

# **State, Governance And Regional Integration In Africa**

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## **Johannes Althusius' Medieval Theory of Federalism and Democratic Practice in Modern States**

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### **Abstract**

*Federalism is primarily a political theory with a rich and stimulating theoretical history traceable to the medieval Calvinist Protestant thinker, Johannes Althusius (1557-1638). This paper traced and discussed the medieval origins as well as the fundamental theoretical foundations of the theory of federalism. It argued that beyond the general and popular approaches which tend to focus on prescriptive distillations to identify different shades of federal practice and their differing outcomes federalism should most fundamentally be situated within the domain of political theory. It also discussed some fundamental liberal conceptual values embedded in the theory of federalism such as liberty, equality, social contract, consent, civil society and civil rights which are necessary for successful federal practice. The paper adopted the theory of subsidiarity as its theoretical framework. Data gathering was from secondary sources and data analysis was mainly historical and based on content analysis. The study concluded that recognition of the need for local autonomy and sustenance of the core liberal values are very essential for successful federal practice and therefore recommended effective power and resource devolution in contemporary federations.*

**Keywords:** Federalism, Political theory, Liberty, Contract, Consent, Decentralization

### **Background to the Study**

11<sup>th</sup> century Europe witnessed a series of interrelated politico-religious controversies woven around the investiture controversy between Pope/clergy and emperor/king of the Holy Roman Empire the philosophical resolution of which produced a rich theoretical literature with themes that still dominate contemporary social thought and organisation. One of such dominant themes is the theory and practice of federalism. The controversy centred on the concept of two swords representing the ecclesiastical and temporal powers of the medieval state. Popes, whose authority had been incorporated into the state from the conversion of Emperor Constantine the Great, began to challenge the authority of European monarchies over who had the authority to appoint (invest) local church officials such as bishops of cities and abots of monasteries – the Pope or the Monarch? The endorsement of the concordat of worms by Emperor Henry V and Pope Calixtus II in 1122 had temporarily put the conflict in abeyance but failed to prevent the thirty years war (MacCaffrey, 1908).

The 1648 Peace Treaty of Westphalia, which ended the thirty years war (1618-1648) recognized the plurality of about 160 states as well as several other

territories within the Holy Roman Empire, including the limited self-governing rights of about 4000 hometowns and cities. The empire became a confederation of sovereign territories ruled by some powerful monarchs who eventually transformed their territories into what came to be known as absolutist states (Bendix, 1978). Sovereignty meant the centralization of political authority with the implication that regional territories, autonomous localities, city domains and all other intermediate collectives or estates lost their autonomous rights of self-governance. This was the outcome of a protracted internal struggle involving some of the large states such as France, England and Prussia with their progressive centralization of military, fiscal and administrative powers against the forces of local liberty, autonomy and federalism (Tilly, 1992).

The Peace of Westphalia was a negotiated settlement between the imperial and anti-imperial enthusiasts emerging from the defunct Holy Roman Empire. These two forces delineated the pattern of representation during the settlement with the former drawing inspiration from Jean Bodin's theory of sovereignty being "supreme, absolute, indivisible, indestructible and indissoluble", while the latter relied on Althusius' federalist theory with its emphasis on liberty, equality, local independence or autonomy, and decentralization. Bodin located sovereignty in the monarch while to Althusius sovereignty was "neither supreme and perpetual, nor above the law", and bestowed it on the people. Eventually, though Althusius won with the Emperor's exclusive right of representation being compromised, making territorial and local representation possible, however, the emergence of absolutist states across Europe meant that Bodin eventually prevailed and Althusius' federalist ideas remained in obscurity until revived by Otto Gierke (Carney, 2004), before finding an opportunity for practical expression in the federal Constitution of the United States.

In course of the conflict the church was also confronted with yet another internal schism arising from calls for the decentralization of ecclesiastical authority concentrated in the Papacy from the Franciscan and Dominican Orders and later the Lutherans and Calvinists. These movements ignited the protestant reformation of both church and state at the transition from the medieval to the early beginnings of the modern era. Though Martin Luther had kick-started the protestant movement and the reformation much of the political writings that ushered in the modern liberal and democratic ideas emanated from the Calvinists, one of whom was Johannes Althusius.

The road to modern democracy began with the Protestant Reformation in the sixteenth century, particularly among those exponents of Reformed Protestantism who developed a theology and politics that set the Western world back on the road to popular self-government, emphasizing liberty and equality. While the original founders and spokesmen for Reformed Protestantism did much political writing, their writing was often either theological or polemical in character. Only at the end of the first century of the Reformation did a political philosopher emerge out of the Reformed tradition to build a systematic political philosophy out of the Reformed experience by synthesizing the political experience of the Holy

Roman Empire with the political ideas of the covenant theology of Reformed Protestantism. That man, Johannes Althusius, presented his political philosophy in a classic work, *Politica Methodice Digesta*, first published in 1603 (<http://oll.libertyfund.org/Texts/LFBooks/Althusius0010/Politica/0002>) retrieved 15/09/2017.

Althusius' *Politica* was the first book to present a comprehensive theory of federalism and republican government based on a covenant. Popular rule in a federation is therefore based on a covenant between the people and their leaders. Instructively this covenant is derived from Christian theological and therefore there are some fundamental liberal conceptual values embedded in the theory of federalism such as liberty, equality, social contract, consent, civil society and civil rights, which play a pivotal role in strengthening democratic practice in the modern society.

The modern theory of federalism is deeply rooted in medieval Calvinist Protestant Christian political thought, germinating out of the twin medieval concepts of macrocosm and microcosm as well as the hierarchical structure of decentralized or parcellized feudality. Federalism is of the same theoretical genealogy with sovereignty and both eventually manifested in the transitional struggle between the Christian medieval and secular modern epochs in Europe. Consequently certain ethical values constitute an integral aspect of the conceptualization and institutionalization of federalism. At the core of the theoretical formulation of federalism is the doctrine of liberty in both Christian and secular domains from papal and imperial centralized despotism. The central figure in that theoretical formulation was Johannes Althusius, a Calvinist protestant reformation thinker, whose primary concern was the recognition of social groupings as natural and whose liberty and independence from centralized domination were conceived as indispensable.

The first problem this paper seeks to address is the suitability or propriety of the categorization of federalism as a theme in either government and politics, development studies, or comparative politics rather than political theory. Jinadu (in Akinyemi, Cole & Ofonagoro eds. 1980, p. 13) has argued that the "academic study of federalism is, of course, part of what we call comparative politics or comparative political institutions and comparative theory construction. In other words what one does when one studies federal systems is comparative, i.e. cross-sectional or cross-cultural research" Similarly Awa's (1976) focus is essentially a comparative study of federations. Such an approach tends to confuse or conflate the concepts of federalism and federation and therefore clearly misleading and unhelpful for a proper study of the theory of federalism. The pioneers in modern studies of federalism, from the writers of the federalist papers (Hamilton, Jay and Madison) to K. C. Wheare, adopted this approach and therefore could not advance further on the theoretical foundations laid by Althusius in constructing a modern theory of federalism. Jinadu (in Akinyemi, Cole & Ofonagoro eds. 1980, p. 14) followed this line of thought when he stated that "it is probably misleading to talk about the theory of federalism", but rather "talk about explanations of federal experiments".

Secondly, being rooted in Christianity there are certain ethical values embedded in the concept of federalism that are considered inseparable from it. In other words the theory of federalism cannot be entirely secularized, as doing so would compromise its core values as a model for polity construction. Completely divorcing federal practice from Christian morality would be detrimental to political stability in contemporary society. The third problem is that the concept of liberty, which is one of the defining features of federalism, but has been overstretched, almost to the point of absurdity with demands for certain rights that challenge core Christian doctrines. Such demands include gay rights, heresies, bestiality, incestuous sexual rights and other illicit indulgencies in the name of freedom of conscience. Fourth is the tendency towards over-centralization in modern federations and the consequent erosion of local autonomy. These trends are deviations from the original Calvinist conceptualization of federalism and are detrimental to the political stability of contemporary democratic societies.

### **Methodology**

The research design adopted for this study is essentially descriptive, qualitative and historical and therefore depended on mainly secondary sources of data such as internet sources, books and academic journals, newspaper reports and news magazines. Data were analysed qualitatively through logical presentation and analysis of historical records as well as content analysis of archival documents.

### **Theoretical Framework**

To provide a sound theoretical framework for this study the theory of Subsidiarity was adopted. It is a theoretical rule or principle empowering lower government bodies or non-governmental institutions to take decisions on issues peculiar to them. Subsidiarity emphasizes the need for lower levels of social groupings to freely govern themselves without interference from higher levels or authorities.

Bednar (2014, p. 231) defined subsidiarity as “a systemic predilection for locating authority at the most local level feasible”, and also referred to it as the “soul of federalism”. From this perspective federal systems across the world are generally guarded by the principle of subsidiarity. It has been utilized to explain the European Union, American, German and Canadian federations. Recent adoption of subsidiarity as a Term of Reference for Australian federal reform is indicative of its usefulness as a guide for reassigning the basic roles and responsibilities of governance to the most local level in emerging federations or for consolidating existing ones. In the same vein Halberstam (2009, p. 34) asserts that “federal systems across the world are generally designed according to the principle of subsidiarity”.

In what appears to be a cultural or ideological view of subsidiarity one of its major proponents, Duchacek (1987 p. 344), comments that “the tendency or habit of thinking primarily in terms of local (territorial) initiative and responsibility...may perhaps present prima facie evidence of a federal political culture”. Such local

initiatives are viewed as a responsibility rather than usurpation or challenge from below. To some scholars the principle of subsidiarity is much broader than the way it is generally described in the literature on federalism. Hence Deem ([http://paperroom.ipsa.org/.../paper\\_58271b.pdf](http://paperroom.ipsa.org/.../paper_58271b.pdf)) suggests that a more nuanced approach to the relationship between federalism and subsidiarity is required.

He notes that the institutional/theoretical relationship between subsidiarity and federalism is diffuse and therefore deserves closer scrutiny in order to also appraise the depth of the divergences. From the time of Althusius, the ideas which underpin subsidiarity have been used and reinterpreted in new and divergent ways, most notably by the Catholic Church as well as the Calvinists, each claiming originality. It has been argued that “Subsidiarity is a uniquely Catholic principle that underlies much of the Church’s teachings on social justice issues. The fact that subsidiarity is now the subject of debate among Brussels bureaucrats and American Presidential advisors does not render its religious origins less relevant” (Vischer, <https://mckinneylaw.iu.edu/.../vol35p103>). Along this same line of thought, for instance, Pope Pius XI famously stated that:

just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organisations can do ([http://www.vatican.va/holy\\_father/pius\\_xi/encyclicals](http://www.vatican.va/holy_father/pius_xi/encyclicals)).

In this statement he may have hinted at the central idea behind subsidiarity, i.e. whatever function or task or policy that could be accomplished at the lower level should not be taken away and exercised by higher authorities. However, Follesdal (2014) notes that the Catholic conception of subsidiarity is more tolerant of central intervention. Similarly, another scholar, Hittinger (2008, p. 16) argues that “[it] is proposed as a principle of non-absorption, not a principle that necessarily requires devolution”. Subsidiarity, from this perspective, is not about power or resource devolution but rather local initiative derived from the local environmental and cultural peculiarities. Chaplin (2014, p. 17) asserts that subsidiarity calls for responsibility, “not at the lowest possible level, but rather at the right level”, and that as a result, it “does not tell us what the right communities are”. What makes the community right are the ecological peculiarities associated with it, which higher levels may not be familiar with and effectively address. However Weinstock’s (2014, p. 261) view of subsidiarity as a rule that “tells us how power should be organized within federal arrangements”, brings the two concepts closer. These discrepancies reflect the way that different conceptualizations of subsidiarity have different implications for understanding federalism. From a broader perspective, however, this relationship becomes somewhat loose, making it possible for subsidiarity to specifically address local needs, initiatives and exigencies. This appears to be the case with the European Act signed in 1986 and implemented on July 1, 1987, according to

the Maastricht Treaty which came into effect on November 1, 1993. Article 3b of that Treaty defines the principle of subsidiarity thus:

The Community shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein. In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community. Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty.

From this definition the principle of subsidiarity refers to the question of the allocation of powers to federal components located at different jurisdictional tiers in governmental systems, though the Treaty itself does not assign any powers. Althusius discussed in great detail the importance of local autonomy and hierarchies of competence at local, provincial and 'national' levels, based on the principle of subsidiarity.

### **Theological Origins of Federalism**

The theory of federalism is rooted in medieval political thought dominated by ecclesiastical philosophers in bitter contention with emerging and sometimes considered heretical liberal theoretical formulations. Religious freedoms from Papal as well as imperial politico-religious centralization were at the root of this controversy. Early protestant movements were instigated by the need for liberty of association and power devolution from papal as well as imperial despotism that characterized the universal empire. The concept of liberty from a Calvinist background, after Martin Luther's Ninety Five Theses, had kick-started the Reformation movement and ensured that the idea of the Pope's absolute authority (or fullness of power) waned in favour of the empowerment of local church councils in decision making. The central idea is subsidiarity, i.e. lower levels of social organisation being given the leverage to take care of issues peculiar to them and which would be better accomplished by them. Luther had initiated the idea but it was the Calvinists that carried the message forward and sometimes even adopted violent means to achieve their purposes based on the principle of liberty.

The history of Calvinism is that of a cosmopolitan movement that inspired devout heroes such as the City Fathers of Geneva during the Enlightenment to lead collective revolts against tyranny and persecution for the sake of liberty and independence. It depicts a tradition that embraces religious freedom, i.e. freedom of conscience and thought. Jean-Jacques Rousseau, himself a native of Geneva, praised Calvin for boldly redefining the orthodox Christian laws and principles, and declared that so long as the love of country and liberty endured among enlightenment thinkers and activists, the memory of the Calvinists would be revered (Coffey, in Skinner & Gelderen, 2013). There have been these disagreements on perception between

political thinkers over the real place of Calvinism in the development of modern political ideas and social organization. Instructively these differing perceptions endured and were eventually ferried across the Atlantic to the United States.

John Adams of New England, one of the modern federalist political thinkers that crafted American federalism, disagreed with his friend and rival Thomas Jefferson who held a very strongly negative view of Calvinism and indeed warned against the danger of its introduction into America. Adams had insisted that the contribution of the City Fathers of Geneva to religious liberty, and by extension federalism, cannot be forgotten (Coffey, in Skinner & Gelderen, 2013). It was from the Hebrews and church polities, by way of Reformed Protestant traditions, that average Americans learned to decentralize and federalize authority. Althusius' ideas that were suppressed by the absolutist kings in Europe eventually resurfaced and were revived and animated in the United States of America after over two centuries.

This is why John Adams, in his study of the sources of American liberty and the American Constitution, mentioned not only Sidney and Locke but also the works of Reformed Protestants, particularly the *Vindiciae Contra Tyrannos* (published in 1579 in Edinburgh under the pseudonym of Stephanus Junius Brutus). In the *Vindiciae* the rights of peoples and groups within the kingdom are described as God-given rights, entrenched in and based on a covenant. The concept of pluralism has its origins in the *Vindiciae*. In April 1517 Martin Luther wrote 95 Theses to protest the sale of indulgences in Saxony. Within months, contrary to Luther's intentions, these theses had been printed and widely distributed, provoking a storm of controversies that started in Germany and, in no time, spread throughout Europe, igniting the Reformation.

It introduced the concept of "civil religion", which meant a set of moral imperatives expressed in religious language and intended to frame and motivate public policy. These moral imperatives were cast in theoretical terms but driven by theological imperatives and implicitly crafted into the theory of federalism as a paradigm of decentralization and power sharing between co-ordinate jurisdictions. Alexis de Tocqueville also recognized the role of Christianity in America's dominant ethos and ethical values and argued that it was the faithful spirit of Americans that has kept them from "democratic despotism, withdrawn individualism, and materialism" (Moots, 2010, p. 78-106). Hence, there is always a synergy between religion and culture, or more specifically Christian religion and western culture.

Calvin insisted that liberty was actually promised and offered by Christ through the scriptures and could therefore not be extended to a licentious lifestyle in the name of secularization. The principles that guide federal practice are therefore based on Christian culture. Til (1972, p. 200) therefore insists that, "Culture is simply the service of God in our lives; it is religion externalized" and that "all culture arises out of religion". Indeed, Christian character and philosophy have an obvious influence on the Anglo-American legacy of institutions and practices supporting ordered liberty. Very germane here is the close relationship between federalism and Christian religious morality. Some Calvinist resistance theorists feared for the

implications of uncontrolled or unlimited liberty and had no intention of lending support to ‘libertines’ who promoted a doctrine of liberties such as ‘liberty of conscience’ for heretics, perverts and idolaters.

The roots of the modern theory of federalism are traceable to the writings and activism of Johannes Althusius, a political theorist, Calvinist church elder, and active local politician at the beginning of the 17<sup>th</sup> century in Europe. In his political treatise, the *Politica Methodice Digesta of 1603* he laid out the theoretical lineaments of the concept of federalism. He is generally given credit as the first modern theorist of federalism (Hueglin, 1999). His political agitation was to defend the autonomy of smaller communities, cities and religious and ethnic minorities, against the domineering disposition of the absolutist state and that provides the philosophical foundation of the theory of federalism.

Althusius, known as the ‘father of federalism’ was the Syndic (‘governor’ or ‘magistrate’) of Emden, a city on the border of Germany and the Netherlands. As Syndic, Althusius was keen to protect his city from the influence of the provincial lord and Catholic Emperor. Thus, in *Politica*, which he wrote prior to his appointment, but revised during his time in office, Althusius theorises in great detail about the importance of local autonomy, and hierarchies of competence between local, provincial and ‘national’ governments.

The concepts of Federalism and Sovereignty are intricately tied to each other. From the same pot they only grew in different directions with great implications for contemporary political thought. Sovereignty meant that regions, localities and all other intermediate identities lost their autonomous rights of self-governance after being subsumed under a higher power. This did not happen overnight, and neither did it happen everywhere to the same extent. It was the product of a prolonged struggle. But in the end, some of the large states such as France, England and Prussia succeeded in centralizing military, fiscal and administrative responsibilities, while the smaller territories either had to follow suit or became absorbed into the larger ones (Tilly 1992, 190).

The practice of forming confederations has a long history reaching right down to the Greek and Roman classical era. Military alliances were woven around Athens and Sparta to prosecute the several wars between the two great enemies of the classical world. However, operationalization of the concept of federalism could be traced to the period of transition from the medieval to the modern era with the collapse of the Holy Roman Empire and the emergence of the early modern absolutist state (Anderson, 1975).

### **Federalism in Medieval Political Thought**

Althusius presented a comprehensive theory for constructing and managing the ideal polity whose functional parameters would be in harmony with the divine principles by which God ruled the entire universe. It was a general principle that would form the basis for organizing all aspects of the political society as a whole and in parts. What this means is that the entire gamut of the organisation of society would be based on federal principles and designed in accordance with the network of

biblical covenants by which God rules the universe. The federal principle is based on a realistic understanding of human nature in terms of limits and possibilities according to which human beings and communities exist and function. That is Althusius' "new science of politics." His federal theory is based on a grand design involving a series of building blocks, i.e. self-governing cells or units from the smallest and closest groups to the universal commonwealth.

### **Bridge between Medieval and Modern Political Thought**

Althusius was the colossal intellectual figure that stood at the intersection of the transition from medieval to the beginnings of the modern era. As a Protestant Christian Althusius' grand federalist theory stretched the dominant controversy of the epoch in another dimension but still in opposition to Papal theory of fullness of power as well as the universal empire. He opened the modern era with a theoretical foundation derived from the earlier medieval theory of microcosm/macrocosm, which he reformulated and delivered as a precious gift to the modern liberal political tradition. He synthesized and secularized an earlier Protestant doctrine for the construction of an ideal polity away from Papal centralization and concentration of power with a freshness that would be attractive to the liberal political thought of the modern epoch in concrete and practical terms. His was a pluralist theory that emphasized power sharing between layers of covenanted and co-ordinate jurisdictions. Though unsuccessful at the time due to the prevailing absolutist tendencies across Europe once planted it could not completely wither but had to wait for its own time to germinate on the American soil before spreading across the world unifying most of the largest modern nation-states. Powerful kings had emerged from the Thirty Years War armed with negotiated concessions from the protagonists of the universal Christianized state. This enabled them to establish their states on the principles of centralized sovereignty located in the monarch or the monarchy.

### **Theories of Federalism and Sovereignty**

The concepts of sovereignty and federalism were outcomes of the Thirty Years War in Europe between the Christian universal empire or Holy Roman Empire and another set of kings that insisted on the independence and sovereignty of their territories, who recognized no higher authority and owed loyalty to no one. The Christian empire had collapsed as a result of the war and had no means of subjecting these belligerent kings under its authority and was therefore compelled to concede the independence and sovereignty of the opposing monarchs. It was ironic that these same monarchs that fought so furiously for independence and sovereign authority held captive other layers of subordinate cities, provinces and local territories, whose only hope for freedom was internal decentralization through federalism. The concept of sovereignty meant a constitutionally centralized political authority not willing to share jurisdictions or competences with lower rungs.

Consequently, opposed to this idea of power centralization was Althusius' conceptualization of federalism based on power sharing with lower levels of administration in such a manner that each would be independent and free in the

spheres natural to it without interference from the other. Such a principle of governance would be unthinkable in an era of monarchical rule instituted by victory in a protracted warfare. When Jean Bodin introduced the concept of sovereignty, as the supreme indivisible and indissoluble power in the state and coincidentally located it in the monarch it was obviously the toast of the era and would accordingly carry the day.

Consequently, in course of the scramble over the direction and pattern of European state-building in the seventeenth century between Althusius' federalist model and Jean Bodin's theory of sovereignty, the former lost out to the latter and the supreme state theorists who called for the establishment of reified centralized states where all powers would be bestowed on a divinely ordained king at the top of the power pyramid or in a sovereign centre prevailed (Gierke, 1968). After that setback Althusian federalist thought and its exponents became feeble and eventually disappeared from the mainstream of modern political philosophy. It was the American federalists, Alexander Hamilton, John Jay and James Madison, that reinvented modern federalism on the basis of Althusius' federal principles and thus reintroduced the idea of the state as a political association rather than a reified edifice that was thought to possess an existence independent of the people and groups that constituted it (Friedrich, 1932). The modern epoch, of course, came to be characterized as one of sovereign territorial nation-states. Sovereignty meant that regions, localities and all other intermediate powers lost their autonomous rights of self-governance.

### **Federalism and the Theory of Social Contract or Covenant**

The idea of *Foedus* (covenant, contract, agreement or bond) is the philosophical foundation of Althusius' political thought and the only legitimate basis for political organization on federalist principles. Based on that, Althusius developed a covenantal-federal model for his ideas that is comprehensive in scope. If the "universal association is constructed as a federation of communities", as viewed by Althusius, that philosophical background is rooted in the medieval microcosm/macrocosm thought and hierarchical organization. That makes politics entirely federal, based on the principles of union, sharing and communication as expressed in his idea that the members of the state or federal union are symbiotes. "Althusius' dual emphasis on federalism as a relationship and on sharing as the basis of federal relationships has turned out to be a basic axiom of federalism" (Elazar, <http://www.jcpa.org/dje/articles2/althus-fed.htm>). Different empirical manifestations of a federal relationship (federations) are identifiable as the ideal of sharing can be realized in different ways. The most crucial statement Althusius has made is that federalism is essentially a relationship and sharing between levels of a federal union is its guiding principle. Any particular composition of a federal polity is therefore a symbiotic association constituted by symbiotes through communication. Crucially Althusius's theory based the essence of social relations on the unique idea of a contract. Consequently "the contracting parties which produce the state are not individuals but communities" and the state itself is "a community in which several

cities and provinces have bound themselves by a common law” (Sabine & Thorson, 1973, p. 389). Most crucial are the ideas of contract or consent rather than divine right of kings.

### **Natural and Civil Associations**

Althusius recognized the existence of both natural and civil associations in the private sphere based on the natural right of association. An assertion of this nature could be identified as the root of the concept of pluralism. What Althusius emphasized and strove for was essentially a plural society with effective power dispersal and decentralized governance based on covenant. The family is a natural association sustained by two relationships: conjugal and kinship. Though the family is a conjugal relationship, it is also covenantal. The collegium or civil association, both secular and ecclesiastical are covenantal. Mixed and public associations are also covenantal with the city formed from a union of collegia, while the province was from a covenantal union of cities, and finally the commonwealth from a covenantal union of provinces. For Althusius covenants are the only means by which symbiotes can form and maintain associations. They are formed from both necessity and volition. It is not difficult to see how Althusius’ theory of associations forms the basis for modern ideas on Pluralism, a rich theoretical legacy on which modern democracies thrive.

### **Location of Sovereignty**

Althusius located sovereignty in the people as a whole. This is what makes the good polity a *res publica* or commonwealth. The polity is viewed in terms of layers of consociations, enabling the people to delegate the exercise of sovereign power to different bodies according to their sovereign will. Jean Bodin had argued for the indivisibility of sovereignty, a popular concept that created stumbling blocks for federalism.

Sovereignty was the absolute and perpetual power of commanding in a state. It was absolute because power was given to the prince without any conditions attached. It was perpetual because it could not be revoked. It was the power of giving orders to all, and receiving orders from none. The sovereign was above and could not be bound by his own laws. His authority to command obedience resulted from the ends for which society existed (Curtis, 1972, p. 301-302).

The sovereign was answerable only to God or the eternal law of God. Inspired by this theory the emerging post-medieval state system was based on the principle of indivisible sovereignty with power concentration and centralization in the absolute monarch, a political structure that was antithetical to the hierarchical medieval feudal/ecclesiastical system.

With the predominance of centralization of sovereignty and bestowed on the monarch the medieval world of states conceptualized on hierarchically shared sovereignties lost the battle and so did Althusius and his federalist theory. It took the grace of the founders of the American federation to revive thought on federalism as a possible structural model capable of providing the solution to the problems of both power centralization and weak confederations in a liberal society driven by the concept of pluralism. Althusius provided the theoretical foundation for American federalism in the modern epoch after a hundred and seventy five years of struggle with absolutist monarchy.

Althusius understood political sovereignty as the power to constitute government—a power that is vested in the people as a commonwealth. That power to act as the people, which is their sovereign power he located in the *jus regni*, the fundamental law contained in the constitution. Vesting sovereignty in a constitutional document is consistent with covenantal federalism, the most significant element of identity in a federation, and is the basis for the constitutional power division between the centre and the component units.

### **Biblical Foundations of Federalism**

As a Calvinist and a political thinker “Althusius serves as a bridge between the biblical foundations of Western civilization and modern political ideas and institutions” (Elazar, <http://www.jcpa.org/dje/articles2/althus-fed.htm>). He successfully traced the biblical foundations of the problems of modern politics and also used them to proffer solutions in terms of institutional prescriptions for the modern state. Initially he was considered less useful for the modern epoch due to his unyielding Calvinist emphasis on the necessary links between religion, state, and society at a time other political thinkers like Machiavelli and the social contract theorists made strenuous efforts to jettison religion as a major component of modern statecraft. Such thought contradicted Althusius and he was abandoned for a hundred and seventy five years during the process of construction and development of the modern secular state. Althusius’ version of the Calvinist model of the necessary religiously homogeneous polity may not be revived in the modern epoch but without doubt this theoretical model and the effects of its absence are manifesting in the management of the so-called modern secular state which continues to grant extensive human and civil rights that are fast becoming a fetter on modern society.

### **Civil Society and Civil Rights**

No civil society can be held together without being rooted in some transcendental ethical norms that bind the citizens and establish the necessary basis for social trust and communication. The intricate connection between biblical commandments and ethics as the basis for both law and right, may not originate from Althusius, but could nonetheless through his thought offer possibilities for renewed social cohesion in the modern federal state. This is because Althusius understood the two dimensions of the Christian order as representing ethical religious piety and justice, both of which are necessary foundations for contemporary civil society.

Without doubt modern civil society is driven by civil rights and justice, but bereft of morality would be detrimental to the development of society. Undue secularism as being witnessed in contemporary western society, spreading into and sometimes being imposed on the Third World, striving for rights of social depravity are fast eroding the threads that bound society together. Quests for liberty by heretics, perverts and idolaters extending the frontiers of civil and human rights beyond rationality and without being guided by transcendental ethical norms are fast eroding the covenantal foundations of federalism as conceptualized and articulated by Althusius. The following prayer clearly defines the new liberal trend.

Heavenly Father, we come before you today to ask for your forgiveness and seek your direction and guidance . . . we have lost our spiritual equilibrium and reversed our values. We have ridiculed the absolute truth and called it Pluralism. We have worshipped other gods and called it multiculturalism. We have endorsed perversion and called it alternative lifestyle. We have exploited the poor and called it lottery. We have rewarded laziness and called it welfare. We have killed the unborn and called it choice . . . We have coveted our neighbours' possessions and called it ambition. We have polluted the air with profanity and pornography and called it freedom of expression. We have ridiculed the time-honoured values of our forefathers and called it enlightenment (Minister Joe Wright at opening of Kansas Senate, 2018, culled from internet, [www.centrevilleroad.com](http://www.centrevilleroad.com)).

These and several other dimensions of social profanity and perversion have been introduced in the west and spurred on with perfectly coined liberal phraseology in order to obtain social justification. Althusian federalism is the lost political and, hence, spiritual equilibrium.

### **The Modern Constitution**

Althusius also introduced the concept of a civil constitution derived from the biblical constitution of Israel instructed by God after the institution of the monarchical state in I Samuel 10: 25, recommending it for any state, including the universal empire. Since it is derived from biblical sources the constitution is in complete harmony with divine and natural law. Contemporary political theorists' emphasis on secular constitutionalism or law runs contrary to Althusius' emphasis on transcendental ethical standards for justice and fairness in power distribution in a plural society. His insistence on individual rights derived from their membership of associations both as individuals and groups is guided by Christian theological covenant and morality. Modern constitutions still contain strong elements of Christian religious foundations, reflecting philosophical morality and political organization. Althusius even advocated both spiritual and practical contents in modern constitutions rather than an ethically empty secularization in the name of liberty and human rights at the root of contemporary social crises and instability.

### **Political Participation**

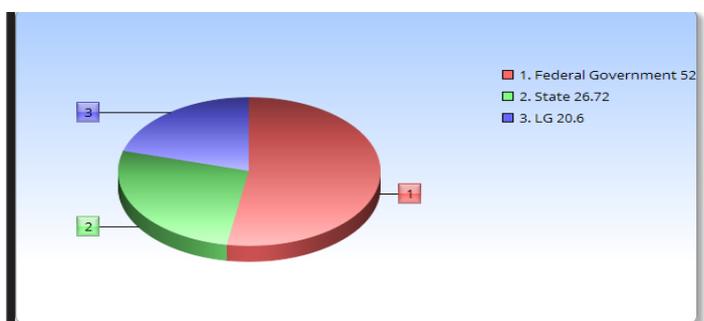
Althusius advocated different categories of governance to enable participation at the different levels of the federal structure and the processes of composition could also vary at the different levels. The crucial point is to ensure, as much as possible, direct participation or direct democracy at the lower levels of governance. It is therefore possible to practice direct democracy at the local level, some form of indirect democracy at the state level and representative democracy at the national level.

The relationship between the private and public realms was of major concern to Althusius. He recognized a connection between simple private associations like the family and the college and the mixed and public associations of city, province, and commonwealth. However he believed in sharing between these realms without necessarily subjecting one to the other. The two perform different and specialized functions that sustain the society. One does not need to disappear to enable the other expand. Power sharing can operate at different levels and in various dimensions. This leads us to the second half of Althusian thought: that dealing with statesmanship, prudence, and administration. Althusius saw all politics as federal. He was not an advocate of an individualistic lifestyle and an atomized society in which everything is privatized and all pursuits and endeavours privately directed. Federalism is “a pluralist model in which power, instead of being concentrated in the hands of a group or class, is treated as diffused among many interest groups competing against each other for power” (Varma, 1980, p. 246). These differences are natural and should form the basis for mutual interaction rather than conflict.

### **Implications for Nigeria – Over-centralization**

The fundamental idea behind federal practice is the principle of subsidiarity, which emphasizes local autonomy, neighbourhood initiative, responsibility, and self-government, achieved through constant restructuring with emphasis on downward power devolution and participatory democracy. Consequently ideas such as “federal might”, a bloated federal exclusive legislative list, national outlook, national imposition and supervision or oversight, joint accounts, top-bottom decision making etc. that are being practised in Nigeria are antithetical to federalism. The most crucial problem confronting Nigeria is that of over-centralization in which the Federal Government is looked up to and acts as a Leviathan, trampling on the rights of the states in various ramifications the most crucial being that of revenue allocation in which the Federal Government receives more than the states and local governments put together (See Figure 1).

Figure 1: Revenue Allocation between the tiers of government in Nigeria



Source: THEWILL, thewillnigeria.com, July 22, 2015

Given this condition the states are not able to act independently of the Federal Government in handling emergencies, security, economic management and even political issues such as election management. The authoritarian and predatory nature and character of the Federal Government, having been imposed under the military regimes, is still very visible even under democratic administrations. “The most significant trend has been the phenomenal increase in Federal revenue: it has multiplied over fourteen times in a single decade” (Oyobaire, in Panter-Brick ed., 1978, p. 234). Even Wheare (cited in Akinyemi et al, 1980: 29-30) had warned that “financial subordination makes an end of federalism in fact, no matter how carefully the legal forms may be preserved”. Situations such as the Nigerian case are clear aberrations to the federal theoretical prescriptions of Althusius and the subsidiarity principle that drives federalism.

### **Conclusions**

The study arrived at the following conclusions that:

- Federalism is erroneously being treated as a theme in comparative politics rather than political theory. Federalism is primarily a political theory.
- The roots of Federalism can be traced to the medieval political thought of Johannes Althusius.
- Federalism is closely related to the theories of subsidiarity and sovereignty as espoused by Jean Bodin.
- Conceptualizing the need for liberty from centralized authority and the encouragement of local autonomy produced the theory of federalism.
- Most of the principles and ethical standards that sustain contemporary liberal societies, but are being eroded by extreme secularization, originated from the theory of federalism.
- Authoritarianism or despotism and power centralization or concentration are antithetical to federalism.
- Some of the rights being demanded by social perverts, heretics and idolaters run contrary to the fundamental principles of federalism and have the capacity to destroy federations.

### **Recommendations**

Based on the findings and conclusions stated above this study makes the following recommendations:

- The Christian ethical values embedded in federalism should be sustained and strengthened as a means of unifying contemporary societies.
- Federalism should be adopted as a model by nations that cherish liberty and local initiative.
- Federalism should be granted due recognition as a theory in the area of specialization in Political Science known as political theory.
- States practicing federalism should actually encourage local autonomy beyond power division between the centre and the component units.

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