



The biography and biology of liberty: Abraham Kuyper and the American experiment

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Abstract

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In part because of Johan van der Vyver's pioneering work, Abraham Kuyper, the Dutch theologian, educator, journalist, and politician, is well-known in South Africa. This article examines the lesser-known relationship between Kuyper's political theology and American law and politics. Kuyper praised American constructions of religious liberty and pluralism, separation of church and state, and free association and political pluralism. In Kuyper's view, these were the political fruits of an historical Calvinism that needed to be restored to political respectability if the American experiment was to live up to its promise.

While taking much of Kuyper's point, this article argues that Kuyper both overstated the Calvinist contributions to the American experiment, and failed to appreciate the unique covenantal theology that informed the Puritan Calvinist legal and political contributions that were made. Two illustrations of this influence are offered: (1) how the Puritans' emerging theology of liberty of covenant contributed to American views of religious liberty; and (2) how the Puritans' emerging sociology of covenants of liberty contributed uniquely to American views of social and political pluralism.

The tree [of liberty has] blossomed and yielded its fruit, but without any one having made a botanic study of its nature and growth. Calvinism, in its rise, rather acted than argued [in cultivating this tree]. But now this study may no longer be delayed. Both the biography and the biology of Calvinism must be thoroughly investigated and thought through, or, with our lack of self-knowledge, we shall be side-tracked into a world of ideas that is more at discord than in consonance with the life of our Christian democracy, and cut loose from the root on which we once blossomed so vigorously.

Abraham Kuyper, Stone Lectures (1898). (Kuyper, 1981:194-195.)

Herbert Butterfield (1949:1) once wrote of the habit of English Protestants of his day “to hold some German up their sleeves ... and at appropriate moments to strike the unwary Philistine on the head with this secret weapon, the German scholar having decided in a final manner whatever point may have been at issue”. Johan van der Vyver has had a similar habit of holding a secret Dutchman up his sleeves with which to strike unwary Philistines on the head – whether in the classroom, courtroom, or conference hall. The Dutchman up his sleeves is the great theologian and statesman Abraham Kuyper (1837-1920), whose voluminous writings, together with those of his intellectual successor Herman Dooyeweerd (1894-1977), form the core of Professor Van der Vyver’s jurisprudence and theology.

Professor Van der Vyver has copiously – and often courageously – elaborated the legal and political implications of Kuyper’s theology and politics. References to Kuyper are generously peppered throughout his numerous publications – from his hefty 1973 dissertation and prize-winning *Seven Lectures on Human Rights* of 1976, to his volumes on family law, legal science, and human rights, to his ca. 250 articles and book chapters (Van der Vyver & Joubert, 1991; Van der Vyver & van Zyl, 1982; Van der Vyver & Witte, 1996; Van der Vyver, 1976). Building on Kuyper’s foundational work on authority, sovereignty, and liberty, Professor Van der Vyver has made monumental contributions to our modern understanding of sovereignty, rights, privacy, nationality, church-state relations, and religious, civil, and political rights (Van der Vyver, 1998, 1991, 1991(a), 1988, 1988(a), 1986, 1976, 1975, 1973, 1972). He has also channeled these cardinal concepts into courageous acts in the face of South African apartheid – such as organizing the first human rights conference in South Africa in 1978, sacrificing his deanship at the University of Potchefstroom in his insistence on the academic freedom to speak against apartheid, and representing *pro bono* numerous indigent Africans in South African courts and beyond.

This article – offered to Professor Van der Vyver in admiration, appreciation, and friendship – explores the political theology of one his heroes, Abraham Kuyper. In part, because of Professor Van der Vyver’s own work, Abraham Kuyper’s political theology, and its application in and to the Netherlands and South Africa, are rather well-known. What is not so well known is the relationship between

Kuyper's political theology and legal and political developments in the United States. It is to this topic that we turn in this article.

1. Kuyper on the American experiment

It is well known that Abraham Kuyper (1837-1920) was one of the great polymaths in the history of the Netherlands – a formidable theologian and philosopher, journalist and educator, churchman and statesman of extraordinary accomplishment. He was the author of more than 200 books and major articles. He served for nearly half a century as editor-in-chief of both the Dutch daily *Standaard* and the weekly *Heraut*. He founded the Free University of Amsterdam in 1880, and taught there intermittently for two decades. Throughout much of his career, he was a leader of the Protestant Anti-Revolutionary Party in the Netherlands, and served as Member of Parliament, Minister of Justice, and then Prime Minister from 1901 to 1905 (Diepenhorst, 1931; Puchinger, 1971). On the national celebration of his seventieth birthday in 1907, his toastmaster declared:

The history of the Netherlands, in Church, in State, in Society, in Press, in School, and in the Sciences of the last forty years, cannot be written without the mention of his name on almost every page, for during this period the biography of Dr. Kuyper is to a considerable extent the history of the Netherlands (quoted in Kuyper, 1981:ii).

It is less well known that Abraham Kuyper was also one of the great Tocquevilles in the history of America – a keen European observer of American law, religion, and politics in the tradition of Alexis de Tocqueville, Philip Schaff, Lord Acton, and many others (Bolt, 1998:35-59). To be sure, Kuyper wrote no famous two volume *Democracy in America*, like Tocqueville, nor even a popular *American Journal*, like Acton¹. But Kuyper's Stone Lectures at Princeton Theological Seminary in 1898 (published as *Lectures on Calvinism* – 1981), together with several of his other writings, held up a comparable mirror in which America could reflect on itself.

Kuyper's mirror offered a rather flattering impression – particularly of the American experiment in ordered liberty and orderly pluralism. "America lacks no single liberty for which in Europe we struggle", Kuyper wrote (1895:391). "In America, modern liberties flourish without reservation". The robust exercise of these liberties has led America neither to an atomistic individualism nor to a monopolistic constitutionalism. Instead, it has led to an orderly pluralism that has become the envy of the world. In America, liberty and pluralism cohere in a

¹ The closest Kuyper came is his 191 page *Varia Americana* (Kuyper, 1899). But much of this volume is focused on sociological anecdotes and the presence of Dutch people, institutions, and practices in the United States. His critical insights in this volume are referenced hereafter

“lively correspondence” – liberty serving as the source of pluralism, and pluralism as the condition for liberty (Kuyper, 1895:391-98; 1897:80).

1.1 Four types of liberty and pluralism

Kuyper singled out for special praise four types of liberty and pluralism that American law had cultivated to an enviable degree by the later nineteenth century.

First, Kuyper praised the American principle of religious liberty and religious pluralism (1981:108-109; 1897:93). “In America there is absolute liberty of conscience”, he wrote, with attendant rights of “liberty of organization; liberty of the press; liberty of public worship; liberty of thought”. “Conscience is the source of human personality, the root of civil rights, and the source of national identity”. America was “the first country fully to develop the principle” that conscience is “the palladium of all personal liberty” and to construct its bill of rights on the foundation of its absolute guarantee. Liberty of conscience means, *inter alia*, that each citizen has the liberty to form and to reform religious opinions, to enter and to exit religious organizations, without jeopardizing other civil liberties. A plurality of religious opinions and organizations is available from which to choose: “[N]o citizen of the State may be compelled to remain in a church which his conscience forces him to leave”.²

Second, Kuyper praised the related American principle of ecclesiastical liberty and confessional pluralism. The American legal doctrine of “separation of church and state”, Kuyper wrote, is a “better guarantee [of] ... ecclesiastical liberty than anything that now prevails in Europe” (Kuyper, n.d.: 444-445). In America, separation of church and state does not mean the separation of religion and politics. “Magistrates are God-fearing, by proclaiming days of public thanks-

2 This theme is also taken up in Kuyper (1895:391, 1897:93; 1891b.) In his *Maranatha* address of 1891, Kuyper praised the sacrifices of his Dutch Calvinist ancestors on behalf of liberty of conscience, criticized his Roman Catholic compatriots for their failure to embrace the doctrine, but urged equality of all before the law:

What separates us, after all [from Catholics], is the sacred cause of freedom of conscience for which we, like our ancestors, would again shed our blood and against which they, however, accommodating their practice, remain fundamentally opposed .. Freedom of conscience – precisely for that reason we must employ persuasion to the exclusion of all coercion in all spiritual matters, ... to fight with spiritual weapons and to bear our cross in joyful discipleship. Therefore, without any craftiness or secret intentions we accept the position of equality before the law along with those who disagree with us ... The time must come when it will be considered inconceivable, even ridiculous, to discriminate against or offend anyone, whoever it may be, for his convictions as a Seceder or Doleant, as a Catholic or Jew (Kuyper, 1891a, reprinted in Bratt 1998:205, 219-221).

giving, honoring public prayer, observing the Sabbath Day – indeed, declaring in the preamble of their [state] constitution[s] that it was from God that they received the laws by which they are ruled”. Separation of church and state means, instead, that “churches are entirely free” from state interference in their doctrines and liturgies, in their politics and properties, in their education and catechization. The state does not prescribe the religious texts, beliefs, and practices of any religious group. The state “does not subsidize the churches” through the donation of property or the collection of tithes. The state does not interfere in the church’s organization and order, discipline and discipleship (Kuyper, n.d.: 444-445; Kuyper, 1899:18-22, 52-54, 151-162; 1897:385; 1909:3:329; 1869: passim). “In America, Catholics, Lutherans, Calvinists, Baptists, and Methodists are equally respected”, despite the plurality of confessions, canons, and cults among them.³ It is “a fundamental rule that the government must honor the complex of Christian churches as the multiform manifestation of the Church of Christ on earth ...” (Kuyper, 1895:396-97). America has adopted this rule “not from the desire to be released from church duties” but “from the consciousness that the welfare of the church and the progress of Christianity demand this freedom and independence” (Kuyper, 1981:90).

Third, Kuyper praised the American principle of associational liberty and social pluralism. The American tradition of voluntarism and fraternity, Kuyper wrote, has led to ample legal protection, not only of churches and religious organizations, but also of a plurality of other “social spheres” – families, schools, unions, guilds, plantations, clubs, convents, and corporations (Kuyper, 1899:38-49). Each of these social spheres is amply protected by the provisions of state criminal law. Each is amply facilitated by the procedures of state private law. But none of these social spheres is ultimately dependent upon the state for its existence or for its competence. The formation and maintenance of each social sphere depend upon the voluntary association and activity of private parties. The competence and authority of each social sphere depend upon “its innate norms”, its “God-given liberty” – its “inherent sphere sovereignty”, in Kuyper’s famous phrase (1899:38-49; 1880: passim; n.d.: 73-186). “Sphere sovereignty” does not render a social sphere “a law unto itself” – just as personal sovereignty does not make each person a law unto himself or herself. Instead, sphere sovereignty entails that each of these social spheres has the liberty to operate independently of the state in accordance with its own God-given norms, and in deference to the liberty interests of other social spheres and of all individuals. “[T]here exists side-

3 See Kuyper (1998 [1898]:106), see Kuyper (1981). Elsewhere, Kuyper insisted on the inclusion of Jews within the ambit of religious liberty See Kuyper (1878). At another point, he stretched even further: “[A]ll things within the forum of conscience and on domestic and private life must be free – for the atheist as much as for the full devout ... indeed, for all sects” (Kuyper, n.d.: 415).

by-side with the personal sovereignty [of the individual conscience], the sovereignty of the [social] sphere” (Kuyper, 1981:95-96). This understanding of associational liberty and social pluralism, which Kuyper found so well expressed in late nineteenth-century America, was an essential plank of his own political platform as prime minister of the Netherlands.

Fourth, Kuyper praised the American principle of political liberty and political pluralism. The American constitutional doctrine of a “federalist political unity” within a “republican form of democracy”, Kuyper argued, sagely balances the demands of liberty and order, local rule and national unity.⁴ On the one hand, political authority in America is divided among federal, state, and local governments. America does have a strong federal government that tends to the nation’s common economic, administrative, military, and diplomatic needs. America does have a strong civic faith that manifests itself in presidential prayers and proclamations, congressional support for basic religious education, federal judicial protections of cardinal moral and cultural values (Kuyper, 1981:84; cf. 1899:21-24; 1897:82-83, 96-108; 1895:394-397). But America also recognizes that, historically, “constitutional rights and freedoms first came within local communities”, and that these local roots must be retained (Kuyper, n.d.: 289). It further recognizes that, practically, the protection of liberty and the cultivation of virtue must begin at the local level – through local elections of officials, local town meetings, local participation in juries, local administration of justice, local education in schools and churches (Kuyper, n.d.: 289-308; 1899:28-33, 181-184). The American constitution thus guarantees each state its own republican form of government and reserves to it all powers not directly delegated to the federal government. The constitution further assures “the decentralized and autonomous character of ... local governments”(ibid; 1981:86-88, 191-92). On the other hand, political power at each level is separated among executive, legislative, and judicial branches. Each of these branches of government checks and balances the power of the other – through executive vetoes, legislative impeachments, and judicial review. This separation of powers, Kuyper believed, ensures that the

4 Kuyper (n.d.: 289-296); Kuyper (1981:79-90). Kuyper was more equivocal about the natural superiority of this political form of liberty and pluralism.

The historic development of a people shows, as a matter of course, in what other ways authority is bestowed. This bestowal may flow from the right of inheritance, as in a hereditary monarchy. It may result from a hard-fought war ... It may proceed from electors, as it did in the old German empire. It may rest with the States of the country, as was the case in the old Dutch republic. In a word it may assume a variety of forms, because there is an endless difference in the development of nations. A form of government like your own [in America] could not exist one day in China. Even now, the people of Russia are unfit for any form of constitutional government (Kuyper, n.d.: 84)

offices of the state are protected against the sinfulness of their officials. It further ensures that the powers of government are sufficiently nuanced to provide ample protection to the liberties of persons, churches, and other social spheres (Kuyper, n.d.:289-308; see also 1880:19-25; 1897:63-68, 109-23, 213-36, 268-301, 382-94, 411-476).

1.2 Calvinist conditions

Kuyper's robust reflections on the success of the American experiment in ordered liberty and orderly pluralism – though strangely silent on its many failings for women, children, blacks, Indians, abused workers, the poor, and various minorities of the day⁵ – were flattering enough to his American audience. Even more flattering were his robust projections of the place and promise of the American experiment in the course of world history. In his Stone Lectures of 1898, Kuyper predicted that America would soon inherit from Europe the leadership of the Western world:

Old Europe remains even now the bearer of a longer historical past, and therefore stands before us as a tree rooted more deeply, hiding between its leaves some matured fruits of life. You are yet in your Springtide – we are passing through our Fall (Kuyper, 1981:9-10).

In a follow-up lecture in Michigan, Kuyper made an even grander prediction:

America is destined in the providence of God to become the most glorious and noble nation the world has ever seen. Some day its renown will eclipse the renown and splendor of Rome, Greece, and older races (quoted by Bolt, 1998:35-36).

Kuyper did not wax so grandly simply to flatter his American audience. He attached strong theological conditions both to his reflections on the past and to his projections of the future of the American experiment. This move was considerably more controversial – in his day and in our own.

First, Kuyper argued that the source and strength of the American experiment was Calvinist theology, not Enlightenment liberalism or any other ideology. Calvinism, Kuyper wrote (1981:14), was not only a spiritual movement but also “a political movement which has guaranteed the liberty of nations in constitutional statesmanship; first in Holland, then in England, and since the close of the last century in the United States”. According to Kuyper, the American

5 I say “strangely” because Kuyper was hardly blind to these problems at home. See, for example his *Het Sociale Vraagstuk en de Christelijke religie* (1891a), translated as Kuyper (1991). See also his “Manual Labor” of 1889 (in Bratt, 1998:231-54). In his *Varia Americana*, Kuyper also did criticize briefly the impoverishment and lynching of blacks, and the problems of alcoholism and poverty among the working classes (Kuyper, 1899:3-12).

experiment in liberty and pluralism “points back directly to its puritanical origin, to the invincible spirit of the Pilgrim Fathers and to the spiritual descent from Calvin” (1895:396-97; Kuyper, 1899:119):

If with us [in Europe today] it has every appearance that the liberty of the people must be purchased at the sacrifice of the faith, there [in America] it is Calvinism which, according to the general conviction, offers the surest safeguards for the continued presence of those liberties.

It was Calvinists, Kuyper repeatedly argued, who first “lifted up freedom of conscience” and insisted that “the magistrate has nothing to do with a person’s innermost beliefs ... or with a person’s domestic life or friendships” (Kuyper, n.d.: 415). It was Calvinists who first “reached the conclusions that follow from this liberty of conscience, for the liberty of speech, and the liberty of worship ... and the free expression of thought ... and ideas” (Kuyper, 1981:108-109). It was Calvinists who “first developed the principle of separation of church and state”, and the constitutional recognition that “the church derives its authority directly from God, not mediately through the state or through the community” (Kuyper, n.d.: 415; 1981:105). It was Calvinists who first effectively “protest[ed] against State-omnipotence; against the horrible conception that no right exists above and beyond existing [positive] laws; and against the pride of absolutism [which is] death to our civil liberties” (Kuyper, 1981:98). It was Calvinists who first pressed classical theories of mixed government into constitutional principles of federalism and republicanism.

Though, historically, Calvinists often betrayed their own political principles, Kuyper argued, their views ultimately prevailed in America because of their firm theological mooring: American Calvinists derived their claims of liberty

... not by appealing to popular force, nor to the hallucinations of human greatness, but by deducing those rights and liberties of social life from the same source from which the high authority of government flows – even the absolute sovereignty of God. From this one source, in God, sovereignty in the individual sphere, in the family, and in every social circle, is just as directly derived as the supremacy of state authority (Kuyper, 1981:98).

A plurality of spheres of personal, ecclesiastical, social, and political liberty thus stand alongside each other – each created by God, each governed by God, each accountable to God. A plurality of offices and activities within each sphere of liberty also stand alongside each other – each designed to discharge some portion of God’s special calling for that sphere.

Second, Kuyper argued, this Calvinist origin and orientation of the American experiment was in danger of being lost on America, and needed to be restored if America was to live up to promise. Kuyper’s concluding Stone Lecture at

Princeton in 1898 had the tone almost of a wizened Dutch uncle gently admonishing his young American relatives to live up to their pedigree:

[L]o and behold, while you are thus enjoying the fruits of Calvinism, and while even outside of your borders the constitutional system of government as an outcome of Calvinist warfare, upholds the national honor, it is whispered abroad that all these [fruits] are to be accounted blessings of Humanism, and scarcely anyone still thinks of honoring in them the after-effects of Calvinism, the latter believed to lead a lingering life only in a few dogmatically petrified circles. What I demand ... is that this ungrateful ignoring of Calvinism shall come to an end ... I contend in the second place, for an historical study of the principles of Calvinism ... [that cultivated] the tree of liberty ... I [demand] in the third place the development of the principles of Calvinism in accordance with the needs of modern consciousness and their application to every department of life ... Finally, I would add ... that those Churches which lay claim to professing the Reformed faith, shall cease being ashamed of this confession ... I exalt multiformity and hail it in a higher stage of development. Even for the Church that has the purest confession, I would not dispense with the aid of other Churches in order that its inevitable one-sidedness may thus be complemented. But what ... one confesses to be the truth, one must also dare to practice in word, deed, and whole manner of life (Kuyper, 1981:194-195).

2. The Calvinist foundations of the American experiment

Kuyper's four demands, while controversial, have not gone unanswered in America during the past century. Calvinism is certainly not ignored today, either in various Christian institutions or in the broader secular world. The historical contributions of Calvinism to Western law, politics, and culture, have come under increasingly close study. The expansion and adaptation of these contributions to modern American life have continued apace. Calvinism is proudly confessed in a number of American churches today, though not always without the "dogmatic petrification" against which Kuyper warned.

As an historian of Dutch Calvinist stock, I am especially drawn to the second of Kuyper's demands – the need for close "historical study of ... the biography and biology of Calvinism" in the history of liberty. Elsewhere, I have taken up Kuyper's demand to study the sources of liberty in John Calvin's biography and its "biological" growth in early modern Calvinist communities in France, England, the Netherlands, and colonial America (see Witte, 1987:579-601; 1990:41-64; 1993:328-351, 1993(a):543-62; 1996:1-31; 1996(a):359-403; 1997: 74-129, 238-253; 1999). Using some of that material, permit me put briefly two caveats to Kuyper's robust assessment of the influence of Puritan Calvinists in the formation of the American experiment, and offer two illustrations of this Puritan influence.

2.1 Two caveats to Kuyper's historiography

First, Kuyper's insistence that Puritan Calvinism was the driving intellectual force of the American experiment is vastly overstated. Kuyper had reason to put his case so strongly. A century ago when Kuyper wrote, the Puritans were often depicted as rigid theonomists and belligerent theocrats who knew neither true law nor true liberty (Wood, 1989:26). Subsequent study has made clear that these Calvinists must be included among the "leaders of American political thought" (Rossiter, 1963:8) and that their political experimentation in colonial New England and their revolutionary sermons were indispensable to the success of both the American Revolution and the state and federal constitutional conventions that followed (see, e.g., Bailyn, 1967; Hatch, 1977; Stout, 1986; Shain, 1994).

This same subsequent study, however, has also uncovered sundry other intellectual sources of the American experiment, besides Puritan Calvinism: natural law traditions from classical Greece and Rome and from various schools of early modern continental jurisprudence; legal and political positivist traditions from Machiavelli to Thomas Hobbes; common law traditions celebrated by everyone from Edward Coke to Edmund Burke; indigenous American traditions of constitutionalism; English Leveller and Whig writings from the early seventeenth century forward; Free Church traditions grounded in the theology of Anabaptism and energized by the Great Awakening; and a host of intellectual movements associated with the English, French, and Scottish Enlightenments (see Symposium, 1990; Noll, 1993:615-38; Witte, 1999). The Puritans wove many threads into the fabric of the early American experiment. But they held no monopoly on the constitutional or cultural loom.

Second, the Calvinist ideas that were influential in the formation of the American experiment were not all of the same Genevan colour. Kuyper tended to draw direct and easy lines from Geneva to Holland to England to America – often thereby deprecating the conceptual variations and expansions on basic Calvinist themes that occurred in different areas and eras. "The 20th chapter of the fourth book of Calvin's Institutes 'On Civil Government' is the starting point", Kuyper wrote in his survey of Western political theory. "Everything that later came forth in reformed theology is nothing but a repetition of foundational insights of Calvin's work" (Kuyper, n.d.: 7). Calvin's insights, he was convinced, included Kuyper's favourite doctrine of "sphere sovereignty". The first of these propositions takes too little account of the pluriformity and plasticity of the Calvinist tradition. The second proposition takes too little account of the originality and profundity of Kuyper's doctrine of sphere sovereignty.

The Puritan Calvinists of seventeenth- and eighteenth-century New England did develop robust ideas and institutions of liberty and pluralism. But the Puritans' formulations were predicated neither upon Calvin's doctrine of divine sovereignty

nor upon Kuyper's doctrine of sphere sovereignty, but upon their own distinctive theological doctrine of covenant. This covenant doctrine was theologically consistent with Calvinist doctrines of divine and sphere sovereignty, but it provided the Puritans with a distinctive and integrated understanding of religious, social, ecclesiastical, and political liberty and pluralism.

2.2 Two illustrations of Puritan influence

The idea of a divine covenant between God and man has always been a part of Western Christian theology (see Elazar, 1996; Stackhouse, 1997). Theologians, Orthodox, Catholic, and Protestant, have discussed the Biblical covenants:

- the covenant of works by which the chosen people of Israel, through obedience to God's law, are promised eternal salvation and blessing; and
- the covenant of grace by which the elect, through faith in Christ's incarnation and atonement, are promised eternal salvation and beatitude.

The covenant of works was created in Abraham, confirmed in Moses, and consummated with the promulgation and acceptance of the Torah. The covenant of grace was created in Christ, confirmed in the Gospel, and consummated with the confession and conversion of the Christian. On the whole, however, the discussion of covenant in this earlier period was only incidental and isolated.

The New England Puritans raised the Biblical doctrine of covenant to the centre of both their theology and their sociology. The covenant defined both a person's spiritual relationship with God, and a person's temporal relationships with others (see Miller, 1937 and Witte, 1987; 1990).

2.2.1 Liberty of covenant

The Puritans made two innovations to traditional understandings of God's covenant with persons.

First, Puritan writers developed a more participatory theory of the covenant of works. Traditionally, the covenant of works was treated as God's special relation with the chosen people of Israel and their representatives, Abraham, Moses, and David. It designated the Israelites as God's elect nation and called them to serve as special agents in God's kingdom. It divulged to them in detail the requirements of God's law – their obligations towards God, neighbour, and self. For many Puritan writers, the covenant of works was not so limited in participation or purpose. This covenant was not created in Abraham, the representative of the Jews, but in Adam, the representative of all humanity. It was not a privileged relation in which only elect persons participated, but a natural relation, in which

all persons participated. For the covenant of works was established at the creation of the world, before the fall into sin, the Puritans argued. Through Adam, the “federal head of the human race”, all persons were parties to this covenant. This covenant constituted “God’s special constitution for mankind, ... His providential plan for [all] creation” and for every creature (Norton, 1654:102). The covenant of works defined every person’s roles, rights, and responsibilities in the unfolding of God’s divine plan.

Second, Puritan writers recharacterized the concept of the covenant of grace itself. Traditionally, the covenant of grace was treated primarily as God’s merciful gift to his elect. God set the terms of the covenant and determined its parties. Many Puritan writers came to describe the covenant of grace as a bargained contract. Acts of divine will and human will were required to form this covenant. Through “voluntary condescension”, God offered the terms of salvation and promised to abide by the offer. Through a voluntary act of faith, a person accepted God’s offer. Once God and man had accepted the term, both parties were contractually bound to the covenant. Each could insist upon the faithful compliance of the other. God could demand faithful devotion and service from the person; if the person refused it, God was released from the covenant and free to consign the person to hell. But the person may also demand God to abide by His promise of salvation. “You may sue [God] of his bond written and sealed”, wrote one Puritan, “and he cannot deny it”. “Take no denyall, though the Lord may defer long, yet he will doe it, he cannot chuse; for it is part of his covenant” (John Preston, quoted in Hill, 1958:246).

Both the expansion of the parties and the contractualization of the terms of the covenant of salvation helped to expand Puritan understandings of religious liberty and pluralism. Initially, seventeenth-century Puritans still treated this covenant as something of a “divine adhesion contract”. God set the covenantal terms for salvation in the Bible; a person had only the freedom to accept or reject them. Such sentiments can be seen in Samuel Willard’s lengthy 1682 tract on “covenant liberty”. Willard argued that every person had the “equal right”, “title”, “claim”, “liberty” and “prerogative” “to enter and to enjoy every blessing of the covenant”. But, by the time Willard finished spelling out all the standard terms and conditions of the covenant, there seemed to be few at liberty to enter the covenant, and little liberty left for those who could (Willard, 1682; see also Willard, 1681, 1700 and 1701). Such sentiments can also be seen in the early Puritan practice of banning parties, from Anne Hutchinson and Roger Williams onwards, who advocated alternative constructions of the covenant of salvation (see McLoughlin, 1971).

By the eighteenth century, however, some Puritan writers began to view this covenantal relationship between God and persons in more open and voluntarist terms. Not only was the covenant made more accessible to parties of various

Christian faiths. The terms of the divine covenant were made more open to personal deliberation and innovation. Elisha Williams (1744:3) put the matter thus:

Every man has an equal right to follow the dictates of his own conscience in the affairs of religion. Every one is under an indispensable obligation to search the Scriptures for himself ... and to make the best use of it he can for his own information in the will of God, the nature and duties of Christianity. And as every Christian is so bound; so he has the inalienable right to judge of the sense and meaning of it, and to follow his judgment wherever it leads him; even an equal right with any rulers be they civil or ecclesiastical.

Such formulations became increasingly common among Puritan writers in the later eighteenth century. These sentiments helped lead the New England leaders to greater toleration of Baptists, Anglicans, and other Christians who abided by the basic terms of the biblical covenants (McLoughlin, 1971).

It was only a short step from this formulation to the more generic and generous religious liberty guarantee of the 1780 Massachusetts Constitution in Part One, Art. II:

It is the right as well as the duty of all in society, publicly and at stated seasons, to worship the Supreme Being, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession or sentiments, provided he doth not disturb the public peace or obstruct others in the public worship (quoted in Witte, 1999: Appendix 2).

Puritan covenant theology was not the only catalyst for the experiment in religious liberty in New England, let alone in America altogether (see Witte, 1999). But, for New England Puritans, covenant theology provided a sturdy foundation for a theory of ordered religious liberty and orderly religious pluralism. By expanding the ambit of the covenant of works, the Puritans had expanded the realm of religious liberty to all persons, not just the elect. By contractualizing the terms of the covenant of grace, the Puritans had expanded the range of religious exercises, no longer privileging established forms. But not all claims of religious liberty could be accepted. Legitimate claims had to be anchored in some semblance of a covenant with a trinitarian God, however each person chose to define this God. Legitimate claimants had to abide by the natural duties to love God, neighbour, and self, as taught by the covenant of works, however each community chose to delineate these duties.

2.2.2 Covenants of liberty

The Puritans regarded themselves not only as covenant persons in their relationship to God, but also a covenant people bound together by covenants with

each other. Each of these covenants, they believed, though formed by voluntary human acts, was ultimately founded on the norms set forth in the covenant of works. Each of these covenants had a place and purpose in God's providential plan. The Puritans distinguished three such covenants:

- a social or communal covenant;
- an ecclesiastical or church covenant; and
- a political or governmental covenant.

The social covenant created the society or commonwealth as a whole. The political and ecclesiastical covenants created the two chief seats of authority within that society, the church and the state, whose authority was both separated and self-limited.

2.2.2.1 Social covenants

The Puritans swore allegiance to social covenants before God and each other when forming their new communities. "We whose names are underwritten", reads the famous Mayflower Compact of 1620, "[h]aving undertaken for the glory of God, and advancement of the Christian Faith, ... a Voyage to plant the first Colony ... doe by these presents, solemnly & mutually in the presence of God and one of another, covenant, and combine our selues together into a civill body politike, for our better ordering and preservation, and furtherance of the ends aforesaid" (quoted in Walker, 1960:92). The citizens of the new town of Salem convened in 1629 to swear:

We Covenant with the Lord and one with an other; and doe bynd our selves in the presence of God, to walke together in all his waies, according as he is pleased to reveale himself unto us in his Blessed word of truth (quoted in Walker, 1960:116).

In his famous Arabella Sermon of 1629, John Winthrop declared to the new citizens of Massachusetts Bay:

Thus stands the cause betweene God and us, wee are entered into Covenant with him for this worke, wee have taken out a Commission, [and He] will expect a strickt performance of the Articles contained in it (quoted in Winthrop, 1908:92).

Those who joined the social covenant were entitled to the benevolence of the community. Charity and public spiritedness were prized. Churlishness and private sumptuousness were scorned. The Puritans prescribed and practised good samaritanism. They punished citizens who failed to aid their neighbours in need or peril. They set up public trusts, community chests, and work programmes for indigents and immigrants. They developed elaborate systems of relief for the poor, the elderly, and the handicapped. They established rather sophisticated systems of academic and vocational education.

Those who joined the social covenant were also subject to the discipline of the community. This covenant, the Puritans believed, placed the community “under a solemn divine Probation” and under threat of “eminent [divine] trial” (Stoughton, 1670, reprinted in Miller & Johnson, 1938:243). This belief translated the most mundane of human affairs into cosmic terms. The Puritans stressed ambition, austerity, frugality and other virtues in their lives precisely because the social covenant rendered them agents of God, instruments of God’s providential plan. For them to be lax in zeal, loose in discipline, or sumptuous in living would be a disservice to God, a breach of the social covenant. Such a breach would inevitably bring divine condemnation on the community in the form of war, pestilence, poverty, and other divine acts.

The Puritan construction of the social covenant was a recipe for both associational liberty and social pluralism. “There can be no necessary tye of mutuall accord and fellowship come, but by free engagement”, wrote Thomas Hooker in 1648, who had left Massachusetts Bay colony to form the colony of New Haven. “[H]e that will enter must also willingly binde and ingage himself to each member of that society ... or else a member actually he is not” (Hooker, 1972:47, 50). The voluntary participation of both the entering individual and the existing community were essential. No person could be forced to join the community whose covenant and culture he or she found objectionable. No community could be forced to accept or retain a person whose convictions or conduct it found objectionable. Each community could set its own standards of entrance and egress. Each community could form its own preferred norms and habits, within the broad parameters of the covenant of works and the natural law. In colonial America, this understanding was an open invitation to colonize anew, to press constantly on the frontier. In the republic, this understanding lay at the heart of the constitutional struggle for individual freedoms of contract and association, on the one hand, and for rights of corporate governance and local rule, on the other.

2.2.2.2 An ecclesiastical or church covenant

According to Puritan lore, church and state were the two principal seats of authority within the broader social community – each formed by a further covenant among those who had already joined the social covenant. Church and state were thus understood as sub-covenantal communities within the broader covenant community formed by the social covenant.

God, the Puritans believed, has vested in the church the spiritual power of the Word. The church was called to preach the Gospel, to administer the sacraments, to teach the young, to fight injustice, and to care for the poor and the needy. By such activities, the church would lead all members of the community to a greater understanding of their covenantal responsibilities of benevolence and love. The

church was also empowered to devise its own polity, to define its own doctrine, and to discipline its own members who had sinned through the spiritual means of instruction, the ban, and excommunication. By such activities, the church would confirm and reinforce the natural law and the divine authority that undergirded it (Cambridge Synod and Platform 1648, reprinted in Walker, 1960:203-210; Mather, 1972 [1643]).

Each church was constituted by a covenant between God and like-minded believers. By this covenant, these believers swore to God and to each other to uphold God's ordinances, to discharge the special calling of the church, and to be subject to those who came into authority within the church. "Saints by Calling", reads the 1648 Cambridge Synod and Platform "must have a Visible-Political-Union amongst themselves ... [and form a] Co[m]pany of professed believers Ecclesiastically Confoederat".

This Form is the Visible Covenant, Agreement, consent wher[e]by they give up themselves unto the Lord, to the observing of the ordinances of Christ together in the same society, which is usually called the Church-Covenant; For wee see not otherwise how members can have Church-power one over another mutually (quoted by Walker, 1960:207-09, 217).

Many of the Puritan congregational churches swore to such covenants both upon initially forming the church and upon subsequently admitting new members to it.

2.2.2.3 A political or governmental covenant

God, the Puritans further believed, has vested in the state the temporal power of the sword. Civil rulers were God's vicereagents on earth. They were called to reflect and represent God's majesty and authority, to exemplify God's justice, mercy, discipline, and benevolence. They were responsible to enforce and extend the natural law, to protect a person's natural liberties and rights, and to catalyze the perpetual reforming discipline of the community. Political rulers were vested in their offices by a tripartite covenant between God, the people, and themselves. By this covenant, the rulers accepted the divine mandate for their political office. The people, in turn, vowed to God and to the rulers to oblige and submit to this rule, to accept and respect his laws (see Willard, 1694).

The doctrine of separation of church and state went hand-in-hand with the doctrine of covenant. The Puritans conceived the church and the state as two separate covenantal associations, two coordinate seats of godly authority and power in society. Each institution had a distinctive calling and responsibility. Each had a distinctive polity and practice, which could not be confounded. The Puritans thus devised a variety of safeguards to keep church and state separate. Church officials were prohibited from holding political office, from serving on juries, from interfering in governmental affairs, from endorsing political candidates, or from censuring the official conduct of a statesman who was also a

parishioner in the church. Political officials, in turn, were prohibited from holding ministerial office, from interfering in internal ecclesiastical government, from performing sacerdotal functions of clergy, or from censuring the official conduct of a cleric who was also a citizen of the commonwealth (Laws and Liberties of Massachusetts Bay, 1648:18-20, Cambridge Synod and Platform, quoted in Walker, 1960:234-237).

Although church and state were not to be confounded, they were still to cooperate in the achievement of the covenant ideals of the community. "I look upon this as a little model of the Glorieu[s] Kingdome of Christ on Earth", wrote Uriah Oakes. "Christ Reigns among us in the Common wealth as well as in the Church, and hath his glorious Interest involved and wrapt up in the good of both Societies respectively". Thus "the Interest of Righteousness in the Common wealth, and Holiness in the Churches are inseparable. The prosperity of Church and Common wealth are twisted together. Break one Cord, you weaken and break the other also" (Oakes, 1673:49).

The state thus provided various forms of material and moral aid to the church. Public lands were donated to church groups for the construction of meeting-houses, parsonages, day schools, orphanages, and other structures used in the church's ministry. Tithe rates and church rates were collected to support congregational ministers and teachers, elders and deacons. Tax exemptions and immunities were accorded to some of the religious, educational, and charitable organizations that they operated. Subsidies and military protections were provided for missionaries. Special criminal laws prohibited interference with religious services and ceremonies. Sabbath day laws prohibited all forms of unnecessary labour and uncouth leisure on Sundays and holy days. Blasphemy laws prohibited all forms of false swearing, foul language, and irreverence. Idolatry laws forbid various forms of sacrilege, witchcraft, sorcery, and magic (Laws and Liberties of Massachusetts Bay, 1648:18-20; Cambridge Synod and Platform, quoted in Walker, 1960:234-237).

Churches, in turn, provided various forms of material aid and accommodation to the state. Church meeting-houses and chapels were used not only to conduct religious services, but also to host town assemblies, political rallies, and public auctions, to hold educational and vocational classes, to house the community library and bookstore, to maintain census rolls and birth, marriage, and death certificates, and to discharge several other public functions. Parsonages were used not only to house the minister and his family, but also to harbour orphans and widows, the sick and the aged, victims of abuse and disaster, and other wards of the state. Ministers preached obedience to the authorities and public participation in political affairs.

2.2.2.4 Puritan safeguards against autocracy within church and state

Beyond insisting on the separation of church and state, New England Puritans were rather pragmatic in developing the appropriate forms of government for the church and the state. "I know of no particular Form of ... Government", wrote one Puritan, "that God Himself has, directly, and immediately, appointed, by any clear Revelation of His Mind and Will, to any People whatever ... God Almighty has left it to the natural Reason of Mankind, in every Nation and Country, to set up that Form, which, upon a thorow Consideration of the Nature, Temper, Inclinations, Customs, Manners, Business, and other Circumstances of a People, may be thought best for them" (Barnard, 1754, reprinted in Miller & Johnson, 1938:273).

One constant element in human "nature, temper, and inclination", however, was sin. Each person the Puritans believed, is a fallen, sinful, and depraved creature, by nature tempted to greed and corruption. "Sin has ... vitiated the humane Nature", wrote one Puritan, and driven man to "unruly Lusts", "rampant Passions", and "a constant Endeavour ... to promote his own, and gratify Self" (Miller & Johnson, 1938:272). Such sinful temptation was particularly strong and dangerous among political and ecclesiastical officials. "Power is too intoxicating and liable to abuse", wrote a Puritan leader. Many officials succumb to their corrupt natures and "make no other use of their higher station, than to swagger over their neighbors, and command their obsequious flatteries, and enrich themselves with the spoils of which they are able to pillage them" (Whitney, 1774:21).

On the basis of the doctrine of sin, the Puritans thus advocated and adopted a variety of constitutional safeguards against autocracy and abuse within both the church and the state.

First, the Puritans insisted that officials must have as "godly a character" as possible, despite their sinfulness. They were to be models of spirituality and morality for the community, and to swear oaths of allegiance to God and the Bible. They were also to be diligent, upright, respectful, and free from guile and graft.

Second, the Puritans insisted that both church and state officials occupy their offices only for limited tenures and then rotate out of office, lest they slowly convert their office into an instrument of self-gain and self-aggrandizement.

Third, they advocated the development of self-limiting "republican" forms of government for both the church and the state. Rather than consolidate all forms of authority in one person or one office, they insisted on separate forms or branches of authority, each checking the sinful excesses of the other.

Fourth, they adopted what they called a “federalist” (from *foedus*, the Latin term for covenant) structure of government for both the church and the state. The church was divided into semi-autonomous congregations, each with its own internal structures of pastoral, pedagogical, and diaconal authority and discipline but each loosely conjoined in a broader synod. The state was divided into semi-autonomous town governments, each with its own internal structures of executive, legislative, and judicial authority, but conjoined in a broader colonial government.

Fifth, they advocated the development of legal codes and clear statutes so that magistrates might not proceed according to their “sinful” discretions.

Sixth, the Puritans advocated the democratic election of both political and ecclesiastical officials (see sources in Witte, 1990).

2.2.2.5 Puritan constitutional experimentation stimulated American constitutionalism

The Puritans’ constitutional experimentation proved to be a fertile seedbed out of which American constitutionalism grew. Many of the basic ideas and institutions of the social, ecclesiastical, and political covenants were written directly into the original constitutions of the New England states, and openly advocated for the nation by a variety of Puritan sermonizers and political conservatives in the early republic.

Fundamental Puritan ideas survived among both the so-called liberal and republican schools of America in the later eighteenth century. Liberal writers found in the Puritan ideas of natural man and natural law important sources for their ideas of the state of nature and natural liberty. They found in the Puritan ideas of a social covenant and a political covenant pristine prototypes for their theories of a social contract and a governmental contract. They found in the doctrine of separation of church and state a foundation for their ideas of disestablishment and free exercise of religion. Republican writers, by contrast, transformed the Puritan idea of the elect nation into a revolutionary theory of American nationalism. They recast the Puritan ideal of the covenant community into a theory of public virtue, discipline, and order. They translated the Puritans’ insistence on spiritual discipline and reformation into a general call for “moral reformation” and “republican regeneration”.

Formative Puritan institutions also survived within the state and federal constitutions of the later eighteenth century that formed the backbone of the American political experiment. Political rulers were required to manifest a moral, virtuous, and godly character – and, in several states, to swear religious oaths of office. Most officials were required to stand for democratic elections to their offices. Many political offices had limited tenures. Political authority was

distributed among executive, legislative, and judicial branches, each with authority to check the others. Federalism was constitutionally prescribed. Liberties of citizens were copiously enumerated. Church and state were separated, yet allowed to cooperate.

3. Conclusions.

Ten years before Abraham Kuyper delivered his Stone Lectures at Princeton, James Bryce delivered his Commonwealth Lectures at Harvard. In the course of a long oration on American political thought, he made this brief aside:

Someone has said that the American Government and Constitution are based on the theology of Calvin and the philosophy of Hobbes. This at least is true, that there is a hearty Puritanism in the view of human nature which pervades the instrument of 1787. It is the work of men who believed in original sin, and were resolved to leave open for transgressors no door which they could possibly shut. Compare this spirit with the enthusiastic optimism of the Frenchman of 1789. It is not merely a difference of race temperaments; it is a difference of fundamental ideas (Bryce, 1889:1:299).

James Bryce's passing aside was Abraham Kuyper's abiding passion. For Kuyper, the "fundamental ideas" of Calvinism provided the genesis and genius of the American experiment in ordered liberty and orderly pluralism. American forms of religious, ecclesiastical, associational, and political liberty, he believed, were grounded in fundamental Calvinist ideas of conscience, confession, community, and commonwealth. American religious, confessional, social, and political pluralism, in turn, were bounded by fundamental Calvinist ideas of divine sovereignty and the created order. Remove these Calvinist roots altogether, Kuyper believed, and the tree of liberty will wither. Restore these Calvinist roots, along with other vital religious roots, and the tree of liberty will thrive. While a century of scholarship may well have called into question some of Kuyper's history, theology, and sociology, this cardinal insight into the necessary religious sources and dimensions of liberty, democracy, and pluralism, cannot be lost on us, even in our day.

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