

Law and Liberty, Church and Gospel

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The Problem

It is not difficult to show from the New Testament that dialogue is built into the structures of the Christian community. Ep. 4:11-16, for example, 'proves that in the New Testament there is no opposition between ministerial authority and an emancipated laity. Rather the relation between the two is the fact that the first gives rise to the second.'¹ Other texts (for example, Rm. 1:12; 2 Co. 1:24; 1 Pt. 5:3) show that the apostles' authority over the local communities was not all one way: the latter had something to give the apostles.² The same conclusion follows, too, from the fact that the Word of God has been committed to the whole community. As Augustine once said, God speaks to every member of the Church 'from the bishops right down to the last of the faithful'.³ There is thus a pooling of experience, a fruitful interchange of opinion.

Now there is a sense in which this dialogue in the Church between ministers and laity takes the form of preaching on one side and obedience on the other. The official proclamation of the Gospel in the community provokes a response which Paul calls 'the obedience of faith' (Rm. 1:5; 16:26) and Peter 'the obedience of truth' (1 Pt. 1:22), so that to genuine exposition of the Gospel message the people respond by accepting the Word in faith. However, no human dialogue can be totally active on one side and totally passive on the other. Every form of communication involves a giving and a receiving on both sides if it is not to degenerate into monologue and silence.

This, however, is not enough: dialogue must lead to democracy⁴.

¹H. Berkhof, in IDOC, *Pour une nouvelle image de l'Eglise*, Duculot, Gembloux, 1970, 128.

²H. Schlier, *Wort Gottes*, Werkbund-Verlag, Würzburg, 1958, 80-1.

³*De praed. sanct.*, 14, 27, PL 44,980. Cf. Vatican II, *Dei Verbum* 10, and C. Butler, 'Ecriture et tradition', in *Au Service de la parole de Dieu* (Mélanges Charue), Duculot, Gembloux, 1969, 231-43; L. Dewailly, *Jésus-Christ Parole de Dieu*, Ed. du Cerf, Paris, 1969, 168-74.

⁴The reader may usefully consult the issue of *Concilium* devoted to this subject (Vol. 3, No. 7, March 1971). For a contrary view, see Canon L. Dewar, 'Christian thinking bedevilled by democratic ideas', *The Times*, 5 February 1972, 16, and the ensuing correspondence; R. Schnackenburg, 'Die Vollmacht Jesu und die heutige Autoritätskrise', *Der kath. Gedanke*, 27 (1971), 105-9 (reprinted in *Glaubensimpulse aus dem Neuen Testament*, Patmos, Düsseldorf, 1973, 64-74); P. Hacker, 'Christian maturity and immaturity', *Internat. Cath. Rev.*, 6/73 (Nov.-Dec. 1973), 348-53. R. A. McCormick has some pertinent remarks in 'Notes on Moral Theology', *Theol. Stud.*, 33 (1972), 100-4.

Any parallel between the present study and the ideas of Edmond Richer (1559-1631) on Church democracy (for which see, for example, J. Delumeau, *Le catholicisme entre Luther et Voltaire*, Presses Universitaires, Paris 1971, 172-3) should not be pressed too far. To take just one point: Richer remained a steadfast episcopalist.

There is a real harmony between the Gospel message of fraternity and a democratic organisation of society, secular or ecclesial. As Pius XII acknowledged in a Radio Message in 1944, democracy is a fruit of the Gospel.⁵

In the New Testament, from which it is customary to argue to the need for Church hierarchy, we can see that without abolishing structural differentiation, the apostolic Church and the Gospels at least unanimously and firmly oppose any arrogance and domination in the wielding of authority. Indeed, in the New Testament, Church authority is something of a paradox: although it is able to command 'the obedience of faith', it is a service concretised, like the Lord's, in the most ordinary gestures.⁶ This paradoxical nature of Church authority arises from the fact that the authority is in fact man-made but has become invested with a divine origin and divine characteristics; it has, in other words, been idolised.⁷

A further principle that must guide our reflections is that of subsidiarity, expounded by Leo XIII, Pius XI and Pius XII. The latter wrote: 'In his encyclical *Quadragesimo Anno* on the social order, Pius XI enunciated the following general principle: that which individuals can do on their own should not be transferred to the community.'⁸ Since the time of Leo XIII the popes have acknowledged this principle in every society. As regards ecclesial society, however, it does not on its own fully interpret the biblical data. It still acknowledges the basic hierarchical structure of the Church, and it is not certain that *that* is justified in scripture. We have therefore to enunciate a further principle of capital importance. The chief concerns of the Church are its unity, its apostolicity and its mission. These three elements flow naturally from the proclamation of the Word of God in its midst: because Christ the Word is one, his Church is one (the people of God is brought into existence by hearing the one Word); similarly the Church must remain that founded by Christ; and the crucial ele-

⁵24 December 1944, *AAS*, 37 (1945), 10-23, at p. 18. Cf. P. Eyt, 'Vers une Eglise démocratique', *NRT*, 91 (1969), 597-613. By democracy I mean self-rule by the people. This is to say that in a democracy the members of society are not passive recipients of social life but its creators.

⁶These are the conclusions of S. Légasse, 'L'exercice de l'autorité dans l'Eglise d'après les évangiles synoptiques', *NRT*, 85 (1963), 1009-22. Cf. S. Freyne, 'The exercise of Christian authority according to the New Testament', *ITQ*, 37 (1970), 93-117; H. Kung, 'Participation of the laity in Church leadership', *JESStud*, 6 (1969), 511ff; P. Huizing, 'Divine law and Church structure', *Theol. Dig.*, 18 (1970), 144-50; K. Rahner, 'Democracy in the Church?', *The Month*, 40 (1968), 105-19; B. Sesboué, 'Autorité du magistère et vie de foi ecclésiale', *NRT*, 93 (1971), 337-62; C. H. Dodd, *The Founder of Christianity*, Collins, London, 1971, 93. It is also pertinent to point out that as Pope Kiril remarks in Morris West's novel, *The Shoes of the Fisherman* (chap. 2), 'One does not grow old in office without some hardening of heart and will'.

⁷Despite St Paul, I do not share Joseph de Maistre's view (quoted in L. Kolakowski, *Marxism and Beyond*, Paladin, London, 1971, 229. Cf. also C. J. Friedrich, *Tradition and Authority*, Macmillan, London, 1972, 30-2; and the sentiments of the 'admirable Crichton' (Act 1): 'There must always, my lady, be one to command and others to obey') that 'God created authority'. Such a view of God is the product of patriarchal and authoritarian societies, not, it seems to me, the content of a divine self-revelation.

⁸Address to the new cardinals, 28 February 1946, *AAS*, 38 (1946), 144-5, quoted by J. Y. Calvez-J. Perrin, *Eglise et société économique*, Aubier, Paris, 1959, 1961, 166. Cf. Bishop Höffner of Münster, in *Council Speeches of Vatican II*, Sheed & Ward, London, 1964, 57.

ment is the Church's mission to the world : it exists not for itself but to proclaim the Good News to all men. Now since the Word has been spoken to the whole Church and not just to the magisterium, the whole Church is responsible for preserving and fostering the three elements we have mentioned. We are all of us concerned that the Church be one, apostolic and missionary; this was recognised by Gratian back in the twelfth century.⁹ This is to say that our participation in the life of the sacraments has made Christ's concern for all men our concern, his will our will. It is the business of every member of the Church to see to the effective proclamation of the Word, not just at the individual level, but at the community level.

H. Hoefnagels expresses this as follows : 'In a democratic Church the unity of faith and continuity with the apostolic community are problems which concern everybody. Democratising the Church means that all the faithful have a say not only in purely organisational decisions but also in questions on what the Christian message means existentially for men. . . . In a democratically structured Church the faithful themselves seek to establish what God wills for them, and with the authorities to determine the Gospel demands.'¹⁰ Democracy must prevail at all levels of the Church, if we can justly talk of levels in a community in which 'all are brothers' (Mt. 23 :8).

Now we must acknowledge that such conclusions are hotly contested by serious theologians. De Lubac, for example, writes : 'Many seem to want to retain only the idea, or rather the expression, "people of God", from the Constitution on the Church, and thereby transform the Church into one vast democracy. Similarly many wish to corrupt the idea of episcopal collegiality by extending it to all orders and confusing it with the collegiality of an assembly. They exploit it absurdly against the papacy. They criticise the so-called "institutional Church" in the name of an idealistic, amorphous Christianity as contrary to realism as it is to Catholic faith. In this manner not only do they encourage abuses and disorders : it is the Church's divine constitution, its very essence, which is attacked'.¹¹ There is thus a dilemma : is law in the Church of hierarchical-divine or of democratic origin? A wider reflection may provide an adequate answer to the problem as we have posed it. This wider reflection centres on four related lines of argument :

- I. Freedom from hierarchical law is demanded by the Gospel rightly understood;
- II. Commonly accepted notions of obedience are misconceived;
- III. The reasoning that argues from the need for unity in the Church to episcopal hierarchy is faulty;
- IV. Non-democratic authority is inefficient and repressive.

⁹B. Tierney, *Foundations of the Conciliar Theory*, C.U.P., 1955, 1968, 49: 'According to one text of the Decretum, the maintenance of the true faith was a matter "quae universalis est, quae omnium communis est, quae non solum ad clericos verum etiam ad laicos et ad omnes pertinet Christianos" (Dist. 96, c. 4)'.

¹⁰*Die Demokratisierung der kirchlichen Autorität*, Herder, Vienna, 1969, 94-5. This is only one of many recent works from different countries in the same vein.

¹¹'L'Eglise dans la crise actuelle', *NRT*, 91 (1969), 588.

Freedom from hierarchical law is demanded by the Gospel rightly understood

Freedom is the state or condition of not being subject to external control.¹² It is not my concern here to enter into all the philosophical and theological ramifications of freedom, or even to discuss the most basic freedom of all: the freedom to be, to be oneself. I wish to concentrate on one aspect: freedom from law¹³, and in our context from Church law. The first step is to establish the exact significance of Paul's claim that Christianity frees us from subjection to the law.

Paul is clear that Christ has freed us not only from the Mosaic law but also from every external norm. The principle of conduct under the new covenant is not a new law but an inner dynamism, the Spirit. The Christian models his life not on a code of law but on the demands of charity.

Despite this, Lyonnet justifies an external law in the Church, for the basic reason that Christians are not perfect. For example, as long as the people communicated frequently, the Church authorities never thought of imposing the obligation to communicate once a year. When fervour waned, they brought out a precept to remind them that eternal life depends on eating the Body of Christ. The precept is not aimed at the fervent Christian, who communicates regularly because of the inner law of the Spirit. The day he ceases to feel this inner demand, the law would be there to bind him, and thus to remind him that he is no longer animated by the Spirit. Lyonnet's conclusion is that the law is not an ideal the Christian is happy to reach, but the minimum below which fervour is lacking.¹⁴

Other arguments are sometimes adduced to justify law in the Church. For example, the 'Church', it is said, exists for the people. The clergy have not only to lead them to heaven but to carry them. Augustine once observed¹⁵ that the Church is like a mother: she loves to nourish her children, but does not want them to remain children. Now it could be thought that the Sunday obligation (for example) is treating people like children and sustaining them in a state of religious infancy, and that therefore the sooner the Sunday obligation goes the better. This may be so in theory, our imaginary speaker may be thought to reply, but the fact is that mediocrity in the Church is a thing to be reckoned with. A vast part of our congregations will never really come to grips with their religion, at least not at the conceptual level; we do not abandon them but gently coerce them into some level of religious practice¹⁶.

¹²R. H. Tawney has rightly emphasised the positive aspects of freedom: 'Freedom, to be complete, must carry with it not merely the absence of repression but also the opportunity of self-organisation', etc. Quoted in N. Chomsky, *Problems of Knowledge and Freedom*, Fontana, London, 1971, 52. Cf. E. Coreth, 'Problemggeschichte der Freiheit', *ZKTh*, 94 (1972), 257-89.

¹³By law I mean any injunction or prohibition, or more widely any principle of guidance, that can determine behaviour and command obedience under pain of sanctions.

¹⁴*Libertà cristiana e nuova legge*, Nuova Favilla Ed., Milan, 1963.

¹⁵*Sermo*, 23, 3, 3, PL 38, 156.

¹⁶Cf. L. Newbigin, *Honest Religion for Secular Man*, SCM Press, London, 1966, 138-46.

Or it could be argued that the Church's system of law does at least delineate a society. It gives clear-cut edges where Churches like the Anglican communion are shapeless lumps of piousness. In other words, an external law does help to form and structure a people.

These arguments do not really solve the problem, although they say something that is useful. They labour under four grave defects.

1. In a civilised society the members gather to decide which laws shall be passed to ensure the overall good. This is the system in any democracy (theoretically). For example, the system of laws in Britain ensures my freedom to go about my legitimate business without being accosted by hoodlums or run down by vehicles on the 'wrong' side of the road. It is difficult to see why, on biblical principles, something similar should not be the case in the Church. Why should laws be imposed from above and not agreed on democratically? Although, therefore, one would happily admit law in the Church as a principle of structure and efficiency, one would question the manner of enactment. It is not self-evident—to put it no more strongly than that—that the Gospel necessitates a monarchical source of law within the Christian community.

2. The incarnation means that Christ shares and redeems every level of human experience. This must mean that he has freed us from every form of external, coercive law, because we now live by the Spirit, who is a law that springs up from within the community. In the *Dictionary of Biblical Theology*, under 'Liberty', Léon Roy claims that 'Christian freedom is not to be confused with the ideal of the sages, stoics and others, who sought through their philosophising and moral endeavour to acquire mastery over themselves and an imperturbable interior peace. Far from being the product of an abstract and timeless doctrine, Christian liberty is the result of a historical event, the victorious death of Jesus'.¹⁷ Roy seems to be suggesting that the essential difference between the self-mastery of the sages and the self-mastery of the Christian lies in their origin: the one is a human achievement, the other a divine gift. If this is so, Christ has given us nothing we could not have achieved for ourselves. No, Christian freedom must be essentially different from any merely human ideal. It must concern every level of experience, not just a plane beyond the vicissitudes of society and communal living.

3. It has been pointed out that 'it is not a question of gathering men into the Church. They will come of their own accord as soon as they can feel it is the house of the Father'.¹⁸ If it is true that man really comes to himself only in the 'frontier situations' of which Jaspers speaks, if a person becomes humanly self-conscious only in moments of crisis and challenge, then the genuine human experiences which construct life cannot be imposed but must flow spontaneously from a given situation. The things that really matter cannot be conjured up by pass-

¹⁷Cf. F. R. Barry, 'The paradox of Christian freedom: a religious not a political concept', *The Times*, 8 July 1972, 16.

¹⁸G. Khodre, 'Christianisme dans un monde pluraliste', *Irenikon*, 44 (1971), 191-202.

ing laws or by commanding reactions, and escape any attempt at control by ecclesiastical incantation. The most the Church can and need do is offer people the possibility of experiencing such a situation. The encounter with God cannot be forced, but it is offered when the Church is prepared to create the liturgical and spiritual context in which it is likely to occur.¹⁹

4. Christ's own example²⁰ bears out what has been said. On the one hand, it is true that Jesus seems to have taken the obligations of a devout Jew very seriously. He frequented the temple, was faithful in prayer, was familiar with the Old Testament, did not fraternise with Samaritans and gentiles, placed himself squarely on the line of Old Testament expectation. In matters of law he could be even stricter than the masters of the law. He declared divorce and oaths to be sinful, condemned every form of retaliation, and his severity caused his disciples to ask, 'Who then can be saved'? On the other hand, the Jews and even his disciples were shocked at his liberal approach to the law. The Pharisees and elders were openly scandalised. He brushed the theory and practice of the scribes aside as absurd: one cannot appeal to any law in order to avoid paying parents the honour that is their due; one cannot prefer religious duty to moral duty. Christ set himself up to be above the law, above the scriptures and above the sabbath. There is only one 'law', charity, and that is Christ's sole norm of action. In consequence, he did not impose a new law on his followers. By his parables and teaching generally, and pre-eminently by his way of life, he placed the people he contacted in a position in which they were challenged to come to profound decisions. The encounter with God which he encouraged and mediated, respected and indeed demanded the freedom and spontaneity of the individual in a moment of crisis.

Commonly accepted notions of obedience are misconceived

In my view, therefore, we are justified in questioning, at the very least, the current and widespread justification for curia-given law in the Church. Parallel to that, we could also argue against the commonly accepted notion of obedience.

Old-style obedience was defined as 'a virtue which inclines us to submit our will to that of our lawful superiors in so far as they are the representatives of God'.²¹ There were two reasons given. Firstly, to prevent anarchy. Any society must be structured and organised. If everyone did as he pleased, there would be total confusion. Secondly, the lawful superiors (parents, employers, civic authorities, etc.) are commissioned by God to co-ordinate the society. The subject must therefore consider God living and commanding in them.²² The only

¹⁹Cf. the discussion of theological language by John Macquarrie in his *God-Talk*, SCM Press, London, 1967, 79-101.

²⁰E. Kasemann, *Jesus means freedom*, SCM Press, London, 1969, 16-41; G. Bourgeault, 'Fidélité conjugale et divorce', *Sc. Esp.*, 24 (1972), 155-76.

²¹A. Tanquerey, *Précis de théologie ascétique et mystique*, Desclée, Paris-Tournai 1958¹¹, 1057-74 (E. T. Desclée, Tournai 1930²). Cf. J. E. Vercauysse, 'Autorität und Gehorsam in Luthers Erklärung des vierten Gebotes', *Greg.*, 54 (1973), 447-76; and L. J. Macfarlane, *Political Disobedience*, Macmillan, London, 1971.

²²A. Tanquerey, loc. cit., 1059 and 1065 respectively.

limit to obedience on this scheme was a command patently contrary to God's law. 'In this case we should have to repeat the words of St Peter: "We ought to obey God rather than men (Ac. 5:29)"'.²³ If there is room for doubt, the presumption is in favour of the superior.

This concept of obedience has recently received modification from Karl Rahner²⁴. The basis of his new-style obedience is still the common good. To achieve it a certain structural differentiation is necessary in any group. The function of authority will be to assume the responsibility of the common good, to co-ordinate and harmonise all particular energies, to think through the concrete expression of the community's welfare.

In this view of Rahner's, obedience is not properly speaking a virtue at all, at least not one of asceticism and renunciation. It can be defined as the will to co-operate in the common good under the direction of legitimate authority. It is thus an expression of one's friendship and respect for others, of one's willingness to be just. It is not to be confused with softness or docility: it is not a virtue of the spineless. On the contrary, it is the choice of a completely free person who accepts to belong to a social group and to collaborate in the common good. Often it will entail personal sacrifice or discomfort; this is accepted as part of one's mature contribution to the community. Similarly, the subject may have to follow a command which he knows to be less than the best.

The limits of this new-style obedience are more flexible than on the old scheme. The subject has the right and the duty to judge in conscience the value of what he is commanded to perform. If, after serious consideration, he is convinced that the command is dishonest, he must humbly but firmly inform his superior of the fact. If the superior insists, however, the subject is entitled to refuse, but as a visible testimony to his overall esteem and recognition of authority, he must patiently undergo the superior's sanctions.

Rahner's new-style obedience seems to differ from the old-style obedience in this: for Tanqueray the common good resides in the person of the lawful superior; for Rahner the common good is the responsibility of the whole community. This gives the subject a maturer approach to authority.²⁵

It seems to me, however, that Rahner does not really come to the heart of the matter, because he does not question the very structure of authority itself. He is working within the same basic framework as Tanqueray, and therefore his idea of obedience can bring nothing but a slight modification. The idea of obedience is still misconceived. Willing and ready submission to the superior's will is not a virtue at all, but a sophisticated form of moral servitude that cannot be justified from

²³*Ibid.*, 1061.

²⁴'Cristo modello dell' obbedienza sacerdotale', in *Nuovo Stile di Obbedienza* (Symposium), Ed. Ancora, Milan, 1968, 1969², 13-31. Cf. Id., 'Was heisst Ordensgehorsam?', *GuL*, 46 (1973), 115-26 (reprinted in *Wagnis des Christen*, Herder, Freiburg i. B. 1974, 159-74).

²⁵Cf. A. Mueller, 'Authority and obedience in the Church', *Concilium*, Vol. 5, No. 2 (May, 1966), 40-3.

the New Testament.²⁶ It removes the responsibility of the subject by transferring it as the last court of appeal to the superior. It maintains the subject in a condition of infancy by denying him the fully democratic contribution to the community which is demanded by the Church's sacramental structure (this cannot be more fully explained here). Obedience to a spoken or written command, to be human, must flow from a free and responsible recognition that it promotes the common welfare. This can come only from an awareness that the 'subject' has himself contributed to the formulation of the command. 'Obedience' here is rational and based on concern for others. It is a listening (the basic meaning of obedience) to the Word of God in community and a readiness to structure the community according to the demands made on it by the address of God's Word. But none of this is new: Pacianus, bishop of Barcelona, said it in the fourth century.²⁷

This leads us to establish two principles. Firstly, if the law cannot justify (Paul), breaking the law cannot hinder justification. In other words, breaking the law, qua law, cannot be sinful. The moralists, not the canon lawyers, are to blame for attaching *moral* sanctions to the Church's *positive* law, whereas the only sanctions admissible would be positive ones. Secondly, as St Augustine said on numerous occasions, true liberty is the service of Christ. A man is free when he performs a good action not when he has to (*timore*) but because he wants to for love of God (*amore*).²⁸ Whatever freedom Christianity brings us, it is first and foremost the freedom that comes from serving Christ in others. This does not lie beyond social structures, but is the keystone of the Church's social organisation.

The reasoning that argues from the need for unity in the Church to episcopal hierarchy is faulty

From the earliest times it became a commonplace to argue from the need for unity in the Church to the need for a monarchical bishop.²⁹ Such reasoning, however, leaves much to be desired. Apart from the letters to Timothy (which pose special problems), Paul himself uses quite another argument. In *Ephesians*, for example, the author (or Paul, if it be Paul) exhorts the Church to preserve unity (4:1-16). The

²⁶Perhaps I may be permitted here a quotation from Hans Kung, *Wozu Priester?*, Benziger-Verlag, Zurich, 1971, 89-90: 'A blind obedience contradicts the dignity and freedom of the rational man and of the Christian'. In a radio talk on the Jesuits, 6 September 1973, Louis Allen suggested that it is in disobedience rather than in obedience that creativity lies. And Pascal noted quite some time ago that excessive 'submission' betrays an inability to know when personal judgement is apposite: *Pensées*, Brunschvic 268, Lafuma 170.

Should this be thought 'heresy', one would like to reply in the words of Flecker's Ishak:

'Courtier: "This is sheer heresy".

'Ishak: "Then a plague on your religion"': J. E. Flecker, *Hassan* (1922), Act 3, sc. 3.

²⁷*Epist.*, 1, 4, PL 13, 1055.

²⁸Contrast this with Peter Damian: 'True freedom consists in obedience and discipline': *Opusc.*, 24, *Contra clericos regulares proprietarios*, chap. 5, PL 145, 487.

²⁹Ignatius, *Ad Smyr.*, 8, 1, PG 5, 713, and his letters passim; Cornelius, *Epist. ad Fabium*, in Euseb., *Hist. eccles.*, 6, 43, PG 20, 616-20; Jerome, *Epist.*, 146, PL 22, 1192-5; Theodoret, *In Phil.*, 1, 1-2, PG 82, 560; etc.

letter as a whole is addressed 'to the saints' of whatever Church was intended to be the recipient, and this passage retains this nomination. Paul does not appeal to a centralised figure of authority, urging the people to rally round. Instead he points to the difference of gift, and therefore of function, within the total community, and to the need for mature co-operation in working towards the unity of faith. Christ is the head of the Church, and the whole body is fitted out and joined together by him. All the members must make their specific contribution until the body has built itself up in love, dependent on the focus who is Christ.

In *Corinthians* as in *Ephesians*, Paul does not address himself to authorities but to all the faithful. A similar concern inspires Col. 3 : 12-15, Ph. 2 : 1-18, Rm. 15 : 7-13, 1 Th. 5 : 12-18, 2 Th. 3 : 6-15, all of which are calls to unity. It is not too wide of the mark to conclude that in Paul's mind the local community is centred on the tradition he had handed over (2 Th. 3 : 6), and that it is the concern and responsibility of all the faithful to preserve that tradition.

Paul, therefore, does not envisage a community in which responsibility is denied to the majority of members, in which self-determination is restricted to the leaders, in which all organisation and policy is in the hands of an oligarchy. Such a community would in any case be condemned to mediocrity and indifference : matters in which people have no personal, active stake soon cease to be objects of concern.

There is no compelling reason why unity should call for submission to a head. Co-operation between members whose destiny and welfare are inextricably entangled would seem to satisfy the requirements equally. The symbol of unity in the service of an overriding aim is therefore not necessarily the pyramid : it could be the round table.

Behind all traditional arguments in favour of present practice lies a disquieting assumption that what Christ willed for the primitive Church should remain unchanged for ever and a day.³⁰ Now apart from the fact that it is extremely difficult to prove any definite structure willed by Christ for the Church (this cannot be elaborated here), it is even harder to prove that it should determine the Church's organisation over centuries of change in the organisation of secular society. There seems to be no cogent reason why one particular form of authority should be thought an essential, unalterable part of any society, least of all, in view of the Gospel as an instrument of change, of the Church. We must avoid any form of fundamentalism, which would impede the development of the Church by making past arrangements normative for future generations. Through the ages, the organisation of the Christian community has naturally taken on forms which reflected the political and social awareness of the times. It does not therefore appear to be a very startling innovation to suggest that today the Church should reflect western man's democratic understanding.

A further problem is hermeneutical : to what extent do the Gospels

³⁰As St Cyprian indignantly asked (*Epist.* 73): 'Is custom to be of more value than truth?': quoted in C. J. Héféle, *Histoire des conciles* (translated from the German). 12 vols., Paris, 1869, I, 103.

accurately reflect the true core of Christ's message? They inevitably involve an interpretation, from a time-conditioned mentality, by the authors, and not everything that is said can be taken as 'Gospel'. But to pursue that would require a volume.

Non-democratic authority is inefficient and repressive

The ludicrous passes to which monarchical authority can lead an otherwise sane community can be happily caricatured in the decrees of the fourth Westminster Synod, held at Ware in 1873. One of them reads :

'We decree that every priest must wear a Roman collar not only when he exercises a sacred function but always, so that he may be seen by all to be a priest. We decree further that all male ecclesiastics shall universally adopt the Roman custom of not cultivating hair on the cheeks or chin'.

A glance at a letter from the Apostolic Nuncio to the bishop of Munich, written in 1863, is sufficiently entertaining to warrant its inclusion here. The letter is the source of the Westminster Synod's notion of 'the Roman custom' :

'Most Excellent and Reverend Sir, It has come to the ears of the Holy Father that in several dioceses of Bavaria there are male ecclesiastics who, misled by a spirit of novelty, or rather levity, are trying to re-introduce the long-obsolete custom of cultivating the beard and by their example to induce others to follow suit. Whatever may be said of past centuries, it is beyond doubt that the present discipline of the Latin Church opposes this usage, and that for the new practice to be introduced legitimately, it would be necessary to procure the assent, at least tacit, of the Supreme Shepherd of the Church. He, however, totally declines to approve of any such novelty, and the more so because in these sad times the spirit of innovation seduces many, and one novelty soon leads to another. This being so, His Holiness has been pleased to order me to inform all the Bishops of Bavaria in his name that not only is the above-mentioned practice to be expressly forbidden, but that the unity of discipline and perfect conformity in all things—which includes the dress and tonsure of clerics—with the Roman Church, head of all churches . . . is to be maintained, or, if need be, restored. . . . Would Your Excellency be so kind as to inform me what steps he has taken to root out this practice and to prevent anyone's ever contemplating it again. . . .'³¹

The weight of this argument is not large, I have to admit. If authoritarian societies commit errors, so it must be said do democracies.³² But

³¹*Decr. Quatt. Conc. Prov. West., 1852-1873, Burns Oates, London, n.d.², 233, 306-7.*

³²It could I think be proved from history that democracies 'work' in a sense in which dictatorships and allied forms of government do not. For the moment the following quotations must suffice:

—'The sovereign virtue of Democracy is demonstrated not only in a single particular but in a general way by the experience of the Athenians. Under despotic government the Athenians did not evince a military superiority over any of their neighbours, while they had no sooner got rid of their despots than they won by a long lead. This demonstrates that, so long as they were held down, they deliber-

[footnote continued overleaf]

the quotation is too entertaining to be omitted. Other examples of Christian, and specifically Catholic, obscurantism are too numerous to be dealt with. We may just mention in passing the condemnation of the steam-boat in the 1820's, the outcry at the use of chloroform in childbirth (as a contradiction of *Genesis*), the suspension of priests for attending ballet performances, and the extraordinary attempts to disprove the theory of evolution.³³

CONCLUSION

We may now formulate our thesis. The only law that can be tolerated in the Church is that which arises from within the total community as an expression of its present self-understanding. Such law exists as a reasoned manifestation of the community's concern to order its affairs to the more effective preaching of the Word. It is the responsibility of all the members. We should therefore be working urgently towards a state of affairs in which the Church adequately establishes the ecclesial equality of its members.

ately malingered out of a feeling that they were working for a master, whereas, after their liberation, each individual citizen felt the impulse to achieve victory for his own advantage': Herodotus, Bk. V, cc. 78 and 97, in A. J. Toynbee, *Greek Civilisation and Character*, Mentor, New York, 1953, 1961, 99.

—'Bureaucracies, in spite of their seeming indispensability, are by their nature highly resistant to change. The motto of most bureaucracies is, "Carry on, regardless". There is an essential mindlessness about them which causes them, in most circumstances, to accelerate entropy rather than impede it. Bureaucracies rarely ask themselves Why? but only How?': N. Postman-C. Weingartner, *Teaching as a subversive activity*, Penguin, 1971, 24.

—'But this has given the Church (like other long-established institutions) a vested interest in stability, and a corresponding fear of change as a double threat to its identity. For if it is not the same as what it was, what is it at all?': J. A. T. Robinson, *The difference in being a Christian today*, Fontana, London, 1972, 12.

—'Solid traditional institutionalism, for all its orderliness, can be just as heretical as the intolerant rejection of all that is not commanded by direct personal inspiration': R. Houghton, *Act of Love*, Chapman, London, 1968, 118.

—'It is no use to attempt any bolstering up of institutions based on authority, since all such institutions involve injustice': B. Russell, *Principles of Social Reconstruction*, Unwin, London, 1916, 1971, 25.

—'Institutions create certainties, and taken seriously certainties deaden the heart and shackle the imagination': I. Illich, *The Celebration of Awareness*, Calder & Boyars, London, 1969, 1971, 11.

³³Philip Nobile gives a diverting account of many more in his *Catholic Nonsense*, Doubleday, New York, 1970.