
Philosophy of the Cosmonomic Idea: Herman Dooyeweerd's Political and Legal Thought

Herman Dooyeweerd (1894-1977) was born in Amsterdam, where he spent almost all of his life as a student and scholar.' He grew up in the neo-Calvinist circles strongly influenced by Abraham Kuyper (1837-1920), the highly influential churchman, journalist, political leader, and educator, *who* founded the Free University of Amsterdam, edited a daily newspaper, organized Europe's first Christian Democratic political party (the Antirevolutionary Party), and served as Prime Minister of The Netherlands from 1901 to 1904. Kuyper is known in North America primarily through his Stone Lectures² at Princeton University in 1898 and through his influence at institutions of the Christian Reformed Church and Reformed Church of America, particularly Calvin, Dordt, and Hope Colleges in the United States and the Institute for Christian Studies and Redeemer University College in Canada.

A serious student and musician, Dooyeweerd completed his undergraduate and graduate studies at the Free University, writing his doctoral dissertation in 1917 on the role of the cabinet in Dutch constitutional law. After that, for a period of about ~~5~~ years, he served in local and national government posts in the northern province of Friesland, the city of Leiden, and The Hague. In 1922, he then accepted appointment as assistant director of the Kuyper Institute, which had just been founded in The Hague as the policy research center for the Antirevolutionary Party. Four years later, he became professor of law at the Free University, where he served until his retirement in 1965, and where he, with philosophy professor D.H.T. Vollenhoven, organized an association for Christian philosophy whose journal, *Philosophia Reformata*, is, in 2003, in its

68th year of publication. In 1948, Dooyeweerd was made a member of the Royal Dutch Academy of Science. On the occasion of his retirement, the president of the Academy, Prof. G.E. Langemeijer, wrote that Dooyeweerd was "the most original philosopher the Netherlands had ever brought forth.

The first years of the twenty-first century serve as an opportune time to introduce the work of Dooyeweerd, because his *Collected Works* are now being translated into English under the general editorship of D.F.M. Strauss and published by the Edwin Mellen Press (Lewiston, New York) on behalf of the recently organized Dooyeweerd Centre at Redeemer University College in Ontario and the Herman Dooyeweerd Foundation. The first volume of Dooyeweerd's never-before-translated five-volume work, *Encyclopedia of the Science of Law*, edited by Man M. Cameron, was, in fact, just released in 2002.

From the beginning of his research and writing at the Kuyper Institute on the crisis of modern political and legal thought, Dooyeweerd began to move in the direction of developing a comprehensive Christian philosophy as the necessary foundation for legal and political science. As Bernard Zylstra, one of Dooyeweerd's students, explains, Dooyeweerd realized early on that the most important questions of any special science, including the social sciences,

are consciously or unconsciously answered in terms of underlying philosophical systems. As a result, Dooyeweerd's career from that time [the early 1920s] had two related but distinct points of orientation: first, the development of a general Christian philosophy; and, second, the testing of that philosophy by a careful consideration of theoretic questions in the special sciences.³

As Dooyeweerd puts it, "For the special jural science, the entire method of theoretical concept formation is dependent upon the philosophic ground-idea from which it takes its point of departure."⁴ By "ground-idea," Dooyeweerd means the overarching or comprehensive idea of reality with which one starts when abstracting particular fields or modes of that reality for special study. An

adequate conception of law, for example, can never be achieved without an idea of how the legal or jural aspect of reality coheres with all other aspects.'

Moreover, according to Dooyeweerd, at the root of every basic ground-idea is a "religious basic motive"⁶ or orienting drive that directs one's life and thought. "The great turning point in my thought," Dooyeweerd explains, "was marked by the discovery of the religious root of thought itself...." Consequently, as he continued his philosophical quest, Dooyeweerd realized that the long-standing western assumption of the autonomy and neutrality of philosophical thought had to be recognized as a fundamental error, because all thought is dependent on pre-theoretical assumptions and religious basic commitments. Henceforth, he sought in a conscious, critical fashion to ground all of his philosophical work in the Christian ground-idea, which he summarizes with the phrase, "creation, fall, and redemption." With the three words of that phrase Dooyeweerd encapsulates the basic idea that the whole of the cosmos is God's creation, ordered by God's laws and norms toward an end that will be realized only through God's judgment of human sin and redemption of the cosmos in Jesus Christ. For this reason, Dooyeweerd refers to his philosophy as "*de wijsbegeerte der wetsidee*" - the philosophy of the cosmonomic idea.'

Another point from which to gain entrance to Dooyeweerd's philosophy is by starting with the ordinary, everyday experience we have of the various relationships, associations, organizations, and institutions of society. Without much critical thought we can notice that these relationships and organizations are of different types and exhibit different kinds of responsibility. In order to give a proper account of those diverse responsibilities, however, one must engage in a normative task, and this is where critical reflection and argument become unavoidable, according to Dooyeweerd. The reason is that every serious attempt to account for social diversity either answers or takes, for granted answers to questions such as: What makes social diversity possible? What is its source or origin? What holds the diversity together? And what is the meaning of human life in society in the first place? Taking up these and many closely related ques-

tions, Dooyeweerd's work represents an attempt to develop an empirical-normative account of the foundations of social diversity and the conditions for its normative development and coherence. In the course of his work, as just mentioned, he became convinced that the differences among various accounts of reality are due most importantly to differing ground-ideas arising from different "religious ground motives" or "religious basic motives," which encompass and influence human life in its entirety. These deep orienting drives shape the basic assumptions and ideas that thinkers have about the origin, diversity, and coherence of the cosmos.

Dooyeweerd's philosophy, therefore, whether starting from within the problems of theoretical thought or starting from questions about everyday experience, is rooted in the conviction that the cosmos—everything that exists—is God's creation.⁹ On this basis, he presumes that every scientific and philosophical account of reality must necessarily depend on the creation's order and conditions, regardless of whether a thinker believes this to be true. Thus, if those seeking to account for reality hold fast to contrary assumptions and/or ignore the lawful and normative boundaries of creation, their arguments will inevitably get caught in antinomies.

By an "antinomy" Dooyeweerd means an unresolvable dilemma that a theorist accepts as a given—as inherent in the very foundations of reality, including the foundations of human life and society. However, from Dooyeweerd's point of view, the cosmic order cannot be antinomic because it is God's well-ordered creation.¹⁰ In fact, it is the very order (*nomos*) of creation that drives misguided, *anti-nomos* thinking into its unresolvable dilemmas (antinomies). Thus, the only account of reality that can answer the questions raised above without collapsing in antinomies is one that is grounded in biblical, creation-order assumptions and proceeds by carefully heeding the creation's integral order. Moreover, only such an account will be able to offer an adequate explanation of why other accounts get caught in antinomies. Thus, Dooyeweerd's philosophy of the cosmonomic idea entails the method of antinomy: the method of searching out, illuminating, and overcoming antinomies. And this is a crucial part of his methodical investigation of the character of

diverse religious basic motives and ground-ideas that he calls the transcendental-critical method."

The Necessity of a Cosmomic Idea

According to Dooyeweerd, the very possibility of posing and responding to questions about law, politics, and society, and the possibility of theoretical thinking itself, go back to the ordering conditions of the creation and not merely, as some believe, to the subjective ideas people have or to the adequacy of their empirical research. This is why every science and philosophy must start with assumptions about those ordering conditions, says Dooyeweerd. All theorizing necessarily presupposes a "cosmomic idea," even if it is the mistaken idea that all of reality is ordered by and coheres in autonomous humanity or in theoretical thought itself. The necessity of a cosmomic idea is apparent in the conduct of theoretical thought when thinkers choose to focus their attention on one or another part of reality—the biotic, or the social, or the legal, for example—abstracting it from all that is not drawn into that particular focus of attention. In order to conduct such analysis a thinker must, at the very least, assume that a relationship already exists between thought and that which is being thought about, namely, the chosen field of study. This also means that every thinker must assume that all parts of reality continue to cohere even while abstract thinking proceeds. Theoretical thought cannot even begin, and certainly cannot proceed, without an idea or unconscious assumption about the origin and coherence of the diverse reality.

Take, for example, the modern western tradition of political liberalism that dominates social, economic, and political thought in the United States. Liberalism's answers to questions about diversity, justice, pluralism, and coherence tend to be based on normative criteria presumed to be either innate in each individual (inalienable rights) or constructed by supposedly rational, self-governing individuals through some type of contract. The *origin* of social diversity as well as the authority to determine the right ordering of that diversity are thus assumed to be found in autonomous individuals and the contracts they make with one another.¹² The guiding,

unifying, integrating norm is individual freedom, which means the freedom of each person, insofar as possible, to initiate actions and make commitments unencumbered by an outside dictate (whether from feudal lord, clan chieftain, neighbor, government, or God). In saying this much, however, it is evident that liberals speak of freedom not just descriptively, but as a binding norm or law: individuals *ought* to obey, yield to, conform to the norm of self-government (autonomy) rather than obey, yield to, conform to the standard of heteronomous or theonomous authority. "Freedom," in other words, is used to *prescribe* a standard for what should be the order of life in society. Typically this norm of freedom for the individual goes hand in hand with a derivative or accompanying norm of equality: if each person should be free, then the freedom of each one should be recognized and protected equally. This is what each person deserves, what each is owed: this is what justice requires. Justice, then, means recognizing and guaranteeing *freedom* equally to everyone. Consequently, that which ought to bind every person, every social entity, and every government is the law of equal recognition and protection of each person's autonomy.

But how do the standards of freedom and equality both bind and arise from autonomous persons? Can individuals truly be free if they are bound by, or obligated to, a law? Consider, for example, liberalism's problem with governmental authority. If every person should, normatively speaking, be unencumbered, in keeping with the hypothesis of autonomy, and if, at the same time, no one can be assured of the exercise of their freedom apart from protection by government, then are not all persons encumbered from birth by government's heteronomous restrictions, regulations, obligations such as taxes, and other legal burdens? The traditional liberal answer to this dilemma is that government is itself the fruit of a rationally constructed social contract among autonomous individuals. Consequently, government's laws and regulations, including its forceful protection of the freedom and equality of all persons, represent nothing more than the extension of each person's right of self-government. From this argument it is evident that the liberal answer to the question of what holds diversity together is "self-government

by political extension." Coherence among diverse elements itself must derive from the autonomous individuals who together decide which relationships and associations to create and the terms on which all of the contracted entities will exist simultaneously. The actual diversity of social relationships and institutions is, thus, utterly arbitrary-historically accidental-in the sense that both the diversity of entities and their coherence accord with no other law than the law of creative autonomous contracting.

From Dooyeweerd's point of view, however, there are antinomies in this basic liberal ground-idea. For example, human freedom is supposedly the *origin* as well as the *rule* of society and its coherence, but to hold such an assumption, it is necessary (from John Locke to John Rawls) to posit a mythical, unhistorical social contract that transmutes or transubstantiates multiple individual autonomies into a single governing authority that can obligate the supposedly autonomous individuals with heteronomous demands. The social contract, seen as necessary, establishes an authority that confines, or diminishes, or ultimately denies individual autonomy. Furthermore, neither the ideal of autonomy nor the myth of the social contract yields a serious account of the real qualitative differences that are apparent in society: the differences among economic, academic, recreational, scientific, aesthetic, social-service, and political organizations, for example. In other words, liberalism is even inadequate to the empirical task of accounting for the origin and meaning of that qualitative diversity, since it falls back on nothing more than the presumed interests and freedom of individuals. But why do individuals have this diverse range of interests and capabilities in the first place, and why does the pursuit of them take different organizational and institutional forms?

The empirical inadequacy and the antinomic character of liberalism's fundamental assumptions and arguments have their root in the religious ground-motive of modern humanism, according to Dooyeweerd. That root is the dialectic of freedom and determinism. The antinomic character of this religious basic-motive became stark in Thomas Hobbes and other early modernists, and it reached a high point in the philosophy of Immanuel Kant.¹³ Dooyeweerd

refers to the philosophic expression of modern humanism's religious ground-motive as the dialectic of the "freedom ideal" and the "science ideal." We can summarize the dilemma briefly as follows. The early ideal of human freedom or autonomy was carried largely by faith in science—the science ideal—a conviction that humans would achieve their Creator-like independence and self-sufficiency through rational, scientific mastery of nature. "Nature was conceived as the territory that had to be dominated by the free personality with its `sovereign reason.'"¹⁴ Behind the science ideal was the assumption that all of reality, including human life, is subject to laws of nature, which scientific thought has the power to explain. Understanding those laws would supposedly lead to ever increasing human control over the environment, and thus to ever increasing self-government, self-mastery, and autonomy.¹⁵ Only if humans can gain freedom from the encumbrance of anti-scientific ecclesiastical dogma and political oppression can they become truly autonomous. The enlightening progress of science will supposedly make that possible.

However, if it is true that the growth of science is the key to human mastery and thus to human freedom, it appears that complete human autonomy will come about only when scientific thought reaches the point where it can explain the behavior of everything in the universe, including human behavior, in terms of the laws of nature. But this means that maximum human mastery will be attained when science eclipses all freedom, because everything will then have been shown to be predetermined by the laws that science has mastered. Freedom will be swallowed up in a pre-determined nature." As Dooyeweerd explains, as soon as the ideal of science dominating nature "began to make itself felt consistently in humanistic philosophy, so that the entire extent of reality from top to bottom was construed as a closed chain of mechanical cause and effect, there was no longer a place in any part of reality for the `free autonomous personality.' `Nature' showed itself to be a dangerous enemy of `freedom.'"¹⁷

Kant's response to this dilemma was to try to separate the realm of naturally determined phenomena from the noumenal (non-

phenomenal) realm of human freedom, and to give priority to the latter. But Dooyeweerd argues that Kant never escaped the inner antinomy in the religious basic motive and cosmogenic idea of liberal humanism on which his thought depended. Even in Kant's realm of human freedom, the fundamental assumptions of liberal humanism lead to unresolvable dilemmas.¹⁵ In Kantian liberalism, the origin of norms for human life is the practical reason of autonomous individuals. The idea of autonomy, of being a law to oneself, of self-government, of being a person who should be treated as an end and not as a means, must be posited, Kant believed, as a practical rational necessity even though it cannot be proven scientifically. Yet the very nature of a lawful or normative principle, even in the realm of freedom, is that it binds and obligates someone. Consequently, if the rational self is truly autonomous but at the same time obligated, then it is simultaneously both free from any law as well as the law that constitutes that freedom. There is an unresolvable tension here between two poles that simultaneously repel and depend on one another: the pole of unbounded freedom and the pole of universal and inescapable law. Law binds subjects, but autonomous subjects are themselves the law-givers. The self is swallowed up in law, or law dissolves in freedom. This antinomy, Dooyeweerd contends, demonstrates the inescapability of the creation's normative boundaries, which liberalism tries to deny at the outset but from which it cannot escape. In order to save the presumed autonomous individual, liberalism must posit a law of freedom and equality to guarantee the individual's freedom. The universality of the law, however, levels or obliterates the distinctive identity of each supposedly autonomous person, and also any significant qualitative differences among institutions, by subsuming each under the law of freedom.¹⁹

This all too brief introduction to Dooyeweerd's exploration of the underlying cosmogenic idea of liberal humanism is sufficient to have introduced the critical philosophical approach by which he works to fathom the unresolvable dilemmas that necessarily arise from mistaken ideas of the origin, diversity, and coherence of the cosmos. The difficulties inherent in liberalism reveal antinomies

that cannot be resolved on the terms liberalism assumes to be true at the foundations of life. The modern humanist cosmomic idea presumes that the ordering of social diversity originates with autonomous human reason or will. This subjectivizing of normativity is inherently antinomic because no creature is its own law; each creaturely subject exists only in relation to the lawful, "norm-full" order of creation. The antinomy thus exposes the error of the fundamental assumption of human autonomy.

Dooyeweerd is convinced that the unresolvable dilemmas of all "immanence philosophy"²⁰ typically begin with the absolutizing of human reason. Since rationality and every other part of the creation have their meaning only within the coherent bond of all the dimensions of our creatureliness, the attempt to absolutize and elevate reason and/or any other part of creation to the position of origin leads to antinomic outcomes. Only the Creator, not part of the creation; is the transcendent origin of all that exists. The cosmomic idea of liberal humanism, as that of every other immanence philosophy, must therefore be challenged from another standpoint, a standpoint that does not start with the deep religious presumption of human autonomy but with the religiously deep assumption that humans and all creation are fully dependent on, and normatively accountable to, God. Humans are heteronomously encumbered from the outset, and the grounds of social diversity and coherence are to be found in God's creation order itself.

The Cosmomic Idea of Creation Order

If Dooyeweerd assumes that the cosmos is a law-and-norm-ordered creation, should we then identify him as a "natural law" philosopher? The preliminary answer to this question must be both yes and no. If by reference to "natural law" one intends to say that humans are somehow bound by laws and norms that are not reducible to, or created by, human subjects themselves, then yes, Dooyeweerd is a natural law philosopher. Dooyeweerd is in search of an accurate understanding of the law-order of the cosmos, which humans have not created. However, if one has in mind with the phrase "natural law" the philosophy of Aristotle, or the Stoics, or Thomas Aquinas,

or John Locke²¹, then Dooyeweerd wants to take some critical distance.

Dooyeweerd is convinced that human subjection to the creation's laws and norms is given with the very meaning of creation. Everything the Creator creates, including humans, is distinguishable from the Creator and is therefore subject to the ordered conditions and purpose the Creator has given it. At some points in his writing Dooyeweerd uses a spatial metaphor to speak of the law as a *boundary* between God and the cosmos. More often he speaks of the creation's *law-and-norm side*, which *holds* for all creatures, which are the *subject-side* of creation. Whether referring to "boundary" or "law-side" Dooyeweerd's intention is to counter the idea of a continuity of being—a great chain of being, or an analogy of being—that unites and binds God and the creation together under the same law. To the contrary, Dooyeweerd believes that physical, chemical, and biotic laws (among others), together with norms such as those that call forth and bind humans to think logically, to socialize hospitably, to provide careful stewardship for the creation, to do justice, and to love the neighbor—that all of these laws and norms constitute the governing conditions that God has established for the creation. They all hang together interdependently and irreducibly. But we must not suppose that any of those laws or norms also bind God. Human acts, including the act of thinking, can never transcend the creation's law-norm order because that order is the very condition for the exercise of human thought and other capabilities.

Dooyeweerd lays out his empirical-critical understanding of the creation order most elaborately in the second and third volumes of *A New Critique of Theoretical Thought*. Every creature and every concrete thing and institution is subject to laws and/or norms of both a *modal* character and an *individual-identity* character. By "modalities" (or "modal aspects" or "modal spheres") of reality, Dooyeweerd refers to that which answers the question of *how* things exist, in contrast to the particular subjects that exist in terms of the laws of those modalities. The modal aspects of the creation have a definite, interdependent order in relation to one another as aspects of time.

Each is a law (or norm) sphere in the sense that its "law (or norm) side holds for individual subjects and objects. No particular person or thing or institution exists apart from the modal laws and norms that hold for it.²² Dooyeweerd enumerates 15 modal aspects (or spheres) of reality as follows:

Our temporal empirical horizon has a numerical aspect, a spatial aspect, an aspect of extensive movement, an aspect of energy in which we experience the physico-chemical relations of empirical reality, a biotic aspect, or that of organic life, an aspect of feeling and sensation, a logical aspect, i.e., the analytical manner of distinction in our temporal experience which lies at the foundation of all our concepts and logical judgments. Then there is a historical aspect in which we experience the cultural manner of development of our societal life. This is followed by the aspect of symbolical signification, lying at the foundation of all empirical linguistic phenomena. Furthermore there is the aspect of social intercourse, with its rules of courtesy, politeness, good breeding, fashion, and so forth. This experiential mode is followed by the economic, aesthetic, juridical and moral aspects, and, finally, by the aspect of faith or belief.

This whole diversity of modal aspects of our experience makes sense only within the order of time. It refers to a supra-temporal, central unity and fullness of meaning in our experiential world, which is refracted in the order of time, into a rich diversity of modi, or modalities of meaning, just as sunlight is refracted by a prism in a rich diversity of colors.²³

These modalities become distinguished only through acts of scientific abstraction and critical reflection, and that is why we recognize most *of* them as fields or disciplines of academic study: physics, chemistry, biology, logic, economics, law, and so forth. From a Christian standpoint, one understands that reality cannot be reduced to any one of these modes of existence, and therefore, as part of the transcendental-critical method and the method of antinomy,

one is on the lookout for theoretical reductions that lead to a misunderstanding of the multi-modal creation. These attempts typically yield reductionistic "isms"-biologism, materialism, historicism, etc.-arising from the absolutization of theoretical thought, which, then-dependending on the cosmonomic idea and religious basic motive of the thinker-adopts a particular modal abstraction as the means of explaining all of reality.

In Dooyeweerd's interpretation, medieval Christian philosophy, culminating in the work of Thomas Aquinas, attempted a problematic synthesis of Christian and Greco-Roman cosmonomic ideas, just as a great deal of modern Christian philosophy has tried to synthesize Christian and modern humanist cosmonomic ideas. Aquinas, for example, certainly presumed that the God of the Bible is the Creator of all things and that all modes of reality and the diversity of human responsibilities hold together by the providence of God in the unity of God's creation. On the other hand, according to Dooyeweerd, Aquinas also adopted a great deal of the classical worldview as the framework with which to explain human nature, law, and the diversity of society. This was problematic because the cosmos for the Greek philosophers is explained ultimately in terms of the dualistic dialectic of form and matter. Form and matter, even when both are thought of as created by God, cannot yield a non-antinomic idea of creation's coherence and integral dependence on God. This is especially significant for Aquinas's understanding of reason, law, and nature, where Dooyeweerd sees as at least a partial expression of rational-legal reductionism.²⁴

Aquinas, as Dooyeweerd interprets him, sometimes blurs the boundary between God and the creation with respect to both law and reason and tends to reduce or condense all modal normativity to rationality.²⁵ Natural law is the sharing in eternal law by intelligent creatures; the relationships "between men" and "of men to God" are subject to the dictates of natural law, which represents the sharing of human intelligence in the eternal law. The creation's social diversity coheres in rational lawfulness-both divine law and natural law, which also serve as moral norm. Human reason thus, to some degree, appears to be both subject and law at the same time. By

contrast, Dooyeweerd argues, the biblical understanding of creation is incompatible with

a falling back upon the Aristotelian-Thomistic conception of the "lex naturalis." For this latter proceeds from the religious form-matter motive of Greek thought, and therefore necessarily conflicts with the Biblical conception. The speculative Idea of the "lex aeterna" provides the foundation for the speculative "lex naturalis" with its teleological order of "substantial forms." In this construction human reason thinks it can prescribe what is law to God. And in the final analysis the Aristotelian conception of the world-order is deified, because in the Idea of the *lex aeterna* it is identified with the "rational essence" of God."

One of the dialectical antinomies in this kind of natural law thinking is parallel to, though different from, the modern humanistic antinomy discussed above. To the extent that human reason is believed by some natural-law thinkers to be the essential conduit of natural law as well as the regulator of human moral life, then reason or intelligence is presumed to function as both subject and law. For Aristotle, humans govern themselves properly when reason rules over will and passion. This is different from modern humanism in that Aristotle did not believe humans are autonomous. Instead, he believed that reason is the higher part of human nature that grasps or participates in divine reason. The problem in this formulation, however, is that either there is no ultimate substantial difference between divine reason and human reason-in which case reason is the law of pantheistic self-governance-or, if there *is* a difference between the divine and the human, the difference appears to be in the fact that humans are materially embodied rational souls. Yet, even in that case, humans rule themselves by right reason, which is possible because of their rational sharing in divine reason or the eternal law. The regulative ordering of human life thus originates to some degree from the higher part of the human subject, namely, the rational part, which is the law for the will, the emotions, and the appetites. The human subject, or at least human rationality, functions dialectically as both law and subject at the same time.

Consider the following summary by Russell Hittinger of Heinrich Rommen's twentieth-century explanation of why natural-law thinking has prospered in the law-as-reason tradition in contrast to the law-as-will tradition:

For Rommen, natural law thinking has always thrived in the *lex-ratio* tradition. According to this tradition, law binds by way of rational obligation. To use the older scholastic terminology, law is neither force (*vis coactiva*) nor mere advice (*lex indicans*), but is rational direction (*vis directiva*). The *lex-ratio* position contends that the intellect's grasp of what ought to be done comes first; the force executing that judgment comes second, after the directive of reason. Interestingly, Thomas Aquinas insisted that command is principally a work of reason. He believed that without the measure of action grasped and communicated by the intellect executive force is blind and arbitrary. For example, when we say that force must be justified by law, we recognize at least implicitly that law and force are not the same thing. So, it is one thing to say that force without law is unjustified, but it is quite another thing to suppose that law is force. Thus, for the intellectualist tradition, law and liberty are not necessarily in opposition, because they are grounded in the same source, namely the intellect's measuring of action. The *lex-ratio* tradition holds that only on the ground of the primacy of reason can we make sense of law as obligation rather than as a literal binding in the fashion of force.²⁷

Dooyeweerd argues that legality, rationality, and forcefulness are all modes of human existence. But in each of these modalities (and in other modalities as well) the subjective human function is always bound, respectively, by legal norms, rational norms, and norms of historical-cultural power. In fact, the only legitimate starting point for a science and philosophy of law is the recognition of the interdependence of all modes of reality. As Dooyeweerd explains: "A concept of law that truly wishes to grasp this structure of the jural aspect can never be found apart from a philosophic idea of the mutual relationship and coherence of the jural aspect with the remaining aspects of reality."²⁸ Furthermore, subjective function-

ing in one mode cannot serve as the norm-giver of subjective functioning in another mode. Nor may the subject's function in any modality be identified as the law of that modality. God's manifold law-order holds human creatures accountable in all kinds of ways. Neither the boundary between Creator and creature, nor the distinction between subject and law/norm, nor the irreducible boundaries of all the modal spheres of reality may be blurred or obscured without leading to confusion and antinomy.

Law and force must indeed be distinguished and not reduced to one another, Dooyeweerd would agree. But with respect to life in political community, for example, if we are to speak properly about the relation of law and force, it is necessary to recognize the full, multi-functional reality of the *state* institution with its own identity-its own "individuality structure," as Dooyeweerd refers to it—that entails lawmaking and executive functions, police and the military, courts of law and the law-adjudicating processes. The binding enforcement of law is not, therefore, *a rational* matter, even though human reasoning is operative in all dimensions of state life. Rather, the enforcement of public law is *a juridically* guided political-institutional matter in which rationality, legality, and forcefulness should all function in accord with the norms that hold for each of those functions within the state structure.

Rejecting the identification of reason with the normative ordering of human life is a judgment that flows from Dooyeweerd's insistence on recognizing not only the irreducibility of modal aspects and the distinction between subject and law (or norm) in each modality, but also the distinction between creatures and their Creator. On these terms, Dooyeweerd also denies the possibility of natural theology in the sense of a theoretical knowledge of God, made possible by human reason, which by *analogia entis* gains access to the mind and eternal law of God. One may speak biblically of the creation revealing the glory of God, of humans imaging God, and of God's faithfulness and revelation to human creatures through his covenantal bond with them. One may say that God's law binds humans so that their obedience to it leads them to the knowledge of God. But everything known of God comes from what God has

revealed in, through, and to creation. Human knowledge of God cannot be something that transcends the boundaries or the temporal law-order of creation itself. Dooyeweerd thus follows Calvin in what he refers to as Calvin's essential return to Augustine insofar as the latter sought to reject the neoplatonic blurring of boundaries between Creator and creature. Calvin is intransigent, says Dooyeweerd, in his opposition to every attempt to make human reason or the human will a co-legislator with God or with divine reason, because such an attempt invariably finds its origin in a speculative idea of a community of reason or will between God and creature."

Law/Norm Pluriformity

Going no further than this in introducing Dooyeweerd's cosmonomic philosophy, we have already touched on two important characteristics of the creation. The first is the creation's pluriformity and the second is the creation's law-order comprising both laws and norms.

(1) The creation's pluriformity is the ground of Dooyeweerd's normative *affirmation* of societal pluralism, which is the human obligation to develop, care for, and do justice to the creation's diversity, including the diversity of human social responsibilities. Dooyeweerd emphasizes two meanings of the creation's pluriformity. The first is that God's creatures are *many*, each with a distinct identity or individuality. The second meaning of the creation's pluriformity is its *modal* structure and the irreducible "sphere sovereignty" of every modality.

(2) With respect to the characteristic difference between laws and norms, consider, for example, the difference between biotic laws and legal norms. Humans as well as plants and animals have no choice about, or responsibility for, the way biotic laws govern their biotic functions. In that regard, we speak of natural laws. By contrast, juridical norms hold for humans in a *way* that requires human response and "positivization." Humans may obey or disobey the normative demands of justice in the way they shape society, but they cannot escape those demands. By their very identity humans are (among other things) juridically *responsible* creatures. Thus, part of what distinguishes humans from other creatures is precisely their

normed or responsible character. According to Dooyeweerd, one of the distinguishing characteristics of "norms" in contrast to "natural laws" is that in all of the normative modalities or law spheres "the laws are given only in the form of principles. They do not automatically bring about results in the subjective course of events, as is the case in a natural process. They appeal to the normative power of human judgment and require the giving of form, positivizing by human will."³⁰ Plants and animals are not responsibly subject to the norms of logical reasoning, economic stewardship, doing justice, and so forth, even though all of these norms hold humans accountable for the way they relate to plants and animals and other creatures. Both the "natural laws" to which humans are involuntarily subject as well as the "norms" for human responsibility, according to Dooyeweerd, constitute the law-side (in contrast to the subject-side) of creation. And humans are subject to all laws and norms simultaneously.

Because humans bear diverse kinds of responsibility, it is possible to account for the moment of truth as well as the errors in various philosophical reductionisms. Take for example the liberal reaction to earlier governmental authoritarianism, which denied real political responsibility to those who are subject to authority. Partly because authoritarianism had mistakenly identified certain human superiors (feudal lords, kings, etc.) as *the law* for their subjects, we can understand why the reaction of the French revolutionaries ("Neither God nor master") arose. But two wrongs do not make a right. The opposition to authoritarianism (in contrast to authority) has legitimate grounds because all humans have indeed been called to responsibility. Yet the mistaken conception of human responsibility as autonomous freedom leads liberals into the antinomy noted earlier. Human responsibility can only exist in relation to the Creator's normative obligations that hold for and call forth that responsibility. And in every institution some people will exercise the authority that belongs to the governance or direction of that institution. A creationally normative response to the injustices of the *ancien regime* would have been to recognize that the identification of certain persons with the law ignores the difference between subjects

and law. True human freedom comes not from the declaration of an unrealizable autonomy, but from obedience to God's creation-order norms that call all human subjects to responsibility.

As we will see below, Dooyeweerd's account of the historical differentiation of the *res publica* together with the differentiation of non-state institutions and associations shows how the *res publica* makes possible the emergence of a realm of civil private law (or private common law). A limited, public-interest state is, in fact, what makes possible the recognition of individual persons in distinction from the roles and responsibilities that people bear within families, churches, and business enterprises, for example. What liberalism has done is to take that important truth of individual freedom under the law and absolutize it as an ideal of complete autonomy. The free person is intellectually abstracted (mistakenly) from the full context of public-legal protection in a differentiated society. Liberalism then moves backwards from its absolutized ideal to try to construct all human obligations and social relationships on the basis of a presumed human autonomy. The effort becomes unhistorical and antinomic, as we have already seen. Yet the very possibility of the error, according to Dooyeweerd, can be accounted for because of the insight into the normative order of creation, which calls forth the differentiation of society, the state, and the distinguishable realm of individual freedom.

Modal and Individuality Structures

Part of what distinguishes Dooyeweerd's Christian cosmomic-idea philosophy is the way he articulates the relationship between the modalities of the creation order, on the one hand, and the diverse kinds of creatures and institutions, on the other. The diversity of modal laws and norms embraces the entire creation all at once. And every creature has an identity that is subject to those laws but not reducible to them. For example, physical laws hold for all physical subjects at the same time that biotic laws hold for all living subjects at the same time that juridical norms hold for all juridical subjects, and so forth. Humans are subject to all such laws and norms simultaneously. But "there is not a single law-sphere that may be

considered as the exclusive origin of individuality."³¹ The individuality of each creature cannot be explained in terms of any single modality or of all of them together. We know from everyday experience that the difference between a plant and an animal, for example, is that even though both are physical and biotic creatures, the animal is more than a physical and biotic creature. It is also a sensitive creature capable of habits and reactions that are foreign to plants. Likewise, while humans are physical, biotic, and sensitive creatures, they are also rational, historical, economic, aesthetic, juridical, and loving creatures. Analyzing the modalities helps us understand *how* things function even though such analysis cannot account for *what* each creature is as a whole.

For the most part, Dooyeweerd's work concentrates on analyzing the modal functioning of different creatures to show how particular modal functions serve as the "founding" functions and the "guiding" (or "qualifying") functions of the full individuality of those creatures. A plant, for example, is a biotically qualified creature; an animal is a sensitively qualified creature, and so forth. These modal functions do not in themselves establish the peculiar identity of an apple tree or a tomato plant or a fox or a whale, because the individuality of each lies beyond modal explanation. Nevertheless, the universality of each modal sphere represents part of the order of God's single creation, and the way different creatures function in them reveals a great deal about their unique identity. A vast array of creatures function in accord with a diversity of modal laws, all of which hold for the single, pluriform creation.³²

Taking seriously the modal law-structure of reality, Dooyeweerd tries to account for the reductionisms and antinomies evident in many philosophical and scientific arguments. Hobbes argued, for example; that everything is matter in motion. That is true in one sense, namely, that every physical thing in creation is subject to physical laws. But his statement is not true if it is taken to mean that physical laws are sufficient to provide an exhaustive explanation of everything.³³ Physical reductionism appears to be possible because of the universal embrace of physical laws, but it becomes antinomic when the reductionist tries thereby to account for everything in the

universe. There is more than a physical law-side to the universe and the "more" cannot be accounted for in terms of physical laws alone. Or take biological reductionism. It is true that every living creature, including humans, is subject to biotic laws. But biological reductionism cannot account for the various non-biotic dimensions of human experience that supposedly emerge in the course of biological evolution. To argue that humans are nothing more than highly evolved, increasingly complicated living organisms since they, like fish, fowl, and animals, are also biotic creatures, offers no explanation of how and why humans exhibit logical, economic, juridical, and ethical functions. Biotic laws can, at most, explain biological functioning; they cannot explain the non-biotic functions. Biotic laws may be universal in their embrace, but they no more exhaust the universe than do physical laws. The human ability to write music and create musical instruments presupposes aesthetic and crafting norms. The very nature of such norms distinguishes them from biotic laws and thus the former cannot be accounted for in terms of biotic evolution.³⁴

Even within the normative realm, aesthetic norms cannot be reduced to logical or historical or juridical norms. If, for example, a Marxist or a capitalist says that all of human social life can be explained in terms of economic laws, the statement has validity if it means that all humans act in economic ways as characterized by the production, exchange, and use of goods and services. There is no human life without economic activity. Yet the statement is wrong if its intention is to say that all political, familial, artistic, cultic, and academic activities and institutions can be accounted for in terms of economic functions and norms. The very mention of political, familial, and academic institutions takes for granted a diversity that is more than economic in order to try to give an economically reductionistic account of that diversity. Economic norms are universal but not exhaustive.

The fact that in the history of science and the humanities we have witnessed many different kinds of reductionistic attempts to explain reality bears testimony to the pluriform character of the modal structure of reality. If reality were nothing more than matter in

motion, then biological reductionism could never have been attempted. If human creatures were nothing more than complicated biotic and sensitive creatures, then economic reductionism could never have been attempted. The multiplicity of reductionistic attempts bears witness to the simultaneous,³⁵ universal embrace of the many modes of the creation's order.

It is the very character of the creation's cosmonomic order that makes possible the illumination and confinement of human error, according to Dooyeweerd. With respect to deviancy, for example, humans can try to think illogically, speak meaninglessly, produce and consume uneconomically, relate to one another unlovingly, and build unjust political systems, but they cannot thereby achieve success and satisfaction in thought, speech, productivity, love, and justice. That is to *say*, by anti-normative behavior they will either immediately or gradually prove the validity of the binding character of the creation's norms, because their actions will lead to the failure of communication, the pollution of the environment, constant conflict, and the breakdown of human community because of a lack of trust. The very fact that one person can say to another, "That isn't logical," or "That is unjust," or "Those parents are mistreating their children," is possible only because of a normative order by which to make such judgments and by which to see the legitimacy or illegitimacy of every human action and pattern of behavior and organization.

At this point, of course, we face the charge that all such norms have been socially constructed. But this charge, too, collapses in antinomies, Dooyeweerd argues. Without doubt, all human relationships and institutions reflect social and historical "construction" because humans function socially and historically in subjection to the norms of those modes of existence. Humans really do make history and creatively organize their lives. Yet "social" and "historical" norms cannot account for aesthetic, ethical, and juridical dimensions of reality. In order for ethical or juridical relationships and institutions to develop socially and historically, they have to have an ethical or juridical character. And if the attempted social or historical reduction is already grounded in the modern humanist

presumption that all human norms originate from the autonomous subject, then the reductionism inevitably exhibits the antinomy of trying to identify subject and law, neither of which can generate the other.³⁶ The norms that hold for reasoning within the single creation order in which reasoning takes place, will not allow for the successful completion of reductionistic and antinomic arguments.

The modal aspects of reality in which all creatures function are not the only dimension or horizon of the creation's cosmonomic order. The modal dimension, as we have said, accounts for *how* things exist, not for *what* exists. The actual things that exist must be approached in terms of their full "individuality structure." For our purposes here, we will consider only Dooyeweerd's account of human life in society.³⁷ And the first thing to say in this regard is that Dooyeweerd does not conceive of the human person as having a temporal individuality structure. Rather, he argues that humans give shape to and live through a variety of kinds of structured relationships, organizations, and institutions, each of which has its own individuality structure in accord with creation-order norms. Altogether, the full range of these relationships and institutions disclose that humans—the image of God—cannot be exhaustively disclosed in and through them. Human persons in their generations have their identity in a threefold relationship: (1) in relation to one another through a diversity of normative relationships and institutions, (2) in relation to all other creatures, and (3) ultimately in relation to God, a relationship that cannot be reduced to any or all of the first two sets of human relationships.³⁸

To understand human temporal life, therefore, we must deal with the fullness of its relational complexity. The normative complexity of human social existence is precisely what liberalism (as well as socialism, communism, absolutism, and other "isms") misses and which, on its own terms, it cannot account for. To illuminate this complexity we must deal carefully with three closely interrelated realities: (1) the "individuality structures" of human society in relation to the modal dimensions of the creation's law-order; (2) the historical differentiation and integration of society; and (3) the human obligation to organize and integrate differentiated societies

in a just way. In the process, we will see not only the anti-reductionist, normative-empirical sweep of Dooyeweerd's approach but also how different his historically dynamic, creation-covenant assumptions are from both those of liberal humanism and those of the Greek philosophers who sought to ascend to eternal rational forms to explain the identity of institutions and individuals.

1. Individuality Structures and Their Modal Qualifications

Dooyeweerd begins with the assumption that human life unfolds within a unified cosmos, which is God's creation. Pluriformity, therefore, is, by God's design, coherent and non-antinomic. It is an integrally ordered pluriformity. Normatively speaking, diversity within the creation, both among a variety of creatures and within human society, presents no inherent conflict or tension. Conflicts arise from anti-normative behavior—from disobedience to God's creation-order norms—in the historical shaping of culture and institutions: Based on these assumptions, Dooyeweerd's critical eye goes in search of the lawful or "norm-full" framework of the identity of things. This search is empirically normative in the sense that he is not an idealist trying to imagine a world other than the one in which we now live. He is not searching for eternal forms behind a materially changing reality in front of our eyes. The law-side or norm-side of reality is part of the creation, given with the creation. Consequently, all human responsibility has the character of norm-responsiveness through obedience rather than form-embodiment through rational application. The development of society historically displays both constructive and destructive, both normative and anti-normative, behavior and consequences. Philosophical and scientific attempts to articulate the character and quality of the diverse laws and norms are acts of understanding and interpretation made possible by reflecting on the actual exercise of human activity.

Through modal analysis, as we saw, Dooyeweerd discerns a multiplicity of universal modes of creaturely existence, all of which simultaneously govern the creatures of God's cosmos. Yet creatures are distinct in their own identities. A tree is not a bush; a cat is distinct from a frog; and humans are not only distinct individually but give

shape to a variety of different kinds of relationships, associations, and institutions. The philosophical question Dooyeweerd then asks about the diversity of creatures and of human life is about the "individuality structure" of each different kind of creature.³⁹

Humans are unique among all creatures, says Dooyeweerd, because they do not remain confined by repetitious and instinctive behaviors that characterize creatures qualified by biotic and sensitive functions, even though humans, too, are embodied creatures who have such functions. The identity of human beings includes the capability of both individual and socially organized action based on calculation and judgment, culture shaping, imaginative anticipation, creativity, complex planning, and so forth. Moreover, humans do all of this in and through multiple relationships, organizations, and institutions as part of their very identity as inter-personal and inter-social creatures. It is precisely the unique identity of each of these relationships and social entities that needs to be normatively accounted for, according to Dooyeweerd, because nothing is possible outside the creation's cosmonomic order. His search, then, is for the internal structural principles of different things, including the different types of human relationships and institutions. Each of the different life-spheres of human society, Dooyeweerd is convinced, has intrinsic structural principles of a normative character that constitute the sphere sovereignty of each individuality structure in distinction from the sphere sovereignty of the different modalities in which everything functions.

To be sure, it is always persons who bear institutional and relational responsibility, but a woman bears a different kind of responsibility as a mother than she does as a town council member and as a shop owner. Moreover, each of her responsibilities is bound together with the responsibilities of other people in each of those arenas of responsibility. We recognize that the family, the town council, and the retail shop each has an identity and normative responsibility of its own. We can also say that when a person becomes a mother, or joins the town council, or opens her shop, she takes on or enters into familial, governmental, or commercial responsibilities, respectively. The very possibility of recognizing and comparing

different families, town governments, and commercial shops across the country and around the world exists because of a typical, normative individuality structure that each one has.

This fact of commonality-of universality-is what led Greek philosophers, on the basis of their form-matter assumptions, to look for an eternal form behind or within each materially distinct thing. By contrast, the fact of personal responsibility and the uniqueness of each historical situation has led liberals to look only to the individual's actions to explain the origin and diversity of institutions and relationships. From a Christian creational point of view, Dooyeweerd argues, the normative individuality structure of each distinct social relationship or entity can be accounted for only in terms of the creation's diversified orderliness that⁴⁰ calls for human responsibility in accord with sphere sovereignty.

The long and important tradition of Thomistic thought is not sufficiently helpful at this point, Dooyeweerd contends. Aquinas was unable to recognize and investigate the "internal structural principles" of each creationally grounded societal relationship because of his teleological and metaphysical view of human society. For Aquinas, to be sure, "the State is only *societas perfecta* in the natural sphere. In all matters relating to salvation it is subordinate to the sacramental institute of grace; but even this relation between State and Church is formally conceived of according to the metaphysical rational order of matter and form."⁴¹ The institutional church and human faith are, for Aquinas, "hypostatized in the `sphere of grace.'" On the other hand, rational and moral human nature is hypostatized in the sphere of nature where the state is "conceived of as an organic *'unitas ordinis,'* of which all other forms of society are merely dissimilar components.""

In Aristotle the State was necessarily based upon the rational and moral essential form of man, because he conceived of the volitional activity of the soul as exclusively belonging to its affective and desiring activity, which in itself is not inclined to follow the leading of reason in choosing the mean...between two extremes. By means of its laws the State must help to accustom the

individual to virtue. This conception was adopted by Thomas in his commentary on Aristotle's *Politica* and it does not appear that he abandoned it in his later works....

*This realistic metaphysical theory does not have any room for the principle of the internal sphere-sovereignty of each typical structural relationship of human society after its own inner nature. It can at the utmost allow for the autonomy of non-political relationships within the State and for the autonomy of the State with respect to the Church.*⁴³

How does Dooyeweerd try to explain the internal sphere sovereignty of each typical structural relationship? He does so primarily by describing and analyzing the unique, actualized grouping of all the modal functions of each entity. Everything in creation, including every social entity, functions simultaneously in all modalities, but each thing does so in a distinct way, in keeping with its particular individuality structure. For example, every human relationship and institution functions juridically. This means, among other things, that proper to every relationship and association is an obligation for participants to do justice to one another. Thus, a teacher must be consistent in grading students' work; employers ought to give wages and benefits appropriate to the type and quality of work, the length of time in service, and so forth; and a judge ought to mete out penalties consistently in ways that fit the crime. Yet in examining each relationship and institution from a juridical point of view, says Dooyeweerd, we should take careful note that the juridical function serves as the leading or qualifying function of only one institution, namely, the state or political community, not of the school, the family, or the corporation. In other words, a school exists not as an organized community of justice but as a community of learning. A family exists not as a community of justice but as a community of love in which children can grow to maturity and family members can share throughout life. A corporation exists as a community of production, distribution, and economically qualified services, and its responsibility to do justice to its employees, manag-

ers, stockholders, is guided by the corporation's economic qualification. Unlike these and all other non-political associations and institutions, says Dooyeweerd, the differentiated state institution or political community, with all its branches, levels, and departments is qualified precisely by a juridical function; that is, it exists *as* a community of public justice. It has no other qualification.'

2. Historical Differentiation and Integration

Let us now turn to the question of the differentiation and integration of society. From Dooyeweerd's point of view, the biblical mandate for humans to fill, cultivate, and have dominion over the earth is a multigenerational responsibility that unfolds within the cosmomic order of creation. And integral to that order is the historical modality of cultural formation.⁴⁵ The cosmomic order of creation is not a collection of unchanging forms, accessible only to reason through its ascent to a transcendent realm above the ever-changing material world. Instead, as humans respond in obedience or disobedience to God in the creative development of all their capabilities in all spheres of life, they develop more and more kinds of relationships and institutions. They marry and raise children, cultivate the earth, tend animals, create music, build cities, and realize the creation's potential in an increasingly diverse range of societal "individuality structures." There is nothing "un-normed" or arbitrary about this process, nothing arbitrary or humanly autonomous about the unfolding and development of human callings, even though historical changes do occur in a humanly unpredictable, unprogrammed, free-forming way.

To speak of "emergence" or "development" is not to suggest either an immanent derivation by biotic evolution' or the origination *de novo* of social diversity by historically autonomous individuals. To the contrary, the biotic and historical modes of human functioning are part of the creation order, not the origin or source of human society. Humans do indeed act historically to shape and unfold society. We can speak of a time before the industrial revolution, before the use of gunpowder, before the printing press. The cotton gin, the long bow, the cultivation of fields-these and

countless other creative discoveries and inventions-marked turning points in history and opened the possibility of further scientific, technological, and artistic achievements. At each stage of historical development, more and more associations and institutions have been established as part of what continues to be the exercise of human stewardship (dominion) over the earth. Yet even historical development is governed by its own modal norm-structure. For example, a publishing company, unlike a family, has a historical, not a biotic founding function, which means that it comes into existence by virtue of a historical act by those who organize it, not by means of a biological birth. Yet the publishing company becomes a *historical* possibility only after language symbols have been written down, only after writing develops, only after the printing press is invented, and only as commerce in books and magazines emerges. Furthermore, the publishing company has a different normative character and purpose than do other historically founded organizations, such as a university, an engineering company, and an art museum.

Historically speaking, humans act either progressively or regressively⁴⁷ in using their different talents and capabilities to shape society, to organize common actions, to worship God, and so forth. But that which humans achieve historically is always more than historical, because human institutions are not reducible to the historical modality. And every human institution or organization that is founded historically is simultaneously guided or qualified by other norms, including those of logic, sociability, economy, justice, and love. That is why we cannot speak simply of history, but must speak of the history of societies, the history of states, and the history of economies, the sciences, and so forth.

Among these multiple norms, Dooyeweerd argues that a *historical* norm of differentiation and integration holds for human society. This means that God has called humans to develop and differentiate their multiple capabilities, to open-up society, and not to hold on to the closed modes of more constricted social formations. "The first mark of the closed condition of a culture," says Dooyeweerd, "is the scope of social restrictions imposed on the cultural interaction of the

people. The primitive society is enclosed in undifferentiated social forms, which exhibit an undifferentiated power sphere in their culture. In all spheres of life the individual is subjected to this power sphere. He is only considered as a member of the primitive community and not as an individual person."⁴⁸ The tight clan or tribal structure does not allow for the differentiation of non-familial associations and institutions. Consequently, explains Dooyeweerd,

[t]his opening-up process of culture is characterized by the destruction of the undifferentiated and exclusive power of primitive communities. It is a process of cultural differentiation which is balanced by an increasing cultural integration. It is effected by the bursting of the rigid walls of isolation which have enclosed the primitive culture and by submitting the latter to fruitful contact with civilizations which have already been opened up⁴⁹

By normative differentiation Dooyeweerd does not mean simply the increasing division of labor and the rationalization of economic and social life. Nor is he advocating imperialism, whether of a western or some other kind, that destroys other cultures with the conviction that its own formations should be taken as the norm for all others. "What I have in mind instead," Dooyeweerd explains,

is a differentiation in the typical individuality-structures of social relationships. In the cultural-historical aspect of these relationships this process of differentiation finds expression in the rise of a rich diversity of typical cultural spheres.... Differentiated cultural spheres, such as those of science, the fine arts, commerce and industry, politics, religion, and so on, can be realized only on the basis of the opening-up process of history. But this does not mean that their typical individuality-structures are themselves of a variable historical character. Since these structures determine the inner nature of the differentiated relationships of society and their typical cultural spheres they must belong to the order of creation in its temporal diversity, which is also the order of our

experiential horizon. It is only the social forms in which they⁵⁰ are realized that vary in the process of historical development.

In other words, the differentiation of associations and institutions is not an arbitrary historical development, socially constructed autonomously by individuals who contract to do anything they choose. The possibility-the very conditions-for any organization to exist and to have the character it does depends on the modal and individuality structural order of the creation.

It is true of course that human sinfulness also becomes a historical power throughout the creation. The influence of sin, says Dooyeweerd, "cannot fail to manifest itself also in the human formation of the cultural principles. That is why the Christian can never agree with an optimistic view of cultural progress. On the other hand, he should not surrender to the radical pessimism of a modern philosophy of cultural decline...."⁵¹ From a Christian point of view, sin is not the last word about human life and society in this age. Human culture "belongs to the Kingdom of Jesus Christ. And the task set to mankind in the cultural commandment of creation should be fulfilled in a continuous⁵² contest with the historical development of the power of sin...."

Now, the differentiation and integration of multiple organizations and institutions as we know them today, with their founding and qualifying functions and with their distinct identities, could not have been realized without the simultaneous differentiation of states, about which we will say more below. The establishment of a *res publica*-a public-legal order with its own normative identity qualified by the juridical modality-made room for the independence and development of all differentiated spheres of society and for the public recognition of individual person. Therefore, the attempt, for example, of early nineteenth-century European conservatives to restore the feudal system, with its undifferentiated patrimonial conception of political authority was, says Dooyeweerd, "doubtless also of a reactionary character and was doomed to disappear as soon as the state was realized in the progressive line of politico-historical development."⁵³ This norm of historical progress

through differentiation and integration is not, however, "of a merely *modal* historical character since it is oriented to the typical structural principle of the state as *a res publica* which in its historical aspect implies a monopolistic organization of the power of the sword, serviceable in the public interest of the body politic."⁵⁴

At bottom, Dooyeweerd argues, a proper commitment to, and understanding of, societal differentiation and integration arises from the biblical ground motive, in the grip of which a philosopher or scientist grasps reality in terms of God's creation order, providence, and judgment-redemption. Societal differentiation is not ultimately a matter of either rational contemplation and maturation or the pursuit of freedom and self-chosen interests. Conflicts in every sphere of life, including the sphere of theoretical thought, have arisen throughout history because of differing fundamental views of life that have gripped peoples, clans, kingdoms, empires, institutions, states, and civilizations. Yet conflict, degradation, oppression, and war occur because of human disobedience-anti-normative behavior-which is exposed by God's judging and redeeming work as the failure of human responsibility. "In the final analysis," Dooyeweerd writes,

the problem of the meaning of history revolves around the central question of who are human beings themselves and what is their origin and their final destination? Outside of the biblical basic motive of creation, fall, and redemption through Jesus Christ, no real answer is, in my opinion, to be found to this question. The conflicts and dialectical tensions which occur in the process of the opening-up of human culture result from the absolutization of what is relative. And every absolutization takes its origin from the spirit of apostasy, from the spirit of the *civitas terrena*, as Augustine called it.

There would be no future hope for humankind and for the whole process of human cultural development, if Jesus Christ had not become the center of world history. This center is bound neither to the Western nor to any other civilization, but it will lead the new

humankind as a whole. to its true destination, since it has conquered the world by the love revealed in its self-sacrifice."

3. *Justice in Differentiated Societies*

In the third place, against the backdrop of the discussion of individuality structures and their historical differentiation, let us now focus on the question of how justice is to be done to humans and other creatures in societies where multiple human relationships, associations, and institutions all function and interact simultaneously. For a family to remain a family, for example, while children go to school, and while father and/or mother go off to work in a separately organized business, and while commerce and industry produce and distribute the food and other goods that families purchase in the market, and while governments authorize and oversee road building, traffic laws, sewage disposal, and police protection-for all of this to happen, it must happen simultaneously. And this, means that in a differentiated society none of the associations or institutions, including the family, can exhaust or totally control the life of the family members.' That is part of the meaning of a differentiated society, and every attempt either to control such a society by means of totalitarian rule or to retreat to a less differentiated feudal, tribal, or clan structure will be reactionary or revolutionary and will radically deform that society by thwarting the exercise of diverse human responsibilities.

What makes possible the integration of such differentiating social complexity? The most basic answer, according to Dooyeweerd, is that God holds the creation together as an integral, cosmonomic whole. Yet in referring to the cosmonomic order of God's creation we necessarily refer to the multiple, normative callings-the real responsibilities-that God has given human creatures. When we look more closely, then, at the creation's cosmonomic conditions for the unfolding and differentiation of human society, we discover that a condition for the simultaneous exercise of multiple human responsibilities in a variety of differentiated institutions within the same territory is the emergence, of a *res publica*, an institutional community of a differentiated type that has public-legal integrative power.

This is the political community or state whose government must be oriented to the public good and not tied to, or represent, particular interests. Government's authority is to uphold justice for all, to protect everything that is non-governmental, and to sustain the well-being of the public trust by, among other things, compelling compliance to public law for the sake of social harmony and the common good.⁵⁷

Of course, within the public square the integrative intertwinements and interdependencies of diverse human relationships and institutions depend on more than public; legal ordering by the state. Governments do not create society nor do they create all social order. The education of young children in schools, for example, becomes differentiated as a responsibility *in loco parentis* and in close relation to families. Science, technology, and industry show continuous interlocking ties. Human and nonhuman creatures are ecologically and environmentally interdependent in countless ways, as are all of the differentiating types of human relationships and organizations, because all are part of God's single, integral creation. Nevertheless, says Dooyeweerd, the simultaneous functioning of all these associations and institutions emerges only in the context of a distinguishable public-legal order.⁵⁸

Because of their mistaken ideal of individual autonomy, liberal humanists fail to account for the distinct identity of the state in relation to the structural differences of other human associations and institutions. However, in response to liberalism it is not enough simply to affirm human dependence on God or to insist on a moral or rational obligation that transcends individual will and self-interest. One cannot derive the normative obligations of different individuality structures from a general moral obligation alone. The obligations people have to love their neighbors, care for the environment, and do justice to one another and all creatures manifest their non-nativity precisely in different types of institutions and relationships. One cannot deduct or infer healthy parenting practices, or wise pedagogical methods, or just public policies from general moral or ethical norms. It is the structural diversity and interdependence of individuality structures that must be accounted for if social, moral,

economic, and juridical norms are to be understood for what they are.

In this regard, the very important insight that Dooyeweerd brings to the debate about public justice and the *common good* of the political community is that the state's qualifying or guiding function is a juridical one. Every ethical, economic, and social concern of the state must be taken up as a matter of public justice, not as a familial, entrepreneurial, educational, or general social matter. The idea of the common good or of a just society cannot remain undifferentiated. The state's responsibility to uphold justice for all qualifies the idea of the common good in a specific way. The phrase or term "common good" is a broad one that any number of institutions should seek to attain within themselves. That goal or ideal does not offer the key to explaining the distinct, differentiated identity of the state or of the relation that the state ought to have with non-state institutions and human relationships. However, once we recognize that the state is a juridically qualified institution, then it is possible to talk about the *political* common good, or the *public* interest (*sales publica*), or the common good of all *citizens in the state*.⁵⁹ It is also possible, then, to talk about the subsidiary responsibilities of the state in relation to non-state actors and vice versa. Yet none of this is possible without first recognizing the sphere sovereignty of the political community in its own distinct identity and normative calling before God.

In order for responsible citizens and all of the differentiated institutions and organizations of society to flourish in accord with their own normative obligations, says Dooyeweerd, a just state or political community must emerge with the authority to enforce *public law* throughout its territorial boundaries. Within those boundaries recognition must also necessarily be given to two other types of jural authority, namely (1) internal private law and (2) civil (or common) private law. By *internal private law* Dooyeweerd means the kinds of laws and rules that belong to families, churches, businesses, and voluntary organizations in their internal affairs. These entities are not mini-states or competitors with the state, for they bear no public-legal authority. But laws of the state cannot be

just if they violate the internal authority and responsibility of non-governmental spheres of life. There is, in other words, as noted earlier, a juridical dimension of every human relationship and organization, each with its own God-given, creational responsibilities. According to Dooyeweerd,

[t]he multiple spheres of private law are fully determined according to the differentiated structural principles of human society. For example, the sphere of internal ecclesiastical law, in its internal jural character and original sphere of competence, is delimited by the peculiar structural principle of the church-institute as institutional community of Christian believers within the organized service of the Word and the Sacraments. Ecclesiastical law unmistakably evinces a private communal character and its own irreducible nature.⁶⁰

In distinction from the internal private law of each distinguishable non-political association and institution, *civil private law*, says Dooyeweerd, does not belong to one association or institution like the family, church, or industry, whose qualifying functions are non-judicial. Instead, civil private law "is *a ius commune*, a common law, as it is called by the British."⁶¹ It pertains to a differentiated realm of inter-individual and inter-institutional relations that is qualified juridically, as the state is, but it is not communal in nature. This is the realm in which individual freedom and equal treatment should be recognized and guaranteed by the state as a matter of right.⁶² Private common law, says Dooyeweerd, "constitutes the juridical asylum of the human personality, the stronghold of individual freedom and as such it is destined to provide a beneficial counter balance against the excessive pressure of communal demands within legal life." This is the realm of law that liberalism mistakenly absolutizes as the basis for, and origin of, all social relationships. But liberalism has it backwards. The idea that individuals are first autonomous and then subsequently contract to create society and the state is a mythical and unhistorical hypothesis. Only the public guarantee offered by the differentiated *res publica* opens up the possibility of a realm of private common law. The public order of the state and the realm of

private common law become differentiated and integrated together along with the differentiation and integration of all the other spheres of human society.

It is only the state, on the basis of its public legal power, that can open up to the individual person a civil legal sphere of freedom, providing that person with a guarantee against the overexertion of power by specific private communities and also against an overexertion of the public legal power itself, as long as the public office bearers keep ^{es} alive an awareness of the inner limits of their competence.

A just state, therefore, is one that governs through public law for the well-being of the entire polity in ways that uphold both the non-political, God-ordained spheres of human society with their own internal juridical authority and the rights of individuals to speak and associate and be recognized in common law as individual persons." The realm of private common law is not autonomously established any more than the state or the family or the church is established autonomously. This realm of legal rights and freedoms only emerges with the differentiation of society and a properly limited state. If one absolutizes individual freedom, then the very grounds for public authority to protect free persons and an independent society are undermined. If one absolutizes the state, then individual freedom and the independence of non-political spheres of life are undermined. The created order, completely dependent on God, allows for no absolutization of anything created.

Within the cosmomic order of creation we should, therefore, recognize the distinct responsibility of the state as the bearer of responsibility for public well-being—the *salus publi'ca*—which upholds and protects the spheres of internal private law and private common law. A just state; by its very normative character as a differentiated public-legal community, may not grant public privilege to any specific person or group. It must remain impartial in that sense, which is why it is very difficult for Americans to understand the normative identity and responsibility of our constitutional system since the conduct of our politics is now so thoroughly shaped by

interest-group competition and an interest-group mentality. The juridically qualified, impartial, public-interest state cannot become or remain a just polity if its government's laws and policies take shape according to interest-group demands rather than in accord with the norm of public justice. The differentiation of the impartial, public-interest state also goes hand in hand with the elimination of undifferentiated spheres of compelling authority like those held by private lords or closed clans and tribes. The subjection of individuals to all-embracing, undifferentiated authorities makes impossible the emergence of independent spheres of private law protected by a public-legal order.

Dooyeweerd's normative argument for the sphere's sovereignty of each kind of association and institution, including the state, is clearly quite different from an argument only for a "subsidiary" relationship *among* associations and institutions.⁶ The subsidiarity argument comes from outside the "sphere-sovereignty" of individuality structures even though, to some extent, it must presuppose them. The subsidiarity argument affirms a normative obligation of government or of another "higher" or more self-sufficient institution to come to the aid of a "lower" or less self-sufficient institution. It also affirms that the less self-sufficient organizations, as well as individuals, should orient themselves to the common good of the whole. To say this much is, of course, to assume that there are differences among social entities. And insofar as government is usually appealed to as the institution responsible to come to the aid of lower or less self-sufficient organizations, subsidiarity also says something about the obligation of the political community to the rest of society. However, nothing within the subsidiarity argument offers normative guidance for identifying the distinguishable structural principles of the diverse social relationships in the first place.

The fundamental subsidiary role of the state, as Dooyeweerd sees it, comes from, and is defined by, the very character of its normative structure. The state should be an institutionally organized public-legal community. Its essential task is to uphold justice for all, which means, among other things, upholding and protecting the

variety of non-governmental associations and institutions and individual persons. Governments, therefore, have a variety of important, public-legal subsidiary responsibilities with respect to citizens and the variety of nongovernmental responsibilities citizens bear. At the same time, individuals and nongovernmental institutions are *not*, therefore, parts of the state as parts of a whole. The only "whole" in all of this is the wholeness of God's creation under God's sovereignty. In society, the diverse associations and institutions cohere through the differentiating and integrating interdependence of sphere sovereignty.⁶⁸

Thomas Aquinas recognized sphere sovereignty only up to a point, Dooyeweerd contends. With Aquinas' view of the supremacy of the church he was able "to evade the absolutistic consequences of the Aristotelian conception of the polis." Moreover, with respect to Aristotle's "thesis that the individual and the lower natural communities are parts of the polis, [Aquinas] adds the reserve: 'insofar as they belong to the same order as the latter.'⁶⁹ Nevertheless, for Aquinas, it is only the church, as the infallible interpreter of natural ethical law, that is competent to pass judgment on the limits of the state's competence. Within the natural sphere "the individuals and the lower communities are not in a position to establish such a violation of natural law by the legislator.... Taking into account the privileges and customary freedom of the medieval corporations, Thomas could accept their autonomy. But autonomy is not identical with internal sphere-sovereignty of the different types of societal relationships."⁷⁰ As Dooyeweerd explains elsewhere:

The principle of autonomy makes sense only when speaking of the relation of a given whole to its parts. One can speak of municipal and provincial autonomy within the state. Municipalities and provinces are indeed parts of the state and have no other structure. But family, state, church, school and industry differ radically in their respective structure. They can never be related to each other as parts to a whole. Hence, from a Christian point of view it is meaningless to speak of an autonomy of family, church, school and industry within the state. The inter-relation can only be

sphere-sovereignty. In the final analysis autonomy, as relative independence of the parts within the whole, depends upon the requirements of the whole.⁷¹

For this reason, then, Dooyeweerd contends that at least within a Thomist framework, every argument for subsidiarity runs the danger of the state dealing with nongovernmental associations and institutions only from an internal political point of view, as if they are parts of the political whole rather than as having their own independent identity with which the state then interacts, cooperates, or partners. For Dooyeweerd, the Thomistic framework cannot go much further than to emphasize the church's moral authority to admonish the state to do justice in its dealings with subsidiary "parts."⁷² What Dooyeweerd wants us to see, instead, is that the moral admonishment necessary for a just state, a loving family, a stewardly enterprise, and a faithful church should come from inside each institution and from each to the other in accord with the normative responsibility that belongs to each one in its own sphere.⁷³

Conclusion

The basis of a just and pluralistic society is the cosmomic order of God's creation to which humans are called to respond in creative, history-making obedience. This includes the responsibility to constitute the state as a community of justice for all in the course of the ongoing differentiation and integration of society. Among other things, the state brings about the public-legal integration of society. That integration succeeds only with the state's recognition and protection of the sphere sovereignty of other societal structures and of individual persons in the context of upholding the public trust shared by all citizens and public officials. A just state is one that upholds structural pluralism as a matter of principle, not as an uncomfortable or grudging accommodation to interest groups, or to individual autonomy, or to its own weakness. And with the continuing historical integration of peoples throughout the world, the normative demand of public justice will increasingly call for interna-

tional and transnational administration of public affairs in accord with the *political* common good of all.

Justice cannot be achieved in a differentiating social order on the basis of either liberal or classical basic-ideas of reality, Dooyeweerd contends. What is needed is human obedience to God's creation ordinances, an obedience made possible by the restoration of the creation through God's redeeming grace in Jesus Christ. Living faithfully out of that religious basic motive opens humans to their true meaning and identity as God's image, male and female, throughout their generations, and makes possible the normative obedience necessary to pursue the stewardship of the earth and to unfold all the riches of human life in society in tune with God's judgment and anticipated fulfillment of the creation.

The purpose of this essay has been to introduce Dooyeweerd's philosophy of the cosmonomic idea and some of the critical elucidation it offers of the structural conditions of human social and political responsibility in God's creation. The purpose has not been to consider particular public policy challenges, or the adjudication of particular constitutional and legal cases, or the ways in which Christians and citizens of other faiths ought to be exercising their political responsibilities at this point in time in the United States or elsewhere. All of these are important tasks and must be pursued. My hope is that this essay may help to illuminate some of the background considerations that are essential for the wise and disciplined fulfillment of these urgent practical tasks, and that it may also help to expand the dialogue and debate among political philosophers of diverse persuasions.

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NOTES

1. For an introduction to Dooyeweerd's life, see Bernard Zylstra's Introduction to L. Kalsbeek, *Contours of a Christian Philosophy*, eds., Bernard and Josina Zylstra (Lewiston, NY: Edwin Mellen Press, 1975, 2002), .14-33, (subsequently, *Contours*). In

Dutch, see Marcel E. Verburg, *Herman Dooyeweerd* (Baum Ten Have, 1989).

2. Kuyper's Stone Lectures-Lectures on Calvinism-are still in print through Eerdmans Publishing Co., Grand Rapids, Michigan, A centennial conference commemorating Kuyper's Princeton lectures (1998) is represented in the volume *Religion, Pluralism, and Public Life: Abraham Kuyper's Legacy for the Twenty-First Century*, ed. Luis E. Lugo (Grand Rapids: Eerdmans, 2000). See also Peter S. Heslam, *Creating a Christian Worldview: Abraham Kuyper's Lectures on Calvinism* (Grand Rapids: Eerdmans, 1998) and James S. Bratt, ed., *Abraham Kuyper: A Centennial Reader* (Grand Rapids: Eerdmans, 1998).

3. Kalsbeek, *Contours*, 21.

4. Dooyeweerd, *Encyclopedia of the Science of Law*, vol. 1, trans. Robert H. Knudsen, ed. Alan M. Cameron, Series A, vol. 8 of *The Collected Works of Herman Dooyeweerd*, ed. D.F.M. Strauss (Lewiston, NY: Mellen Press, 2002), 85, (subsequently, *Encyclopedia*, I).

5. For an introduction to Dooyeweerd's philosophy, see Dooyeweerd, *In the Twilight of Western Thought*, Series B, vol. 4 of the *Collected Works* (Mellen Press, 1960, 1999), (subsequently, *Twilight*); Dooyeweerd, *Roots of Western Culture*, trans. John Kraay, eds., Mark Vander Vennen and Bernard Zylstra, Series B, vol. 3 of the *Collected Works* (Mellen Press, 1979, 2002), (subsequently *Roots*), and Dooyeweerd, "Christian Philosophy: An Exploration," in *Christian Philosophy and the Meaning of History*, Series B, vol. 1 of the *Collected Works* (Mellen Press, 1996), 1-37, (subsequently "Christian Philosophy"). On the early stages of the development of Dooyeweerd's philosophy, see the privately published doctoral dissertation of R.D. Henderson, *Illuminating Law: The Construction of Herman Dooyeweerd's Philosophy* (The Free University of Amsterdam, 1994).

6. Dooyeweerd defines a "religious ground motive" as "a spiritual force that acts as the absolutely central mainspring of human society. It governs all of life's temporal expressions from the religious center of life, directing them to the true or supposed origin

of existence. It thus not only places an indelible stamp on the culture, science, and social structure of a given period but determines profoundly one's whole world view." *Roots*, 9. On the religiously deep control of scientific theorizing, argued from a Dooyeweerdian point of view, see Roy A. Clouser, *The Myth of Religious Neutrality: An Essay on the Hidden Role of Religious Beliefs in Theories* (Notre Dame: University of Notre Dame Press, 1991).

7. Dooyeweerd, *A New Critique of Theoretical Thought*, vol I, trans. David H. Freeman and H. De Jongste, Series A. vol. 1 of the *Collected Works* (Lewiston, NY: Mellen Press, 1955, 1997), v, (subsequently, *A New Critique*, I).

8. While admitting that the term "*wetsidee*" or "cosmonomic idea" may be misunderstood, Dooyeweerd explains that he coined the term "when I was particularly struck by the fact that different systems of ancient, medieval and modern philosophy (like that of Leibniz) *expressly* oriented philosophic thought to the Idea of a divine world-order, which was qualified as *lex naturalis*, *lex aeterna*, *harmonia praestabilita*, etc." In these systems, "this cosmonomic Idea was generally conceived of in a large measure in a rationalistic and metaphysical manner. Hence it became a very attractive task to show, that each authentic system of philosophy is actually grounded in a cosmonomic Idea of this or that type, even when its author does not account for it.... For it is not possible that philosophic thought, which is intrinsically subjected to the temporal world-order, should not be burdened with an apriori view as to the origin and totality of meaning of this cosmic order and its correlative *subject*. And philosophy must have an apriori view with respect to the mutual relation and coherence of the different aspects of meaning in which the divine order and its subjects disclose themselves." *A New Critique*, I, 93-94.

9. In several respects Dooyeweerd's work should be compared with that of Jewish thinkers who are exploring the riches of the biblical covenant tradition. See, for example, David No'ak, *Natural Law in Judaism* (Cambridge: Cambridge University Press, 1998), and Daniel Elazar's four-volume work, *The Covenant Tradition in Politics* (New Brunswick, NJ: Transaction Publishers, 1995-1998). See James W. Skillen, "Can There Be Just Politics Without

Covenantalism?" *Calvin Theological Journal*, vol. 36 (2002), 131-139; and Skillen, "From Covenant of Grace to Tolerant Public Pluralism: The Dutch Calvinist Contribution," in *The Covenant Connection*, eds. Daniel J. Elazar and John Kincaid (Lanham, MD: Lexington Books, 2000), 71-99.

10. "Every theoretical antinomy," writes Dooyeweerd, "is at bottom founded in a subjective turning of theoretical thought against the cosmic order underlying also the laws of logical thinking." *A New Critique of Theoretical Thought*, vol. II, trans. David H. Freeman and William S. Young, Series A, vol. 2 of the *Collected Works* (Mellen Press, 1955, 1997), 46, (subsequently, *A New Critique*, II). Careful, logical thinking about reality in all of its diversity can only proceed by respecting the specific limits of the various dimensions of the creation's lawful, "norm-full" order, including the limits of thought itself. "Every attempt to erase these limits by a supposed autonomous theoretical thought results in theoretical antinomies" (*Ibid.*, 36). The principle of excluding antinomy (*principium exclusae antinomiae*) is not identical with the logical principle of excluding contradiction (*principium contradictionis*), according to Dooyeweerd. Rather, the former is the foundation of the latter. "Without the cosmic order of the law-spheres there is no possibility of logical thought, so that the logical *principium contradictionis* would be meaningless but for the cosmological *principium exclusae antinomiae* safeguarding the sphere-sovereignty of the modal aspects of reality within their inter-modal coherence of meaning" (47).

11. Dooyeweerd explains his transcendental-critical method in a variety of ways and places. See *Encyclopedia*, I, 11-121; *A New Critique*, I, 3-112. For a critical discussion of this method, see Robert D. Knudsen, "The Religious Foundation of Dooyeweerd's Transcendental Method," and Henk G. Geertsema, "Dooyeweerd's Transcendental Critique: Transforming it Hermeneutically," both in *Contemporary Reflections on the Philosophy of Herman Dooyeweerd*, eds. D.F.M. Strauss and Michelle Botting (Lewiston, NY: Mellen Press, 2000), 272-285 and 83-108, respectively; (subsequently, *Contemporary Reflections*).

12. It is not my intention here to enter into the liberal-communitarian debate, but that debate is nicely represented in the twelve essays of *Liberalism and Its Critics*, ed. Michael Sandel (New York: New York University Press, 1984). See also Amitai Etzioni, ed., *New Communitarian Thinking: Persons, Virtues, Institutions, and Communities* (Charlottesville: University Press of Virginia, 1995). It will become evident in what follows that Dooyeweerd cannot be located among the communitarians of this debate even though he is a critic of the autonomy ideal and does believe that humans are social creatures. For a critical evaluation of liberalism and liberal society from several Christian points of view, see Jonathan Chaplin, "Political Eschatology and Responsible Government: Oliver O'Donovan's 'Christian Liberalism,'" in *A Royal Priesthood? The Use of the Bible Ethically and Politically*, eds., Craig Bartholomew, et. al. (Grand Rapids: Zondervan, 2002), 265-308, and Kenneth L. Grasso, Gerard V. Bradley, and Robert P. Hunt, eds., *Catholicism, Liberalism, and Communitarianism* (Lanham, MD: Rowman and Littlefield, 1995). Three important proponents of liberalism who come closest to many of the insights of Dooyeweerd are William A. Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (Cambridge: Cambridge University Press, 2002); Jeffrey Stout, *Ethics After Babel: The Languages of Morals and Their Discontents* (Boston: Beacon Press, 1988); and Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983).

13. Dooyeweerd's extended discussion of the dialectical development of modern humanistic philosophy can be found in *A New Critique*, I, 169-495. Dooyeweerd's interpretation of the history of philosophy is itself the object of much discussion, especially since his most important colleague in the development of the philosophy of the cosmonomic idea, D.H.T. Vollenhoven, took a significantly different, even though overlapping, approach. See K.A. Bril, "A Comparison Between Dooyeweerd and Vollenhoven on the History of Philosophy," *Philosophia Reformata*, vol. 60, no. 2 (1995), 121-146.

14. Dooyeweerd, *Encyclopedia*, I, 64.

15. On the early movement in modern science, from "the search for the *essence of matter* to the search for the *laws* to which matter is subject" see M.D.'Stafleu, "The Idea of Natural Law;" *Philosophia Reformata*, vol. 64 (1999), 88-104. The wider range of questions about modern epistemology is not my concern here. Was Descartes or Locke the father of modern thought? Was Locke an empiricist or a rationalist? For a thorough examination of these and related questions, see Nicholas Wolterstorff, *John Locke and the Ethics of Belief* (Cambridge: Cambridge University Press, 1996). Wolterstorff concludes that Descartes' and Locke's different versions of modern rationalism, for example, do not yet contain the idea of the self-determining subject (as Charles Taylor claims). Wolterstorff, 44.

16. "It was precisely when men first entertained the new science ideal seriously," says Dooyeweerd, "that great difficulties arose. When it became apparent that science *determined* all of reality as a flawless chain of cause and effect, it was clear that nothing in reality offered a place for human *freedom*. Human willing, thinking, and acting required the same mechanical explanation as did the motions of a machine. For *if* man himself belongs to nature, then he cannot possibly be *free* and *autonomous*. Nature and freedom, science ideal and personality ideal—they became enemies. A genuinely inner reconciliation between these antagonistic motives was impossible, since both were religious and thus absolute. Although the freedom motive had evoked the new motive of nature, each motive excluded the other. Humanism had no choice but to assign religious priority or primacy to one or the other." *Roots*, 153.

17. Dooyeweerd, *Encyclopedia*, I, 66.

18. "The epistemological attack on the science ideal was only a prelude to a widespread and critical reversal within the humanistic attitude to life. After his initial intoxication with science, modern man began to reflect on the deepest religious root and motive in his life. This deepest root was not modern natural science but the humanistic religion of personality with its motive of freedom. If the deterministic science ideal was unable to give the autonomous freedom of man its just due, then it should not occupy the dominant place in the humanistic worldview. If this is the case, then it is

erroneous to search for the essence of man in scientific thought; then it is imperative that the motive of control, the dynamic behind the science ideal, be deprived of its religious priority. Primacy belongs to the freedom motive instead." *Roots*, 160. Kant's conception of antinomy, says Dooyeweerd, "is entirely dependent on the Kantian dualistic cosmonomic Idea with its isolating separation between the realm of experience (of nature) and that of super-sensory freedom. In this dualism the fundamental antinomy between the ideal of science and that of personality is concealed. And this antinomy in Kant crystallized itself into the isolating separation between the theoretical realm of the understanding, restricted to phenomenon, and the practical realm of reason, bearing on the super-sensory sphere of the absolute normative Ideas (noumena)." *A New Critique*, II, 43.

19. "In Kant's conception of human personality one can detect this type of rationalism. In his characterization of the autonomy of human personality, the true human *autos* (the selfhood or the ego) is known only by means of the universal form of the moral law (the *nomos*). Kant's rigorous ethics of law left no room for recognizing the value of *individual* disposition. With respect to the universal, moral law, all men are merely indistinct 'individuals' who lack real individuality." Dooyeweerd, *Roots*, 176. See also *Encyclopedia*, I, 67-70.

20. Immanence philosophy, for Dooyeweerd, is the proper designation of any philosophy that starts with the "autonomy of reason as the alpha and omega of philosophic insight" and further absolutizes one or more of the other dimensions of the created order in its idea of the origin of reality. "In itself the acceptance of the immanence-standpoint does not in any way imply the rejection of the so-called metaphysical way to that which transcends *human* thought. Classical immanence-philosophy was even entirely based upon a metaphysical *prima philosophic*.... In other words, the rationalistic-metaphysical way to an *arche* that transcends human thought absolutizes the logical function of thought.... [H]uman thought in its assumed participation in divine reason, is understood to be the Archimedean point. The totality of meaning is sought in the system of the Ideas immanent in thought." *A New Critique*, I, 12-13.

21. Dooyeweerd's reason for taking distance has to do in part with his desire to distinguish incompatible religious basic motives that, in many ways, control the meaning of words. Jean Porter highlights the same concern in "Contested Categories: Reason, Nature, and Natural Order in Medieval Accounts of the Natural Law," *Journal of Religious Ethics*, vol. 24, no. 2 (Fall, 1996), 207-232. Different interpretations of "reason," "nature," and "natural order," says Porter, are not given sufficient critical attention. Medieval authors "understood these and related notions in ways that are importantly different from our own understandings. Moreover, these differences are most significant at the most basic level of reflection, where the organizing categories of a discipline come into play, often without explicit recognition. We bring our own beliefs about reason and nature (for example) to our reading of this material, and as a result, we presuppose that moral arguments which make use of these categories must proceed in certain ways" (208-209). A critical study of Dooyeweerd's "natural law" philosophy from a Thomistic viewpoint is O.J.L. Albers, *Het Natuurrecht volgens de W' sbegeerteder Wetsidee* (Nijmegen: Janssen, 1955). For a helpful presentation of different views of natural law, see J. Budziszewski, *Written on the Heart: The Case for Natural Law* (Downers Grove, IL: InterVarsity Press, 1997).

22. "Every modal aspect of temporal reality," says Dooyeweerd, "has its proper sphere of laws, irreducible to those of other modal aspects, and in this sense it is sovereign in its own orbit, because of its irreducible modality of meaning.... As a transcendental basic principle the sphere-sovereignty of the modal aspects therefore stands in indissoluble connection with our transcendental Ideas of the Origin and of the totality and radical unity of meaning. Moreover, this principle is indissolubly linked up with our transcendental Idea of cosmic time. For this latter implies, as we have seen, a cosmic coherence of meaning among the modal aspects of temporal reality. And this coherence is regulated, not by philosophic thought, but by the divine temporal world-order." *A New Critique*, I., 102, 104.

"The general modal meaning of [each] law-sphere maybe called a functional modality of the religious fullness of meaning. The

functional structure of meaning, guaranteeing to the law-sphere its specific internal sovereignty, is indeed nothing but a modal splitting up of the totality of meaning, *in time*. This functional modal meaning has a law-side and a subject-side.... We are now sufficiently alive to the fact that law and subject are mutually irreducible, notwithstanding the opinions of rationalists and irrationalists. Law and subject are only possible in their indissoluble correlation. The functional subject-side of the law-sphere is determined and delimited by the functional laws of the sphere." *A New Critique*, II, 7-8.

In this essay I will not enter into a consideration of Dooyeweerd's full-blown empirical-theoretical account of the number and order of the modalities. Nor is this the place to engage in the debate over Dooyeweerd's idea of time and the temporal coherence of the modal spheres. For Dooyeweerd's modal theory, see *A New Critique*, II. For some of the critical discussion, see three of the essays in *Contemporary Reflections*: D.F.M. Strauss, "The Order of the Modal Aspects," 1-29; M. Elaine Botha, "Metaphor and Analogy Revisited," 49-82; and Adolfo Garcia de la Sierra, "Modal Order and Natural Kinds," 147-155. See also Sdllen, "The Development of Calvinistic Political Theory in The Netherlands" (Duke University Ph.D. thesis, 1974), 304-33E

23. Dooyeweerd, *Twilight*, 7.

24. "The Greek form-matter motive," writes Dooyeweerd, "in all its different conceptions excludes in principle the Idea of creation in its Biblical sense. *The sum total of Greek wisdom concerning the Origin of the cosmos is: 'ex nihilo nihil fit' (from nothing nothing can originate)*. At the utmost, Greek metaphysical theology could arrive at the Idea of a divine demiurg [sic], who gives form to an original matter as the supreme architect and artist. Therefore, the scholastic accommodation of the Aristotelian concept of God to the Church-doctrine of creation could never lead to a real reconciliation with the biblical ground-motive. The unmoved Mover of Aristotelian metaphysics, who, as the absolute theoretical nous, only has himself as the object of his thought in blessed self-contemplation, is the radical opposite of the living God Who revealed Himself as Creator. Thomas may teach that God has brought forth natural things

according both to their form and matter, but the *principle of matter* as the principle of metaphysical and religious imperfection cannot find its origin in a pure form-God.

"Nor could the Aristotelian conception of human nature be reconciled to the biblical conception concerning the creation of man in the image of God. According to Thomas, human nature is a composition of a material body and a rational soul as a substantial form, which, in contradistinction to Aristotle's conception, is conceived of as an immortal substance. This scholastic view has no room for the Biblical conception of the radical religious unity of human existence. Instead of this unity a natural and supranatural aspect is [*sic*] distinguished in the creation of man. The supranatural side was the original gift of grace, which as *a donum superadditum* was ascribed to the rational nature." *A New Critique*, I, 180'-181.

"In Thomas' cosmonomic Idea the Aristotelian *lex naturalis*, which is immanent to natural substances, is related to a transcendent *lex aeterna* as the plan of creation in the divine Mind. The latter is the Origin of the former. In conformity with the Aristotelian Idea of God, the *lex aeterna* was now considered identical with *divine reason*. As a compromise with the Augustinian conception, only the *obligating force* of the *lex naturalis* (what is here thought of is only the natural ethical law) is derived from the sovereign will of the Creator. The Christian idea of divine providence in the order of creation is now transformed into the Aristotelian Idea of the teleological natural order, with its hierarchy of substantial forms, which conforms to the religious form-matter motive.

"In the typical transcendental ground-idea of Thomism the divine Origin of the natural order was conceived of as the first cause and final goal of the whole temporal movement in nature from matter to form, from means to end. And the supranatural sphere of grace, in which the divine Origin is conceived in the light of Revelation and in which the *lex naturalis* finds its supranatural complement in the *lex charitatis et gratiae*, was placed above the natural order as a higher level. It is this view that became the speculative philosophic expression of the Idea of synthesis which typified the entire ecclesiastically unified culture." *Ibid.*, 182-183.

There are critical assessments of Dooyeweerd's interpretation of Aquinas. See, for example, J.A. Aertsen, "Uit God Zijn Alle Dingen," *Philosophia Reformata*, vol. 39 (1974), 102-155.

25. In an early work, Dooyeweerd writes: "Both the Stoic and the Aristotelian-Thomistic systems were speculative. The Thomistic one presupposed a rational commonality of being between God and humankind; the *lex aeterna* in Aquinas was the divine *Vernunft* (reason), part of the being of God and therefore binding on God himself. The *ratio* of humankind participated in that of God in the *lex naturalis*. In this way, therefore, humankind was capable, in the conception of a pan-teleological law-idea, of conceiving, albeit imperfectly, the unity of God's cosmic plan after him. Accordingly the doctrine of providence in Scholasticism was a part of *theologia naturalis*, which could be understood by natural reason itself. Only in the case of the truths of grace did Aquinas insist on the exclusive competence of *fides* (faith)." "Calvinism and Natural Law," in *Essays in Legal, Social, and Political Philosophy*, 15.

Jean Porter in "Contested Categories" explains that many medieval theologians, "including Alexander of Hales and his collaborators, Albert, and Aquinas, did take reason to be the origin or ground of the natural law. However, none of these took the natural law to consist of a fixed set of precepts. Rather, each of them understood the natural law to be either a habitual capacity by which the human person exercises moral judgment...or a set of fundamental, innately known principles by means of which more specific moral judgments are formed..." (217). For Aquinas, "reason as *synderesis* was not the natural law itself, but the habitual knowledge of the fundamental principles of the natural law" (218). Nearly all the medieval theologians "take the natural law to be expressions (*sic*) of rationality in some form" (221).

26. *A New Critique*, I, 519.

27. Russell Hittinger, "Introduction," Heinrich A. Rommen, *The Natural Law: A Study in Legal and Social History and Philosophy*, trans. Thomas R. Hanley (Indianapolis: Liberty Fund, 1947, 1998), xxvi.

28. Dooyeweerd; *Encyclopedia*, I, 86.

29. Dooyeweerd, "Calvinism and Natural Law," 15-19. In one of Calvin's last works, the commentary on Samuel, says Dooyeweerd, "we read that the ancient maxim *princeps legibus solutus est* is the slogan and hallmark of the government of tyrants. Only God is sovereign, only He, the almighty One, is not bound by laws, but all earthly governments have been subjected to the law of God and the human laws *which are based on* it. We can properly appreciate this conception only when we observe that it is coupled with an irrevocable rejection of the Scholastic doctrine of popular sovereignty. Calvin rightly considers this later doctrine to be irreconcilable with his own position on law, which ascribes sovereignty only to God, but not to individuals (whether government or the people)." "Calvinism and Natural Law," 24.

"I have laid all emphasis upon the transcendental character of authentic critical philosophy," says Dooyeweerd, "because I wish to cut off at the root the interference of speculative metaphysics in the affairs of the Christian religion. An authentic critical philosophy is aware of its being bound to the cosmic time-order. It only points beyond and above this boundary line to its pre-supposita. Its task, worthy of God's human creation, is great; yet it is modest and does not elevate human reason to the throne of God." *A New Critique*, I, 93.

30. Dooyeweerd, *Encyclopedia*, I, 150.

31. Dooyeweerd, *A New Critique*, II, 418. "There are two types of structure within temporal reality," says Dooyeweerd. "The first is the structure of the various aspects or modes of being.... In everyday experience [however] reality does not present itself in the aspects that thought abstracts from it, but in the structure of different individual totalities, such as things, events, acts, and societal relationships (involving the family, the state, the church, the school, industry, etc.). This is the second, the *concrete* structure of reality as it reveals itself to us in time and in which it shows itself in the experience of daily life. This structure is inseparably related to the first." *Roots*, 44.

32. "On the immanence-standpoint," says Dooyeweerd, "it is impossible to recognize the modal all-sidedness of individuality. It

is immaterial whether in a rationalistic way individuality is degraded to a phenomenon, or, conversely, whether it is absolutized in one of its aspects (e.g., the physical, historical, aesthetic, ethical modus) in an irrationalistic conception. In both cases the insight into the radical sense of individuality and into its true relation to the universal character of law is lost sight of.... The ultimate cause which prevents immanence-philosophy from doing justice to individuality is always to be found in the dialectical character of its religious basic motives. Not only the Greek form-matter motive but also the modern Humanistic motive of nature and freedom are involved in a dialectical tension between *the individual* and the *universal* in the point of departure of the philosophic view of reality. Thus in all immanence-philosophy the richness of meaning of individuality revealed in the modalities of the, law-spheres has to suffer from a process of schematic impoverishment." *Ibid.*, 418-419. Dooyeweerd develops his theory of individuality and individuality structures in *A New Critique of Theoretical Thought*, vol. III, trans. David H. Freeman and H. De Jongste, Series A, vol. III of the *Collected Works* (Lewiston, NY: Mellen Press, 1957, 1997)-subsequently, *A New Critique*, III.

33. Dooyeweerd, *A New Critique*, I, 216-223. See also *A New Critique*, II, 331-334.

34. See Dooyeweerd, *A New Critique*, III, 76-103.

35. There is, says Dooyeweerd, a "divine irony" in every attempted modal reductionism. "Immanence-philosophy continually goes: astray, because in its Archimedean point lurks a primary absolutization of meaning. This absolutization is due to a misinterpretation of the universality of each law-sphere within its own limits. There is a Divine irony in the development of apostate philosophy, since the temporal world-order at first seems to justify every kind of theoretical absolutization in equal measure... The cosmic order passes an internal judgment on the theoretical absolutizations of immanence-philosophy, which invariably result in internal antinomies. We cannot interpret the Divine order on the basis of a self-sufficient and autonomous reason. Apart from the Divine Word-revelation, this order maintains the unfathomable silence of the Sphinx." *A New Critique*, II, 333-334.

36. For Dooyeweerd's critique of historicism and sociological reductionism in the light of the creation order's historical (culturally formative) and social modalities, see *A New Critique*, II, 192-216; and III, 157-175; *Roots*, 61-87; *Christian Philosophy and the Meaning of History*, 39-66; *Twilight*, 62-112; and *Essays in Legal, Social, and Political Philosophy*, 73-98.

37. Dooyeweerd's argument for the individuality structures of non-human things is developed in *A New Critique*, III, 1-153, and *Encyclopedia*, I, 197-231.

38. Dooyeweerd's philosophic anthropology is perhaps the most criticized and disputed part of his philosophy. Its problematic character is evident in the fact that Dooyeweerd never completed his work in this area as he intended. The scope of this paper does not allow us to pursue this matter. See Dooyeweerd, *Twilight*, chap. eight: "What is Man?" 173-195; Dooyeweerd, "De Taak ener Wijsgerige Anthropologic en de Doodlopende Wegen tot Wijsgerige Zelfkennis," *Philosophia Reformata*, vol. 26 (1961), 35-58; the special, English-language issue of the journal *Philosophia Reformata*, vol. 58, no. 2 (1993), whose ten main articles focus on Dooyeweerd's philosophic anthropology. See also Gerrit Glas, "Ego, Self, and the Body: An Assessment of Dooyeweerd's Philosophical Anthropology," and Elaine Storkey, "Dooyeweerd's Anthropology: the Male Female Dimension," both in *Christian Philosophy at the Close of the Twentieth Century*, eds., Sander Griffioen and Bert M. Balk (Kampen: Kok, 1995), 67-78 and 85-92, respectively; M.D. Stafleu, "On Being Human in the Cosmos," *Philosophia Reformata*, vol. 56 (1991), 101-131; Jim Olthuis, "Of Webs and Whirlwinds: Me Myself and I," in *Contemporary Reflections*, 31-48; Skillen, "The Development of Calvinistic Political Theory in the Netherlands," 314-331; and W.J. Ouweneel, *De Leer van de Mens* (Amsterdam: Bitten & Schipperheijn, 1986).

39. Dooyeweerd develops his arguments in critical dialogue with primary philosophical positions that have had significant historical influence. At the opening of volume III of *A New Critique*, in which he lays out his theory of "individuality structures," for example, he takes up a critical discussion of the Aristotelian and

Thomistic idea of substance/accidents and the individuation of particular things. The problem with the Aristotelian principle of individuation, writes Dooyeweerd, is that it is sought in matter alone. "This accentuates the dialectical tension between form and matter in the concept of primary substance to a still higher degree, since the substantial form, as such, lacks any individuality and can receive from matter only a *quantitative* individualization. We have shown in an earlier context that this means a fundamental depreciation of individuality, since in the Aristotelian view matter is the principle of imperfection.

"Thomas accepted the Aristotelian view of the *principium individuationis*. At the same time he accepted the Augustinian conception that in the Divine Logos there are creative Ideas of individual beings as St. Peter, St. John, etc. But this Augustinian view contradicted the Aristotelian conception of individuality and could not be accommodated to the latter. This caused insoluble antinomies in the Thomistic explanation of the individual immortality of the human soul, which I have demonstrated in detail in my treatise on the Idea of the Structure of Individuality and the Thomistic Substance-concept...." (17). The "treatise" to which Dooyeweerd refers here is in Dutch and appeared in four long articles published between 1943-1946 in *Philosophia Reformata* (vol. 8, 1943, 65-99; vol. 9, 1944, 1-41; vol. 10, 1945, 25-48; and vol. 11, 1946, 22-52).

40. Dooyeweerd's sociological categorizing of different kinds or types of relationships, associations, and institutions will not occupy our attention here. He begins with the distinction between communal and inter-individual (as well as inter-communal) relationships. He then distinguishes organized from un-organized (or natural) communities, the former (like the state) having a historical founding function and the latter (like the family) having a biotic founding function. Next is the distinction between institutional communities (both organized and natural) and voluntary associations, the former being those that encompass their members to an intensive degree for most or all of their lives. The way in which all of these have appeared depends on the relative degree of societal differentiation

historically. See Dooyeweerd, *A New Critique*, III, 176-198; *Roots*, 189-218; and Dooyeweerd, *A Christian Theory of Social Institutions*, trans. Magnus Verbrugge, ed. John Witte, Jr. (La Jolla, Calif.: The Herman Dooyeweerd Foundation, 1986).

41. Dooyeweerd, *A New Critique*, III, 218.

42. *Ibid.*, 218-219.

43. *Ibid.*, 219-220.

44. For example, in contrast to the authority structure of all non-political communal relationships, says Dooyeweerd, "authority in the State, according to its inner nature, is *governmental authority* over subjects *enforced by the strong arm*. The government does not carry the sword in vain. it has been invested with the power of the sword, and as soon as the sword slips out of its hands, it is no longer a government. But according to the structure of its divine office this power is internally directed to the structural guidance by that typical legal communal function whose type of individuality is founded in this sword-control. All internal communal law of the State-institution in a structural sense is public territorial law imposing itself with governmental legal authority and maintained with the strong arm. Its sphere of competence will appear to find its internal limits in this structure itself." *A New Critique*, III, 435.

45. The core meaning of human historical functioning is cultural mastery and control through free molding or shaping of both humans and non-humans. This is quite different from formations in nature, like a spider spinning a web or beavers building a dam, which express an instinct and repeat themselves without change from generation to generation. See Dooyeweerd, *A New Critique*, II, 196ff. "The nucleus of the historical aspect, that which guarantees its proper nature and irreducibility, is the *cultural way of being*. Cultural activity always consists in giving form to material in free control over the material. It consists in giving form according to a free design." *Roots*, 64. "It is imperative...that we do not identify the historical aspect of reality with the concrete events which function in it and which display all the other aspects that God gave reality in his creation order. The historical aspect must be distinguished from the aspects of organic life, emotional feeling, logical distinction, and

so forth. The basis of this distinction is not *what* occurs in the historical aspect but *how* something occurs in it. The primary concern of the historian, therefore, is to grasp the core of the historical *mode* of concrete events. He needs a criterion for distinguishing the historical aspect of reality from the other aspects. Historicism lacks such a criterion, since in its view the historical aspect and the whole of reality are one and the same." *Ibid.*

46. For the most part, our concern in what follows is with Dooyeweerd's critique of historical reductionism. But with regard to the biotic evolutionary notion, Dooyeweerd says, "Only in connection with the whole order of creation is it permitted to refer to the development of a human being from an undifferentiated impregnated egg-cell to a highly differentiated individuum, and to an ascending series of undifferentiated and more or less differentiated living beings in nature. In so doing, the Christian philosopher does not fall back into the error of deriving a norm of cultural development from the closed biotic analogies in the structure of the historical aspect. Rather he appeals to the universal order of creation which has to unfold itself within all aspects of the real process of temporal development, in the biotical, as well as in the psychological, and the post-psychical law-spheres." *A New Critique*, II, 261-262.

47. See Dooyeweerd's "The Criteria of Progressive and Reactionary Tendencies in History," in *Christian Philosophy and the Meaning of History*, 47-66.

48. Dooyeweerd, "The Meaning of History," in *Christian Philosophy and the Meaning of History*, 44. See also, Dooyeweerd, *Encyclopedia*, I, 155-173.

49. Dooyeweerd, "Progressive and Reactionary Tendencies," 61.

50. *Ibid.* Elsewhere Dooyeweerd says "that without the process of cultural differentiation and integration there can be no question of a free unfolding of the structures of individuality in human society. As long as culture remains in an undifferentiated condition there is no room for a state, a church, a free industrial or trade-life; free associations, a free unfolding of fine arts, a scientific community etc.

Even the matrimonial community and family-life are often denatured by being intersected through artificial undifferentiated power-formations, like those of matriarchal or patriarchal sibs or clans, which impede a free unfolding of the natural matrimonial and family relations." *A New Critique*, II, 261.

51. *A New Critique*, II, 262.

52. *Ibid.* Jean Porter quotes from an anonymous medieval text about human nonconformity to the natural law in which Augustine is retrieved. "This passage is striking," she says, "not only for its retrieval of Augustine, but even more because of the possibilities that it suggests for developing a theology of social life. That is, it suggests that human institutions can be interpreted in the light of the purposes of nature, not as those purposes are self-evidently manifested in the natural world, but as they are discerned through a theological interpretation of nature. If this is taken together with the more general recognition that actually existing human institutions reflect human sinfulness and limitation, then it becomes possible both to affirm the naturalness and goodness of the basic forms of human social life, and to acknowledge the ways in which they are deficient or sinful, seen from the perspective of our best understanding of God's creative wisdom and will." "Contested Categories," 227. Dooyeweerd's attempt to get at "normative structure" and sinful disobedience has an Augustinian root, to be sure. But rather than bringing a "theology" of social life to bear on the purposes of "nature," he is trying to exclude any idea of "nature" that is not already understood as creation bound by God-ordained normativity internal to every sphere of life. This is Christian philosophy not by way of importing theology into it but by virtue of its fundamental starting point.

53. "Progressive and Reactionary Tendencies," 62-63.

54. *Ibid.*, 63.

55. *Ibid.*, 66.

56. On the special character of the family in relation to the responsibility of government in a differentiated society, see James W. Siddle, "The Question of Being Human in Assessing the Requirements of Welfare Policy Reform," in Stanley W. Carlson-

Thies and James W. Skillen, eds., *Welfare in America: Christian Perspectives on a Policy in Crisis* (Grand Rapids: Eerdmans, 1996), 119-144.

57. These statements may convey the impression that Dooyeweerd assumes universal agreement with them. That is not the case. Dooyeweerd builds his argument in the context of what he considers to be a crisis in modern political theory. See *A New Critique*, III, 382-402; and Dooyeweerd, *De Crisis in de Humanistische Staatsleer* (Amsterdam: W. ten Have, 1931). See also his "The Christian Idea of the State," in *Essays in Legal, Social, and Political Philosophy*, 121-155. For a differently focused discussion of these matters, see Jonathan Chaplin, "State and Civil Society in Christian Democracy: The Neo-Calvinist Perspective" (paper presented at the APSA meetings, Aug. 30-Sept. 2, 2001, San Francisco), and Chaplin's doctoral thesis, "Pluralism, Society and the State: The Neo-Calvinist Political Theory of Herman Dooyeweerd" (London School of Economics and Political Science, 1993).

58. See *A New Critique*, III, 411ff.

59. "The idea of the *salus publica*," says Dooyeweerd, "displays a genuine Protean character in political theory. It was made subservient to the ancient universalistic-organic theory of the State, to the doctrine of the 'reasons of State', to Wolff's natural law theory of the police-State, to Hobbes' and Rousseau's natural law construction of the Leviathan-State, but also to the classical liberal doctrine of the constitutional State (Locke and Kant), and to the modern totalitarian political theories...."

"The idea of *salus publica* should be oriented to the structural principle of the State, else it will become the instrument of an unbridled State-absolutism, or the embodiment of an arbitrary conception of the external content of the State's task...."

"In its qualifying juridical aspect the *public interest* implies the typical public legal measure of distributive justice which requires a proportional distribution of public communal charges and public communal benefits in accordance with the bearing power and the merits of the subjects." *A New Critique*, III, 442-445.

60. Dooyeweerd, "The Relation of the Individual and Commu-

nity from a Legal Philosophical Perspective," in *Essays in Legal, Social, and Political Philosophy*, 94-95.

61. *Ibid.*, 95.

62. There is not room here to take up the matter of human rights on either a domestic or an international level. On Dooyeweerd, see John Witte, Jr., "The Development of Herman Dooyeweerd's Concept of Rights," *The South African Law Journal* (August, 1993), 543-562, and Paul Marshall, "Dooyeweerd's Empirical Theory of Rights," in C.T. McIntire, ed., *The Legacy of Herman Dooyeweerd* (Lanham, MD: University Press of America, 1985), 119-142. See also Paul Marshall, "Two Types of Rights," *Canadian Journal of Political Science*, vol. 25, no. 4 (December, 1992), 661-676, and Marshall, "Universal Human Rights and the Role of the State," in *Sovereignty at the Crossroads?* ed. Luis E. Lugo (Lanham, MD: Rowman and Littlefield, 1996), 153-175; Mary Ann Glendon, *Rights Talk* (New York: The Free Press, 1991); Jean Porter, "From Natural Law to Human Rights: Or, Why Rights Talk Matters," *Journal of Law and Religion*, vol. XIV, no. 1 (1999-2000), 77-96; and Michael J. Perry, *The Idea of Human Rights* (Oxford: Oxford University Press, 1998).

63. Dooyeweerd, "The Relation of the Individual and Community," 96.

64. "There is not a single instance to be found," writes Dooyeweerd, "of a private common law...which has developed outside of the State.... Irrespective of the question as to whether common private law has been codified by the legislator or has been preponderantly formed by the courts of the State, it is by its inner nature a legal sphere bound to the body politic. And the original competence to its formation cannot belong to any other organized community but the State. By means of this common private law the body politic can bind in an enkaptical way any specific (non-juridically qualified) private law to the principles of inter-individual justice, legal security and equity. But the internal spheres of these specific kinds of private law, qualified by the non-juridical leading function of the societal relationships to which they belong, remain exempt from the competence of the State." *A New Critique*, III, 450-451.

65. Dooyeweerd, "The Relation of the Individual and Community," 98.

66. Johannes Messner, a twentieth-century Catholic natural-law thinker, is close to Dooyeweerd in arguing for juridical pluralism. As Jonathan Chaplin explains, "Messner is especially emphatic in asserting the principle of juridical pluralism, (and on this he acknowledges the contribution of late nineteenth- and early twentieth-century legal pluralists such as Gierke, Duguit, Hauriou, and Gurvitch). Corresponding to the plurality of communities, there is, he holds, a plurality of categories of equally original fundamental rights, none of which can be derived from another.' These rights move in different orbits and are qualitatively different from, and irreducible to, each other. Although the state is responsible for establishing a legal framework within which lesser communities can securely exercise these particular rights, it is not itself the source of these rights. Such rights are essentially natural rights, rights which the state merely codifies and balances in positive law." Chaplin, "Subsidiarity as a Political Norm," in *Political Theory and Christian Vision*, eds., Jonathan Chaplin and Paul Marshall (Lanham, MD: University Press of America, 1994), 89. For Dooyeweerd on Gierke, Duguit, Hauriou, and Gurvitch, see *A New Critique*, III, 164-165, 189, 223-247, 394-406, 460-465, 578-579, 676-689.

67. Jonathan Chaplin has discussed the distinction and the relation of "subsidiarity" and "sphere sovereignty" in some detail in his "Subsidiarity and Sphere Sovereignty: Catholic and Reformed Conceptions of the Role of the State," in *Things Old and New: Catholic Social Teaching Revisited*, eds.: Francis P. McHugh and Samuel M. Natale (Lanham, MD: University Press of America, 1993), 175-202. See also Chaplin, "Subsidiarity as a Political Norm," 81-100.

68. A more detailed discussion of Dooyeweerd's idea of the state's public-legal integration of society in a way that fully sustains the sphere sovereignty of all non-political spheres would require a detailed consideration of his idea of "enkapsis." This is a Greek word that he uses to refer to the intertwinement and close bonds of entities that each have their own individuality structure. With respect to the

state and society, he uses it to account for the close intertwinement between and among institutions and organizations, especially through the bonds of the state. See *A New Critique*, III, 653-693, and *Encyclopedia*, I, 216-223.

69. Dooyeweerd, *A New Critique*, III, 220-221.

70. *Ibid.*, 221.

71. "The Christian Idea of the State," 140. Every body politic, says Dooyeweerd, "organizes a *people* within a territory into a typical, legally qualified, public community. The State's people is indeed the typical totality of all the citizens irrespective of their family-relations, their Church-membership or their philosophical convictions, their trades or professions, class-distinctions, or their social standing. The State constitutes a typical *integrating* political unity in spite of any differences or divisions which its people display in other societal relationships.

"How is this integration possible? The State cannot integrate these differences in profession or trade, ecclesiastical or philosophical trends, social classes; *etc.*, into the structure of a totalitarian professional or industrial organization, a totalitarian philosophical or Church community, or in the social structure of a totalitarian class. Nor can the State become an undifferentiated totality of all the 'special' societal relationships within its territory. The integration of the citizens into the political unity of a people is in principle bound to the typical structure of the body politic, in which the leading function is that of a public legal community. This is an unparalleled, unique structural principle enabling the State to organize within its territory a truly universal legal communal bond transcending all non-juridically qualified legal societal relations....

"This implies that the principle of public interest must itself have a typical *juridical qualification which delimits its supra-arbitrary structural meaning*. It can never warrant an encroachment upon the internal sphere-sovereignty of non-political societal relationships. For the idea of an absolute competence of the State contradicts the modal meaning of the juridical aspect and is incompatible with the typical structural principle of the body politic:" *A New Critique*, III, 437-438.

72. "It is true," says Chaplin, "that Thomists employ the language of the `whole' and its `parts' when referring, respectively to the state and the lesser communities. This is the basis on which some commentators have sought to portray the Thomist conception of the state as `organicist' or `universalist.' Their argument is that since the *telos* of the whole takes precedence over those of its parts, the autonomy of the parts is always precarious. What this argument overlooks, however, is the fact that for Thomas the state is a `unity of order' (*unitas ordinis*), not a `substantial unity.' In a whole which is `unity of order,' the parts retain their independent substantiality. The `unity of order' realized in the state thus establishes a structured relationship among the lesser communities, but in this relationship the independent purposes of these communities must be upheld; otherwise the common good itself will be impaired." "Subsidiarity as a Political Norm," 88.

73. The challenge of rethinking the subsidiary relationship of different kinds of associations and institutions to one another, starting with the recognition of the unique character of each one, is proceeding in Thomist and other Catholic circles, as exemplified in the writings of Johannes Messner, Heinrich Rommen, and others. See Chaplin, *Ibid.* At the same time, some relatively weak arguments for limiting the state and enhancing the common good are being made in the name of "subsidiarity" by both Catholic and Protestant writers. These arguments are barely distinguishable, if at all, from liberal arguments. Christopher Wolfe, for example, says with respect to societal pluralism, "Within that area of the legitimate autonomy of temporal affairs, where there is no moral principle that demands that things be accomplished in this or that specific way, it would seem desirable to minimize the occasions when people must live under rules with which they disagree. It would seem worthwhile to maximize a people's subjective satisfaction in this area of moral freedom—both for its own sake and for the stability this satisfaction contributes to political arrangements." "Subsidiarity: The `Other' Ground of Limited Government," in Grasso, Bradley and Hunt, eds., *Catholicism, Liberalism, and Communitarianism*, 88.