

# Resisting the Devil's Instruments: Early Modern Resistance Theory for Late Modern Times

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In the midst of religious conflict in the late sixteenth and early seventeenth centuries, a number of prominent Protestant theologians and lawyers wrote on the collective moral obligation to resist systemic injustice. My essay focuses on Johannes Althusius, who offers a theological account of the political community and its obligation to preserve the common good and resist injustice. Thinking alongside Althusius, I will consider not only the conditions that may prompt acts of resistance but also the lawful means and ends of resistance. In other words, how might resistance be carried out rightly? By whom? And to what end? Finally, I argue that we have good reasons to use Althusius's political thought to revive an account of resistance that is internal to the Christian theological tradition—an account that relies on a broader conception of divine justice, covenantal responsibility, and mutual accountability.

THE GOD OF THE EARLY MODERN REFORMED TRADITION HAS sometimes been described as a Leviathan: all-powerful, unaccountable, and utterly free in his dealings with humanity. His chief end is the increase of his own glory. His covenants are made apart from any prior recognition of goodness or merit, depending solely on his sovereign whim. The political theorist Carl Schmitt, in one of his lesser-known works, went so far as to link the rise of covenant theology in the Reformed tradition with the political absolutism of Thomas Hobbes's famously controversial treatise *Leviathan*. According to Schmitt—who is not alone in this judgment—what the early modern absolutists and the early modern Calvinists share is a commitment to the raw, absolute, unqualified, and unchecked power of the sovereign, whether human or divine. To put it in simple terms, the divine Leviathan of the Calvinists begat the human Leviathan of the early modern nation-state.<sup>1</sup>

This narrative, in my judgment, is both too tidy and too provincial to be true. I have addressed the historical inaccuracy of this interpretation elsewhere.<sup>2</sup>

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At present, my focus is more direct and limited. My first aim in this essay is to show that there is a prominent strand of early Reformed thought that runs directly contrary to the absolutist narrative we have received from Schmitt and others. In fact, I argue that it is the early Reformed tradition, represented here by the important but neglected figure of Johannes Althusius, that gives us one of the earliest examples of a radical, modern, and theological defense of collective political resistance to unjust power.<sup>3</sup>

My second aim is to show how this early modern Protestant tradition offers resources to analyze not only the conditions that prompt acts of resistance but also the lawful means and ends of resistance. In other words, how might resistance be carried out rightly? By whom? And to what end?

My final aim is less historical and more constructive. Many recent works in political theology and Christian ethics invoke the theme of resistance as central to the work of social criticism. However, many of these accounts reflect the disciplinary influence of recent social theory rather than theological ethics. As a result, they sometimes lack the orienting normative concerns that have historically motivated Christian ethicists and moral theologians. I wish to use the resources of Althusius's political thought and this neglected radical strand of the Protestant tradition to revive an account of resistance that is internal to the Christian theological tradition—an account that relies on a broader conception of divine justice, covenantal responsibility, and mutual accountability. Simply put, Althusius and his contemporaries can offer us something that social theorists like Walter Benjamin, Michel Foucault, and Judith Butler—for all their insights—cannot: an account of radical politics that is both theologically rich and historically grounded in the Protestant tradition.

## The Problem of Resistance

In the Christian tradition, theological reflection on the possibility of political resistance to injustice extends back at least to Thomas Aquinas and Augustine, not to mention the ancient and late antique sources that informed their views. Sketched in very broad terms, the premodern theological tradition acknowledged that all political authority derives from God, following Paul's argument in the locus classicus of Romans 13. "Political powers do not bear the sword for no reason," and Christian subjects have a divine mandate to obey them. At the same time, premodern theologians were fully aware of exceptional cases. Tyrants, demagogues, and oligarchs are not a modern invention, of course. What should Christians do when confronted by tyrants and their perverted systems of governance? Premodern theologians argued that, while political subjects are generally obligated to obey the command of a political superior as if it came from God, the command is only morally binding if it is just and

lawful. A magistrate's command to commit theft, murder, or any other act prohibited by the moral law must not be obeyed. In this sense, what I will call a passive or indirect form of resistance would be considered legitimate. Aquinas even goes so far as to suggest the legitimacy of some sort of political resistance to tyranny: "A tyrannical government is not just, because it is directed, not to the common good, but to the private good of the ruler. . . . Consequently, there is no sedition in disturbing a government of this kind."<sup>4</sup> Aquinas does not, however, provide an account of the mechanism for popular resistance, nor does he articulate a doctrine of popular sovereignty that would support such a collective undertaking.<sup>5</sup>

If we look ahead to the first and second generation of Protestant reformers, we can find this account (which I am generically calling the premodern view) well represented among the leading Protestant theologians. For instance, like Aquinas and other premoderns, John Calvin allows that Christians might resist an unjust authority through indirect means. They might call on lesser magistrates to intervene on their behalf. They might repent of whatever sin prompted God to judge them with the scourge of tyranny in the first place. They might flee the country (this was of course a common occurrence during the religious wars of the sixteenth century). Or they might simply choose not to obey the unjust command and prepare themselves for the consequences. Still, Calvin thinks the subject may not actively, or directly, resist the office of civil rule itself. To resist directly, by force of arms, would be to upset the whole order of divine-human governance. This sort of action would be an impiety that welcomes chaos.<sup>6</sup>

According to Calvin and the premodern tradition, therefore, a Christian subject might choose not to obey an unjust command, and she might choose not to participate in an unjust political system, but she would have no means to chasten or contest the system itself. This sort of resistance to structural sins and injustice is prohibited. The sword belongs to the divinely appointed human sovereign, who alone is the agent of divine wrath and justice.

## **An Early Modern Solution to the Problem of Resistance**

By the turn of the seventeenth century, many Reformed thinkers had become discontent with a merely indirect doctrine of resistance. The reasons for this shift are many, but one of the most important turning points was the massacre of thousands—perhaps tens of thousands—of French Protestants in the weeks following St. Bartholomew's Day in 1572. Suspicions ran deep that members of the French royal family were involved in plotting the horrific event. The historians Harro Höpfl and Martyn Thompson mark the massacre as the pivotal moment that forced early Protestant political thinkers to develop a more

comprehensive doctrine of resistance centered on the theological concepts of covenant and contract.<sup>7</sup> Prior to the massacre, leading Protestants had hoped to persuade the French royal family to embrace a policy of toleration. Theodore Beza, Calvin's successor in Geneva, appeared repeatedly before the French court over many years, pleading the Huguenot cause in the face of what he saw as unjust persecution: "Sire, it belongs to the Church of God, in whose name I speak, to endure blows and not to inflict them. But it will also please your Majesty to remember that she is an anvil that has worn out many hammers."<sup>8</sup> Beza's metaphor has an ominous subtlety about it, but even this threat of divine vengeance rang hollow in the aftermath of the massacre. An indirect doctrine of resistance no longer sufficed. As Höpfl puts it, the massacre in 1572 "effectively meant the end of the project for an evangelical conversion of the whole of France: the issue now was survival."<sup>9</sup>

Reformed thinkers such as Beza, and later Althusius, began asking whether there might be certain unjust actions that a political ruler could commit that would not only negate any moral obligations to obey her command but also—if sufficiently unjust or impious—divest her of office. And if there were such acts, how would we recognize them?

Beza attempted to answer these questions in his treatise *On the Right of Magistrates*, written soon after the St. Bartholomew's Day massacre. Following the pre-modern tradition before him, Beza claimed that whenever a political ruler issues an immoral command, one that directs his subjects to commit injustice or impiety, the command lacks binding force. Up to this point, we have not progressed any further than Aquinas, Calvin, and the preceding theological tradition.

However, Beza then goes on to criticize absolutist theorists—that is, proponents of arbitrary and absolute power—arguing that they "so far exalt the authority of kings and supreme rulers as to dare maintain that they have no other judge but God alone to whom they have to render account (*rationem reddere*) of their deeds."<sup>10</sup> In other words, the absolutists acknowledge that princes may sin and perpetrate injustice in the political community, but they assume that only God has the authority and agency to chasten and correct an unbridled magistrate. The people may pray for divine help. They may call on other political powers to intervene. But that is all. Beza, however, is not content to leave it at this. In fact, he thinks that the idea that an unjust magistrate is answerable only to God is utter folly and impiety. So he asks his readers: "Is there no other remedy for injustice?"<sup>11</sup>

Both Beza and Althusius believe that other remedies do exist, and that these remedies may be not merely permissible but even at times obligatory. Beza answers his own question directly: "I deny that . . . it [is] illicit for a people oppressed by obvious tyranny to protect themselves from their enemy by just remedies, in addition to prayer and penitence."<sup>12</sup> What these just remedies are, beyond seeking the help of other civil or foreign magistrates, is not always

clear. What is significant, though, is the fact that Beza reclassifies the unjust magistrate as the “enemy” of the oppressed people. By retitling the person who formerly held the office of “prince” as an “enemy,” Beza has found a way around the received interpretation of Romans 13 and other scriptural texts that require Christians to obey political authorities. Christian subjects should of course obey their princes and kings, Beza argues, but why should they be expected to obey their enemies?

Beza does not provide much detail about how to identify the moment at which a legitimate prince becomes a tyrannical adversary. However, if we now turn to Johannes Althusius, we can find a thoroughly theological answer to Beza’s question. First, however, recall the precise terms of Beza’s criticism of his absolutist rivals. Proponents of absolute power argued that earthly princes were accountable only to God. No matter how heinous the offense, only the divine sovereign may call earthly rulers to account. Beza suggests that this is a false, perhaps even impious, doctrine; however, he does not offer an extensive alternative account. Althusius does.

In his most influential work, a treatise titled *Politica Methodice Digesta*, Althusius picks up the thread of Beza’s argument.<sup>13</sup> When the absolutists claim that earthly princes are accountable only to God, Althusius argues, they offer us a false hierarchy of political relations. According to the absolutists, the prince owes obedience to God, as do the people, but both parties are “debtors to God alone.” In other words, there is no covenantal accountability horizontally, between earthly rulers and the people—only vertically, between the divine sovereign and the earthly ruler.<sup>14</sup>

According to Althusius, who follows Beza in this regard, this is an unjust and even impious political doctrine. Drawing on his own Reformed theological tradition, Althusius argues that God enters into a mutual covenant with *both* the prince and the people. All are unified in the same covenantal fellowship; therefore, within the terms of this fellowship, the prince and the people are also obligated to render justice to each other and to God for the sake of the common good. In other words, the people have at least as much of a stake in the political covenant as the prince. The people, alongside the prince, are codebtors before God, responsible for pursuing justice in the political community.<sup>15</sup>

But exactly *how* might the political community go about identifying what this justice looks like? What is the standard for right relations between the political ruler and his subjects? Althusius’s initial answer is deeply theological and also runs quite to the contrary of the stereotyped picture of the Calvinist God offered by Schmitt and others. He argues, if we want to distinguish just from unjust political relationships, we must look to the paradigmatic relationship between the divine sovereign and his creatures. God is the perfectly good law-giver who issues directives for the well-being—or salvation—of his people. The terms of this relationship find their rationale in the faithful love of the sovereign

for his people and their fulfillment, first, in the people's recognition of God's goodness and, second, in their reciprocating love for God and neighbor. God would not, and in fact could not, be unfaithful or unjust to his beloved people. Althusius applies this point to the political order by means of an a fortiori argument: if even God, who is all-powerful, cannot sin by acting against what is just in relation to his creatures, how much more is the earthly ruler bound to this standard?<sup>16</sup> No just power can be absolute. No good power can be arbitrary.

What happens then if a prince acts unjustly, breaks covenant, and the prayers and patience of the people go unanswered? What happens when power-hungry popes, priests, oligarchs, and magistrates arbitrarily dominate their subjects, destroying the proper goods and fellowship that individuals ought to be able to enjoy together? The conditions are such that the social bonds that ought to provide for the mutual enjoyment and communication of goods no longer exist. Althusius, like Beza, names this condition as tyranny.

Here, at last, we arrive at Althusius's primary innovation, the point at which he is willing to go beyond what I have termed the doctrine of indirect resistance that had long been part of the premodern theological tradition. In effect, Althusius identifies the *people* themselves—and not their rulers and magistrates—as the principal human party of the covenant, the party who bears the primary responsibility for preserving right order. As a collective, covenanted body, the people have authority—given to them by God himself—to hold tyrannical princes to account. They may hold an unjust ruler responsible, name his sins publicly, call for repentance, and even authorize public “vindicators” to mount an armed resistance to an “incurable” tyrant. According to these terms, magistrates and rulers are merely administrators or stewards of the political community and its common goods. And as administrators, they may be deposed as the people see fit.

This new conception of popular political agency carries with it a rather strenuous moral obligation: we are all mutually bound to seek the common good and to challenge those figures or institutions that break covenant and twist our shared forms of life toward unjust ends. In fact, Althusius claims, the people—as co-debtor before God—is “held responsible for the fault” of the prince, and “shares his sins” if the people do not hold the covenant-breaker accountable and “*resist and impede him*” so far as possible. God, the initiating party to the covenant, stands as vindicator: “He will cast Israel down because of the sins of Jeroboam.”<sup>17</sup>

## How to Recognize Tyranny

It is one thing to claim that it is legitimate for the people to resist an unjust ruler. It is another matter to have the practical wisdom to identify a tyrannical ruler and the forms of systemic injustice that give rise to such a figure. I noted in

the previous section that Beza, Althusius, and others made a normative distinction between a true ruler and a tyrant.<sup>18</sup> Resistance is prohibited in the former case but permitted—potentially—in the latter.

For Althusius, as we have already seen in some detail, tyranny is defined as the contrary of just and morally upright political rule. In other words, it is the privation of good rule: “Through tyranny, the foundations and bonds (*vincula*) of the covenantal fellowship are obstinately, persistently, and incurably destroyed and overthrown, against the ruler’s pledged faith and professed oath.”<sup>19</sup> Althusius, like earlier proponents of resistance, denies that a ruler who perpetrates these tyrannical conditions is the sort of ruler that Paul has in mind in the epistle to the Romans. A tyrant is not a minister of God but is better described as an instrument of the devil (*sed diaboli instrumentum dicitur*).<sup>20</sup> What is owed to this sort of ruler?

For Althusius, this is not just a rhetorical question, and his answer is not as straightforward as we might have expected. We might expect Althusius to authorize any and all acts of resistance to someone he describes as diabolical. Or perhaps we might assume that the existence of tyranny puts an end to pre-existing social commitments and moral norms, essentially authorizing popular revolution. But Althusius’s answer is more complex.

In an appendix to the *Politica*, added in the second edition in 1610, Althusius analyzes the various species of tyrannical rule so that his readers can better identify the right response in particular cases. Tyrants may be instruments of the devil, but not all diabolical agents are the same, nor should they be resisted each in the same way. Here Althusius reminds his readers that not all failures or imperfections of rule are tantamount to tyranny—or, to be more precise, tyranny in its absolute or paradigmatic sense. In less extreme cases, Althusius cautions, virtuous citizens should not act rashly. Some rulers may be unjust in one aspect of their office but not others. Some rulers may suffer from a failure of will in performing their duties. And others may have started down a tyrannical path but may still be turned away from their destination by wise counselors. Many individual sins and imperfections can and should be tolerated in order to preserve political fellowship. Althusius draws an analogy between political and marital covenantal relationships: the individual sins of a magistrate do not necessarily abrogate his authority, *in se*, “just as a marriage is not dissolved by every misdeed committed by one spouse against another, except for adultery, since this is directly contrary to the nature” of the fellowship.<sup>21</sup>

To determine the right responses to political injustice, therefore, we have to consider tyranny in its various forms. Borrowing from earlier Protestant and medieval sources, Althusius distinguishes between “fundamental” and “administrative” tyranny. The former concerns the foundational laws, religious oaths, and social bonds that make the community a cohesive political body.<sup>22</sup> We might describe this as constitutional tyranny, or tyranny in extremis, in which

the tyrant breaks the oath she made to the political community—and to God—thereby destroying the social order and impeding the relevant public figures from the performance of their duties.<sup>23</sup> If a ruler were to commit treason, for instance, or plot against her own people, such actions would violate the very foundation of the political order.

The second form of tyranny concerns the unjust or impious administration of the community's goods. It is much more common and takes more complicated forms than the first. In this species of tyranny, the ruler is still technically fulfilling his office, serving as administrator of the goods of society, but doing so in a perverse way—at the expense of his people. The improper administration of goods might be general in nature, as in the exercise of absolute power, or more specific. Althusius here provides a catalog of vices and behaviors that characterize this latter form of administrative tyranny. This catalog provides examples to help his readers recognize injustice when it is cloaked under some other description. Among other things, the tyrant is one who corrupts social practices, luxuriates in material comforts at public cost, permits crimes to go unpunished, and nourishes factions and wars to weaken the collective strength of his subjects.<sup>24</sup> If this list sounds familiar to us today, Althusius would not be surprised: tyranny is a perennial condition that encroaches wherever a community has become vicious or unvigilant.

### Identifying Tyranny's Remedies

Besides articulating the distinction between a true ruler and a tyrant, Althusius and others made a second breakthrough in early modern political thought: a new conception of popular political agency, supported by a theological account of divine power and goodness. The political community, as a whole, is authorized by God to hold the ruler to account. It may recognize certain persons, whether individual magistrates or an authorized assembly, as “public” figures with the authority to resist the unjust actions of a tyrant.

At the beginning of this essay, I noted that the premodern theological tradition had the resources to distinguish between just rule and tyrannical rule, even allowing that it may be permissible for someone—it is not entirely clear who—to contest the latter. However, the premodern theological tradition did not offer an explicit account of how legitimate acts of resistance might be carried out, nor did it have a doctrine of popular political agency—as Althusius does—which would authorize the political community to engage in these acts.

While I have argued that Althusius and many of his Protestant peers did make political and theological advances on these points, we still need to consider the mechanisms for resistance. In other words, how might a people go about resisting a tyrant and various forms of structural injustice? More precisely, how



might a people resist tyranny in a just and righteous manner so they do not fall prey to the temptations of absolute and arbitrary power?

Early modern theologians like Althusius and Beza were fully conscious of the temptations that often accompany acts of social and political resistance. The tyrant is an existential threat to the political community, but some acts of resistance may themselves threaten to undermine the common good of fellowship if carried out imprudently, rashly, or maliciously. Oftentimes it is better to endure unjust conditions in patient hope that acts of forbearance, rather than resistance, may better serve the common good of the community. If we resist wrongly, social trust breaks down, and the fellowship we hoped to preserve may instead wither away through our rashness.<sup>25</sup>

With these temptations in mind, it is important to consider the practicalities of resistance—a moral task that the early modern Protestants took quite seriously. This involves considering a series of practical, prudential questions of the following sort: Is this the right time or place to resist? What sort of resistance is called for? Will an act of resistance result in greater injustice than the present circumstances? What previous commitments and promises are relevant? To resist lawfully, we must be ready to make judgments on these matters.

Here it is crucial to emphasize that, for Althusius and even the most radical of his Reformed contemporaries, acts of resistance do not occur in anything like a Schmittian state of exception. Preexisting moral norms are not suspended, nor are the principles, institutions, and communal bonds that made the political community something valuable in the first place. That is to say, acts of resistance are not acts of revolution but rather restoration. In fact, as I argue in the next section, acts of resistance may be judged as legitimate, in part, insofar as they aim at protecting the common good of fellowship in the community.

How, then, should we go about identifying the proper criteria of lawful resistance to various species of tyranny? To make these sorts of judgments, Althusius directs us toward a traditional form of moral inquiry: the criteria of lawful resistance are the *who*, *what*, *where*, *when*, and *why* of the action.<sup>26</sup> When considering the legitimacy of political resistance, as in traditional accounts of just war theory, each of these considerations bears on the rightness of the undertaking.

First, the *who*: there must be an authorized representative of the political community. Althusius, following Calvin and others, refers to this officer as an ephor, a lesser magistrate, or some authorized public agent. This public agent is someone who bears responsibility for resistance to injustice and to whom the people ought to join themselves, adding their own strength, resources, and counsel.<sup>27</sup> Here it is crucial to note that when Althusius restricts acts of resistance to this class of public agents, he is not explicitly identifying a particular legal or political office. He is referring, rather, to a general species of public office that holds the supreme ruler to account for his or her actions. This

species of public office may occupy a different place in the social hierarchy across different constitutional systems.<sup>28</sup> In other words, the people may look to any number of public figures—a prince, a duke, a city elder, or any authorized assembly of the people—for vindication. The democratic implications of this last option may be more obvious to us than it was to Althusius, but it is worth underscoring.

Second, and immediately related to the first point, the *what* and *where*: jurisdiction matters when determining the right course of action. “What is to be done collectively by the public agents,” Althusius argues, is best done through a deliberative process of mutual consent between the people and its authorized administrators. Deliberation must be careful, patient, and arrive at some sort of practical consensus. In other words, public figures must take care not to overstep their own authority and prosecute a tyrant in ways that go beyond their administrative purview or are disagreeable to the community’s representatives.<sup>29</sup> In straightforward terms, this means that public administrators must not act “beyond the boundaries” of the scope or scale of their office. At the same time, Althusius’s comments about jurisdiction reflect his belief that authoritative public action must arise from *within* the community. Correction and resistance are internal matters.

Third, the *when*: as the people go about identifying the right occasion to resist, and what measure of force should back up the act of resistance, several things must be considered. How serious and inflexible is the tyranny? Have all other remedies been exhausted? And how have the injustices of the tyrannical ruler been made public to the political community? On this final point, Althusius indicates that three forms of public recognition are central: recognition of tyranny’s existence, its extent, and the means by which the tyrant has previously been challenged. This last point is crucial for Althusius since there must be a record of admonishment and public correction prior to any formal act of forcible resistance. If these conditions are satisfied, as I detailed earlier, the unjust ruler must be held to account. Ideally, the public agents will call an assembly, but if they fail to do so, Althusius grants that “public avengers and deliverers should be constituted *ad hoc* by the people itself.”

Finally, the *why*: the rationale for lawful resistance is the restoration of fellowship. Althusius writes that a tyrant must be resisted so long as the unjust conditions endure, whether in words, deed, or dissembling, and so long as “he acts contrary to the declared covenant.” On these terms, lawful acts of resistance must continue “until the republic is returned to its original condition.”<sup>30</sup> The remedy of resistance aims at the restoration of health to the political body and perseveres until this end is accomplished. In other words, the people, having diagnosed the disease that plagues the body, may prescribe the appropriate remedy—even if that means deposing a tyrant, or calling for forcible resistance to unjust power.

## Early Modern Resistance and Late Modern Problems

What does this mean for contemporary theological ethics? Are there reasons to view these early modern ideas as something more than just historical relics? Is there still life in these traditional, white, European, Calvinist bones?

I want to draw out two practical, and I think increasingly relevant, implications of early Reformed resistance theory for contemporary Christian ethics. The first implication concerns covenantal responsibility and arises out of Althusius's doctrine of mutual accountability. As I argued earlier, if we read Althusius carefully, we will encounter a strenuous moral exhortation: individuals cannot stand idly by when they witness systemic injustice in the church or political society. This may seem a trite moral maxim, easily endorsed by any right-thinking citizen. But I believe that Althusius's point runs deeper than this. He means to implicate us in the deepest, most complicated sins of our communities—simply by virtue of our membership in these communities. In effect, he tells us, insofar as you take yourself to be—and are recognized as—a member of a particular community, you bear a covenantal responsibility for its goods and ills, its virtues and vices, its justice and injustice. By participating in the life of whatever community you belong to (by choice or by birth), you are under a relentless obligation to seek its good and to ensure that other members of the community are able to do likewise.

We often fail to fulfill this obligation, and in multiple ways. It may be relatively easy to identify the occasions in which we fall short by actively committing injustice against neighbor. It is more difficult, but no less important, to identify the occasions in which we sin not only by commission but also by omission: “by remaining silent, defaulting, dissembling, permitting, or enduring” the sins and crimes of an unjust ruler or institution. Again, he stresses, the obligation to resist injustice and to set things right obtains to the community as a whole. Factions or parties within the political community cannot simply shirk responsibility or shift blame to their rivals; all are codebtors before God. If anyone stands by while Jeroboam worships idols and slaughters the innocent, they partake in his sin—and his judgment. If we are truly going to claim popular political agency, we must also have a keen sense of our personal and collective responsibility for the shared life of the political community.

If Althusius is right about this, there are two related issues that must be addressed. First, acts of resistance must be regarded as internal to the community itself. In other words, resistance arises from within the community, for the sake of the community. Such acts may only be regarded as righteous and just if they are duly authorized, and this authorization comes from the political community that God has called into being. If someone claims to be a liberator but does not derive her authority from the community or make herself accountable to the community, she lacks the authority to act justly on its behalf. The second

related issue regards complicated questions about self-identity, mutual recognition, and the status of liminal persons who may not be fully recognized—or valued—by the communities they find themselves in. Whose voice *counts* in the community? I raise this issue here not to solve it once and for all but rather to suggest that Althusius's discussion of broad-based political agency may be more democratic than he would have cared to admit. If everyone has a responsibility to care for the common good and to ensure that every other member of the community is also able to participate in this fellowship, then the boundaries of inclusion may be more expansive and more porous than Althusius himself may have realized. It is possible to see glimmers of this possibility in some surprising niches of Althusius's writings.<sup>31</sup> The work that remains for contemporary Christian ethicists is to make explicit what was only implicit in the best parts of this strand of early modern thought. Protestant political thought is not a closed canon, and the heirs of Augustine, Aquinas, Calvin, Beza, and Althusius should feel authorized to direct the tradition toward new places and to address questions that would not have occurred to their theological forebears.

There is a second implication of early modern resistance theory, which builds on the first. If the demanding responsibilities of political life are to be carried out faithfully, members of the community will need to find ways to cultivate a set of discrete political virtues to sustain these efforts. Early moderns like Althusius paid a great deal of attention to the virtues that must be in evidence among a people and its rulers if a republic is going to survive, let alone flourish. These virtues, Althusius argues, must be cultivated in homes, congregations, civic communities, and workplaces before they can do the work on a larger political or electoral stage. While it may seem quixotic to campaign on an exhortation to virtue—for good reason these days—I think Althusius is correct. Perhaps ironically, it is on this point that Althusius falls back on the wisdom of the ancients and the medievals: a rightly ordered republic, one in which all members are able to pursue the common good, needs virtuous citizens and exemplars. And what are some of these virtues? They include the prudence to recognize the difference between justice and injustice, the tolerance to live well with those we find objectionable, the piety to honor the people, institutions, and traditions that made us who we are, and the courage to sacrifice for the sake of fellowship and call tyrants to account.

It is also important to account for the flipside of this matter: all too often acts of resistance are undertaken by the vicious or those ill-equipped to rightly order the means and ends of these acts. Those lacking in prudence will misjudge their circumstances or the conditions needed for successful resistance. Those lacking the virtue of tolerance will not be prepared to respond appropriately to those actions or people they find objectionable. Those lacking in piety may become demagogues. Those lacking in courage will habitually conform to the demands of individuals or institutions that exercise undue economic power or social

pressure. In many of these cases, vicious agents of resistance and their fellow social critics might turn out to be a remedy more pernicious than the disease.

If we are to recover this early modern doctrine of resistance for contemporary purposes, we need to take note of Althusius's anxiety about the ways that resistance can go wrong. But at the same time, it is important to remember that righteous acts of resistance can often be identified by examining their primary ends and means. Do acts of resistance aim to preserve or restore the fellowship of the community? Or do they instead aim to shore up private goods and partisan interests? Are acts of resistance being carried out virtuously by representative individuals who act with prudence, courage, and charity? Or are they being carried out carelessly, rashly, and with ill intent?

These questions are not easily answered. And in a political context like our own, consensus answers will be even harder to come by. I find this reality regrettable—perhaps even cause for lament—but not paralyzing or sufficient grounds for resentment. The temptation to despair or to resort to some form of apocalyptic impatience may seem quite strong to us now. But insofar as political fellowship is still recognized as valuable, whether by our fellow citizens or by God, we have cause to hope. So long as there are those who devote themselves to cultivating the virtues needed to live well with each other, to pursue just relations despite the personal cost, there is reason to continue to look for restoration.

If we want to repurpose an early modern doctrine of resistance for our own late modern troubles, this is where we must start: doing the hard, slow work of moral formation, correction, and confrontation. The work of virtuous, rightly ordered resistance could begin on the smallest of scales: in homes, classrooms, congregations, or similar civic communities. Perhaps from those seedbeds we will see the outgrowth of something more expansive. However, regardless of the context, we can hope to see the public work of resistance being carried out by virtuous citizens who recognize themselves as codebtors before God and neighbor for the common good of fellowship with each other. This invaluable good is something worthy of our attention, our struggle, and our sacrifice.

## Notes

1. A similar, more recent version of this historical narrative can be found in Brad Gregory's *The Unintended Reformation: How a Religious Revolution Secularized Society* (Cambridge, MA: Harvard University Press, 2012).
2. David Henreckson, "The Immortal Commonwealth: Covenant, Law, and the Common Good in Early Modern Protestant Thought" (PhD diss., Princeton University, 2016).
3. While Althusius remains one of the lesser-known leading figures of the early modern Protestant tradition, his political thought has garnered attention recently. See Nicholas Wolterstorff, "The Right of the People to a Democratic State: Reflections on a Passage in

- Althusius,” in *Understanding Liberal Democracy* (Oxford: Oxford University Press, 2012), 227–44; and Luke Bretherton, *Resurrecting Democracy: Faith, Citizenship, and the Politics of a Common Life* (Cambridge: Cambridge University Press, 2015).
4. Thomas Aquinas, *Summa theologiae*, trans. Fathers of the English Dominican Province (New York: Benzinger Brothers, 1917), II-II, q42a2.
  5. Compare also Aquinas’s claim that the subject of civil friendship (that is, the subject in which we find the fundamental good of the fellowship) is the ruler of the people, not the people itself, *Summa theologiae* II-II q26a2. This is the reason, he thinks, why citizens owe the ruler obedience. For early moderns like Althusius, as I argue below, Aquinas’s account would need to be significantly altered.
  6. My distinction between direct or active resistance, on one hand, and indirect or passive resistance, on the other, is not absolute. There may, of course, be actions that seem to fall somewhere on the spectrum between the two categories. I find the distinction helpful, however, in distinguishing between direct popular contestation of the existing social order (as I elaborate below) and forms of resistance in which the people ask for the intercession of other authority-bearing figures (e.g., God or lesser magistrates). I address some aspects of this distinction in my essay, “Rights, Recognition, and the Order of Shalom,” *Studies in Christian Ethics* 27, no. 4 (November 2014): 453–73.
  7. Harro Höpfl and Martyn Thompson, “The History of Contract as a Motif in Political Thought,” *American Historical Review* 84, no. 4 (October 1979). See also John Witte, *The Reformation of Rights* (Cambridge: Cambridge University Press, 2007), 81–87.
  8. *Histoire ecclésiastique des églises réformées au royaume de France*, eds. G Baum and E. Cunitz (1580; repr., Paris: 1884), 1–6.
  9. Harro Höpfl, “The Ideal of *Aristocratia Politiae Vicina* in the Calvinist Political Tradition,” in *Calvin and His Influence, 1509–2009*, eds. Irena Backus and Philip Benedict (Oxford: Oxford University Press, 2011), 56.
  10. Beza, *De Jure Magistratum* (Ioannem Mareschallum Lugdunensem, 1576), 80–81.
  11. *Ibid.*, 11.
  12. *Ibid.*, 17. Notably, the Henry-Louis Gonin translation describes this in terms of a “right” to resist, but this vocabulary is absent from the original Latin passage.
  13. Johannes Althusius, *Politica Methodice Digesta* (Herborn 1614). The first edition was published in 1603, then substantially revised in 1610 and 1614.
  14. *Ibid.*, XXVIII.23–4, 582.
  15. *Ibid.*
  16. *Ibid.*, XXXIX.8, 946. Althusius repeats versions of this a fortiori argument in multiple passages: “Even almighty God is said not to be able to do what is evil and contrary to his nature,” XIX.11, 330. Further, we do not consider God “to be less powerful because he is intrinsically unable to sin” (*Nam Deus non eo minus potens censetur, quod per se peccare non possit*), XXXVIII.72, 914.
  17. *Ibid.*, XXVIII.22, 581. Althusius believes that earthly rulers have a corresponding obligation to hold the people accountable to the terms of the covenant. If a prince were to fail to correct his people for breaking covenant with God, the prince would be liable for divine judgment as well as the people. The difference in this case, however, is that the earthly ruler acts as merely an administrator over the people. Althusius does not address what should happen if (a) the people break covenant with God; (b) the ruler attempts to correct the people; and (c) the people respond by deposing him.
  18. A number of excellent scholarly works have addressed the political importance of theological debates over Paul’s claim in Romans 13 and other scriptural loci classici. Notable works

- on this topic include Daniel Toft, *Shadow of Kings: The Political Thought of David Pareus, 1548–1622* (PhD diss., University of Wisconsin–Madison, 1970); G. Sujin Pak, “Luther, Melancthon, and Calvin on Romans 5 and 13,” in *Reformation Readings of Romans*, ed. Kathy Ehrensperger and R. Ward Holder (New York: T&T Clark, 2008); and the critical edition of Peter Martyr Vermigli’s influential “Commentary on Romans 13,” in *The Political Thought of Peter Martyr Vermigli*, ed. Robert M. Kingdon, (Geneva: Librairie Droz, 1980), as well as the later works contained in that edition.
19. Althusius, *Politica*, XXXVIII.1, 883.
  20. *Ibid.*, 884.
  21. *Ibid.*, 885.
  22. *Ibid.*, 886. He identifies the biblical Omride queen Athaliah, the French king Charles VI, and Philip II of Spain as examples of this form of rule.
  23. *Ibid.*, 886. The English translation strangely drops Althusius’s characterization of the oath as ordered to “religion.”
  24. See Althusius, *Politica*, XXXVIII.10–20. This catalog is not translated in the modern English edition.
  25. See Beza’s discussion of this in *De Jure Magistratum*, 29.
  26. The following summary is taken from Althusius, *Politica*, XXXVIII.46, 904.
  27. Althusius, *Politica*, XXXVIII.49.
  28. Some of Althusius’s recent interpreters have jumped too quickly from this political analysis to particular jurisprudential claims. Althusius’s *Politica* is fundamentally a work of politics, not jurisprudence (cf. his later work *Dicaeologicae*), and the point of talking about the “ephors” is not to identify a particular class of individuals in northern Europe but to say, in effect: in political communities, it is the right of those who justly represent the *populus* to defend it against tyrants for the sake of the common good. Robert von Friedeburg offers a contrasting interpretation in *Self-Defence and Religious Strife in Early Modern Europe. England and Germany, 1530–1680* (Burlington, VT: Ashgate, 2002), 116–18. He repeats this interpretation of Althusius’s ephorate in *Luther’s Legacy: The Thirty Years War and the Modern Notion of “State” in the Empire* (Cambridge: Cambridge University Press, 2016), 175 and n37, relying on what I take to be Henning Arnisaucus’s critical misreading of Althusius. While von Friedeburg and I differ on whether Althusius’s ephors necessarily identify a determinate constitutional office, we agree that for Althusius the right to resist does not come from heredity (as in earlier resistance literature, such as Philip of Hesse), but by virtue of the office one holds.
  29. Althusius, *Politica*, XXXVIII.53, 906.
  30. *Ibid.*, XXXVIII.63, 910.
  31. For instance, in his discussion of religious freedom (not a topic on which Althusius is usually considered open-minded), the careful reader can find evidence of a broadly prudential defense of toleration. Althusius cautions magistrates against enforcement of orthodox religion in ways that would imperil the commonwealth (particularly a commonwealth with no homogenous religious identity). In these circumstances, the civil ruler “ought to tolerate the dissenters for the sake of public peace and tranquility, winking (*conniveo*) his eyes” for the sake of the political and ecclesial communities, XXVIII.66, 602–3. The common good of peaceful fellowship takes priority to the extent that dissent can and should be tolerated.

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