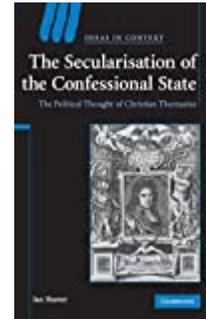




Ian Hunter. *The Secularisation of the Confessional State: The Political Thought of Christian Thomasius.* Cambridge: Cambridge University Press, 2007. xiii + 210 pp. \$90.00 (cloth), ISBN 978-0-521-88055-8.



Reviewed by Sean F. Dunwoody (University of Chicago)

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Tolerance à la Prusse: Rights of the Prince, Not Rights of Man

Christian Thomasius (1655-1728), an early modern jurist and scholar of natural law at the newly founded University of Halle, generally figures as a thinker of secondary significance in most contemporary reviews of early modern philosophy. Ian Hunter sought to change this judgment in his 2001 study of the competing strands of philosophy dominant in seventeenth- and early-eighteenth-century German thought.[1] Whereas the metaphysical philosophy of Immanuel Kant eventually came to enjoy universal dominance, the civil philosophy of men such as Samuel Pufendorf and Thomasius tumbled into relative oblivion. Indeed, their demotion took on such proportions that they were often mischaracterized by historians of philosophy as pre-Kantians who had stood upon the threshold of modernity, but found themselves hindered from crossing it by some pre-modern hang-up. Hunter argued for a greater appreciation of the civil philosophers as engaged in a different set of concerns, often with an entirely different toolkit than the metaphysical philosophers, with whom the civil philosophers were not seldom at odds. Now, in conjunc-

tion with his edition and translation of several of Thomasius's writings,[2] Hunter offers a study focused exclusively on Thomasius's works on the question of the relationship between church and state. In this well-written, lucid portrayal, Hunter offers Thomasius's defense of religious toleration and the concomitant retirement of the state from the sphere of religion as a compelling contrast to the sort of tolerance derivative of Kantian metaphysics and of Lockean, contract-based subjective rights.

Bucking the portrayal of Thomasius as a "failed Kantian" befuddled by his own attachment to his "empiricism" and "pietism," Hunter's earlier work offered strong arguments for understanding the political stakes involved in civil philosophy's rejection of what, by comparison, appears like the ivory-tower musings of the university metaphysics that Kant later went on to champion. In this volume, he now highlights Thomasius's intimate engagement of the *Streitkultur* so characteristic of contemporary academics and his commitment to the political and juridical debates of his age. In the course of these debates—outlined by Hunter over the five chapters of this

slim volume—Thomasius took on the Lutheran academic orthodoxy, advocated for an anti-rationalist approach to philosophy driven by probabilistic and not transcendent or idealistic truths, sought to drive theology and metaphysics from natural law, and was an outspoken advocate of the Calvinist Hohenzollern court in its centralizing efforts to enfeeble resistant Lutheran estates. As part of this advocacy, Thomasius came to offer a set of arguments for tolerance, but not as a right of the prince's subjects, but as a right of the prince.

The key to Thomasius's defense of the sovereign's right to tolerate the heterodox was his espousal of two lines of argumentation: insistence on an inward "true church" and on a purely secular state. First, Thomasius advocated a strict, pietistic conception of the church, by which the communion of the congregation was derived neither from physical concelebration of the sacraments nor from public statements of the faith. Instead, Thomasius's church was the virtual communion of those who carried the faith within them, independent of outward practices and, critically, impervious to influence by human constraint or decree. Second, Thomasius reiterated his mentor Pufendorf's secular foundation of the state not in man's supposedly intrinsic rationality and sociability, but in the necessity for establishing and maintaining social peace. Thomasius's state was charged with maintaining civil and social stability and not with ensuring state subjects' salvation.

These two key notions formed the argumentative heart of Thomasius's particularly agonistic public and scholarly career in the service of the Hohenzollern state and its agenda of tolerance as directed especially at non-Lutheran Protestant persuasions. Hunter pursues a survey of this career through five chapters, marking less various stages or particular episodes of controversy than questions in which Thomasius pursued this overarching agenda. In chapter 1, Hunter introduces Thomasius's commentary on the sixteenth-century Saxon jurist Melchior von Osse's political testament as a way of charting Thomasius's opposition to the "papalist" theologians and metaphysical philosophers in "Concordial" universities, that is, in universities in Lutheran territories that had subscribed to the Formula of Concord (1577) and rejected any rapprochement with Calvinists. It was here, Hunter argues, in Calvinist universities—especially in Helmstedt—that openness to the secularizing tendencies of humanism fostered the intellectual context of Thomasius's espousal of a "militant political secularism" (p. 45) and his support of the prince's *ius tolerandi*, a right derived from the prince's "duty to maintain social peace and

indifference to religious truth" (p. 48).

Hunter then outlines Thomasius's critique of the philosophy of his day in chapter 2. Thomasius—seconding the ideas of his father, Jacob Thomasius, a historian of philosophy—understood this "miscegenated" Christian philosophy to be the consequence of a problematic incorporation of pagan philosophy into Christian theology. In the place of this confessionally charged metaphysical philosophy, Thomasius advocated an "empirically oriented eclectic philosophy" (p. 61) that drew its force from a historicization of the discipline of philosophy. From this position, Thomasius attacked the problematic transcendentals of metaphysics, substituted his own "Christian Epicureanism" (a term coined by Horst Dreitzel), and advocated an anti-rationalist approach that mixed history and philosophy. God was set beyond the reach of reason and apprehending him was understood as a matter of private faith and revealed truth. Philosophy, for Thomasius, was a matter of probabilistic truths.

Chapter 3 is dedicated to Thomasius's reformist natural law in his *Institutiones* (1688) and *Fundamenta* (1705) and its pedagogical application as moral philosophy to his students of law, resulting in a shift from a unified moral anthropology to an understanding of the political advisor as a wielder of a particular political prudence. Tasked with the security of state stability and social peace, Thomasius's ideal political advisor needed to address issues of morality and decorum differently than his contemporaries in the "Concordial" universities. Addressing a student audience of future political advisors and jurists, Thomasius offered a sort of primer that moved away from the scholastic moral philosophy of Valentin Alberti's confessional natural law and instead offered an alternate ideal in the Epicurean sage. Moving through the hierarchy of folly, students learned to act in accordance with laws, manners, and morality, in turn, through careful balancing of passions rather than through their transcendence. Having ascended this hierarchy to achieve a certain political decorum through moral self-restraint, students were then cued in to the importance of sensitivity to the variety of norms and types of morality in other polities, especially when considered within the patchwork of the Holy Roman Empire. As Thomasius emphasized in his *Cautelen* (1713), the resultant political decorum would prove an antidote to the otherwise divisive potential of the empire's varieties of manners and norms, ensuring political cohesion in the face of moral pluralism. In the more specific context of Thomasius's own Brandenburg-Prussia, this advice was meant to prime students for the difficult task of align-

ing the court's own rule over external forms of worship and the sensitivities of the subjects' consciences. In both cases, Thomasius moved away from a confessionally argued to a secularly grounded moral philosophy.

In the next chapter, Hunter then moves to Thomasius's work in the field of *Staatskirchenrecht* and the ways in which he deployed his emphatically secular understanding of the prince's duties and his strictly inward understanding of religion against the orthodox Lutheran *Zwei-Personen-Lehre* and *Drei-Stände-Lehre*. Regarding the former, Thomasius affirmed the prohibition of princely interference with religion. But contrary to his Lutheran opponents, Thomasius defined religion so strictly that no elements of the outward experience of religion escaped the status of adiaphora subject to magisterial regulation. Regarding the latter, Thomasius countered the prince-versus-minister allocation of roles familiar from scholastic natural law and reiterated by Lutheran jurists like Benedict Carpzov by rejecting the natural law basis of the allocation. Instead, Thomasius reverted to Pufendorf's doctrine of multiple moral personae (social roles instituted according to external purposes) to assign various duties to various juridical-moral personae. As such, the prince as prince was allotted the role of securing peace; the prince as Christian was responsible only for the salvation of his own soul. The two personae were distinct in their responsibilities, so that there was no carrying over of the Christian's duties into the prince's portfolio. Similarly, the clergy had a duty only within the church, not within the state. In the former, they were merely teachers, a role based upon love, not right; within the state, the clergy were subjects like any other.

These distinctions are carried over to the specific question of tolerance, explored in the final chapter. Heresy is a test case for Thomasius's working out of the relationship between church and state. Rather than defending a subjective right of the subject to hold fast to some heterodox idea, Thomasius's argumentation rests upon an understanding of the state where such concerns are entirely outside the purview of the magistrate and his sword. Again using his two key arguments of an utterly inward faith and a purely secular state, Thomasius disarms orthodox Lutheran arguments for punishing heresy. It is here, Hunter argues, that Thomasius in fact offers a more modern understanding of toleration than John Locke. Whereas Locke's tolerance of heterodox re-

ligious groups rested upon his "quasi-congregationalist conception of the church" (p. 162), Thomasius's far more inclusive tolerance depended on a fideistic church and a secular state and could thus accommodate even the heretics Locke excluded.

Whether Hunter's compelling portrayal will be enough to dislodge Locke from his position of prominence in the Whiggish Valhalla of tolerance remains to be seen. It seems doubtful, perhaps as much for reasons of Anglophone tradition as for some difficulties Hunter elides from his altogether sympathetic portrayal of Thomasius. To speak only to the latter, the Christian Thomasius to whom Hunter introduces his readers has not been rigorously contextualized as a powerful mouthpiece of the Hohenzollern court. Claims about the harmony between the prince's and the professor's agendas would seem to suggest the need for a greater consideration of the nature of their relationship, with some sensitivity to the consequences of this relationship for Thomasius's ideas. Whether Thomasius as a champion of tolerance to rival even the mighty Locke would suffer some demotion by such a line of questioning is open to investigation. This reservation need not necessarily demote the value of Thomasius's arguments for tolerance, but it might help readers of the book avoid undue idealization of the civil philosopher and his motives.

These few remarks (and my disappointment at the absence of a scholarly bibliography in the volume) are not meant to detract from the importance of the service Hunter has provided by introducing Thomasius to an audience unfamiliar with the German-language literature and to enriching the relevant-as-ever question of how religious toleration "came to the West." The work is appended with a revised translation by Hunter of Thomasius's *On the Rights of Protestant Princes regarding Heretics* (1697), a text that should receive more appropriate attention in any future survey of early modern discussions of toleration.

Notes

[1]. Ian Hunter, *Rival Enlightenments: Civil and Metaphysical Philosophy in Early Modern Germany* (New York: Cambridge University Press, 2001).

[2]. Christian Thomasius, *Essays on Church, State, and Politics*, ed. Ian Hunter, Frank Grunert, and Thomas Ahnert, trans. Ian Hunter (Indianapolis: Liberty Fund, 2007).

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