Chapter 4
The Relationship Between Sphere Sovereignty and Subsidiarity

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Abstract Sphere sovereignty is a social theory based on theological principles. Its starting point is the absolute sovereignty of God. From this principle, sphere sovereignty denies that any single human institution can claim absolute sovereignty. As a result, sphere sovereignty principles support an institutionally pluralistic society, where all kinds of power and authority are divided among various “spheres.” First propounded by Reformed theologians in the Netherlands, sphere sovereignty initially focused on the limitation of state power so as to preserve the independence of various social “spheres,” especially the church, from the state. While sphere sovereignty is rightly opposed to improper consolidation of state power, it does affirm the place of civil government in the social order. The model of society affirmed by sphere sovereignty has certain resonances with the Catholic social teachings on subsidiarity. Some have argued that sphere sovereignty is fundamentally different from its Catholic counterpart. But it is more helpful to see sphere sovereignty and subsidiarity as complimentary, each recognizing a distinct aspect of social relationships within healthy and well-functioning society.

Keywords Sphere sovereignty • Calvin • Kuypers • Groen • Dooyeweerd • Dutch reformed tradition • Dutch Calvinism • Pluralism • Catholic social teaching

4.1 Introduction

Sphere sovereignty and subsidiarity are two principles that share much in common. Both are social teachings based on Christian theology. Each belongs to the social pluralist tradition. They were first articulated at about the same time, at the end of
the nineteenth century. They were both responses to the social and political upheaval experienced by Europe in the process of industrialisation. Both attempted to find a middle road between an overly-individualistic liberalism, on the one hand, and an excessively-collectivised socialism, on the other. But sphere sovereignty and subsidiarity also have their differences. They come from different theological traditions (Reformed versus Roman Catholic). They present different visions of the relationship between social spheres (horizontal versus hierarchical).

This chapter will proceed in three sections. Section 4.2 will outline the basic contours of sphere sovereignty as a theological, social, and political theory. Section 4.3 will compare a sphere-sovereignty understanding of the role of the state with subsidiarity’s understanding of that role. How does sphere sovereignty fit with subsidiarity? Are the two principles compatible? Complementary? Or in competition? Finally, Sect. 4.4 will use a series of related, concrete court cases on church-state issues to illustrate the ways that sphere sovereignty can promote institutional pluralism when subsidiarity is less conclusive.

4.2 Sphere Sovereignty

4.2.1 A Short History

The intellectual roots of sphere sovereignty can be found in the biblical principles of the sovereignty of God, the diversity within God’s creation, the sinfulness of man, and the distinct responsibilities of various human institutions. Caesar is not all-powerful; the family, the church, and the civil government all have God-ordained responsibilities. These themes were developed by a wide array of thinkers throughout church history, from Augustine’s distinction between the “city of God” and the “city of man” to the political theories of the sixteenth century Reformation. The Reformed theology in the tradition of John Calvin was especially important in developing a theology that placed limits on state and church alike. Johannes Althusius, a sixteenth century Calvinist theologian, foreshadowed the later development of sphere sovereignty with a political theology that emphasised the importance of diverse jurisdictions in human society.\footnote{Woldring (2000); Witte (2008); van der Vyver (2002).}

The central chapter in the development of sphere sovereignty began in mid-nineteenth century Holland with the conservative politician, Guillaume Groen van Prinsterer (1801–1876). In the 1830s, Groen was in government service in charge of the royal archives when he experienced a personal spiritual awakening in an evangelical Pietist revival of the 1830s. Nineteenth century Pietism vacillated between a focus on inner spiritual life and devotion, on the one hand, and an interest in social engagement, on the other. In Groen’s case, revitalised faith was no deterrent from an active political career, including long service in parliament. To the contrary, Groen
became convinced that active Christian involvement in society was essential. In his lectures and writings, “Groen urge[d] fellow Christians to reread the Scriptures in order to understand the responsibility they have to shape the history of this world to the glory of God.”

Groen was a theological conservative but he was not a political reactionary. He hoped to see a new movement of socially-engaged Reformed Christians arise in the Netherlands. At the same time, Groen abhorred radicalism and did not want to foster a movement that would go to extremes. Groen’s model was the Reformation; its antithesis was “Revolution.” Revolution was the Reformation in reverse, he said. For Groen, “Revolution” included a rejection of God, of authority, and of tradition. In “Reformation,” though, Groen believed he could find a healthy middle course between status quo traditionalism on the one hand and anarchical radicalism on the other. Groen believed that society needed basic traditional institutions and infrastructure—most especially the church and the state—and that “Revolutionaries” were misguided trying to destroy these and start anew on a blank slate. In his lectures on revolution, Groen critiqued the secular philosophies that, in his view, were responsible for social chaos from the French Revolution on into his own time. He also attempted to articulate a Christian philosophy of social engagement. In this context, Groen used the phrase “sphere sovereignty” (in Dutch, souvereiniteit in eigen sfeer) to describe the distinct jurisdictions of the church and the state.

Groen’s intellectual and political agenda was picked up by Abraham Kuyper (1837–1920), the central figure in the development of sphere sovereignty. Kuyper studied theology at the University of Leyden, where he showed great scholarly potential. While there, he was influenced by biblical higher criticism and modernist theology. After graduating, Kuyper arrived at his first church as liberal young minister. Rather than converting his congregation to modernism, Kuyper ended up being converted by his conservative, rural congregation to the orthodox Calvinist theology he had spurned as a student. At the time, the prospects for theological conservatism looked dim. By siding with orthodox Calvinism, Kuyper could expect to be relegated to the social and intellectual backwaters. But Kuyper instead began a remarkable career as a defender of theological conservatism.

Kuyper made his first foray into public policy in the 1860s to urge, of all things, the distancing of the church from the state. This might appear to be a counterintuitive move from a politically-active theological conservative. In fact, though, it was entirely logical in light of Kuyper’s conception of sphere sovereignty, which we shall examine more closely in the next section. It was also a sensible strategic move. The Dutch Reformed Church was closely tied to the secular, liberal state and Kuyper was convinced that the influence of the state favoured the advancement of modernism. Kuyper urged the orthodox to “liberate the church” from the control of the state. In 1868, Kuyper’s activism brought him into direct conflict with the church’s

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1 Skillen and McCarthy (1991, p. 54); see also van der Kroef (1948).
2 Skillen and McCarthy (1991, p. 55); see also Kuyper (1998a, p. 212).
3 Bratt (1998); van der Kroef (1948); de Bruijn (2000).
level, sphere sovereignty emphasises the distinction between different kinds of social activities and institutions—state and church, for instance. At any level of social activity, there are multiple manifestations of sociability and many kinds of organisations and associations, formed for a variety of ends. The sphere sovereignty vision is for a richly-textured society, as Kuyper explained:

The cogwheels of all these spheres engage each other, and precisely through that interaction emerges the rich, multifaceted multiformality of human life. Hence also rises the danger that one sphere in life may encroach on its neighbor like a sticky wheel that shears off one cog after another until the whole operation is disrupted.\(^{30}\)

Some Reformed writers have criticised attempts to bring together subsidiarity with sphere sovereignty. It has been claimed that subsidiarity implies a hierarchical ordering of society, in tension with the sphere sovereignty concept, which places all social institutions as equals before God. But this depends on what is meant when one refers to “greater” and “lesser” institutions. As Kenneth Grasso\(^{31}\) has noted, ranking communities by their “size and power” is quite different from ranking communities according to their “ontological dignity.” Patrick McKinley Brennan has argued in his contribution to this volume that subsidiarity does not imply that either small or large institutions are necessarily good or bad. There has frequently been a lack of clarity as to “which criterion is being employed.” So while there is potential for tension between sphere sovereignty and subsidiarity on this point,\(^{32}\) it is certainly not inevitable.

Nor does subsidiarity necessarily imply the kind of top-down ordering of society that Reformed writers (myself included) would be concerned about. Quite the opposite is true—the social order envisioned by subsidiarity tends to be a bottom-up structure, as Pius XI implied and subsequent Catholic social teaching has made clear.\(^{33}\) Indeed, the contemporary Catholic position’s bottom-up approach seems to mesh quite nicely with similar themes that have historically been sounded by Reformed thinkers (particularly in the Presbyterian tradition) in their political theologies.\(^{34}\)

It would seem then that sphere sovereignty and subsidiarity have the potential to be compatible and complementary principles for understanding the social order. They each offer a vision for a society that is quite different from that of liberal individualism. Instead, both envision societies in which human sociability leads to the formation of a host of associations and institutions. Both are part of the larger social pluralist tradition by affirming the goodness of this diversity. Both ground their understanding of this goodness not primarily in pragmatic arguments but instead in theological principles about the nature of God and the nature of man.

\(^{31}\)2008, p. 54.
\(^{32}\)See, e.g., van der Vyver (2002, p. 221).
\(^{33}\)Woldring (2000, p. 186).
\(^{34}\)Witte (2008); (Kelly 1992).
4.4 Church Autonomy as a Case Study

Church autonomy provides a helpful case study to illuminate the ways that sphere sovereignty can complement the social pluralism promoted by subsidiarity. In American law, the church autonomy doctrine operates to delimit the bounds of judicial competence in deciding cases involving ecclesiastical matters. Based on the religion clauses of the First Amendment, the church autonomy doctrine prohibits "judicial resolution of ecclesiastical disputes that turn on matters of religious doctrine or practice."35 It has been applied to an array of church-related controversies that have ended up in court. For instance:

1. A church commences disciplinary proceedings on a member who is engaged in a relationship prohibited by biblical doctrine. Following a biblical pattern for dealing with sin in the church outlined in Matthew 18, the pastor informs the other church elders of the conduct so that they could all be involved in admonishing the church member. The member then sues the church, alleging that the pastor has defamed her and violated the duty of confidentiality that he owed to her as a licensed counselor.36

2. In a church that allows a board to select its minister, the church’s governing body terminated the pastor over a doctrinal dispute. The pastor refused to leave and sued, alleging irregularities in the board’s decision.37

3. A church leader is accused of sexual assault on a church member. The leader is sued by the injured individual(s).38

In the first and second cases, the sphere sovereignty idea of distinct jurisdictions is particularly apropos. Each of these cases centers on the horizontal relationship between distinct spheres. The church and the civil government have different end purposes and thus constitute different spheres of authority. The church has the responsibility for dealing with the standards for its own members. The state does not have a good reason for interfering with the internal standards of a separate sphere.

But it is less clear that these cases implicate subsidiarity’s central concern, the vertical relationship between greater and lesser organisations. It might be argued that it is more appropriate for a local church to decide issues pertaining to membership or to the choice of its leaders than for a court to decide the matter as an agent of the state. But suppose that the governing body in the second example was a regional presbytery. It might be the case that the county court is no more or less local than the presbytery. Subsidiarity in its most basic version—as a presumption in favour of localism—would not be able to contribute much to the resolution of this

36 *Westbrook*.
38 The first two cases are based on actual controversies litigated in American courts. The third is a generic composite based on the sexual abuse cases litigated since the 1980s in American courts. See, e.g., Lytton (2007).
case. Certainly, Catholic social teaching provides strong support for the principle of church autonomy. But the point is that subsidiarity on its own (that is, not fully fleshed out in terms of other Catholic teachings) is surprisingly inconclusive about the proper relationship between church and state, one of the most significant manifestations of social and institutional pluralism. This in turn highlights the complementary relationship that is possible between subsidiarity and sphere sovereignty.

The third case brings into focus what might initially appear to be a difficult issue for sphere sovereignty. Some statements of sphere sovereignty’s jurisdictional principles seem almost too sharply delineated. Subsidiarity has a considerable degree of flexibility built in. But would a consistent theory of sphere sovereignty prohibit the state from interfering with the “sphere” of the church in the case of serious sexual abuse (for example)? If this were in fact the result, there would be reason to be concerned. But while sphere sovereignty was intended to articulate a degree of independence on the part of different social institutions, it was not intended to make the spheres non-interacting. To the contrary, Kuyper and subsequent exponents of sphere sovereignty emphasised the unique role of the state in exercising its own authority in the jural sphere.

While both Kuyper and Dooyeweerd were wary of the tendency of the state to consolidate power, they both appreciated the fact that the state is a God-ordained institution, not to be dismissed or discounted. As Dooyeweerd explained, the state was ordained by God to hold the sword and to exercise the jural function of administering justice and restraining the operation of sin. As such, “[t]he state is a typically divine institution of ‘common grace,’ that is, the temporal, preserving… grace of God.” They both recognised that the state has a special responsibility to foster fair and just relationships among the various spheres and to prevent abuses within a particular sphere. The government, Kuyper said, has the “threelfold right and duty” to, first, enforce the boundary lines of each sphere “whenever different spheres clash”; second, “defend individuals… against the abuse of power” by others in the same sphere; and third, “coerce all together to bear personal and financial burdens for the maintenance of… the State.”

In light of this significant place for the state in the theory of sphere sovereignty, the third example clearly falls outside the legitimate authority of the church. Sexual abuse is morally wrong and is not part of the authority of the church (nor of any other sphere). If a church abuses a member, it has stepped outside its sphere of authority and the state has the right and duty to intervene. No church autonomy protection should be available for the wrongdoer.

The church autonomy cases are important to those who value religious liberty as well as everyone concerned with social pluralism more broadly. While this is not the place to make the pragmatic arguments for why the church plays an important role

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32Kuyper (1931, p. 97).
in society, it can at least be observed that the church has proven itself to be one of the most robust social institutions operating as a moral and cultural check on the state's pretensions to omniscience. Catholic social theory has generated extensive discussions of the church and its relationships to the state. But subsidiarity itself is often not incorporated into these discussions. As indicated by this brief and schematic discussion of the church autonomy cases, subsidiarity itself is less than conclusive. Sphere sovereignty, on the other hand, helps to flesh out the relationships between distinct institutions that are (at least arguably) on an equal plane.

4.5 Conclusion

Reformed theology teaches the basic jurisdictions—family, church, and state—are directly ordained by God, without any mediating institutions or authorities. In a sense, they each serve as checks and balances on each other. Moreover, sphere sovereignty also acknowledges the existence of a diversity of other "spheres" of social activity. One may believe (as I do) that there are exegetical and theological reasons to put these on a different plane from the fundamental trio of family, church, and state. But even with this proviso, one can acknowledge with Kuyper that education, science, and business (among others) are all legitimate activities ordained by God. Each is a legitimate "sphere" of human action, of sociality and cooperation, which should be respected by the other spheres.

In short, sphere sovereignty, like subsidiarity, offers a vision of institutional and social pluralism. Sphere sovereignty originates from a different theological tradition than subsidiarity and there are doubtless areas where sphere sovereignty's Reformed theological tradition leads to a different emphasis and distinct theological formulations from that found in the Catholic tradition. Notwithstanding the differences, sphere sovereignty and subsidiarity complement each other by fleshing out two important sides to social pluralism. Subsidiarity focuses on the relationships between larger and smaller, "greater" and "lesser," organisations. Sphere sovereignty focuses on the relationships between organisations with distinct purposes, regardless of their size or position on a chain of command. Both the horizontal and the vertical aspects are important components of any well-functioning, diverse society.

References


\(^{42}\text{McConnell (2000); Carter (1993).}\)