

Dooyeweerd's Societal Sphere Sovereignty:
neither tax-based nor *laissez-faire*

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1. Introduction

Two years after the end of the second world war, Philipp Kohnstamm, a Christian member of the Labor Party, and Cornelis Smeenk, an Anti-Revolutionary Party member of parliament, debated the meaning of Kuyperian societal sphere sovereignty, and the policies the Anti-Revolutionary Party should pursue in terms of it. Kohnstamm advocated a socialistic interpretation, which no doubt involved tax-based funding for social programs. Smeenk advocated an interpretation which was neither *laissez-faire* nor statist (Kennedy, *Problem* p.1).

During this same period Herman Dooyeweerd wrote a series of editorials which was later published as a book in English under the title *Roots of Western Culture*. In these articles he developed the concept of societal sphere sovereignty along the lines of Smeenk's interpretation, that is, in contrast to both individualism and collectivism. Dooyeweerd wrote:

"Since the time of Abraham Kuyper the term sphere sovereignty has become common place as part of this country's everyday language. But the profundity of Kuyper's insight, with respect to the nature of the social order --an insight based on the groundmotive of the Christian religion-- was understood by relatively few people at the time or since. The less it was realized that this fundamental principle is rooted directly in the scriptural groundmotive of the Christian religion, the more sphere sovereignty dissolved into an ambiguous political slogan that everyone could interpret in a different way."
(Dooyeweerd, *Roots* p.49)

Over the following decade Kohnstamm's socialistic interpretation won out among would be anti-revolutionaries. Statist policies were implemented across the board in the Netherlands, resulting in even Kuyper's once independent

university being funded through taxation.

In this paper I will describe Dooyeweerd's conception of societal sphere sovereignty in basic outline, and suggest that tax-based funding for social programs is incompatible with Dooyeweerd's view. I will also distinguish Dooyeweerd's conception of societal sphere sovereignty from a *laissez-faire* interpretation.

2. Dooyeweerd's Conception

2.1. Christian groundmotive

In *Roots*, Dooyeweerd begins his discussion of societal sphere sovereignty in terms of what he calls the groundmotive of the Christian religion which he summarizes as "creation, fall and redemption through Christ Jesus" (Dooyeweerd, *Roots* p.41). In general a groundmotive¹ is an expression of one of two possible basic religious commitments or orientations. One of these is characterized by belief in the true God revealed in the Scriptures, the other by unbelief, that is, by an apostate faith in something as divine (ultimate or absolute) other than the true God, which is idolatry. These two possible religious commitments are in an irreconcilable antithesis² to each other (Dooyeweerd, *Roots* p.3-9).

¹ The concept of groundmotive is somewhat similar to that of worldview. Although Dooyeweerd distinguishes groundmotive from worldview, I will not discuss that here, and yet it may be helpful have the comparison in mind, since worldview is perhaps a more familiar concept. Keep in mind too that groundmotives are communal, and may be operating more or less consciously in any individual's perspective. Cf. *Roots* chapter 1.

² This antithesis, because of remaining sin, cuts through every thought, word, and deed even for those who believe in the true God through faith in Christ. To say that any given theoretical viewpoint is rooted in an apostate/idolatrous groundmotive is not a comment on the regenerate status of the individual espousing such a view. Our theories may be at odds with our deepest religious orientation. Dooyeweerd is emphatic that groundmotive critique is always first and foremost a self-critique.

Only the Christian groundmotive is an expression of the former. The latter has been historically expressed in various groundmotives. In what is often called Western civilization there are three groundmotives other than the Christian one. There is the ancient Greek, or pagan groundmotive of Matter - Form. There is the Roman Catholic, or scholastic groundmotive of Nature - Grace. There is the Modern, or humanistic groundmotive of Nature - Freedom. These three non-Christian groundmotives all display an inner contradiction, or dialectical tension between two opposing principles. Although adherents of these groundmotives often try to resolve the tension, because each pole is itself ultimate no reconciliation is possible (Dooyeweerd, *Roots* p.11-14). Dooyeweerd affirms that the Christian groundmotive, however, is a unity in which no inner opposition exists (Dooyeweerd, *Roots* p.60).

Belief in the true God of the Scriptures that is expressed in the Christian groundmotive is a result of regeneration. That is, this belief is constituted by a conversion from unbelief to belief by the operation of God's Spirit in the human heart. The heart is the supratemporal unity of a person, and the root of all a person's temporal expressions (Dooyeweerd, *Roots* p.46). This heart is also known as the inner man, soul, mind, and spirit in the Scriptures, and philosophically is often referred to by terms such as the consciousness, ego, I-ness, and selfhood.

Crucial to Dooyeweerd's conception of societal sphere sovereignty is that the creation element of the Christian groundmotive recognizes a genuine diversity in creation, for "God created everything after its own kind" (*Roots*, 43). Intimately related to this idea of diversity in creation is the

idea of order and law. That is, God created each kind of thing according to its own kind of law by which He continues to sustain and govern them. Only God is not inherently bound to law, everything else is subject to whatever laws He created for it (Dooyeweerd, *Christian Idea* p.130, 134).

2.2. Modalities

Within this creational diversity, there are two “levels” of structure that Dooyeweerd distinguishes. The first level is that of modality, the second is that of individuality.

“If one desires to understand the significance of the creational principle of sphere sovereignty for human society in its full scope, then the meaning... of the *aspects* of reality (including the aspects of society) must first be understood” (Dooyeweerd, *Roots* p.45).

What Dooyeweerd here refers to as “aspects” is the same as what he elsewhere calls modalities. For convenience, I will continue to use the term modality. To avoid confusion, what Dooyeweerd sometimes refers to as the “sphere sovereignty” of *the modalities* I will call by the term he uses elsewhere, namely modal irreducibility, along with its co-ordinate concepts of modal analogy and modal universality.

Modalities are *ways* in which something exists and is experienced. So for instance, while grocery shopping you may notice that grapes are more or less expensive at one store than they are at another. Grapes can be given a certain monetary value. Or you might be walking in the country and find them growing wild, and you might procure them at no monetary cost. In either case, grapes exist and are experienced in an *economic* way. We might not focus on the economic modality of grapes, and

indeed the economic does not seem to be the most characteristic quality of grapes. Nevertheless, grapes are experienced and do exist economically.

Dooyeweerd distinguishes fifteen modalities altogether. These include the arithmetic (quantity), spatial (extension), kinetic (movement), physical (energy), biotic (life), psychic (feeling), analytical (distinction), historical (culture), lingual (symbol), social (intercourse), economic (thrift), aesthetic (harmony), juridical (justice), moral (love), and fiducial (certitude). Each modality has a core meaning (represented by the term in parentheses), an original sense which is proper to itself and cannot be explained exclusively in terms of any other modal sense, and by which each modality may be distinguished. Each modality is also subject to its own particular kind of laws. Accordingly each modality is said to be irreducible; no modality can be reduced to any other. For instance, the central modal sense of the psychic (that is, feeling) cannot be properly reduced to the kinetic (that is, movement).

However, in relation to the respective core meanings of the psychic and kinetic, we do speak of "emotion" which may be understood as a movement of feeling. We may also speak of mood swings and also of a feeling of motion, such as one may experience on a boat at sea. These are called modal analogies;³

³ If one were to speak of laws for sense perception, this would involve a "retrocipation" from the psychic to the biotic in terms of the sense-feeling of an organism. If one were to speak of laws for kinematics, this would involve an "anticipation" from the kinetic to the physical in terms of the motions of a material body, yet without regard to mass or acting forces. Retrocipations and anticipations are modal analogies which indicate not only modal coherence, but also an order or sequence of "precondition" among the modalities.

concepts that attest to the inner connection or relation between modalities. In concrete experience all the modalities exist in an unbreakable mutual coherence. Moreover, every particular thing always has all the modalities. This is what we may call modal universality. However, some things function subjectively or actively in certain modalities, and objectively or passively in other modalities. For instance, a stone has all the modalities, but it only actively functions in the arithmetic, spatial, kinetic, and physical. The same stone functions in the biotic, psychic, analytical, historical, lingual, social, economic, aesthetic, juridical, moral, and fiducial only passively.⁴ For instance, stones, like grapes, exist as economic objects (Dooyeweerd, *Roots* p.41-46, *Christian Idea* p.142, 144-145).

2.3 Individuality-structures and societal communities

The second level of structure in the diversity of created reality that Dooyeweerd distinguishes he calls "individuality-structures." Structures of individuality cover a broad range of concrete phenomena such as events and what we normally think of as "things," including humanly formed things such as artifacts and societal communities. For our purposes we will focus on how Dooyeweerd articulates the natures of and relationships among various societal communities.⁵

Modalities are important in recognizing the distinct natures of diverse things, including the distinct natures of various societal communities. Each thing has what Dooyeweerd

⁴ Cf. Dooyeweerd, *New Critique* vol. 2 "The General Theory of the Modal Spheres."

⁵ Cf. Dooyeweerd, *New Critique* vol. 3 "The Structures of Individuality of Temporal Reality"

calls a “qualifying” function. Some thing’s qualifying function is directly related to its most characteristic modality. This qualifying function specially characterizes the way some thing functions in all the other modalities, and determines its internal or intrinsic nature and purpose. Humanly formed things, such as societal communities, also have what Dooyeweerd calls a “founding” function. Some thing’s founding function is directly related to the modality that most characterizes the basis upon which the thing was formed.

Dooyeweerd distinguishes various kinds of societal communities relative to their respective founding and qualifying functions. These so distinguished communities constitute the various societal spheres. For example, Dooyeweerd distinguishes between the school, the church, the business, and the state. While all four are historically founded, the school is analytically qualified, the church is fiducially qualified, the business is economically qualified, and the state is juridically qualified. The family, which Dooyeweerd also distinguishes from other societal communities, is biotically founded and morally qualified (Dooyeweerd, *Christian Idea* p.145-148).

2.4. The root of the sovereignty of societal spheres

The foregoing description of a theoretical account of creational diversity is proper to the Christian groundmotive. Non-Christian groundmotives resort again and again to idolatrous reductionism in taking some modality, something of creation, as ultimate or absolute in terms of which they seek to explain everything else. For views of societal order such reductionisms result in the absolutization of some sphere, often that of the state. Failing to recognize the Creator, non-Christian

groundmotives thereby fail to recognize genuine creational diversity (Dooyeweerd, *Christian Idea* p.139-140, *Roots* p.47-48).

Dooyeweerd, on the other hand, insists on the absolute sovereignty of God alone. And it is on this basis that the delegated sovereignty of each societal sphere is understood.

“Sphere sovereignty guarantees each societal sphere an intrinsic nature and law of life. And with this guarantee it provides the basis for an original sphere of authority and competence derived not from the authority of any other sphere but directly [delegated] from the sovereign authority of God” (Dooyeweerd, *Roots* p.49).

Dooyeweerd refers to this sovereign authority of God as the “total rule of God,” and also calls it the “basic Christian idea of the kingdom of God”(Dooyeweerd, *Christian Idea* p.127-128). Here too we find the supratemporal unity of the community of humankind. While not all individual persons are regenerate (nor elected to be so), and so do not acknowledge God’s sovereignty, the deepest root of humanity itself, as with each particular person, is its being “religious,” that is, in direct responsibility to God.⁶

2.5. Sovereignty vs. autonomy of societal spheres

This God-given sovereignty, or authority and competence,

⁶ Problematically, Dooyeweerd also refers to this unity of humanity as the “church” of Christ. However, he clearly distinguishes “church” in this sense from the societal institution of the church, and specifies that the church in this latter sense only has sovereignty in its own sphere. Despite the possible ambiguity, when taken in isolation, of certain statements by Dooyeweerd to the effect that humanity is fallen in Adam, but redeemed in Christ, these are no more soteriologically universalistic in intention than are similar statements by Paul (e.g. Romans 5:18). If there is any felicity in Dooyeweerd’s former use of the term church, it is in the way it specifies that God’s sovereignty is always Christ’s sovereignty, and that Christ is head not only of his people, but also, according to Ephesians 1:22 and Colossians 2:10, over all things and all authority for them.

within each societal sphere is direct or immediate, that is, not mediated by some other sphere. Dooyeweerd contrasts this conception with that of autonomy. He insists that genuine societal sphere sovereignty is not equivalent to functional decentralization.

“This would mean that the different spheres of society, as independent parts, must be incorporated into the state while retaining a certain autonomy. The task of the state would then be decentralized by creating municipalities, provinces, and other parts of the state alongside [local agencies] endowed with a public legal regulatory jurisdiction...” (Dooyeweerd, *Roots* p.50).

Autonomy, in this sense, implies a part-whole relationship. Dooyeweerd is emphatic that no societal sphere constitutes a whole of which other spheres are but parts. Rather, each societal sphere is a whole unto itself. This also rules out any kind of hierarchical arrangement among the various societal spheres. Dooyeweerd affirms that “none of these temporal spheres can be derived from *or valued lower than any other*” (Dooyeweerd, *Christian Idea* p.134). And since “only derived competency can be based on positive law,” (Dooyeweerd, *Contest* p.115) not only can the other societal spheres never properly be made parts of the state, but the state (or any other sphere) can never be what creates the boundaries of sovereignty between spheres (Dooyeweerd, *Christian Idea* p.128, 140).

The criterion, then, for *recognizing* a sovereign societal sphere is its distinct intrinsic nature. As we stated before, the intrinsic nature of a societal sphere is determined by its founding and qualifying functions. The founding and qualifying functions which determine the basis upon which a societal sphere

is formed, and the way it functions in all the modalities, and its distinct intrinsic nature and purpose which distinguishes it from other societal spheres Dooyeweerd collectively calls a societal sphere's "inner structural principle" (Dooyeweerd, *Christian Idea* p.147-148).

2.6. Intrinsic nature of the state

According to its inner structural principle, Dooyeweerd characterizes the state as a public legal community of rulers and subjects (or government and citizenry) with a monopoly on "power of the sword" within a defined territory (Dooyeweerd, *Relation* p.97). This sword-power within a territory is the historical founding function of the state. Sword-power here means lethal coercion, that is, the ability to achieve compliance upon the threat of death.⁷ Taxation is included in this exercise of state coercion (Dooyeweerd, *Calvinism* p.35, *New Critique* p.445).

As a public legal community the qualifying function of the state is within the juridical modality. While every sovereign societal sphere is a sphere of authority, that is, of law-making competence, the laws of any given non-state societal community such as family, church, business, or school, have no proper jurisdiction outside its own sphere. This is just as true of the state. The state's sphere of competence is distinctly qualified, and thus intrinsically limited, by its *public* character. Dooyeweerd affirms that "every form of legal power, that of the state also, is structurally delimited by the inner

⁷ This monopoly on deadly force belongs to the state as a community of rulers *and subjects*, and so is never properly the exclusive prerogative of government, but is held with citizens in a public-legal capacity.

nature of the sphere of life within which it is exercised” (Dooyeweerd, *Relation* p.97).

Therefore, the norm holding for the state’s proper activities must be that of *public* justice. This is in keeping with Dooyeweerd’s affirmation of the state as *res publica*, that is, as the public entity. The genuine state is not an object of private ownership, but rather is held in common without respect to membership in any other societal community (Dooyeweerd, *Roots* p.53-54, 162-163). So the justice of the state is never, not even ideally, a generic justice. The norm of justice, as it applies to the state, must be delimited by the state’s intrinsic public nature, and so holds with exclusive regard to the public legal sphere. There are many injustices, then, which the state has no competence to address (Dooyeweerd, *Christian Idea* p.14-150).

Dooyeweerd explicates justice in terms of retribution; that is, in the classical sense of giving to each their proper due. However, justice has various modal analogies. We may speak of trustworthiness, that is, due confidence, in terms of the fiducial modality. In terms of the economic modality, we may speak of paying, financially, what we owe. Yet in every case, the original sense of justice is retribution. This retribution takes on a distinct qualification in various societal spheres according to each societal sphere’s inner structural principle. Dooyeweerd calls the Christian conception of retribution⁸ as a *public legal* norm within the sphere of the *state* a “bulwark of the reformational principle of sphere sovereignty” (Dooyeweerd,

⁸ Dooyeweerd says, “under influence of Christianity, punishment is determined in accordance with the measure of guilt and responsibility” *Christian Idea* p.145.

Calvinism p.30-33) particularly in its application to penalties in criminal law. The requirement that the state put murders to death⁹ must not be confused with, for instance, the sort of penalties that should be meted out within the familial sphere which is morally qualified.

2.7. Intrinsic limit of the state's public legal power

According to the state's inner structural principle, Dooyeweerd distinguishes two kinds of law proper to the state,

"namely *civil law* and *public law*, the first being a state-law regulating the civil coordinational relations of individuals as such, the latter being an inner communal law of the state as a public community. These are the two original spheres of competency of the state in the domain of [law-formation]"
(Dooyeweerd, *Contest* p.119)

Civil law, then, concerns the liberty and equality of persons, as persons, before state law. Civil law also constitutes a public legal *recognition* of inter-individual legal agreements without regard to any particular communal membership or specific characteristic of the person, such as age, health, gender, ethnicity, religion, or economic status (Dooyeweerd, *Relation* p.94-95).

Public law, on the other hand, concerns the organization of the state, and the respective rights and duties of both government and citizens within that public legal community. So,

⁹ Dooyeweerd holds that capital punishment is an abiding divine command. See Genesis 9:5-6, Romans 13:4. But it is also an implication of restitution which is part of the meaning of retribution. Since murders cannot offer any restitution in measure, their own lives are thereby forfeit. Dooyeweerd points out that opposition to the death penalty, typical of the current Roman Catholic position, fails to recognize the state's distinct inner structural principle and the proper modal distinction between the moral and juridical.

for instance, whether the government is representational, and which citizens may elect representatives would be addressed in public law. However, the specific content of such law must be determined on the basis of the *salus publica*, that is the common good (Dooyeweerd, *Christian Idea* p.150). And yet, Dooyeweerd says that the common good "has at all times been the slogan of state absolutism" (Dooyeweerd, *Calvinism* p.27).

Dooyeweerd is again emphatic that only upon the Christian conception of societal sphere sovereignty in terms of which the state is understood to be intrinsically limited according to its inner structural principle, a conception which has "fundamentally broken with any absolutization of either state or individual, ... [can we] grasp the principle of the common good as a truly juridical principle of public law" (Dooyeweerd, *Christian Idea* p.151, 153). In other words, the common good, as a principle for determining public law, must also be intrinsically qualified in a public legal sense. So as it concerns public law, the common good must never have, for instance, an economic or social sense (Dooyeweerd, *Relation* p.97-98, *Roots* p.170).

These two kinds of law proper to the state by virtue of the state's distinct inner structural principle are to be sharply distinguished from the multiple private spheres of law which are exclusively within the jurisdiction of each respective sovereign societal sphere (Dooyeweerd, *Relation* p.94-95).

3. Tax-based Funding For Social Programs

As mentioned above, taxation is an exercise of the state's legitimate coercive power. With regard to tax-based funding for social programs, this can function on any of three levels or

some combination. The first level is that of direct state operation. On this level taxes are collected to fund social programs that are administered as any other department of state. The second level is what I will call subsidy. On this level taxes are collected and then allocated to autonomous agencies which administer the social programs. The third level is what I will call stipend. On this level taxes are collected and then allocated to the recipients of the social program services who in turn use the tax-stipend to fund the programs.

Refundable tax-credit to agencies or recipients for funding of social programs would be subsidy or stipend in as much as the tax refunded exceeds that which was paid by the refundee. In this case, the tax-credit allocated for the funding of social programs is collected from those not so refunded. However, non-refundable tax-credits for agencies and recipients of social program services would, by definition, not constitute tax-based funding since no tax is funding the programs.

Social programs include, for example, education and health care. When we consider whether, according to Dooyeweerd's conception of societal sphere sovereignty as outlined above, these activities are proper to the state, that is, within its sphere of competence, and thus whether the state should fund them through taxation at whatever level, we must consider the respective founding and qualifying functions of these programs. In this way we can determine their respective intrinsic natures and inner structural principles. We have already outlined Dooyeweerd's conception of the inner structural principle of the state. If it turns out that, for instance, education or health care has an identical intrinsic nature to that of the state, then we can conclude that tax-based funding for such social

programs is compatible with Dooyeweerd's view. However, if it turns out that upon consideration of their inner structural principles such social programs possess their own intrinsic natures distinct from that of the state, then we can conclude that tax-based funding for them is incompatible with Dooyeweerd's view.

While schools and hospitals are historically founded and have, arguably, respective qualifying functions in the analytic and moral (or biotic), I would suggest that both education and health care are biotically founded and morally qualified. In this way education and health care would fall within the original sphere of competence of the family. Therefore I suggest that tax-based funding for education and health care is incompatible with Dooyeweerd's conception of societal sphere sovereignty.

4. Not A *Laissez-Faire* Conception

Dooyeweerd distinguishes his conception of societal sphere sovereignty from the *laissez-faire* view of classical liberalism. While Dooyeweerd acknowledges that classical liberalism was significantly influenced in its development by Christianity (Dooyeweerd, *Christian Idea* p.138, *Roots* p.166), he traces the basis of its assumptions to the humanistic groundmotive of Nature - Freedom. Upon this motive, classical liberalism asserts the sovereignty of the individual with certain inalienable rights. In this conception, the state is therefore formed by contract for the sole purpose of protecting these individual rights, primarily life, civil liberty, and property.

In contrast to Dooyeweerd's view of the necessity of an intrinsic limit to the state, the *laissez-faire* conception

constitutes a mere external or extrinsic limit upon the state (Dooyeweerd, *Christian Idea* p.151-152). This mere extrinsic limitation is not only misconceived with regard to the diversity of creation in both its modality and individuality-structures, but it is utterly insufficient in practice. Historically, the *laissez-faire* conception has been unable to withstand the pressures of an absolutistic conception of the so-called common good that is not itself qualified by the limit of a state's intrinsic nature (Dooyeweerd, *Christian Idea* p.151).

5. Conclusion: Challenging The Zeitgeist

The conception of societal sphere sovereignty as developed by Dooyeweerd is not a popular one. This conception is rooted in the Christian groundmotive, affirming creational diversity, theoretically elaborated in terms of modality and individuality-structures and the intrinsic limit of distinct sovereign societal communities. Just as Smeenk and Dooyeweerd were a minority in their day among the would-be followers of Kuyper in defending a genuine conception of societal sphere sovereignty as neither statist nor *laissez-faire*, the view that tax-based funding for social programs is incompatible with Dooyeweerd's conception is woefully in the minority among those who identify themselves as being in Dooyeweerd's line of thought.

However, those who are bold to stand against the current tax-based orthodoxy are called to endure and move forward together faithfully. Moreover, we have good hope in doing so, having that inner motivation of the Spirit's power by that groundmotive of His Word, namely creation, fall, and redemption through Christ Jesus. With regard to his conception of societal sphere sovereignty which is based in the Christian groundmotive

Dooyeweerd says:

“And it is to us, kindred in spirit, to take hold of this incomparably rich idea, to make it our own, to possess it spiritually as the heritage of our fathers, that we may carry it everywhere for the benefit of the entire community, now so drastically tortured, as the only balm for its wounds” (Dooyeweerd, *Christian Idea* p.155).

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