people, like parents, citizens, teachers, priests, scientists, legislators, administrators and statesmen, are *dependent* on the shared accomplishments of the *bonum commune*, as defined by natural law and as guarded by the scholastic tradition.

Subsidiarity presupposes that the human person is by nature social, political and religious, meaning that he can only realize himself and flourish through participation in the communities and through the active exercise of his citizenship, parenthood, brotherhood and friendship. It states that the end of all powers and all authorities is to assist or serve the individual person in realizing his purposes, to help create the condition for him to realize his nature or his ultimate fulfillment (*telos*), in his communities (Carozza 2003: 42-3). Subsidiarity implies that, in accord with natural law, lower authorities ought to respect the hierarchical order of the *bonum commune*, to which the individual persons and citizens are also accountable. Citizenship itself is defined by its prudent, moderate, just and courageous dealing with subsidiary authority, out of respect for natural law and (revealed) truth. Subsidiarity implies that legislation and obedience to authority must always be directly based on natural law. As a hierarchy within the natural order of things, the state is defined, not by its *majestas*, but by its *servility* to the *bonum commune* of nature. In the subsidiarity vision, then, the state is not sovereign, but a highly dependent superservant that assumes responsibility for the standards of dignity of all creatures – who can dignify themselves only through the realization of their nature (nature not as it is in fact, but as it is meant in truth) in their own communities (Leys 1995). And therefore subsidiarity implies that the rival concept of sovereignty “must be scrapped” (Maritain 1950: 357).

III. Althusius’ judicial concept of sphere sovereignty

In deliberate opposition to both Bodin and the scholastics, Althusius introduces the concept of “symbiotic association [*consociatio symbiotica*]”, which his intellectual heirs have called “sphere” [*kring*] (Groen 1924, 1973; Kuyper 1880, 1978; Dooyeweerd 1935, 1953, 2004). Symbiosis is a biological concept that refers to the association between two organisms that live close together and depend on each other in various ways; for instance, the symbiosis between a plant and the insect that fertilizes it. For Althusius, such an association is always *hierarchical* and *mutualistic*. It is hierarchical in the sense that all authorities in nature are given and prescribed for the maintenance of the symbiosis. As he explains, “when God, as Lord of everything created the world, he prescribed for all creatures, even for trees, springs, rivers, and other created things, princes appropriate to their kind. Thus bees acknowledge and follow their queen, cranes have a leader of their order, and the whale acknowledges his leader and rector” (Althusius 1932: 139). Symbiosis is mutualistic in the sense that both organisms involved are *constitutionally dependent* on their association. For instance, in the symbiotic association between the Nile crocodile and the Egyptian plover bird, the bird preys on parasites that feed on

crocodiles which are damaging the crocodile, while the crocodile provides a source of food and a safe haven for the bird. Symbiosis is the exact opposite of parasitism, which occurs when one organism lives of the body of another organism, as is often the case with viruses, bacteria and worms. Parasites, including the parasitical state, not only damage their host symbiotes [*symbiotici*], but also destroy the symbiotic association.

For Althusius, order means obedience to (1) the universal law of symbiosis [*lex symbiosi*] that applies to all organisms, (2) the laws of the specific associations [*leges consociationis*], and (3) active exercise of symbiotic rights (*jure symbiotico*). The universal law of symbiosis “is solely God’s will for humans [*hominibus*] manifested in his law, [and] is called law in the general sense that it is a precept for doing those things that pertain to living a pious, holy, just and comfortable [*commodeque*] life” (1932: 190). The specific laws of association are “the laws by which the communication of things, occupations, services and actions is accomplished are those that distribute and assign advantages and responsibilities [*commoda & onera*] among the symbiotes according to the nature and necessities of each association” (1932: 17). The active exercise of symbiotic rights is defined as obedience to the law of symbiosis and the laws of association: “symbiotic right [*jus symbioticum*] is what the [...] symbiote fulfils on behalf of his fellow symbiote in the [...] association, which varies according to the nature of the association” (1932: 21).

Althusius stresses that through the active exercise of symbiotic rights, the universal law of symbiosis and the specific laws of association are fulfilled: “promulgation of this [symbiotic] right is the process by which it is publicly announced and accepted as the rule and norm of all just actions in universal symbiosis... This [symbiotic] law and right [*lex vero & jus*] is the rule of things to be done and to be omitted by the members of the realm individually and collectively [*singulus & universis*], and is prescribed for the conservation of the life of justice and the universal association” (1932: 95). The law of symbiosis and symbiotic right are rooted in the symbiosis between organisms and reaches the person, as symbiote [*symbioticus*], only in so far as he piously serves the association: “the communion of right [*juris communio*] is the process whereby everything that nourishes and conserves a pious and just life among the symbiotes” (1932: 61). Piously serving the symbiotic association, in terms of “the duties to be performed toward our neighbour” (1932: 142), as opposed to parasitism, defines society: “if symbiosis is deprived of these qualities [fulfillment of duties], it should not be called so much a political and human society as a beastly congregation of vice-ridden men” (1932: 199). It is only through the exercise of symbiotic rights that society and politics is made possible. As Althusius explains, “if for instance the one [*alius*] would not need the other [*alterius*], where would society [*societas*], where reverence, where order [*ordo*], where reason [*ratio*], where humanity [*humanitas*] be?” (Althusius 1932: 18).

Althusius argues that symbiotic associations in human societies, such as families, cities, languages, provinces, states, businesses, sciences, arts, nations, and jurisprudence, are *sovereign wholes in themselves*. They do not relate hierarchically to one another as subsidiary parts to wholes

(the plover bird is not a part of the crocodile or *vice versa*), do not glue together as pieces in a mosaic, and do not constitute a unity out of diversity. Symbiotic associations do not constitute a whole or a unity, but rather a never ending process of differentiating organisms: each symbiotic association includes new potential associations. New life spheres continuously develop spontaneously through new combinations (Kuyper 1880; 1978). Through their spontaneous developments or indissoluble connections, spheres reveal their unique originality: crocodile and plover bird do not share common features in their symbiotic association but are original in themselves, and yet they need each other to maintain order (Dooyeweerd 1996: 116). Symbiotic associations are maintained when each separate, differentiating association confines itself to its given characteristic and original calling [*vocatio*], when they obey their own specific associational laws.

According to Althusius, sovereignty must be attributed to the social form (or body) and symbiotic substance of the diverse symbiotic associations, that, according to him, define “society, reverence, order, reason and humanity”. Unlike sovereignists and scholastics, Althusius holds that order does not consist of particulars, individuals, citizens, ruler or ruled and communities, but of different symbiotic associations, that exist through the pious activities of symbiotes (the exercise of symbiotic rights), and that continuously organically differentiate (and hence cannot be demarcated, defined or categorized). Sovereignty accordingly is not a feature of statehood and does not mean supreme power or constitutional independence, but refers to the sovereignty of all interdependent symbiotic associations that are flourishing and strong enough to exercise their own sovereignty (Kossmann 1987: 77-8).

IV. Althusius’ “new science of politics”

Althusius argues that his *Politica* constitutes a “new political science”, because his subject matter of political science is no longer subsidiarity, *bonum commune*, sovereignty, citizenship, the republic, power, freedom or the art of government, but identification of *sphere sovereignty*. Althusius assigns a new role to politics, which is that of maintaining the sovereignty of symbiotic associations, so that the symbiosis may not be destroyed by human or political will. The establishment of sovereignty through violation of symbiotic rights, that is, at the expense of a single or a wide variety of symbiotic associations, is illegitimate or unjust: “politics is the art of associating men for the purpose of establishing, cultivating, and conserving social life [*consociatio*] among them. Whence it is called ‘symbiotics’. The subject matter of politics is therefore association [*consociatio*]” (1932: 15).

Althusius understands the nature of political life as “the communion of right [*juris communio*] [which] is the process whereby everything that nourishes and conserves a pious and just life among the symbiotes” (1932: 61). The entire collection of all symbiotic associations, that is, the “universal symbiotic association [*symbiotica universalis*]” or “realm [*regna*]”, is what Althusius understands by “the people [*populus*]”. The people is not a “community of individuals” or a “community of

communities”, but is a symbiotic interdependence of humans. Because of their organic interdependency humans are able to constitute themselves as a people, through establishing and maintaining families, churches, schools, and so on. As Althusius explains, “people are united in one body [*populus in corpus unum*] by the agreement of many symbiotic associations and particular bodies, and brought together under one right [*uno jure collectus*]. For families, cities, and provinces existed by nature priori to realms [*regna*], and gave birth to them” (Althusius 1932: 88). When humans do not make active use of their biologically given symbiotic rights, they fail to constitute themselves as a people and remain a chaotic mass or a crowd: “gathered humans without symbiotic rights is confused, assembled, crowd, union, people, clan [*Homines congregata sine jure symbiotico, sunt turba, coetus, multitudo, congregatio, populus, gens*]” (Althusius 1932: 39).

In contrast with Bodin, Althusius holds that the *given* purpose of the specific laws of association that govern human societies and the universal law of symbiosis that governs the cosmos is to exercise symbiotic rights within a lawful order. Althusius criticizes the sovereignists because they are ignorant of the lawful order and seek to create their own (legal) order through which they are able to *master* violence. When within the legal order the law of symbiosis and the laws of association are not recognized, it cannot be a lawful order, but is, in effect, legal chaos, which, Althusius says, is destined to lead to violence: “it is evident from these things that laws or rights in human society are as fences, walls, guards, or boundaries of our life, guiding us along the appointed way for achieving wisdom, happiness, and peace in human society. When laws are taken away, human society, which we call symbiotic, is changed into brutal life” (1932: 190).

Sphere sovereignty is not a sovereignty that is *established* by human will. Instead, it is inherent in the organic nature of all species (including trees, rivers, plants, insects, crocodiles and plover birds) and is *maintained* by obedience to the specific laws association. It is not a ruler who holds sovereignty, but each and every symbiotic association that is sovereign. Hence, sphere sovereignty is not established through a social contract, but maintained through the symbiotic virtues of *piety* and *justice*. Althusius defines piety as “a correct understanding of God and a sincere worship of him. A correct understanding of God is obtained from sacred scripture and from articles of faith [*pia vita requirit rectum de Deo sensum & cultum ejusdem sincerum*]” (1932: 61). Justice means that everyone is given his due: “the symbiote is expected to perform those duties of love by which he renders to each his due, and does not do to his fellow symbiote what he does not wish done to himself. Rather he loves him as himself and abstains from evil” (1932: 61).

With the sovereignists, Althusius argues that it is the duty of the magistrate to exile the impious. Unlike the sovereignists, however, he does hold this position because he believes that piety is needed to honor the original promise of the ruled to obey their sovereign. On the contrary, he stresses that impiety, like injustice, destroys the symbiotic association and the sovereignty that is located therein, leading to brutal chaos or violence as exemplified by the horror of St. Bartholomew. It is in protection of the symbiosis that Althusius argues that impiety “should be severely attended to by the

magistrate with exile, prison or the sword. This is in order that they cannot have fellowship or intercourse with the faithful [*fidelibus*], 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” (1932: 271). When the magistrate issues himself “impious commands”, symbiotes ought not to obey, “for obedience to God is more important than obedience to men” (1932: 181).

V. Sphere sovereignty in comparison with subsidiarity

The concept of sphere sovereignty is antithetical to the scholastic concept of subsidiarity owing to its radically different metaphysics. The concept of subsidiarity is not derived from the individuating structure of the spheres, but from the Aristotelian conception of the social and political nature of man and of the natural purposes (*telos*) of the various communities. Subsidiarity cannot recognize the existence of spheres and it cannot recognize their sovereignty. It conceives of all aspects of human reality in terms of part-whole relationships, in which all parts – families, schools, neighbourhoods – are subordinate to the political and religious wholes of State and Church. The Church functions as the total community (*communio*) of all Christian life and the State is the total community of all political life. According to scholastic metaphysics, the State and the Church represent, as two self-sufficient but closely interrelated communities, the political and religious whole, while the family, village and neighborhood are not self-sufficient and therefore constitute subsidiary parts within the wholes of the temporal and the eternal (Rommen 1969; Beer 1986; Keys 2001).

Althusius rejects the Aristotelian metaphysics of the part-whole relationship between partial and self-sufficient communities. He holds that State and Church do not include other spheres, such as families, corporations, guilds or universities, as the perfect political and religious communities that together, in their relationship, embrace all in the *bonum commune*. He rejects the idea of community (*communio*) because he does not want to tie his own destiny to broken solidarity bonds, shared outmoded traditions, symbols and ceremonies or to “natural reason”, guarded by *auctoritas* and a catholic *corpus* of authoritative texts, that, according to him, has not symbiotically developed. Communities are rather obstacles for the flourishing of spheres, because each community includes one member and excludes another, and forces each member to observe its own traditions, authority, social norms and customs, without taking the needs of symbiosis into account. This holds true for both state and church, for state law and religious law. Symbiotes are not under oath to obey those laws that purport to maintain the community, but they are called to obey the specific laws of association that make symbiotic association possible, as insects make the life of the plants possible and vice versa.

Contrary to the subsidiary relationship, symbiotic associations (as between insect and plant) are not hierarchical, but horizontal. Even though the crocodile has the strength to kill the plover bird, he is not above the bird and the bird is not higher than the crocodile, because they cannot flourish without one another. Similarly, the relationship between human symbiotes is not hierarchically

structured, as between ruler and ruled or between priest and lay person. Pious obedience is not an obedience of child to parental authority, student to pedagogical authority, lay person to religious authority, or ruled to political authority, but is obedience of both subordinate and authority to the specific laws of each specific symbiotic association. Within symbiotic associations, authority is exercised only to maintain the specific laws of association, for the sake of piety and justice – not for the sake of maintaining the communities of plants, insects or humans.

For Althusius, State and the Church are meaningless entities as two communities. For him, they are not communities, integrated through bonds of citizenship and religious membership, but are two sovereign spheres, each having distinct responsibilities according to their own specific calling. The state is called to administer justice, while the church is called to cultivate piety. As two distinct sovereignties, state and church are accordingly distinguished and yet are not independent: the administration cannot legitimately make impious laws or issue impious commands or permit impiety (Althusius (1932: 270) condemns “atheism, Epicureanism, libertinism – that is, manifest impiety and profanity – in the realm”). The state is called to administer justice in conformity with the universal law of symbiosis. It does not issue these rights or legislate this law itself, but administers them for the purpose of strengthening and developing the sovereignty of the spheres. Althusius’ state is one in which the symbiotic rights are guaranteed against violence and impiety, which implies that the state has an administrative but no creative calling.

The state’s administration of justice, which “consists in rendering to each his due” (Althusius 1932: 278), does not exist to provide fulfillment to political animals called citizens, and therefore the state has no responsibility to provide subsidiary assistance to citizens in realizing their political nature. Similarly, the cultivation of piety does not include the church’s responsibility to assist persons in realizing themselves through each member’s participation in Christ’s grace. Althusius does not believe that human beings can realize themselves through citizenship, through the exercise of the civic virtues, because he does not believe that humans have a political nature: like crocodiles and plover birds they have a symbiotic nature. Neither does he believe that human beings can become pious and just through religious membership or participation in religious traditions, intellectual traditions, and subordination to religious hierarchies. As, humans can *only* find fulfillment in the maintenance of symbiotic associations, the responsibility of the state is not to educate citizens so that they may become heroic, patriotic or manly, but to administer symbiotic rights so that the symbiotes may remain piously devoted to the flourishing of spheres. The responsibility of the church is not to cultivate Christians in their attempt to become faithful and charitable, but to cultivate piety so that symbiotes may exercise their symbiotic rights.

Althusius denies that there is such a thing as a *political* sphere: politics pervades in all the spheres and consists maintaining the universal law of symbiosis: it is “the art of associating men for the purpose of establishing, cultivating, and conserving social life among them.” Scholasticism envisions the political community as a civic attempt to live together, communally, in justice despite

competing customs, mores, habits, values, interests, languages and fatherlands; not only for the mutual advantage of citizens, but for the maintenance of the political bond or the civic attachment to the state (Rommen 1969). Therefore, scholasticism takes patriotism to be a virtue that transforms the brutal instinct of self-preservation into pious devotion to the *bonum commune*: patriotism preserves the political bond (MacIntyre 1995). Althusius, on the other hand, offers a vision of symbiotic life without the political bonds of citizens and without the need of conflict resolution between citizens or between ruler and ruled. For Althusius, piety is not pious patriotic devotion to the *bonum commune* and does not serve to maintain artificial manmade, political and religious bonds: piety maintains organic, symbiotic associations. According to scholasticism, political activities result from the absence of shared laws, which forces citizens to establish a political bond. The specific laws of symbiotic associations are not the result of any political activity but are given to all creatures, including plants, insects and humans. Hence, a conflict between the laws of symbiotic association is impossible.

VI. Sphere sovereignty in comparison with sovereignty

Sphere sovereignists not only deny the scholastic *bonum commune* of human beings discerning the highest good, but also reject the notion of sovereign will. Any state that legitimates the execution of a sovereign's will is a transient manifestation of (supreme) power. Once the (administrative) state is defined as the executioner of the sovereign will, it can no longer be held back by the laws, vested rights or historic liberties, but works with revolutionary omnipotence as the crowned deputies of the sovereignty (Groen 1924: 183). If spheres, or in fact the entire cosmos, seem injurious to sovereign power, it may incite the sovereign (including parliaments) to abolish vested rights and destroy those spheres that are publicly perceived as obstacles to achieving political purposes, "higher" than piety and justice. Sphere sovereignists, therefore, declare that the given end of political life is "living lawfully, as nourishing life, and as sharing something in common", "to the glory of God" and "to the utility and welfare of the people [*utilitatem & salutem populi*]" (1932: 94).

Althusius argues that the state, as a sphere, is called to exercise its own specific secular right of sovereignty [*jus majestatis seculare*], The state is called to indicate and prescribe "the particular means for meeting the needs and wants of all symbiotes of this [universal] association" and "avoid or remove all difficulties, impediments, and obstacles to the universal association" (1932: 98; 118). The state exercises its own symbiotic rights through its *jus majestatis*, which means that it holds, by symbiotic right, supreme power over its cities and provinces: the right of sovereignty [*jus majestatis*] "is the right of a major state or power [*majoris status, seu potestatis*], as contrasted with the right that is attributed to a city or a province" (1932: 90). Althusius argues that the state's right of sovereignty "does not belong to singular members, but to all members joined together [*non singulis, sed conjunctim universes membris*] and to the entire associated body of the realm" (1932: 91).

According to Althusius, the exercise of sovereign power, through “universal administrators, and to special heads of provinces as their deputies, delegates, administrators, procurators and ministers” (1932: 93-4), can only be legitimized when a specific (differentiating and developing) sphere appears yet too weak to establish its own sovereignty, so that it must be nourished. Then the state ought to use its supreme power, as an exercise of its own *jus majestatis seculare*, to provide assistance until the specific sphere’s sovereignty is firmly established. Its exercise of its own symbiotic right may take the form of financial assistance to strengthen the sphere’s sovereignty and help developing its social forms; yet the question of how the offered public funds are spent is ultimately a question of piety within the specific symbiotic association. In spending public funds during symbiotic processes, the symbiotes are not accountable to the state, but to themselves, as symbiotes, alone: it is not the rules of the state, but the specific laws of association that must be piously obeyed to administer justice. All political and social problems within the symbiotic order of reality are ultimately problems of impiety and injustice. For it is only this that can weaken symbiotic association and violate the universal law of symbiosis.

For instance, sphere sovereignists hold that the social problem of poverty is the result of parasitism, that follows from impiety. Piety commands that symbiotes assume responsibility for the welfare of their fellow symbiotes; impiety results in parasitical behavior because the parasite has no concern for the symbiotic association. Therefore, poverty control is not a responsibility for the state, which is called to administer justice as symbiotic right (and hence guard symbiotes against parasites), but is the responsibility of the church that is called to cultivate piety (and destroy parasitism). Similarly, the state is not responsible for the provision of education. Within the educational sphere different forms of education may develop and these may be public and private, yet the symbiotic association between teacher and student cannot be maintained by the state: it is preserved by pious obedience to the specific laws of pedagogical association. The problem of violence, on the other hand, is a responsibility of the state. Because all violence is lawless, that is, a violation of symbiotic rights that the state is called to administer, it is the state’s responsibility to punish lawlessness. Violence is always parasitical on the symbiotic associations.

Althusius argues that *within* the sphere of the state, distinct administrative levels can be distinguished, such as cities, municipalities and provinces. These administrative levels once were sovereign spheres in themselves during the *ancien régime*, but when justice had to be administered on a larger scale, they had lost their sovereignty and had evaporated as administrative associations during the historical development of the democratic state (Kossman 1987: 106). The collapse of the *ancien régime* means that administrative relationships have historically differentiated out of the tasks and responsibilities of cities, municipalities and provinces, because offices were no longer distributed according to aristocratic privileges. When justice is to be administered on a larger (national or international) scale, the state must, on the one hand, obey its own specific laws of association within

itself (symbiotic association between provinces, municipalities and cities), and, on the other hand, constantly adjust to the laws of other spheres. This is what Althusius understands by prudence.

The symbiotic relationship between the administration of justice and the sovereign spheres involves only those matters that concern the *exclusive* and *typical* legal competence of the administrative sphere (its sword power), and does not infringe upon the jurisdiction of the other spheres. The scope of state administration is therefore limited to the jurisdiction *between* the spheres (the punishment of violation of public law) and does not penetrate within the spheres: it is not the administration of justice but sphere sovereignty that (temporally) fixes the area of jurisdiction (Dooyeweerd 1996: 140). In other words, it is not the national, international or imperial territory that limits the scope of the sovereign's laws: the universal symbiotic association of all spheres limits the state's scope of jurisdiction and execution. Thus, the sovereign cannot legitimately claim people to execute its own will. It cannot claim their lives, rights, conscience, piety or religion for state purposes (such as in war or projects of industrialization), because it cannot legitimately extend its own laws outside its own sphere (Kuyper 1880: 12).

Sovereignists maintain that the state's area of jurisdiction is limited by the boundaries of some territory. The concept of sovereignty implies that the territory (like nation or empire) is itself the origin and the product of the sovereign state, in the sense that the sovereignty is established through the nation (or empire), while nation (or empire) building, through public policy, is a sovereign's activity to strengthen its own supreme power. When sovereignists attempt to comprehend the sovereign's territory, its customs, language, art, jurisprudence, and markets, it envisions the nation (for instance, the Romans or the Latins) as being the origin of sovereignty. Sphere sovereignists, by contrast, do not recognize the state as originating from the nation or nations, or from the representatives of the nation or empire, but from the previously sovereign spheres of cities, municipalities and provinces. They maintain that the nation is in itself a symbiotic association that cannot be built or developed by sovereign power without perverting or corrupting the nation – making the nation parasitical. In its cosmic (political) meaning, the nation is sovereign in itself. It develops its own language, collective memory (national history), and customs, in accord with its own specific laws of national association, which are violated by interference.

According to sphere sovereignists, the sphere of the nation is *not* determined by its *national identity*, which is subjective and moldable through the creative uses of power. The identity of the nation is constructed through the creative designs of the sovereign, but the nation, as sphere, as revealed in history through shared language, collective memory and customs, is not the product of the sovereign. The concept of sphere sovereignty teaches that no nation can determine its own state form, for that would violate the sovereignty of (historically) differentiated state associations (municipalities, provinces, etc.), which is lawless. Lawlessness is always intermingled with impiety because it always envisions the deliberate design of a state form that accords with a sovereign's will. From a sphere sovereignty perspective, terrorism must be understood as a lawless, revolutionary force of unbelief, as

an attempt to take control of the sovereign state, to dictate its own laws through the creative use of power, not through the piety and justice of symbiotic association.

VII. Conclusion

By distinguishing sovereignty, subsidiarity and sphere sovereignty as three rival versions of political enquiry, it follows that Althusius' concept of symbiotic association cannot be reconciled either with the concept of sovereignty or that of subsidiarity. Althusius' state is not a sovereign state (and not a federal state neither), but a symbiotic association that is called to administer justice. His concern is not federalist, but about pious obedience of the state to its own specific laws of state association, as well as ensuring that the specific laws of symbiotic association are maintained. His theory of the state is not that of subsidiarity because he rejects the idea of community and the corresponding Aristotelian or scholastic part-whole metaphysics. His state is not a political community of citizens, but an administrative sphere of provinces, cities and municipalities. In Althusius' rival version of political enquiry, the state has no responsibility for the provision of subsidiary assistance to lower authorities (like families, universities and craft guilds), in order to make citizens flourish or guard the common good (*bonum commune*). The only responsibility of the state is to administer justice by maintaining law and order in the universal symbiotic association of all spheres in a fight against parasitism.

Althusius' rival version offers an alternative vision of what "a sovereign people" actually is. Through the distinction between three rival versions, three definitions of "the people" can be compared with one another. Sovereignists define the people as a "community of individuals" who are filled with autonomous reason and hold individual rights. Subsidiarity defines the people as a "community of communities" – the members of the political community are the citizens who realize their political animality. Althusius, on the other hand, defines the people as the universal symbiotic association of all spheres. In his rival version, the people is sovereign because it alone maintains symbiotic life, through its pious services to one another. Humans stop being a people when they destroy symbiotic life, which is as fragile as nature. Similarly, symbiotic associations are destroyed when a sovereign people decides, by its own political will, to distribute social goods, such as membership, money, health care or leisure, among its own members for their own purposes. In the face of distributive communities, symbiotic associations remain sovereign in themselves. In Althusius' rival version, these sovereignties are revealed through symbiotic reasoning – a kind of reasoning that is dictated by the logic that insects and plants and crocodile and Egyptian plover bird, cannot do without each other's services.

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