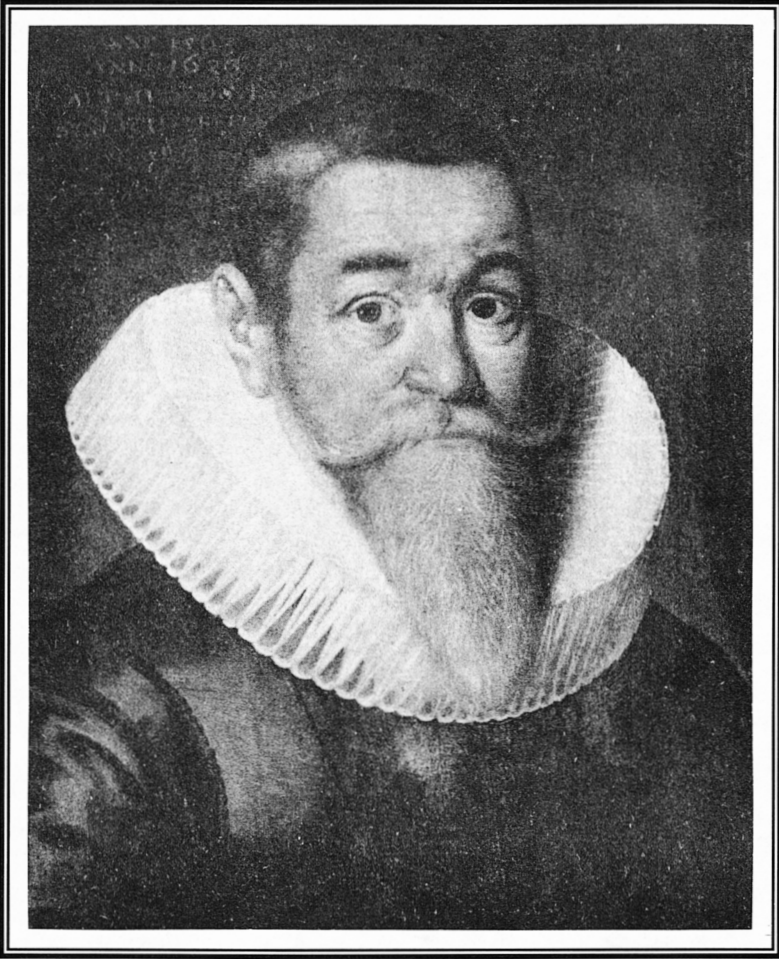


Politica





Johannes Althusius

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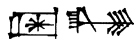
AN ABRIDGED TRANSLATION OF

*Politics Methodically Set Forth and Illustrated with
Sacred and Profane Examples*

EDITED AND TRANSLATED, WITH AN INTRODUCTION

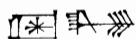
by Frederick S. Carney

FOREWORD BY *Daniel J. Elazar*



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Translator's Introduction

The New Interest in the Political Theory of Althusius

Johannes Althusius has enjoyed the good fortune in recent times of frequent notice in political, theological, sociological, and historical writings. This has been true ever since Otto Gierke in the latter part of the nineteenth century recovered Althusius from two centuries of relative obscurity, and attributed to his *Politica* (*Politica methodice digesta*) the distinction of making one of the pivotal contributions to Western political thought. He saw in Althusius a seminal thinker who was enabled by an exceptional learning in law, theology, politics, and history to formulate a political theory that served as something of a culmination of medieval social thought and a watershed of modern political ideas. The chief features of this theory, Gierke felt, were to be found in its contractual and natural law principles.

The renewal of interest in Althusius was given further impetus by the labors of Carl Joachim Friedrich, who in 1932 not only republished the largest part of the 1614 edition of the *Politica* in its original language, but also provided for it an introduction that considerably advanced our knowledge of Althusius' life as well as his thought. Friedrich focused attention on the concept of the symbiotic association as the foundation of Althusian theory, and on the Calvinist religion as interpretive of this concept. In so doing, he differed quite noticeably from Gierke in his understanding of Althusius' political theory. Nevertheless, he shared with Gierke a very high estimate of Althusius' importance, even to the extent of considering him to be "the most profound political thinker between Bodin and Hobbes."

In addition to Gierke and Friedrich, the two persons who have done most to establish Althusius' reputation in the contemporary world, there is also a small but growing and impressive group of scholars from various political and religious traditions who have devoted considerable attention to his thought. The names of John Neville Figgis, R. W. and A. J. Carlyle, Pierre Mesnard, Erik Wolf, Ernst Reibstein, Peter Jochen Winters, Heinz Werner Antholz, and others whose works are listed in the Select Bibliography of this translation testify to this. These men have addressed themselves to a range of topics in Althusian scholarship that reflects the wide scope of his thought. Included among such topics have been the constitutionalism of Althusius, the relation in his thought of philosophical norms to political processes, the contributions of Althusius to jurisprudence, his theory of associations, the Calvinist religious elements in his political theory, the role of the Spanish school of social philosophy at Salamanca in the development of his thought, and Althusius' employment of his own political teachings while serving as Syndic of the city of Emden for thirty-four years.

It is a striking feature of Althusian studies, however, that until this translation was made there had not been a published translation of a substantial part of the *Politica* in any vernacular language. Wolf translated a few pages into German from the 1603 edition, and included them in a collection of juridical writings by various authors that he published in 1943. Friedrich circulated in mimeographed form ten pages of selections he put into English from the 1614 edition. And Father Stanley Parry translated, and at times paraphrased, major portions of the 1614 edition for a privately used English typescript in connection with his doctoral studies on Althusius at Yale University. But so far as I am aware, this abridged translation represents the first published attempt in a modern language to present in Althusius' own words the entire basic structure of his political thought, as well as the chief arguments by which he compared and contrasted his own position with that of his contemporaries. The reason why such a translation has not been attempted before may well be because of some unusual problems it presents to the translator. I shall discuss these problems, as well as the justification for abridging the original work, in the final section of this introduction.

It may be helpful in concluding this section to note briefly some of the most important facts of the life of this man whose thought is now acquiring new attention among scholars in a number of disciplines.

Little is known of the early years of Althusius' life, except that he was born in Diedenshausen in Westphalia about 1557. He appeared in 1581 at Cologne, where he apparently studied the writings of Aristotle. It was at Basle, however, that he received his doctorate in both civil and ecclesiastical law in 1586, with a thesis on the subject of intestate inheritance. Surprisingly, he published *Jurisprudentia Romana*, his first book, during the same year. While at Basle he lived for a time in the home of Johann Grynaeus, with whom he studied theology and thereafter maintained a life-long correspondence. Sometime prior to obtaining his doctorate, Althusius also studied at Geneva with Denis Godefroy, the renowned textual scholar of Roman law.

Upon receiving his doctorate, he was called to the Reformed Academy at Herborn as a member of the faculty of law. Herborn Academy, which had been founded only two years earlier (1584) by Count John of Nassau, had become immediately successful and had attracted an international student body. Its first rector was Kasper Olevianus, the co-author with Zachary Ursinus of the Heidelberg Catechism. Althusius, in addition to his professorship in law, became councillor to the count in 1595 and, after some months of theological study at Heidelberg, was made rector of the Academy in 1597. His volume on ethics—entitled *Civilis Conversationis Libri Duo*—was published in 1601. But the greatest achievement of his Herborn years was the publication in 1603 of the *Politica*, a work that received immediate and wide attention.

The *Politica* seems to have been instrumental in securing for Althusius a most attractive offer to become Syndic of Emden in East Friesland. This city had been one of the first in Germany (1526) to embrace the Reformed faith. Ever since John Laski had been invited to Emden in 1542 by Countess Anna to reorganize its religious life, it had become a veritable “Geneva of the North.” Its strategic location on the frontiers of both the German Empire and the Netherlands gave it freedom of movement *vis-à-vis* its Lutheran provincial lord and its Catholic emperor. At the same time, its strong Calvinist spirit enabled it to exercise an exceptional influence in key areas of the Netherlands and Germany. Indeed, Emden was often called the “alma mater” of the Dutch Reformed Church, for it was from Emden that some of the early Dutch ministers came, and at Emden that many exiles from the Duke of Alva's persecution later found refuge. Moreover, at the Synod of Emden

in 1571 the Reformed churches of East Friesland and the Lower Rhine joined with the Dutch churches to form a union of the largest part of Northern Calvinism. Furthermore, Emden was a leading seaport, in close communication with England, and it served as a haven for a number of English divines during the Catholic reaction under Mary Tudor.

Recently, however, Emden had encountered increasingly serious conflicts with its provincial lord, as well as with various larger and more powerful units of the German Empire and Spanish Kingdom. The City Council was consequently seeking an exceptionally able leader to guide its negotiations and destiny. Johann Alting, a son of Emden's distinguished clergyman Menso Alting and one of a number of students from Emden studying law under Althusius at Herborn, apparently sent copies of the *Politica* home as soon as it was published. The favorable reception by Emdeners of the ideas on government expressed in this volume, coupled with Althusius' growing juristic reputation, led the City Council to invite him to become the Syndic of Emden.

He accepted the offer in 1604, and guided the political destinies of this city without interruption until his death in 1638. During the years of his service in Emden, he published two new and enlarged editions of the *Politica* (1610 and 1614), and also wrote the *Dicaeologica* (1617), an immense work that seeks to construct a single comprehensive juridical system out of Biblical law, Roman law, and various customary laws. In 1617 Althusius was elected elder of the church of Emden, a position he continued to hold until his death twenty-one years later. There is a sense in which his two functions of syndic and elder, coupled with capacities for leadership and hard work, enabled him to coordinate the civil and ecclesiastical jurisdictions of the city, and thus to exercise somewhat the same kind of influence in Emden as Calvin did in Geneva. His correspondence contains frequent condemnations of Arminian theological opinions, and in one letter he especially criticized the *Pietas* of Hugo Grotius on the basis that it would undermine the independent right and liberty of the church by transferring ecclesiastical functions to civil government.

The Basic Structure of His Thought

Althusius consciously organized his *Politica* according to Ramist logic. This is the explanation for the words "methodically set forth" in the title, and for the references occasionally found throughout the text to

“the law of method” and “the precepts of logicians.” Peter Ramus, a celebrated and highly controversial French logician of the sixteenth century, made use of the two traditional topics of logic: invention and disposition (or judgment). What was largely new with Ramus, however, was the manner in which he employed these two topics. Where invention had previously been understood as the processes for combining predicates with subjects in debatable propositions, under the influence of Ramism it also came to denote the processes for determining what material belongs to subjects as scholarly disciplines. And where disposition had previously referred to methods of arranging propositions into syllogisms or inductions, and these into discourses, with Ramism it also came to refer to the methods of organizing material appropriate to any given discipline. The change that has occurred is one in which logic is used to clarify not only what may be said for or against propositions and combinations or propositions, but also how a field of study may be “logically” organized. An assumption inherent in Ramism is that proper organization of materials is valuable not only for teaching and learning purposes, but also for the discovery and clarification of knowledge.

Ramus’ interpretation of invention made use of three laws he adapted from Aristotle’s *Posterior Analytics*. (1) The law of justice (*lex justitiae*) indicates that each art or science has its own purpose, that this purpose serves as a principle for determining what is proper to a given art (*suum cuique*), and that everything not proper to it is to be rigorously excluded. Althusius’ employment of the Ramist law of justice is introduced initially in the Preface to the first edition, where he says that “it is necessary to keep constantly in view the natural and true goal and form of each art, and to attend most carefully to them, that we not exceed the limits justice lays down for each art and thereby reap another’s harvest.” The purpose of political science, according to Althusius, is the maintenance of social life among human beings. He therefore proposes to remove certain legal, theological, and ethical material from it by which others in his judgment had confused and compromised its proper operation. He acknowledges, however, that two disciplines may have partly overlapping subject matter, as theology and political science share the Decalogue, and law and political science jointly embrace the doctrine of sovereignty. But he insists that each discipline must limit itself to that aspect of the common material that is essential to its own purpose, and reject what is not. (2) The Ramist law of truth (*lex veritatis*)

indicates that an art or science consists of universal and necessary propositions or precepts, and that those that are true only in certain places and times should be sifted out. For Althusius the problem was what to do with such politically relevant, but nevertheless contingent, matters as the varying character and customs of rulers and peoples. "Who can propose general precepts," he asks, "that are necessarily and mutually true about matters so various and unequivocal? The statesman, however, should be well acquainted with these matters." His solution is to retain some of these matters in his *Politica* for expedient reasons, but with advance warning to his readers concerning their quasi-scientific nature. They are especially to be found in the chapters on "Political Prudence in the Administration of the Commonwealth." (3) Ramus' law of wisdom (*lex sapientiae*) indicates that a proposition should be placed with the nearest class of things to which it belongs rather than with matters on a higher or lower level of generality. Although Althusius nowhere explicitly discusses this law, it is evident that he consistently employs it. For example, there are no propositions referring chiefly and generically to the city to be found in his opening discussion of politics in general. They are too restrictive for this level because politics also includes other associations in addition to the city. Nor are they to be located in his discussion of the rural village. They are too extensive for this level because other kinds of local community also qualify as cities. Rather all such propositions will be found in his discussion of the nonuniversal public association that is composed of families and collegia. They belong precisely to this level, as they do to no other. Althusius' use of the Ramist law of wisdom gives to the *Politica* a highly architectonic quality, even though the effect sometimes impresses the reader as somewhat superficial.

The most distinctive feature of the Ramist interpretation of disposition is its emphasis upon method. And this Althusius clearly appropriates. Ramus had written that those who think wisely and methodically "descend from the most general idea to the various divisions thereof, and thence to the particular cases it comprehends" (*Dialectique*, Paris, 1555, p. 4). Althusius opens the *Politica* with a general proposition that indicates the fundamental insight regarding the nature of political science that will be pursued throughout this inquiry, and suggests by implication the limits that will be observed. He then proceeds by dividing and repeatedly subdividing the subject matter,

each subdivision in turn opening with a sub-proposition relating to the general proposition and defining the appropriate material therein. He pursues this method with a tiresome regularity throughout the entire volume until the full implications of the opening proposition have been diligently sought out in their application to all forms and activities of political association.

“Politics is the art of associating men for the purpose of establishing, cultivating, and conserving social life among them. Whence it is called ‘symbiotics.’ ” This is the general proposition for the entire volume. It stands at the beginning of Chapter I, and guides and controls everything that follows. By referring to politics as symbiotics (or the art of living together), and to social life as symbiosis (or living together), Althusius means to include all human associations in his study. These he divides into simple and private associations (family and collegium), and mixed and public associations (city, province, and commonwealth). The latter are discussed in both civil and ecclesiastical aspects because provision for both body and soul is deemed essential to public social life. Although the concentration of this volume is upon the commonwealth, Althusius clearly believes that these other associations are the parts out of which, indirectly and directly, the commonwealth is composed, and that they furthermore share common problems of political organization with the commonwealth. Indeed, by first setting forth the principles by which these problems are to be met in the smaller associations, Althusius anticipates the major features of his discussion of the commonwealth except for the addition of the attribute of sovereignty, which is proper to the commonwealth alone.

Symbiotic association involves something more than mere existence together. It indicates a quality of group life characterized by piety and justice without which, Althusius believes, neither individual persons nor society can endure. He repeatedly asserts that piety is required by the first table of the Decalogue and justice by the second, and that the two together are furthermore validated in human experience everywhere. Thus both divine revelation and natural reason are called upon in political science to clarify the true nature of symbiotic association.

Wherever there is symbiosis there is also communication, or the sharing of things, services, and right. (The Latin word *jus* employed in this connection means both right and law.) Although politics is properly involved in each of these three forms of communication, it has

one basic concern with them, namely, the effective ordering of all communication. Therefore, politics is not interested in the goods of the tradesman or the skills of the craftsman, except inasmuch as these goods and skills must be socially regulated for the benefit both of the individual and of the association. Thus politics may be distinguished from economics. The communication of right (*jus*), however, is proper to politics in an even more basic manner. For by this kind of communication each association is given its political structure, and achieves that form of self-sufficiency appropriate to it. The right that is communicated is in part common to all associations, in part special to each type of association, and in part particular to each individual association.

Communication requires imperium, or strong rule, to be effective. Althusius has no interest at all in theories about human rights. What does interest him is the extent to which any association fulfills the purposes for which it exists. In this sense, an association has a holy vocation even as a person does. Consequently, Althusius is opposed to tyrannical rule not because it is undemocratic, but because it becomes ineffective in supporting the ends for which persons enter and remain in association with each other. He is opposed, for the same reason, to weak and vacillating rule. His interest in constitutional limitations upon the abuse of power arises from his concern that power be truly and lawfully strong. It is therefore characteristic of his thought that he advocates institutionalized restraints upon rulers in order to maintain effective symbiosis. Such restraints are intended to conserve lawful rule in an association and to correct or remove an erring ruler when necessary, but not to weaken the exercise of rule itself.

Persons enter and remain in association with each other because outside of the mutual communication of things, services, and right they cannot live comfortably and well; indeed, they cannot live at all. Necessity therefore induces association. But the existence of each individual association, as well as the special form it takes, also depends upon the continuing consent of the symbiotes, or members. Althusius is thus led to say that an association is initiated and maintained by a covenant among the symbiotes setting forth their common agreement about the necessary and useful purposes to be served by the association, and the means appropriate to fulfill these purposes. If there is no explicit covenant, then an implicit one is assumed in the continuing consent of

those who live together. Symbiotic association thus requires a balance between social necessity and social volition.

When Althusius distinguishes the two types of private association as the natural and the civil, he is setting forth the two poles in this balance. The family, as the natural private association, is considered to be a permanent union of the members "with the same boundaries as life itself." The collegium, as the civil private association, is a more voluntary society "that need not last as long as the lifetime of man," even though "a certain necessity can be said to have brought it into existence." Even within each of these two associations there is some balance between necessity and volition. For the family, however natural, is based upon a tacit or expressed agreement among its members as to the manner of its communication of things, services, and right. The continued existence of the family tends to confirm this agreement. On the other hand the collegium is not completely voluntary. It arises from a natural need, and presumably is not to be disbanded unless alternative means are available to meet this need. This integral relationship between necessity and volition that first finds expression in private associations carries over into public associations, and becomes one of the distinctive characteristics of the entire associational theory of Althusius.

Althusius divides the family into two kinds—conjugal and kinship—and discusses the nature of communication and imperium in each. Although the husband is clearly the ruler of the conjugal family, and the paterfamilias the ruler of the kinship family, Althusius is careful to set forth the conjugal obligations that the husband owes his wife, as well as those the wife owes her husband, and the kinship obligations that both husband and wife as paterfamilias and materfamilias owe their children and domestics.

The collegium (guild or corporation) is an association in which "three or more men of the same trade, training, or profession are united for the purpose of holding in common such things as they jointly profess as duty, way of life, or craft." It is most often an association organized around occupational interests. If it is composed of magistrates and judges, or of persons engaged in agricultural, industrial, or commercial pursuits, it is called a secular collegium. If it is composed of clergymen, philosophers, or teachers, it is called an ecclesiastical collegium. These two kinds of collegium are parallel to the two forms of

administration—secular and ecclesiastical—that are to be found in the province and commonwealth. The manner of rule in the collegium follows the general principles that Althusius has set forth for all social authority, except that in the collegium participation by individual colleagues, or members, can be direct rather than, as in public associations, indirect. There is a leader elected by the colleagues to administer the affairs of the collegium. “He exercises coercive power over the colleagues individually, but not over the group itself.” For he is bound by the purposes for which the collegium exists, and by the laws defined through its corporate processes.

The public association is derivative from the private association in that families and collegia, not individual persons, are directly constitutive of the city, and indirectly or directly of the province and commonwealth. For without the private association “others would be able neither to arise nor to endure.” Furthermore, the public association has jurisdiction over a prescribed territory, which the private association does not. The same general principles of communication and rule, however, apply equally to both private and public associations. Thus Althusius departs from a distinction common in medieval Roman law between public and private. According to this distinction, “private” pertains largely to contractual relations among individuals, or to the internal procedures of groups—whether collegia or cities—that operate by concession but not direct domination of public authority. “Public,” on the other hand, refers to administrative agencies and divisions of the empire or, more realistically, of the commonwealth. Althusius affirms, to the contrary, that the foundation of all associations, whether private or public, is symbiotic life. By appealing to symbiosis in this manner, he denies that private and public associations should have essentially different sources of legitimacy and modes of operation from each other. He also seeks by the same stroke to release politics from the hegemony of juridical conceptions of association. Nevertheless, the derivative and territorial characteristics of the public association still remain to distinguish it from the private.

Continuing the Ramist method of dichotomizing, Althusius divides the public association into particular and universal. The particular, in turn, is divided into the city and the province, and the universal is identified as the commonwealth (*respublica*), or realm (*regnum*). The particular association does not possess sovereignty, while the universal

does. It should be noted, however, that the city of Venice, because it possesses sovereignty, has the status of a commonwealth. Furthermore, while a city is composed of families and collegia, the province is formed of various kinds of local community ranging from the rural hamlet to the metropolis, and the commonwealth is constituted of provinces and such cities as have the rights and responsibilities of provinces in the assemblies of the realm.

The city, unlike the private association, does not provide the opportunity for direct participation of individuals as such in the process of rule. Here an organized community arises out of smaller associations and finds expression in a senate. At the same time, there is a ruler who exercises authority over individuals and particular associations, but not over the organized community itself. Althusius carefully spells out the relations that ought to prevail between ruler and senate in order that symbiotic needs on the municipal level can be provided for effectively. In brief, the ruler is the chief executive, and presides over the communication of things, services, and right. The senate, on the other hand, determines and defends the fundamental laws of the city, even to the extent if necessary of correcting or removing a ruler who misuses entrusted authority to the detriment of this symbiotic association.

Althusius' discussion of the province contains one of the few basic inconsistencies in the elaboration of his political system. For the ruler of the province is responsible not to the organized community over which this person presides, as is the case in all other associations, but to the supreme magistrate of the commonwealth. The ruler is a prince, duke, count, or other noble who receives this office, whether through heredity or appointment, as a function of the commonwealth, and cannot be removed from this office except in rare instances, and then only by the commonwealth. Thus the symbiotic foundations of rule generally characteristic of Althusius' thought are partly compromised on the provincial level, possibly as a concession by him to the actual practices that prevailed in his time in his native Germany and in most neighboring nations. But, if so, he did not concede very much. For it will be remembered that Althusius is not as interested in the precise arrangements for designating a ruler as he is in the effectiveness of the ruler's administration in conserving and enhancing the communication of things, services, and right. Althusius could accommodate himself without undue difficulty to the notion that a ruler might be

designated and maintained in office from outside the provincial community, provided the ruler governs the province well. This is to say that if a province actually meets the purposes for which it exists—if it fulfills its high calling—Althusius can wink at procedural irregularities, even though he may prefer that they do not prevail.

Furthermore, the provincial orders, which collectively compose the organized community of the province, constitute a restraining influence on the misuse of executive power. These orders are both ecclesiastical and secular, and provide for the observance of both tables of the Decalogue in political life. The reason for this is that both revelation and practical experience demonstrate that symbiotic association cannot long endure without public provision for the souls as well as the bodies of men. The ecclesiastical order, which is especially concerned with the cultivation of piety, is conceived by Althusius essentially according to contemporary Calvinist practice. The secular order, which addresses itself primarily to the maintenance of justice, is preferably composed of three estates, namely, the nobility, the burghers, and the agrarians. Sometimes, however, the last two are combined in one estate known as the commons. It is to be noted that these orders and estates are essentially the occupational collegia organized on a provincial level. Representatives of these estates, and in some realms of the ecclesiastical order as well, will meet in convocation where they perform much the same function in the province that the senate does in the city. Their consent is required by the ruler in all major matters confronting the province, such as decisions on war, peace, taxes, and new law.

The commonwealth, as previously noted, differs from the city and province in that it alone possesses sovereignty. This is to say, only the commonwealth recognizes no human person or association as superior to itself. But where in the commonwealth does this sovereignty reside? Jean Bodin, to whom Althusius was highly indebted for so many of the characteristics of his political system, attributed it to the ruler. Althusius disagrees. His position, which follows consistently upon the principles he has already elaborated in smaller associations, is that sovereignty is the symbiotic life of the commonwealth taking form in the *jus regni*, or in the fundamental right or law of the realm. Since the commonwealth is composed not of individual persons but of cities and provinces, it is to them when joined together in communicating things, services, and right that sovereignty belongs. Therefore, it resides in the organized