

ESSAYS ON CHURCH, STATE, AND POLITICS

NATURAL LAW AND  
ENLIGHTENMENT CLASSICS

Knud Haakonssen

*General Editor*

NATURAL LAW AND  
ENLIGHTENMENT CLASSICS

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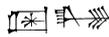
*Essays on Church,  
State, and Politics*

Christian Thomasius

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Edited, Translated, and with an Introduction  
by Ian Hunter, Thomas Ahnert,  
and Frank Grunert

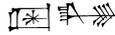
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Frontispiece: Portrait of Christian Thomasius by  
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## INTRODUCTION

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Christian Thomasius's principal contributions to the public life of early modern Protestant Germany were made in his roles as a political jurist and engaged commentator on religious and political affairs, although he was also a noted educational reformer and moral philosopher. Thomasius was born into a family of Lutheran jurists and academics in Leipzig, in the German territorial state of Saxony, on January 1, 1655.<sup>1</sup> His father, Jacob (1622–84), was a philosophy professor at the University of Leipzig, where Christian enrolled in 1669 and graduated with a master's degree in 1672. That year also saw the publication of Samuel Pufendorf's monumental and controversial antischolastic reconstruction of natural law, the *De jure naturae et gentium*. Written by someone who had grown up in the shadow of the Thirty Years' War, and dedicated to providing a purely secular foundation for ethics and politics—in the cultivation of sociability rather than the pursuit of holiness—the *De jure* had a profound effect on all those Protestant intellectuals for whom peace was more important than purity. Thomasius would later recall that it was Pufendorf's "incomparable" work, together with his father's lectures on

1. There is as yet no full-scale scholarly biography of Thomasius. For a helpful English overview of his life and work, see Knud Haakonssen, "Christian Thomasius," in *The Routledge Encyclopedia of Philosophy*, ed. E. Craig (London: Routledge, 1997), 376b–80b; and, for a discussion of his key doctrines, Ian Hunter, *Rival Enlightenments: Civil and Metaphysical Philosophy in Early Modern Germany* (Cambridge: Cambridge University Press, 2001), 197–273. See also T. Ahnert, *Religion and the Origins of the German Enlightenment: Faith and the Reform of Learning in the Thought of Christian Thomasius* (Rochester, New York: University of Rochester Press, 2006). The pathbreaking German study is that of Werner Schneiders, *Naturrecht und Liebesethik. Zur Geschichte der praktischen Philosophie im Hinblick auf Chris-*

Grotius, that determined him to study jurisprudence, seeking there an understanding of natural law unavailable to him in the philosophy faculty, with its scholastic mixing of philosophy and theology.<sup>2</sup> Already chafing against the Lutheran scholasticism of his native Leipzig, in 1674, at age nineteen, Thomasius moved to the University of Frankfurt/Oder in order to undertake a doctorate in law. He completed this in 1679, the year before he was married to Auguste Christine Heyland (1655–1739).

In relocating to Frankfurt, Thomasius was not just moving from philosophy to jurisprudence; he was also moving to a different country, electoral Brandenburg, where the Calvinist commitments of the ruling dynasty imbued the university with a religious and political complexion quite different from Leipzig's orthodox Lutheranism. Like other proponents of the north German "second Reformation," Brandenburg's rulers had sought to combine religious reform with state-building.<sup>3</sup> In doing so, they used a moderate form of Calvinism—one that required inward piety and stripped the churches of ritual and pictures while downplaying the harsh doctrine of predestination—as a means of creating a more disciplined population. This reform process was, however, only partially successful in the case of Brandenburg, owing to the entrenched resistance of the Lutheran clergy, supported by a nobility who

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*tian Thomasius* (Hildesheim: Georg Olms, 1971). Schneiders treats Thomasius as a moral philosopher rather than as a political jurist. A more recent overview in German is Helmut Holzhey and Simone Zurbuchen, "Christian Thomasius," in *Grundriss der Geschichte der Philosophie. Die Philosophie des 17. Jahrhunderts*, Band 4: *Das heilige Römische Reich deutscher Nation, Nord- und Ostmitteleuropa*, ed. H. Holzhey and W. Schmidt-Biggemann (Basle: Schwabe, 2001), 1165–1202, which also treats Thomasius primarily as a moral philosopher. Important biographical accounts are contained in Max Fleischmann, ed., *Christian Thomasius: Leben und Lebenswerk* (Halle: Niemeyer, 1931; repr. Aalen, 1979); and an annotated bibliography of Thomasius's writings is provided in Rolf Lieberwirth, *Christian Thomasius: Sein wissenschaftliches Lebenswerk* (Weimar: Böhlau, 1955).

2. Christian Thomasius, *Institutiones jurisprudentiae divinae* (Leipzig: Weidmann, 1688).

3. Heinz Schilling, "The Second Reformation—Problems and Issues," in *Religion, Political Culture and the Emergence of Early Modern Society: Essays in German and Dutch History*, ed. H. Schilling (Leiden: E. J. Brill, 1992), 247–301.

regarded the independence of the Lutheran church as guaranteed under imperial law.<sup>4</sup>

Thomasius responded positively to both sides of this reforming absolutism: to its encouragement of a nondoctrinal inward Protestantism and to its insistence on the absolute sovereignty of the territorial prince as the key to achieving religious peace and social reform. On the one hand, he developed an “Epicurean” form of Protestant Christianity.<sup>5</sup> This was a style of piety that was skeptical of the “visible” church with its creeds, sacraments, and rituals; mute regarding the afterlife; and focused on the achievement of inner peace through a calming of the passions and desires.<sup>6</sup> On the other hand, Thomasius endorsed Pufendorf’s secularized political absolutism. In making social peace the goal of politics and the source of its norms, Pufendorf had sought to exclude the church from the political arena, giving the civil sovereign the exclusive right to issue the laws and exercise the power required to achieve this goal, but only this goal.

While powerful, the link between these two dimensions of Thomasius’s thought was forged through volatile historical circumstance rather than settled philosophical reflection. This helps to account for significant fluctuations in his opinions, particularly over the question of whether the state should be wholly secular or whether it should be used to enforce a nonsacramental, inward, Epicurean style of Christianity. More generally, Thomasius had no interest in building a philosophical system; his concern was with the problem posed by the existence of metaphysics itself, as the university discipline responsible for the corrupting mixture of philosophy and theology. The circumstantial coherence of the two

4. Bodo Nischan, *Prince, People, and Confession: The Second Reformation in Brandenburg* (Philadelphia: University of Pennsylvania Press, 1994).

5. See, in particular, Horst Dreitzel, “Christliche Aufklärung durch fürstlichen Absolutismus. Thomasius und die Destruktion des frühneuzeitlichen Konfessionsstaates,” in *Christian Thomasius (1655–1728). Neue Forschungen im Kontext der Frühaufklärung*, ed. F. Vollhardt (Tübingen: Max Niemeyer, 1997), 17–50.

6. Thomas Ahnert, “The Prince and the Church in the Thought of Christian Thomasius,” in *Natural Law and Civil Sovereignty: Moral Right and State Authority in Early Modern Political Thought*, ed. I. Hunter and D. Saunders (Basingstoke: Palgrave, 2002), 91–105; Dorothee Kimmich, “Lob der ‘ruhigen Belustigung’: Zu Thomasius’ kritischer Epikur-Rezeption,” in Vollhardt, ed., *Christian Thomasius*, 379–94.

sides of Thomasius's thought was quite unmistakable, however, when it came to that which Thomasius opposed: namely, a church that proclaimed the necessity of certain creeds and sacraments for salvation, and one that used the apparatus of the state to enforce its doctrines by threat of civil punishments. This was the state of affairs that Thomasius called "papalist" and, despite the title, identified not just with Counter-Reformation Catholicism but with the Lutheran confessional state—Saxony in particular—whose intellectual delegitimation would be his life's work.<sup>7</sup>

On his return to Leipzig in 1679, Thomasius practiced law for a short time and then offered private lectures at the university. Initially he avoided controversy, perhaps in deference to his father. A few years after his father's death in 1684, however, Thomasius launched a series of disputations, lectures, and publications that amounted to a frontal attack on Leipzig's reigning Lutheran Scholasticism. His objective was to undermine the mix of Aristotelian philosophy and Lutheran theology that dominated the philosophy and theology faculties, and to replace this with an array of modern subjects—politics, history, economics, public law—within an overarching normative framework provided by Pufendorfian natural law.<sup>8</sup> In his *Introductio ad philosophiam aulicam* (Introduction to court philosophy) of 1688, Thomasius provided a historical genealogy of the reigning metaphysical scholastic philosophy, which he characterized as a species of "sectarian philosophy." Drawing on earlier antischolastic histories, including one by his father, Thomasius described metaphysics as emerging from the corruption of Christ's original teachings through Greek philosophy, introduced by the Platonizing church fathers. Further, he held this hybrid of philosophy and theology responsible for turning Christianity into a body of doctrine and for the introduction of highly intellectualized creeds through which the clergy baffled and exploited the laity.<sup>9</sup> In place of this sectarian philosophy,

7. See, above all, Dreitzel, "Christliche Aufklärung."

8. For a characteristic program statement from 1689, see Christian Thomasius, "Wie ein junger Mensch zu informieren sei," in *Kleine Teutsche Schriften* (Halle: 1701), 233–70 (repr. Hildesheim: Georg Olms, 1994).

9. Christian Thomasius, *Introductio ad philosophiam aulicam* (Leipzig, 1688) (repr. Hildesheim: Georg Olms, 1994).

Thomasius argued for an “eclectic” style of philosophizing. Here scholars would avoid mixing theology and philosophy, faith and reason, and would demonstrate their independence from the ruling Aristotelianism by selecting from all available philosophies in accordance with their own judgment.<sup>10</sup>

Thomasius kept up the pressure in his *Institutiones jurisprudentiae divinae* (Institutes of divine jurisprudence).<sup>11</sup> Published in the same year as the *Court Philosophy*, the *Institutes* rejected the views of Thomasius’s theological colleagues, many of whom defended the linkage of Christian doctrine and civil law by positing a metaphysical continuity between divine and human reason. In keeping with his drive to separate faith and reason, Thomasius denied this continuity, arguing that the damage done to man’s faculties at the Fall meant that he could not hope to derive the norms of natural law by exercising a reason similar to that informing divine law. Man’s access to natural law derives instead from a decidedly nontranscendent source, namely “sound reason,” understood as a faculty for deducing rules of conduct from the purely worldly imperative of sociability, an argument that parallels Grotius’s construction of natural law. This natural law may be supplemented with “divine positive” or biblical law, but only if the latter is treated as commands addressed to man’s corrupt will rather than his transcendent reason, and only if it is interpreted by jurists interested in social peace rather than theologians pursuing absolute truth. The linkage that remains between Christian doctrine and civil law in Thomasius’s early work is thus radically transformed and attenuated, as responsibility for it has been shifted from theologians claiming to grasp divine reason to jurists aiming no higher than civil peace.

Despite making significant changes to his natural law doctrine—which resulted in him deriving its norms solely from the need for inner calm and outer security, and discarding divine positive law altogether—Thomasius would remain within the broad intellectual framework he developed during the 1680s. We can see this from the first essay of our

10. Ulrich Johannes Schneider, “Eclecticism Rediscovered,” *Journal of the History of Ideas* 59 (1998): 173–82.

11. See note 2, above.

anthology, “On the History of Natural Law Until Grotius,” published as the foreword to the first German translation of Grotius’s *Law of War and Peace* in 1707. Here we find a mature restatement of Thomasius’s comprehensive rejection of the scholastic tradition. Once again he attacks its illicit mixing of philosophy and theology, criticizes the clerical misuse of Aristotelian and Platonic metaphysics, and praises the enlightened secularization of ethics and politics. This had been proclaimed by Grotius and massively consolidated by Pufendorf in a new postscholastic tradition of thought, to which Hobbes and Bayle had made contributions, as had Thomasius himself.

Thomasius’s antischolastic writings of the 1680s, many of which were thinly disguised attacks on theological colleagues, had already provoked counterattacks from the Leipzig theology professoriate—Valentin Alberti, Augustin Pfeiffer, and Johann Benedict Carpzov in particular—and had led to complaints against Thomasius at the Saxon court and the Lutheran Superior Consistory in Dresden.<sup>12</sup> But the text that made it impossible for him to remain in Saxony and that pointed forward to the next phase of his life and work was the *Fürstlicher Personen Heirat* (The marriage of royal persons) of 1689. In this work Thomasius intervened directly in a volatile religious and political issue, the marriage of one of the Saxon elector’s Lutheran nephews to one of the Brandenburg elector’s Calvinist sisters. Against the Saxon interest but in keeping with Brandenburg religious policy, Thomasius argued that the difference between the confessions was of no interest to God and that the marriage was justified by the *Staatskirchenrecht* (constitutional church law) enunciated by the Treaty of Westphalia, which accorded Calvinists the same civil rights as Lutherans.<sup>13</sup> Before the year was out, Thomasius had been

12. Rolf Lieberwirth, “Christian Thomasius’ Leipziger Streitigkeiten,” *Wissenschaftliche Zeitschrift der Martin-Luther-Universität Halle-Wittenberg (Gesellschafts- und sprachwissenschaftliche Reihe)* 3 (1953): 155–59. See also Frank Grunert, “Zur aufgeklärten Kritik am theokratischen Absolutismus. Der Streit zwischen Hector Gottfried Masius und Christian Thomasius über Ursprung und Begründung der *summa potestas*,” in Vollhardt, ed., *Christian Thomasius*, 51–78.

13. Christian Thomasius, “Fürstlichen Personen Heirat,” in *Auserlesene deutsche Schriften, Zweiter Teil*, ed. (Leipzig, 1714), 1–102 (repr. Hildesheim: Georg Olms, 1994).

prohibited from lecturing and publishing by the Saxon court, making continued residency in his homeland impossible, and had decamped to Halle in neighboring Brandenburg, where he was instrumental in setting up a new university. The groundwork for this move had been laid by Pufendorf himself, who was ending a stellar career by moving to the Brandenburg court, and by Johann Rhetius, who had been one of Thomasius's law professors at Frankfurt/Oder and was now a member of the Berlin privy council.

The core of the many lectures, disputations, books, and essays that Thomasius produced over the next decade, and from which the remaining chapters in this anthology are taken, is *Staatskirchenrecht*. This term can be translated as “constitutional church law,” although not without a degree of anachronism. It refers to the regulation of the churches through the public law of the Holy Roman Empire of the German nation, particularly that enunciated at the two great religious peace treaties, Augsburg in 1555 and Westphalia in 1648. *Staatskirchenrecht* was less a consolidated discipline than a fluid and rapidly evolving mix of jurisprudence and politics that joined the law faculty to the princely court. Through it the princes overseeing Protestant jurisdictions transformed the legal regulation of their churches in the wake of the Treaty of Westphalia and in accordance with its complex rules for recognizing the entitlements of diverse religious communities within a system of state-controlled toleration.<sup>14</sup> For Thomasius, it provided the field on which he would do battle with the juristic and theological representatives of the early modern confessional state.

Thomasius's campaign was part of a much broader struggle. On one side of this battle were those for whom the consolidation of territorial sovereignty required the exclusion of the churches from the exercise of civil power. On the other side were the clerical estates whose imperial rights had permitted the exercise of such power, through the threat of

14. Martin Heckel, “Zur Entwicklung des deutschen Staatskirchenrechts von der Reformation bis zur Schwelle der Weimarer Verfassung,” in Martin Heckel, *Gesammelte Schriften: Staat, Kirche, Recht, Geschichte*, ed. K. Schlaich (Tübingen: J. C. B. Mohr, 1989), 366–401.

excommunication or, more fatally, the laws covering blasphemy, heresy, and witchcraft. Yet the intensity of Thomasius's attack on the armory of the confessional state also had a personal dimension, fueled by outrage at his treatment by the Leipzig theologians and finding expression in his recognizably modern propensity to make his own story symbolic of the larger struggle: "I could well have something to say to all the estates, because things are amiss in all of them, but I have been charged by God to speak the truth above all to the clergy. And I am already so far committed to this, which I do not from any hatred, that I cannot turn back."<sup>15</sup>

One of the most powerful weapons in Thomasius's intellectual armory was the category of *adiaphora*, or "indifferent things" (*Mitteldinge* in German). This term refers to all matters that are neither commanded nor forbidden by God and are thus irrelevant to the question of salvation. As we learn in the second of our selections, "The Right of Protestant Princes Regarding Indifferent Matters or *Adiaphora*," things declared to be *adiaphora* could either be left to the individual's conscience or else be treated as superstitions to be reformed by the prince, to the extent that this could be done without disrupting public peace. In fact, according to Thomasius's antidoctrinal, Epicurean style of Protestantism, the number of divine commandments relevant to salvation could be reduced to just three: to love God, to love one's neighbor, and to have contempt for oneself (as a creature of passions always prone to disorder). As a result, all the things that the competing confessions declared to be essential, and over which so much blood had been spilled—all of the church liturgies and sacraments, the vehement doctrinal disputes over the Trinity, the nature of Christ's presence in the Eucharist, the relation between Christ's "two natures and one person," and so on—could be declared to be matters of moral indifference, turning them into matters of "Christian freedom" or else of political regulation. Displaying the contextual coherence between this anticredal inward religion and a Pufendorfian political absolutism, Thomasius proceeds to argue that

15. Christian Thomasius, *Dreyfache Rettung des Rechts Evangelischer Fürsten in Kirchen-Sachen* (Frankfurt am Main, 1701), 58.

the civil sovereign has an unfettered right to regulate all such religious matters, to the degree that this is compatible with social peace.

The *adiaphora* disputation thus shows Thomasius dividing the fields of religion and politics in a way that both removed salvation from the domain of church ritual and removed political authority from the domain of salvation. This left individuals privately free to pursue salvation as they saw fit, and it left the public churches with the status of voluntary associations under state supervision. The third selection, “On the Power of Secular Government to Command Its Subjects to Attend Church Diligently,” sheds light on what this changed division of the field could lead to in practice. Here we have the case of a Lutheran nobleman seeking leave not to attend church services in his local village, on the grounds that his villagers and their pastor were Calvinist and because true religion has no need of public services, which the nobleman could as well perform in the privacy of his own house. Somewhat unexpectedly, and against the advice of his own faculty, Thomasius advises that the nobleman should be denied his estate right and be required to attend his local church, on the grounds that the differences between Lutheran and Calvinist forms of worship are not morally significant and that the nobleman’s insistence on his right thus smacks of fanaticism. As far as Thomasius is concerned, the nobleman’s appeal to the indifferent character of external services, as a reason for not attending them, is trumped by the right of the secular authorities to compel him to do so, lest his nonattendance lead to hatred and unrest.

Despite his antischolasticism and anticlericalism, and regardless of his modern standing as a founding father of the early Enlightenment, Thomasius was neither a rationalist nor a liberal, at least not in the Lockean or Kantian sense of those elastic terms. In approaching the fourth and fifth selections—Thomasius’s celebrated attacks on heresy and witchcraft prosecutions—we must thus observe that his prime concern here was not to defend individual freedom and rights but to dismantle what he regarded as the illicit exercise of clerical power in the juridical and political domain. In the dialogue “Is Heresy a Punishable Crime?” Thomasius does indeed make use of an argument also used by Locke, that, as a matter of the understanding, erroneous or heretical opinions

cannot be subject to coercive authority. Yet the main line of Thomasius's discourse heads in a direction quite different from Locke's, for he argues that religion is not a matter of doctrinal knowledge or understanding at all. The canon law definition of heresy, as an error in the doctrinal articles of faith, is thus a product of the church's fabrication of obligatory creeds and their use by the clergy to coerce the laity by denouncing dissenters as heretics. Heretics must therefore be tolerated not on the Lockean ground that the state cannot tell which of the "visible" churches might be the true one, but on the quite different ground that none of them can be, as their articles of faith are morally indifferent. This means that while all religions, dissenting and dominant, are to be tolerated—because opinions about the Trinity (for example) have no necessary impact on social peace—religious freedom is not a natural right, and toleration will be politically circumscribed by the state's policing of the threshold between private opinions and public disturbance.

Similarly, it was not as a natural rights theorist that Thomasius attacked the laws pertaining to witchcraft and sorcery, but as a jurisconsult intent on tearing the levers of civil power from the hands of the clergy. Witchcraft had been tied to heresy during the late Middle Ages by Catholic theologians and canon lawyers waging war against the great heretical movements of the time. In doing so, they had downplayed the actual harms supposedly caused by sorcery and focused instead on its status as a secret diabolical religion—devil worship—characterized by the cursing of God and the diabolical pact, and consecrated through intercourse with the devil. This was the form in which the crime of sorcery had passed into the criminal codes of such early modern Protestant states as Saxony.<sup>16</sup> It is thus significant that in his disputation "On the Crime of Sorcery," Thomasius does not begin from the Enlightenment premise that belief in the devil is an absurd superstition. Rather, he begins from the accepted belief that the devil does indeed exist but then insists that the devil's mode of existence is purely spiritual, incapable of corporeal

16. Winfried Trusen, "Rechtliche Grundlagen der Hexenprozesse und ihrer Beendigung," in *Das Ende der Hexenverfolgung*, ed. S. Lorenz and D. R. Bauer (Stuttgart: Franz Steiner, 1995), 203–26.

embodiment or effects. This enables him to undermine the specifically legal bases of the crime of sorcery—the diabolical pact and intercourse with the devil—and thereby to invalidate the church’s claim to civil jurisdiction in this area. As in the case of heresy, any actual harms alleged to arise from sorcery are divorced from their supposed spiritual causes, being treated instead as ordinary crimes against civil peace at the disposal of the civil sovereign.

The central themes and arguments of Thomasius’s discourses on church, state, and politics are conveniently summarized in the propositions of our final selection, “On the Right of a Christian Prince in Religious Matters.” Published in 1724, just four years before Thomasius’s death, this text originated in lectures first given in 1695, at the height of his concern with these issues. Here he again returns to the central theme of the *adiaphora*, arguing that saving faith is not to be found in the laws and ceremonies introduced into Christianity from Judaism, or in the “pagan” metaphysical doctrines elaborated in the creeds of the church fathers. Rather, it is to be found in the simple trust in God’s will and in the teachings of Christ, as these can be known by anyone who reads the Bible. On the one hand, this means that all attempts by the clergy to prescribe religious worship for the laity—all creeds, liturgies, sacraments, religious oaths, and religious laws—are an illicit infringement of Christian freedom and a fundamental misunderstanding of the status of the church, which is that of a voluntary association of teachers and learners. On the other hand, because he rules over all things capable of affecting the security of the commonwealth, the prince must also have the right to supervise religious matters when these fall within the domain of the morally indifferent—and whether they do is itself a matter for the prince to decide.

Thomasius’s prince must thus walk a fine line between respecting religious freedom and tolerating religious diversity, and repressing ostensibly religious conduct that gives rise to civil tumult, particularly conduct leading to religious intolerance, hatred, and violence. Thomasius finds a basis for this difficult set of judgments neither in a unified reason through which citizens might agree to respect each other’s freedom of action nor in a single moral law commanding them to treat each other

as morally autonomous. Rather, he finds it in a conception of diversified moral “offices” or personae, which he drew from Pufendorf’s *De habitu religionis christianae ad vitam civilem* (On the nature of the Christian religion in relation to civil life) of 1687.<sup>17</sup> According to this conception, in order to live in the postconfessional society whose intellectual architecture Thomasius was outlining, it is necessary for individuals to separate their personae as Christians and as citizens. As Christians their duty is to acknowledge their own miserable moral condition and seek salvation through simple inward faith; as citizens it is to obey the sovereign’s laws while accepting all men (including heretics and atheists) as fellow citizens. Similarly, in order to rule such a society, the prince must separate his duties as Christian, as man, and as prince. As a Christian he must seek salvation like everyone else; as a man he must do the duties prescribed by natural law. As a prince, however, he has the special duty of preserving external peace by means of sovereign coercive power, which can be wielded properly only when restricted to this specific secular end, with the prince setting aside his Christian persona in order to put an end to the state’s clerical capture.

It is easy to misunderstand Thomasius, or to fail to arrive at a proper estimation of his historical significance, particularly if we approach him from the perspective of modern moral and political philosophy; that is, if we consider his discourses on church, state, and politics as early attempts to defend a social order based on the free rational judgments of consenting subjects. For Thomasius, the freedom of citizens comes not from their reason as such but from their capacity to be left alone in matters having no impact on social peace. The greatest threat to their freedom arises not from the state as such but from its clerical domination, which leads to the misuse of civil power for religious purposes and gives rise to mutually hostile confessional communities. Under such circumstances, it is vain to imagine social peace being reached through free agreement of communities. The state itself must assume responsibility for this goal, which it can do only if it withdraws from the religious

17. Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. S. Zurbuchen (Indianapolis, Ind.: Liberty Fund, 2002).

commitments of the communities it must govern. This was the architecture for a pluralized religious society governed by a secularized state to which Thomasius dedicated his enormous energy and talent, leaving us these discourses as vivid testimony to the birth pangs of a cultural and political order indispensable to modern civility but increasingly removed from modern intelligibility.

Ian Hunter  
Thomas Ahnert  
Frank Grunert

## A NOTE ON THE TEXTS AND THE TRANSLATIONS

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Three of our six texts—“On the History of Natural Law Until Grotius,” “On the Power of Secular Government to Command Its Subjects to Attend Church Diligently,” and “On the Right of a Christian Prince in Religious Matters”—were originally published as essays in German. The remaining three—“The Right of Protestant Princes Regarding Indifferent Matters or *Adiaphora*,” “Is Heresy a Punishable Crime?” and “On the Crime of Sorcery”—were university disputations first published in Latin and then translated into German under Thomasius’s supervision and published under his signature. (Publication details are provided in the notes to individual works.) The latter three texts pose two difficulties. The first is that of authorship, as these were first presented as disputations by Thomasius’s doctoral students as part of their graduation requirements, with Thomasius taking the role of *praeses*, or supervisor. This problem is less severe than it first appears, however, as in early modern universities it was normal for students to simply rehearse their supervisor’s ideas in dissertations that the supervisor might well have written himself. Thus, there was nothing unusual in Thomasius later collecting these disputations for publication under his own signature. The second difficulty is that of establishing an authoritative text for English translation when there are two versions—one in Latin, the other in German—both apparently authorized by Thomasius yet differing in certain regards. In addressing this problem we have not attempted to present a variorum edition, cross-tabulating all of the differences between the Latin and German versions. Rather, we have drawn on both versions in order to produce an English text accessible to the

general reader, aiming to present Thomasius's substantive arguments as clearly as possible while recording major differences between the Latin and German texts in our notes. Additionally, in response to Thomasius's often abbreviated and occasionally cryptic way of referencing his sources, we have added a bibliographic list of works cited by Thomasius, wherever possible citing the editions that he used. Thomasius's own footnotes are indicated by alphabetic letters; those of the editors by numbers. Editorial interpolations within Thomasius's notes are signified by the use of square brackets.