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Searching for the roots of American federalism – social contract and the idea of social solidarity and subsidiarity from the perspective of Johannes Althusius

Introductory remarks

The concepts of federalism and the federal state are often defined in various ways, as they are considered within different contexts. Studies on federalism have gained momentum in Europe with the development of the European Union[1]. Federalism has also become an attractive theory in light of the development of other international and supranational organizations. Its significance for the challenges of modern ecology and its impact on overcoming the global financial crisis are being analyzed, while the question of federalism's implications for the development of democracy and the protection of human rights is also being addressed[2]. Due to its very nature, federalism has become a subject of interdisciplinary research, highlighting not only its theoretical but also its practical dimensions. The appearance of modern federalism enabled new nation-states to create some instruments for the involvement of citizens in the public sphere of life. In the matter of the fact, federalism can promote democratic values in a wide range of matters[3].

[1] For more about the theories of federalism and subject related literature see, e.g. W. Bokajło, *Federalizm – rozwój idei i niektóre teorie*, [in:] W. Bokajło (ed.), *Federalizm. Teorie i koncepcje*, Wrocław 1998, pp. 140–141; J. Jaskiernia, *Ewolucja percepcji federalizmu w Stanach Zjednoczonych Ameryki*, „Gdańskie Studia Prawnicze" 2014, Vol. 31, pp. 306–307; E. Sokalska, *Legal and political dimensions of American federalism: development and interpretations*, Olsztyn 2018, pp. 7–8.

[2] M. Burgess, *Comparative federalism: theory and practice*, New York 2006, pp. 1–7.

[3] About the benefits of federalism to democracy see, e.g. D.J. Elazar, *Exploring federalism*, Tuscaloosa–London 1987, pp. 5–6; J.G. André, *Federalism and the future of democracy*, „Bajo Palabra. Revista de Filosofia" 2014, Vol. 9, pp. 88–93.

The historical evolution of federalism may be perceived as a multidimensional phenomenon. The research on American federalism occupies a significant place within the field of federalism, and the influence of American federalism on the development of federal concepts around the world is undeniable[4]. A large number of existing studies in the broader American literature have examined the origins of American federalism, however, despite the decades of research, this continues to be debated among the American scholars[5]. Federalist thought is not homogenous, and because of its diversity, presentation of the various positions and views on the premises of federalism poses difficulties. It is difficult to regard federalism as a self-contained ideology, since, according to Hendrik Burgmans, it constitutes, in a sense, a combination of doctrine and practice, thereby reflecting the paradoxes of modern politics[6]. Perhaps, it might be interesting to consider the fundamentals of American federalism in the context of its significance for the development of contemporary state systems.

The present study constitutes a part of the research on the roots of American federalism. Johannes Althusius (1557–1638), a German Calvinist, was one of the first systematic expositors of the federal political philosophy[7]. In fact, his thought had a pervasive direct and indirect influence on European

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[4] M. Burgess, *Federalism and European Union: the building of Europe 1950–2000*, New York 2005, p. 13 ff.; idem, *In search of the federal spirit. New theoretical and empirical perspectives in comparative federalism*, Oxford 2012, passim; E. Sokalska, *Umowa jako podstawa amerykańskiego federalizmu w recepcji Vincenta Ostroma*, „Studia Prawnoustrojowe" 2018, Vol. 41, pp. 193–194.

[5] See the works of: J.F. Zimmerman, *Contemporary American federalism. The growth of national power*, 2nd ed., New York 2008; L.N. Gerston, *American federalism. A concise introduction*, New York 2007; R.F. Nagel, *The implosion of American federalism*, New York 2001; D.J. Elazar, *Exploring federalism*; M. Grodzins, *The future of American federalism*, [in:] D.J. Elazar (ed.), *Cooperation and conflict: readings in American federalism*, 2nd ed., Itasca 1969; J. Kincaid, *From cooperative to coercive federalism*, „The Annals of American Academy of Political and Social Science" 1990, Vol. 509, pp. 139–152; W.H. Riker, *The development of American federalism*, Hingham 1987; V. Ostrom, *The meaning of American federalism: constituting a self-governing society*, San Francisco 1991; idem, *The political theory of a compound republic: a reconstruction of the logical foundations of American democracy as presented in „The Federalist"*, Blacksburg 1971; idem, *The political theory of a compound republic: designing the American experiment*, Lincoln 1987; idem, *Federalizm amerykański. Tworzenie społeczeństwa samorządnego*, Warsaw–Olsztyn 1994. As far as Polish subject related literature is concerned, see, e.g. the studies of: A. Pułło, *System konstytucyjny USA*, Warsaw 1997; R. Tokarczyk, *Prawo amerykańskie*, Warsaw 2009; K. Maćkowska, *Polskie studia nad modelem amerykańskiego federalizmu. Stan badań i postulaty badawcze*, „Prawo – Administracja – Kościół" 2004, Vol. 3, pp. 97–116; T. Wieciech, *Ustroje federalne Stanów Zjednoczonych*, *Kanady i Australii*, Kraków 2009; P. Laidler, *Konstytucja Stanów Zjednoczonych. Przewodnik*, Kraków 2007; R. Piotrowski, *Senat Stanów Zjednoczonych Ameryki. Struktura, funkcje*, Warsaw 2013; J. Jaskiernia, *Pozycja stanów w systemie federalnym USA*, Warsaw 1979; R.M. Małajny, *The ideological and social background of the American doctrine of division of power*, „Acta Universitatis Wratislaviensis. Przegląd Prawa i Administracji" 2000, Vol. 45, pp. 51–74.

[6] H. Burgmans, *La pensée politique du fédéralisme*, Leyde 1969, pp. 31–41.

[7] Bert Drejer emphasizes that although Althusius is known as a Calvinist political theorist, he turns out to be addressing a range of issues more characteristic of the Renaissance than of the

and American political orders[8]. Although studies have been conducted by many authors, the influence of Johannes Althusius is still insufficiently explored. The primary objective of the study is to comprehensively analyse and evaluate the political philosophy of Johannes Althusius, with a specific focus on his pioneering contribution to the conceptual development and evolution of modern federalism and federal thought. Particular emphasis is placed upon the requirement of general common consent and its perception in the political reflection of Althusius as well as other key federal components considered by the philosopher.

Unfortunately, since the modest scope of this article does not allow for an exhaustive treatment of the subject, the present work is contributory in nature. The main questions the present study strives to answer are: What are the key components of federal states according to Johannes Althusius; What does pluralization of governance mean in symbiotic societies?

The work consists of three parts. In the first part of the article, there is a short exposition of the literary legacy of Althusius and presentation of his political philosophy based on the covenant theology. The second part of the publication is devoted to the Althusius' concept of pluralization of governance. The last section presents his approach to social solidarity and subsidiarity. In this particular study, a historical legal approach and doctrinal legal research, precisely – the analysis of legal texts (particularly – American Constitution)[9], were applied to address the research questions and to reach some conclusions.

Johannes Althusius and the covenantal tradition

Early modern Calvinists produced a rich tradition of natural law and natural rights thoughts shaping the law and the politics of protestant lands[10]. At the turn of the 17th century, Johannes Althusius presented one of the most original Calvinist natural law theories[11]. The influence of Althusius'

Reformation, see: B. Drejer, *Liberty and popular sovereignty Johannes Althusius (1563–1638) and humanist political thought*, PhD dissertation, Florence 2023, passim, DOI: 10.2870/0535.

[8] Cf. E. Sokalska, *Legal and political dimensions*…, p. 78.

[9] According to the Polish typology: historic-descriptive and formal-dogmatic methods.

[10] S.P. Kennedy, *Reforming the law of nature: natural law in the reformed tradition and the secularization of political thought, 1532–1688*, Edinburgh 2022, pp. 80–107. For more about the wider historical context see: J. Witte, Jr., *The reformation of rights: law, religion, and human rights in early modern Calvinism*, Cambridge 2008, 406 pp.; idem, *Johannes Althusius and the universal rule of natural laws and rights*, [in:] R. Domingo, J. Witte, Jr. (eds.), *Christianity and global law*, London 2020, pp. 112–126.

[11] See more in: J. Witte, Jr., *A demonstrative theory of natural law: Johannes Althusius and the rise of Calvinist jurisprudence*, „Ecclesiastical Law Journal" 2009, Vol. 11, Issue 3, p. 248;

political thought was gradually diminishing by the end of the 17th century, but it regained its renaissance in the late 19th century, particularly owing to the special attention of Otto von Gierke and other representatives of the German school of legal thought[12]. It is significant that that by that time Americans had just invented the modern federalism, which had its roots in individualism, and in the words of Michael Burgess "overshadowed the sort of covenantal, communitarian and pluralistic federal ideas originally derived from Bullinger and Althusius"[13]. In 20th century, Carl Joachim Friedrich translated from Latin some fragments of Althusius main work – *Politica*. He emphasized Calvinist interpretation as the basis for Althusius' concept of association. The thoughts of Althusisus inspired some liberal theories in England and Holland. The renewed academic interest in Althusius was carried over during the post world war era with various scholars exploring different aspects of Althusian federal political thought. In 1964, Frederick Carney translated the Althusius' work into English[14].

Althusius wrote his *Politica* at the beginning of the 17th century, when the medieval rules of government started to be anachronistic, and the sovereignty of the modern state came into existence. He introduced his political theory during the time of transition from the medieval plurality of rule to the sovereign territorial states. It was proved that the old order was unstable. A new generation modern political philosophers as Niccolò Machiavelli, Jean Bodin, or Thomas Hobbes were able to identify the roots of the problem as a dispersal of political power[15]. Some philosophers proposed the centralized and absolutistic system of the government. Althusius developed the basic principles of federalism by exclusion of some medieval elements from the political system. The main elements of a new system were the following:

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idem, *A demonstrative theory of natural law: the original contribution of Johannes Althusius*, [in:] D.K. Hainworth, S.R. Peath (eds.), *Public theology for global society: essays in honour of Max L. Stackhouse*, Grand Rapids (MI) 2010, pp. 21–36.

12 Otto von Gierke – the leading representative of the movement – revealed the political thought of Althusius, and he pointed out its importance to the Western political theory. See: O. von Gierke, *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien. Zugleich ein Beitrag zur Geschichte der Rechtssystematik*, Breslau 1880. For more see: E. Sokalska, *Searching for the best legal interpretation and the deal formula of a state: Otto von Gierke and corporatism as the basis for a new federal state*, „Studia Prawnoustrojowe" 2022, Vol. 56, p. 273, DOI: 10.31648/sp.7646. About Gierke's interest in Althusius see: G.H. Sabine, *Politica Methodice Digesta of Johannes Althusius (Althaus). With an Introductiona by Carl Joavhim Frierrich (Cambridge: Harvard University Press. 1932. Pp. cxl, 436)*, „American Political Science Review" 1952, Vol. 26, Issue 4, p. 940, DOI: 10.2307/1947150; S.P. Kennedy, op. cit., pp. 98–99; J. Solis-Mullen, *Thoughts on Althusius and on the development of liberalism in Germany*, „Journal of Libertarian Studies" 2025, Vol. 29(2), p. 72, DOI: 10.35297/001c.147820.

13 M. Burgess, *Federalism and European Union*…, p. 14.

14 Cf. E. Sokalska, *Legal and political dimensions*…, p. 79.

15 T.O. Hueglin, *Early modern concepts for a late modern world. Althusius on community and federalism*, Toronto 1999, p. 2.

consent requirement, pluralization of the governance, subsidiarity and social solidarity[16].

It is significant that the political philosophy of Althusius was based on the covenant theology. The idea of people freely associating for common purposes through pacts of mutual commitment is the essence of the covenant tradition. The recent studies on the Anglo-American federal thought put forward the aspect of federalism that was not identified earlier. A new vision of a state was proposed by Enlightenment thinkers. The idea of the source of political power located in the sovereign people was put forward by some of them. Although the idea of social contract was rejected by David Hume, Adam Smith, or Adam Ferguson, e.g. John Locke and Jean Jacques Rousseau saw the social contract as the basis of power. It is significant that the federalist thought is different from the ideas of the representatives of the secular liberalism. Furthermore, a current called the *covenant theory* enriches the historical and philosophical understanding of federalism[17]. The important point here is that federalism can be perceived as the relationship between God and the world and people. It is based on covenants among the members of the society. The dynamic vision of the federal relations is connected with the covenantal perception of federalism[18].

The requirement of the general common consent is present in Altusius' theory[19]. The formal cause of people who join into human society is the *vita activa*, which means the active life of public good works and social interaction[20]. According to Althusius, the fundamental law is in some way a collection of certain covenants (*pacta*), by which some cities and provinces get closer and agree to establish the defined commonwealth. It is done by common work, counsel, and aid[21]. "When common consent is withdrawn from these covenants and stipulations, the commonwealth ceases to exist, unless these laws

16 E. Sokalska, *Legal and political dimensions…*, p. 80.

17 See here diverse attitudes to terms: *covenant*, *compact*, and *contract* in subject related literature – see: J.W. Skillen, *Covenant, federalism, and social justice*, „The Annual of the Society of Christian Ethics" 2000, Vol. 20, pp. 111–112.

18 According to Charles S. McCoy and J. Wayne Baker, it was Heinrich Bullinger (1504–1575) who wrote the first treatise that focused on the covenant. See: C.S. McCoy, J.W. Baker, *Fountainhead of federalism. Heinrich Bullinger and the Covenantal Tradition*, Louisville 1991, pp. 11–12. For more about the covenantal tradition and its representatives see: C.S. McCoy, *The federal tradition of theology and political ethics: background for understanding the U.S. constitution and society*, „The Annual of the Society of Christian Ethics" 1998, Vol. 8, p. 114; E. Sokalska, *Religious foundations of the social contract as the basis of American federalism from the perspective of Vincent Ostrom*, „Studia Prawnoustrojowe" 2025, Vol. 70, pp. 373–382, DOI: 10.31648/sp.11684.

19 T.O. Hueglin, *Johannes Althusius: medieval constitutionalist or modern federalist?*, „Publius: The Journal of Federalism" 1979, Vol. 9(4), pp. 9–41.

20 S.P. Kennedy, op. cit., p. 94.

21 Cf. E. Sokalska, *Religious foundations…*, p. 377.

are rejected and terminated by common consent, and new ones established, without harm to the commonwealth or impairment to its rights of sovereignty"[22]. Therefore, presented above principle regulates the joint decision-making process among the plural collective actors. In the opinion of Thomas Hueglin, in modern federal systems the consent requirement is mainly recognized "through various measures, ranging from qualified (or weighted) majority rule in upper legislative chambers, or both chambers as in the case of constitutional change, to unanimity and mutual veto rights in process of intergovernmental bargaining and agreement"[23]. For Althusius, it was the standard formula of medieval political practice to be sure, but consent was merely assumed, whereas the philosopher sought to organize it in a political process[24].

Pluralization of governance

From the perspective of Althusius, a state has its grounds in the natural relations. Families and then social corporations are the roots of political structures. For Althusius, the word *polity* has three principal connotations, "as noted by Plutarch. First, it indicates the communication of right (*jus*) in the commonwealth, which the Apostle calls citizenship. Then it signifies the manner of administering and regulating the commonwealth. Finally, it notes the form and constitution of the commonwealth by which all actions of the citizens are guided"[25]. It is significant that the Althusian concept of the genesis of a state was later adopted by some philosophers[26].

Althusius in his *Politica* establishes a new political science[27]. He "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"[28]. According to him, "people are united in one body by the agreement of many symbiotic associations and particular bodies, and brought together under one right. For families, cities, and provinces existed by nature prior to realms, and gave birth to them"[29]. The society is not a community of

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[22] J. Althusius, *Politica [1614]. An abridged version of politics methodically set forth and illustrated with sacred and profane examples*, XIX, § 49.

[23] T.O. Hueglin, *Early modern concepts*…, p. 3.

[24] See more in: E. Sokalska, *Legal and political dimensions*…, p. 83; eadem, *Religious foundations*…, p. 377.

[25] J. Althusius, *Politica [1614]*…, I, § 5.

[26] W.S. Carpenter, *Foundations of modern jurisprudence*, New York 1958, pp. 45–46.

[27] Cf. M.R.R. Ossevaarde, *Three rival visions of politic enquiry: Althusius and the concept of sphere sovereignty*, „The Monist" 2007, Vol. 90, No. 1, p. 114.

[28] Ibidem.

[29] J. Althusius, *„Politica Methodice Digesta" of Johannes Althusius (Althaus)*, Cambridge 1932, p. 88.

individuals or community of communities but it is a symbiotic interdependence of population. Therefore, owing to the organic interdependency, people are able to establish families, churches, or schools[30]. There is a natural, mutual interdependence among the members of associations to which they willingly agree. Associations might be divided into *simple and private* (e.g. families or professional guilds) and *mixed and public* (e.g. cities, provinces, and commonwealth)[31].

According to Frederick S. Carney, Althusian public association "is derivative from the private association in that families and collegia, not individual persons, are directly constitutive of the city, and indirectly or directly of the province and commonwealth. For the private association »others would be able neither to arise nor to endure«"[32]. Moreover, the public association has jurisdiction over the determined territory, which the private association does not. Althusius departs from a distinction between public and private that is common in medieval Roman law. According to this distinction, *private* concerns contractual relations among individuals or the internal procedures of groups. *Public* refers to administrative agencies and divisions of the empire or the commonwealth. The author argues that the foundation of private or public associations is a symbiotic life. By appealing to such a symbiosis, the philosopher points out that "private and public associations should have essentially different sources of legitimacy and modes of operation from each other"[33].

In the perception of Althusius, pluralization of the governance does not mean only vertical division of power among two or three levels. It encompasses multifaceted governance in territorial societies of towns, provinces, and corporations, so that it can be treated as *societal federalism*[34]. The federal structure of governance demands that lower units would have the ability to self-governance, and they would be represented in the higher level of the legislative process. Therefore, multifaceted governance would bring some notable benefits. Societies and corporations reflect different status and different needs of their members because they simply differ. This is significant that some legal norms constituted at the higher level should meet the needs of the individual societies. In fact, some societies can introduce more liberal

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[30] M.R.R. Ossevaarde, op. cit., p. 114. For more about the concept of symbiosis and symbiotic interdependence of individuals in Althusius' thought see: N. Vorster, *Symbiotic anthropology and politics in a postmodern age: rethinking the political philosophy of Johannes Althusius (1557–1638)*, „Renaissance and Reformation" 2015, Vol. 38, No. 2, pp. 27–52; J.W. Skillen, *The political theory of Johannes Althusius*, „Philosophia Reformata" 1974, Vol. 39, No. 3–4, p. 174.

[31] P. Overeem, *Johannes Althusius on public administration*, „Administrative Theory and Praxis" 2014, Vol. 36, No. 1, p. 36.

[32] F.C. Carney, *Translator's introduction*, [in:] J. Althusius, *Politica [1614]…*

[33] Ibidem.

[34] E. Sokalska, *Legal and political dimensions…*, p. 80.

law, some – more restrictive law, but it is important that legal regulations should be in harmony with the nature of societies. It is also important that the members of societies would agreed on such legal rules.

Althusius is of the opinion that societies and corporations are of different nature because they do not participate in the government at every level of the federal commonwealth. For example, guilds and trade associations take part only in the governance of the region or town, while legislative bodies of the republic consist of the representatives of the substantial territorial societies. There is a kind of federalization of the parts in the broader system. The voluntary agreement and the consent on solidarity are the main factors here. Members of a society comprehend in the collective sense. They do not perceive from the angle of an individual person. Their representatives made decisions, however, the position of the group should be agreed before, and such a practice should be the core of the republic. The meaning of an individual is not depreciated by him. Politics should serve the public good because every individual comes from a society[35].

The members of a given society should have the right to take part in the political process, so the government in the Althusius thought is an organized process of legislative meetings and communication, where a large number of groups in different administrative units share the power based on subsidiarity. At every level of the government, there should be representatives of all lower levels. This experience starts from the basic levels – as families, guilds, and trade associations. Such federalism is based on the subsidiarity that indicates a political commitment to leave the power on the lower level of the government as much as possible. Every lower level decides in its own what kind of activities it is able to undertake. Althusius remarks that the principle of subsidiarity means natural autonomy of all the societies. Some specific, local issues should be resolved at the lower level, and consequently, the issues that concern common business should be delegated to the higher level. This solution implies that the law which is created on the lower levels is more specific and reflects the local conditions[36]. The appointment of the authorities in the corporations is based on the consent and the pledge. Therefore, there is the necessity of the second contract between the community as a whole and the authorities that are appointed. It also concerns the final effect of the creation – the kingdom or republic. It is not the consent of individuals like in Thomas Hobbes' theory[37], but the contract of the

[35] Ibidem.

[36] Ibidem, p. 82.

[37] See more in: T. Hobbes, *Leviathan, or the matter, form, and a power of a common-wealth, ecclesiastical and civil*, London 1651, https://archive.org/details/leviathan00hobba/page/n5/mode/2up (accessed: 10.06.2026).

provinces. Althusian federalism has a lot in common with *consociational democracy*[38].

From the perspective of Thomas Hueglin the federal principle of pluralization of the governance matters "more than divided government or plural access to one government"[39]. It implies multilevel governance among the plurality of collective actors, i.e. cities, provinces, families, guilds, etc. It is essential for the federal mechanism that the smaller units do not only retain substantial rights of self-governance, but they are also represented in the legislative process in the larger and more encompassing units. However, such representation had never been a principal matter before, particularly in the older political regimes[40].

As Althusius suggests, the process of establishment of law is uncomplicated in symbiotic societies. People who stay within the same conditions are able to communicate and understand each other. At the higher level, for example, the level of republic, the law consists of common standards as far as the political, cultural, and economic life are concerned. The representatives of diverse societies are able to agree on some common legal regulations, rather than on specific rules. The law perceived as a code of the rules is essential to preserve the republic, the freedom, and the fair life[41].

The concept of social solidarity and subsidiarity

Solidarity and subsidiarity are two fundamental principles of modern socio-political structures. They complement one another but relate to different aspects of a community operation. Solidarity focuses on community and sharing, while subsidiarity focuses on the autonomy and support of the individual. Social solidarity and subsidiarity play important art in the Althusian concept of federalism. Althusius perceived participation as the actions of diverse societies from all the levels to obtain the good of a republic or a kingdom. According to him, a republic is an association of associations, a union of autonomous regional communities based on the principle of subsidiarity[42].

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38 The term was developed by A. Lijphard, *Democracy in plural societies: a comparative explanation*, Yale 1977.

39 T.O. Hueglin, *Early modern concepts…*, p. 3.

40 See more in: T.O. Hueglin, *Johannes Althusius…*, pp. 9–41.

41 Althusius is of the opinion that, „this law and right (*lex* and *jus*) is the rule of things to be done and to be omitted by members of the realm individually and collectively, and this is prescribed for the conservation of the life of justice and the universal association. It is called by Seneca the bond that holds the commonwealth together, and a vital spirit that the city breathes, which if withdrawn leaves the city as nothing in itself except a burden and a prey. This right is the guiding light of civil life, the scale of justice, and preserver of liberty, a bulwark of public peace and discipline". See: J. Althusius, *Politica [1614]…*, X, § 4.

42 Cf. L. Chmielewska, *Johannes Althusius: pierwszy teoretyk federalizmu*, „Doctrina. Studia Społeczno-Polityczne" 2012, Vol. 9, p. 23.

Each of these bodies constitutes a source of the republic's authority. The republic is a society that is based on the alliance, which is confirmed by the parties. Therefore, the parties are obliged to take care of the good of the republic, and to provide the common work and advice. The establishment of a republic is the act ending the process of creation of the alliances at the lower stage. If one of the parties withdraws its approval, it means the final point of the republic. The changes in the state law oblige the members to agree on the legal system[43]. Althusius of the opinion that "the highest concern must be held for the fundamental law of the realm (*lex fundamentalis regni*) (…). By this law all the members of the realm have been brought together under one head and united in one body"[44].

It should be take into consideration that social solidarity cannot be reached in a short time but only if the material results of policymaking are acceptable to all as fair and reasonable. The form and content of governance cannot be separated. In the modern meaning of federalism, this is typically the matter of fiscal federalism and regional equalization. In the opinion of Althusius, it was rather a dialectical relationship between "the autonomous right of self-governance and a universal obligation to mutual sharing and aid expressed in the idea of subsidiarity"[45]. "A political community ought to possess all powers to pursue what it considers necessary and useful for the organization of political, social, and economic life"[46]. However, such pursuit cannot violate any "universal standards of fairness and well-being for the entire commonwealth"[47].

Althusius explores the subject of popular sovereignty. In contrast to the Jean Bodin's concept of never-ending absolute sovereignty, Althusius declares the principle of social sovereignty. Despite the fact that the power is attributed to the kings, princes, or clerks, they are only *leaseholders* of the power, because the whole power belongs to the people who are organized in diverse social groups. Thomas O. Hueglin is of the opinion that Althusius is in direct opposition to the *history-making definition of sovereignty* of Jean Bodin[48]. "Althusius is very clear: while the right of sovereignty can be administered by one or several rulers, the ownership of it belongs alone to the organized body of the people"[49]. The second part of this interpretation differs from the modern concept of popular sovereignty (in which the society is

43 E. Sokalska, *Legal and political dimensions*…, p. 84.

44 J. Althusius, *Politica [1614]*…, XIX, § 49.

45 T.O. Hueglin, *Early modern concepts*…, p. 4.

46 Ibidem.

47 Ibidem.

48 About the concept of internal sovereignty in a single state of Bodin see: P. Riley, *Three 17th century German theorist of federalism: Althusius, Hugo and Leibniz*, „Publius" 1976, Vol. 6, No. 3, p. 14.

49 T.O. Hueglin, *Early modern concepts*…, p. 4.

understood as sum of individuals who express their will through expressions of public opinion, general elections, referenda, etc). According to Althusius, the possession of sovereignty is shared by political communities of diverse size, which constitute the universal commonwealth[50]. To some extent it can be perceived as a kind of co-sovereignty shared among some collectivities that are partly autonomous.

It is interesting to consider that in the view of M.R.R. Ossewaarde, Althusius presented his own intellectual alternative to subsidiarity and sovereignty that is known as *sphere of sovereignty*[51]. The scholar is of the opinion that Althusius was neither a scholastic subsidiary thinker, nor the first federalist, arguing that "the principle of is grounded in Aristotelian metaphysics of the hierarchical part-whole relationship and political nature of man, Althusius' metaphysics is grounded in the Calvinist metaphysics that each association must fulfill the given responsibilities assigned to its according to its calling"[52].

When comparing the social concepts of Johannes Althusius and Thomas Hobbes we realize that the project of Althusius is not a fictional construct that explains the genesis of a state[53]. It concerns some whole integrities that had come into existence on the basis of the same character of alliance. Hobbes created the state based on the contract that was undertaken by isolated individuals who entered into a contract with a sovereign without any indirect steps. The individuals retained their ability to make some alliance but they inevitably lost their ability to create associations and social groups that were able to be equipped with the power. The power was not more their attribute. An omnipotent state had the ability to divide the power. Hobbes argued that the power was passed by the state, and some social alliances became the subject of the law thanks to the state's competence, not to the consent of the members of the social groups. In the concept of Althusius, we can identify the division of contracts that form the basis for the territorial or professional communities from the territorial agreements, which are the roots of the beginning of the kingdom or republic. The first contracts organize social life while the next ones determine the form of the government, and the governors are perceived as the administrators of the power[54].

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[50] Ibidem.

[51] M.R.R. Ossevaarde, op. cit., p. 108.

[52] Ibidem, p. 107–108.

[53] See also here the reconstruction of Althusius' theory of *societas* and its comparison to the several contemporaries made by Gio Maria Tessarolo. She assumes that Althusius provided an innovative juridical interpretation of *societas*. See: G.M. Tessarolo, *The politics of societas and the early modern state*, „The Historical Journal" 2025, Vol. 68, pp. 308–328, DOI: 10.1017/S0018246X2400044X.

[54] L. Chmielewska, op. cit., p. 22.

Concluding remarks

Johannes Althusius emerged out of the reformist tradition. It was Otto von Gierke who resurrected scholarly interest in Johannes Althusius. By exclusion of some medieval elements from the political system, Althusius developed the basic principles of federalism, namely consent requirement, pluralization of the governance, subsidiarity and social solidarity. Unlike Jean Bodin (his contemporary), he did not argue for absolute state sovereignty, but he developed the idea of the federal structure of a state, where power was shared and limited among a number of associations, in order to resist against tyranny. He understood people to be not only naturally suited to political life but designed by God to develop political community[55].

General conceptualization of Althusian federalism influences the other central themes of political thought. The unity of the complex and elaborate federal polity would be inevitably based on the form of social contract, compact, or covenant. A covenant differs from a compact or a contract because they are secular phenomena, while a covenant should be rather considered in a religious context. It is significant that Althusian social contract is perceived as a compact not among individuals, but among communities, which are themselves constituted based on previous agreement. Exploring the subject of popular sovereignty, he developed the principles of social solidarity and subsidiarity.

It is interesting to consider that some key Althusian concepts, such as symbiotics, popular sovereignty, and the contractual structure of society might be identified as fundamental pillars of proto-federalist approach. Some argue that Johannes Althusius did not establish any theory of a modern state[56]. In fact, he did not use the term of *federal* or *federation*. Nevertheless, he is often referred to as the *first federalist* because of his structural approach to the organization of the state, in which power is divided among different levels of symbiotic associations. Althusian theory offers a distinctive alternative to modern state-centric sovereignty by prioritizing subsidiarity and pluralistic communities. It should be emphasized its relevance to contemporary federal structures, including modern European integration and decentralized governance.

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[55] S.P. Kennedy, op. cit., p. 94.

[56] Cf. M.R.R. Ossevaarde, op. cit., p. 107.

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Summary

Searching for the roots of American federalism – social contract and the idea of social solidarity and subsidiarity from the perspective of Johannes Althusius

Keywords: American law, federalism, solidarity, social contract, covenantal federalism, subsidiarity.

At the turn of the 17th century, Johannes Althusius presented one of the most original Calvinist natural law theories. The purpose of the study is an attempt to present the contribution of Johannes Althusius to the development of federalism and a federal thought. Particular emphasis is placed upon the requirement of general common consent and its perception in the political reflection of Althusius, as well as other key federal components considered by the philosopher. By exclusion of some medieval elements from the political system, Althusius developed the basic principles of federalism, namely the consent requirement (based on the covenant theology), pluralization of the governance, social solidarity and subsidiarity. Despite the fact that he did not apply the term of *federal* or *federation*, he is often referred to as the *first federalist* because of his structural approach to the organization of the state, in which power is divided among different levels of symbiotic associations.

Streszczenie

W poszukiwaniu korzeni amerykańskiego federalizmu – umowa społeczna oraz idea solidaryzmu społecznego i subsydiarności z perspektywy Johannesa Althusiusa

Słowa kluczowe: prawo amerykańskie, federalizm, solidaryzm, umowa społeczna, federalizm kontraktowy, subsydiarność.

Na przełomie XVI i XVII w. Johannes Althusius przedstawił jedną z najbardziej oryginalnych kalwińskich teorii prawa naturalnego. Celem niniejszego opracowania jest próba przedstawienia wkładu Johannesa Althusiusa w rozwój federalizmu i myśli federalnej. Szczególny nacisk położono na wymóg umowy społecznej i jej postrzeganie w refleksji politycznej Althusiusa, a także na inne kluczowe komponenty federalizmu rozważane przez filozofa. Wykluczając pewne elementy średniowieczne z systemu politycznego, Althusius sformułował podstawowe zasady federalizmu, a mianowicie wymóg zgody (oparty na teologii przymierza), pluralizację władzy, solidaryzm społeczny oraz subsydiarność. Mimo że nie używał terminu „federalny" ani „federacja", często określa się go mianem pierwszego federalisty ze względu na jego strukturalne podejście do organizacji państwa, w którym władza jest podzielona między różne poziomy symbiotycznych stowarzyszeń.