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For Kuyper the scope of the principle of sphere sovereignty primarily applies to *societal entities*, such as the state, the church, educational institutions, social clubs and business enterprises. His Stone Lectures commence with a discussion of the sphere sovereignty of the “nuclear family, the firm, science, art” and more. All things exist in an interlinked 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.<sup>59</sup> 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.”<sup>60</sup>

For Kuyper it is important to find a *delimitation* of the state vis-à-vis the other social spheres. When he focuses on the state in his *Lectures on Calvinism* (1898), he deals with the “sphere sovereignty of the political circle.”<sup>61</sup> The above-mentioned positive distinction between government and subjects in the thought of Stahl is continued in Kuyper’s *Antirevolutionaire Staatskunde* (Antirevolutionary Politics), where he positively quotes Stahl saying in his definition of the state. He posits the maxim that the state, embracing government and subject, has to protect the material and spiritual goods and “maintain ‘law and justice’ (*recht en gerechtigheid*’).”<sup>62</sup>

Of course his primary distinction is between the sphere-sovereignty of the state and the sovereignty of God. Only in the second place does he aim at the mutual sphere-sovereignty of the other social spheres adjacent to the state. In respect of the state, he contrasts the principle of sphere sovereignty with the doctrines of *popular sovereignty* and of *state-sovereignty*.<sup>63</sup> It is unfortunate that in the formulation of his own view, he continues to incorporate elements of the Aristotelian-Thomistic legacy. As a result, the jural and the moral are confused. This pattern of thinking is in line with the traditional scholastic

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57 Kuyper A. 1959. *Het Calvinisme*. [Calvinism] 3rd edn. Kampen: JH Kok. 72-3.

58 Kuyper A. 1907. *Ons Program*. [Our Program] 5th rev edn. Hilversum: Hóveker & Wormser, 385-6.

59 Kuyper, *Ons Program*, 48 ff.

60 Veenhof C. 1939. *In Kuyper’s Lijn* [In the line of Kuyper] Goes: Oosterbaan & Le Cointre, 30.

61 Kuyper, *Het Calvinisme*, 63.

62 Kuyper A. 1916. *Antirevolutionaire Staatskunde. Met nadere toelichting op Ons Program*. [Antirevolutionary Politics: With a more detailed elucidation of Our Program] Kampen: JH Kok, part 1; Kuyper, *Antirevolutionaire Staatskunde*, 95; cf. Stahl, *Rechts- und Staatslehre auf der Grundlage christlicher Weltanschauung*, 210-17.

63 Kuyper, *Het Calvinisme*, 68 ff.

view that the state, in its organological development, must lead its citizens towards *moral perfection*. In line with this view 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."<sup>64</sup> The background assumption, derived from Aristotle, is that human society *organically* developed out of its germ-cell, the household, the nuclear family.

This view was incorporated in the idea of an *organic right to vote* – only the head of the household has the right to vote. Kuyper went even further in a work titled, *Antirevolutionair ook in uw Huisgezin* (Anti-revolutionary also in your family). In this work, his aim is to derive all possible relationships displayed within the state from the typical structure of the family. The unfortunate outcome of this conception is that it accepts what has already been rejected, namely a hierarchical understanding of the relationship between state and family. The state is not founded on the family, since it is actually viewed as a large (macro) family, while the family itself is seen as a small (micro) state. This view informs his conviction that "the principle of our anti-revolutionary constitutional law is rooted in the family."<sup>65</sup> Yet sphere sovereignty is also assigned to the family (belonging to the "domestic circle"), and distinguished from what he designates as the *corporative sphere* of universities, guilds, associations, and the personal sphere of the genius, as well as from "municipal autonomy."<sup>66</sup> On the next page, he sees it as the task of the government to honour these four distinct domains, each with its own "created law-for-life."

Although Kuyper discerns distinct laws for our thinking (logic), willing (morality), feeling (aesthetics) and eternal life (religion),<sup>67</sup> this mode of speech should not mislead us to assume that Kuyper anticipated Dooyeweerd's theory of modal aspects, while in fact it actually highlights the influence of the Greek-medieval legacy regarding unity, truth, goodness and beauty as so-called transcendental determinations of being. Within anthropology these determinations surface as head, heart and hand but they are not intended to account for sphere-sovereign modal aspects,<sup>68</sup> even though acknowledging different spheres of laws shows that Kuyper's view makes an appeal to the same states of affairs which prompted Dooyeweerd and Vollenhoven to develop their idea of modal *law-spheres*.

64 Kuyper, *Ons Program*, 60 ff.

65 "het beginsel van ons antirevolutionair staatsrecht wortelt in het huisgezin" Kuyper, A. 1880. *Antirevolutionair óók in uw Huisgezin* [Antirevolutionary also in your family]. Amsterdam: JH Kruyt, 8 ff.

66 Kuyper, *Het Calvinisme*, 77.

67 Kuyper, *Souvereiniteit in eigen kring*, 69.

68 We shall return to the emergence and contents of the phrase sphere-sovereignty below. An excellent exposition of the societal implications of this principle of *sphere-sovereignty* and the concept of *religious freedom* is found in Van der Vyver, *Reformed Christians and social justice*.

The law-spheres innovation entered the scene during the early twenties when Dooyeweerd and Vollenhoven introduced their novel view of created reality crucially depending upon acknowledging the principle of sphere sovereignty.<sup>69</sup> Dooyeweerd did this by distinguishing the the central religious dimension of creation, the dimension of cosmic time, the dimension of modal aspects (law-spheres) and the dimension of entity-structures (designated by Dooyeweerd as individuality structures). Sphere-sovereignty applies to all except the first.

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.<sup>70</sup>

Kuyper's employment of the idea of sphere sovereignty is restricted to human society in spite of the fact that he has a more encompassing understanding of the idea of law. Yet Kuyper did not develop a theory of modal aspects as such. Dooyeweerd's theory of modal aspect in fact proved to be vital in contesting one-sided *ismic* orientations within philosophy and the various disciplines. They invariably terminate in some form of *reductionism* which is inherently antinomic. These antinomies are 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, absolutisations* or *deifications*.

The theory of modal aspects provides an account both of the uniqueness and the unbreakable coherence between the diverse sphere-sovereign modal aspects. These two features are accounted for by acknowledging a unique qualifying *meaning-nucleus*, as well as backward- and forward-pointing *analogies* (respectively designated as *retrocipations* and *anticipations*) revealing the interconnections between all the aspects. No single special science can avoid the task to account for the meaning in which these analogical structural elements are employed, reflected in the elementary or analogical basic concepts of the various disciplines. Any term derived from a specific modal aspect is therefore multi-vocal, which means that it can assume multiple meanings depending upon the qualifying modal context within which it appears. The history of

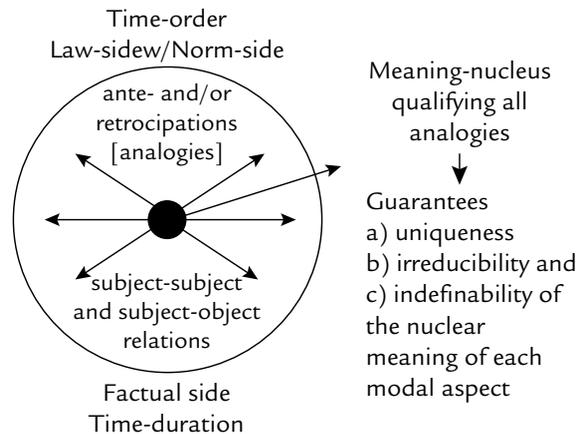
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69 Vollenhoven DH. 1933. *Het Calvinisme en de Reformatie van de Wijsbegeerte*. [Calvinism and the reformation of philosophy] Amsterdam: HJ Paris, 22-48.

70 Dooyeweerd H. 1997. *A New Critique of Theoretical Thought*, in Strauss DFM (ed). *Collected Works of Herman Dooyeweerd*. A Series, vol I. Lewiston, NY: Edwin Mellen, 106.

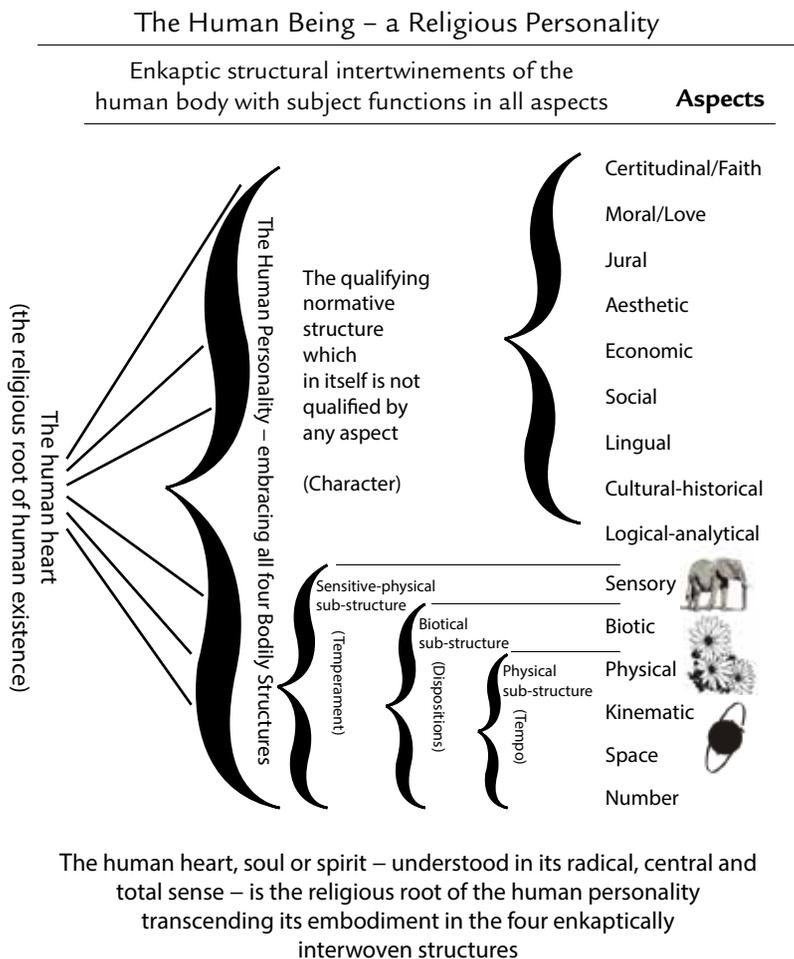
the disciplines is filled with trends aiming at reducing analogical terms to the original modal aspect in which such analogical terms are located. For example, during the nineteenth century an organic mode of thinking tempted sociological theorizing into neglecting the differences between *organic life* and *social life* while accentuating the obvious similarities in order to arrive at an identity conclusion, namely that society itself is 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 attempting to classify the various kinds of entities we experience in the universe, including societal entities such as state, families, faith communities business enterprises, educational and academic institutions, and so on. (See Figure 4).

Figure 4: The Structure of a Modal Aspect



The practice of distinguishing between the realms (kingdoms) of material things, plants and animals acquires a more precise characterisation by assigning a distinct qualifying function to each of them. Material things are qualified by their physical aspect, plants by their biotic aspect and animals by their sensitive-psychical mode as sentient creatures. What distinguishes humankind from the natural realms is the normative flexibility of human actions which can be guided by any normative function. Successively these human actions may be guided by different norming modal functions, such as the logical-analytical, the economic or the social, without absorbing such a person *fully* in any one of them. (See Figure 5).

Figure 5



Enkapsis concerns the interlacement of two differently-natured structures such that each retains its inner sphere of operation. The constitutive physical configuration of living things does not lose its physical-chemical qualification when it functions within living entities. Such entities are functioning enkaptically – that is, retaining their physically qualified nature – within living things. Similarly, the biotic organs and the sensory sub-structures of the human body are enkaptically interwoven in the total bodily existence of a person.

The preceding historical overview of the relationship between law and religion highlights the importance of safeguarding both personal and collective religious freedom. But since the history of reflecting on state-law was dominated either by universalistic or individualistic approaches, no satisfactory account was given of the legally limited law-making competence of the state. An alternative approach, aiming at transcending the shortcomings of individualistic and universalistic views, will be developed in the closing chapter of this volume, on the philosophical approach to law and religion within context of human society. It will be argued there that the principle of sphere-sovereignty not only overcomes these defects, but also provides a principled delimitation of state-power.