

# **Are distinct societal spheres a threat to human freedom?**

## **The fruitfulness of the principle of sphere sovereignty**

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### **Abstract**

*An appreciation of the role of the individual within human society traditionally faced two extreme positions, which are already found in ancient Greek philosophy. An early 5<sup>th</sup> century thinker, Callicles, acknowledged being individual but ultimately admires the tyrant who (collectively) subjects the weak to its power. Although the sophist, Protagoras, claimed that the individual is its own measure, he still contemplated a state which does not acknowledge any material boundaries for its power. The life-encompassing educational ideal (paideia) of Greek culture, culminating in the polis (the city-state), laid the foundation for the views of Augustine and Thomas Aquinas. Both these medieval thinkers did not escape the totalitarian implications of the Greek idea of the polis. Thomas Aquinas merely superimposed the church on the state, which is supposed to transcend the transient and incomplete happiness promised by the state, while directed at carrying a person to eternal bliss. Marsilius of Padua articulated a view of society as being constituted by individuals, anticipating the later conceptions of Rousseau. A radical alternative to both atomistic (individualistic) and holistic (universalistic) views is developed by Johannes Althusius. He was the first thinker who understood the whole-parts relation properly by acknowledging the proper laws (leges propriae) of each social entity and in doing so anticipated the*

*principle of sphere sovereignty. Attention is given to the conceptions of Friedrich Julius Stahl, which are intermediate between the Aristotelian-Thomistic position and the reformational tradition. According to Kuyper the phrase sphere sovereignty was introduced by Van Prinsterer, but Veenhof declared that he could not find the place where he used this phrase. In spite of instances where Kuyper clearly understood the "next-to-each-other" implications of sphere sovereignty, he still entertained Aristotle's emphasis on an organic (teleological) development within society which was continued in the thought of Thomas Aquinas and Romanticism. This particularly manifested itself in Kuyper's view of the state as an ethical organism. It was Dooyeweerd who explored the meaning of the principle of sphere sovereignty in its full cosmic scope, relevant for an understanding of cosmic time, of the modal aspects of reality and for the different kinds of entities found within creation. No single sphere-sovereign societal entity should be reduced to a mere part of an encompassing whole, to be subordinate to such a whole. The distinct spheres of societal entities are channels for human freedom within all of them and could therefore not be seen as a threat to this freedom. However, freedom, expressing itself within collective, communal or coordinational relationships, may proceed either in a norm-conformative way or in an antinormative way.*

## **Opsomming**

*'n Waardering van die rol van die individu in die menslike samelewing is tradisioneel met twee ekstreme stellingnames gekonfronteer. Hierdie posisies word reeds in die Griekse Filosofie gevind. 'n Vroeg 5de-eeuse denker, Callicles, het waardering vir individue, maar bewonder uiteindelik die tiran wat (kollektief) die swakkeres aan sy mag onderwerp. Hoewel die sofis, Protagoras, oortuig was dat die mens sy eie maatstaf is, het hy nog steeds die staat gesien as 'n gegewe wat geen aard-eiegrense vir sy mag erken nie. Die lewensomvattende opvoedingsideaal (paideia) van die Griekse kultuur het in die polis gekulmineer en daarmee die basis voorberei vir die latere sienings van Augustinus en Thomas Aquinas. Beide hierdie middeleeuse denkers kon hulself nie bevry van die totalitêre implikasies van die Griekse idee van die polis nie. Thomas Aquinas het bloot the kerk bo-oor die staat geplaas, terwyl die kerk nie 'n bloot veranderlike en gebrekkige geluk soos voortgebring deur die staat nastreef nie, want dit moet (bo-natuurlike) geluksaligheid aan die mens besorg. Marsilius*

van Padua het verdere uitwerking aan 'n siening van die samelewing in terme van individue gegee, vooruitgrypend na die opvattinge van Rousseau. 'n Radikale alternatief tot beide atomistiese (individualistiese) and holistiese (universalistiese) sienings is deur Althusius daargestel. Hy was die eerste denker wat 'n goeie begrip gehad het van hoe om die geheel-dele relasie toe te pas deur erkenning te verleen aan die eie-gearde wette (*legespropriae*) van elke sosiale sfeer. Daarmee het hy vooruit gegryp op die beginsel van soewereiniteit-in-eie-kring. Aandag word ook gegee aan die opvattinge van Friedrich Julius Stahl wat 'n oorgangsposisie tussen die Aristotelies-Thomistiese tradisie en die reformatories-wysgerige benadering beklee. Volgens Kuyper is die frase soewereiniteit-in-eie-kring deur Van Prinsterer ingevoer, hoewel Veenhof later verklaar het dat hy hierdie uitdrukking nie letterlik by Van Prinsterer aangetref het nie. Ten spyte daarvan dat Kuyper duidelik verstaan het wat die implikasies van "naas-mekaar-verhoudinge" vir soewereiniteit-in-eie-kring is, het die organies-teleologiese benadering van Aristoteles steeds in sy denke voortgeleef. Via Thomas Aquinas en die Romantiek is hierdie erfenis gemanifesteer in sy siening van die staat as 'n sedelike organisme. Dit was Dooyeweerd wat die beginsel van soewereiniteit-in-eie-kring in 'n kosmos-omvattende sin vrugbaar gemaak het vir die verstaan van die aard van die kosmiese tyd, van die modale aspekte en van die verskillende tipes entiteite wat in die skepping aangetref word. Geen enkele kring-soewereine samelewingsentiteit mag tot 'n blote (onder-)deel van 'n omvattende geheel gesubordineer word nie. Die onderskeie sferes van die menslike samelewing maak juis binne almal menslike vryheid moontlik en kan gevolglik nie gesien word as 'n bedreiging vir menslike vryheid nie. Nogtans moet besef word dat hierdie vryheid, wat in verbands-, gemeenskaps- en maatskapsverhoudinge tot uitdrukking kom, steeds of norm-gehoorsaam, of antinormatief gerig kan wees.

## 1. Starting-points in Greek philosophy

Reflecting on the nature of the human being and its connection with human society already occupied the reflections of prominent thinkers of ancient Greece. At first the *matter pole* of the Greek ground-motive of form and matter dominated the undifferentiated patrician clans, the bearers of power within the Greek city-states (the *polis*). The ever-flowing stream of life was dark and unfore-

seeable and governed by blind fate (*chance*), also designated as the *Anankè*. The subsequent development of the Greek *polis* brought the prominence of the clans to an end by replacing the brotherhoods and the four<sup>th</sup> Ionian tribes with ten new *territorial tribes*. During the golden 5<sup>th</sup> century B.C. the on-going development of the *polis* was motivated by shifting the primacy, initially given to the matter motive, to the form motive.

What started to emerge within Greek thought at this stage was an opposition between a view of society focused on the individual and an opposing one oriented to the *polis* as an encompassing whole. Throughout the subsequent history of Western civilization and philosophy this opposition dominated the scene, sometimes phrased in terms of the opposition between *individualism* and *universalism* and at others viewed as *atomism* versus *holism*. The remarkable fact about these perspectives is that neither of them succeeded in avoiding a totalitarian view of human society where a specific societal entity is chosen as encompassing whole while reducing the rest to mere parts of this whole.

An individualistic approach is already present in the thought of an early 5<sup>th</sup> century thinker, Callicles. From nature he derives the right of the strongest. He has a negative appreciation of the legal order of the *polis* because its sole effect is given in the suppression of the strongest through the making of laws. He admires the tyrant who breaks through positive laws and who subjects the weak to its power. The tyrant alone is entitled to have rights – all the citizens are deprived of any rights and subject to the arbitrariness of the tyrant. Von Hippel portrays the position of Callicles as a move from an equality lacking quality to an unbounded rule of an individual (Von Hippel, 1955:107) and Vollenhoven calls this a form of “aristocratic nominalism” (Vollenhoven, 1933:83).

Yet amongst the Sophists and in particular in the thought of Protagoras the matter motive still exerted its affect. Human subjectivity is constantly changing and cannot be grasped in any fixed form or measure because (according to the so-called *homo-mensura* rule of Protagoras) the individual is its *own measure*.<sup>1</sup>

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1 Euripides and Aeschylus provided the background of the idea that law is the mean between too little and too much – an idea later on once more defended by Aristotle (see Von Hippel, 1955:98-102).

Nonetheless, it is only within the *polis*, as bearer of the Greek form motive, that it is possible to provide humans with a cultural outfit through education and by obeying positive laws. This demonstrates that the form motive after all assumed the guiding role in the thought of Protagoras. It also explains why he holds that human beings, coming from a condition in nature where the state is absent, have those properties necessary for the formation of a state. Although Protagoras proceeds from a nominalistic individualistic starting-point, his conception of the state does not acknowledge any material boundaries for the competence of the state – even morality and religion are viewed as products of the existence of the state.

While the pre-*polis* period was still strongly influenced by conceptions of *dikè* and *themis* (the internal legal order of the clans) as the guardian of the natural order of things, the 5<sup>th</sup> century witnesses significantly new developments. *Dikè*, for example, lost its original meaning and acquires a new content, designating the positive law formed by the *polis* and the punishment exercised on the basis of these positive laws.

## **2. The Medieval legacy: Augustine and Thomas Aquinas**

These early tendencies were continued in the thought of Plato and Aristotle. Both of them observed in the *Politeia* or *Polis* the ultimate goal of being human, for it is only within them that the highest good, *moral perfection*, could be reached. All human activities are therefore ultimately subsumed under the authority of the *Republic* or the *City-State* – which implies that within Greek culture *paideia* (education) embraced all of society in a totalitarian sense. This view was continued in the thought of Augustine on the basis of twisting the biblical distinction between the kingdom of God and the kingdom of darkness in a neo-Platonic sense, because he saw the earthly world as temporal and changeful which inherently displays a defect. In this dispensation both the *civitas terrena* and the *civitas Dei* are related and mixed. What was decisive, however, is that according to Augustine the earthly state is nothing but a *copy* of the *city of God*. The platonic view of the relationship between ideal form and its copy in matter, which is inherently bad, dominates his view. He even designated the earthly city as *Babylon* and called its monarch *Diabolus*. By viewing the sacramental institute of grace (the *Corpus Christi*) as encompassing the entire life of the Christian,

Augustine upheld the totalitarian legacy of Greek thinking and at once mediated the subsequent medieval developments in this regard, up to the late-medieval struggle between church and state. Designating the church as *societas perfecta* (a perfect society superior to the state) Augustine paved the way for the Scholastic ground-motive of nature and grace which was brought to a unique synthesis in the thought of Thomas Aquinas (1225-1274).

Thomas Aquinas accepted the Aristotelian view of the human being as constituted by a material body and a rational soul and he also held the view that an isolated individual cannot reach its natural perfection alone, reminiscent of Aristotle's universalistic conception of the human being as a *political animal* (*zoon politikon*). Owing to its social nature an individual aims at moral perfection as the ultimate natural goal. But in addition to this, the human being is directed at eternal bliss (*ad finem beautitudinis aeterno*), which exceeds the measure of the natural abilities of human beings (Pegis, Volume I, *Summa Theologica*, I, II, 91,4). Thomas Aquinas therefore subsumes *nature* (the state) under the supra-natural sphere of *grace*. After him Dante contemplated an account for the intrinsic justification of the world monarchy by holding the view that the Empire within its worldly sphere is ordained by God just as directly as the Papacy for the spiritual sphere.

In the papal encyclical *Quadragesimo Anno* (15 May 1931) the Thomistic view still prevails when we read:

Surely the church does not only have the task to bring the human person merely to a transient and deficient happiness, for it must carry a person to eternal bliss (quoted by Schnatz, 1973:403).<sup>2</sup>

### **3. The switch from the whole to an addition of individuals: Marsilius von Padua**

Within the nominalist movement Marsilius von Padua advanced a new tendency, away from the traditional holistic (universalistic)

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2 The translation of the WEB-version of *Quadragesimo Anno* reads: "Certainly the Church was not given the commission to guide men to an only fleeting and perishable happiness but to that which is eternal" (§ 41).

Aristotelian-Thomistic. According to him a collection of people (*congregatio*), aiming at establishing peace among themselves, is called a *civitas*. Its aim is not merely an inner peace of mind, but an external tranquility through which the *parts* of the state-whole can fulfill their obligations without any impediment (see Von Hippel, 1955:360). Because he derived all power (authority) from the human will (anticipating the *general will* of Rousseau) and because the church is supposed to have its foundation in divine law, the church as institution actually cannot exist. The church is, according to him, nothing but the collection of believers.<sup>3</sup> Marsilius concludes that practically all the competencies exercised by the church are usurped, for to his mind their nature are connected to power which belongs to the state. The authority claimed by the church resides in the “collection of believers”. Moreover, the church could no longer be seen as a special community, since the realm of Christ is not from this world. When, as Von Hippel points out, the worldly power inherits also the spiritual power, then this power in the modern sense of the word turns into the total state [“wird sie im modernen Sinne zum totalen Staat”] (Von Hippel, 1955:363).

The emphasis on a collection of believers certainly demonstrates the decisive switch that took shape in the thought of Marsilius, away from the long-standing priority given to the whole-parts relation in our understanding of society by focusing on *adding individuals*. Although it may appear as if any orientation which accounts for individuals may be in a better position to secure the inner spheres of operations of the various societal entities within a differentiated society, in actual fact the reverse turned out to be the case. Neither an individualistic (atomistic) nor a universalistic (holistic) approach succeeds in supporting a structurally limited view of the competence of the state.

The social contract theories, from Hobbes up to Kant, by and large proceeded on the basis of atomistic convictions, without being able to advocate a meaningful delimitation of the power of the state. The only exception was Rousseau who started from an individualistic perspective on the hypothetically assumed state of nature, but then,

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3 “Et quod sic Christus ecclesiam, id est credentium seu fidelium universitatem” (*Defensor Pacis*, II, c. VI, 13 – quoted by Von Hippel, 1955:362).

via the contract, switched to a universalistic view because the social contract produced a moral, collective body in which every autonomous individual was transformed into an indivisible part of this whole. To be sure, as soon as the contractual agreement is reached, Rousseau starts with a new universalistic conception which only accepts a whole fully encompassing the former individuals as *indivisible parts* ('partie indivisible du tout' – see Rousseau, 1975:244) of this new totality (the *volonté générale*).

#### **4. From a rationalistic individualism to an irrationalistic universalism**

Yet the age of Enlightenment once again reverted to what may be designated as an *individualistic rationalism*. Early Romanticism alternatively pursued the path of an *irrationalistic individualism*. However, since the anarchistic consequences of this stance turned out to be unacceptable, refuge was sought in a supra-individual cultural (ethnic) community. In the *freedom-idealism* of Schelling, Fichte and Hegel each nation has its own *Volksgeist*. This development completed the circle, for now we have an *irrationalistic universalism*. Western civilization here witnessed the rise of the modern ideology of an all-encompassing community for the first time – which obtained a new life in the Nazism and Fascism of the 20<sup>th</sup> century.

#### **5. The radical alternative of Johannes Althusius**

Fortunately there are more than these two options when it comes to an appreciation of the nature of human society. At the beginning of the 17<sup>th</sup> century Johannes Althusius, in spite of his general *sympiotic* understanding of society, saw a few undeniable glimpses of what eventually became known as the principle of sphere sovereignty.<sup>4</sup> At the time the word "state" was not yet in use because terms such as *politia*, *imperium*, *regnum*, *populis* and *respublica* were employed (see the account of the ideas of Althusius in Von Gierke, 1968:25). Within contemporary works on political theory it happens frequently that the state is identified with its *government*.

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4 See the analysis of Woldring in his article on the constitutional state in the political philosophy of Althusius (1998).

Yet Althusius clearly distinguished between two capacities of being a citizen, namely occupying the office of government or being a subject. Von Gierke explains that Althusius advanced the “division of citizenship into government and subjects”.<sup>5</sup>

The definition of the state by Althusius contains the stipulation that the “state” is a “*universalis publica consociatio*” (Von Gierke, 1968:25). Yet, the important element in this recognition of the state as a public collectivity is that it is accompanied by terminating the long-standing application of the whole-parts relation to human society. He came to the unique realization that not every societal entity (such as families, churches etc.) is part of the state. Von Gierke summarizes his view by stating that neither the individual nor the *collegia private* [private, non-state societal entities] are parts of the state, because being a part of the state only applies to *cities* [*Städte*, municipalities] and *provinces* (Von Gierke, 1968:25). Therefore the genuine parts of the state are solely *provinces* and *municipalities* (see Althusius, 1603:16).

At the same time, within this context, Althusius in addition also defended the view that “particular associations are ruled” by *proper laws* (*leges propriae*), as required by their peculiar nature (Althusius as translated in Carney, 1965:16). Von Gierke points out that for Althusius every “Verband” [organized community/societal collectivity] has its *proper law*.<sup>6</sup>

The idea of *proper laws* combined with a different understanding of the whole-parts relation provides sufficient ground to recognize the

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5 “die Scheidung der Bürgerschaft in Obrigkeit und Unterthanen” (Von Gierke, 1968:23).

6 “Dabei gilt für jeden Verbände sein *lex propria* ...” (Von Gierke, 1968:21). On the next page Von Gierke mentions the general distinction which Althusius eventually draws between “*consociatio simplex et private*”, which combine individuals for a particular communal interest (*peculiar commune*) and the “*consociatio mixta et publica*” which binds together the simple “Verbände” into a many-sided political community (*politeuma*). In conflict with his initial position (found in the first edition of 1603), where he considered the non-political “Verbände” as distinct from the state, he later on once more returned to the (totalitarian) view according to which these non-political “Verbände” are appreciated as parts of the political communal being (“als Unterart der politischen Gemeinwesen” – Von Gierke, 1968:22, Note 4).

first intimations of the idea of sphere sovereignty in Althusius' thought, even though we have seen that Althusius did not succeed in maintaining this view consistently.

## 6. The mixed legacy of Stahl

More than two centuries later, during the first part of the 19<sup>th</sup> century, Friedrich Julius Stahl also provides seminal ideas approximating the idea of sphere sovereignty. He reacted against state-absolutism by emphasizing that the government is bound by the divine world-order in which he observes a guarantee for the existence of independent spheres of life. He refers to inborn and acquired rights which, just like other communities, sets a limit for governmental interference. It would be unlawful for the state to intervene within these spheres.<sup>7</sup> Likewise, in his reaction to socialism, which aims at handing over to the government all means of production, Stahl opts for the independence of industrial life and for individual freedom regarding the choice in which organized communities such an individual would like to function (Dengerink, 1948:28).

Unfortunately Stahl followed Luther in his view that *law*, in the sense of a general rule, is in conflict with the essence of Christian freedom (see Holl, 1928:473). This conception, in turn, flows from the underlying *two realm* world-view which is still present in the approach of Stahl, for he distinguishes between the natural order of things and the *higher* divine ordering of things. This increasingly led to a view in which "Staat und Gesellschaft" is identified, for they are said merely to be "different sides of one and the same national existence and task" (Stahl, 1854:50). The ultimate consequence of this deviation eventually resulted in asserting that the state, as the institution destined to control the general human condition, is the one, highest, sovereign power on earth.<sup>8</sup>

The state is responsible for the totality of life-goals and the particular aims pursued by the "Volk" and other communities are

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7 "in deren Sphäre der Staat ohne Unrecht nicht eingreifen kann" (Stahl, 1863:312).

8 "Als die Anstalt zur Beherrschung des gesammten menschliche Gemeinzustandes ist der Staat die Eine, oberste, die souvräne Macht auf Erden" (Stahl, 1854:210).

subordinate to the state-goal – they are elements and branches of the state [“Elemente und glieder des Staates”]. Although they occupy an independent position, their location is still *within* the state – the national well-being *embraces* the well-being of all classes within society. “Only in the most recent time humanity, in the full concept of its dynamic virtue, developed into the principle determining the whole society.”<sup>9</sup> This explains why Stahl could observe in “the jural” the “total ordering of human communal life” (Stahl, 1854:294, Chapter VII, § 39).<sup>10</sup>

Dengerink therefore correctly points out that, although Stahl advanced a view containing elements of the principle of sphere sovereignty, the idea of the relative autonomy of the different parts of the state after all plays a dominant role in his thinking. In his attempt to return to the “standenstaat” [estates-state] of the medieval era, Stahl actually misunderstood the latter in its undifferentiated structure. Stahl did not realize that the medieval political estates as well as the undifferentiated corporations have lost their significance because the state and its true parts (provinces, municipalities) integrated these responsibilities within the sphere of the state as a public legal community. The process of societal differentiation at the same time served these corporations to come into their own as *private* communities and societal collectivities [*Verbanden*] with their own limited private task. In the final analysis the dominant role is assigned to the whole-parts relation ensured that the idea of *autonomy* obtained a central place in Stahl’s thought (see Dengerink, 1948:44 ff., 56 ff.).

## 7. From Van Prinsterer and Kuyper to Dooyeweerd

### 7.1 Van Prinsterer

In his oration on sphere sovereignty delivered at the opening of the *Free University* in 1880 Abraham Kuyper mentioned that it was Groen van Prinsterer who coined the phrase *sphere sovereignty*

9 “Erst in den neueren Zeit ist die Humanität vollen Beriff zur energischen Tugend, zu dem die ganze Gesellschaft bestimmenden Princip geworden” (Stahl, 1854:347).

10 “das Recht” is viewed as “die totale Ordnung des menschlichen Gemeinlebens”.

(Kuyper, 1880:16-17). Yet in his work on *Sphere Sovereignty* Veenhof states that he was unable to find this expression in the works of Van Prinsterer (see Veenhof, 1939:103, note 76). A phrase breathing the spirit of the idea of sphere sovereignty is found in the “Adviezen” of Van Prinsterer where he writes: “Church and State are independent within their own spheres, such that neither the Church is subjected to the State nor the State to the Church” (quoted by Veenhof, 1939:103, note 76).

However, Van Prinsterer did not have a clear view of the sphere sovereignty of state and church. Dengerink mentions how Van Prinsterer’s view of the task of the civil judge in ecclesiastical disputes encroaches upon the sphere sovereignty of the church. Van Prinsterer holds that whereas the Church has the competence to establish the *contents* of its confession, it should leave the *interpretation* of this confession to the civil judge. Van Prinsterer therefore did not have a proper understanding of the difference between *civil law* and *non-civil private law*. The civil judge cannot determine anything within the inner sphere of *ecclesiastical law* because its competence terminates in the handling of issues belonging to the *external civil legal side* of the church.

For example, when a minister assumes a heretical position in his sermons, it is only the church as an institute that can decide whether or not it indeed is the case. But if the accused minister acted as chairperson of the *Council Meeting* which came to this verdict, an external civil legal principle has been violated, for no one is supposed to take the law into one’s own hands. Only if the *Church Council* reached its decision without violating any civil legal principle, will it be valid. Naturally such a verdict requires from the *Church Council* an appropriate *interpretation* both of the confession of the church and of the sermons preached by the minister – and this interpretation also belongs to the *internal legal competence* of the church as an organized confessional community – which irrevocably exceeds the sphere of authority of any civil court.

Apart from this shortcoming Van Prinsterer still continued the application of the whole-parts relation to the state and its relationship to other (non-political) societal entities, such as institutions within the domain of education, the press, associations and so on (see Dengerink, 1948:93).

## 7.2 Kuyper

It was Kuyper who aimed at transcending the traditional Roman Catholic hierarchical view of society, with the church institute at the top and the rest of society subordinated to it. Kuyper specifies the “division of church and state” in view of the fact that the political unity of the state does not coincide with the unity of the church. He then states that church and state each has its own unique sphere of life in which they have to act as servants of God since they are bilaterally related. Therefore they do not have any authority to exercise power within each other’s domains (Kuyper, 1907:385-386).

The scope of the principle of sphere sovereignty first of all applies to *societal entities*, such as the state, the church, educational institutions, social clubs, business enterprises and so on. In his *Stone Lectures* he commences his discussion of sphere sovereignty by referring to the “nuclear family, the firm, science, art” and so much more (Kuyper, 1959:72-73).

All things exist in an interwoven coherence, equally dependent upon the cosmos-encompassing law of God, from which each creature acquires the determination and boundary of its meaning. He frequently refers to the *ordinances* of God (Kuyper, 1907:48 ff.). By “law” as Kuyper notes, not only the “Ten Commandments” are intended and “not even the Mosaic law or the moral or ceremonial law”. Instead, “what must come into view is that whole concatenation of laws, in every creaturely thing, by which everything exists that God created on, or above, or under the earth” (quoted in Veenhof, 1939a:30).

Kuyper aimed at a meaningful *delimitation* of the state *vis-à-vis* the other spheres (societal communities and collectivities). In his *Lectures on Calvinism* (1898) he discusses the “sphere sovereignty of the political circle” when he has the sphere sovereignty of the state in mind (Kuyper, 1959:63). Where he calls upon Stahl’s definition of the state in his “Antirevolutionaire Staatkunde”, he positively quotes Stahl saying that the state embraces government and subject and that it has to protect material and spiritual goods and “maintain ‘law and justice’ ” [“recht en gerechtigheid”] (Kuyper, 1916:95; cf. Stahl, 1854:210-217).

What Kuyper had in mind was to demarcate the state primarily from the sovereignty of God and in the second place from the sphere sovereignty of the other social spheres adjacent to it. With regard to

the state he contrasted the principle of sphere sovereignty with two alternative theories of sovereignty, namely that of *popular sovereignty* [*Volkssouvereiniteit*] and *state-sovereignty* (Kuyper, 1959:68 ff.). However, in the articulation of his own view of the state he continued to incorporate elements derived from the Aristotelian-Thomistic legacy. This caused a confusion of the jural and the moral, because in line with the traditional view that the state ought to guide its citizens towards *moral perfection* (the state as *societas perfecta*), Kuyper circumscribes the state as a *moral organism*. The sub-title of Chapter Four (on *Government*) of his “Our Program” [*Ons Program*] reads: “The state a moral organism” [*De staat een zedelijk organisme*] (Kuyper, 1907:60 ff.). The background assumption, derived from Aristotle, is that human society organically developed out of its germ-cell, the household (nuclear family).

This conception led to the idea of an *organic right to vote* – in the sense that only the head of the household has the right to vote. But Kuyper went further in his writing, *Antirevolutionair ook in uw Huisgezin* [*Anti-revolutionary also in your Family*], for in this work he attempts to derive all possible relationships within the state from the structure of the family. This opened the way to introduce what he rejected in a different context, namely a hierarchical understanding of the relationship between state and family, because according to him the state is founded on the family. The implication is that the state is viewed as a large (macro) family, and the latter as a small (micro) state, which underlies his conviction that “the principle of our antirevolutionary constitutional law is rooted in the family”.<sup>11</sup> At the same time he wants to ascribe sphere sovereignty also to the family, which belongs to the “domestic circle”, distinguished from what he designates as the *corporative sphere* of universities, guilds, associations, and the personal sphere of the genius as well as from the “municipal autonomy” (Kuyper, 1959:77). On the next page he assigns the task to the government to honour the distinct “created law-for-life” [*ingeschapen levenswef*] of each of these four domains. Kuyper also speaks of the distinct laws for our thinking (*logic*), willing (*morality*), feeling (*aesthetics*) and eternal life (*religion*)

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11 “het beginsel van ons antirevolutionair staatsrecht wortelt in het huizegezin” (Kuyper, 1880a:8 ff.).

(Kuyper, 1880:69). Although this mode of speech may tempt us to think that Kuyper here anticipated Dooyeweerd's theory of modal aspect (law-spheres), it in fact once more highlights the after-effect of a Greek-Medieval legacy, namely that concerning [*unity*], *truth*, *goodness* and *beauty* as so-called transcendental determinations of being. In anthropological terms these determinations surface as *head*, *heart* and *hand*. But they are not intended to account for sphere-sovereign modal aspects, even though acknowledging different spheres of laws tempts one to link Kuyper's view to the idea of modal *law-spheres*.

### **7.3 Dooyeweerd**

In the early twenties Dooyeweerd and his brother-in-law, Vollenhoven, started to articulate an entirely new view of created reality which crucially depends upon acknowledging the principle of sphere sovereignty.

However, before this could be done in a systematic and consistent way, it was necessary to identify the different dimensions of created reality. Particularly Dooyeweerd articulated the following four dimensions of our experiential horizon, namely (i) the central religious dimension, (ii) the dimension of cosmic time, (iii) the dimension of modal aspects (law-spheres) and (iv) the dimension of entity-structures (designated by Dooyeweerd as individuality structures). Dooyeweerd acknowledges sphere sovereignty within the last three, but not within the radical unity and meaning-totality of reality: "Sphere-sovereignty of modal aspects and their modal spheres of laws makes no sense in the fullness and radical unity of meaning. In the religious fullness of meaning love, wisdom, justice, power, beauty, etc. coincide in a radical unity. We begin to understand something of this state of affairs in the concentration of our heart upon the Cross of Christ. But this radical unity of the different modalities is impossible in time considered as successive refraction of meaning" (Dooyeweerd, 1997-I:106).

The main focus of Kuyper's employment of the idea of sphere sovereignty is human society, although we noted that he does have a broader understanding of the idea of law. Some of his examples touch upon aspects of reality identified by Dooyeweerd as distinct modal law-spheres. However, Kuyper did not develop a theory of

modal aspects as such. This part of Dooyeweerd's theory proved to be extremely fruitful in combatting the derailment of one-sided *ismic* orientations within the various disciplines and philosophy. They always terminate in one or another form of *reductionism* which collapses in multiple theoretical antinomies, exemplified in trends of thought such as *atomism*, *holism*, *rationalism*, *irrationalism*, *physicalism*, *vitalism*, *psychologism*, *logicism*, *historicism*, and so on. Ultimately every reductionistic stance elevates something within creation to the level of the divine. For this reason orientations such as these are also depicted as *reifications*, *absolutizations* or *deifications*.

The theory of modal aspects provides philosophy with an account both of the *uniqueness* and the *unbreakable coherence* between the diverse sphere-sovereign modal aspects. These two sides of the same coin are captured in the idea of a unique qualifying meaning-nucleus and of backward- and forward-pointing analogies (respectively designated as retrocipations and anticipations) which reveal the interconnections between all the aspects.

This theory has shown that no single special science can get around the task of accounting for the *meaning* in which these analogical structural elements are employed. They lie at the foundation of the *analogical basic concepts* (implicitly or explicitly) employed by the various special sciences. Any term derived from a specific modal aspect is therefore multivocal, which means that it can assume multiple meanings depending upon the qualifying modal context in which it appears. Perhaps the most frequent mistake found within the various academic disciplines is to employ an analogical term in its original modal sense. For example, during the 19<sup>th</sup> century an organic mode of thinking tempted sociological theorizing into neglecting the differences between *organic life* and *social life* and on the basis of the obvious similarities come to an identity conclusion claiming that society itself is turned into a living organism.

A proper understanding of the core meaning of an aspect, i.e., its meaning-nucleus as well as its analogical moments, is necessary before an equally constructive attempt is launched to classify the various kinds of entities which we experience within the universe.

Traditionally it was an uncontested practice to distinguish between

three natural realms (kingdoms), things, plants and animals. Closer scrutiny suggested that each of them could be characterized by a distinct modal function – in the case of the material world the physical aspect served as qualification, in that of plants it was the biotic aspect and in the case of animals as sentient creatures the sensitive-psychical mode served as characterizing function. This at once explains the important difference between the domain of natural realms and the structural typicality of being human. The normative flexibility of human actions can explore the guidance of any normative function. One moment a person can assess the validity of a logical argument, the next moment the same person can buy something, and then join friends at a social club. Successively these human actions are guided by different norming modal functions, namely the logical-analytical, the economic, and the social, without absorbing such a person *fully* in any one of them.

On the basis of the intimate connection between the diversity of sphere-sovereign aspects and the normative flexibility of human actions, the distinct societal entities present in a differentiated society could be classified on the basis of their characteristic and unique qualifying aspects. Of course, prior to such a classification one has to account for the multiple ways in which human beings can interact in a social sense. Dooyeweerd argues for the distinction between communal and collective relationships on the one hand and coordinational relationships on the other. In Dutch the terms are *Verbande* (societal collectivities), *Gemeenschappen* (communities) and *Maatschapsverhoudingen* (coordinational relationships).

Against this background he then distinguishes between a foundational function and a qualifying function in order to classify all the societal collectivities, communities and coordinational relationships. In the case of “verbande” he also speaks of *organized communities*. Dooyeweerd advanced the idea of *organized communities* in order to link the classification of societal entities to their foundational function. The problems it caused for his analysis of human society are discussed in Strauss, 2006 (see page 251).

Every human being partakes in the three ways of social interaction distinguished above. They are actually fitted in an unbreakable coherence, because no one merely acts within coordinational relationships or solely in communal and collective relationships. Sociological individualism reifies coordinational relationships while sociological

universalism absolutizes communal and collective relationships. Sphere sovereignty in principle transcends these one-sided distortions because it prevents any view of human society in subsuming one sphere-sovereign societal entity under another sphere-sovereign entity. No single sphere-sovereign societal entity should be reduced to a mere *part* of an encompassing whole, to be subordinate to such a whole. One of the key signs that an implicit whole-parts relation is present in reflections on human society, is therefore given when the idea of *subordinate* organizations, groups or associations surfaces.

## 8. Concluding remark

The fact that the human person transcends every single societal tie – albeit collective, communal or coordinational – provides the key insight in avoiding both individualist and universalist views of human society. At the same time distinct spheres of societal interaction are serving human freedom within all of them and could therefore not be appreciated as a threat to human freedom. Freedom is present when the norming appeal of collective, communal or coordinational relationships is pursued in obedience, while antinormative actions enslave human social life.<sup>12</sup>

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12 In a follow-up article an investigation will be conducted to the similarities and differences between the reformational principle of sphere sovereignty and the principles of solidarity and subsidiarity found within the Roman Catholic tradition (see, for example, Monsma, 2006 and Van Til, 2008 where these relationships are discussed).

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