The Relevance of Democratic Thought and Practice to Roman Catholic Ecclesiology: An Historical, Theological, and Philosophical Case

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Thesis submitted for Ph.D. degree

Durham University

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2011

ABSTRACT

This work draws from history, theology, and political philosophy to address the question of whether it is possible to democratize the polity of the RC Church. Its historical part investigates two hypotheses. First, neither exegesis nor history warrants the absolute necessity for church unity of the political function of *ἐπισκοπή*: and much less do they provide sufficient evidence for upholding that such a function should be fulfilled exclusively or even only primarily by means of a top-down monarchical hierarchy. Second, in structuring their own faith community, Christians throughout history have adopted and at times critically adapted insights as well as structures from political philosophy and the human polity respectively.

Next, it examines the few central insights political philosophy has advanced concerning the socio-ethical conditions for the individual's cooperation in the common action of a group to be responsible. Particular attention is paid to the principle of subsidiarity which, it is argued, entails a precise understanding of 'delegation', as something justified only and exclusively with regard to decisions which the individual or lower levels deem beyond their capacity to make responsibly, because they lack either the relevant knowledge or the resources to implement them. The important implication is that the division between what can be decided autonomously and what should be decided by delegation must be determined by the delegating individual or group and not by the higher levels: it is only the former, in effect, who has the responsibility to decide on the appropriateness and extent of the delegation. The result is an original understanding of democracy's distinctiveness as consisting in its enabling and fostering the rationality and responsibility of the delegation of authority, rather than exclusively or even primarily in the number of people to whom ultimate decisional power has been freely, intelligently, and responsibly delegated.

The final section assesses the compatibility of those political insights with the ecclesial constitution on the basis of the scriptural and traditional evidence concerning the structural aspect of the Christian community. It highlights the potential hospitality of Christian ecclesiology to key insights of democratic political philosophy.

This work improves on the current state of ecclesiological research in two main ways. The first contribution is to supply a broad historical mapping of the symbiosis between the Christian and the human polities, as well as ecclesiology and political philosophy, complementary to the many already existing specific case-studies. At the

theoretical level the work blends a variety of arguments developed in different domains, and thus also bridges several bodies of literature. To analyse the distinctiveness of the Christian community, it builds on traditional theological insights concerning the distinctiveness of the Christian individual *qua* Christian, as well as on political insights into the formation and development of community and of the cooperation it serves. In so doing the work links two related but—currently at least, although not in the past—largely disconnected literatures: that on ecclesiology, and that on political philosophy. The genuine insights the latter has developed throughout history retain a lasting significance which Christians in general and ecclesiologists in particular ignore at their own risk. This work is an initial attempt to suggest concretely why the traditional symbiosis between those two disciplines is still valid and can bear fruit toward the solution of their shared problems.

ACKNOWLEDGMENTS

This work has been made largely possible thanks to a very generous doctoral Fellowship from Durham University: for this I am extremely grateful.

My thanks must first go to my primary supervisor, Paul D. Murray. His acceptance of my proposed dissertation topic (despite its unusually wide scope), assistance in applying for the Durham University Doctoral Fellowship, and excellent guidance throughout the research period have vastly improved both this final output and my professional development. I remain much in debt with him. I am also very grateful to Robert Song, who has provided high quality supervision at the beginning of my research.

Special thanks are due to Fr. Tony Currer and Fr. Terry Watson for their immeasurable help throughout the first three years of the doctorate.

During the academic year 2008–09 I have spent eight months at the Lonergan Institute at Boston College for an in-depth study of Bernard Lonergan's political thought. This was made possible thanks to a Lonergan fellowship, for which I am indebted to the late Fr. Joseph Flanagan, former Director of the Institute, who sadly died last May, and to Kerry Cronin, current Director of the Institute. I remain very much indebted to both of them. I would also like to thank the following people who, together with Joe Flanagan, taught me about Lonergan whilst I was staying at Boston College: Patrick Byrne, Chae Young Kim, and Fred Lawrence.

Finally, my greatest thanks go to my parents.

DECLARATION

This work has been submitted to the University of Durham in accordance with the regulations for the degree of Doctor of Philosophy. It is my own work, and none of it has been previously submitted to the University of Durham or in any other university for a degree.

Abbreviations

DS	*Enchiridion Symbolorum Definitionum et Declarationum de Rebus Fidei et Morum*, ed. Henricus Denzinger, rev. Adolfus Schönmetzer, 34th ed. (Freiburg and Rome: Herder, 1967).
CD	Vatican II, '*Christus Dominus*. Decree Concerning the Pastoral Office of Bishops in the Church' (28th October 1965), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651028_christus-dominus_en.html.
CDF	Congregation for the Doctrine of the Faith.
CIC	Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus, (Vatican City: Libreria Editrice Vaticana, 1983).
CUP	Cambridge University Press.
CWL	Collected Works of Bernard Lonergan.
GS	Vatican II, '*Gaudium et spes*. Pastoral Constitution on the Church in the Modern World' (7th December 1965), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html.
LG	Vatican II, '*Lumen gentium*. Dogmatic Constitution on the Church' (21st November 1964), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html.
LWF	Lutheran World Federation.
NT	New Testament.
OUP	Oxford University Press.
PCPCU	Pontifical Council for the Promotion of Christian Unity.
PL	J.-P.Migne(ed.), *Patrologiæ Cursus Completus*, Series Latina, 221 vols. (Paris,1844–64).
RC	Roman Catholic.
SPCK	Society for Promoting Christian Knowledge.
USCCB	United States Conference of Catholic Bishops.

Table of Contents

1 INTRODUCTION

1.1 The Problem of Church Democratization

One of the most intriguing and well-known characteristics of the contemporary Roman Catholic Church is the non-democratic character of its monarchical polity. Time and again some of the highest officials of that church have maintained that the church cannot be a democracy, and have forcefully operated to maintain the institutional *status quo* against proposals for its democratization.[1]

The issue of the democratization of the church is, of course, quite momentous, and this for evident reasons. One, and arguably the most pragmatic, concerns the correlation which exists between the public perception of any organisation, and the willingness of

[1] On the general anti-democratic trend carried on with particular vigour since the papacy of John Paul II the relevant literature, both anecdotal and theoretical, is quite vast. A concise survey of the authoritarian elements of that period can be found in several essays of the recent collection by Gerard Mannion (ed.), *The Vision of John Paul II: Assessing His Thought and Influence* (Collegeville: Liturgical Press, 2008), in particular: James Voiss, 'Understanding John Paul II's Vision of the Church', 62–77 (esp. 69–71); G. Mannion, '"Defending the Faith": The Changing Landscape of Church Teaching Authority and Catholic Theology', 78–106; Paul Lakeland, 'John Paul II and Collegiality', 184–99. Further information can be have from the biographical accounts of some of the protagonists of the RC internal policy during that period: e.g. John Allen, *Cardinal Ratzinger: The Vatican's Enforcer of the Faith* (London: Continuum, 2000); Juan Arias, *Giovanni Paolo II: assolutismo e misericordia*, trans. C. M. Valentinetti (Milan: Sperling & Kupfer, 1996); David Gibson, *The Rule of Benedict: Pope Benedict XVI and His Battle with the Modern World* (San Francisco: Harper, 2006); Peter Hebblethwaite, *Pope John Paul II and the Church* (Kansas City MO: Sheed & Ward, 1995); Giovanni Miccoli, *In difesa della fede. La Chiesa di Giovanni Paolo II e Benedetto XVI* (Milan: Rizzoli, 2007). Particularly relevant are also the proceedings of trials opened against well-known theologians, inasmuch as they represent an invaluable source for understanding the Vatican mentality on a variety of important theological topics including, most to the point, exquisitely ecclesiological questions, e.g. the non-democratic, unaccountable character of episcopal and specifically papal power; the impossibility of public dissent (even on non-infallible teachings of the episcopal magisterium); the impossibility of a 'democratic' church from below; and so on. Consult in particular Paul Collins (ed.), *From Inquisition to Freedom: Seven Prominent Catholics and their Struggle with the Vatican* (London: Continuum, 2010), bringing together in a concise form the most important elements of the investigations and trials of Tissa Balasuriya, Lavinia Byrne, Paul Collins, Charles Curran, Jeannine Gramick with Robert Nugent, and Hans Küng. Among those, the trials which focused the most on ecclesiological topics, and whose documents are therefore most relevant for present purposes, are those of Charles Curran and Hans Küng, to which one should add those of Leonardo Boff and Edward Schillebeeckx. They have been documented in Ted Schoof (ed.), *The Schillebeeckx Case: Official Exchange of Letters and Documents in the Investigation of Fr. Edward Schillebeeckx by the Sacred Congregation for the Doctrine of the Faith, 1976–1980* (New York: Paulist, 1984); Peter Hebblethwaite, *The New Inquisition? The Case of Edward Schillebeeckx and Hans Küng* (London: Collins, 1980); Harvey Cox, *The Silencing of Leonardo Boff: The Vatican and the Future of World Christianity* (Oak Park IL: Meyer-Stone, 1988), as well as in two recent first-person accounts by Curran and Küng: respectively *Loyal Dissent: Memoir of a Catholic Theologian* (Washington D.C.: Georgetown University, 2006), 107–59, and *Disputed Truths: Memoirs II* (London: Continuum, 2008), esp. 428–74. Further examples of and reflections on the recent anti-democratic RC trend can be found in Hans Küng (ed.), *Reforming the Church Today: Keeping Hope Alive*, trans. Peter Heinegg with Francis McDonagh (Edinburgh: T&T Clark, 1990), and Küng and Leonard J. Swidler (eds.), *The Church in Anguish: Has the Vatican betrayed Vatican II?* (London: Harper & Row, 1987). For additional works consult section a) of the bibliography, entitled 'Works Envisaging a Democratisation of the Church'.

the wider society to accept it first, and then to cooperate with it. The way authority and cooperation are exercised within any institution is quite an important element of its public image. It is well known that the unambiguously negative answer the RC establishment gave to the possibility of democratising the RC Church—which has been especially visible at least ever since Pope Gregory XVI's *Mirari vos*[2] and until now—has been a cause of strong criticisms against Roman Catholicism (and often, by an unfortunate generalization, of Christianity in general). 'Popery' has long been a derogatory term to indicate what was perceived as the Catholics' de-humanizing subjection to the absolute authority of the pope.[3] Nor have similar sentiments been completely overcome today.[4] Again, the view that the Christian polity cannot be democratic, while being advanced most famously by the RC ecclesiastical establishment, is far from being uncontroversial even within Christianity itself: rather, it leaves perplexed at best, and openly contrary at worst, a great number of Christians, many of whom are indeed Catholics.[5] The perceived scandal to a variety of people caused by the anti-democratic character of the Roman Catholic Church has been a notable factor in (1) the ongoing silent schism of Roman Catholics themselves from their church; (2) the overt schism between that church and all other Christian churches; (3) the ongoing alienation of many non-Christians, agnostics, and atheists whose indifference, antipathy, or even repulsion for Catholicism has long been fuelled, among other things, by their perception of the Catholic Church as an illiberal society contrary to, and dangerous for, freedom and self-development at all levels: the individual, social, political, and cultural.

Related to this is the link between the quality of a community's political organization and its efficiency in fulfilling its mission. By determining the way

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[2] '*Mirari vos*. Encyclical Letter on Liberalism and Religious Indifferentism' (15th August 1832), available at http://www.papalencyclicals.net/Greg16/g16mirar.htm.

[3] E.g. William Craig Brownlee, *Popery: An Enemy to Civil and Religious Liberty, and Dangerous to Our Republic* (New York: Charles K. Moore, 4th ed. 1839), available online at http://www.archive.org/details/poperyanenemyto00browgoog.

[4] E.g. Paul Blanshard, *American Freedom and Catholic Power* (Boston: Beacon Press, 1949); *Communism, Democracy, and Catholic Power* (London: J. Cape, 1952). Significantly, Blanshard did not attack primarily Catholic doctrine, much less the Catholic laity—for which instead he expressed sympathy—but rather the authoritarian power structure to which they were '*subjects*' (his emphasis), see *American Freedom and Catholic Power*, 5 and *passim*. Also noteworthy is the fact that, notwithstanding his strong criticism of the Roman Catholic Church as a dangerous authoritarian and anti-democratic institution, Blanshard was later to be invited by Pope John XXIII to come to Vatican II as a witness and reporter.

[5] A recent and concise example of considerations by a RC theologian in favour of church democratization is Josep M. Margenat, S.J., 'Hacia una reforma de la Iglesia', in Joaquim Gomis (ed.), *El Concilio Vaticano III cómo lo imaginan 17 cristianos* (Bilbao: Desclée de Brouwer, 2001), 155–76 (esp. 169–71).

cooperation is to be structured and, more specifically, the process for reaching decisions concerning collective courses of action, a community's political layout influences the greater or lesser efficiency in achieving the goal towards which such common action is oriented. As it will be argued, among the distinguishing characteristics of a democratic polity is the maximisation of the knowledge brought to bear on the issues and decisions facing a community—while, conversely, an authoritarian political structure does not sufficiently exploit the common fund of experiences, insights, judgments of fact and of value of the community.[6] Hence innumerable RC theologians have stressed, in one way or another—whether by emphasising the need for freedom of debate (including criticism and dissent), or by insisting on the episcopal hierarchy's duty to consult both the relevant expertise and the wisdom of the *sensus fidelium*—that a thorough information- gathering and assessing must precede ecclesial decision-making.[7] The much-decried poor implementation of those freedoms and of consultation in the RC Church, coupled with the slow haemorrhage of educated people (especially since the eighteenth century, and on a much greater scale since Vatican II), has stunted the capacity of Roman Catholicism for answering the fresh questions and challenges arising anew in every time and place about the mission of informing with the gospel individuals, societies, and cultures. In contrast, the democratization of the church has a considerable potential for a greater efficaciousness of the Christian community in creatively addressing the countless specific problems encountered in carrying out its

[6] As already John Stuart Mill had argued at some length, one of the elements of the merit of a government is the degree in which its political system is adapted to bring 'whatever moral and intellectual worth exists in the community to bear upon the administration' of public affairs, in the second chapter (entitled 'The Criterion of a Good Form of Government') of his essay *Considerations on Representative Government*, in *The Collected Works of John Stuart Mill, Volume XIX—Essays on Politics and Society Part 2*, ed. John M. Robson, introduction by Alexander Brady (London: Routledge and Kegan Paul, 1977), 383–98, available also at http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle=234&chapter=16574&layout=html&Itemid=27. For analogous considerations with regard to the church, see e.g. Leonard Swidler, '*Demo-kratia*, the Rule of the People of God, or *Consensus Fidelium*', in Swidler and Piet F. Fransen (eds.), *Authority in the Church and the Schillebeeckx Case* (New York: Crossroad, 1992), 226–43 (227–8).

[7] One of the RC theologians who insisted the most on this point has been Richard McCormick: see for instance the first eleven essays by in his collection *Critical Calling. Reflections on Moral Dilemmas Since Vatican II* (Washington, D.C.: Georgetown University, 1989), 3–208. Other theologians who have made similar points include: Richard Gaillardetz, *Teaching with Authority. A Theology of the Magisterium in the Church* (Collegeville: Liturgical Press, 1997), 144–6, 292–3; Paul Lakeland, *Church: Living Communion* (Collegeville: Liturgical Press, 2009), 170–2; Gerard Mannion, *Ecclesiology and Postmodernity: Questions for the Church in our Time* (Collegeville: Liturgical Press, 2007), 94-102; David J. Stagaman, *Authority in the Church* (Collegeville: Liturgical Press, 1999), 126; Leonard Swidler, *Making the Church Our Own: How We Can Reform the Catholic Church from the Ground Up* (Lanham MD: Rowman & Littlefield Publishers, 2007), 127–31.

general mission: namely, to spread the Good News, and to concretely (co)operate for the advancement of God's kingdom at the individual, social, and cultural levels.[8]

We reach here what is perhaps the most serious ethical reason for considering of critical import the question concerning the possibility of organising the Christian communities democratically. It is the classic problem of reconciling individual autonomy and (political) authority by making real as much as possible the ultimate goal of collective responsibility. Such goal is to render individuals truly responsible not only for the lives they lead and the personal decisions they take, but also for the resultant situation—especially as it affects the social, political, economic, cultural and religious domains of life and activity in a society.[9] 'No doubt', Bernard Lonergan observed in this regard,

> single elements in the resulting situation are identical with the actions or the effects for which individuals are responsible. But the resulting situation as a whole commonly was neither foreseen nor intended or, when it does happen that it was, still such foresight and intention are apt to reside not in the many but in the few and rather in secret schemes and machinations than in public avowal.[10]

More recently, Amartya Sen developed his basic thesis that 'the freedom of agency that we individually have is inescapably qualified and constrained by the social, political, and economic opportunities that are available to us'.[11] For this reason, he proposed that 'Societal arrangements [...] (the state, the market, the legal system, political parties, the media, public interest groups, and public discussion forums, among others)' be evaluated 'in terms of their contribution to enhancing and guaranteeing the substantive freedoms of individuals, seen as active agents of change, rather than passive recipients of dispensed benefits'.[12] The guiding assumption of this work is that to the extent that the political structure of a community—whether the latter be political or religious is irrelevant—hinders rather than fosters the individual's exercise of his/her

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[8] Again, it was John Stuart Mill among the first to formulate most clearly the contention that the regime that in practice best takes advantage of and promotes the intellectual and moral riches of a community is a democratically representative government, see the chapter entitled 'That the Ideally Best Form of Government is Representative Government', in *Considerations on Representative Government*, *op. cit.*, ch. III, 399–412, available at http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle=234&chapter=16576&layout=html&Itemid=27.

[9] Lonergan, 'Natural Right and Historical Mindedness', *A Third Collection: Papers by Bernard J. F. Lonergan*, ed. F. E. Crowe (Mahwah NJ: Paulist Press, 1985), 169-73 (169).

[10] *Ibid*.

[11] *Development as Freedom* (Oxford: OUP, 1999), xi.

[12] *Ibid*., xii–xiii.

responsibility human possibility for the individual's cooperation in determining and implementing common courses of action, such polity is dysfunctional and ultimately immoral.

Sen has been correctly interpreted as maintaining that 'Public deliberation and democratic decision making are arguably defensible ways in which citizens and their representatives both exercise their agency and forge good policy'.[13] One of the goals of this work, then, is to contribute to illustrate 'how democracy, including public discussion, provides procedures for *collective* agency' and collective responsibility.[14] As it will be argued, a democratic system allows each decisional level, from the individual upwards, to determine both what it can decide by itself, and what instead needs the cooperation in knowledge and/or action of the higher level. For this reason, democracy is today widely seen as that political arrangement which best preserves the possibility of a free and responsible cooperation while, by contrast, non-democratic, authoritarian systems of government are ordinarily deemed to a greater or lesser degree immoral—i.e. robbing lower decisional levels, from the individual upwards, of their responsibility and freedom of self-determination. Such, at least, was the point Pope Pius XI made in his definition of the principle of subsidiarity.[15]

This ethical aspect of democracy is also highlighted, from a different angle, by the traditional contentions that a paternalist authority micromanaging what lies within the decisional and operational range of lower decisional levels, down to the individual is, first and most fundamentally, incompatible with autonomous (i.e. self-legislating or self-determining) human beings endowed with both free will as well as reason, and, secondly and as a consequence, it can stunt the intellectual, moral, and spiritual growth of its subjects. One of the best descriptions of the last point remains that of John Stuart Mill, according to whom—as he has been paraphrased—the decisive argument against despotism

> is not that most despots are tyrannical, or that absolute power corrupts even wise and benevolent despots, or, again, that despotism inherently violates individual rights. Rather, [...] Mill argues that even the most wise and benevolent despotism, one where the virtue of his subjects is the

[13] David A. Crocker and Ingrid Robeyns, 'Capability and Agency', in Christopher W. Morris (ed.), *Amartya Sen* (Cambridge: CUP, 2010), 60–90 (84).

[14] *Ibid*.

[15] See Pope Piux XI, '*Quadragesimo anno*. Encyclical Letter on the Reconstruction of the Social Order' (15th May 1931), §79 available at http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno_en.html, and the literature in 5.4.

> despot's chief concern, stultifies the moral and intellectual development of the people by depriving subjects of the discipline of mind and refinement of the powers that come from the practice of self-government.[16]

The general problem had already been perceived much earlier, and indeed with specific reference to the case of the church: thus, already Calvin had condemned—although without much elaboration—the 'kind of Christianity there is under the Papacy, when the pastors labor to the utmost of their power to keep the people in absolute infancy.'[17] A patriarchal and theocratic caste system where all decision-making authority resides only and exclusively on a percentually negligible as well as largely unelected, unaccountable, and self-perpetuating sacerdotal class, condemns the vast majority of its members to a position of relative irresponsibility, powerlessness and tutorage analogous to that of a minor child.[18] 'Infantilization' of the laity is in effect one way in which the current ecclesiological literature describes the *moral* aspect of the dysfunctional exclusion of the laity from exercising their responsibility in determining the common courses of action to be implemented as a church.[19]

The above are the main reasons for regarding the issue of whether the Christian community can be structured democratically as an urgent one: namely, that its answer will considerably influence the twofold essential goal of Christianity of informing with the gospel both Christians individually and the societies and cultures they live in. For, as we will see, the same can be said of democracy that has been said of one of its

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[16] Peter Berkowitz, 'Mill: Liberty, Virtue, and the Discipline of Individuality', in Eldon J. Eisenach (ed.), *Mill and the Moral Character of Liberalism* (University Park: Pennsylvania State University, 1998), 13–48 (41). Mill's original argument is expounded in 'The Criterion of a Good Form of Government', in *Considerations on Representative Government*, referenced in no. 6 above; also quite relevant are his considerations on the psychological influences of despotism in his essay *The Subjection of Women* (1869), whose best edition is in *On Liberty and Other Writings*, ed. Stefan Collini (Cambridge: Cambridge University Press, 1989), 117–218 (the full text is also available at http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle=255&chapter=21684&layout=html&Itemid=27). Nadia Urbinati has rightly noted how, for Mill, infantilization is a form of subjection: see her *Mill on Democracy: From the Athenian Polis to Representative Goverment* (Chicago: University of Chicago Press, 2002), 172–4.

[17] John Calvin, *The Epistles of Paul the Apostle to the Galatians, Ephesians, Philippians and Colossians*, ed. David W. Torrance and Thomas F. Torrance, trans. T. H. L. Parker, Calvin's New Testament Commentaries vol. 11 (Grand Rapids MI: Eerdmans, 1996), 183 (on Ephesians 4.14).

[18] '[A]s long as I can contribute advice and work but am excluded from decision-making, I remain, no matter how many fine things are said about my status, a second-class member of this community: I am more an object that is utilized than a subject who is actively responsible.' Hans Küng, 'Participation of the Laity in Church Leadership and in Church Elections', in Eugene Bianchi and Rosemary Radford Ruether (eds.), *A Democratic Catholic Church. The Reconstruction of Roman Catholicism* (New York: Crossroad, 1992), 80-93 (80).

[19] Paul Lakeland, *Liberation of the Laity. In Search of an Accountable Church* (New York/London: Continuum, 2003), 19, also 186–7, and 211. For further see Quentin de la Bédoyère, *Autonomy and Obedience in the Catholic Church: The Future of Catholic Moral Leadership* (London: T.&T. Clark, 2002).

constitutive principles, subsidiarity: namely, that it influences 'the possibilities for the development of personal, social, and cultural life as a whole'.[20]

There are, however, several arguments advanced against a democratic reform of the church, which need to be addressed. One is that the essential political structures of the church are of divine right and, as such, necessary for the existence of the church.[21] Several ecclesial institutions have been officially and explicitly affirmed by Roman Catholicism as having been either directly established by Christ, or indirectly willed/ordained by God: the twofold division between ordained priesthood and non-ordained laity (see e.g. *LG* §18; cf. §10); the threefold division of the priestly order, and/or its descending hierarchy from bishops to priests and deacons (e.g. *CD* §15); the *sacra potestas* of diocesan bishops (e.g. *LG* §§20–1; *CD* §§2, 6); the primatial authority of the pope (e.g. *Pastor aeternus*, ch. 1; also *CD* §2).

The disagreement concerning which ecclesial institutions, if any, are necessary for the existence of a Christian church is a trans-denominational issue, dividing not only Christians belonging to different confessions, but also those belonging to the same church.[22] Some theologians—among whom many, but by no means all, are Roman Catholic and Orthodox—believe that at least some of the above ecclesial institutions have been established by Christ or indirectly ordained by God, and are accordingly essential for church existence.[23] Others—especially some Anglicans—suggest a

[20] Carlos Eduardo Maldonado, 'Chapter IV. Subsidiarity: An Organizational Principle for Civil Society', in *Human Rights, Solidarity and Subsidiarity: Essays toward a Social Ontology* (Washington DC: Council for Research in Values and Philosophy, 1997), 67–100 (92).

[21] For an overview of the problem consult J. Michael Miller, *The Divine Right of the Papacy in Recent Ecumenical Theology* (Rome: Università Gregoriana Editrice, 1980), esp. 2, 61–2, 85, 193–5, 271, 275; Avery Dulles '"*Ius Divinum*" as an Ecumenical Problem', *Theological Studies* 38 (1977), 681–708; George Lindbeck, 'Papacy and *Ius Divinum*: A Lutheran View', in Paul C. Empie and T. Austin Murphy (eds.), *Papal Primacy and the Universal Church. Lutherans and Catholics in Dialogue V* (Minneapolis: Augsburg, 1974), 193–207; and Margaret O'Gara, 'A Roman Catholic Perspective on *Ius Divinum*', in Randall Lee and Jeffrey Gros (eds.), *The Church as Koinonia of Salvation. Its Structures & Ministries. Agreed Statement of the Tenth Round of the U.S. Lutheran-Roman Catholic Dialogue with Background Papers* (Washington DC: USCCB, 2004), 226–46.

[22] In addition to the literature mentioned in the following notes, see also that referred to in 3.2–3.6.

[23] For instance, Gianfranco Ghirlanda, long-time professor at, and former rector of, the Gregorian University in Rome, has often reiterated his belief in the existence of a 'fundamental hierarchical constitution' of the church, 'given by Christ, which took form since the apostolic and immediately post-apostolic period [and which] is the minimum necessary in order to be able to speak truly and fully of "church"' as such. Such fundamental hierarchical structure would include 'primatial government of the Bishop of Rome and of the college of bishops over the universal church, the episcopal government over the local churches, the organization of church members around the sacraments of Baptism, Confirmation, Order, and Eucharist.' Ghirlanda, *Hierarchica communio: significato della formula nella Lumen Gentium*, Analecta Gregoriana 216 (Rome: Gregorian University, 1980), 209 no. 82; also 359. Analogous convictions are expressed by Joseph Cardinal Ratzinger, *The Ratzinger Report*, with Vittorio Messori, trans. Salvator Attanasio and Graham Harrison (San Francisco: Ignatius Press, 1985), 46; also 67 (quoting Hans-Urs von Balthasar). Orthodox bishop John Zizioulas has suggested that bishops and synods are '*iure divino* and part of the Church's *esse*', 'Recent Discussion on Primacy in Orthodox Theology' in

distinction between different degrees of necessity: whether for the *esse* (being), *plene esse* (full being), or *bene esse* (well-being) of the church.[24] Still others—many of whom are trained in the Lutheran theological tradition—further point to the need to distinguish between the external embodiment of ecclesial offices and institutions, which are historically relative, and the functions they fulfil—e.g. preaching the Good News, and ἐπισκοπή (oversight)—whose relative necessity is assessed against the greater or lesser role in carrying out the church's mission.[25] Finally, there are Christians—among whom a majority of the vast and varied universe of Baptist and Pentecostal churches—who maintain that no detailed church polity or particular ecclesial structure, and certainly none of the traditional ones mentioned above, is mandated as necessary either in the NT or in the ecclesial tradition.[26]

A second objection to the democratization of the church maintains that, as a mystery, the ecclesial polity is radically discontinuous from the human one, so that what is valid for the latter is not necessarily valid for the former.[27] This too is still a point of disagreement, with much of the recent ecclesiological literature taking exception to what has been dubbed the 'theological reductionism' or even 'mystification' of the

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Walter Kasper (ed.), *The Petrine Ministry: Catholics and Orthodox in Dialogue. Academic Symposium Held at the Pontifical Council for Promoting Christian Unity*, trans. the staff of the Pontifical Council for Promoting Christian Unity (Mahwah NJ: Newman Press, 2003), 231–48 (234).

[24] Dulles, '"*Ius Divinum*" as an Ecumenical Problem', 707; also Miller, *The Divine Right of the Papacy in Recent Ecumenical Theology*, 115–7. Both of them are borrowing those terms from the discussion concerning episcopacy within the Anglican communion in the seven essays in Kenneth Moir Carey (ed.), *Historic Episcopate in the Fullness of the Church: Six Essays by Priests of the Church of England* (Westminster: Dacre Press, 2nd ed. 1960 [1954]), whose contributors all affirm that the episcopacy belongs neither to the Church's *esse*, nor simply to its *bene esse*, but rather to its *plene esse*, i.e. its predestined πλήρωμα or fullness of being. The debate concerning those three degrees of necessity still continues, often with the same terminology: see a concise summary in Susan K. Wood, 'Episcopacy', *The Encyclopedia of Christianity*, ed. Erwin Fahlbusch *et al.*, trans. Geoffrey William Bromiley, vol. 2 (Grand Rapids: Eerdmans, 2001), 105–11 (108).

[25] Wood, 'Episcopacy', *op. cit.*, 108–10; Lutherans 'have no difficulty with the functionalist interpretation of the *ius divinum* character of certain post-biblical developments, for this simply affirms that what is historically and functionally necessary for the welfare of the church is also what God wills that the church be and do.' Lindbeck, 'Papacy and *Ius Divinum*', 202; also David Yeago, 'The Papal Office and the Burdens of History: A Lutheran View', in Carl E. Braaten and Robert W. Jenson (eds.), *Church Unity and the Papal Office* (Grand Rapids MI: Eerdmans, 2001), 98–123 (esp. 103).

[26] Put positively, the basic theological insight underlying similar ecclesiologies affirms that 'the presence of Christ, which constitutes the church, is mediated not simply through the ordained ministers but through the whole congregation, that the whole congregation functions as *mater ecclesia* to the children engendered by the Holy Spirit, and that the whole congregation is called to engage in ministry and make decisions about leadership roles.' Miroslav Volf, 'Introduction to the American Edition', in *After Our Likeness: The Church as the Image of the Trinity* (Grand Rapids MI: Eerdmans, 1998), 1–7 (2); also Shane Clifton, *Pentecostal Churches in Transition: Analysing the Developing Ecclesiology of the Assemblies of God in Australia* (Leiden: Brill, 2009), 23–4.

[27] See the works cited in 4.6.

church, and insisting instead that relevant sociological and political insights be integrated in ecclesiology.[28]

Finally, a third set of reasons is based simply on a negative judgment concerning some central features of democracy itself. Majority rule, in particular, is perceived as intrinsically relativistic and thus, because only truth should inform one's beliefs and guide one's actions, not to be adopted as a decisional procedure.[29] This objection is the only one strictly philosophical in nature, and it is accordingly mostly debated in the literature of democratic political philosophy.[30]

In contrast, both the objection stressing the existence of irreversible divinely-willed structures, and that emphasising the uniqueness of the church as a mystery and the creature of God's inscrutable will, are primarily theological. In effect, they assume a *real* discontinuity (as distinct from difference) between the church and civil society, and thus between ecclesiology and political philosophy. (That such assumption also underlies the contention concerning the existence of divinely-willed ecclesial structures follows from the fact that—as it will be shown—the appeal to God's will has most often been used to justify [absolutist] ecclesial structures which were regarded even by their apologists as apparently 'unnatural', viz. contrary to the insights of natural law commonly recognized as valid and normative for the other human societies [see 3.1–3.2]). But such can only be the case on the theological belief that a real discontinuity does indeed exist, at the social level at least, between the ('merely') human and the Christian, grace and nature, creation and redemption, on two basic aspects: the relationship between divine action and human cooperation; and the ethical norms for the individual's cooperation in the common action of a group to be responsible.

1.2 Argument and Findings of this Work

According to the theological method outlined by Bernard Lonergan,[31] such theological beliefs or doctrines should be assessed against the scriptural and historical data concerning the relationship between the Christian and the human communities with regard specifically to their strictly structural/institutional elements.

[28] See the works cited in 4.5.

[29] See the works cited in 5.10–5.11.

[30] See the references in 5.9, and particularly Mathias Risse, 'Arguing for Majority Rule', *The Journal of Political Philosophy* 12, no. 1 (2004), 41-64 (with good bibliography).

[31] *Method in Theology* (London: Darton, Longman and Todd, 2nd ed. 1973).

Hence, the next chapter will survey the history of the church and of ecclesiology to see whether or not the contention that they are discontinuous with the human community and political philosophy respectively is warranted. Generalising from numerous specific historical studies, it will suggest that, from the very beginning right to the present day, Christian communities have ordinarily modelled their own organizational outlooks by borrowing both practical structures and theoretical insights from the civil community (2.1–2.4).[32] With regard to the practical level, a pattern will be uncovered of adoption and when necessary adaptation of concrete procedures from the civil polity, whether those concerning the selection of officials, or various kinds of majority voting used during representative gatherings. This is particularly noteworthy to the extent that we have there the importation of practices which are central to and defining of the nature of a polity. Yet such finding easily takes second place in light of the even more fascinating discovery that the symbiosis between ecclesiology and political philosophy went deeper than the visible level of concrete practices and institutions. In fact, it extended to the very theoretical explanations adduced to justify the latter: the most fundamental element of that theoretical identity concerns the consensual understanding of authority, envisaging the necessity for the free and responsible consent of all people concerned by and involved in any given decision or action, so that cooperation may be responsible; a secondary but still important element is the high epistemic value bestowed on the common judgment (whether unanimous or majoritarian) following a free public discussion.

Last but not least, the continuity between ecclesiology and political philosophy will be revealed to be further adumbrated by the identity of the arguments advanced to vindicate a monarchical as well as absolutist form of government both in the church and in civil society: the Pseudo-Dionysian appeal to the top-down, hierarchical order of the universe; the scriptural passages witnessing to a monarchical authority as proof of God's will in that regard; and, last but not least, the 'regress' argument in favour of a unique, supreme, and indivisible authority being ultimately necessary for the common action, peace and possibly even continued existence of a community (2.5).

Next, a chapter each will be devoted to answering the above mentioned three sets of theological and philosophical objections to the democratization of the church. Chapter three will examine the scriptural, historical, and philosophico-theological bases for the claim that certain ecclesial structures or functions are willed by God and are

[32] Specific bibliographic references for the affirmations made in the following outline of each chapter can be found in the footnotes of the sections adduced in parentheses.

accordingly both necessary and irreformable. On the basis of the exegetical and historical consensus, it will argue against the possibility of regarding the external form of any ecclesial structure as permanent, and thus *a fortiori* necessary—the two characteristics implied in claims of divine-right (3.3).

Such a conclusion, which is widely accepted today, has triggered a twofold shift in the post-Vatican II debate on *ius divinum* (3.4). The first one is the move away from understanding *ius divinum* as entailing an explicit scriptural institution, towards conceiving it as a post-apostolic, Spirit-inspired development. The problem with this, it will be argued, is that in the absence of a positive scriptural mandate or a miraculous intervention immediately revealing God's will, the only alternative for affirming the divinely-willed status of any given church structure would be to acknowledge its being a historical development in agreement with God's will, i.e. resulting from God's indirect action through secondary causes. In the specific case at hand, that would entail demonstrating that supposedly *ius divinum* church structures have developed by means of divine inspiration working though the social, political, and cultural processes of ecclesial institutionalization, without subverting them. Yet such a solution is insufficient for upholding a distinct set of supposedly divinely willed ecclesial structures. When everything humanly achieved through cooperation with God's grace can be said to be divinely-willed, the latter adjective becomes much too undefined and ultimately unhelpful for discerning which ecclesial institutions have evolved under the guidance of the Spirit and thus in accordance with God's will, and which instead have not. The requirement for a clear and unmistakable divine command remains unavoidable.

The other noteworthy post-Vatican II change in the conception of *ius divinum* consists in predicating it not anymore of the external institutional embodiment of church structures, but exclusively of their function, i.e. *ἐπισκοπή* (3.5). The conviction here is that although the external institutional embodiments of church structures varied substantially throughout history, such diversity should not mask their common essential and constitutive function, namely *ἐπισκοπή* or oversight. The permanency *ab initio* of such function would indicate its necessity, even in the absence of explicit scriptural evidence of its divine warrant or institution.

In assessing this contention I will concentrate first on the most clear-cut case, by focusing on whether *ἐπισκοπή* can be construed scripturally or historically as necessary at the supra-regional or universal level (3.6). The conclusion will be that the function of supra-regional *ἐπισκοπή* only evolved gradually as a modification—and an arguably positive development—of the original network of self-governing house churches. If

Ἐπισκοπή at the universal level cannot be shown to have been necessary for the church to exist and develop—if, in other words, it is correct that the early church has lived for several centuries without the ordinary exercise of such *Ἐπισκοπή* at the universal level—it cannot be affirmed to be such also at all other levels, viz. the regional and local. From a logical viewpoint, the burden of proof is on those who argue otherwise. Finally, the above conclusion will be further strengthened by consideration from political philosophy and political anthropology. The point of attention here is that what is both necessary and sufficient for a group of people to become a 'community' is not a central political authority but, more fundamentally, shared experiences, insights, judgments of fact, values, and goals. The constitution, preservation, and development of such a common fund of meanings and values is what establishes a community in the first place, as well as what nurtures and sustains it in time. It will be concluded, however, that an authority of *Ἐπισκοπή*—whose exact contours will be defined later—can be quite useful in increasing the efficaciousness in attaining the goals of a community.

Chapter four will focus on the distinctively post-Vatican II argument that, as a mystery, the church, in its organizational pattern, is not simply different but discontinuous with any other human polity. The chapter will outline the historical genealogies both of this objection and of its rejoinder, which reaffirms the essential continuity between the Christian and the human societies on the basis of the distinctive belief of Christian theology that grace perfects nature without destroying it (4.2–4.6).

It will then expand such a traditional rebuttal by contending that the continuity between political philosophy and ecclesiology is real because of the real continuity existing between the Christian and the non-Christian person with regard to the cognitional and moral operations required of both to come to know intelligently and decide responsibly. It will be argued (4.7) that as Christian anthropology and ethics were based on the best available philosophical or 'natural' understanding of human beings *in general*, as knowing and acting agents, so the natural explanatory/systematic analogate for ecclesiology was and should be based on a focus on the best philosophical explanation of how human beings use their attentiveness, intelligence, reasonableness, and responsibility when cooperating with others towards a common goal. Whether with regard to evaluating the intelligence and moral worth of solitary courses of actions, or with regard to evaluating the intelligence and moral worth of cooperation with others, theological reflection is always and necessarily grounded on what has already been understood of human coming to know the true and the good: on the one hand,

(individual) cognitional and moral theory, and on the other, political philosophy and political ethics.

Chapter five will turn to addressing the specifically philosophical objections which the official RC ecclesiology has advanced against democracy. It is the pivotal chapter which bridges the primarily negative, 'destructive' task of this work—concerned with dismantling the chief deeply ingrained yet admittedly mistaken arguments precluding an open-minded critical examination of the RC ecclesial polity—with the second and more demanding positive duty of engaging political philosophy to outline a coherent philosophical account of authority which can prove compatible with, and indeed even be demanded by some basic insights of, Christianity.

Following Bernard Lonergan, the point of departure will be an analysis of the universal intentional procedure generally known as 'belief', by which both cognitional and evaluative contents discovered by separate individuals can be appropriated by others, and thus eventually become common (5.2.1). Historical development, it will be noted, is assured by the creation through belief of a common fund of knowledge, to which it is possible to draw as well as to contribute. Community arises precisely out of the cooperation in knowledge and action that emerges through the belief people grant each others. Individuated materially by a group of persons, a community has its own formal component in common meanings, values, and goals. Cooperation in knowledge can foster specialisation, while cooperation in action can nurture a division of labour integrating the sundry activities of the community members.

Now, the power of a given community is the product of cooperation (both in knowledge and in action); hence belief, by enabling cooperation, is also at the basis of power of a given community (5.2.2). Because it is the community which collectively possesses and passes on the achievements of the past through a common tradition, and because it is the community which organises itself to make possible cooperation in the present, the community is the original and primary carrier of power. Cooperation develops as a web of responses to the actions of others. There are two most relevant kinds of response and ways of cooperating. First, individuals or groups may adjust their decisions and actions to the actions of others, so that each focuses on what s/he can do best while leaving to others the fulfilment of tasks s/he either cannot or has not the time to discharge. This develops into that socio-economic phenomenon known as 'division of labour'.

But there is a second type of cooperation which originates from the individual's free decision to accept as a directive for action the choice of someone else. Such

decision is what is meant by ‘delegation’, and the resulting relationship is what is expressed by the word ‘authority’ (5.3). The relationship of authority can thus occur both in the field of knowledge and in that of action; and because knowledge and action are interrelated, the relationship of authority ordinarily involves a mix of the two. In any case, the central point is that, both in the cognitive and in the practical domains, the decision to believe/delegate should be responsible, following a judgment on the greater accuracy of someone else’s capacity for evaluation in comparison with one’s own. It is precisely such a judgment and subsequent assent—however one may want to call them: belief, consent, or delegation—which is the common constitutive basis of *any* authority. Hence, *legitimate* authority does not derive automatically from competence—and much less from office—but rather from the attentive, intelligent, reasonable, responsible, and free consent given to the *perceived* competence of some person or group (5.3, compare 5.5).

It is quite significant that such description of a responsible delegation yields the principle of subsidiarity (5.4). For to the extent that one is only justified in delegating what one deems to be beyond their capacity to make a responsible decision, it is irresponsible to delegate to others a decision that one could make by oneself, in an equally or even more responsible way. In agreement with this, the principle of subsidiarity suggests that, on the one hand, each decisional level (from the individual upward) has an inalienable responsibility to decide and act within its own operational range and, on the other hand, that only those actions which cannot be achieved by the individual or the smaller group alone, can be appropriately achieved through recourse to the higher level of a structured community. Moreover, attention will be drawn to a further unavoidable postulate of subsidiarity, namely that the division between what can be decided autonomously and what should be decided by delegation must be determined by the delegating individual or group and not by the higher levels. For it is only the former who has the responsibility to decide on the appropriateness and extent of the delegation.

The central part of the chapter will therefore address one of the key contemporary challenges facing democracy in differentiated societies, namely, that of integrating expert knowledge into the decision-making process without falling into the danger of a rule by experts (5.6). The problem is to make possible the determination by the delegants of the area, scope, and limits of an authority which, being specialised, cannot be evaluated by those who are not expert in the relevant field(s). Several ways can be employed in making it possible for the community to evaluate and hold accountable

specialised or expert authorities. One consists in an *a posteriori* assessment of their effectiveness in solving the issues for which their help has been sought. Another is more pro-active and is accomplished by setting standards of peer-review with regard to expert education, training, and research findings. The point of attention here is that the recognition and legitimation of specialised authority—just as for any other authority—must be dependent on agreed standards of expertise and so, ultimately, on the consent of its audience, and that makes it democratic, in principle at least. But the most important factor tempering the danger of rule by experts is arguably the fact that the (admittedly necessary) use of expert knowledge and findings is always shaped by and subject to the shared values and priorities of the (majority of) the community (see below, the outline of 5.8).

The argument will then contend (5.7) that because the decision to delegate authority to someone else on a (generally limited) issue is only justified against a previous judgment concerning the greater knowledge or expertise of the delegate with regard to the specific area being delegated, ordinarily delegation is never omni-comprehensive, but rather always specific: limited both to what the delegant does not yet needs to know in order to decide responsibly, and to what the delegate is being recognized as competent in. Differently put, authorities are such exclusively in the specific domain in which they are recognized as being competent, and an omnicompetent authority is only possible to the extent that a single person or body can be recognized as omnicompetent. In effect, none of the innumerable specialised authorities present in a differentiated community can be hierarchically subject to any authority outside its field of expertise because such authority, whether primarily specialised or coordinative, would not have by definition any competence outside the limited domain determined by its competence.

Such an understanding of contemporary differentiated societies as encompassing countless mutually dependent yet autonomous authorities in every field of human knowledge and activity does not exclude—rather it calls for—the possibility of an authority coordinating those specialised authorities for the purposes of societal cooperation (5.8). While it does not admit that such political authority might exercise such cooperation through hierarchical subordination, it does allow what might be called a ‘functional’ coordination of their expertise on the basis of the wishes, desires, needs, values, and goals of the community. Put differently, the primary and distinctive function of a *political* authority is not that of micro-managing those specialised authorities, but rather that of making decisions that determine the general direction of common action.

Such function it accomplishes by (1) seeking the relevant (expert) competence whenever needed by the complex issues to be addressed, and thus accepting their purely technical findings as correct; (2) subjecting their import for policy-making to the scale of values, priorities, and goals of the (majority of the) community, which it represents.

Finally (5.9–5.11), the two main objections against majority rule as potentially tyrannical and relativistic will be met by a double clarification. First (5.10), delegation to the majority is not motivated by a belief that majority decisions will be invariably correct, but merely that, on an assumption of roughly equal competence of the body deliberating by majority, there is a greater probability that the truth is approached by the majority than the minority. In this sense, delegation to the majority is a mere *prudential* decision, which can be responsible either when one is unsure about which of the alternative courses of action proposed is the best, or when one of the them is indeed deemed morally misguided (although not completely unacceptable), and yet the consequences of its implementation are considered to be a lesser evil than what would follow inaction. Secondly (5.11), in a democratic system, the conditions for delegation to be responsible, and specifically the principle of subsidiarity, do not permit majority decisions to trample on the minority's most strongly held, absolutely non-negotiable principles and values, and thus degenerate into a dictatorship of the majority.

Chapter six will inquire about whether the requirements for a responsible cooperation outlined in the previous chapter are compatible with some relevant scriptural and traditional data on the church, as well as with the current polity of the RC Church (6.1). The first issue addressed will be whether ecclesiastical authority is essentially different from civil authority (6.2). The answer will point out that the real antithesis is not between ecclesiastical and civil authority, but between divine-right and consensual conceptions of authority. Their crucial difference lies in their opposite understandings of the relationship between divine action and human cooperation. In one, such relationship is conflictual: the king or pope by divine right is a monarch imposed (and potentially forced) by God on (or over against) the intelligence and responsibility of free people. In the other, God leaves that human beings exercise the intelligence, responsibility and freedom He endowed them with to discern His will for them and carry it out. According to this latter understanding, God ordinarily governs everything in the universe through secondary causes: so that, with regard to the specific case of human beings, God's sovereignty over them occurs by a gracious and ongoing offer of communion in love, which however compelling leaves intact their intelligence, responsibility, and freedom. In the language of the Scholastics, God is indeed the *causa*

prima of authority, but it is human consent which, ordinarily, is its *causa secunda*, in the church just as in the civil society. Nor is it possible to defend a divine-origin understanding of authority on the grounds that the consent to ecclesial authority—differently from the consent constitutive of civil authority—is ultimately based on the assent of faith. In effect, the assent of faith, while supernatural (to the extent that, according to the traditional Scholastic explanation, a gracious prevenient action by God is necessary for it), retains its supremely human substratum. In it, human intelligence, responsibility, and freedom cooperate with and are actively raised by divine grace: yet they are by no means superseded or destroyed, and so the assent of faith is based on and presupposes all the human characteristics essentially constitutive of the consent to a human (including political) authority.

Moreover, the assent of faith is only the remote cause for ecclesiastical authority, whether sacramental or jurisdictional. Its most proximate cause is an (attentive, intelligent, reasonable, and responsible) judgment focusing on the *perceived* (intellectual and moral) competence/charism of someone, and the consequent decision, if need be, to appoint/ordain him/her. This is analogous to the distinction between the legitimacy and legitimation of authority: one must distinguish the legitimacy (i.e. authenticity) of the 'empowerment from above', of the divinely bestowed 'sacramental power to mediate grace'—or, more scripturally, of those charisms supernatural in origins—*per se*, from the legitimation to exercise it, which requires discernment followed by consent.

To understand authority as based on consent translates concretely in envisaging church officials as being selected by the community, whether directly or representatively, through a properly devised electoral procedure (6.3). However structured, such procedure should respect subsidiarity, that is the inalienable responsibility of each level, from the individual upwards, to determine both what is within and what is beyond the possibilities of one's competences and charisms.

Subsequently, the chapter will address two dysfunctional centralizations affecting the current RC Church. The first is a centralization of competences: the monarchical authority exercised by the hierarchy is conceived as including each and all domains of church life (6.4). The obvious problem with this is that for an authority (of *ἐπισκοπή*) to have decision-making power over all the many specialised areas of church life it would have to possess all the innumerable specialised competences involved. Because that cannot be the case, the solution ordinarily advanced is to insist and even require that bishops inform themselves through consultation. The contribution of political

philosophy to this problem can, once again, prove illuminating. The authority of *ἐπισκοπή* in the Christian church would have two main functions analogous to those fulfilled by the political authority in civil society. One would be that of overseeing—as distinct from micromanaging—the performance of those who are recognized to be the community's specialised authorities. The other would be that of deciding and guiding the common action of the community in agreement with the latter's distinctive scale of values and goals. For the authority of *ἐπισκοπή*, just as the political authority in civil society, is distinctive with regard to the other authorities in the community in that it is selected not on the basis of specialised or technical expertise, but on the basis of its representativeness of the values, priorities and goals of the (majority of the) community.

Most often such policy-making necessitates the findings of the specialised authorities within the Christian community. For this reason, and analogously to political authority in civil community, the authority of *ἐπισκοπή* (which cannot normally possess all the expertise needed to plan and decide common policies) must defer to the relevant specialized authorities as a matter of moral duty, by means of the legal institutionalization of binding forms of collaboration (either by consultation or by delegation) with the Christian community's specialised authorities—including its structures of knowledge and evaluation such as universities, think tanks, and so on. Once it has gathered the relevant specialised findings, the authority of *ἐπισκοπή* can proceed to make informed decisions on their basis but *informed by and subject to the Christian community's values, priorities and goals, which it represents*.

The second is the centralization resulting from the disregard of the normative limit subsidiarity imposes on authority, namely that of only acting on those issues which are judged by the lower level as beyond its range (6.5). There are scriptural grounds for the oft-repeated dominical mandate to exercise authority not by 'lording it over' (which I interpret as micro-managing in disregard of subsidiarity) but as a 'service' whose goal, as the apostle Paul elaborated, would be to help people help themselves and develop their own competences/charisms (Eph 4.12). This section will also highlight the chief elements in the RC canon law currently in force which are in open contrast to subsidiarity.

Finally (6.7), attention will be given to the necessity of free and public discussion within the church—a discussion which includes the possibility of public dissent on everything but the few essential, scripturally unambiguous beliefs of Christianity. Free and public discussion is necessary because it is what enables *both* the emergence of a community of meanings, values, and goals, *and* its subsequent development and

evolution. Criticism towards such tradition is necessary because all cultural or religious traditions—including Christianity—can come at one time or another to incorporate inauthentic, unjust, indeed un-Christian meanings and values. The impossibility of public criticism is the death-sentence of any society, as well as any cultural or religious tradition: for just as self-critique is an absolutely necessary premise for individual conversion—conversion always stems from the realization of the sinfulness of one's own current ways—so public debate and critique is an absolutely necessary premise for social and cultural conversion, and this applies within the church as well. Hence the critical assessment of tradition necessary for its ongoing renewal and development largely depends, as far as human means are concerned, on the existence of the freedoms of information, thought, communication, and public debate.

Chapter seven will close the work by suggesting promising directions for expanding the conclusions reached.

2 ECCLESIOLOGY AND POLITICAL PHILOSOPHY: HISTORICAL SURVEY

2.1 Introduction

It has been maintained in the introductory chapter that the section of ecclesiology studying the structures of the church should make more use than at present of the results of political philosophy. The symbiotic relationship between those two disciplines depends on their having an analogous object, which can be briefly described as the study of cooperation and common action towards a common goal in the human and the Christian communities respectively. Such study includes, most significantly, the examination of the moral conditions for the individual's cooperation in the common (i.e. political) action of a group to be responsible. Among such general moral conditions, particularly relevant are the specific ones to be fulfilled for delegation to be responsible and not, instead, a desertion of responsibility. It is precisely the fact that both ecclesiology and political philosophy share their object of study that has made it possible for ecclesiology to integrate and develop the insights of political philosophy on that subject, as well as the political structures implementing them. Such an approach to ecclesiological method has been traditional since the very beginning.

The scrutiny of such a claim will be done, first, against history. No comprehensive historical survey exists which analyses the entire history of the development of ecclesial structures from the vantage point of its relationship with the socio-cultural structures at each epoch in church life. What we have, instead, are many specialist studies witnessing to that practice, especially at key stages in history. Building on their basis, this chapter will offer a brief and necessarily very selective survey of some of the most important historical instances of the Christian community borrowing from the civil one both practical structures and theoretical insights.

2.2 The First Millennium

A most evident instance of the Christian borrowing from the natural understanding of the human polity occurred with regard to the very term '*ἐκκλησία*' to designate the assemblies of the disciples of Jesus. In order to understand its meaning it is certainly necessary to investigate its older Jewish connotation in the Septuagint, where it generally refers to the people of Israel gathered before God to listen to Him, within a

strong eschatological perspective.[1] Yet it would be hazardous and hardly justifiable to rule out or ignore that the term was also chosen by the newly formed Christian community in preference over other possible ones because of the meaning it had in the surrounding pagan Roman society, to which the Gospel was to be preached, of a democratic assembly of free citizens.[2] It might indeed be surmised that the early Christians' choice of terms possessing such an ambivalent connotation was made precisely in order to convey the self-understanding of their own community not only to the Jews (ἐκκλησία as the continuation of the Old Testament ἐκκλησία τοῦ θεοῦ spoken of in the Septuagint) but also to their predominantly pagan neighbours (ἐκκλησία as the community of equals, as brothers and sisters in Christ).[3] Their choice also suggests that often the appropriation of secular terms was not without critical distancing and indeed even positive development. So, in the very act of 'receiving' the basic, fundamental secular political meaning of ἐκκλησία, Christians purified it, and transcended its most outstanding limitations by including the categories of women, children, and slaves which had been excluded in the secular use of the term.[4] Again, primitive Christianity was essentially constituted of independent cooperating house churches, that is, it took 'the οἶκος, the Greco-Roman city family house, as the pastoral basis for the whole of the Christian movement, since as well as gathering in houses in this way, the first Christians remained faithful to the temple or synagogue.'[5] Indeed, it appears that 'the first Christians saw themselves within Judaism as a "free organization" (*collegium*) that

[1] Cardinal Ratzinger, *Called to Communion: Understanding the Church Today*, trans. Adrian Walker (San Francisco: Ignatius Press, 1996), 106.

[2] 'In New Testament times the specific sense [of ἐκκλησία], of an assembly of the citizens, continued to be the most common meaning of the word.' J. Y. Campbell, 'The Origin and Meaning of the Christian Use of the Word "Ekklesia",' *Journal of Theological Studies* 49 (1948), 130–42 (132).

[3] 'The translation process which transformed *ekklesia* (democratic assembly) into *kyriake* (church) indicates a historical development that has privileged the kyriarchal-hierarchical form of church. Thus the same word, *church*, in English entails two contradictory meanings. One derives from the patri-kyriarchal house-hold in antiquity, which was governed by the lord/master/father of the house to whom freeborn women, freeborn dependents, clients, workers, and slaves, both women and men, were subordinated. The other meaning of *church* understands the equality of its members in terms of citizenship and friendship. This meaning of church derives from the radical notion of democracy in antiquity that promised freedom and equality to all its citizens, although in reality it restricted these to elite males.' Elisabeth Schüssler Fiorenza, 'Discipleship of Equals', in Letty M. Russell and J. Shannon Clarkson (eds.), *Dictionary of Feminist Theology* (Louisville: Westminster John Knox, 1996), 70–1 (70); also 'A Discipleship of Equals', in Eugene C. Bianchi and Rosemary Radford Ruether (eds.), *A Democratic Catholic Church: The Reconstruction of Roman Catholicism* (New York: Crossroad, 1992), 17–33 (19).

[4] In this critical appropriation, Christians might have been helped by knowledge of their Jewish roots: for the Hebrew word *qahal*, which the Greek ἐκκλεσία often translates in the Septuagint, refers to an 'assembly of people' *which also possessed juridical and political authority*, and which differed from their similar Greek counterpart by the fact that '[e]ven women and children, who in Greece could not be active agents of political events, belonged to the *qahal*.' Thus Ratzinger, *Called to Communion*, 30–2, who also offers a concise treatment of the covenantal and thus soteriological undertones of the word.

[5] Edward Schillebeeckx, *Church. The Human Story of God* (New York: Crossroad, 1990), 147.

gathered "at the house of", in the Greco-Roman usage of the time, *collegium quod est in domu Sergiae Paulinae*, the free community or the free association which meets at the house of X.'[6]

Also notable is the fact that the NT and early Christian writings do not resort to cultic or priestly language to describe those members of the community fulfilling an official ministry, but rather preferred to borrow entirely from the 'secular' political domain. Both Judaism and the Greco-Roman culture used priestly, cultic language to designate its religious and political hierarchies, to underscore their mediatorial and even representative function of the divine to the people. The significance of the rejection of what was a traditional, widely accepted use in the two main cultural systems which had nurtured and shaped all primitive Christians cannot be overestimated. *Ἐπίσκοποι* and *διάκονοι* 'were simple, widely known titles, yet not precisely defined and therefore in their very breadth of meaning capable of a new and specific use. It is worth noting that the Christians chose modest words which did not of themselves raise any spiritual claims.'[7] Paul's letters in particular witness to the feature—most striking to contemporary Roman Catholic ecclesiology—that 'there is […] no theological legitimation of these positions. [They] are assumed to be in existence and are regarded in purely functional terms.'[8]

Again, Hermann Josef Sieben has individuated three major procedural styles for the common discernment and decision-making which emerged during the second, third and fourth centuries, and all of them are of secular origins. The first involved the public debate and judgment on controversial issues 'conducted as occasions of inquiry leading to the determination of error, the demonstration of corresponding truth, its acceptance by the perpetrators of error, and its endorsement by the Christian congregation within which the dialogue took place.'[9] There is evidence that the style of such public debates was 'the critical analysis of specific issues in the form of question and answer common to the philosophical schools of the time'.[10] In addition, inasmuch as it was a method

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[6] *Ibid*.

[7] Hermann W. Beyer, '*Ἐπίσκοπος*', in Gerhard Kittel (ed.), *Theological Dictionary of the New Testament*, trans. Geoffrey W. Bromiley (Grand Rapids MI: Eerdmans, 1964), vol. II, 608–20 (619).

[8] Luke Timothy Johnson, 'Paul's Ecclesiology', in James D. G. Dunn (ed.), *The Cambridge Companion to St Paul* (Cambridge: CUP, 2003), 199–211 (210).

[9] Hamilton Hess, *The Early Development of Canon Law and the Council of Serdica* (Oxford: OUP, 2002), 33–4.

[10] *Ibid*., 34. For the related point envisaging the philosophical school as an appropriate analogate of the fractionalized Roman community see E. A. Judge, 'The Early Christians as a Scholastic Community' [1960-1], reprinted in Judge (ed.), *The First Christians in the Roman World* (Tübingen: Mohr Siebeck, 2008), 526–52.

suitable not only for learning (growing in understanding of the Good News) and deciding but also for teaching, it was also commonly adopted by the teachers (*διδάσκαλοι*) in the Christian communities during the second and third centuries in the East.

Initially, the practice of public debate/deliberation was confined to matters *internal* to the local house-churches; it was the decision-making pattern of relatively isolated Christian *οἶκοι* and *ἐκκλησίαι* which were self-governing with regard to the preservation, discernment, and development of the Good News they had welcomed.[11] But with the increase in supra-regional interconnectedness and communications such method was extended to the discernment of controversial issues between different local churches, thus giving life to important public discussions. It was the result of 'the need for congregational clarifications in matters of teaching and practice, and this was part and parcel with the process leading to the emergence of the Catholic mainstream'.[12] Indeed,

> [T]he mainstream emergence has come to be recognized as having been a process, at least in some important cases, of the recognition of commonalities in doctrine and practice among specific groups which bore the Christian name, and by their own self-definition or differentiation from other groups which had significantly different orientations or doctrinal stands. It seems evident also that the struggles for identity and mutual recognition among the groups were increasingly the occasion of both intra- and inter-congregational discussion and that the discussions and decisions regarding acceptable teachings resulting from these attempts towards the resolution of issues were, in fact, the beginnings of conciliar action.[13]

The second style of ecclesial decision-making was precisely the properly conciliar and synodical one, in both disciplinary and doctrinal matters, essentially mutuated from Roman parliamentary procedures.[14] And, in this case again, it seems that valuable political insights and practices were not simply imported but were rather also improved upon.[15] When supra-local meetings began to be held, they partook of the very same parliamentary procedure which, first used by the Roman senate, had become widespread

[11] Hess, *Early Development*, 5, see 3.6.
[12] Hess, *Early Development*, 5–6.
[13] *Ibid*., 6 (notes omitted).
[14] *Ibid*., 24. The sub-section 'Conciliar Procedure' (pp. 24–9) is one of the best assessments of the vast bibliography on the ecclesial use of Roman senatorial procedures (see esp. p. 27).
[15] For instance, 'The scale of representation afforded by [church] councils in question was without parallel in secular society', Norman Tanner, S.J., *Was the Church too Democratic? Councils, Collegiality and the Church's Future* (Bangalore: Dharmaram Publications, 2003), 11. See also Henry Chadwick, 'The Origin of the Title "Oecumenical Council"', *Journal of Theological Studies* 23, no. 1 (1972), 132–5.

in the civil administration of the entire Roman Empire. It was a four-staged process involving: 1. the *relatio* setting forth the matter to be discussed; 2. statement of opinions by individual bishops/senators; 3. voting; and 4. preparation of the written decree resulting therefrom, to be sent as a letter to the interested parties. The emulation extended to the smallest details of the style of the formulae and protocols.[16] In short: 'If the Greco-Roman "domus" was a model for the organization of early Christian churches, Greco-Roman public assemblies most likely provided procedural and institutional models for early Christian assemblies'.[17]

What is most significant for present purposes is that the conciliar system and the practice of electing *ἐπίσκοποι* were based on and justified by the principle of consent—the same normative rationale developed for the analogous practices exercised in the Greco-Roman world.[18] Its original value, as espoused by Plato, Aristotle, and other early Greek philosophers, was primarily epistemological, as 'a basis for the discovery of truth and ethical values and that the principle later became applied to Roman and Christian institutional life'.[19] Its application to the social and political sphere, with regard to the discernment of the common good, was soon to follow, and is already to be found in

[16] See F. Dvornik, 'Emperors, Popes and General Councils', *Dumbarton Oaks Papers* 6 (1951), 1–23. John W. O'Malley, S.J., has recently written that 'Although Dvornik made a few mistakes in fact, his basic point that the Roman Senate was the model for how councils operated is generally accepted', see his 'Vatican II: Did Anything Happen?', *Theological Studies* 67, no. 1 (2006), 3–33 (no. 33, p. 32). See also Philip R. Amidon, S.J., 'The Procedure of St. Cyprian's Synods', in Everett Ferguson (ed.), *Church, Ministry, and Organization in the Early Church Era*, Studies in Early Christianity 13 (New York/London: Garland, 1993), 224–35 (226) (reprinted from *Vigiliae Christianae* 37 [1983] 328–39 [330]). For further see Ramsay MacMullen, *Voting about God in Early Church Councils* (New Haven CT: Yale University, 2006), esp. 12–23; 98–9.

[17] Kenneth Pennington, 'A Short History of Canon Law from Apostolic Times to 1917' (2004), available at http://faculty.cua.edu/Pennington/Canon%20Law/ShortHistoryCanonLaw.htm.

[18] With regard to the principle of consent see, for the early church, Peter Norton, *Episcopal Elections 250–600: Hierarchy and Popular Will in Late Antiquity* (Oxford: OUP, 2007). For the medieval period, the literature must include the analyses of the ecclesial use of both the ancient Roman law principle '*Quod omnes tangit, ab omnibus tractari et approbari debet*' (what concerns everyone must be discussed and agreed by all), and of the principle of representation, to the extent that the latter too is based on and in fact assumes the principle of consent. With regard to the first, a few works are referenced below, nos. 65–7: consult in particular Miruna Tătaru-Cazaban, '*Quod omnes tangit*: le problème du consentement politique de Thomas d'Aquin jusqu'à Nicolas de Cues', unpublished PhD. thesis, University of Bologna, 2007, available at http://amsdottorato.cib.unibo.it/459/1/Tesi_Cazaban.pdf. With regard to the understanding and use of representation in the church, see e.g. Hwa-Yong Lee, *Political Representation in the Middle Ages: Marsilius in Context* (New York: Peter Lang, 2008), esp. 38–43; Gaines Post, *Studies in Medieval Legal Thought: Public Law and the State 1100–1322* (Princeton: Princeton University, 1964), 27–238; and Brian Tierney, *Religion, Law, and the Growth of Constitutional Thought* (Cambridge: CUP, 1982), 24, who argued that that principle was adopted by canonists to express the principle of consent in the ecclesial sphere.

[19] Hess, *Early Development*, 31, referring to Klaus Oehler, 'Der Consensus Omnium als Kriterium der Wahrheit in der antiken Philosophie und der Patristik', *Antike Philosophie und byzantinisches Mittelalter: Aufsätze zur Geschichte des griechischen Denkens* (Munich: Beck, 1969), 234–63.

Cicero's translation of the expression *ὁμολογία* (or *κοινωνία*) *τῶν ἀνθρώπων* as *consensus omnium*.[20]

The two chief manifestations of such theoretical framework, in both the Christian and the non-Christian polities, were the understanding of the election of officials, and the method for political (i.e. common) decision-making. So we find that

> Under Augustus and his successors during the period of the Principate and beyond, the head of state, in fictionalized theory, was called to sovereignty by the consensus of gods and men (*deorum hominumque consensus ad imperium vocatus*), and the senate and other deliberative bodies sought decisions by consensus. The Christian Church, growing to maturity in this society quite naturally (and certainly in a congenial relation with its own practice as a self-governing community) applied the consensus principle and adapted Roman governmental practice to its own institutional life. The appointment of bishops by God and men and the conciliar system with its consensual protocol are major applications.[21]

Such practices by the Christian community, then, originate from and were analogous to their secular model in both their practical procedures and their theoretical foundations.

Perhaps the clearest manifestation of the understanding of the relationship of authority operative in any given community is the discernment and appointment of its officials. That includes observing, on the one hand, who or which body is understood should discern/appoint those most apt to be in positions of authority, and, on the other

[20] Hess, *Early Development*, 31.

[21] *Ibid*., (notes omitted), referring, for discussion of the parallels between the understanding underlying the appointment of the Roman emperor and that underlying the appointment of the Christian *ἐπίσκοποι* in the writings of Cyprian, to Takeo Osawa, *Das Bischofseinsetzungsverfahren bei Cyprian: Historische Untersuchungen zu den Begriffen iudicium, suffragium, testimonium, consensus* (Frankfurt: Lang, 1983), 50–4, 60–3, 93–9, 171–205; and, for the consensual principle in the conciliar procedure, to Hermann Josef Sieben, S.J., 'Consensus, unanimitas und maior pars auf Konzilien, von der Alten Kirche bis zum Ersten Vatikanum', *Philosophie und Theologie* 67 (1992), 192–229 (192–6). According to Sieben, the goal was consensus, not necessarily unanimity (193). Hence the important role assumed very early in the church by the principle of majority as a prudential means for discerning the truth (see 4.8 and 4.9). See also Gerard Bartelink, 'The Use of the Words *Electio* and *Consensus* in the Church (Until about 600)', in Giuseppe Alberigo and Anton Weiler (eds.), *Election and Consensus in the Church*, *Concilium* 77 (Edinburgh: T.&T. Clark, 1972), 147–54; Adolf Lumpe, '"Concilium" als "repraesentatio totius nominis Christiani" bei Tertullian', *Annuarium Historiae Conciliorum* 7 (1975), 79–81. Again, the term '*vox populi, vox Dei*' seems to have originated in the election to the ordained ministry: Cyprian explicitly affirmed more than once his conviction that God, with whom the real decision in episcopal elections lies, speaks through the voice of the people (*Epist*. 43, 1; 55, 8; 59, 5; 68, 2): see Peter Norton, *Episcopal Elections 250-600: Hierarchy and Popular Will in Late Antiquity* (Oxford: OUP, 2007), 12–3; also the short survey of its historical usage in Jean Gaudemet, 'Vox Populi', in André Vauchez, Richard Barrie Dobson, and Michael Lapidge (eds.), *Encyclopedia of the Middle Ages* (Cambridge: James Clarke & Co, 2000), vol. II, 1531–2.

hand, the procedure(s) utilized toward that goal. If there is continuity between the ecclesial and the human communities, then we should expect that the solutions to those issues reached in the political domain be mirrored in the ecclesial one. The above reveals that the early Christians mutuated from the surrounding Greco-Roman world not only the qualifications and the procedures for their discernment and appointment of office holders, but also the theory behind them.

According to Sieben, the last political pattern of decision-making which some important Christian churches were to adopt from the Roman society concerns the judicial procedure. At about the time when Christians started enjoying more freedom of self-government, Roman judicial procedure underwent an important change from the formulary system, in force from around 150 BCE until around 342 CE, to the *cognitio* procedure,

> in which a state-appointed professional judge presided over the whole case, deciding questions both of law and of fact, and giving judgements which, unlike those of the earlier *iudex*, could be the subject of appeal through the judicial hierarchy up to the emperor himself.[22]

It appears that this new procedure 'was taken over by the courts of the Church and was the basis of the medieval Romano-canonical procedure'[23] with the papacy at the top. Specifically, it seems to have been the procedure adopted at the council of Aquileia in 381, 'at which Ambrose of Milan sat as "public prosecutor and principal judge" by commission of the Emperor Gratian in the heresy trial of the Illyrian bishops Palladius and Secundianus'.[24] Thus, in addition to

> the ecclesiastical adaptation of the parliamentary style, which clearly dominated the procedural pattern of the synods and councils both regional and ecumenical during the fourth and fifth centuries and beyond, Sieben's demonstration of the adaptation of the other two modes further illustrates the willingness of, and indeed necessity for, the churchmen of our period [i.e. third and fourth centuries] to adapt the modes and procedures of civil society to ecclesial use.[25]

Another quite important such adaptation is also worth noting, concerning the principle of apostolic *succession* (*διαδοκή*, as distinct from *παράδοσις*, tradition),

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[22] P. G. Stein, 'Roman law', in J. H. Burns (ed.), *The Cambridge History of Medieval Political Thought—c. 350–c. 1450* (Cambridge: CUP, 1988), 37–50 (40).

[23] *Ibid.*

[24] Hess, *op. cit.*, 34, quoting Sieben, *Die Konzilsidee der Alten Kirche* (Paderborn: Schöningh, 1979), 482–92.

[25] *Ibid.*

probably drawn from the practice, common among philosophical schools in the Greco-Roman world, of drawing up lists of succession.[26] Finally, the process of adaptation of the secular political insights and institutions became both more widespread and more public with the greater freedom to develop and organize itself following the legalization of Christianity by Constantine. It extended to the very names used for the territorial divisions in 'dioceses', their geographical delimitations, and, most to the point, their ranking.[27]

Likewise noteworthy is the use by the famous third canon of the First Council of Constantinople (381) of the expression 'prerogative of honour' (*πρεσβεία τῆς τιμῆς*). Following the place 'honour' had in the Greco-Roman world, that expression arguably indicates not a merely formal, 'honorific' dignity but rather a jurisdictional authority—and in fact can. 28 gave the patriarchate of Constantinople a jurisdictional power of oversight and as an appeal court over a large part of the East. If this interpretation is correct, it supplies another relevant instance of the borrowing of structures and concepts of Roman law by the ecclesiastical hierarchy of the time.[28]

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[26] Up to date comprehensive discussion in Robert Lee Williams, *Bishop Lists: Formation of Apostolic Succession in Ecclesiastical Crises* (Piscataway NJ: Gorgias Press, 2005), concluding (p. 227): 'the Hellenistic concept of institutional successions of leaders recorded in lists was adopted, first and predominantly in Rome, to assert episcopal authority against the claims of influential competitors in the second and third centuries before Eusebius returned the concept to its former Hellenistic uses, celebration and defense of the Church as an institution.'

[27] A recent detailed examination of the extent and limits of the ecclesiastical adoption of the secular administrative division can be found in Norton, 'Chapter 5. Provinces and Patriarchs: Organizational Structures', *Episcopal Elections 250–600*, 118–44. With regard to their ranking, the famous canon 3 of the First Council of Constantinople (381) justifies the elevation of Constantinople as second highest patriarchate after Rome on the basis of its being 'the New Rome', and is confirmed by canon 28 of the 451 Council of Chalcedon. See also canon 38 of the 692 Quinisext Ecumenical Council, in Trullo, where this principle is clearly defined: 'The canon which was made by the Fathers we also observe, which thus decreed: If any city be renewed by imperial authority, or shall have been renewed, let the order of things ecclesiastical follow the civil and public models', ET available at http://www.fordham.edu/halsall/basis/trullo.html. See for further John Meyendorff, 'The Council of 381 and the Primacy of Constantinople', in *Catholicity and the Church* (Crestwood NY: SVS Press, 1983), 121–42 (esp. 131–3). For a bibliography on the extent to which the hierarchical order of the various local church and patriarchates followed Roman Imperial organization, see Randall Lee, Jeffrey Gros (eds.), *The Church as Koinonia of Salvation. Its Structures & Ministries. Agreed Statement of the Tenth Round of the U.S. Lutheran-Roman Catholic Dialogue with Background Papers* (Washington DC: USCCB, 2004), §162 (p. 68); also §284 (p. 128).

[28] See Brian E. Daly, 'Position and Patronage in the Early Church: The Original Meaning of "Primacy of Honour"', *Journal of Theological Studies* 44, (1993), 529-53 (esp. 530); cf. Michele Maccarrone, '"Sedes Apostolica—Vicarius Petri". La perpetuità del primato di Pietro nella sede e nel vescovo di Roma (Secoli III–VIII)', in Maccarrone (ed.), *Il primato del vescovo di Roma nel primo millennio: ricerche e testimonianze. Atti del symposium storico-teologico Roma, 9–13 Ottobre 1989* (Vatican City: Libreria Editrice Vaticana, 1991), 275–362 (282–3 and 285), on the fruitful borrowing of the concepts of *praerogativa* and *auctoritas*, the first from an ancient Roman institution, the second directly from Roman law. Again, a recent survey of the importation of the notion of *privilegium* from Roman law to ecclesiology and canon law can be found in Alan McCormack, *The Term 'Privilege'. A Textual Study of Its Meaning and Use in the 1983 Code of Canon Law*, Ph.D. thesis (Rome: Pontificia Università Gregoriana, 1997), esp. 6–14.

A further illustration of the fact that the import from secular sources extended to the level of theory since an early date in the church's life is provided by the emergence of a distinctive, quite original, and hugely influential (down to the present day) way of conceiving the Petrine primacy by pope Leo I (440-61), as Walter Ullmann among others has argued.[29] Leo I succeeded, for the first time ever, in providing a lasting—if, I shall argue, anachronistic—answer to the remarkably difficult task of justifying the crucial link between the person of the pope and Peter. The issue was justifying those prerogatives which the pope was thought to have, by explaining how they passed from Peter—who was supposed to have exercised them—to the bishops of Rome after Peter's death. Leo I justified that passage by employing the Roman law on inheritance. He claimed that the pope was to be understood as the *heir* and *successor* of Peter. Now, according to classical Roman law, there existed complete juristic identity between successor, or heir, and the deceased person: the latter is literally continued in the former, and takes her place by receiving all the assets, liabilities, and, most to the point, the office, which were of the deceased person ('Haereditas est *successio in universum ius*').[30] The claims for papal prerogatives were thus justified by the fact that each pope was the successor to Peter, in the legal sense of the word and with the consequences spelled out by Roman law, and thus enjoyed the latter's powers for the fulfilment of the Petrine office. It enabled the elaboration of 'a full-fledged' theory 'culminating in the juristic succession of the pope to St. Peter'[31] which is still in place at present.[32]

Some comments by Ullmann on this development are worth reporting. The move towards understanding papal primacy and its prerogatives entirely in terms of Roman law at the time of Leo I was not only 'understandable'—for the Petrine commission was

[29] Walter Ullmann, 'Leo I and the Theme of Papal Primacy' [1966], in Ferguson (ed.), *Church, Ministry, and Organization in the Early Church Era*, 359–86. See, however, a recently posthumously published essay by the late Douglas Powell, '*Haeres Petri*: Leo I and Church Order', *International Journal for the Study of the Christian Church* 8, no. 3 (2008), 203-10, which contends, against Ullmann, the accuracy of reading Leo as utilizing the expression '*haeres petri*' in its technical juridical meaning.

[30] '[W]hilst the bearer of the rights and duties is different, the latter are in no wise thereby affected', *ibid.*, 368. Maccarrone has more recently agreed with him in his '"Sedes Apostolica—Vicarius Petri"', *op. cit.*, 288–9, also 300–1, 306–7, 308–9, and has further referred to the lengthy treatment in Josef Fellermayr, *Tradition und Sukzession im Lichte des römisch-antiken Erbdenkens* (München: Minerva Publikationen, 1979), esp. ch. 7 '*Haereditas Petri*', 347–422, who likewise reaches the conclusion that the primary source of the metaphor of the heir is not the biblical imagery of inheritance but rather Roman law and legal practice, although passages cited from the Bible eased its incorporation into Christian thought.

[31] 'Leo I and the Theme of Papal Primacy', 367.

[32] 'The readiness with which the following pontificates operated with this [juristic] form of governmental action and instruction would indeed prove how fertile the soil was for juristic argumentation', 365; and he clarified: 'From the purely intellectual standpoint it can be said without fear of gainsaying that the medieval papacy was built on the juristic foundations laid by Leo', *ibid.*, 380 (cf. also 383).

understood as a (primarily) judicial power—but in a sense necessary and inevitable, as Roman law contributed the only available theoretical tools in order to promote a deeper understanding. Not only could the *plenitudo potestatis* not have been conceived otherwise than in juridical terms;[33] but also, and even more importantly, '[o]nly through the juristic element of succession […] could the theme of Petrine powers continuing in the pope be established. And as long as this juristic link was not forged, the primatial claim of the papacy rested upon somewhat insecure and brittle foundations'.[34] Hence its importance:

> Leo's conclusion made a permanent contribution to the ecclesiological thought of the papacy, establishing as he did satisfactorily, that is, on a purely juristic basis, the continuity of the Petrine office in the pope, not because the latter occupied the same chair or because Peter's tomb was in Rome, but because he was the heir of St. Peter. […] Within the precincts of the theme of papal primacy Leo's theology appeared in the garb of Roman jurisprudence: it is nothing more and nothing less that juristic theology, as the originator of which he may well be claimed.[35]

Hence, also, Ullmann's warning:

> Now that—thanks to the Leonine argumentation—the juristic tissues are laid bare, it is no longer possible to air such sloppy and spongy views as that of a 'mystical union between St. Peter and the pope' or of a 'persönliche Erbheiligkeit'. What did exist was a juristically operative succession to a status or an office, and there is nothing mystical about this…[36]

As well as his quite notable conclusion:

> It is of no less moment to observe that it could only be by bringing juristic considerations to bear upon this crucial and vital problem of the Petrinity of the pope that all the potentialities inherent in papal Petrinity could be

[33] *Ibid*., 370; see also 377: 'It was the judicial nature of the office which led Leo I to conceive the Petrine commission in proper legal categories and secondly to utilize the Roman law in his clarification of the relationship between him *qua* pope and Peter *qua* office-holder'.

[34] *Ibid*., 362–3; it would also be worth further investigating his statement that 'this exclusively juristic orientation explains why it was—and still is—possible for a layman to become pope: no charisma, no sacramental qualities are needed to exercise purely juristic functions of government', p. 385.

[35] *Ibid*., 367; also the remarkable if slightly overstated statements: 'Leo's conception of the pope as the *indignus haeres* of St. Peter established in a concise, succinct, and, I dare say, unsurpassable form the conceptual succession of the pope in exclusively juristic terms […] taken from Roman law', *ibid*., see also 380. About the concept of 'juristic theology', Ullmann refers to his *Growth of Papal Government* (London: Methuen, 3rd ed. 1970), 359–61.

[36] *Ibid*., 384.

> envisaged and stated with a clarity for which it is difficult to find an adequate parallel.[37]

Arguably, Leo was not interested in contending that the popes really were the historical *legal successors* of Peter according to Roman law: but what he did want to do was to point to the institution of the Roman law of inheritance and maintain that the way in which the heir inherits the content of the office of the deceased person can explain analogously how the pope should be understood as inheriting the function and powers which Peter had.

Such theory, which will strongly contribute to shaping the future of the RC Church, is based on an analogical construction with civil society, and represents a good instance of the exploitation of juridical concepts for clarifying ecclesiological issues. With this, Ullmann's final assessment has arguably a broader application than to the issue of the primacy alone; it hints at the role that cultural development plays in the development of doctrine—in our case, the role the development of political philosophy plays in the development of ecclesiology.

These are but a few instances of the '"environmental influences" of Roman law and the Roman constitution on the organizational complexion of the Roman Church'.[38] The influence of Roman law on both the civil and the ecclesial societies was to be somewhat diminished in the West for several centuries after the fall of the Western Roman empire, before its rediscovery in the twelfth century. Still, the intervening period continued to witness to parallels being routinely drawn between the secular and the ecclesiastical hierarchies. Specifically, when dealing with the different *ordines* within the holistic conception of Christendom,

> Some authors conceived of two parallel *ordines*, clerical and lay, the *official* of the ecclesiastical hierarchy having exact counterparts in the secular hierarchy. Pope and emperor were equivalent ranks, as were patriarchs and *patricii*, archbishops and kings, metropolitans and dukes, bishops and counts, down to the lowest levels of the two hierarchies. The symmetry of this vision of Christian society appealed in the twelfth

[37] *Ibid*., 380; cf. 367, quoted above.

[38] 'Leo I and the Theme of Papal Primacy', 375 no. 4, referring to Stephan Kuttner, 'Some Considerations on the Role of Secular Law and Institutions in the History of Canon Law', in *Scritti di sociologia e politica in onore di Luigi Sturzo* (Bologna: Zanichelli, 1953), Vol. II, 349–64 (the entire volume is available at http://www.luigisturzo.it/images/stories/biblio/scrittidisociologiaepoliticainonorediluigisturzo-vol2.pdf). See also Pierre Legendre, *La pénétration du droit romain dans le droit canonique classique de Gratien à Innocent IV: 1140–1254* (Paris: Jouve, 1964).

> century to Honorius Augustodunensis and Hugh of St Victor, as well as to anonymous illuminators of manuscripts.[39]

We thus arrive to the period which best evidences the importations into ecclesiology of insights and practices from political philosophy.

2.3 From the Eleventh to the Fifteenth Century

The period beginning from the twelfth century is significant for an examination of the method to be used in ecclesiology for it is then that attention to the church as an institution assumed the contours of a distinct and important discipline of its own. Previously, the church did not get separate treatment, only passing considerations within broader arguments on the various homiletic or more theoretical patristic texts. The language used was not technical but mostly metaphorical, made up of images from the bible and the Fathers. Ecclesiology as a subject in its own right and with its own proper techniques only emerged in the Middle Ages. It is conventional for histories of ecclesiology to see in James of Viterbo's *De regimine christiano* (1301–2) the first treatise wholly dedicated to the institutional Church.[40]

In the period from the mid-twelfth century to the mid-thirteenth the Roman curia developed considerably, enabling the papacy to greatly extend its operational range and thus the possibilities of centralization. As Oakley put it,

> Only in the second half of the eleventh century, indeed, with their vigorous leadership first of the Gregorian reform and, later, of the crusading movement, did the popes begin to undertake a more than intermittent exercise of judicial authority and of truly governmental power over the entire universal Church. Only in the thirteenth century, with the rapid expansion of that governmental role, did they come to be viewed as credible claimants to the *plenitudo potestatis*, the fullness of jurisdictional authority over that Church. And only with that development did they begin to emerge in no small measure as sacral monarchs, true medieval successors of the erstwhile Roman emperors, claiming many of

[39] I. S. Robinson, 'Church and Papacy', in Burns (ed.), *The Cambridge History of Medieval Political Thought—c.350–c. 1450*, 252–305 (263–4) (four footnotes with primary sources and some bibliography have been omitted).

[40] James of Viterbo, De regimine Christiano: *A Critical Edition and Translation*, ed. R. W. Dyson (Leiden and Boston: Brill, 2009). Significantly, the entire first part 'begins with [and is based on] an analysis of the Church as a community in the light of book 1 of Aristotle's *Politics*', xxiii. Again, it is no coincidence that his was also the first work 'to treat the Church consistently as a kingdom with the pope as its king', Francis Oakley, *The Conciliarist Tradition* (Oxford: OUP, 2003), 220; also Eric Plumer, 'The Development of Ecclesiology: Early Church to the Reformation', in Peter C. Phan (ed.), *The Gift of the Church. A Textbook on Ecclesiology in Honor of Patrick Granfield, O.S.B.* (Collegeville MN: Liturgical Press, 2000), 23–44 (23 and no. 2).

> the attributes of those emperors and using some of their titles, surrounded by their ceremonies, wearing their regalia, exploiting their laws, and eventually showing little hesitation about invoking the most secular of sanctions against those powers that seemed seriously to threaten their imperial position.[41]

The papacy's ecclesial domain of action included legislating through decretals, acting as a court of appeal or through delegate judges, collecting taxes, especially by means of 'papal preferment to vacant benefices all over Europe of candidates selected at Rome, as well as the papal creation on behalf of other selected candidates of 'expectancies' for benefices not yet vacant'.[42] It seems that in the eight years of his pontificate, Pope Benedict XII's (1334–42) issued 'a total of 4,002 provisions and expectancies (i.e. provisions to benefices not yet vacant) [...]—by any standards a massive intervention in the realm of collation to benefices, and one that was to be intensified under his papal successor'.[43] All the above was the unprecedented, concrete factual basis both resulting from and justifying the papal claim to a plenitude of jurisdictional power over the universal church; indeed, it 'represented an immense and systematic intensification in the exercise of that power'.[44]

Another significant area of the symbiosis between ecclesiology and political philosophy during the Middle Ages has been the voting procedures, especially for appointing officials. 'All of the ancient and medieval choice theorists worked in the context of practical elections and electoral systems in the Roman Senate or the medieval Church.'[45] Ancient and medieval authors, such as e.g. Pliny the Younger, Ramon Lull, and Nicholas Cusanus, were confronted with the very same disadvantages intrinsic to any voting procedure, whether within or without the church, and devised several voting methods to overcome them. Their 'precocious insights into strategic voting and agenda manipulation—issues that are still current—push back the invention dates of such procedures as rank-order count, exhaustive pairwise voting, and approval voting by

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[41] Oakley, *Conciliarist Tradition*, 4. For a translation and commentary of a typical ecclesiological pamphlet describing the papal office largely by means of Roman law categories—e.g. 'living law' (*lex viva*), 'not bound by the laws' (*solutus est legibus*), 'that which pleases him has the force of law' (*ei quod placet, legis vigorem habet*)—see Oakley, *The Western Church in the Later Middle Ages* (London: Cornell University, 1979), 164–8. The pamphlet in question is the anonymous *Determinatio compendiosa* written about 1342.

[42] Oakley, *Conciliarist Tradition*, 30–1.

[43] *Ibid.*, 31, referring to Guillemain, *La politique bénéficiale du pope Benoît XII, 1334–1342* (Paris: H. Champion, 1952), 129–41.

[44] Oakley, *ibid.*, 31; also 27, for the intra-ecclesial reaction to such papal interventions.

[45] Joseph M. Colomer and Iain McLean, 'Electing Popes: Approval Balloting and Qualified-Majority Rule', *Journal of Interdisciplinary History* 29, no. 1 (Summer, 1998), 1–22 (2).

several centuries.'[46] The very concrete advantages and disadvantages of such different voting procedures as unanimity, majority, qualified majority and two-thirds majority, exclusion vote (where a two-thirds majority votes to exclude one of the candidates), approval balloting (where voters can vote for more than one candidate in order of preference), were all studied and implemented within the church for the appointment of its office-holders (pope included). Indeed,

> The history of Church decisions about electoral rules seems to have been driven by successive reactions to unintended, undesirable effects of previous decisions. The change from unanimity rule to two-thirds qualified-majority rule was fortunate, from the perspective of modern social choice literature, since the two-thirds rule makes cycles and unstable decisions for a limited number of candidates impossible. The trade-off, however, was the time needed to reach a final decision. […] [T]he delays provoked by the requirements of qualified-majority rule were curbed somewhat by the physical and material restraints on the cardinals while locked up in conclave, as well as by the cardinals' prerogative to approve more than one candidate [i.e. 'approval voting']…[47]

The successive reforms of the rules for electing popes during the Middle Ages can be explained as a series of rational responses to some recurring drawbacks and problematic outcomes of electoral procedures, adopted in reaction to unintended consequences of the previous electoral reforms. In all this, canonists' and theologians' belief that the outcomes of the elections—especially papal elections—ought to correspond to God's will did not stop them to investigate the insights from political philosophy concerning how best to implement the human means for discovering the truth. Concretely, a theoretical development can be traced which culminated in the eventual vindication of majority rule: thus the problems deriving from attempts at weighing the votes on the basis of the 'soundness' (*sanioritas*) or quality of voters were eventually solved at the theoretical level by the affirmation that *sanioritas* should ordinarily be presumed to reside with the *majoritas*, especially if the latter is a large (e.g. two-third) majority—an evaluation of majority rule which contrasts somewhat with that of the recent RC magisterium.[48] In summary, 'theories of election, office, and

[46] *Ibid*.
[47] *Ibid*., 21–2.
[48] This shift among canonists and theologians discussing church elections 'from the double principle of *maioritas* et *sanioritas* to the pure numerical rule' has been sketched by Luisa Giuriato, 'Combining Autocracy and Majority Voting: The Canonical Succession Rules of the Latin Church', UCSIA Discussion Paper No. 0715 (December 2007), 1–25 (13–5), available at http://mpra.ub.uni-

jurisdiction belonged to the canonist's stock in trade',[49] as did theories of representation and delegation.

Most interestingly for present purposes, the foundational problems regarding the locus and origins of authority—jurisdictional as well as ecclesiastical, according to a division which was to have considerable fortune in later history—were investigated and made to bear upon the issues of the day, mainly touching the right relationship and extent of the jurisdiction of the pope with that of—in the chronological order in which the disputes arose—temporal rulers (the struggle for the investitures of [lord-]bishops); the bishops (the quarrels on the mendicant orders: are the travelling friars subject to the local ordinary or do they enjoy exemption from it in virtue of their being immediately under papal jurisdiction?);[50] the council (especially the central issue at the councils of Basel and Constance: where does the supreme [judicial] authority in the church reside?). The structural difficulties emerging in that period fostered ecclesiological development by raising new questions. An increasingly systematic reflection on the polity of the church—its structure of authority—had become necessary to answer concrete power-struggles: systematic ecclesiology was born and developed under pressure for solving distinctively institutional difficulties concerning the papal polity.

The need to cope with issues concerning the respective competences and domains of action of the papacy and local authorities, whether secular or ecclesiastical, fostered a systematization and development of canon law, especially during the great century stretching from Gratian's *Decretum* to Gregory IX's *Decretales*. The practical quandary

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muenchen.de/15164/1/MPRA_paper_15164.pdf. For a critical analysis of the position of recent papal evaluations of majority rule see 5.10–5.11.

For further on the principle of majority in church history, consult Norton, *Episcopal Elections 250–600*, 21–2 (on can. 6 of the First Council of Nicaea, endorsing the use of majority voting in episcopal elections; Jörg Pelzer, 'Conflits électoraux et droit canonique. Le problème de la valeur des votes lors des élections épiscopales en Normandie au Moyen Âge central', *Tabularia «Études»*, 6 (2006), 91–107 (93, nos. 5–6), also available at http://www.unicaen.fr/mrsh/craham/revue/tabularia/dossier6/textes/02peltzer.pdf (the website also hosts the German version of the essay), who offers a good bibliography on the treatment of majority rule during the first millennium and especially by medieval canonists and theologians; Pier Aimone-Braida, 'Il principio maggioritario nel pensiero di glossatori e decretisti', *Apollinaris*, 58 (1985), 209–85; the short, 28-pages booklet by Klaus Ganzer, *Unanimitas, maioritas, pars sanior: Zur repräsentativen Willensbildung von Gemeinschaften in der kirchlichen Rechtsgeschichte* (Stuttgart: Steiner 2000); J. Gaudemet, 'Unanimité et majorité (Observations sur quelques études récentes)', in Faculté de Droit et des Sciences Économiques de Grenoble (ed.), *Études historiques à la mémoire de Noël Didier* (Paris: Montchrestien, 1960), 149–62 (157); Léon Moulin, '*Sanior et Maior Pars*: Note sur l'évolution des techniques électorales dans les Ordres religieux du VIe au XIIIe siècle', *Revue historique de droit francais et étranger 4e série*, 36 (1958), 368–397 and 491–529.

[49] Robert L. Benson, *The Bishop-Elect. A Study in Ecclesiastical Office* (Princeton NJ: Princeton University Press, 1968), 16.

[50] See the short summary provided by Brian Tierney, 'Church Law and Alternative Structures. A Medieval Perspective', in Francis Oakley and Bruce Russett (eds.), *Governance, Accountability, and the Future of the Catholic Church* (New York/London: Continuum, 2004), 49–61 (54–7).

of deciding who (or which body) should appoint bishops raised the deeper issue regarding the locus of authority in the community—thus entering the reserve of what is today political philosophy. The ecclesial problems facing canonists were those about justice (*ius*) in the organization of the social and political relationships which are shared by any structured polity: hence, because of the very nature of the subject, the systematization and development of the *ius canonicum* could and in fact did incorporate the solutions to the question of (societal) justice already established in the secular sphere by that highly systematic body of Roman *ius civilis*. So it is that canon law experienced its most sustained development because Roman law became increasingly available.[51] Canon lawyers found that the rules of both legal systems, the Roman and the ecclesial,

> sometimes conflicted and sometimes agreed, but most often they found that the rules of one legal system could be used to illuminate, qualify, or refine the rules of the other system. […] Eventually, the two systems would become inextricably entangled with each other, in effect forming a new legal system. This is the *ius commune*, the European Common Law, which dominated European law for the rest of the middle ages and beyond.[52]

Thus, '[b]y the end of the twelfth century the study and knowledge of canon law demanded training in Roman doctrine and principles'.[53] Roman law first, and Aristotelian political philosophy a few decades later, supplied essential elements of the theoretical justification of the medieval ecclesiastical polity. Roman law, for instance, was the legislative framework used to classify 'the accumulated body of rules concerning the disposition of ecclesiastical benefices'.[54]

More fundamentally, however, two insights from the Roman law of corporations have been used by canonists: the first is the *plenitudo potestatis*, used to explain papal sovereignty: such expression defined in classical Roman law 'a kind of mandate of "full power" that could be granted by a corporate body to an agent acting on its behalf'.[55]

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[51] Consult Anders Winroth, *The Making of Gratian's* Decretum (Cambridge: CUP, 2004), 146–64; 196.

[52] *Ibid*., 196.

[53] Ken Pennington, 'Innocent III and the *Ius commune*', in Richard Helmholz, Paul Mikat, Jörg Müller, and Michael Stolleis (eds.), *Grundlagen des Rechts: Festschrift für Peter Landau zum 65. Geburtstag*, Rechts- und Staatswissenschaftliche Veröffentlichungen der Görres-Gesellschaft, NF 91 (Paderborn: Verlag Ferdinand Schöningh, 2000), 349–66, available at http://faculty.cua.edu/Pennington/Medieval%20Papacy/InnocentIuscom.htm.

[54] See the fine treatment in Oakley, *Conciliarist Tradition*, 23–5 (24).

[55] Tierney, 'Church Law', 49.

Interestingly, it seems that imperial ideology appropriated that expression for its own purposes from (papal) ideology, rather than directly from Roman law.[56]

Again, medieval canonists and theologians adopted corporation theory, whose general principle was that 'authority resided with all the members of the Church, who conferred upon the head only a limited and conditional right to act on their behalf'.[57] Consistent with that theory was another famous principle of Roman law which was seen as valid in the church just as in civil society, namely '*quod omnes tangit debet ab omnibus approbari*' (what touches all should be approved by all—*Corpus iuris civilis*, *Codex Iustinianus*, 5.59.5). Such principle 'was [later] to play a large part in struggles against absolutism',[58] and the insight it conveys is construed as foundational by much of contemporary political philosophy.

Tierney summarized: 'Such phrases [i.e. *plena potestas* and *quod omnes tangit*] were taken out of Roman private law by the canonists, turned into principles of constitutional government in their [ecclesiological] works, and then reflected back so to speak to the temporal sphere where they influenced the theory and practice of secular government'.[59] Roman law first (from the eleventh century) and then Aristotelian political philosophy (from the second half of the thirteenth) supplied the intellectual tools for unravelling many ecclesiological issues.

The fact that the same philosophical arguments were used to justify the general organizational pattern of both the ecclesial and the temporal societies, and that foundational insights from legal and political philosophy were naturally considered valid with regard to the ecclesial polity means that the latter was considered fundamentally analogous with the civil polity. Such was, for example, Aquinas'

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[56] Hans-Joachim Schmidt, 'The Papal and Imperial Concept of *plenitudo potestatis:* The Influence of Pope Innocent III on Emperor Frederick II', in John C. Moore (ed.), *Pope Innocent III and His World* (Aldershot: Ashgate, 1999), 305–14.

[57] Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge: CUP, 1955), 244: '[T]he most respected canonists held that in the corporate whole of the Universal Church all power was concentrated in the head by a direct act of the divine will; but they also held that, as a general principle of corporation structure, authority resided with all the members of the church, who conferred upon the head only a limited and conditional right to act on their behalf'.

[58] J. G. Kerwin, 'Democracy', in Thomas Carson and Joann Cerrito (project eds.), *New Catholic Encyclopedia*, (London: Gale/Thomson in association with the Catholic University of America, 2nd ed. 2003), vol. IV, 636-44 (639). For an assessment of the enormous influence of such a foundational principle on both the ecclesiastical as well as secular domains, as well as an up-to-date bibliography on the subject see Italo Merello Arecco, 'La máxima "Quod omnes tangit": Una aproximación al estado del tema', *Revista de Estudios Histórico-Jurídicos* 27 (2005), 163-75, available at http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0716-54552005000100008&lng=es&nrm=iso. See also the unpublished doctoral dissertation by Miruna Tătaru-Cazaban, '*Quod omnes tangit*: le problème du consentement politique de Thomas d'Aquin jusqu'à Nicolas de Cues', unpublished PhD thesis, University of Bologna, 2007, available at http://amsdottorato.cib.unibo.it/459/1/Tesi_Cazaban.pdf.

[59] Tierney, 'Church Law and Alternative Structures', 49–50.

understanding of the matter, to the extent at least that for him 'Arguments from political thought (such as the principles of representation or consent) have—and this claim has obvious subversive consequences—equal relevance to Church as to State'.[60] This crucial methodological and theological contention, implicit yet evident in Aquinas' thought, was to become dominant among the best and brightest subsequent theologians and canonists: a cursory survey could mention John of Paris (1255–1306), Marsilius of Padua (c. 1275–c. 1342), Pierre d'Ailly (1350–1420), Francesco Zabarella (1360–1417),[61] Jean Gerson (1363–1429), Nicolò de Tudeschi ('Panormitanus', 1386–1445), Nicolas Cusanus (1401–1464), Francisco de Vitoria O.P. (1492–1546), Domingo de Soto, O.P. (1494–1560), the 'divines of Paris' John Mair (1467–1550), Jacques Almain (c. 1480–1515), and later Edmund Richer early in the seventeenth century (1559–1631). The same methodological approach, and thus the theology undergirding it, was adopted also by the top theologians of the papalist camp: Juan de Torquemada O.P. (also known as Johannes De Turrecremata, 1388–1468), Tommaso da Vio, O.P. (also known as Cajetan, 1469–1534), and Roberto Bellarmino, S.J. (1542–1621). It is noteworthy the presence of six Cardinals among the theologians mentioned: Zabarella, d'Ailly, Torquemada, Cusanus, Cajetan, and Bellarmine. The dependence of ecclesiology on political philosophy continued unabated through the centuries. It was self-evident that if something belonged to what they considered the natural law (i.e. the right understanding and ordering of reality and specifically human political life), then it could not be dismissed as no longer applicable within the Church. Thus ecclesiology and political philosophy were inextricably linked: theories about the origins of authority in civil society had implications for understanding the locus of authority in the ecclesial community.[62]

2.4 From the Reformation to Vatican II

With the Reformation, the heated debates on institutional and structural problems pressed a greater systematization of ecclesiology, for they required to define the terms under discussion with precision and to determine their relation to other ecclesiological concepts. At the same time, they resulted in quite a greater variety of different and even

[60] Paul Avis, *Beyond the Reformation? Authority, Primacy and Unity in the Conciliar Tradition* (London: T&T Clark, 2006), 40–3 (42).

[61] On this latter see for instance Tierney's analysis in *Foundations*, 220–37, which focuses on the manner in which Zabarella employed corporation law to expound his views on Church government.

[62] Katherine Elliot van Liere, 'Vitoria, Cajetan and the Conciliarists', *Journal of the History of Ideas* 58, no. 4 (1997), 597–616 (604).

opposed ecclesiologies than the already varied panorama existing in the discipline before the Reformation.

A feature of post-Reformation ecclesiological thought most interesting for present purposes is that parallels between the forms of ecclesial and political government continued to be advanced not only by Protestant and Catholic theologians alike, but also by political philosophers. Specifically, papalists in the ecclesiological sphere were to appeal to some arguments of royalists and divine-right theorists (and vice-versa), while constitutionalists in the political sphere were to refer to the arguments of conciliarists (and vice-versa).[63] This methodological approach, based on the assumption that the ecclesial and civil polities were analogous, was thus common to both political philosophers and theologians, as Oakley has argued with a wealth of documentary evidence.[64]

And its acceptance or rejection was generally—with a few exceptions—to be at the heart of the arguments of, respectively, conciliarists and papalists (or constitutionalists and royalists). Thus, among political philosophers, royalists and divine right theorists rejected the constitutionalists' use of the 'democratic' arguments which conciliarists developed for the church by insisting that the ecclesiastical analogy was invalid[65]—the very same tactic, as we will see (4.4), that had already been adopted in reverse by papalist writers such as Cajetan, once they had to acknowledge as correct the democratic understanding of political authority.

On the other hand, Spanish and French monarchomacs in the late sixteenth century and, during the next couple of centuries, French, English, and Scottish resistance theorists and constitutionalists often stressed the natural superiority of the civil community, gathered in its representatives in the parliament, over its head, the

[63] Francis Oakley, *Kingship: The Politics of Enchantment* (Oxford: Blackwell, 2006), 124–8.

[64] Oakley, *Conciliarist Tradition*. John Neville Figgis had already remarked as much: '[W]hen all reservations have been made, there can be little doubt that it is right to treat the growth of political ideas, during the fifteenth and sixteenth centuries, as a branch of ecclesiastical history. […] In connection with the movement for a reformation of the Church in head and members we shall find the medieval theory of limited monarchy raised to its highest power by the Conciliar party, and stated in a form which [democratic-minded] politicians in other ages found serviceable; while the triumphant Papacy framed for itself a theory of monarchy by Divine right, which was afterwards to be at the service of secular princes', *Political Thought from Gerson to Grotius, 1414–1625: Seven Studies* (CUP, 2nd ed. 1916, reprinted by the Thoemmes Press, Bristol, 1998), 28–9.

[65] As Figgis put it: 'It was the lament of an English royalist in the seventeenth century that the dangerous theories of the rights of the people first became prevalent with the Conciliar movement. Even Huguenot writers like Du Plessis Mornay were not ashamed of using the doctrine of the Council's superiority over the Pope to prove their own doctrine of the supremacy of the estates over the king. Owen calls them par excellence "political" divines. The principles of Constance are in fact almost as frequently cited in general politics as the law of Edward the Confessor or *Magna Charta* in English.' *Political Thought*, 36.

king, by drawing a comparison with the whole ecclesial community which, gathered in a general council, could exercise its power to defend itself from a harmful or heretic pope.[66] As notable a political philosopher as John Locke understood the essential likeness between the ecclesial and the human polity: 'A church […] I take to be a voluntary society of men, joining themselves together of their own accord…', whose laws, he added, are agreed on by the members: 'the right of making its laws can belong to none but the society itself; or, at least (which is the same thing), to those whom the society by common consent has authorised thereunto'.[67] Of course, the reverse also happened of arguing from the structure of the civil to that of the ecclesial polity, with many theologians—especially of Reformed confession—regarding the democratic form of the state as the most adequate for the community of Christian brothers and sisters, all redeemed by Christ and thus all children of the same Father.

In general, then, it can be said that quite regularly, 'from John of Paris at the start of the fourteenth century to Henri Maret, dean of the Sorbonne theology faculty in 1869 on the very eve of the First Vatican Council', passing through the classical formulations of similar methodology as found in 'the so-called "divines of Paris", from Pierre d'Ailly and Jean Gerson in the fifteenth century, via Jacques Almain and John Mair in the sixteenth, to Edmond Richer in the seventeenth',[68] the analogy with political society was taken for granted, with all its momentous consequences concerning the use of political philosophy for diagnosing as well as offering prognoses to the problems of church organization: 'All of these men, as John Neville Figgis pointed out long ago, simply assumed that "*arguments applicable to government in general could not be inapplicable to the Church*".'[69] It is worth reflecting on the universality of such a view: as the list of names suggests, each century from the thirteenth forward can boast a handful of most distinguished theologians who worked on ecclesiological problems from the perspective

[66] Oakley, *Conciliarist Tradition*, 217–49, providing many examples from the political literature of the time; also his *Kingship*, 124, 148.

[67] 'A Letter Concerning Toleration', *The Second Treatise on Government and A Letter Concerning Toleration*, ed. J. W. Gough (Oxford: Blackwell, 1966), 131–2.

[68] Oakley, *Conciliarist Tradition*, 220.

[69] *Ibid*., 220–1, quoting Figgis, *Political Thought*, 47, my emphasis. Oakley further observed: 'Some fluctuation did occur in that thinkers like Bishop Bossuet in the seventeenth century and Febronius in the eighteenth, responsive as they were to pre-scholastic and patristic modes of thought, betrayed considerable uneasiness about the importation into ecclesiological discourse of arguments and analogies drawn from the world of secular politics. But in this they were the exception rather than the norm' (220, cf. 178). It is worth reflecting on the universality of such a view: each century from the thirteenth forward can boast a handful of most distinguished theologians who worked on ecclesiological problems from the perspective of political philosophy. As they were the pace-setters, it is likely that minor theologians too simply followed this method. On Richer, see Oakley, 'Bronze-Age Conciliarism: Edmond Richer's Encounters with Cajetan and Bellarmine', *History of Political Thought* 20, no. 1 (1999), 65–86.

of secular law and political philosophy. As they were the pace-setters, it is likely that minor theologians too simply followed this method.

As recently as the nineteenth century, ultramontanists regularly linked ecclesiology and political philosophy by drawing parallels between the absolute monarchies of the *Ancient Regime* and the monarchical constitution of the Catholic Church.[70] In the restorationist climate following the turmoil of the French Revolution the normal trend which saw theologians borrow from the development of society for understanding the Church also admitted of the reverse movement, whereby important components of Catholic culture, especially those of ultramontanist leanings,

> turned to the Church as a model of society […]. It was seen as the foundation of authority; exalted as the model for social organization […]. An ongoing parallelism was established between ecclesiastical and political forms. The problem of infallibility became identified with that of sovereignty ("L'infallibilité dans l'ordre spiritual, et la souveraineté dans l'ordre temporal, sont deux mots parfaitement synonymes", said de Maistre [*Du pape*, bk. 1, ch.1, J. Lovie and J. Chetail (eds.) (Geneva: Libraire Droz, 1966), 27]); the problem of authority was confused with that of tradition, considered superior to individual reason and the foundation of every rule, not only ethical-religious, but also cognitive ('A l'autorité de l'évidence, il faut substituer l'évidence de l'autorité', de Bonald was saying in polemics with Descartes) […].[71]

There were also, of course, those of a different opinion. In particular, one of the most accomplished nineteenth century proposals for church reform, Antonio Rosmini's *The Five Wounds of the Church*, owes a good deal of its novelty and originality to the author's deep knowledge of ancient and contemporary political thought.[72]

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[70] Hermann Pottmeyer, *Towards a Papacy in Communion*, trans. Matthew J. O'Connell (New York: Crossroad, 1998), 21, 48–52, 61.

[71] Francesco Traniello, *Società religiosa e società civile in Rosmini* (Brescia: Morcelliana, 2nd ed. 1997 [1966]), 12. On de Maistre as 'assimilating infallibility to sovereignty and viewing it as an attribute of any power that was truly monarchical', see Oakley, *Conciliarist Tradition*, 220 and, for a longer treatment, ch. 5, 182-216. For a treatment of the necessary link ultramontanists saw between sovereignty and infallibility consult Hermann Pottmeyer, *Unfehlbarkeit und Souveränität. Die päpstliche Unfehlbarkeit im System der ultramontanen Ekklesiologie des 19. Jahrhunderts*, (Mainz: Matthias-Grünewald Verlag, 1975); whose main lines Pottmeyer recently presented more concisely in his *Towards a Papacy in Communion*, 78–109 (esp. 78–81, also 52 on Mauro Cappellari's view on the subject—the future Pope Gregory XVI).

[72] *The Five Wounds of the Church*, ed. and trans. Denis Cleary (Leominster: Fowler Wright, 1987 [1848]), available at http://www.rosmini-in-english.org/FiveWounds/FW_Conts.htm. Little known yet of great value in this regard is what Rosmini wrote in his 1848 project for a reform of the Milanese Church inspired to the ideals of synodality expressed in the more famous *Five Wounds of the Church*: there he stated 'the principle that the government of the Church, *as it is required by our times and the correlative new forms of the state*, should be collegial more than individual or, to put it in a better way, the consultative part should be collegial, and individual the deliberative part', cited in Traniello, *Società religiosa e società civile in Rosmini*, 295 (my emphasis).

Perhaps the most evident instance of the lasting influence of political philosophy on ecclesiology lies in the papal dogma promulgated by Vatican I. Following the method of exploiting political philosophy in order to reach a greater understanding of ecclesiological problems, it defined the Petrine primacy in terms of the category of jurisdiction. Furthermore, such jurisdictional primacy was conceived on the analogy with political absolutism, insofar as it was *de facto*, although not *de iure*, unaccountable not only to any one single person within it but also to the community of Christians as a whole. I say *de facto* but not *de iure* because while all the traditional limits of papal jurisdictional authority were recognized—the ordinary jurisdiction of diocesan bishops; the fact that it had to be exercised only *ad aedificationem* and for the common good of the church; the fact that it had to employ all the relevant human means for discerning the truth before making a decision; and so on—have not been incorporated in the final text of the dogmatic decree, nor in the subsequent canonical legislation up to the 1983 *CIC* currently in force.[73] In the absence of legally defined checks and balances capable of controlling the fulfilment of those conditions, the exercise of papal jurisdictional primacy continues to be *de facto* absolutist.

From Vatican I to Vatican II little changed: the Petrine primacy continued to be understood in juridical terms, and the church as essentially a (perfect) polity. However, particularly noteworthy during that period is the elaboration of the first code of canon law (1917), which bears eloquent witness to the continuing validity of Roman law concepts, principles, and precepts within the ecclesial and not only the civil community.[74]

Significantly, the above sketchy historical outline suggests that the creative interaction between ecclesiology and political philosophy—and between ecclesial and civil structures—gradually diminished in the post-Tridentine period, in favour of an *ad hoc* apologetic exploitation of the most authoritarian theories concerning the human polity.

And yet—as the milestones of Vatican I and of the 1917 Code of Canon Law suggest—it is not that ecclesiology did not anymore use the language of political theory; but it no more kept up to date with the developing political thought—and, consequently,

[73] Consult the reconstruction of the debates at Vatican I in Stephen Duffy, 'The Modern Period', in Terry Tekippe (ed.), *Papal Infallibility: An Application of Lonergan's Theological Method* (Washington, DC: University Press of America, 1983), 61–116 (esp. 64–9, 73, 75, 85–6).

[74] Consult Hervé Legrand, 'Grâce et institution dans l'Église: les fondements théologiques du droit canonique', in Jean-Louis Monneron, *et al*. (eds.), *L'Église, institution et foi* (Brussels: Facultés universitaires St Louis, 2nd ed. 1985), 139–72.

with the developing organizational form of civil society. So far, this appears to be largely true also of the post-Vatican II period. Suffice here to mention two of that period's most significant ecclesiological imports from the legal and political domain: the first is the division of ecclesial power into the threefold pattern of legislative, executive, and judicial (*CIC* 1983, can. 135), almost two centuries and a half after its original introduction into political theory; and the second is the principle of subsidiarity.

Both such imports have been accepted in theory but contradicted in practice. In effect, the transposition into the RC Church of the threefold distinction of governmental authority has completely ignored the motivations behind its original introduction in the political sphere.[75] There it served primarily to separate the wielders of the three powers, so that each body could act as a balance of the other two. But in the RC Church it has become a purely verbal

> distinction among three kinds of authority, not a division into three branches of government. At the papal and episcopal levels of church authority, these three kinds of power are joined in one office; the three are united—there is no real separation of powers, except when it comes to those who assist the pope or diocesan bishops, e.g., the vicar general in executive matters, the judicial vicar in judicial matters.[76]

The result is that such import has been unfortunate: a purely formal and theoretical distinction, with no structural consequences, besides being useless, also adds confusion by giving the dangerous illusion that playing with words can be sufficient to solve the still unsolved question of the division of powers and competencies within the Christian community.

An analogous situation applies to the principle of subsidiarity: mandated as an ordering principle for the legal and political organization of the church, it is largely ignored in both the theory and practice of the RC Church (see esp. 5.4, but also 5.2–5.3).

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[75] The division has been officially introduced for the first time ever within the RC church by can. 135 of the 1983 Code of Canon Law. The original theoretical elaboration for civil society dates back to Montesquieu's *Spirit of the Laws* [*De l'esprit des lois*], trans. and ed. Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone, Cambridge Texts in the History of Political Thought (Cambridge: CUP, 1989 [1748]), ch. 11 §6, pp. 156–66. It has been rightly noted that on this important point the redactors of the Code did not explicitly acknowledge—rather they remained silent on—their indebtedness to political philosophy, see Rik Torfs, 'Auctoritas, Potestas, Iurisdictio, Facultas, Officium, Munus: A Conceptual Analysis', *Concilium* 197, no. 3 (1988), 63–73 (65–6).

[76] James A. Coriden, *An Introduction to Canon Law* (Mahwah NJ: Paulist Press, rev. ed. 2004), 165–6.

It appears, then, that the concrete application of the method of borrowing from the insights of political philosophy was never completely abandoned, albeit it did grow to a standstill in the crucial post-Tridentine period.[77] That period is crucial for many reasons. First, because it was a period of particular attention to the visible institutional structure as well as to the defence of its *status quo*, which discouraged as 'innovations' developments and creativity in that area. Second, because the cautious application of the ecclesio-political method in such a protective atmosphere coincided with, and was therefore influenced by, the language and concept of absolute sovereignty and absolute monarchy of early modern Europe, and their efforts toward an increasingly greater centralisation. And it is precisely from the post-Tridentine period that many (most?) structural features and theoretical justifications of the contemporary RC Church date back: so that absolute monarchy has remained the unchallenged political model of reference until now, if not always in theory at least in practice.

2.5 The Relationship between Ecclesiology and Political Philosophy in the Justification of Monarchy

As noted earlier, the fact that the ecclesial and the civil polities were considered fundamentally analogous is suggested by the fact that foundational insights and principles from legal and political philosophy were naturally considered valid for both polities. Ecclesiology was not construed as separated from political philosophy, and certainly not as contradictory to it on the grounds of some supernatural character or divine institution of the church—a move which will be made later by papalist apologist (consult 4.5–4.7 and 3.5 respectively).

An analysis of the parallel justifications ecclesiology and political philosophy gave for the monarchical form of government in the ecclesial and civil societies respectively can both supply a most significant instance of this and, by the same token, bring to focus the historical survey about the relationship of both disciplines during the second millennium.

From a world-historical perspective, it has been kingship which has dominated for millennia the political landscape of the major civilizations from the Neolithic Revolution (*c*.8,000–*c*.5,000 BC) to pretty much the nineteenth century.[78] Throughout this period, there is some evidence that 'the ideological pattern that in one form or

[77] For a similar statement see the historical interpretation offered in Pottemeyer, *Towards a Papacy in Communion*, 48–50 (49–50).

[78] This is the thesis of Francis Oakley's essay *Kingship: The Politics of Enchantment*.

another served for long millennia to sustain' monarchical kingship has remained remarkably similar, so much so that it 'can lay strong claim to having been nothing less than the *political commonsense* of humankind'.[79] Two insights among others have been central to such commonsense, one religious and the other functional. The former perceives the sacredness and divine character of the monarch; the latter the greater likeliness and efficiency of a single decision-maker for the preservation of the peace and unity of the community.

The Middle Ages largely followed that pattern of understanding and justifying monarchy. Moreover, they did so with regard to not only the civil but also the ecclesial society. With regard to the first point, it is evident that throughout the Middle Ages authority, whether in the ecclesial or in the temporal domain, has consistently been understood as divine in origin.

It is true, of course, that from a purely logical point of view, the divine origin of authority does not necessarily entail a monarchical government, and much less an absolutist one. This is because God was ordinarily understood as acting through secondary causes—specifically, the electors or, in Nicholas of Cusa's more fundamental perspective, human consent (6.2)—and thus as abiding by the customary electoral procedures and institutional forms, of which monarchy was but one. Moreover, even were God to be conceived as (miraculously) bestowing political or ecclesial authority directly and immediately, that would still determine nothing as to the person(s) to whom God decided to grant it, unless positive proofs could be produced from scripture and/or experience.[80]

Logic, then, did not allow justifying monarchy simply on the grounds that all authority came from a unique God. But there were two other possible justifications: the scriptural one appealing to the revealed Word of God, and the philosophical one appealing to the way the universe was structured.

Select scriptural passages were generally referred to as vindicating the monarchical conclusions inferred from the contention that all powers came from God: on the one hand, Rm. 13.1–7; 1 Peter 2.13–17; Matt. 22.20–21; 1 Samuel 8; Ezekiel 37.24; and elsewhere in the Old Testament in support of monarchy in the civil domain; on the other hand, the Petrine passages, in support of monarchy in the ecclesiastical domain.

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[79] *Ibid*., 4.

[80] Thus Nicholas of Cusa, *The Catholic Concordance*, bk. 2, §262 (pp. 202–3); also §§124 (p. 95), 130 (p. 100), 132 (p. 101), 249 (p. 194) and *passim*.

Yet, with regard to the first list of scriptural passages, it was evident that most of them have nothing to say about monarchy in particular, and the few that do cannot in any way be taken to justify monarchy as the necessary or even only most excellent polity. Last but not least, they represent but one approach of several in the bible with regard to political authority, and the most positive one at that. To limit oneself to the NT alone,

> Side by side with [the above passages] should be placed those other New Testament texts which cover a whole doctrinal spectrum, ranging from the more guarded affirmations of Peter's First Epistle to the blank hostility of the Apocalypse of John, which, in the name of the Kingship of God, denounces as Satanic the blasphemously deified emperors of Rome. If these texts are to be regarded as any less 'Christian' than those of Paul, then the reason for so discriminating should clearly be stated.[81]

Exactly the same considerations can be made with regard to the Petrine passages regularly enlisted to defend the papal monarchy. Despite affirmations concerning the unambiguity of their witness to a supposed dominical establishment of such an institution, their papalist interpretation was far from being self-evident and ultimately exegetically justified. Again, as had been the case with the apologetic exegeses in defence of monarchical authority in the civil sphere, papalist exegesis was noticeably unilateral in its overlooking *both* different yet traditional interpretations of the Petrine passages—chief among which those by Origen and Augustine—*and* other scriptural passages advancing quite a different picture of the nature as well as organization of ecclesial authority—primarily those giving the power of the keys to the twelve and the whole church (the mainstream, ecumenically accepted contemporary approach to those passages is summed up in 3.3).

Scripture too, then—just as it had been the case with strict logic—can hardly be regarded as successful in providing an unambiguous justification of monarchy as God's will for the civil and/or ecclesial societies. A third argument was to prove equally unconvincing: it appealed to the way the entire universe was patterned. In the Medieval Latin west, the most widespread philosophic-theological reconstruction of the order to the universe was the pseudo-Dionysian neo-Platonic hierarchical cosmology. Its constitutive and essential axiom affirmed that the cosmos is a descending hierarchy of mediating causal powers, with lower levels being contingent on the higher ones for their

[81] 'Celestial Hierarchies', *Past & Present* 60 (Aug., 1973), 3-48 (23), note omitted. For a survey of such different scriptural attitudes towards political authority, see Stephen Sykes, *Power and Christian Theology* (London: Continuum, 2006).

being, continuing existence, and perfection. Its central role in justifying the monarchical form of government in Christendom, in both its ecclesiastical and its civil sections, is particularly evident in that short yet epochal document which is Pope Boniface VIII's *Unam Sanctam* (1302). In it, the central Dionysian axiom that 'it is a law of the divinity that the lowest things reach the highest place by intermediaries' is the only authority other than Scripture cited by the pope to justify the subordination of the secular to the ecclesiastical power.[82] (Of course, such a 'sacral' justification was not the only or primary one; as we will see, functionalist justifications were ordinarily to play a much larger role in the royalist and papalist literature alike).

It has been partly due to precisely the abiding influence of such a cosmology—if we leave aside the more pragmatic and political considerations—that the first official acknowledgment by Roman Catholicism of the insight that the divine origin of power does not *per se* call for a monarchical form of government only took place in 1893 by Pope Leo XIII, somewhat belatedly and solely with regard to civil society.[83]

Not only could the conception of authority as coming from God, and thus sacred, not be ultimately understood as entailing the necessity of a monarchical government: it could not even be ordinarily understood as excluding its dependence on and accountability to the people. 'Despite the example of ancient Near Eastern monarchies

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[82] Quoted in W. J. Hankey, '"Dionysius dixit, Lex divinitatis est ultima per media reducere": Aquinas, Hierocracy and "augustinisme politique",' in *Tommaso d'Aquino: proposte nuove di letture. Festschrift Antonio Tognolo*, ed. Ilario Tolomio, *Medioevo. Rivista di Storia della Filosofia Medievale* 18 (1992), 119–50, available at http://classics.dal.ca/Faculty%20and%20Staff/DIONDIX1.php. Further examples of the use of pseudo-Dionysian cosmology to justify monarchy—whether in the political or the ecclesiastical sphere—are Dante, *De Monarchia* (although without mentioning explicitly Dionysius), with regard to monarchy in the civil sphere; Giles of Rome's *De ecclesiastica potestate* (edited and translated by R. W. Dyson under the title, *Giles of Rome's On Ecclesiastical Power: A Medieval Theory of World Government* [New York: Columbia University Press, 2004]), I, iv; I, ix; II, xiii; III, ii; as well as, much more explicitly, Augustinus Triumphus, *Summa de potestate ecclesiastica* [1326], xliv, i, with regard to monarchy in the ecclesiastical sphere. This last passage is quoted and commented in Michael Wilks, *The Problem of Sovereignty in the Later Middle Ages: The Papal Monarchy with Augustinus Triumphus and the Publicists* (Cambridge: CUP, 2008 [1963]), 275. See also for a survey of pseudo-Dionysian influence on both political philosophy and ecclesiology P. Rorem, *Pseudo-Dionysius: A Commentary on the Texts and an Introduction to their Influence* (Oxford: OUP, 1993); Daniel Luscombe, 'Some Examples of the Use made of the Works of the Pseudo-Dionysius by University Teachers in the Later Middle Ages', in Jozef Ijsewijn and Jacques Paquet (eds.), *The Universities in the Late Middle Ages* (Leuven: Leuven University Press, 1978), 228–41; and his entry 'Hierarchy', in A. S. McGrade (ed.), *The Cambridge Companion to Medieval Philosophy* (Cambridge: CUP, 2003), 60–73.

[83] '*Immortale Dei*: On the Christian Constitution of States', (1st Nov 1885), §§3–4: 'as no society can hold together unless some one be over all, directing all to strive earnestly for the common good, every body politic must have a ruling authority, and this authority, no less than society itself, has its source in nature, and has, consequently, God for its Author. Hence, it follows that all public power must proceed from God.

The right to rule is not necessarily, however, bound up with any special mode of government. It may take this or that form [...]. For, in things visible God has fashioned secondary causes ....' Available at http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei_en.html.

or of early-modern divine right theory, there is nothing *a priori* necessary about the opposition' between understanding kingship as dependent on the divine and understanding it as rooted in popular consent: quite the contrary in fact, accountability to the community was often understood as springing precisely from the monarchs' sacral status.[84] So it is that 'the Christian emphasis on the derivation of the king's powers from God, symbolized so effectively in the reception of unction and the adoption of the title "king by the grace of God",' did not also generally involve 'an emphasis on the independence [and unaccountability] of the king in his relations with his people'.[85]

In summary, neither concrete scriptural passages or the abstract claims that authority comes from God and that the entire cosmos is organized as a descending monarchical hierarchy, have ultimately proved sufficiently convincing to demonstrate a divine endorsement of monarchy in either civil society or the church, and much less to demonstrate that such monarchical exercise of authority had to be unaccountable.

Thus, both ecclesiology and political philosophy ordinarily complemented such considerations by strictly philosophical ones which, indeed, bore the substantial share of the justification of the monarchical form of government in the church and civil society respectively. Differently put, the 'sacred' justification of monarchy on the basis of its immediate divine origin never excluded, and indeed was most often complemented by, its functionalist justification as an efficient institution for carrying out certain tasks fostering the common good of the community—ordinarily only the limited ones of

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[84] Oakley, 'Celestial Hierarchies', 30. It remains true, however, that the contrary position too has been held often enough, especially during the seventeenth and eighteenth centuries with regard to political philosophy, and since the council of Trent till now with regard to RC ecclesiology. Still in 1893, Pope Leo XIII could write: 'the majesty of the law meet with the dutiful and willing homage of the people, when they are convinced that their rulers hold authority from God, and feel that it is a matter of justice and duty to obey them, and to show them reverence and fealty, united to a love not unlike that which children show their parents. "Let every soul be subject to higher powers." To despise legitimate authority, in whomsoever vested, is unlawful, as a rebellion against the divine will, and whoever resists that, rushes willfully to destruction. "He that resisteth the power resisteth the ordinance of God, and they that resist, purchase to themselves damnation." To cast aside obedience, and by popular violence to incite to revolt, is therefore treason, not against man only, but against God'. '*Immortale Dei*', §5, available at http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei_en.html (notes omitted).

Witness to its spread as late as 1912, at least among Catholic political philosophers, is the entry for 'Tyrannicide' in the *Catholic Encyclopedia*, affirming that 'In recent times Catholic authors, for the most part, deny that subjects have the right to rebel against and depose an unjust ruler, except in the case when the ruler was appointed under the condition that he would lose his power if he abused it. In proof of this teaching they appeal to the Syllabus of Pius IX, in which this proposition is condemned: "It is lawful to refuse obedience to legitimate princes, and even to rebel" (prop. 63).' John Harty, 'Tyrannicide', *The Catholic Encyclopedia* (New York: Robert Appleton Company, 1912), vol. XV, available at http://www.newadvent.org/cathen/15108a.htm.

[85] Oakley, 'Celestial Hierarchies', 31.

maintaining internal and external peace by providing justice and leading in war respectively.

The only contention essential to monarchical theories of civil authority is the one about the uniqueness of authority—there can or should be but a single supreme authority. Its primary non-scriptural and non-cosmological justification is that a single supreme authority would be more apt than a polyarchy to maintain the unity of operation essential to any society. In effect, according to the classic argument developed by the young Aquinas in favour of the civil monarchy in his treatise *On Kingship*, 'the dissension which often follows government by several persons is contrary to the good of peace [i.e. unity], which is the foremost goal of any social community', while the degeneration of the rule of one into a tyranny would not ordinarily be as disruptive of unity as the former.[86] Aquinas regarded such a tenet as vindicated not only by past and present experience, but also by logic: as he put it, 'Clearly [...] something which is itself one can bring about unity more effectively than something which is many can'.[87]

This argument, which Aquinas had developed for civil society, was to become, most significantly, a central—if not *the* central—philosophical justification advanced in support of *ecclesiastical* monarchy in the writings of papalist theologians, including the Cajetan of the 1512 tract.[88] (Although it should be recalled that such a distinctly functionalist justification from political philosophy was adopted very early on—indeed from at least the fourth century—by the emerging Christian hierarchy).[89]

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[86] Aquinas, *On Kingship*, in Aquinas, *Political Writings*, ed. and trans. R. W. Dyson (Cambridge: CUP, 2002), 5–51 (bk. I, ch. vi, p. 16).

[87] *Ibid*., bk. I, ch. iii, p. 10.

[88] 'On the Comparison of the Authority of Pope and Council' in *Conciliarism and Papalism*, *op. cit*., 1-133 (3-4), repeating almost verbatim Aquinas in *On Kingship*, bk. I, ch. iii, p. 10. The unity of the church, necessary for its very existence, is still nowadays deemed by Roman Catholicism as requiring a monarchical authority at every level of the ecclesial polity, see e.g. *LG* §23 and, more recently, Pope Benedict XVI, 'Letter to the Bishops, Priests, Consecrated Persons, and Lay Faithful of the Catholic Church in the People's Republic of China', (27th May 2007), §5, available at http://www.vatican.va/holy_father/benedict_xvi/letters/2007/documents/hf_ben-xvi_let_20070527_china_en.html, both quoted and commented on in 6.4. Such a position, however, is mistaken to the extent that it overlooks that, as we will see later (3.6), the only element both sufficient and necessary for the unity or existence of any community is a common fund of meanings, values, and goals shared by a group of people.

[89] See the clear statement from the pseudo-Clementine homilies: '... the multitude of the faithful ought to obey some one, that they may live in harmony. For that which tends to the government of one person, in the form of monarchy, enables the subjects to enjoy peace by means of good order; but in case of all, through desire of ruling, being unwilling to submit to one only, they must altogether fall by reason of division.

[I]f one were universal superior, he, having no reason why he should make war, would have perpetual peace. In short, therefore, to those who are thought worthy of eternal life, God appoints one universal King in the world that shall then be, that by means of monarchy there may be unfailing peace. It behoves all, therefore, to follow some one as a leader, honouring him as the image of God; and it behoves the leader to be acquainted with the road that entereth into the holy city.' 'Clementine Homilies', Homily

Such was, then, the only tenet both sufficient and necessary for justifying monarchy. In addition, however, a second argument defended specifically the absolute or unaccountable aspect of monarchy—or, differently put, defended obedience as the only possible response to (monarchical) authority. It contended, first and foremost, that if it were possible to judge the supreme authority, the latter would not be supreme anymore, and the problem would simply shift from controlling the former to controlling its controller. If one allows the possibility of subjecting the supreme authority to a regulatory agency, then one cannot logically dismiss a potentially infinite series of controllers.[90] And on the assumption that a unique authority is necessary for the very existence or at least good of a community, it is concluded that the latter would be either destroyed or seriously weakened by such a multiplication of controlling authorities.[91]

Secondly, while it is true that the absolute monarch is bound to serve the common good of the community, nobody has the right to judge whether it is actually doing so or is rather tyrannically operating towards the destruction of the community. In any bilateral contract, one party can never unilaterally declare that the other is not fulfilling its duty: rather, appeal must be made to a judge: and because, as just noted, no supervisory agency can be had, such judge can be no one but God. Accordingly, the only remedy to a tyrannical king or pope is prayer.[92]

3, §§61–2, in *Ante-Nicene Fathers*, Philip Schaff (ed.), *The Twelve Patriarchs, Excerpts and Epistles, The Clementia, Apocrypha, Decretals, Memoirs of Edessa and Syriac Documents, Remains of the First Age* (Calvin College: Christian Classics Ethereal Library, 1995 [1886]), vol. VIII, pp. 430–1, available at http://www.ccel.org/ccel/schaff/anf08.pdf.

[90] One of the earliest classic expositions of this argument, which was to be reiterated time and again in the next centuries by royalists and papalists alike, can be found in bk. I, chapter x of Dante's *De Monarchia*. The same essential point has still been repeated recently by RC theologians in the context of ecumenical dialogues on the Petrine primacy as an obstacle to introducing measures for keeping the pope accountable: 'We share the concern of our Lutheran partners in dialogue that safeguards should be provided against violations of Christian rights and freedoms on the part of all ecclesiastical authority, papal included. [However,] to impose juridical limits on papal power would presumably involve a transfer of some of that same power to other organs, which would likewise be capable of arbitrary and un-Christian conduct.' Lutheran-RC Dialogue in the US, 'Differing Attitudes Toward Papal Primacy' (1973), in Joseph A. Burgess and Jeffrey Gros (eds.), *Building Unity: Ecumenical Dialogues with Roman Catholic Participation in the United States*, (Mahwah NJ: Paulist Press, 1989), commentary section entitled 'Reflections of the Roman Catholic Participants', available at http://www.usccb.org/seia/differingattutidues.pdf.

[91] A most paradigmatic and influential instance of this 'regress argument' in favour of a unique, supreme, and indivisible authority, was advanced by Hobbes: see its description and criticism in M. M. Goldsmith, 'Hobbes's "Mortal God": Is There a Fallacy in Hobbes's Theory of Sovereignty?', *History of Political Thought* 1 (1980), 33–50; also Christopher W. Morris, *An Essay on the Modern State* (Cambridge: CUP, 1998), 179–99; David P. Gauthier, *The Logic of* Leviathan. *The Moral and Political Theory of Thomas Hobbes* (Oxford: Clarendon Press, 1969), 169–70, who argues that anarchy is the only alternative to unlimited governmental power. A critique of this position will be offered in 5.7.1.

[92] This second point has been developed in James I's essay *The True Law of Free Monarchies* in *The True Law of Free Monarchies: And, Basilikon Doron*, eds. Daniel Fischlin and Mark Fortier (Toronto: Victoria University, 1996), 47–82 (77): 'It is certain, then (as I have already by the law of God

Once again, and quite significantly, that argument was shared both by supporters of absolute monarchy in the civil sphere, and by those supporting it in the church. As noted earlier, forced to admit that a pope could become heretic or teach or do something potentially harmful to the body of the faithful at large, Cajetan stubbornly refused to allow for a structural provision through a system of checks and balances, as the conciliarists proposed (a general council with exceptional policing powers over a heretical pope). Rather, he admitted that the only solution to such cases was prayer. The neglect of structural in favour of a unilateral emphasis on personal reform could not be clearer. Given the widespread currency such a point has enjoyed during the second millennium, it is perhaps less surprising that it is still being reiterated nowadays, in the form of an emphasis on personal over structural reform.[93]

It can be said, then, that the above core insights in favour of absolute, unaccountable monarchy have been underlining the works of papalist theologians and monarchical political philosophers alike from the late eleventh well into the nineteenth century in the case of the latter, and indeed till now for ecclesiologists, although primarily from within Roman Catholicism. For, as we will see at length in chapters five and six, while political philosophy has long both integrated what was sound and overcome what was mistaken in those arguments into a democratic theory—on the basis, I will suggest, that a political institutional arrangement is to be evaluated not against the number of (delegated) people involved in making the final decision, but in whether the delegation itself was intelligent and responsible—RC ecclesiology still assumes their essential validity, in contrast even with most Christian ecclesiologies born of the Reformation.

A final similarity between ecclesiology and political philosophy should be noted, for it touches a general and quite significant trend. I have previously observed that historical evidence clearly witnesses that the sacral justification of monarchy has not ordinarily excluded its functionalist justification, as an excellent decision-making arrangement for fulfilling certain tasks. Albeit to a smaller degree of certainty, historical evidence also suggests that the early modern period in Europe is distinctive in its displaying a shift of balance towards treating monarchy increasingly as a social

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sufficiently proved), that patience, earnest prayers to God, and amendment of their lives are the only lawful means to move God to relieve them [i.e. the subjects] of that heavy curse [i.e. a bad king].'

[93] See 4.6, esp. no. 73.

convention rather than as an aspect of a divinely established cosmic order,[94] and so towards assessing it primarily against its functional value to the community it was meant to serve.

Now, as we will see, the very same general shift from a divine-right to a functionalist justification is also taking place—although somewhat belatedly—with regard to the papacy in particular and all ecclesial structures more generally (see 3.5). In conclusion, then, ecclesiology and political philosophy have shared not only the *specific* arguments in favour of a monarchical form of government—namely, both the theological ones, including those appealing to some scriptural passages and those based on a descending monarchical cosmology, and the strictly philosophical and functionalist ones, based on an understanding of community as requiring monarchical authority for its existence and well-being. They also shared the general trend towards assessing a political structure primarily against its functional value—that is, as we will see, against how it abides by the requirements of intelligent and responsible cooperation. While such trend has matured more quickly in the political reflection on civil society, it is taking longer in the ecclesiological sphere: but it is, nonetheless, advancing there as well.

2.6 Conclusion

At the end of his historical assessment of ecclesiology between 1300 and Vatican I, Francis Oakley advanced a conclusion both compelling and in harmony with what has been said so far. He began by noticing that after Vatican II the rejection of the use of political philosophy by ecclesiology has been voiced repeatedly. This, as he suggested and as we will see more in details later (4.5), has been part of the reaction to the reform proposals towards a democratisation of the church recommended in the wake of the council, and the consequent fear or at least uneasiness it arouse in conservative theologians faced with the need to make constitutional the papal absolute monarchy. Still, he went on, such an *ad hoc*, apologetically driven stance

> should not be permitted to screen from us the fact […] that for 700 years and more arguments based on secular political analogies, or arguments based on constitutional overlap between political and ecclesiastical modes

[94] Consult Stephen L. Collins, *From Divine Cosmos to Sovereign State: An Intellectual History of the Idea of Order in Renaissance England* (Oxford: OUP, 1989); and Paul Kléber Monod, *The Power of Kings. Monarchy and Religion in Europe 1589–1715* (Ann Arbor MI: Yale University, 1999).

> of governance, served as a mainstay of ecclesiological discourse, whether high papalist or constitutionalist.[95]

A default instinct of the Christian communities since their birth has been to consider it safe to model their own organizational outlooks by borrowing both practical structures and theoretical insights from the civil community. Christians arguably recognised that the structures devised for civil society were also attempts to answer the same problem of ordering a community with a common goal to be achieved through common action.

Another insight suggested by the historical survey is that practical structural imports can gain and have in fact gained wider acceptance when backed by a theoretical justification, and that this latter was by no means always confined to scriptural appeals, but rather often carried its most decisive and convincing weight by drawing upon political philosophy. If the former type of 'practical' borrowings has probably been chronologically the first, the 'theoretical' type has helped clarify the rationale behind the practical importations, thus revealing why they were justified.

It is in this perspective that the period starting from the Middle Ages is particularly significant. This period displays a massive expansion of importation at the theoretical level, thanks to the complementary use in ecclesiology of theological as well as legal, political, and philosophical reasons. It makes it easier to appreciate both the contribution which political philosophy made to ecclesiology and the necessity today to retrieve the study of the former in order to address problems arising in the latter. The evidence is that most if not all ecclesiological issues are fundamentally an attempt at individuating who or which body is competent and responsible to make a given decision or carry out a given action.

Indeed, it appears from history that a systematic ecclesiology was born only when there was a legal and political philosophy to permit it. An increasingly systematic political philosophy made possible an increasingly systematic ecclesiology. Brian Tierney has recently observed that 'Modern critical discussions about Catholic institutions of church governance often raise the question of whether, or how far, the practice of representative government in the secular sphere can provide a fitting model for ecclesiastical institutions'; and he added: 'our secular practices of representation and consent are themselves derived from a complex interplay between ecclesiastical and

[95] *Conciliarist Tradition*, 218–9.

temporal institutions and ideas from the twelfth and thirteenth century onward'.[96] But additional specific references to those already supplied are superfluous for a practice which runs throughout church history.

It would be an anachronism to blame medieval canonists for having introduced extraneous elements in the discipline or for marking the beginning of a regrettable development towards an arid 'juridicism'.[97] On the contrary, theirs was not simply the appropriate method, but the only possible one: the principle of analogy in theology does not leave other choices, and the use of cultural developments is required for a deeper penetration of revelation. Medieval canonists could not do otherwise than either try to solve the problem of the relationship between pope, bishops, and the whole Church with the help of the theoretical tools of the time, or simply give up the attempt altogether. Nor has the use of Roman law and political philosophy been an idiosyncrasy of the Middle Ages: rather, it has been a constant feature right until our time—even if the traditional consensus over this method has been once again challenged since Vatican II.

The correctness of understanding ecclesiology as in continuity with legal and political philosophy appears also vindicated by its fruits. Historians and political philosophers are nowadays almost unanimous in recognizing the outstanding place in the history of ideas of the insights contained in the discussions by middle to late medieval canonists and theologians on the origins of authority, the role of consent and competence, delegation and representation, majority voting, and on the importance of the common judgment of the community, insofar as they have laid the foundations for the development of later democratic constitutional thought.[98] It is somewhat ironical that what scholars in other disciplines have come to recognize as an achievement, is still looked at with suspicion in the very discipline in which those insights were first applied.[99]

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[96] 'Church Law and Alternative Structures', 49.

[97] See the classic development of this thesis in Yves Congar, *L'Eglise de Saint Augustin à l'époque moderne* (Paris: Cerf, 1970), 12–268 (chs. 1–8).

[98] In addition to the historians mentioned above, one might add Quentin Skinner, who hails both the conciliarist and the later Salamanca school of theology as joint contributors to the modern notion of popular sovereignty, see his *The Foundations of Modern Political Thought* (Cambridge: Cambridge University Press, 1978), vol. II, 114–23 and 135–73, respectively.

[99] It has been Oakley who has denounced most at length the oblivion in which the conciliarist theory has been expressly abandoned for ecclesio-political reasons. Identical remarks regarding the ideological oblivion of such line of thought—and, I would add, of the method of exploiting political philosophy it exemplified—have been voiced by Tanner, *Was the Church too Democratic?*, 4, 5, and 29: he noted that since Constance and Basel and 'at least until the second Vatican council, Conciliarism has remained under something of a cloud in the Catholic Church' (5), and that 'Fear of the conciliar ghost remains with us today in many quarters' of that church (29).

3 DIVINELY-WILLED STRUCTURES

3.1 Introduction

In the preceding chapter I have related some historical findings suggesting that the development of ecclesial structures and of ecclesiology was fostered, among other things, also by the importation of both theoretical insights and concrete practices or structures from the civil into the Christian community. The practice of importing political insights and practices on the human community into the Christian one has been the ordinary one from the very beginning of church history, even pre-dating a self-consciously autonomous ecclesiology. Thus, the correctness of its theoretical justification is already strongly suggested by history.

Still, the ecclesiological method assessing ecclesial structures against whether or not they conformed with the sound insights into human social life expressed by (Aristotelian) political philosophy and Roman law was bound to clash sooner or later with those unprecedented and increasingly disproportionate claims whose characteristics seemed contrary to the 'natural' political precepts of reason and justice—*in primis* those advanced by the Popes Gregory VII and Innocent III concerning their absolute jurisdictional power on both the spiritual and the temporal domains, and their complete unaccountability in the exercise of such power.

It is important to clarify what papalists truly contended in order to understand why it was perceived as contrary to the natural ordering of human polities. What papalists claimed was not merely the legitimacy and usefulness of the monarchical form of exercising ecclesiastical authority ('*ἐπισκοπή*', or supervision, as it would be called today) at the regional, supra-regional, and even worldwide level. After all, a monarchical institution can very well be democratic—i.e. respectful of the conditions for cooperation and subordination to be responsible—provided it has been freely chosen by those subject to it and acts within the limits of its delegation as well as those set by the principle of subsidiarity (see 5.13). And under the same conditions, a monarchical institution can very well fulfil its (limited) task efficiently. Rather, papalist literature maintained not only that that authority was to be exercised monarchically but also, contrary to the 'natural' insights in that regard, that it was *unique*, *indivisible*, *absolute* (i.e. unaccountable), *omnicompetent*, and perhaps even *necessary* for the church to exist.

Thus, absolute monarchy needs to justify at the very least both the unicity of authority—there is but a single supreme authority—and its unaccountability. The

former assertion has been vindicated primarily by arguing that a supreme authority cannot be subject to any supervising authority, otherwise there could logically follow a potentially infinite chain of supervising authorities all claiming for supremacy. But that would lead to chaos, and chaos is the very opposite of the peace and unity for which such authorities exist in the first place. That has been called the 'regress argument' in favour of absolute sovereignty (examined in 5.7.1). Unaccountability, in turn, has been defended primarily by observing that, as established by God, the only legitimate response to monarchical authority was obedience.

Such are the core insights in favour of a unique, supreme, unaccountable monarchy underlying the works of papalist theologians and royalist political philosophers alike. Among the latter they enjoyed some success from roughly the late eleventh to the American and French Revolutions, with a revival during the nineteenth century, before insights into the foundations of authority—which will be analysed at length later (5.3–5.8)—repudiated some of them, and integrated others into a democratic theory. Not that the arguments of royalists had ever been without strong criticisms: but since the scientific revolution and the growing specialisation of society the decline of the theory supporting a single supreme, indivisible and unaccountable authority, necessary for the being or at least well-being of any society has proved—from the perspective of the lengthy historical dominance of the institution of kingship—both quick and dramatic (5.7).

This has presented a significant problem for papalist ecclesiology which—in contrast with political philosophy and arguably even other Christian ecclesiologies—persists in accepting the validity of the common justification at the basis of the monarchical theory shared by papalist and royalists alike: indeed, even after Vatican II and up to the present day the official Roman Catholic ecclesiology has continued to operate on the implicit assumption that the unity and ultimately existence of a community require a unique supreme authority devoted to that task (6.4).

Two further developments, particularly evident since Vatican II, have rendered the need for finding new justifications even more urgent: the first is the insubstantiality of the scriptural evidence in favour of the papal absolute monarchy, which has since been ascertained in some details and largely accepted at the ecumenical level; and the second is that, thanks to the renewed freedom of theological inquiry inaugurated by that council in comparison with the post-Tridentine period and especially with the first half of the twentieth century, which witnessed a sweeping crackdown on Modernism, the demands for reforming those absolutist institutions in a way more congruent with such

exegetical and historical findings—as well as with the insights from political philosophy, into the proper ordering of a human polity and the moral requirements for cooperation and subordination to be responsible—have no longer been coming only or even primarily from Protestants but rather, as it had already been the case with the Conciliarists, from the best and brightest Catholic theologians.

To address those challenges, there have been two main arguments advanced to defend the papalist understanding of the church. One justifies the non-democratic character of the church by questioning the very soundness and value of some central features of democracy. Throughout the post-Tridentine period, and particularly from the French Revolution to Vatican II, the official stance of Roman Catholicism has been one of firm opposition to the application of the (democratic) principles of freedom of conscience, expression, information, debate, and majority rule in both the civil and the ecclesial societies.[1] Even after Vatican II, the validity of majority rule has not yet been accepted without serious reservations by the papal magisterium, which is quite significant to the extent that, as it will be argued (5.9–5.11), to reject it is tantamount to rejecting an essential element of democracy. The reluctance to accept the validity of those freedoms in any society, and especially in the church, coupled with the firm rejection of majority rule as a prudential means for discerning the truth, indicate that the non-democratic character of the papal monarchy is being upheld because the above mentioned democratic features are not evaluated positively. A new critical evaluation of those insights is thus needed, and it will be offered in chapter five.

The other stance adopted to defend the understanding of the church as an absolute papal monarchy is older, and consists in denying the continuity between grace and nature in the case of the church—although such a conclusion is not ordinarily acknowledged explicitly. It is probably true, the reasoning goes, that in the natural order of things, power resides originally and fundamentally in the community, which can then conditionally delegate to elected representatives certain powers to be exercised on its behalf. In the post-Vatican II period, this translates as an acknowledgment that democracy—understood as that political system both most respectful of the ethical norms to be observed if the individual's cooperation in the common action of her group

[1] 'The [monarchical] social form of the Church is fully explicable only against the background of the Church's opposition to the liberal and secular society and culture that were being constructed in the course of the [nineteenth] century. Roman Catholicism was deliberately constructed as an alternative to the world of secular liberalism. Even more, opposition to the world that had emancipated itself from the Church was a constitutive part of the official self-definition of modern Roman Catholicism'. Joseph Komonchak, 'Modernity and the Construction of Roman Catholicism', *Cristianesimo nella Storia* 18 (1997), 353–85 (377–8).

is to be intelligent/responsible and maximising the exploitation of the common fund of knowledge and values of the community in order to understand a given social situation, elaborate policies, and decide in favour of the best possible courses of action—might be the 'natural', most intelligent and responsible way of organising political relations.[2] Still, it is concluded, such cannot be the case with the church.

There are two interrelated theological arguments justifying such a rejection of the continuity between the Christian and the human polity, and thus between ecclesiology and political philosophy. One appeals to the church being a supernatural mystery, a creature of God's inscrutable will, and as such impossible to understand or criticize on the basis of what has been understood of the working of purely natural communities. The next chapter will both offer concrete instances of the contemporary usage of this argument, and offer a critique of its theoretical underpinnings.

The present chapter will instead deal with the traditional and chronologically prior contention justifying the apparent 'irrational' and 'unnatural' character of the papal absolute monarchy by purporting that scriptures witness—in a sufficiently unambiguous way, given the matter at stake—a direct establishment by Christ (in his inscrutable wisdom) of such an institution. It is on this objection only that the present chapter will focus. There will be four main sections: the first will briefly recall the main rationale for appealing to God's will as witnessed by scripture; the second will examine whether the external form of any ecclesial structure might be said to be permanent and thus necessary. In turn, the third and fourth sections will highlight a twofold shift in the recent discussion on *ius divinum*: first, from understanding it as an explicit scriptural institution to conceiving it as a post-apostolic, Spirit-led development; secondly, from being predicated of the external institutional embodiment of church structures to being predicated of their function (of *ἐπισκοπή*). The final section will then move to assess whether the function fulfilled by ecclesial institutions is necessary for the very existence (*esse*) or only well-being (*bene esse*) of a community.

[2] 'It is in full accord with human nature that juridical-political structures should afford all their citizens the chance to participate freely and actively in establishing the constitutional bases of a political community, governing the state, determining the scope and purpose of various institutions, and choosing leaders.' *GS* §75.

3.2 The Appeal to Scripture to justify a Direct Dominical Establishment of the Ecclesiastical Monarchy

As noted earlier (2.5), several justifications existed for absolutist monarchical power, whether in the ecclesial or in the temporal domain. One was the affirmation that the structure of authority had to be analogous to that of the cosmos which, according to the neo-Platonist and pseudo-Dionysian view, was a top-down hierarchy of beings, where each lower level depended on the higher. Another was the regress argument, whereby a unique, supreme and indivisible authority is necessary for the stability and perhaps even existence of a society. The necessity of such a monarchical authority was justified not only on purely logical viewpoint, but also on pragmatist and functional grounds, as the most efficient arrangement for providing for order, stability, and unity in a society. The third one appealed to select scriptural passages interpreted as mandating absolutist monarchical power. It was the only argument from authority, and was used to complement and at times even substitute for the cosmological and philosophical arguments when the latter were regarded as insufficient or mistaken. Cajetan offers a good instance of this: forced by Jacques Almain to acknowledge that such an absolutist understanding of the papacy could not be justified from the 'natural' order of things, as discerned by political philosophy, he decided to redeem it exclusively by appealing to the fact that it had been thus willed by God.[3] He did so by appealing to the correct interpretation of a portfolio of some NT (Petrine) passages, treated as proof-texts (Cajetan's methodology will be analysed in detail at 4.4).

The appeal to direct divine institution, implicit in the traditional expression '*ius divinum*', has played a key role in post-Tridentine Catholicism, as an apologetic argument for the ecclesiastical establishment against the criticisms of Protestants. This has been especially the case with regard to ecclesial structures appearing quite irrational, *in primis* the understanding of the Roman pontiff as a unique, universal, omnicompetent, and absolute/unaccountable sovereign authority. Far from being limited to Cajetan's polemics with Almain, the argument that the constitution of the church is divinely-ordered and thus immutable and beyond human reach has enjoyed—especially since the Reformation—a very widespread diffusion, particularly within Roman

[3] '[O]ur Savior […] although He could have disposed the Christian commonwealth on earth in diverse ways, nevertheless, willed and established that the government would not be popular, nor that of the rich, the powerful, the nobles, many or few, but only of one', namely Peter: Cajetan, 'On the Comparison of the Authority of Pope and Council' [*Auctoritas papae et concilii sive ecclesiae comparata*], in *Conciliarism and Papalism*, Burns and Izbicki (eds.), 1–133 (ch. 1, p. 3).

Catholicism, where it has been and still is standardly used to close debates regarding proposed structural changes. Indeed, it has persisted somewhat anachronistically as a default mindset among some RC theologians until now, surviving not only Vatican II but also recent ecumenical studies from bilateral dialogues which put it in perspective.

The historical continuity of this argument is easy to discern. The post-Vatican II period offers a paradigmatic instance of this in the writings of Joseph Ratzinger, then Cardinal prefect of the CDF: 'the fundamental structures [of the Church] are willed by God himself, and therefore they are inviolable. Behind the *human* exterior stands the mystery of a *more than human* reality, in which reformers, sociologists, organizers have no authority whatsoever'.[4] The existence of divinely-willed (monarchical) structures, then, certainly represents a most formidable, properly theological objection to the project entertained in this thesis—or does it?

3.3 Is the External Form of Any Ecclesial Structure Permanent, Immutable, and Necessary?

The expression 'divinely willed' has traditionally been understood as entailing that church structures so labelled display several distinctive features. First, they are permanent, immutable, and necessary.[5] Second, they can boast of a direct dominical or at least apostolic foundation, viz. could be shown to have been positively revealed and mandated in scripture. A first issue to arise in post-Vatican II ecumenical dialogues on the issue was that exegetical and historical studies did not anymore support that to be uncontroversially the case for hardly any structure. Let us briefly see why.

The most relevant passages with a direct ecclesiological injunction by Jesus have as their object not external structures but *principles concerning cooperation*. The majority of them deals with the political relationship of authority, that is with the very heart of any ecclesiology or political philosophy: seven times the NT reiterates the command that those in authority be servants and not overlords (Mt. 20.24–7, 23.8–12, Mk 10.42–44, Lk. 22.26, Jn 13.1–17, 1 Pt. 5.3, and 2 Cor. 1.24). To this one must add the fundamental ecclesiological principles explicitly advanced in Paul's epistles, which can be quickly summarized as follows: 1) equality in Christ regardless of race, gender, or social status (Gal. 2.28); 2) need for a variety of different competences/charisms,

[4] Joseph Cardinal Ratzinger with Vittorio Messori, *The Ratzinger Report*, trans. Salvator Attanasio and Graham Harrison (San Francisco: Ignatius Press, 1985), 46, emphasis original.

[5] J. Michael Miller, *The Divine Right of the Papacy in Recent Ecumenical Theology* (Rome: Università Gregoriana Editrice, 1980), 61–2.

some of which are humanly acquired natural abilities, while others are divinely bestowed supernatural skills (1 Cor. 12); 3) impossibility for any one single person of having all the competences and charisms required; and thus impossibility for any one single person to be in charge of all ecclesial functions (1 Cor. 12.29–30);[6] 4) distinction of competences and division of labour as, accordingly, necessary (1 Cor. 12.8–10; 28–30); hence 5) every member of the body can and should be an active member (1 Cor. 12.7,11; Eph. 2.10; also Rm. 12.6; 1 Cor. 12.7 and 1 Pt. 4.10): ministry should not and cannot be limited to a few.[7] All those principles are stated as central to church life.

Finally, one should also mention both Mt. 18.18, which envisages judicial authority—the power to 'bind and loose'—as exercised by the entire community, and 1 Pt. 2.4–10, conceiving the latter, rather than any distinct class within it, as the priestly mediatorial agent between God and the world. In contrast, the famous Petrine passages do not explicitly concern the institution of any structure, being addressed, as we will see, to a specific person—Peter—and not to any hypothetical line of Petrine successors.

Apart from the local congregation (with judicial and thus self-governing power), then, no other structure appears to be mandated in the NT as necessary for the church being: and things could not be otherwise for, quite the contrary, a certain variety of organizational patterns are witnessed to and, by the same token, endorsed.

Still, RC official theology has long defended two structures as divinely willed (especially since the Reformation, and in an apologetic way): the monarchical episcopate and, to an even greater extent, the Roman papacy. As it was clearly noted in the past, such justification requires proof that those structures were mandated either directly by Jesus, or indirectly by the apostles, acting on what they knew was Jesus' will. Traditionally, the status as divinely willed of episcopacy has been defended by affirming that scripture implies that bishops are the successors of the apostles in accordance with Jesus' will; on the other hand, the *ius divinum* status of the papacy was justified by appealing to the well-known Petrine passages (Mt. 16.18–21; Jn 21.15–17; Lk. 22.31–32). Yet today, the uncertainty regarding the traditional conclusions as to the

[6] 'The idea of "mono-ministry or ministerial autocracy", that is, of all the most important gifts concentrated on one person or in a select group, is totally unsustainable both from the Pauline viewpoint of the charisms and the needs of the present church'. Veli-Matti Kärkkäinen, 'The Calling of the Whole People of God into Ministry: The Spirit, Church, and Laity', *Studia Theologica* 53 (1999), 144–62 (158 no. 45), referring in turn to James D. G. Dunn, *Unity and Diversity in the New Testament* (London: SCM Press, 1977), 114.

[7] The NT also supplies some concrete examples of practices embodying those normative insights, such as the appointment of church officials by the community (e.g. Acts 6.1–6; cf. *Didachè* 15.1 requiring that *ἐπίσκοποι* and *διάκονοι* be elected, and 1 Clem. 44.3, insisting on the consent of the whole local church as necessary for the appointment of church officials), and the common deliberation over contentious issues, including doctrinal ones (e.g. Acts 15).

necessity and permanence of both institutions is considerable. Here I can offer but a brief summary of what many exegetical studies have highlighted.

With regard to the monarchical papacy, several points should be considered. First, it is doubtful whether the Petrine passages envisage any specific power granted to Peter—the 'power of the keys'—beyond that of 'binding and loosing' bestowed to all the disciplines (Mt. 18.18). Second, and most significantly, even granted that the Petrine passages do witness to a divine choice in favour of Peter, it is most likely—in fact almost certain—that it was a question of a personal mandate: there is no scriptural support for the notion of a succession of Peter's special authority and function to the bishops of Rome or any other institution.[8] Third, the lack of a clear scriptural requirement for such a function of unity at the universal level is perhaps most evidently suggested by the fact that the first appeal to those passages in order to support the primacy of the bishop of Rome occurred in the third century and, as has been noted, 'How can a case a for papal primacy be built on a passage of Scripture that no one bothered to cite as a supporting text until, presumably, several hundred years after the fact?'.[9] Fourth, and equally significant, is the fact that Peter does not appear to have been the only or the most important disciple to have exercised a function of supra-regional coordination in a personal way.[10] Fifth, if, on the one hand, it is clear that the

[8] See e.g. Klaus Schatz, S.J.: 'If we ask whether the historical Jesus, in commissioning Peter, expected him to have successors, or whether the author of the Gospel of Matthew, writing after Peter's death, was aware that Peter and his commission survived in the leaders of the Roman community who succeeded him, the answer in both cases is probably "no".' *Papal Primacy: From Its Origins to the Present*, trans. John A. Otto and Linda M. Maloney (Collegeville MN: Liturgical Press, 1996), 1–2. One of the best concise assessments of the NT evidence concerning the Petrine ministry is Theodore Stylianopoulos, 'Concerning the Biblical Foundation of Primacy', *Greek Orthodox Theological Review* 49, 1–2 (2004), 1–31, originally printed in Walter Kasper (ed.), *The Petrine Ministry: Catholics and Orthodox in Dialogue. Academic Symposium Held at the Pontifical Council for Promoting Christian Unity*, trans. the staff of the Pontifical Council for Promoting Christian Unity (Mahwah NJ: Newman Press, 2003), 37–64; also Veselin Kesich, 'Peter's Primacy in the New Testament and the Early Tradition', in John Meyendorff (ed.), *The Primacy of Peter. Essays in Ecclesiology and the Early Church* (Crestwood NY: St Vladimir's Seminary, 2nd ed. 1992), 35–66 (esp. 43; 51–6; 61–6); Raymond E. Brown, Karl P. Donfried, and John Reumann (eds.), *Peter in the New Testament: A Collaborative Assessment by Protestant and Roman Catholic Scholars* (Minneapolis: Augsburg; New York/Paramus/Toronto: Paulist Press, 1973, 2nd ed. 2002); and the conclusions drawn in Wolfhart Pannenberg, *Systematic Theology*, vol. 3, trans. Geoffrey W. Bromiley (Edinburgh: T&T Clark, 1998), 429-30. One of the first comprehensive attempts at linking Peter with the office of the pope has been Leo I's, described in 2.2 above.

[9] David William Kling, *The Bible in History: How the Texts have Shaped the Times* (Oxford: OUP, 2004), 48. As he added a few lines later: 'the Petrine text is what one scholar suggests may be a "hermeneutically secondary legitimation" to justify those already in power or what another calls a "retreat from exegesis to later history".' *Ibid*.

[10] James the brother of the Lord being a much more well known figure in this regard: 'in the period of his supremacy in Jerusalem [James] was no merely local leader, but the personal embodiment of the Jerusalem church's constitutional and eschatological centrality in relation to the whole developing Christian movement, Jewish and Gentile', R. Bauckham, 'James the Just and the Jerusalem Church', in Bauckham (ed.), *The Book of Acts in Its Palestinian Setting*, (Grand Rapids MI: Eerdmans, 1995), 415–80

external way of fulfilling such function by means of 'one individual Minister, under the Gospel' is not in principle contrary to the NT,[11] it is likewise evident from both the NT and tradition that other institutional patterns are equally legitimate:

> At every stage, the Petrine function developed according to the possibilities available at that time. Councils, individual leaders, specific local churches, credal statements and the papacy have all in various ways ministered to the unity of the church. Further, the papal form of the universal Ministry has not always involved the centralized, juridical apparatus which now exists, nor need we assume that it will always continue to do so.[12]

Finally, the Church of Rome itself seems to have been fractioned in many local congregations relatively autonomous and with no strong monarchical coordinator until late into the third century.[13] Hence, 'Acceptance of the conclusions of modern studies leads to the position that Roman primacy was neither claimed nor recognized in the second century. […] Not only was papal primacy not recognized during this period, it was not even "there" as earlier Catholic apologists had assumed'.[14] Canonical evidence is even more restrained on the subject. The canonical legislation of the first millennium mentioning the role of the Roman church and/or the bishop of Rome can be briefly listed: can. 3 of the First Council of Constantinople; can. 28 of the Council of Chalcedon; can. 36 of the Sixth Council in Trullo; canons 17 and 21 of the Council of Constantinople of 869–70; and can. 1 of the Council of Constantinople of 879–80. Yet, as Nicolae Dura recently observed, no one such canon mentions either a universal Petrine primacy of the Roman church/bishop over all the churches or a primatial office of the bishop of Rome as successor of Peter.[15]

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(450); also J. Dunn, *Christianity in the Making*, vol. 2, *Beginning from Jerusalem* (Grand Rapids MI: Eerdmans, 2009), 1077–89.

The point that is also touched on in the Lutheran-RC Dialogue in the US, 'Differing Attitudes Toward Papal Primacy' (1973), in Joseph A. Burgess and Jeffrey Gros (eds.), *Building Unity: Ecumenical Dialogues with Roman Catholic Participation in the United States*, (New York: Paulist Press, 1989), §11, available at http://www.usccb.org/seia/differingattutidues.pdf.

[11] 'Differing Attitudes Toward Papal Primacy', §29.

[12] 'Differing Attitudes Toward Papal Primacy', §34.

[13] Peter Lampe, 'Fractionation, Monarchical Episcopacy, and Presbyterial Governance', in his *Christians at Rome in the First Two Centuries. From Paul to Valentinus*, ed. Marshall D. Johnson, trans. Michael Steinhauser (London: Continuum, 2003 [2nd ed. 1989]), 397–408; and more recently Allen Brent, *Hippolytus and the Roman Church in the Third Century: Communities in Tension Before the Emergence of a Monarch-Bishop* (Leiden/New York/Köln: Brill, 1995), esp. 453–8.

[14] Miller, *The Divine Right of the Papacy*, 187.

[15] Nicolae Dura, 'The "Petrine Primacy": The Role of the Bishop of Rome according to the Canonical Legislation of the Ecumenical Councils of the First Millennium, an Ecclesiological-Canonical Evaluation', in Kasper (ed.), *The Petrine Ministry*, 159–87 (185).

The same applies to the justification for the divine institution of the monarchical episcopacy. Just as it is the case with regard to the *ius divinum* status of the papacy, so too that of the episcopacy necessitates for its vindication an unambiguous scriptural witness of a dominical institution or wish in that direction.

In fact, the NT does not support the affirmation that *ἐπίσκοποι*, or any other class of institutional church officials, were the successors of the apostles. What is does support, in contrast, is that 1) the Twelve (a group distinct from and much smaller than that of the apostles) did not appoint successors, and were not replaced;[16] and, most to the point, 2) there is no clear understanding of apostolic succession in the NT: nowhere are the apostles construed as preoccupied with the need for creating a line of successors.[17] Equally—*pace* Trent's justification of episcopacy—there is no evidence that they understood themselves as patriarchs of a priestly class necessary for the Eucharistic sacrifice sealing the New Covenant.

In the main, apostles appear to have simply confirmed the leadership that was already in place in the house churches, rather than directly appoint successors.[18] In light of the important role unambiguously given to the congregation, especially concerning their prior approval of candidates for office (e.g. Acts 6; *Didachè* 15.1 and 1 Clem. 44.3), it would be hardly appropriate to interpret those other passages in Acts and the Pastorals where the full appointment procedure is never described (Acts 14.14, 23; 20.32, 36; Tit. 1.5; 1 Tim. 5.22) as implying—much less explicitly mandating—a direct appointment by Paul, Timothy, or Titus. The fact that the last two are indeed told to appoint elders by no means exclude that they did so in collaboration with the whole community and conditionally upon the latter's consent, as explicitly mandated in both *Didachè* 15.1 and 1 Clem. 44.3, which are only slightly more recent. This is further

[16] Consult Elisabeth Schüssler-Fiorenza, 'The Twelve and the Discipleship of Equals', in *Discipleship of Equals: A Critical Feminist Ekklēsia-logy of Liberation* (London: SCM, 1993), 104–16.

[17] For a thorough treatment of the lack of the concept in the NT, see Robert Lee Williams, *Bishop Lists: Formation of Apostolic Succession in Ecclesiastical Crises* (Piscataway NJ: Gorgias Press, 2005), 59–65. With regard to 1 Tim. 5.22 (the only NT passage generally advanced as suggesting an understanding of a chain of apostolic succession), see LWF, PCPCU, *The Apostolicity of the Church: Study Document of the Lutheran-Roman Catholic Commission on Unity* (Minneapolis MN: Lutheran University Press, 2006), §182 available at http://www.prounione.urbe.it/dia-int/l-rc/doc/e_l-rc_ap-01.html. For the argument that Irenaeus' understanding of 'apostolic succession' was of a 'succession of teaching' rather than of individual teachers, see Allen Brent, 'Was Hippolytus a Schismatic?', *Vigiliae Christianae* 49, no. 3 (1995), 215–44 (esp. 228–9 and 234). That means that apostolic succession concerns the Christian community's distinctively Christian meanings and values: and to the extent that the carrier of such meanings and values is the community in its entirety, apostolicity resides primarily in the latter, see 3.6 below.

[18] Such has been, for instance, an interpretation of Paul's farewell to the elders of Ephesus (Acts 20.32, 36), see R. A. Campbell, *The Elders: Seniority within Earliest Christianity* (Edinburgh: T&T Clark, 1994), 243. The same might have been the case in Acts 14.14, 23.

supported by the fact that even Paul's choosing of Timothy himself seems to have started first with the latter being evaluated by the congregation in Lystra and Iconium (see Acts 16.2); the elders' subsequent laying on of hands over him (1 Tim. 4.14) came most likely as a confirmation of such a collective testimony and evaluation. Likewise, Acts 14.14, 23; 20.32, 36, simply report that Paul and Barnabas laid their hands on elders in every city: but that still says nothing as to who chose the elders in the first place, what ecclesiological value did that gesture have, whether that gesture was necessary for those elders to become church leaders; and whether only apostles or also the entire local congregation could commend someone into a specific ministry by the laying on of hands. Williams' summary of the available data is worth reporting at length:

> Evidence has been taken to suggest that the Spirit's appointment was implemented by the apostle Paul. Luke claims that leaders he calls by the same title as he uses in Acts 20:17, 'elders', were 'appointed' by 'the apostles Barnabas and Paul' when returning from the first missionary journey (14:14, 23). Everett Ferguson has argued that the term used there for appointing, i.e. χειροτονέω, is properly understood as blessing or commending in a context of laying on of hands and prayer. As Campbell observed, this accords well with the commissioning of Paul and Barnabas in the church at Antioch (13:1) and with Paul's commending the Ephesians elders to God (20:32, 36): 'In this way it is possible to see how the elders could be both "in place" already, as household leaders, and also set apart for their ministry of leadership by the departing missionaries'. Luke is then referring to elders who have 'emerged' rather than been 'appointed.' Furthermore, by κατ'ἐκκλεσίαν he apparently means that several house-congregations collectively (cf. 13:1), in contrast to the individual congregation signified by κατ'οἰκίαν (2:46). Luke is describing Paul's approval and encouragement, not his appointment, of the group who were leaders of the house congregation of that city.[19]

From this perspective, the evidence available makes the generalization reasonably safe that the congregations of the first century were deeply involved in the choosing of their leadership and more generally assessing charisms. Congregational input into the choice of leaders was probably substantial, as suggested by the widespread usage of popular elections of *ἐπίσκοποι* already at the very end of the apostolic period;[20] on the

[19] *Bishop Lists*, 54, note omitted.

[20] *Didachè* 15.1, written most likely with first-hand knowledge of the practice of the apostolic church, unambiguously requires that *ἐπίσκοποι* and *διάκονοι* be elected; and to this one must add the witness of Clement's *First Letter*, insisting that ministers be chosen with the consent of the whole church (1 Clement 44.3). The selection of Matthias and the Seven (Acts 1.15–26 and 6.1–6 respectively) by the entire congregation provide the most unambiguous scriptural examples we have in this regard.

other hand, direct appointment was probably the exception, not the rule, and even then it was subject to the acceptance of the people. The function of *ἐπισκοπή* was carried out through different institutional patterns, both collegial and monarchical in form, but democratic in essence, to the extent that those exercising *ἐπισκοπή* were directly chosen by the congregation(s) they were going to preside over, or at least with their assent.[21]

This is some of the exegetical and historical evidence arguably behind the following summary affirmations by the recent ecumenical study document *Nature and Mission of the Church*:[22] that 'from the earliest times there were those chosen by the community under the guidance of the Spirit, and given specific authority and responsibility' (§86); that 'There is no single pattern of conferring ministry in the New Testament' (§87); and that their ministry requires the 'assent of the whole community' (§90). Finally, that document also observed that 'Like every other aspect of ministry, *episkopé* both belongs to the whole church and is entrusted as a particular charge on specific persons. For this reason it is frequently stressed that, at every level of the Church's life, the ministry must be exercised in personal, communal and collegial ways' (§94).

It is noteworthy that in two of the most important urban centres of early Christianity, Rome and Alexandria, there does not appear to have been a monarchical overseer before the second half of the second century.[23] To the extent that leadership on many primitive Christian congregations was collegial, through a board of elders, a monarchical succession from the apostles could hardly have been possible.

In fact, it is only beginning from the post-apostolic period—with Clement of Rome first and then especially with Irenaeus—that, faced with tensions within the Christian communities themselves due to doctrinal differences between Christian and Gnostic teachers, the emerging episcopal office was to be both strengthened and

[21] As I will argue later (5.13), there is no opposition between a monarchical institution and democracy: the democratic character of a political arrangement is to be measured against the rationality and responsibility of the delegation of authority alone, rather than exclusively or even primarily on the number of people to whom ultimate decisional power has been freely, intelligently, and responsibly delegated.

[22] Faith and Order Commission of the World Council of Churches, *The Nature And Mission of the Church: A Stage on the Way to a Common Statement*, Faith and Order Paper no. 198, (Geneva: WCC, 2005), available at http://www.oikoumene.org/fileadmin/files/wcc-main/documents/p2/FO2005_198_en.pdf.

[23] For Rome, see no. 64 here; for Alexandria and the rest of Egypt, see C. Wilfred Griggs, *Early Egyptian Christianity. From Its Origins to 451 CE* (Leiden: Brill, 2000), vi, 21–2, 79, 86–8, 100.

ideologically legitimated by insisting that it was in a direct succession from the apostles.[24]

It should be noted, in parenthesis, that this historical justification claiming that episcopacy is an apostolic institution was largely unknown to the Middles Ages—despite its being now officially used in the RC Church since Vatican II. Indeed, the primary justification for episcopacy at the council of Trent was not that it was an apostolically instituted ministerial succession—a contention which was tucked in a secondary clause—but rather that it fulfilled the priesthood necessary for the sacrifice of the Eucharist.[25] At Vatican II, in contrast, the justification for episcopacy was understood as requiring evidence for its dominical or at least apostolic pedigree: but all it was possible to do was to refer to the favourable opinion in that regard of post-apostolic writers.[26]

It is significant that, analogously to the scriptural witness, also the common, ecumenical Tradition has consistently been very cautious in officialising claims of divine prescription for any one ecclesial structure as either necessary or permanent. In fact, the only important ecclesiological doctrine officially formulated as normative and (arguably) necessary by the common Tradition of the first millennium is the very general one concerning the four marks of the church (first ecumenical council of Nicea, 325): unity, holiness, catholicity (or universality), and apostolicity (or fidelity to the witness of the apostles).[27] All additional ecclesiological insights of some relevance—and the point is highly significant—have been officially defined by particular churches only.

Two occurred when western Christianity was still united: in 1415 the decree *Haec sancta* of the general (as distinct from ecumenical) council of Constance established that

[24] That the emergence of both the monepiscopate and of its legitimation by appealing to the existence of an 'apostolic succession' have been stimulated by tensions due to doctrinal differences within the Christian communities, is the central thesis of Williams, *Bishop Lists.* Ernst Käsemann had already suggested something similar with regard to the emergence of the presbyterate in 'Ministry and Community in the New Testament', in *Essays on New Testament Themes*, trans. W. J. Montague (London: SCM, 1964 [2nd ed. 1960]), 63–94 (85–6, 88, and 91).

[25] LWF, PCPCU, *The Apostolicity of the Church*, §239, which also quotes the relevant passage of the council of Trent, in *DS* 1768.

[26] *Ibid*., §241, referring to *LG* §§18, 20, and 22.

[27] In addition, there are two very secondary ones stating, on the one hand, that 'the bishop of Constantinople […] shall have the prerogative of honour after the bishop of Rome; because Constantinople is New Rome' (can. 3 of the first ecumenical council of Constantinople, 381) and, on the other hand, that Constantinople and Rome have the same privileges ('*ίσα πρεσβεία*', can. 28 of the second ecumenical council of Chalcedon, 451).

a general council is superior to the pope.[28] In 1439 the Council of Florence produced *Laetentur coeli*, the bull of union with the Greek Church, whose last section affirmed the existence of a papal primacy—something which will be recalled almost four and a half centuries later during the general council of Vatican I. Several other doctrinal ecclesiological statements occurred following the Reformation (chief among which those contained in the Augsburg Confession and in the twenty-third session of the Council of Trent, on the sacrament of Orders). From that moment onwards it was the RC establishment which was to insist the most on the existence of divinely-willed, immutable and necessary church structures, other Protestants such as the Lutherans being often content of regarding church structures as *adiaphora*—as long as, of course, they did not infringe upon Christian freedom. That distinctively RC conviction concerning the existence of God-willed church structures has been the remote presupposition eventually enabling its papal leadership to officialise what it believed was one of them, namely that the pope possesses an ordinary, universal, and immediate jurisdictional authority over all the church, and that he is infallible when speaking *ex cathedra* (1870 decree *Pastor aeternus* of Vatican I). It was only at Vatican II, and more specifically with *Lumen gentium* (1965), that the first attempt ever in church history was made at officialising a more or less comprehensive ecclesiology: notable in this connection is *LG*'s first ever official affirmation of the infallibility of the *sensus fidelium* (§12), its endorsement of Vatican I's teaching concerning the papal primacy, and its concomitant affirmation that bishops receive their *sacra potestas* immediately from God.

Even the threefold pattern of ministry cannot boast an ecumenical pedigree, and the question whether it is essential or not for the being of the church is still an unsolved ecumenical problem.[29] Indeed, its status has undergone changes even within the RC tradition itself: from being described as 'instituted by divine ordinance' (*divina ordinatione instituta*) at Trent (a formula expressly chosen to leave open whether the distinction between the three degrees of 'order', the episcopal, presbyterial, and diaconal, was of divine or of human right) to being described simply as having existed 'from antiquity' (*ab antiquo*) at Vatican II.[30]

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[28] The most detailed discussion of it, arguing in favour of its validity as a decree of a legitimate general council of the West, can be found in F. Oakley, *The Conciliarist Tradition* (Oxford: OUP, 2003), 81–99, 119, 258–60.

[29] *The Nature and Mission of the Church*, box at the end of §93.

[30] On Trent, see canon 6 of the 'Decree on the Sacrament of Order', N. Tanner (ed.), *Decrees of the Ecumenical Councils*, vol. 2, *Trent to Vatican II*, original text established by G. Alberigo *et al.*, (London:

The history of dogmatic development, then, supplies no official doctrine canonizing any ecclesial structure. (The closest it reaches to do so are *Laetentur coeli*, *Haec sancta*, *Pastor aeternus*, and *Lumen gentium*: however, none of them—with the arguable exception of the first—has been promulgated by a truly ecumenical council). It is only slightly an exaggeration to affirm that, after two millennia of church history, we still lack an officially established ecumenical doctrine on any concrete institution of the church polity. No scriptural statements or clearly ecumenical dogmas exist defining a given ecclesial structure as divinely willed. And yet this remarkable fact is today often overlooked—arguably because of our being still too close temporally to, and thus influenced by, the recent past of opposed ecclesiological dogmatisms—rather than being interpreted as a sign of the freedom Christians have of structuring their community, subject of course to the ordinary norms for cooperation to be responsible, which are echoed by Jesus' and Paul's ecclesiological principles recalled above.

It may be objected that not all that is *ius divinum* has been officially defined, and that, rather than looking to Tradition for dogmas canonizing specific church structures, one should search it for church structures displaying permanence and thus, potentially, their necessity for the church to exist. (In effect, the rationale behind the contention that a church structure was directly instituted by Jesus or otherwise divinely-willed was to justify its permanent and thus necessary character). And yet again, as the sketchy outline above suggests and the evidence brought below (3.3 and 3.6) will establish more clearly, history disproves both permanence and, as a consequence, also necessity.

Lack of permanence, and thus necessity, applies even to an institution for which claims of its being divinely-willed have been both more ancient than the comparatively late ones advanced for the papacy, and more explicit. The necessity to appoint church officials by popular elections of the Christians concerned has been considered of divine-right and necessary for the well-being of the church by many of the most important Fathers, as well as by numerous councils, popes, canonists, and theologians since.[31] Noteworthy in this regard is Blessed Antonio Rosmini, who regarded episcopal elections—in virtue of their unambiguous scriptural and post-apostolic foundations, as well as their being the surest expression of the faithful's consent—as necessary for the

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Sheed & Ward and Georgetown University Press, 1990), 744; also its commentary in Pannenberg, *Systematic Theology*, vol. 3, 416; for a short history of the theological and practical changes undergone by the understanding of episcopacy see Kenan B. Osborne, 'Envisioning a Theology of Ordained and Lay Ministry: Lay/Ordained Ministry—Current Issues of Ambiguity', in Susan K. Wood (ed.), *Ordering the Baptismal Priesthood*, (Collegeville MN: Liturgical Press, 2003), 195–227.

[31] An historical survey in Joseph F. O'Callaghan, *Electing our Bishops: How the Catholic Church should Choose Its Leaders* (Lanham MD: Sheed & Ward, 2007), 7–118.

subsistence of the church, their gradual elimination from the RC Church during the second millennium as a potentially fatal 'wound' to the church communion, and their reintroduction as a matter of the utmost urgency.[32]

The point of attention here is that, despite its strong scriptural, traditional and philosophical foundations, such a practice has been largely abandoned during the last millennium of church history, where in fact a variety of different methods of appointment have been adopted, including some contradictory with it (not least the centralised, worldwide top-down appointment currently in use in Roman Catholicism). Now, if a large—in fact the largest—portion of the church existed and continues to exist even without local elections of church officials, it means that the latter are not necessary for the church to exist. Such lack might be extremely damaging to the church—as Rosmini convincingly argued at length—yet not to the point of completely destroying it. In summary, even those institutions which have often been regarded as divinely willed by RC theology—e.g. monarchical episcopacy, the Petrine primacy, electoral appointment of officials—have not always existed, and so can hardly be regarded as indispensable for the latter to exist. Far from supporting a view of immutable, permanent and necessary ecclesial structures, scripture and history display both a synchronic and a diachronic variety of ecclesial organizational patterns and institutions differing from one time and place to another.

3.4 *Ius Divinum*: From an Explicit Scriptural Institution to a Post-apostolic, Spirit-led Development

Granted, the conditions implicit to the traditional RC understanding of *ius divinum*—'first, institution by a formal act of Jesus himself, and second, a clear attestation of that act by the New Testament or by some tradition believed to go back to apostolic times'[33]—would not allow considering the monarchical form of fulfilling the regional and supra-regional *ἐπισκοπή* in the persons of the diocesan bishop and Roman pope as divinely willed—indeed, they would not allow any church structure to be bestowed that title.

In order to avoid this conclusion and salvage something from the post-Tridentine insistence on permanence, immutability and absolute necessity—the characteristics

[32] *The Five Wounds of the Church*, ed. and trans. Denis Cleary (Leominster: Fowler Wright, 1987 [1848]), ch. 4, available at http://www.rosmini-in-english.org/FiveWounds/FW_Ch04_1.htm.

[33] 'Differing Attitudes toward Papal Primacy', in the section entitled 'Reflections of the Roman Catholic Participants'.

generally associated during that period with the expression *ius divinum*—two strategies have been adopted.

The first is the one that discards the traditional understanding of *ius divinum*, requiring an explicit scriptural basis, in favour of a larger interpretation allowing for select post-apostolic developments on the ground that they were assisted by the Spirit. However, far from resolving the issue, this fresh understanding of *ius divinum* poses the further problem characteristic of dogmatic development: what is the criterion for discerning between those developments which are divinely-willed and those which are not? At the most general level, an answer to this question presupposes the resolution of the basic theological issue concerning the relationship between divine action and human cooperation. If it is postulated that God's action ordinarily preserves the proper laws of creation and, specifically, that the Spirit's assistance is universal and operates by perfecting without destroying human attention, intelligence, freedom/responsibility, and love, then such assistance cannot be isolated and separated from human history, for it runs through, undergirds, and encompasses all of it. The only alternative would be an exceptional, miraculous divine intervention explicitly mandating a given church structure as necessary and thus immutable: such may only be either an unambiguous scriptural order, or at most an extra-scriptural public revelation recognized by the church: and because the latter can safely be excluded, an explicit scriptural institution remains the only sure criterion. When Pannenberg affirmed with regard to the papacy that 'the authority of such an office [of universal *ἐπισκοπή*], and of those who hold it, can be only of human law because we cannot trace it back to any express institution by Jesus Christ',[34] he was ultimately acknowledging that the only possible criterion for speaking of an ecclesial structure as divinely-willed is an explicit scriptural institution—just as, arguably, the only possible criterion for describing any phenomenon as divinely-willed *in the strict sense* is the kind of divine action traditionally labelled as miraculous. Put differently, in the absence of a positive scriptural mandate uncovering God's direct revelation of his will, the only alternative for affirming the divinely-willed status of any given church structure would be to acknowledge its being a historical development in agreement with God's will, i.e. resulting from God's indirect action through secondary causes. In the specific case at hand, that would entail demonstrating that supposedly *ius divinum* church structures have developed by means of divine inspiration working

[34] *Systematic Theology*, vol. III, 429.

though the social, political, and cultural processes of ecclesial institutionalization, without subverting them.

Yet such a solution is insufficient for upholding a distinct set of supposedly divinely willed ecclesial structures. When everything humanly achieved through cooperation with God's grace can be said to be divinely-willed, the latter adjective becomes much too undefined and ultimately unhelpful for discerning which ecclesial structural development is divinely willed and which instead is not.[35] The requirement for a clear and unmistakable divine command in favour of a specific ecclesial structure remains unavoidable. Unless such divine instruction can be shown to exist in scripture, the expression *ius divinum* should not be used. This is in fact implied in what already Hans Küng once observed, namely that all ecclesial institutions which originated in the apostolic age or later and for which no explicit scriptural text exists attesting their being divinely mandated—e.g. the monarchical episcopate and the Roman primacy—while they are to be respected and not changed arbitrarily, have no claim to permanence and are in principle reversible.[36] However, what he did not stress sufficiently is that it is today safe to affirm that this applies not only to the monarchical episcopate and the papacy, but to all church structures for, as touched on in the above, no explicit divine prescription for any one ecclesial structure as either necessary or permanent can be found in scripture.

RC canon law prescribes that 'no doctrine is understood to be infallibly defined unless it is clearly established as such' (can. 749.3). The same general principle should apply to defining church institutions to be divinely willed. In the absence of a clear scriptural positive indication that an ecclesial structure is 'divinely willed', the judgment that a given church structure is such would have to establish the fulfilment of

[35] Ulrich Kühn is of the same opinion: 'if theology is justified in relating to Christ himself the later institution of a church ministry conferred by ordination, this is because it judges that there took place in history a development in accordance with Christ's intentions, a development that the Lord of the Church placed at His service. This is precisely what makes it impossible to distinguish, in the last analysis, between a "divine" law and a "human" law', see his entry 'Church', in Jean-Yves Lacoste (ed.), *Encyclopedia of Christian Theology* (New York: Routledge, 2004), vol. I, 300–10 (309).

[36] *The Church*, trans. Ray and Rosaleen Ockenden (London: Search Press, 1981 [1968]), 409–13; Küng dubbed such ecclesial structures '*praeter evangelium*', as distinct from those '*secundum evangelium*', indicating the few ones which can boast to have a direct link with Christ's will as revealed in the Scripture and are thus fundamentally irreversible: i.e. Baptism, Eucharist, the priesthood of all believers and the Church's basic charismatic-diaconal feature, see his *On Being a Christian*, trans. Edward Quinn (London: Continuum, 2008), 491. To those '*secundum evangelium*' I would also add the ecclesiological principles recalled earlier, commending a division of labour and, on the other hand, that authority be exercised as service. On the wake of Küng, Gotthold Hasenhüttl suggested that the charismatic structure of the Church is *ex institutione divina*, for the plurality of charisms (or competences: the identification is made by Paul himself) in the community can never be lacking, *Herrschaftsfreie Kirche. Sozio-theologische Grundlegung* (Düsseldorf: Patmos, 1982), 348–53.

three chief conditions quite difficult to affirm in the kind of clear-cut, unambiguous way demanded by the importance of the matter at stake: namely, that it is a Spirit-assisted development; that such development is absolutely necessary for church being and is, accordingly, unchangeable and irreversible; that that it is not counterproductive but rather efficacious in fulfilling its function. Unless such conditions are unambiguously fulfilled, no church structure should be understood to be divinely willed in the strict sense of the word.

3.5 *Ius Divinum*: From being predicated of the External Institutional Embodiment of Church Structures to being predicated of their Function of *Ἐπισκοπή*

The second strategy for retaining the past insistence on the permanence, immutability and absolute necessity implied by the expression *ius divinum*, consists in affirming that those characteristics apply to the *function* (of *ἐπισκοπή*) a given ecclesial institution fulfils, rather than to its external institutional embodiment. As George Lindbeck observed, Lutherans 'have no difficulty with the functionalist interpretation of the *ius divinum* character of certain post-biblical developments, for this simply affirms that what is historically and functionally necessary for the welfare of the church is also what God wills that the church be and do.'[37] Both RC and Lutherans see papal primacy as necessary 'only as a means, only as an instrument, for the proclamation of the gospel.'[38]

Another Lutheran scholar, Herding Meyer, has proposed to go beyond the traditional distinction between structures of divine and human right towards understanding the need for the papacy in the light of its distinctive function of fostering the unity at the level of the universal church has been advanced by. That function he recognized as necessary not much for the *being* as for the *well-being* of the community of the faithful.[39]

On a similar line, David Yeago advanced that

[37] Lindbeck, 'Papacy and *Ius Divinum*: A Lutheran View', in P. C. Empie and T. A. Murphy (eds.), *Papal Primacy and the Universal Church—Lutherans and Catholics in Dialogue 5* (Minneapolis MN: Augsburg Press, 1974), 193–207 (203), quoted in Margaret O'Gara, 'A Roman Catholic Perspective on *Ius Divinum*', in Randall Lee and Jeffrey Gros (eds.), *The Church as Koinonia of Salvation. Its Structures & Ministries. Agreed Statement of the Tenth Round of the U.S. Lutheran-Roman Catholic Dialogue with Background Papers* (Washington DC: USCCB, 2004), 226–46 (241).

[38] *Ibid*. 199.

[39] '"Suprema auctoritas ideo ab omne errore immunis": The Lutheran Approach to Primacy', in James F. Puglisi (ed.), *Petrine Ministry and the Unity of the Church* (Collegeville MN: Michael Glazier, 1999), 15–35 (28–9).

> The central theological achievement of the U.S. [Lutheran-Roman Catholic ecumenical] dialogue was to relocate the issue of primacy in a teleological context, within which we can ask what good the primacy of Rome might serve, in what ways, and under what conditions. […] [T]he claim of divine institution need by no means be surrendered, but its force is altered when the function of papal primacy in a teleology of mission becomes central evidence for it.[40]

By locating the Petrine primacy within the perspective of the mission of the church, such ecumenical dialogue has yielded

> a functional account of primacy as common ground for dialogue—not functional as in "non-theological", but rather as in "sociological-pragmatic," because what is at stake is an understanding of primacy within the drama of the church's apostolic mission, given by Jesus Christ.[41]

The ultimate (and exclusive?) criterion for evaluating the necessity of ecclesial structures (i.e. their being divinely willed) is, as Avery Dulles suggested some time ago, the purely functional one of whether they promote the divinely given mission of the Church.[42] Already the 1986 Nairobi report agreed by the Methodist-Roman Catholic international commission under the general title *Towards a Statement on the Church* had taken a similar stance. In its thirty-seven paragraphs devoted to 'The Petrine Office', it deployed its argument through a tightly knotted series of distinctly sociological considerations:[43]

> §48 In looking at the question of universal primacy one may begin with the desirability of unity focused around leadership. §49 All local churches need a ministry of leadership. […] §50 Analogously the question arises whether the whole Church needs a leader to exercise a similar unifying role in service to the worldwide κοινωνία. §51. Given this context, one

[40] 'The Papal Office and the Burdens of History: A Lutheran View', in Carl E. Braaten and Robert W. Jenson (eds.), *Church Unity and the Papal Office* (Grand Rapids MI: Eerdmans, 2001), 98–123 (103).

[41] 'The Papal Office', 101, cf. 102 and 103.

[42] Ecclesial structures (whether perceived as divinely willed or of merely ecclesiastical positive right) should be assessed against whether they conflict with either 'the Church's mission as embodied in the divine mandates […], or […] with the transcendental precepts that hold good for any society'. If they do, 'we may have reason to think that this particular structure can and should be radically changed or suppressed. For it is difficult to see how God could will for his Church something that is a countersign or is counterproductive', A. Dulles, '*Ius Divinum* as an Ecumenical Problem', *Theological Studies* 38 (1977), 681–708 (705).

[43] Thus Geoffrey Wainwright, '"The Gift Which He on One Bestows, We All Delight to Prove": A Possible Methodist Approach to a Ministry of Primacy in the Circulation of Love and Truth', in Puglisi, *Petrine Ministry*, 59–82 (75–6).

> then has to face the claim that the Roman see already exercises such a ministry of universal unity.[44]

From these premises, a conclusion was drawn hinting that

> Methodists might become receptive to a pragmatically formulated justification of the Roman claim in the present: "Methodists accept that whatever is properly required for the unity of the whole of Christ's Church must by that very fact be God's will for his Church. A universal primacy might well serve as focus of and ministry for the unity of the whole Church"'.[45]

Again, Roman Catholic ecclesiologist Patrick Granfield argued for the need for the papacy primarily from socio-political grounds, by recalling the necessity any large organization has for a centre of unity providing coordination, communication, direction and leadership.[46] As its current external institutional embodiment can best be understood and assessed against how it fulfils its proper function, so its past emergence can best be understood and assessed

> as a response to the early Church's need for a center of unity: 'On the basis of any other criterion than that of pastoral-theological efficiency, it does not seem possible to justify the primacy of the Roman bishop as an element in the structure of a particular Church.'[47]

As noted above, those remarks manifest a shift in the main criterion of ecclesiological evaluation: permanence, immutability and absolute necessity—the characteristics traditionally associated with the expression *ius divinum*—are predicated of the *function* a given ecclesial institution fulfils, rather than its external institutional embodiment. The function in question is *ἐπισκοπή*.

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[44] *Nairobi* (1986), §§48-51.

[45] Wainwright, 'The Gift Which He on One Bestows', 76, quoting *Nairobi* (1986), §58 (my emphases). Whilst noticing this, Wainwright did not expand on the methodological significance of the point.

[46] *The Papacy in Transition* (Garden City, NY: Doubleday, 1980), 99, cited in Peter C. Phan, 'A North American Ecclesiology: The Achievement of Patrick Granfield', in Phan (ed.), *The Gift of the Church. A Textbook on Ecclesiology in Honor of Patrick Granfield, O.S.B.* (Collegeville MN: Liturgical Press, 2000), 469–502 (501).

[47] *Ibid*., 182, quoting Karl-Heinz Ohlig, *Why We Need the Pope: The Necessity and Limits of Papal Primacy*, trans. Robert C. Ware (St. Meinrad: Abbey, 1975), 112–3.

3.6 Is the Function of *Ἐπισκοπή* Necessary for the Existence of the Church?

The final issue concerning *ius divinum* is thus clear. *Ἐπισκοπή* might always have been carried out through different institutional forms which have varied considerably from an early age, both diachronically and synchronically. So while the permanence and necessity conveyed by the expression *ius divinum* is not to be found with regard to any one ecclesial *structure*, might it not be predicated of that common political function which ecclesial structures, in their different forms, exist to fulfil? The answer requires, again, an examination of scripture, Tradition, and reason.

With regard to scripture, the answer appears to be negative. The only explicit scriptural mandates concern the proclamation of the Good News, baptising, and remembering Jesus' last supper; while the political function of control and oversight of common action, i.e. *ἐπισκοπή*, is nowhere explicitly mandated as necessary and permanent. The same can be said even more forcefully of universal *ἐπισκοπή*. As it has been observed, 'a responsibility for the universal church cannot be ruled out on the basis of the biblical evidence',[48] and is thus in principle compatible with it: but that is a far claim from affirming that it is required as an essential element for the church to exist.

Still, one might argue that because *ἐπισκοπή* has been present from the very beginning, if embodied in different institutions, it should be regarded as necessary even in the absence of an explicit scriptural requirement. It is best to limit our enquiry to the most clear-cut case, by focusing on whether *ἐπισκοπή* is truly necessary at the supra-regional or universal level. If *ἐπισκοπή* at the universal level cannot be shown to have been necessary for the church to exist and develop—if, in other words, it is correct that the early church has lived for several centuries without the ordinary exercise of such *ἐπισκοπή* at the universal level—it cannot be affirmed to be such also at all other levels, viz. the regional and local.[49] From a strictly logical point of view, the burden of proof is on those who argue otherwise. In addition, RC theologians should also prove that the *ἐπισκοπή* is not only necessary but must also be exercised monarchically, and this at every level: from the local to the ecumenical.

[48] 'Differing Attitudes Toward Papal Primacy', §29.

[49] This reasoning is the exact opposite of John Zizioulas', who affirmed that 'The theology that justifies, or even (as an Orthodox, and perhaps an Anglican, too, would add) necessitates the ministry of episcopacy, on the level of the local church, the same theology underlies also the need for a primacy on the regional or even the universal level.' Quoted in John Baycroft, 'An Emerging Ecumenical Consensus on Papal Primacy?', *Journal of Ecumenical Studies* 35, nos. 3–4 (1998), 365–9 (367).

From the point of view of scripture, there is some evidence in the NT of a communal, collegial (conciliar or synodal) and a personal exercise of supra-regional *ἐπισκοπή* from a very early period in the church's history. An example of the first concerns the judicial role of the entire local church (Matt. 18.15–8); an instance of the second might have been the Jerusalem representative gathering where each party concerned, Jewish Christians and Hellenists, had sent its chosen delegates (Acts 15). Such events prefigured the subsequent tradition of ecumenical councils, which were to prove an admittedly rare, extraordinary means of fulfilling supra-regional, even universal *ἐπισκοπή*. On the other hand, the oldest illustration of a personal exercise of such supra-regional *ἐπισκοπή* is arguably the ministry fulfilled by James the brother of Jesus.

Two points are worth noting. First, such an exercise of *ἐπισκοπή*, whether personal, collegial, or communal in form, seems to have been largely democratic in substance. At the gathering in Acts 15, as noted, all parties concerned sent their representatives; conversely, James did not decide unilaterally the issues at stake; rather, he mediated between the various parties by suggesting a compromise, and then supervised the implementation of the agreements reached.

Secondly, while there are traces of a budding exercise of supra-regional *ἐπισκοπή* in the primitive church, other data from both the NT—e.g. James' ultimately fruitless attempt to enforce some of the Jewish laws of purity upon Christian converts from paganism, or the relatively autonomous Johannine community—and the first centuries of church life suggest that supra-regional *ἐπισκοπή* was not yet *ordinarily* exercised over all Christian groups, and even over those it was in fact exercised, it was not always efficacious.

In fact, the picture emerging from those data is that of a federal network of Christian communities based on households, each of which was fully church, completely autonomous, cooperating with the others even while retaining important differences on several matters, including differences in organizational layout.[50]

[50] On the organization by household congregations being the organizational pattern of earliest Christianity see, in addition to the references in the notes which will follow, also V. Branick, *The House Church in the Writings of Paul* (Wilmington: Michael Glazier, 1989); Bradley Blue, *In Public and in Private: The Role of the House Church in Early Christianity* (unpublished Phd thesis, Aberdeen University, 1989), 1, arguing that the widespread practice of meeting in the home seems to have continued into the fourth century; and his essay 'Acts and the House Church', in David W. J. Gill and Conrad Gempf (eds.), *The Book of Acts in Its First Century Setting: Graeco-Roman Setting* (Grand Rapids MI: Eerdmans, 1994), vol. II, 119–222, tracing the development of domestic church buildings in Jerusalem, Rome, and Corinth, with the help of over thirty floor plans and drawings of early Christian

> This independence by the local church is often called 'congregational autonomy', that is, self-governing congregations. [...]
>
> But autonomy is not isolation. The early churches practiced a fullness of fellowship, cooperation, mutual assistance, and communication. There was a sense of being one body under one Lord (Eph. 4:4–5). There were to be no dividing barriers between believers, whether racial (Eph. 2) or cultural (Rom. 14–15). Examples of local churches cooperating together may be seen in Acts 11:28–30; Romans 15:25–26; and 2 Corinthians 8:1–5. Such mutual cooperation is evident throughout the pages of the New Testament, but this was done without creating an organization higher than local churches.[51]

In light of the NT and post-apostolic evidence, a schematization of the initial development of church structures has been suggested as occurring in two stages: the initial one in which the believers gathered *κατ'οίκον*, and the subsequent one in which the household heads gathered *κατ'ἐκκλησίαν*, in a general assembly of the representatives of the various house-churches in a city.[52] As was the case for similar professional and religious gatherings in the Greco-Roman world, whether organized by primarily socio-economical or religious associations—house churches were arguably guided by their benefactors or patrons, following the accepted pattern of social cooperation in the Greco-Roman world.[53]

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houses. Also of interest are Robert Banks, *Paul's Idea of Community: The Early House Churches in Their Historical Setting* (Grand Rapids MI: Eerdmans, 1988); Campbell, *Elders*, 226–7, (with regard to *Didachè* being probably addressed to house-churches); W. O. McCready, '*Ecclesia* and Voluntary Associations', in J. S. Kloppenborg and S.G. Wilson (eds.), *Voluntary Associations in the Graeco-Roman World* (London: Routledge, 1996), 59–73; Arthur G. Patzia, *The Emergence of the Church: Context, Growth, Leadership & Worship*, (Downers Grove IL: InterVarsity Press, 2001), 188 (with a good bibliography); Joan M. Petersen, 'Some Titular Churches at Rome with Traditional New Testament Connexions', *The Expository Times* 84, 9 (1973), 277–9; and John Reumann, 'One Lord, One Faith, One God, but Many House Churches', in Julian V. Hills (ed.), *Common Life in the Early Church* (Harrisburg PA: Trinity Press International, 1998), 106–17.

[51] Everett Ferguson, *The Church of Christ: A Biblical Ecclesiology for Today*, (Grand Rapids MI: Eerdmans, 1996), 344–6. It is true, he added, that 'The apostles did exercise extra-congregational supervision of the Christian bodies that emerged (cf. Acts 8.14; 11.19). The testimony of the apostles remains the foundation of the church, and they remain the ambassadors through whom the will of the Lord is known. It is noteworthy, however, that when they anticipated the removal of their personal presence, they did not appoint successors to continue the supervision of the churches but only local leaders who were "entrusted to the Lord" (Acts 14.23) and commended "to God and to the message of his grace" (Acts 20.23).' *Ibid*.

[52] Campbell, *Elders*, 171–2; also 226–7 for the suggestion that the *Didachè* too was probably written to Christian communities organized as house-churches, led by the patron/*paterfamilias*, and that its request to appoint *ἐπίσκοποι* refers to supra-congregational leaders.

[53] 'The household congregational leaders "emerged" from their voluntary sponsorship of congregations at their houses and are appropriately termed "overseers", in the sense of a single overseer, not multiple ones, for each congregation.' Williams, *Bishop Lists*, 55.

The case of Corinth is particularly valuable in that it is 'the Church which we know so much more about than any other of the New Testament Churches'.[54] Küng, among others, observed that the evidence we have suggests that

> there existed in the Corinth community, in Paul's time, [no] office of leadership, whether elders or the later monarchical kind of episcopate. Faced with disorders which threatened the very existence of the Corinth community, in preaching (1 Cor. 14), the Lord's Supper (11) and in Church discipline (5); faced, moreover, with divisions in the community (1–3) with regard to the settling of disputes within the community (6), and with regard to the collection for Jerusalem (16; 2 Cor. 8–9)—Paul would have had to address himself to the responsible leaders of the community, if such had existed. But here there is evidently no one to whom Paul could say: 'Command and teach these things' (1 Tim. 4.11), not even in connection with the Lord's Supper.[55]

As he further remarked, 'All this is much more than an *argumentum e silentio*. The burden of proof lies' with those wishing to affirm the existence of a supra-congregational ministry of leadership during Paul's time.[56]

This basic, household-based organizational pattern remained the default one roughly until Constantine. As has been observed, 'the New Testament Church began as a small group house church (Col. 4.15) and it remained so until the middle or end of the third century'.[57] In contrast, the development of supra-local coordination has been quite slow:

> There is, in fact, no evidence of consultation and common action among the Christian communities themselves until late in the second century. *Intra*-congregational deliberative meetings, however, evidently took place in early times and were presumably common. Ignatius, for example, advised Polycarp to call together a congregational assembly (συμβούλιον) at Smyrna to take care of an important matter that had arisen there (Polycarp 7.2). [...]
>
> It seems evident also that the struggles for identity and mutual recognition among the groups were increasingly the occasion of both intra-and inter-congregational discussion and that the discussions and decisions regarding acceptable teachings resulting from these attempts

[54] Küng, *The Church*, 403.
[55] *Ibid*.
[56] *Ibid*.
[57] Graydon F. Snyder, *Church Life Before Constantine* (Macon, GA: Mercer University Press, 1991), p. 166.

> towards the resolution of issues were, in fact, the beginnings of conciliar action.[58]

So it is that the organizational development of early Christianity has been aptly summarized as follows:

> in the pre-Nicene centuries the local *ekklesia* was largely self-sufficient and to a surprising degree autonomous. Unity among churches manifested itself in agreement on faith rather than in institutional structures.[59] In fact, no permanent organizational machinery existed above the level of the local church. Except of the necessity of having a new bishop consecrated by several neighboring bishops, there was little constitutional dependence of one church upon another. As late as 340 A.D. the liturgy of Serapion, for example, even in its intercessory prayers did not look beyond the horizon of the bishopric of Thumis in Lower Egypt.
>
> At this early stage of development it was possible for each locality to have its own canon and text tradition of Scripture, its own disciplinary regulations. [...] Of course there was borrowing and interaction among the various communities, but what conformity resulted was due to spontaneous adoption, not to authoritative imposition. Councils were convened to achieve a consensus, a common course of action, with no defined powers of overriding or interfering with local decisions.[60] It remained up to the individual churches whether or not to implement conciliar enactments.[61]

The growth in the interconnectedness of Christian communities proportionally increased the need for an *ordinary* exercise of a universal oversight. It was only as an evolution of the initial situation of small, autonomous local communities of Christians (with different liturgical customs, doctrinal outlooks, and political organizations) that a function of supra-regional and, eventually, universal *ἐπισκοπή* gradually developed, arguably to increase the unity required by cooperation.[62] What is crucial for present purposes is that for the existence as well as growth of such house churches no universal *ἐπισκοπή* had been necessary.

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[58] Hamilton Hess, *The Early Development of Canon Law and the Council of Serdica* (Oxford: Oxford University Press, 2002), 5–6.

[59] Dom Gregory Dix, 'The Ministry in the Early Church', in Kenneth Escott Kirk (ed.), *The Apostolic Ministry: Essays on the History and the Doctrine of Episcopacy* (London: Hodder & Stoughton, 1946), 274–87.

[60] Georg Kretschmar, 'The Councils of the Ancient Church', in H. J. Margull (ed.), *The Councils of the Church: History and Analysis*, trans. Walter F. Bense (Philadelphia: Fortress Press, 1966 [1961]), 1–81.

[61] John E. Lynch, 'Co-Responsibility in the First Five Centuries: Presbyteral Colleges and the Election of Bishops', in James A. Coriden (ed.), *Who Decides for the Church?* (Hartford CT: Canon Law Society of America, 1971), 14–54 (14–15).

[62] See the acknowledgment of this in *Nature and Mission of the Church*, §91.

To the extent, then, that the gradual development of the function of supra-regional *ἐπισκοπή* only occurred as a modification—and an arguably positive development—of the original network of self-governing house churches, it is impossible to conceive it as absolutely necessary for church being.[63] This is most evident with regard to the ecumenical or universal *ἐπισκοπή*.[64] For the greater part of the first millennium—i.e. when a curia-assisted monarchical papacy claiming universal and absolute doctrinal and jurisdictional authority in ecclesial matters had not yet developed—supra-regional *ἐπισκοπή* has been fulfilled in both monarchical and collegial (synodal and conciliar) forms, and universal *ἐπισκοπή* only extraordinarily and in a collegial manner only, through the great ecumenical councils. As has been noted,

> the papacy as we know it today, an essentially monarchical power possessed of sovereign authority over the entire Roman Catholic Church worldwide, is very much the product of the second thousand years of Christian history.
>
> Indeed, in the degree to which, via effectively centralized governmental agencies, mechanisms, procedures, and instrumentalities of communication, it is actually able on a day-to-day basis to impose its sovereign will on the provincial Churches of Roman Catholic Christendom, the papacy is the achievement, more precisely, of the past two hundred years at most...[65]

The development of the papacy can be conceived as the provision for a *permanent* institution capable of exercising universal *ἐπισκοπή* in an *ordinary* (as distinct from extraordinary) manner. This Petrine function exercised by the popes began very gradually only since the fourth century and on very limited areas at first—mostly with

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[63] The non-necessity of political authority for the existence and functioning of a community can also be seen as implicit in Küng remarks that 'However much Paul may have envisaged further development in the Churches (perhaps along the lines suggested in Philippians 1:1), he would certainly have objected to any suggestion that the organization of his Churches was incomplete or provisional. He would have maintained that the contrary was true, for these communities were filled with the Spirit and his gifts, and hence possessed—in the order of love—all that was necessary. For Paul the community in Corinth was already, in its own fashion, a complete and fully equipped Church. It was to this community that he wrote: "...in every way you were enriched in him (Christ) ... so that you are not lacking in any spiritual gift" (1 Cor. 1:5 and 7); "... you excel in everything..." (2 Cor. 8:7); "God is able to provide you with every blessing in abundance so that you may always have enough of everything" (2 Cor. 9:8).' *The Church*, 402–3.

[64] Historical research suggests that there was neither a bishop at Rome who could personally succeed to Peter, nor later when there was a monarchical bishop, did he at first claim to be the successor of Peter. 'The fractionation in Rome favored a collegial presbyterial system of government and prevented for a long time, until the second half of the second century, the development of a monarchical episcopacy', Lampe, 'Fractionation, Monarchical Episcopacy, and Presbyterial Governance', 397. The understanding of the papal office as we see it exercised now is a very recent development, roughly operative since Vatican I. Previously, the pope's influence was significantly less due to his lacking the power to appoint and thus control most bishops in the world, a power ordinarily wielded by RC secular rulers.

[65] Oakley, *Conciliarist Tradition*, 3.

regard to the fulfilment of the function roughly analogous to contemporary courts of cassation or of last resort, which have jurisdiction over all matters triable in the judicial stream but only scope of review to determine a miscarriage of justice and demand that the trial be repeated. This is what, at least, is suggested by canons 3–5 of the council of Sardica (c. 343), which have been summarized as affirming that 'papal competence would be limited to declare that a council has misjudged and that another council—but not the pope himself—should revise the trial', albeit the pope would have the authority of choosing the members of this second, independent jury.[66]

Noteworthy in this connection is that *ἐπισκοπή*, whether local or supra-regional, personal or collegial, appears to have been initially limited to the judicial domain. It was arguably the local churches which decided what they felt unable to decide or settle themselves and thus called for external evaluation, advice, or adjudication: it was thus a question not of a central authority unilaterally legislating what it felt was right in isolation from everybody else, but rather of a true judicial service.[67] And, initially at least, such judicial task in both disciplinary and doctrinal matters was arguably the primary function of official leaders—something which fits well with understanding their creation and development as a response to ecclesiastical crises. Noteworthy in this regard is the fact that this mirrors the general development of political structures as highlighted by political anthropology, where administering justice—maintaining internal peace—especially as a court of last resort, has normally been among the first functions of any (centralized) political authority, along with maintaining external peace.

Finally, it is important to underline that there has never been a unique, truly ecumenical *ἐπισκοπή* in the history of Christianity: not even the bishop of Rome has ever exercised such a function *de facto*, as distinct from having claimed to be *de iure* entitled to do so. Even granted that before the 1054 schism he did exceptionally exercise a minimal *ἐπισκοπή* over Greek Christians—as a judicial court of last resort—such has

[66] Brigitte Basdevant-Gaudemet, 'Les éveques de la chrétienté et l'éveque de Rome du milieu de iii^e^ siècle au milieu du v^e^ siècle', in *Eglise et autorités. Etudes d'histoire de droit canonique médiéval*, Cahiers de l'Institut d'Anthropologie Juridique no. 14 (Limoges: Presses universitaires de Limoges, 2006), 25–49 (45–6); interestingly, as she remarked few lines later (albeit without providing references), those canons appear to be a 'transposition of the procedure of appeal to the imperial council' ('On trouve dans la législation de Sardique une sorte de transposition de la procédure d'évocation d'une cause au conseil impérial'), *ibid*. For further see Hervé Legrand, 'Brève note sur le concile de Sardique et sur sa reception: Rome instance d'appel ou de cassation?', in Comité mixte Catholique-Orthodoxe en France, *La primauté romaine dans la communion des Eglises* (Paris: Cerf, 1991), 47–60.

[67] The very fact that official leaders were created primarily in the context of ecclesiastical crises suggests that their initial and primary role might have been judicial, as a court of appeal. Such might have been the role of James and, according to Käsemann at least, of the college of presbyters more in general: see no. 25 above.

never been the case before the fourth century. Again, even after the papacy became increasingly operative as the ordinary agent of universal *ἐπισκοπή* for the Latin Church (especially since the gradual development of the Roman Curia in the second millennium), that function has at crucial times been fulfilled by others. In extraordinary circumstances, when the papacy betrayed its role, the latter has eventually been discharged by a general council. This occurred most famously during the Great Schism (1378 to 1417)—when more than one pope claimed legitimacy and the Christian allegiance in the West was split—which was eventually ended by the council of Constance (1414–1418). And since the Reformation, what we have had is a variety of different institutional arrangements fulfilling a function of worldwide *ἐπισκοπή* for each of the mainstream Christian churches. Hence, as a Lutheran-RC bilateral dialogues remarked,

> there is for Lutherans no single or uniquely legitimate form of the exercise of the Petrine function. At every stage, the Petrine function developed according to the possibilities available at that time. Councils, individual leaders, specific local churches, credal statements and the papacy have all in various ways ministered to the unity of the church. [...] Even if it should be desirable that the Petrine function be exercised by a single individual, the question of his powers would still be open.[68]

In addition, then, to the diachronic variety of institutional ways of exercising *ἐπισκοπή*, both local and supra-regional, there exists the synchronic variety evident nowadays. For example, at the universal level, today most if not all mainstream Christian churches have a specific institution for fulfilling *ἐπισκοπή*: in the RC communion such function is exercised primarily monarchically, with no real collegial elements (the international Synod of Bishops has a purely advisory role, while all powers exercised by the curial Cardinals and officers are delegated by and thus dependent on the pope); in the Anglican communion the situation is the exact opposite: worldwide *ἐπισκοπή* is exercised mostly collegially (Lambeth Conference, Anglican Consultative Council, and Primates' Meeting), the role of the Primate of Canterbury being almost purely honorary; Lutheranism has a predominantly collegial outlook which embodies subsidiarity (Assembly, Council, and Secretariat of the Lutheran World Federation); and so has Methodism (World Methodist Council).

[68] 'Differing Attitudes Towards Papal Primacy', §34.

Not only, then, do Scripture as well as history attest that the function of *ἐπισκοπή*, at every level, has been carried out in different ways, personally, communally, or collegially.[69] They also suggest that its existence has not been absolutely necessary for the church to exist. As noted earlier, this is particularly evident with regard to the specifically monarchical exercise of *ἐπισκοπή*—whether at the local, supra-regional, or ecumenical level—in light of the two facts mentioned above: first, the diachronic variety of institutions fulfilling such task, which have not been only monarchical but also collegial; second, the fact that the monarchical form of exercising the episcopal function stopped fulfilling its function during crucial periods in history—and this at both the local level of diocesan bishops and at the supra-regional level of the metropolitans, patriarchs, and pope—without the church thereby ceasing to exist.

At the local level, failure of monarchical *ἐπισκοπή* arguably occurred on a vast scale already during the Arian crisis, due to the heterodoxy of so many bishops; at the supra-regional level, failure of monarchical *ἐπισκοπή* occurred most visibly during the Great Schism in 1054 and then again, more seriously still, during the Western Schism from 1378 to 1417, and since the Reformation a century later. The failure of the nascent function of supra-regional *ἐπισκοπή* during the Arian crisis is particularly noteworthy, according to Newman, in that throughout its duration it was the shepherdless laity throughout the empire which discerned orthodoxy from heterodoxy, mostly unhelped by the episcopate.[70] Despite Newman's simplified depiction suggesting a greater degree of doctrinal unity than might have been the case in a situation of widespread doctrinal fragmentation,[71] his central perception about the role of the church at large, if correct, is a good demonstration that it is the community as a whole (laity and office-holders)

[69] Hence the Porvoo Common Statement could affirm that 'the personal, collegial, and communal dimensions of oversight find expression at the local, regional, and universal levels of the Church's life', 'Porvoo Common Statement' (1993), in Colin Podmore (ed.) *Together in Mission and Ministry: The Porvoo Common Statement with Essays on Church and Ministry in Northern Europe* (London: Church House Publishing, 1993), 1–42 (§45, p. 25), available at http://www.porvoochurches.org/statements/index.htm; also *Nature and Mission of the Church* §94, see also §§91–3.

[70] Thus John Henry Newman, *On Consulting the Faithful in Matters of Doctrine*, ed. John Coulson (London: Collins Liturgical, 1986).

[71] See Andrew Louth, 'Unity and Diversity in the Church of the Fourth Century', in Everett Ferguson (ed.), *Doctrinal Diversity: Varieties of Early Christianity* (London: Garland, 1999), 1–18; for more general surveys of the doctrinal variety of early Christianity, besides Walter Bauer, *Orthodoxy and Heresy in Earliest Christianity*, consult the more recent works by Bart D. Ehrman, *Lost Christianities: The Battle for Scripture and the Faiths We Never Knew* (Oxford: OUP, 2003), Brent, *Hippolytus and the Roman Church*, and Mark Edwards, *Catholicity and Heresy in the Early Church* (Farnham: Ashgate, 2009), esp. 1–7, although the latter might overstate both the degree of supra-regional oversight and the monarchical form in which it was carried out in the early church (see esp. 4–5).

which is the primary carrier of the common fund of Christian meanings and values, viz. the primary carrier of apostolicity.

Furthermore, a failure of (monarchical) *ἐπισκοπή* in fulfilling its proper task also occurred at all levels—whether the regional or supra-regional—every time in history that it has been exercised by coercion, or more generally in an unchristian way which quenched instead of supporting the freedom of Christians it is supposed to serve, thus stunting the possibility for true self-transcendence. A most evident instance of this are the mistaken excommunications of or accusations against theologians, mystics, founders of religious orders, ordinary laymen and women, whether by diocesan bishops, archbishops, or popes, which punctuate the history of the church. Such acts were and are inherently divisive, and contrary to the function of fostering unity and coordination in a community.

In all the above instances, *ἐπισκοπή* has been *de facto* unavailable to a greater or lesser extent in significant portions of Christianity for extended periods of time, with often damaging yet hardly ever lethal consequences for the existence of the churches concerned. Finally, there have always been throughout most if not all the history of Christianity non-episcopal churches. Their nature as churches—i.e. as Christian communities in the technical sense of groups sharing distinctively Christian experiences, insights, judgments of facts, values, and goals—is undeniable. All the above examples would point to the conclusion that a church can come to existence, survive, and even thrive without a structure of authority—never mind monarchical authority. They point, in other words, to the fact that *ἐπισκοπή* is not strictly speaking necessary for a church to exist as church and to survive as such.

From this perspective, it is plausible to assume that the only necessary element of unity vis-à-vis the great variety of socio-cultural and religious backgrounds of new converts (including the sundry charismatic experiences common in Corinth) was not structural but personal, viz. the common experience of the Spirit.[72] Arguably such experience of the transcendent was then to be necessarily complemented at the propositional level of belief by an orthodox confession of Jesus as Lord: in either case, the point here is that neither Paul nor James, Peter, John or any other inspired writer envisaged any ecclesial structure as necessary for there to be church.[73]

[72] See James D. G. Dunn, *The Theology of Paul the Apostle* (Grand Rapids MI: Eerdmans, 1998), 424, 457, 561–2, 564.

[73] '[I]n Paul's day and in the NT period generally, how did diverse house churches find unity? The most obvious ways, as the passages already cited (1 Cor. 8:6, 12; Philippians 2; John 17; Ephesians 4)

This is consistent with a widespread understanding of what formally constitutes a human community (see further below): the latter is not just any group of persons within the same geographical boundaries or under the same political chief, but one sharing experiences, insights, judgments of facts, and values. It is such shared fund of meanings and values that is the necessary and sufficient element formally constitutive of a community *qua* community.[74] Analogously, a Christian community is a group of persons sharing, through the assent of faith (hence the supernatural character of the resulting community), the distinctive meanings and values of the Good News of Christian revelation. From this viewpoint, 'apostolicity' is constitutive of the Christian church because it signifies precisely the common Christian meanings, values, and goals which bind Christians together.

In light of this, neither monarchical episcopate nor *ἐπισκοπή* in general can be understood as essential for the formation, development, or survival of the Christian community: on the contrary, that can only be the role of the inner word of the Spirit in people's hearts—identifiable with the (religious experience of) God's gift of his love (Rom. 5.5)—and of the outer word of divine positive revelation, particularly in the person of Jesus and the Good News he proclaimed. Such an insight has been central to the traditional *sola fide* ecclesiology of most non-episcopal Christian churches. The latter reject the understanding of the monarchical exercise of *ἐπισκοπή* at every level not *per se*, but inasmuch as it is claimed to be absolutely necessary for the church to exist—

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suggest, centered on Jesus, Christology, and faith. One could also speak of the Spirit, who is one, while the gifts of the Spirit were diverse (1 Cor. 12:4). Whatever "the degree of unity that was achieved through all the differences and varieties, […] the common factor holding all together is devotion to the person of Jesus Christ—the historical Jesus acknowledged as continuous with the one now acknowledged [after Easter] as the transcendent Lord." […] One cannot say of Paul, or of the NT period in general, that the organization of the church—either in one particular form (episcopal, presbyterial, or congregational) or beyond the house churches of a city region (conciliar, Petrine/papal, or even a networking of friends)—was the hallmark of Christian unity.' Reumann, 'One Lord, One Faith, One God, but Many House Churches', 114.

[74] Such common fund must at a minimum include—but could also extend well beyond—that shared core of basic and distinctively Christian meanings and values known as the *κήρυγμα*. As it has been famously observed, 'within the New Testament there is an immense range of variety in the interpretation that is given to the *kerygma*; [however,] in all such interpretation the essential elements of the original *kerygma* are steadily kept in view. Indeed, the farther we move from the primitive modes of expression, the more decisively is the central purport of it affirmed. With all the diversity of the New Testament writings, they form a unity in their proclamation of the one Gospel'. C. H. Dodd, *The Apostolic Preaching and Its Developments* (New York: Harper & Row, 1980 [1936]), the conclusion at p. 74 (the entire work is available at http://www.religion-online.org/showbook.asp?title=539). It is also evident, however, that from the very beginning many different interpretations of the Christian message have given rise to different sets of common meanings and values and, consequently, different Christian communities too: already Ernst Käsemann famously suggested that the scriptural canon grounds, or rather witnesses to, the multiplicity of confessions more than the unity of the church, see his 'The Canon of the New Testament and the Unity of the Church', in *Essays on New Testament Themes*, trans. by W.J. Montague (London: SCM Press, 1964), 95–107.

a claim repeated in several ecumenical documents.[75] They object with the same reasons already highlighted: first, the diachronic variety of its institutional embodiments, monarchical and collegial alike; second, the failure of its monarchical form at several crucial points in church history and its supplementation by other forms.[76] From this perspective, 'apostolicity and unity depend [*not*] upon the church's having the episcopal office',[77] but rather on fidelity to a shared fund of common experiences, meanings and values distinctive of Christ's Good News and of the Spirit's grace.

Also noteworthy in this regard is the fact that one of the primary meanings of the NT term *κοινωνία*, used to describe the church, is that of 'partnership', 'fellowship', or 'association', acceptations which, while they certainly indicate a group of people sharing experiences, meanings, values, and goals, do not *per se* imply that such group possesses a structure of authority (i.e. was organized hierarchically).[78] As Paul S. Minear put it in his discussion of the term:

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[75] 'Catholics and Lutherans affirm together that God instituted the ministry and that it is necessary for the being of the church, since the word of God and its public proclamation in word and sacrament are necessary for faith in Jesus Christ to arise and be preserved and together with this for the church to come into being and be preserved as believers who make up the body of Christ in the unity of faith.' LWF, PCPCU, *The Apostolicity of the Church*, §276. 'Ministry' in that sentence is understood to mean the special ministry of the ordained. But the latter's ministry can be understood to be absolutely necessary for the church only if they are the unique mediators/transmitters of God's Word. In contrast, if the primary carrier and minister of the Good News is the whole People of God, then any exclusivist claim of a separate group must be rejected—not, to be sure, because there cannot be a group specifically trained and dedicated to that purpose, but because such a group cannot claim any exclusive competence in that regard, and thus any absolutely necessary role in the church.

[76] See *Porvoo Common Statement* (1993), §51; the second point has been particularly stressed in a statement by the Theological Advisory Board of the WordAlone Network, '*The Episcopal Ministry within the Apostolicity of the Church*: A Lutheran Response' (2003), §3.3, available at http://www.wordalone.com/o-site/newsletters/2003/JulyAug03.pdf. Their contention is that in many historical instances the gospel has been preserved by reformers breaking with the established yet largely decadent and even un-Christian episcopal succession, so that the latter cannot be regarded as necessary for preserving and transmitting the evangelical apostolic message. Although a minority within the Evangelical Lutheran Church in America, the concerns voiced by the WordAlone Network are mainstream among non-episcopal churches.

[77] Theological Advisory Board of the WordAlone Network, '*The Episcopal Ministry within the Apostolicity of the Church*: A Lutheran Response' (2003), §3.3.

[78] Schuyler Brown, 'Koinonia as the Basis of the New Testament Ecclesiology', *One in Christ* 12 (1976), 157–67; Jacques Dupont, 'L'union entre les premiers Chretiens dans les Actes des Apotres', *Nouvelle Revue Theologique* 91 (1969), 903–8; Andrew T. Lincoln, 'Communion: Some Pauline Foundations', *Ecclesiology* 5, no. 2 (2009), 135–60; Bernard Prusak, 'Hospitality Extended or Denied: Koinonia Incarnate from Jesus to Augustine', in James H. Provost (ed.), *The Church as Communion* (Washington DC: The Canon Law Society of America, 1984), 89–126, focusing on the demand for unity in doctrine as an external criterion for communion; J. Reumann, 'Kononia in Scripture: Survey of Biblical Texts', in Thomas F. Best and Günther Gassmann (eds.), *On the Way to Fuller Koinonia. Official Report of the Fifth World Conference on Faith and Order*, Faith and Order Paper no. 166 (Geneva: World Council of Churches, 1994), 37–69. Two recent monographs on *κοινωνία* are Nicholas Sagovsky, *Ecumenism, Christian Origins and the Practice of Communion* (Cambridge: CUP, 2004), 48–193, who examines the importance, usage and meanings of the term in Plato, Aristotle, and the early Christians; and Lorelei F. Fuchs, *Koinonia and the Quest for an Ecumenical Ecclesiology: From Foundations through Dialogue to Symbolic Competence for Communionality* (Grand Rapids MI : Eerdmans, 2008), who examines the discussion of the term in the recent ecumenical dialogues.

> It is important to note also that certain things were not mentioned as being essential to faith's common life. Nothing was said about a structure of offices and officials whose authority must be recognized by believers. Paul did not even urge the community to adopt a single day for worship or a single set of rules concerning clean and unclean foods.[79]

Again, as it has been noted as some length, the basic concern of the ancient councils of the early church was indeed the unity of the church, but such unity 'was based on the identity of Tradition and the unanimity in faith, rather than on any institutional pattern'.[80] In short, as Congar put it, 'The first and shared reality by which the Church exists is faith: the Church is the *congregatio fidelium*.'[81]

With this we move from an examination of the data from scripture and tradition to more theoretical considerations. For the assertion that what essentially constitutes apostolicity and unity is a common fund of distinctively Christian shared meanings and values is fundamentally opposed to the central belief underlying many ecclesiologies and even past political philosophies, especially of a conservative bent, according to which the unity of a community—and thus much more its very existence—would necessarily require, and is thus essentially constituted by, a single supreme authority at its highest level and at each of the lower decisional levels, in a hierarchical pyramid.[82]

But political anthropology suggests that a central political authority, while potentially very useful, is not strictly speaking necessary to have a community in the technical sense of a group sharing common experiences, insights, judgments of fact, values, and goals. Those past political philosophers who have considered political authority to be 'natural', were inclined to make such an assumption by the relative lack of historical and anthropological knowledge typical of pre- and early modern times and often found well into the nineteenth century. In contrast, those two disciplines have highlighted that social and political stratification is not a universal phenomenon or a standard for all human societies. Non-stratified, egalitarian or 'acephalous' societies have always existed with hardly any political authority. Indeed, such has generally been

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[79] *Images of the Church in the New Testament* (Philadelphia: Westminster Press, 1960, reprinted with a new foreword by Leander E. Keck, Cambridge: Clarke, 2007), 142.

[80] Georges Florovsky, 'The Authority of the Ancient Councils and the Tradition of the Fathers. An Introduction', in his *Collected Works*, vol. I, *Bible, Church, Tradition: An Eastern Orthodox View* (Vaduz: Buchervertriebsanstalt, 1987), 93–103 (95), also available at http://jbburnett.com/resources/florovsky/1/florovsky_1-6-auth-councils.pdf, referring approvingly to the original German essay by Georg Kretschmar, 'Die Konzile der Alten Kirche', available in ET as 'The Councils of the Ancient Church', referenced in no. 61 above.

[81] 'The Conciliar Structure or Regime of the Church', *Concilium* 167, no. 7 (1983), 3–12 (4).

[82] See 2.5 for a sketch of the history of such conception; 5.7 for an outline of its abandonment in the political sphere, and 6.4–6.5 for its abiding influence on the current RC ecclesiological theory and practice.

the situation before the Neolithic Revolution, as well as subsequently for all human communities which did not become part of the great civilizations but remained at a largely pre-political level: American Indians, Australian Aborigines, many African peoples, Maoris, and more in general all nomadic peoples.

The same can be said of the church. Christian communities can and in fact do exist and carry out their mission even without an institutionalization of that particular political relationship or type of cooperation we call subordination or authority proper. Contemporary Baptist as well as Free Churches, and parts of the rapidly increasing Pentecostal movements offer good examples of such Christian communities with little or no political authority. This latter cannot accordingly be said to be necessary for the church to exist.[83]

What has just been said, of course, does not mean that the institutionalization of political authority is not useful, as indeed is made evident both in the human and in the Christian sphere by the history of the major civilizations as well as of the traditional, mainstream Christian churches respectively. While, then, church political (jurisdictional) structures cannot be deemed necessary for the *esse* of the church, they can be deemed, when well devised, necessary for the *bene esse* of the church, viz. quite advantageous to fulfilling the evangelizing mission they exist to serve. In short, insights from political philosophy also highlight the potential for a community's effectiveness in attaining its goal of structures for exercising authority or *ἐπισκοπή*, a potential much greater than that possible in unstructured communities.

We can conclude, accordingly, that to the extent that the entire and only purpose of the expression *ius divinum* was to affirm the permanence and even necessity of certain church structures, it should be discarded as it does not have a referent anymore.

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[83] The assumption that authority is necessary for the existence of the church is also the root cause of the contradictoriness of the position currently held by the RC magisterium concerning the ecclesial status of non-RC Christian churches. As Michael Root observed, that position contends that 'An imperfect communion exists between the Catholic Church and communities which lack any, even defective, form of the ordained ministry. A real but imperfect ecclesial communion thus exists without any form of ministerial or hierarchical communion. The inevitable implication is—Root perceptively remarked—that while hierarchical or ministerial communion is needed for full ecclesial communion, it is not essential to ecclesial communion as such, since an imperfect communion can exist between the Catholic Church and the ecclesial communities which lack ordained ministry.' 'Bishops, Ministry, and the Unity of the Church in Ecumenical Dialogue: Deadlock, Breakthrough, or Both?', *CTSA Proceedings* 62 (2007), 19–35 (30), also available at http://www.ctsa-online.org/Root.pdf.

For an authoritative instance of the contrary argument, based on the contention that there is scriptural evidence that Jesus explicitly willed unity to be warranted by hierarchical structures, forms the object of Pope Leo XIII's well-structured argument in his encyclical '*Satis cognitum*: Encyclical Letter on the Unity of the Church', (29th June 1896), available at http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_29061896_satis-cognitum_en.html.

In light of the following facts: (1) no binding indication on the necessity and permanence of any church structure has been found so far; (2) Tradition likewise lacks ecumenically binding doctrinal statements as to the external form of any one ecclesial structure; (3) both Scripture and the entire Tradition, from the very beginning until the present day, attest a remarkable developmental variety of ecclesial polities, it appears safe to say that so far God's will for the political organization leaves Christians with the greatest freedom of adaptation and development of ecclesial structures. There should be a complete freedom of devising ecclesial structures[84]—if within the limits, as we will see, of the normative anthropological and political guidelines found in the gospel and developed in Tradition (6.5).

3.7 Conclusion

In this chapter I have argued that the traditional appeal to God's will to justify church structures—a claim especially although not exclusively raised by Roman Catholics since the Reformation—has lost of its force in a measure directly proportional to the increased acceptance among exegetes of the fact that no ecclesial structure/political function (e.g. *ἐπισκοπή*) is mandated in the NT.

The alternatives to an unambiguous scriptural command—namely, an appeal to the Spirit's *assistance* (as distinct from inspiration) in developing fresh ecclesial structures—is far too vague a criterion for determining with certitude whether a given development is according to God's mind or not. In effect, the Spirit's assistance must be necessarily understood as working in continuity with the nature, and thus in continuity with the sound 'natural' insights concerning the right ordering of social and political relationships expressed in the socio-political institutions of any given age and place. This is confirmed by Christians' free and critical adoption and adaptation throughout history of foundational insights and institutions from the societies and cultures they lived in.

Of course, some ecumenically recognized and scripturally based official doctrinal judgments on the necessity of any one church structure would largely solve the problem of the discernment of developments which are divinely-willed from those who are not

[84] See the opening remarks by Lewis S. Mudge in his 'Ecclesia as Counter-Consciousness' [1971] in *Rethinking the Beloved Community. Ecclesiology, Hermeneutics, Social Theory* (Lanham MD: University Press of America, 2001), 63–75 (63).

such. However, the common Tradition of the first millennium is remarkably silent in this regard, being limited chiefly to affirming the four distinctive marks of the church.

Finally, the difficulty of defending the necessity of the political function of *Ἐπισκοπή* is most evident from the point of view of the social and political branches of both anthropology and philosophy. Just as the political relationship of cooperation through subordination, which we term 'political authority', is not strictly speaking absolutely essential for a community to exist, but only relatively essential because of its greatly enhancing cooperation and efficaciousness, so the same can be said of *Ἐπισκοπή*. The same is affirmed, from a different viewpoint, by stating that—contrary to an assumption which was both widespread and understandable in the relatively little differentiated societies of the pre-modern period—the unity of a community does not require a unique, supreme and absolute (monarchical) authority, but only a unity of shared meanings, values, and goals. The way of attaining such common goals does not necessarily require cooperation through subordination—that is, hierarchical authority—but can equally be achieved—although often not as efficiently—through horizontal cooperation and division of labour.

Because it had always been strongly contested, the scriptural demonstration of a direct dominical institution has hardly ever been the only argument advanced to justify the absolutist papal monarchy.

Other arguments have been advanced which have been used to defend monarchical absolutism in the civil sphere too. Some, it may be recalled, were mostly philosophical (see 2.5)—those justifying the necessity that there be but one unique supreme authority, and that as supreme such authority be unaccountable and not subject to supervision—and were equally advanced in the works of papalist theologians and royalist political philosophers alike. They will be addressed in the course of analysing some central categories of (democratic) political philosophy in chapter five. Others have been more distinctively theological, and will be addressed in the next chapter.

4 THEOLOGICAL REDUCTIONISM AND THE MYSTIFICATION OF THE CHURCH

4.1 Introduction

A concern of Christian theology throughout history has been to investigate the distinctiveness of Christians vis-à-vis non-Christians. It was not only the specificity of the Christian as individual that was inquired about, but also that of the Christian community, the church, vis-à-vis civil society. There are two fundamental, mutually exclusive stances which can be taken in that regard: one argues for the discontinuity of all that is Christian from what it is not; this has been often regarded as characteristic of the Augustinian tradition. In contrast, the other conceives the Christian dimension of grace as in continuity with creation and the natural plane, which it perfects. Such has been the approach peculiar to the Thomist tradition. With regard to the church, Joan Lockwood O'Donovan has observed that

> [E]cclesial and civil political concepts […] are linked to the established relationship between the law of the gospel and the law of creation, between love and justice, supernatural and natural virtues, reason and revelation. Generally speaking, the greater the opposition between these notions, the more church and state have divergent political theories. The weaker the opposition, the closer are the church and state political theories. Historically, the pressures for theoretical and practical parallelism have predominated: the Latin church and the Western empire [...] engaged in ceaseless mutual plundering of each other's political ideology, organization, and political operations. [...] [T]he trend toward institutional homogeneity still dominates: today, church and state alike must conform to the prevailing liberal and democratic political ethos. The more radical theological dualisms, with their antithetical constructions of ecclesial and civil community, have tended to be historical undercurrents that periodically erupt into challenges to the status quo.[1]

The latter statement probably downplays somewhat the relevance of the Augustinian position. As we will see, both Cajetan and Bellarmine roundly rejected the continuity between the ecclesial and the civil communities (see 4.4 below), and their arguments on this point have been very influential within Roman Catholicism at least

[1] 'Authority: B. Political Authority', in Jean-Yves Lacoste (ed.), *Encyclopedia of Christian Theology* (London: Routledge, 2005), vol. I, 132–7 (132–3).

throughout the post-Tridentine period and indeed till now. Again, as I have suggested in the introduction to the previous chapter, the urge towards stressing the discontinuity between the ecclesial and the civil community, and thus between ecclesiology and political philosophy, has increased with the abandonment by the latter of absolutism in favour of democracy through a process which came to the limelight with the American and French Revolutions. To the extent that the RC ecclesiastical establishment has been suspicious of and contrary to this new development, to that extent it has felt the need to distinguish the ecclesial from the civil polity, and justify the former on different grounds than those of political philosophy—and such is still, to an important extent, the current approach of RC ecclesiology.

I have already examined one way of justifying such a discontinuity between grace and nature, *fides* and *ratio*, in the case of the church, namely, the one attempting to demonstrate that the ecclesial polity has been willed by God—the implication being that it is to be regarded as immutable, necessary and most excellent even if seemingly contrary to reason and nature.

Still, such a justification had never been very convincing in the past, and it is even less now: the scriptural exegesis supposedly demonstrating a direct divine establishment of the papal absolute monarchy—and thus by the same token vindicating what seemed as an 'unnatural' institution—was already strongly contested during Cajetan's time, and as I have noted is today rejected by the great majority of NT scholars. Since the late eighteenth century, in particular, the birth and development of critical exegesis and church history made it increasingly impracticable to justify any one church structure or function (such as *ἐπισκοπή*) as dominically instituted, permanent, and absolutely necessary for the church to exist.

However, the appeal to a scriptural witness of God's will was but a way of solving the most momentous and fundamental problem, namely, the inconsistency and real discontinuity between the Christian and the human polities. While in the past such discontinuity has ordinarily been justified simply by affirming that God willed it, today essentially the same is accomplished by affirming that the church is a (partially supernatural) mystery and the creature of God's inscrutable will. The implication, it is argued, is that the church, its organizational polity included, cannot be either understood or criticized on the basis of what has been grasped of the working of purely natural communities. It may indeed be true, it is argued, that in the natural order of things,

power resides originally and primarily in the community, which can then decide to create official authorities to carry out limited functions on behalf of the community and at the service of the common good. Indeed, democracy might well be the 'natural', most intelligent and responsible way of organising political relations.[2] And yet that does not mean that it is applicable to that mysterious reality which is the church.

It is assumed that, if not at the level of the Christian *qua* individual Christian, at least at the level of the Christian polity, grace does *not* perfect nature without destroying it, but rather brings about a completely new creation, radically discontinuous with its human, natural substratum. As a consequence, the cognitive and moral requirements for cooperation, delegation, and obedience to authority to be responsible which are binding in a human polity are not necessarily such in the church of Christ. Already Cajetan had implicitly accepted as much when he insisted that the church, as distinct from the proper natural order of the purely human societies, is indeed a 'servile' society.[3] For him, the apparent irrationality, from the point of view of political philosophy, of the ecclesial structures labelled as divinely-willed—and primarily of the absolute papal monarchy—is justified as the expression of a higher rationality, viz. of God's inscrutable will. In this way, however, what was inconceivable to the medieval mind was postulated, at least with regard to the church: namely, the opposition of divine with natural law, and ultimately the discontinuity between nature and grace as well as between *fides* and *ratio*.

Lest it be thought that the above is simply an abstract generalization with no factual basis, its role in rejecting specific, fundamental elements of democracy should be noted. Thus, for instance, while majority rule is inapplicable to the church on its own 'natural' grounds—because inherently conducive to a dictatorship of the majority and ultimately of relativism—the freedoms of information, debate, public dissent or criticism, and even conscience are considered largely inapplicable to the church for quite a different reason, namely, on the basis of the church being a 'mystery' (see 4.5 below). Conversely, the obedience and conformity required towards the non-irreformable policies and decisions of the hierarchy far exceed the standards for a

[2] 'It is in full accord with human nature that juridical-political structures should afford all their citizens the chance to participate freely and actively in establishing the constitutional bases of a political community, governing the state, determining the scope and purpose of various institutions, and choosing leaders.' *GS* §75.

[3] 'The Apology of Brother Tommaso de Vio… concerning the authority of the pope compared with that of the council' [Apologia de comparata auctoritate papae et concilii], henceforth 'Apology', in *Conciliarism and Papalism*, 201–84, ch. i pp. 202–5 (204), quoted in 4.4 below.

responsible cooperation which are now generally recognized for civil society—the achievement of centuries of political reflection. (Hence the charge against Catholics—common in the past but still widespread today—that they are blind sheep who obey irrationally and irresponsibly, that is, without the normal rational and moral grounds required before a decision to obey can be responsibly taken).

An analogous reasoning is often advanced with regard to the discernment and decision-making procedure to determine a common course of action or define a normative shared meaning or value: a mistaken conception of, or a unilateral emphasis on, the Spirit's gracious assistance towards attaining the truth often hides the fact that all Christians, popes and bishops included, must fulfil certain cognitive operations before taking a decision, at the personal as much as the ecclesial or political levels. The traditional idea of a *carisma veritatis* inherent in the bishops cannot be invoked to bypass the proper procedure for maximising the knowledge and wisdom of the community made to bear to determine a common course of action, and such procedure ordinarily requires public debate and consultation of the relevant experts for the problem at hand in the community (see 5.6 and 6.5).

Two, then, are the distinct problems to be addressed: first, is the Christian community in continuity with the natural one, so that what is best for one remains best for the other? Second, is democracy or at least some fundamental democratic features the best (or least bad) way of ordering political relations in any given society?

The latter question will be addressed in the next chapter; the former, here. The argument will unfold through several stages. I shall first highlight how the post-Vatican II debates concerning the democratization of the RC Church were a *de facto* revival of the understanding of ecclesiology as in continuity and agreement with political philosophy which occurred (4.2). The investigation will then turn to uncovering the theological foundations of such a stance (4.3), as well as those of the opposite one, conceiving ecclesiology as discontinuous with political philosophy (4.4–4.5). Section 4.6 will examine some of the (apologetic) ecclesiological conclusions which have been drawn from such a postulate of discontinuity. The final part of the chapter (4.7) will illustrate how the continuity ordinarily recognized between the individual Christian and the individual human being at both the cognitive and the moral levels, requires that the Christian community too be continuous with its human substratum with regard to its constitutive norms for responsible cooperation.

4.2 The Post-Vatican II Revival of the Symbiosis between Ecclesiology and Political Philosophy

Significantly, the post-Vatican II ecclesiological debates saw a forceful resurrection of the two methods—both the one acknowledging and the one denying ecclesiology's continuity with political philosophy—and a consequent re-enactment of their clash, displaying the same chronological succession. First came the democratic *aggiornamento* of the traditional method which understood the political insights into the organisation of a human community and the ethical norms for responsible cooperation as normative within the church too. After Vatican II, many RC theologians argued for a democratization of the church, often with explicit reference to what resources from democratic political philosophy the church could exploit in working out its internal reform.

This renewed awareness of the symbiosis between ecclesiology and political theory was fostered, among other factors, by the historical and sociological studies on the development of ecclesial structures.[4] They brought to the realization that, in its effort towards organising itself, the Christian community had constantly sought inspiration and mirrored the structures of the wider society. Indeed, as noted earlier, the symbiosis between the two disciplines was to be explicitly and repeatedly theorized since the birth of a self-conscious and increasingly systematic ecclesiology, and is particularly evident in the writings of what Oakley has dubbed the conciliarist tradition.

The passage from this realization to the affirmation that such a practice needed *aggiornamento* in light of contemporary democratic political philosophy was not a difficult one and, as touched on earlier, has been done by a most consistent portion of post-Vatican II Catholic ecclesiologists and theologians. The particular democratic conclusions of this ecclesiological method have been made possible by the developments of ecclesiology's 'natural' counterpart. Political philosophy today is arguably more cognisant than it was during the Middle Ages of democracy's cognitional and ethical value. There are cognitional and moral steps to be fulfilled in order to understand a given social situation, elaborate policies, and decide in favour of the best possible courses of action, just as there are ethical norms to be observed if the

[4] In addition to the bibliography of chapter two, consult also that of the first nine essays of Richard N. Longenecker, (ed.), *Community Formation in the Early Church and in the Church Today* (Peabody, MA: Hendrickson, 2002).

individual's cooperation in the common action of her group is to be intelligent and responsible. Democracy can be and has been understood heuristically as that political organization which best allows for both the fulfilment of those cognitional and moral steps and the respect of those ethical norms. That, as we will see (chapter five), entails understanding delegation, representation, and authority as based on free consent, and regarding free and public discussion as necessary for maximising the exploitation in policy-making of the common fund of knowledge and values of a community. From this perspective it is unsurprising that the traditional ecclesiological method suggests today reforms of the Christian polity in agreement with those insights.

This is not to deny that, in the post-Vatican II period, properly theological insights had a complementary and perhaps even primary role in reaching those conclusions about ecclesial democratization. Suffice here to think of the primacy of conscience;[5] the *sensus fidelium*;[6] the canonical principle of reception deriving from it;[7] the baptismal priesthood of the faithful;[8] the charismatic/pneumatic aspect of the ecclesial community; the Pauline insistence both that there are different functions within the ecclesial

[5] Whose significance for a democratization of the church is explained most concisely in Quentin de la Bédoyère, *Autonomy and Obedience in the Catholic Church: The Future of Catholic Moral Leadership* (London: T&T Clark, 2002).

[6] Consult Daniel J. Finucane, *Sensus Fidelium: The Use of a Concept in the Post-Vatican II Era*, (London: International Scholars Publications, 1996); and Ormond Rush, '*Sensus Fidei*: Faith Making Sense of Revelation', *Theological Studies* 62, no. 2 (2001), 231–61.

[7] 'Laws are instituted when they are promulgated and they are confirmed when they are approved by the practices of those who use them. Just as the contrary practices of the users have abrogated some laws today, so the (conforming) practices of the users confirm laws.' Gratian's *Decretum* (circa 1140), canon 3, §1, distinction IV, quoted by James A. Coriden, 'The Canonical Doctrine of Reception', *The Jurist* 50, no. 1 (1990), 58-82 (60). The essay also highlights some of the consequences the principle of reception entails for ecclesial democratization. For further reflections in that direction see Hermann J. Pottmeyer, 'Reception and Submission', *The Jurist* 51 (1991), 269–92; Ladislas Örsy, 'Reception and Non-Reception of Law: A Canonical and Theological Consideration', in *Canon Law Society of America, Proceedings* 46 (1984), 66-70 and the entire issue of *The Jurist* 57 (1997), devoted to reception and communion among churches: see especially Hervé Legrand, 'Reception, *Sensus Fidelium*, and Synodal Life: An Effort at Articulation', *ibid*., 405–31.

[8] Elisabeth Schüssler-Fiorenza wrote her exegetical dissertation on the priesthood of the faithful in Christian scripture, *Priester für Gott* (Münster: Aschendorff Verlag, 1972). As she once concisely underlined, the fact that the New Testament applies the title 'priest' to all Christians and to Christ, but not to any church 'office', means that 'All Christians women and men—have become cultically purified, sanctified, and elect through Christ's expiatory death.' And she expanded: 'Not cultic priesthood but the "gifts" of the Spirit are decisive for ministry in the church. All members of the Christian community are called to exercise their "spiritual gifts" for the building up of the "body of Christ", the Christian community. Since the gifts of the Spirit are not restricted to a certain group within the community, everyone is able and authorized in the power of the Spirit to preach, to prophesy, to forgive sins, and to participate actively in the celebration of the Lord's Supper. Thus all members of the people of God, by virtue of their baptismal "priesthood", have the capability and right to exercise liturgical and ecclesial leadership functions.' See her 'Should Women Aim for Ordination to the Lowest Rung of the Hierarchical Ladder?', in *Discipleship of Equals: A Critical Feminist Ekklesia-logy of Liberation* (New York: Crossroad, 1993), 23–38 (33–4).

community to be carried out by different persons on the basis of their specialised competence, and that there can be no omnicompetent ministry; the biblical description of the church as the People of God; Vatican II's generally optimistic and open position vis-à-vis the world, whose specific consequences for ecclesiology had been spelled out by *GS* §44, and so on.[9]

The difficulty in determining what influence has been primary comes from the very interrelatedness of political and ecclesiological insights throughout history, including at Vatican II and beyond. Foundational political insights had already been imported into ecclesiology long before they were to assume a central role in modern democratic political philosophy: famous are the Patristic 'ecclesio-political' principles such as Popes Siricius' and Innocent I's 'A judgment confirmed by the approvals of many people is complete';[10] St. Augustine's 'the judgment of the whole world is certain'; St. Leo I's 'Who is to preside all, must be elected by all';[11] and St. Celestine's 'No unwanted person must be imposed'.[12] As was briefly noted in the historical survey, those principles underwent a first enhancement at the hands of medieval canonists who expanded them in the light of similar principles taken from Roman law, chief among which '*quod omnes tangit ab omnibus tractari et approbari debet*'. Once incorporated in the increasingly systematic medieval ecclesiology, they contributed with it to the subsequent development of early modern constitutional and later democratic political theory.[13] The need for checks and balances as additional precautions against the sinfulness of the individuals in power was perhaps *the* primary concern of conciliarist theologians and of the minority at Vatican I (and what distinguished them from their papalist/ultramontanist colleagues) well before being taken up by James Madison in the *Federalist Paper* n. 10—and there again, within the very same theological perspective explicitly concerned with restraining the personal sinfulness of political leaders.

[9] Most if not all of the above issues are in effect mentioned by Hans Küng as pointing towards a democratization of the church in his 'Participation of the Laity in Church Leadership and in Church Elections', in Eugene Bianchi and Rosemary Radford Ruether (eds.), *A Democratic Catholic Church. The Reconstruction of Roman Catholicism* (New York: Crossroad, 1992), 80–93.

[10] Siricius, *Ep.* 4, *PL* 13, 1157, ep. 5 and Innocent I, *Ep. ad Victricium Rathomagensem Episcopum*, *PL* 20, 471, respectively.

[11] '*Qui praefuturus est omnibus, ab omnibus eligatur*', *PL* 54, 634, quoted in Antonio Rosmini, *The Five Wounds of the Church*, trans. Denis Cleary (Leominster: Fowler Wright, 1987 [1848]), §114 endnote 120 (p. 239).

[12] '*Nullus invitis detur episcopus*', *PL* 50, 434, quoted in Rosmini, *The Five Wounds*, §77, endnote 13.

[13] The process has been thoroughly traced in Francis Oakley, *The Conciliarist Tradition: Constitutionalism in the Church 1300–1870* (Oxford: OUP, 2003).

Contemporary democratic political philosophy generally retains the essence of those patristic and medieval ecclesiological principles; and the current widespread acknowledgment concerning the high epistemic and consensus-building value of democratic procedures of free and public discussion and deliberation simply echoes those principles already received much earlier by the Christian community.

To the extent that post-Vatican II proposals for a democratization of the church took inspiration not only from the scripturally warranted charismatic/pneumatic aspect of the church but also from sound insights of political philosophy, they were operating, implicitly or explicitly, according to the traditional ecclesiological method, guided by the conviction that the correct interpretation of the scriptural and historical data on the organisational structure of the Christian community cannot be contradictory with—but rather should be harmonious with—the correct insights into the organisation of human communities.[14]

4.3 The Theological Basis of the Ecclesio-political Method in the Principle that '*Gratia non destruit sed supponit et perficit natura*'

Such traditional ecclesiological method has consistently been understood to have its theological basis in one of Christian theology's foundational insights, namely that grace perfects nature without destroying it. That traditional Thomist principle was often flaunted by conciliarists and their successors whenever papalists rejected the ecclesiological validity of the 'natural' insights of political philosophy by appealing to the inscrutable divine will in establishing ecclesial structures.[15] Most non-papalist ecclesiologists, 'as John Neville Figgis pointed out long ago, simply assumed that "*arguments applicable to government in general could not be inapplicable to the Church*".'[16] Thus they were capable of theorizing a constitutionalism within the Church

[14] See Schillebeeckx's similar contention in the context of criticizing precisely the ideological appeal to the church as mystery in his *Church. The Human Story of God*, trans. John Bowden (New York: Crossroad, 1990 [1989]), 210–13.

[15] Thomas Aquinas, *Summa Theologiae*, I[a], q. 1, a. 8, ad. 2, and elsewhere (*gratia non destruit, sed supponit et perficit naturam*). Thomas insisted sufficiently enough on this principle for it to be understood as the expression of an insight he deemed crucial. See for further Lonergan, *Grace and Freedom: Operative Grace in the Thought of St Thomas Aquinas*, eds. Frederick E. Crowe, Robert M. Doran, CWL 1 (Toronto: Toronto University Press, 2000 [1940–2]).

[16] Oakley, *Conciliarist Tradition*, 220–1, quoting Figgis, *Political Thought*, 47 (my emphasis).

'on grounds of reason, policy, and [not only] Scripture'.[17] Their lasting legacy, therefore—and we touch here a point of decisive methodological importance—was that

> they grounded [their] case not simply in scripture, or Church history, or ecclesiastical custom, or canon law (though of course they did all those things), not simply, that is, in the rights, privileges, customs, and laws proper to the *communitas fidelium*, but also in the mandates of the natural law, the law that pertained to all political bodies and, indeed, to the community of mankind itself.[18]

With this, Figgis justified his bold interpretation of the decree of the Council of Constance *Haec sancta* (on the conciliar superiority to the pope in certain cases) as '[p]robably the most revolutionary official document in the history of the world', precisely because it 'treat[ed] the Church definitively *as one of a class, political societies*'.[19] Such a method would be in effect revolutionary if consistently followed. Analogously, to describe Almain's ecclesiology as 'applying his "political theory" to his exegesis' simply highlights what has been a dominant and distinctive trait of ecclesiology since medieval times.[20] As Figgis put it and Oakley concurred, 'conciliar theory was not only an ecclesiological but also a political theory'.[21] Indeed, the historical survey offered in chapter two shows that ecclesiology, since its very birth as a distinct discipline, was carried out as a special branch of political theory, dealing with the ecclesial community, its laws, traditions, customs, and structures. All this, it should be noted, was possible only if the insight is true that grace perfects nature without destroying it.

The same theological justification is arguably behind the calls for a democratization of the church since Vatican II. As Charles Curran remarked, 'the comparatively late linking of the internal life of the church with the life of human political society' and the persistent blindness as to the intrinsic link between 'anthropology in general, with the important role of freedom called for in the temporal political order, and the anthropology and freedom required in the life of the church' were due, among other things, to the eventual 'overcoming of the supernatural-natural

[17] Figgis, *Political Thought*, 47.
[18] Oakley, *Conciliarist Tradition*, 241.
[19] Figgis, *Political Thought*, 41, cited in Oakley, *Conciliarist Tradition*, 223.
[20] J. H. Burns and Thomas M. Izbicki, 'Introduction', in Burns and Izbicki (eds.), *Conciliarism and Papalism*, Cambridge Texts in the History of Political Thought (Cambridge: CUP, 1997), vii–xxiii (xix).
[21] Oakley, *Conciliarist Tradition*, 224.

dichotomy, which had become almost a dualism in Catholic thought and practice', the goal having often been that of preventing any importation of political insights into ecclesiology.[22]

4.4 The Historical Rejection of the Continuity between Nature and Grace in the Case of the Church

The revolutionary potential of the consistent treatment of ecclesiology as the theological integration of political philosophy has never been ignored by conciliarists, Protestants, and, finally, those post-Vatican II RC ecclesiologists and theologians calling for the democratization of the church.

Each time, however, the revival of the traditional ecclesiological method based on the socio-political analogy triggered objections aiming at dismissing the democratic conclusions at which such a method ordinarily arrived. Just as the traditional ecclesiological method had not gone unchallenged in the past when it clashed with the increasing centralisation of the papalist church in the Latin West, so likewise it has been forcefully attacked in the post-Vatican II period, when it clashed with the ingrained anti-democratic sentiment and ecclesiology which had flourished among the RC ecclesial establishment during the post-Tridentine period, and particularly in the century and a half immediately preceding Vatican II. It is noteworthy that objections to such method seem to have been generally advanced *a posteriori*—i.e. as a reaction to the prior, age-old use of the political analogy in ecclesiology—and in an *ad hoc* fashion. There are two main 'reactionary' arguments: the older is the traditional contention that Christ willed certain structures as they are, as unnatural as they may seem. Its more recent incarnation, which has become particularly widespread in the post-Vatican II period, contends that the church is essentially a mystery and, as such, cannot be simply studied from the viewpoint of other sciences—specifically the social and political sciences—lest a supposedly 'pure' ecclesiology degenerate into a 'sociological reductionism'.

Just as the ecclesiologies of both conciliarists and post-Vatican II RC theologians calling for a democratization of the church shared their fundamental theological tenet in the principle that grace perfects nature without destroying it, so both the appeal to God's

[22] Charles E. Curran, 'What Catholic Ecclesiology Can Learn from Official Catholic Social Teaching', in Eugene C. Bianchi and Rosemary Radford Ruether (eds.), *A Democratic Catholic Church: The Reconstruction of Roman Catholicism* (New York: Crossroad, 1992), 94–112 (97–8).

will and that to the church being a partially supernatural mystery are based on the tacit rejection of such principle. The arguments of medieval, post-Tridentine, and post-Vatican II papalists have thus remained remarkably similar throughout, their central tacit assumption and original fallacy being the rejection of the principle that grace perfects nature without destroying it, at least with regard to the church. This is well illustrated by the greatly influential debate from the later stages of the Conciliarist controversy between the Master of the Dominican Order Tommaso da Vio (later made Cardinal, and thus better known as Cardinal Cajetan) and the newly appointed doctor of the Sorbonne Jacques Almain.[23]

In his first 1511 tract[24] Cajetan reiterated that the Church was an absolute monarchy where all authority resides entirely in the pope, from whom it goes to all other people within the Church (and primarily to the bishops) who—either individually or communally—exercise it.[25] He justified that contention, common in papalist thought, on both scriptural and philosophical grounds. The former asserted that the church was a papal monarchy—and an absolute one at that, where the ruler wields supreme and unaccountable power—because Christ had thus wished, as clearly witnessed by some scriptural passages (e.g. Matt. 16.19 and John 21.17).

In turn, Cajetan's philosophical arguments defended Christ's choice by asserting monarchy's intrinsic merit as the best form of government.[26] Yet—most interestingly for

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[23] Their first full translation into English is available in Burns and (eds.), *Conciliarism and Papalism*. The pivotal role which the analogy between the ecclesial and the civil society played in such controversy has been highlighted in two articles: Katherine Elliot van Liere, 'Vitoria, Cajetan and the Conciliarists', *Journal of the History of Ideas* 58, no. 4 (1997), 597–616; and Thomas M. Izbicki, 'Cajetan's Attack on Parallels between Church and State', *Cristianesimo nella storia* 20 (1999), 80–9.

[24] 'On the Comparison of the Authority of Pope and Council' [*Auctoritas papae et concilii sive ecclesiae comparata*], in *Conciliarism and Papalism*, Burns and Izbicki (eds.), 1–133.

[25] Van Liere, 'Vitoria, Cajetan and the Conciliarists', 613; see Cajetan, 'On the Comparison of the Authority of Pope and Council', chs. i and iii (pp. 3–4 and 10 respectively).

[26] *Ibid*., ch. i, 3–4: 'We say that this proposition is certain: the pope has supreme power in God's Church; [the papacy] is founded on Jesus Christ's institution [Matt. 16:18-19]. Indeed, our Savior, king of kings and lord of lords, although He could have disposed the Christian commonwealth on earth in diverse ways, nevertheless, willed and established that the government would not be popular, nor that of the rich, the powerful, the nobles, many or few, but only of one, promising Peter alone, *I will give to thee the keys* etc. [Matt. 16.19] […]. The Saviour rightly made this arrangement; the Church's government is ordained in the best way. The best government, however, is that of a single person, which is apparent from the purpose of government. Peace is that purpose, which consists of unity, and it follows that one is a better cause of unity than many, who can cause it only by coming together as one. The Church's government, therefore, is instituted so that only a single person rules the entire commonwealth.

[…] Not the Church, or the Christian people or a council, however universal, but Christ Himself, Who lives and reigns, instituted such a government, so that Peter would be the vicar not of the Church but of Jesus Christ….'

our purposes—by so doing Cajetan 'had implicitly acknowledged the analogy between popes and secular rulers'[27] and, indeed, between the church and the political community.

In response to Cajetan's contention that Christ chose to give authority entirely to the pope, Almain maintained on the contrary that Christ conferred it to the whole community of the faithful, which then ordinarily delegates it to some officers of their choice to be exercised on their behalf for the common good. Again, Almain too defended his claim with scriptural as well as philosophical arguments. The former asserted that the understanding of authority as residing in the community was Christ's will as witnessed by scripture, and were based on an exegesis of the 'Tell the church' passage (Matt. 18.15–8); on Acts 15.22–3, 28–9 concerning the decision made by the 'council of Jerusalem' on the authority of '*the apostles and the ancients, with the whole Church*';[28] as well as on the traditional interpretation—backed with Augustine's authority—that in Matt. 16.19 Peter received the keys as representative of the whole church.

Through opposed scriptural exegeses, then, both Cajetan and Almain could claim that their respective ecclesial models were *iure divino*: Cajetan asserted that it was Christ's explicit will that authority reside on one man only; in the same way, Almain affirmed that Christ envisaged authority as naturally residing in the whole community of Christians.[29] Their opposed stances are a further example that the acknowledgement of the supernatural character and thus divine origin of ecclesiastical power does not yet say anything as to the person(s), within the ecclesial community, to whom God conferred it (the reason being, as it will be noted below, that God's action in the cosmos occurs through secondary causes). That is one key difference, on which Cajetan and Almain parted company.

But there is another and—for our purposes—more interesting methodological parallel between Almain's pamphlet and Cajetan's first treatise. They both attempted to justify their respective model of ecclesial polity also by the more philosophical means

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Such argument was common among papalist theologians, and had in fact already been advanced by James of Viterbo in his *De regimine Christiano*.

[27] Van Liere, 'Vitoria, Cajetan and the Conciliarists', 613.

[28] Almain, 'A Book Concerning the Authority of the Church' [*Tractatus de Auctoritate Ecclesiæ et Conciliorum Generalium adversus Thomas de Vio*], in *Conciliarism and Papalism*, Burns and Izbicki (eds.), 134-200, ch. vi (p. 154) (emphasis original).

[29] The subtitle of ch. vi of Almain's treatise (*ibid*., p. 153) is: 'In which it is shown on whom supreme ecclesiastical power was conferred immediately by Christ'.

of drawing on the analogy with the human polity—consistently with their shared theological tenet that grace perfects nature without destroying it—and thus appealing to the 'natural law' insights political reflection yielded in that regard. Cajetan's philosophical defence was a simple affirmation with little elaboration: Christ's choice of monarchy as the institutional form for the Church is in harmony with what political philosophy tells us, inasmuch as monarchy is the best form of governance. This last contention he defended by recalling Aristotle's judgment on the matter and by arguing that the uniqueness of authority, necessary for the unity of the community, requires a single leader.[30]

Yet by assuming that the church's constitution was to be identical to that of a well-organized polity Cajetan had unwittingly played into the conciliarists' hands. His brief foray in political philosophy, in order to argue in favour of monarchy being just such best political arrangement, was the biggest gift he could have given Almain, who did not lose the opportunity to engage him on this terrain.[31] Thus the Sorbonne's theologian opened his 1512 reply with an examination of the origins of authority within civil society. He observed that authority resides in the (consent of) the entire community, who might then decide to delegate it to some officials to fulfil specific tasks on behalf of the community for the common good.[32] The civil community, insofar as it cannot always assemble together—inasmuch as, that is, direct democracy is utopian in groups larger than a few dozen persons—will ordinarily proceed to conditionally delegate its authority to a ruler—or many rulers—who will be bound to act on behalf of the community and for its common good only.

Thus, Almain noted, there is indeed a sense in which it can be said that kings receive (civil) power from God, or that they are 'God's ministers for the punishment of malefactors' but this is *not* to be understood as if 'they received that [power] in the first way, *immediately* from God, but because they have, *by the consent of the people*, the exercise of the power which God gave the people'.[33]

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[30] For a criticism of this philosophical position, which has been central to papalist ecclesiology till now, see 5.7.1.

[31] Van Liere, 'Vitoria, Cajetan and the Conciliarists', 605.

[32] 'A Book Concerning the Authority of the Church', chs. i and ii, 135–40. The title of ch. i is indicative: 'In which the origin of civil jurisdiction is treated, so that ecclesiastical jurisdiction may be made known through comparison with it, and so the Church's authority over the pope may be demonstrated from natural law.'

[33] *Ibid*., ch. vii, 160–1; cf. ch. viii, 172 (my emphasis).

For Almain, as for many and perhaps most of the best late medieval theologians, in the church too, just as in civil society, jurisdictional power has its ultimate origin in God; and in the church too, as he had noted for civil society, such power resides primarily in the community which, inasmuch as it 'cannot always be assembled', may, and indeed is bound to, delegate it conditionally to some individual, who is to exercise it 'as the church's minister'.[34] Thus, just as individual kings are said to be God's ministers even if they have not received that power immediately from God, but rather *mediately* through the community,[35] so likewise the pope 'is Christ's immediate vicar in respect of the exercise of power instituted immediately by Christ […] and conferred on the Church'.[36] This is evident in the fact that the power of electing a pope resides in the Christian people: Cardinals do not possess that power immediately but rather exercise it by delegation as representatives of the whole church; likewise, 'if it now falls to the popes to regulate the procedures in accordance with which that electoral power is exercised, they must not for that reason be assumed to be themselves endowed with the prerogative of choosing their successors';[37] for the same reason, just as a secular king, the pope is to exercise that power 'on behalf of the Church'.[38] Indeed, the common understanding of a general council as representing the whole church and exercising jurisdictional authority on its behalf, is necessarily based on the assumption that, in the church, authority resides primarily in the people, and only secondarily, that is by

[34] *Ibid*., ch. vii, 160–1; cf. ch. viii, 172. For the distinction between the power of orders and that of jurisdiction see Oakley, *Conciliarist Tradition*, 6–7, and on its specific use by Almain, see *ibid*., pp. 124–6. For a short analysis of what the jurisdictional power encompasses in contemporary RC ecclesiology, see (6.4).

[35] Almain, 'A Book Concerning the Authority of the Church', ch. i, 136: 'we are not to understand that a secular king's authority comes from God in the sense that He ordinarily has committed it directly to anyone, but that it is committed to someone according to the right reason which God conferred to men.'

[36] *Ibid*., ch. viii, p. 172. Significantly, the very same expression of 'Christ's immediate vicar' was also to be applied to secular kings, most notably by Hobbes, *The Elements of Law* II, vi, 13, quoted in Lodi Nauta, 'Hobbes on Religion and the Church between *The Elements of Law* and *Leviathan*: A Dramatic Change of Direction?', *Journal of the History of Ideas* 63, no. 4 (2002), 577–98 (588).

[37] Francis Oakley, 'Conciliarism in the Sixteenth Century: Jacques Almain Again', *Archiv für Reformationsgeschichte* 68 (1977), 111–32 (124), referring to *Quaestio resumptiva … de dominio naturali, ibid.*, 973A; *Tractatus de auctoritate ecclesiae, ibid.*, 997B–C, 999A.

[38] Almain, 'A Book Concerning the Authority of the Church', ch. viii, 172 (my emphasis); also ch. i, 136: 'As the doctors, especially Durandus, say, we are not to understand that a secular king's authority comes from God in the sense that He ordinarily has committed it directly to anyone, but that it is committed to someone *according to the right reason which God conferred to men*. And it does not appear—since it has not been committed directly by God—that it has been granted to the prince by anyone but the community itself.' And the same is valid for the church: see *ibid*., 136–41.

delegation, in the official representatives, either individuals (pope, bishops) or collective juridical bodies (councils, synods).[39]

In this way Almain complemented the scriptural evidence mentioned above—which he interpreted as suggesting that God left authority to the whole community of the faithful—with philosophical arguments from the analogy with civil society. It is important, finally, to highlight the presuppositions he did not explicitly thematise but which appear to underline his reasoning: (1) 'grace does not destroy nature'; therefore (2) the Church does not lose its nature as a *corpus politicum*, so that what applies to the latter remains valid in the church;[40] hence (3) correct insights into the human polity—Almain could refer especially to those expressed in Roman and canon Law as well as Aristotelian political philosophy—inasmuch as they express something of the 'natural law', are valid within the Church, and must therefore be respected by its organizational structure. As Francis Oakley among others has observed, the crucial assumption of Almain's argument is the analogy between the church as a *corpus politicum* and the civil commonwealth.[41] The resulting methodology sees ecclesiology as the theological integration of political philosophy. Thus, as many have noted, Almain's refutation of Cajetan rested to a considerable extent 'on applying the rules of natural law to the

[39] One of the clearest expositions of the subject was the one advanced by Nicholas of Cusa, *The Catholic Concordance* [*De concordantia catholica* (1433)], ed. and trans. Paul E. Sigmund (Cambridge: CUP, 1991). As he observed, just like ecclesial authority resides with the entire Christian community, which receives it *immediately* from God, so the universal council has its authority indeed from God, but by the consent and delegation ('*consensu et legatione*', bk. II, §248) of the community, and likewise the pope, who has it from God but 'by intermediary of man and councils, by elective consent' ('*a deo per medium hominis et conciliorum, scilicet mediante consensu electivo*', bk. II, §249). Moreover, he fleshed out some further implications: '[T]here is no doubt that the more certainly and truly that synod represents the church, the more its judgment tends towards infallibility rather than fallibility', to which he added: 'and that this judgment is always better than the individual judgments of the Roman pontiff who represents the church in a very uncertain way [*confusissime*]. There is an old proverb that what many look for is found more easily. Hence the individual judgment of a pope should be presumed to be less stable and more fallible than that of the pope along with others—and there is no doubt about this', bk. II, §158. For a summary of his remarkably democratic ecclesiological doctrine, see Anton Wieler, 'Nicholas of Cusa on Harmony, Concordance, Consensus and Acceptance as Categories of Reform in the Church, in *De concordantia catholica*', in Iñigo Bocken (ed.), *Conflict and Reconciliation: Perspectives on Nicolas of Cusa* (Leiden: Brill, 2004), 77–90.

That the general council drew its authority because it represented the whole church has been mainstream throughout most of the history of ecclesiology. Thus we find it in both Almain and Cajetan: cf. Almain, 'A Book Concerning the Authority of the Church', in *Conciliarism and Papalism*, ch. 6 and 7 (pp. 153, 157, 161, 165, 173–4, and *passim*); *ibid.*, pp. 17 and 264–5 for Cajetan's, in his first tract and in the *Apologia* respectively.

[40] Van Liere, 'Vitoria, Cajetan and the Conciliarists', 605–6, in turn referring to Oakley's like judgment in 'Almain and Major: Conciliar Theory on the Eve of the Reformation', *American Historical Review* 70, (1965), 673–90 (677–8); also Almain, 'A Book Concerning the Authority of the Church', 135–41.

[41] Oakley, 'Almain and Major', 677–8.

Church itself', that is, on demonstrating how insights into the good, 'natural' ordering of the civil society retain their validity—and should therefore be exploited—in the Church.[42] If the insight is correct that grace always perfects nature without destroying it, then there can be no jettisoning by the ecclesial community of what is true of and good for the 'natural' government of human societies at large.

It is noteworthy that such an assumption is common to both the Cajetan of the first treatise and to Almain, despite the different conclusions they reached—absolute and constitutional monarchy respectively. But there is an important difference. The assumption was merely implicit and unacknowledged in Cajetan—it can only be inferred that he holds it from the analogy he makes between the ecclesial and the civil form of monarchy—but explicit and thematised in Almain. It was precisely by making it explicit that the latter obliged Cajetan to face the paradox that the methodological premise he had tacitly assumed in his first tract—viz. that the church's organizational form should mirror the best political organizational form—could be developed to support conclusions opposite to those he was defending. The ambiguity of his own argument only dawned upon Cajetan through Almain's disturbing exploitation of the implications of precisely that secular analogy in his outline of a theory of authority.[43] To the extent that such implications appeared to him theologically awkward, they urged him to re-examine the posited analogous relationship between the civil and the ecclesiastical polity which constituted the central contention of conciliarists' methodology. Hence, Cajetan's 1512 *Apology* of his first tract against Almain's work opens precisely by challenging head-on the correctness of such method. We touch here the very heart of the century-old debate on the method of ecclesiology, in that such rejection of the continuity of the Christian with the human community, and thus of ecclesiology with political philosophy, will remain the default position all papalist ecclesiologists were to fall back on each time the ecclesial organization they supported ran against insights from political philosophy—that which was to happen with increasing frequency from the early modern period onwards.

[42] Van Liere, 'Vitoria, Cajetan and the Conciliarists', 606.

[43] As noted in Van Liere, 'Vitoria, Cajetan and the Conciliarists', 605; Oakley agrees with her in *Conciliarist Tradition*, 170 no. 123; also Izbicki, 'Cajetan's Attack on Parallels between Church and State', *Cristianesimo nella storia* 20 (1999), 80–9; and Burns and Izbicki's 'Introduction' in *Conciliarism and Papalism*, vii–xxiii (xii–xiii and xx–xxi). After Cajetan's dismissal of the analogy, Mair will be 'particularly concerned to reassert the validity of the parallel between the ecclesiastical and the civil polity' (xxi), as will most Parisian theologians.

Cajetan's strategy was in two parts, and displayed a revealing adjustment with respect to the argument he had deployed in the first tract. There, it may be recalled, he had briefly resorted to the opinion that Christ instituted monarchical rule in the ecclesial society because it was the best way of organizing a polity. But Almain's reply forced him to concede in his second tract that 'In *any* kind of commonwealth […], be it popular, aristocratic, or monarchical, political power originates with the community'.[44]

To accept that the natural, created order is that power resides in the community does not leave any alternative but to acknowledge that that must be the case in the Christian community as well, unless one wants to argue that the grace does in fact radically supersede the natural, created order—a point which was implicit in the arguments of Almain and most non-papalist theologians.

Accordingly, papalist theologians have tried variously to reject the insight that grace perfects nature without destroying it. Almost a century after Cajetan, Bellarmine was to do so most explicitly: his only crucial argument against conciliarist theory and in defence of the absolute papal monarchy was that 'the Holy Church is *not like* the Republic of Venice, or of Genoa, or of any other City', where it can be said that 'the Republic is above the Prince'. To express explicitly what Bellarmine was asserting only implicitly: the church is different from civil society because while in the latter, according to the natural order, it is the community to be above its rulers, in the former it is the pope to be above the community, as a supreme and absolute monarch. The only justification Bellarmine advanced for this is that God willed it to be so.[45] Thus, for Bellarmine, as Oakley noted, 'given the uniquely *supernatural* grounding of ecclesiastical power, analogies drawn from the profane world of secular politics are

[44] Van Liere, 'Vitoria, Cajetan and the Conciliarists', 614; see Cajetan 'Apology', in *Conciliarism and Papalism*, 201–84, ch. i pp. 202–5; also 232, accepting Almain's opinion as he had put it in 'On the Comparison of the Authority of Pope and Council', 160–1 and 171; see its summary in Oakley, *Conciliarist Tradition*, 170–1 and 243.

[45] With regard to Bellarmine, see Francis Oakley, 'Bronze-Age Conciliarism: Edmond Richer's Encounter with Cajetan and Bellarmine', in *History of Political Thought* 20 (1999), 65–86 (77): 'With Bellarmine, the argument "della raggione" [i.e. from reason] had involved little more than the triumphant insistence that "the Holy Church is not like the Republic of Venice, or of Genoa, or of any other City" where it can be said that "the Republic is above the Prince". "Nor is it like a kingdom of this world" where the power of the monarch is derived from the people and can be withdrawn by them. Instead, "the Church of Christ is a most perfect kingdom and an absolute monarchy, which depends not on the people … but solely on the divine will".' Quoting Bellarmine, *Risposta del Card. Bellarmino ad un libretto intitulato Trattato, e resolutione sopra la validità de le scommuniche di Gio. Gersone* (Rome, 1606), 72-7.

altogether irrelevant'.[46] Such a contention tacitly assumes that God established the Christian community in an unnatural situation objectively against the created, natural order.

In contrast, Cajetan attempted more carefully—although ultimately just as unsuccessfully—to avoid such an open denial of the insight that grace does not destroy nature. Indeed, he expressly acknowledged the principle at the beginning of his second tract directed at answering Almain's argument from nature: however, he went on to contend that, once the 'nature' of the church is properly understood, that principle leads to different conclusions than those proposed by Almain. His crucial contention was that—differently from what Cajetan himself acknowledged was the nature of human societies, which is such that power resides in the community as a whole—God established the 'nature' of the church to be a servile community to its only Lord:

> the order of grace does not take away in the Church the order of nature, which was intended to be there. The order intended in the Church was not such that the right to rule belongs to it and [this right] is taken away by the order of grace. But in the Church, by its nature, such an order was intended that the right to rule is not in it but in its natural Lord. The consequence is that grace does not take away but perfects this order of nature in the Church.[47]

The church has not been created free to organize itself: for that is the Lord's exclusive responsibility.[48] Now, the Lord decided to give absolute, unaccountable authority to his vicar, the pope: 'just as the prince of the Church [i.e. Jesus Christ] does not have authority naturally from the community of the Church, so His vicar has authority naturally not from that community but from Jesus Christ.'[49] *Ergo*, no council and not even the church as a whole can have any authority over the pope.

The significance has been noted of considering

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[46] *Kingship: The Politics of Enchantment* (Oxford: Blackwell, 2006), 125.

[47] 'Apology', 204; compare p. 203: if we are to understand things 'according to their own natures,' we cannot understand the Church as if it were 'a free community'. The Church 'derives the first principle of [its] origin, perfection and power not from individuals or from the community but from the head […] Jesus Christ', so that 'ecclesiastical government […] is, by its very nature, in a single prince' and, as Cajetan had said elsewhere, such 'natural' Prince decided to give all authority to one person alone, the pope.

[48] '[T]he community of the Church, considered according to its own nature, is not such that it is able to provide itself with a prince; and thus neither is it able by its own nature to punish, depose, or do other things of this sort to its prince, because, as was said, it was born a slave.' *Ibid*., p. 204.

[49] *Ibid*., 204.

> a position Cajetan did *not* take. It was possible for a defender of the papal monarchy to base himself upon a conception of monarchy as such which precluded the element of consent that was fundamental in theories like those of Mair and Almain. […] Cajetan's approach is more radical. He bluntly rejects the suggested parallel between civil and ecclesiastical government, insisting rather that the papal monarchy enjoys a unique position and unique authority. Temporal government rests upon natural law; temporal kingship *may* be based on the consent of its subjects. Perhaps, indeed, in the final analysis, all temporal monarchies—and, for that matter, all other forms of civil government—must have that consent as their basis. The authority of Peter and of his successors, however, can never be so understood: it is based directly and unconditionally upon God's ordinance.[50]

Because he could no more affirm that Christ's choice of absolute monarchy was in continuity with the natural state of things as shown by political philosophy, Cajetan's only alternative—as it will be also the case for Bellarmine a century later—was (1) to demonstrate that in the case of the church grace does in fact destroy nature and, in turn, (2) to justify that by showing its being necessarily implied by Christ's specific ecclesiological decisions, notably but not exclusively his words in the classical Petrine passages. Both points need further examination.

With regard to the first point, Cajetan's somewhat convoluted argument can be summarised as follows: while according to the (correct understanding of the) natural order of things it is the community that delegates authority to its officials, still in the church this is reversed (i.e. authority comes from God to the pope, who mediates it to the lower rungs and eventually to the entire community):[51] but such an 'unnatural' constitution of the Christian community—radically reversing the natural, created order—is nonetheless justified because Christ willed it to be so.

Apparently, Cajetan failed to grasp the contradiction of defining as 'natural' a constitution contrary to and subversive of what he regarded, by his own admission, as the proper natural ordering of human societies. He appears to have missed that such a hypothesis assumed a radical subversion by the Christian God of the 'natural' freedom and responsibility with which the Creator endowed each individual, nor did he offer any justification for postulating such a momentous and ordinary discontinuity between the

[50] Burns and Izbicki, 'Introduction', *Conciliarism and Papalism*, xii-xiii.
[51] *Ibid*., 202.

order of creation and that of redemption, the world of the human and of the Christian, the level of nature and that of grace.

Ultimately, Cajetan's position is based on a misconception about the way divine and human cooperation works. In his view, God imposes (and potentially forces) his will—a specific, anti-democratic ecclesial polity—on (or even over against) Christian subjects, who are thereby deprived of the exercise of the intelligence, responsibility, and freedom God endowed them with to discern His will for them and carry it out, thus in a truly 'servile' condition (if limited to the matter of determining the constitution of their faith community). As we will see, that misconception is still at the heart of current appeals to divine right structures. The alternative view, often reiterated by conciliarists and most Scholastic theologians, is that God ordinarily governs everything in the universe through secondary causes: so that, with regard to the specific case of human beings, God's sovereignty over them occurs by a gracious and ongoing offer of communion in love, which however compelling leaves intact their freedom, intelligence and responsibility. In the language of the Scholastics, God is indeed the *causa prima* of authority, but it is human consent which, ordinarily, is its *causa secunda*, in the church just as in the civil society.

With regard to the second point, concerning the scriptural justification of such discontinuity between nature and grace in the case of the church by showing that Christ has established an unnatural, anti-democratic, absolutist papal monarchy, it should be pointed out that the plausibility of high papalist interpretations of Jesus' words in the classical Petrine passages has never been uncontroversial nor without challengers. The more papalist theologians were aware that such scriptural grounds had never been firm, the more they stressed that the pope was the absolute monarch he was simply because Christ willed it, and so the argument continued to go in a vicious circle and presupposed something—a specific choice by Christ concerning future successors of the apostle Peter—which needed to be proved, and for which the scriptural evidence was understood to be ambiguous then, and inexistent now (3.3). To justify something as momentous as the radical discontinuity between nature and grace in the case of the church on the basis of such scriptural foundations would be equivalent to justifying the rejection of evolution on the basis of a simplistic interpretation of Gen 1–2. In both cases, largely accepted insights into the natural order of things would be rejected on the grounds of brittle and ultimately mistaken scriptural interpretations.

4.5 Post-Vatican II Mystification of the Church

As touched on, the contemporary emphasis on the church being a mystery is motivated by exactly the same goal of justifying the discontinuity between the ecclesial and the human polities—whereby the former's political organization is contrary in important respects to the insights of political philosophy—which was already behind the appeal to God's will. Such 'mystification' of the church, as it has been dubbed, had already been criticised almost fifty years ago as 'theological reductionism', defined as 'the explicit or tacit assumption that the Church is so absolutely unique in character that it can be understood only in its own private language' of biblical metaphorical images.[52] Insistence on 'the exclusive use of Biblical and doctrinal language in the interpretation of the Church' has been a way to indirectly affirm that church institutions should not be evaluated against the insights of political philosophy.[53] Edward P. Hahnenberg observed that 'For extreme versions of this approach, the church as mystery becomes the church mysterious, as traditional structures and the exercise of hierarchy becomes sacrosanct, immune to question or criticism'.[54] In this connection, Edward Schillebeeckx once remarked that '[i]n recent times, use, but above all much misuse, has been made of the deep insight that the church is a "mystery"' in order to dismiss critical insights from sociology and political philosophy. He highlighted two main issues with such a stance: the first is the 'pseudo-problem that one and the same reality which can be discussed in

[52] James M. Gustafson, *Treasure in Earthen Vessels. The Church as a Human Community* (Chicago: University of Chicago, 1961), 100, quoted in Komonchak, *Foundations in Ecclesiology*, ed. Frederick Lawrence (Boston: Boston College, 1995), 5. Gustafson was writing in 1961, before Vatican II, and might have not realized the extent to which his remarks were prophetic. Other ecclesiologists have made similar observations since: in a section with the lengthy title 'Stemming the tile of the breakthrough at Vatican II, subsequently legitimated by an ideological appeal to the term "church as mystery"', Edward Schillebeeckx for one remarked that '[i]n recent times, use, but above all much misuse, has been made of the deep insight that the church is a "mystery".' *Church. The Human Story of God*, 210 (see 210-13). Analogous remarks have been made by John W. De Gruchy, *Christianity and Democracy. A Theology for a Just World Order* (Cambridge: CUP, 1995), 252-3; Dennis Doyle, *Communio Ecclesiology. Vision and Versions* (Maryknoll NY: Orbis, 2000), 15, 99; Neil Ormerod, 'Recent Ecclesiology: A Survey', *Pacifica* 21 (February 2008), 57-67 (60); Clare Watkins, 'The Church as a "Special Case": Comments from Ecclesiology Concerning the Management of the Church', *Modern Theology* 9, no. 4 (1993), 369-84 (373), to mention but a few. Consult also Michael G. Lawler, *What Is and What Ought to Be: The Dialectic of Experience, Theology, and Church* (London: Continuum, 2005). It is appropriate to recall here the general principle to be found in the warning Elizabeth Schüssler-Fiorenza remembers from the lectures by her professor of dogma: 'Never use the word "mystery"! Whenever a theologian uses the word "mystery" he […] has something to hide. "Mystery" theology is bad theology!' *Discipleship of Equals. A Critical Feminist Ekklesia-logy of Liberation* (New York: Crossroad, 1993), 272. She commented: 'I could not agree more'.

[53] *Ibid*.

[54] *Ministries. A Relational Approach* (New York: Herder & Herder, 2003), 118.

different languages (e.g. scientific and religious) is wrongly regarded as two different opposed or parallel realities. This is to overlook the fact that this one reality, because of its riches, is fully accessible (and then still in a human way) only from two (or more) different perspectives, questions and language games'.[55] The second is 'a tenacious, dualistic misunderstanding' unaware of the historically and culturally conditioned structure of the Church, which does not seem to realize that 'the religious language of faith becomes empty and meaningless unless it contains a recognizable reference to real human experiences and the autonomous structures implied in them'.[56] Joseph Komonchak, for his part, remarked that

> [I]t is hard to see why, if St. Thomas could appeal in his theology of faith to the principle that *cognita sunt in cognoscente secundum modum cognoscentis* and use in his theology of justification the principle that *Deus movet omnia secundum modum uniuscuiusque*, a contemporary ecclesiologist cannot appeal to social theory to learn how social realities are constituted in order to understand how the Church is constituted as a social reality. Just as one cannot construct an ecclesiology without an at least implicit philosophy, so one cannot construct an ecclesiology without an implicit social theory.[57]

Even more recently, Paul Lakeland suggested that 'The single biggest problem bedeviling both ecclesiology in general and theological reflection on the lay state in particular is the mystification of the church.'[58]

The position against which those theologians have been reacting can perhaps be summarized as follows. The church is a mystery and as such transcends human understanding. Furthermore, as a community divinely instituted and empowered, it is also *incommensurably* different from any other community: there exists a radical discontinuity between the Christian and the human communities, which encompasses at least the way authority is exercised—their respective polities—if not also their formal element—their common fund of meanings and values. *Ergo*, any analogy of the church with political models would be either altogether mistaken or dangerously reductionist.

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[55] *Church. The Human Story of God*, 212.
[56] Schillebeeckx, *Church. The Human Story of God*, 211.
[57] *Foundations in Ecclesiology*, 64.
[58] *The Liberation of the Laity. In Search of an Accountable Church* (New York/London: Continuum, 2003), 171–7 (171).

4.6 Examples of the Mystification of the Church

Of course, this is precisely the syllogism, implicitly presupposed yet never explicitly defended, which is typical of the theologically reductionist ecclesiology. It is as true as regrettable that, because of the high degree of generality of the then Cardinal Joseph Ratzinger's repeated warnings that 'the church is not like other societies',[59] their dominant interpretation has been a kind of quite narrow 'radical mystification' of the church which, in a manner akin to Cajetan's, places a radical discontinuity between the organisation of the supernatural community of Christians on this earth and that of (well-devised) human communities.

As a matter of fact, such interpretation has enjoyed considerable success, not least among members of the Roman Catholic hierarchy. The warning of the then bishop of Pittsburgh Donald Wuerl (now archbishop of Washington D.C.), when discussing the possibility of structures of episcopal accountability, that 'we must be careful not to use a political model for a reality that transcends human political institutions', displays the main characteristics of the tendency illustrated above: to that extent, his assertion—as well as similarly phrased ones—put this way, that is, without additional qualifications, are at best incomplete and at worst incorrect, depending on whether one understands them as implying either a mere neglect or a straightforward denial of the church being primarily a society, as quite evident from history.[60]

Lest it might be thought of as a simple theoretical issue with little relevance or influence over church life, it should be noted that the ecclesiological principle behind the reasoning of Wuerl and Ratzinger has been applied to specific ecclesiological issues

[59] Thus he stated for instance that the church should not be understood 'as a *purely* human organization […]. We may never employ *purely* institutional criteria, […] the Church is wholly itself precisely where it breaks through the criteria and methods of human institutions.' 'The Theological Locus of Ecclesial Movements', trans. Adrian Walker, *Communio* 25 (1998), 480–500 (483), available at http://www.communio-icr.com/articles/PDF/ratzinger25-3.pdf. As the CDF once explained, 'Sacramentality [...] is at the root of the ecclesial ministries and [...] makes of the Church a spiritual reality which cannot be reduced to a purely sociological analysis', '*Libertatis nuntio:* Instruction on Certain Aspects of the Theology of Liberation' (6th August 1984), available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19840806_theology-liberation_en.html. Precisely the view of 'dissolv[ing] the church into purely sociological entities' was the 'serious accusation' Card. Walter Kasper complained about being mistakenly charged with, see his 'From the President of the Council for Promoting Christian Unity', *America* (26th November 2001), 28–9, available at http://www.americamagazine.org/content/article.cfm?article_id=1260.

[60] See Wuerl's 'Reflections on Governance and Accountability in the Church' and Steinfels' 'Necessary but not Sufficient: A Response to Bishop Wuerl's Reflections', in Francis Oakley and Bruce Russett (eds.), *Governance, Accountability and the Future of the Catholic Church* (New York/London: Continuum, 2004), 13–24 and 25–32 (18 and 28 respectively).

with quite concrete consequences. In what follows I shall outline some of the more concrete uses to which the same principle of unqualified 'uniqueness' of the church has been subject to, which might help to dispel the doubts as to whether the tendency described above is a mere artificial construct with little if any substantiation in contemporary ecclesiology. The contention that the church is a 'mystery' is here used *both* to justify those ecclesial structures—primarily the absolutist, unaccountable papal and episcopal monarchies—which appear unsupported by, and indeed positively contrary to, the insights developed by political philosophy, *and* to ban democratic ecclesial practices and institutions which are perceived as threatening such absolutism. A list of the latter which the Congregation for the Doctrine of the Faith has explicitly rejected on the grounds that the church is a mystery includes regarding public opinion and the consensus among theologians as guides for knowledge or action—arguably in alternative to the episcopal hierarchy and the pope, and allowing *public* dissent on any magisterial teaching, including non-irreformable ones.[61]

An alternative way of banning those practices would have entailed proving wrong the principles which undergird them, namely those in favour of public discussion and majority voting. And, as a matter of fact, several recent papal pronouncements have rejected the majority principle while, on the other hand, the canon law currently in force in the RC Church carefully circumscribes public discussion within that church.[62] In both cases, however, the main rationale for the rejection/restriction appears to have been based on purely philosophical considerations: the inherent relativism of majority rule, and the danger to unity of public discussion not oriented towards the common good, respectively. In contrast, the '*Donum veritatis*' instruction by the Congregation for the Doctrine of the Faith does not explicitly affirm that it is philosophically mistaken to regard either public opinion or expert consensus as prudential criteria for the discernment of truth in general and in specialised areas respectively. Rather, it clearly

[61] '*Donum veritatis*. Instruction on the Ecclesial Vocation of the Theologian' (24th May 1990), §39, available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19900524_theologian-vocation_en.html.

[62] As a consequence, the principle of public discussion as can be inferred from the 1983 *CIC* is much more limited than, e.g., the one enshrined in the European Convention on Human Rights: see the illuminating comparison between the two in Rick Torfs, *A Healthy Rivalry: Human Rights in the Church* (Leuven: Peeters, 1995), 60–1.

and *a priori* states that that cannot be the case in the church because of the latter being a mystery.

The second instance likewise reiterates the juxtaposing of the appeal to mystery with the negation of the social analogy: 'Clearly the relationship between the universal Church and the particular churches is a mystery and cannot be compared to that which exists between the whole and the parts in a purely human group or society'.[63] The thought of explaining such relationship in accordance to the ethical principle of subsidiarity—whereby the higher level only supplies what the lower does not deem possible to achieve by itself—does not (cannot?) apparently constitute a solution for the CDF (see below).

Precisely subsidiarity is arguably the most important socio-ethical principle whose validity has been dismissed in the church on the grounds that the latter is a mystery. Subsidiarity is a fundamental ethical and social principle, directly linked to human beings' responsibility and freedom of self-determination. It demands that, on the one hand, each decisional level (from the individual upward) has an inalienable responsibility to decide and act within its own operational range and, on the other hand, that only those actions which cannot be achieved by the individual or the smaller group alone, can be appropriately achieved through recourse to the higher level of a structured community. It is essential to observe that the divide between what can be decided autonomously and what should be decided by delegation, must be determined by the delegating individual or group and not by the higher levels (see the lengthier discussion of subsidiarity in 5.4).

To affirm that subsidiarity is not valid in the church is to state that the latter is exempt from the key ethical requirement for cooperation to be responsible, which is rightly thought to be normative in civil society. It means, in other words, that the church is a totalitarian society in which its members and intermediate bodies do not have the right of self-determination, but are rather subject to the higher authorities even on those

[63] CDF, '*Communionis notio.* A Letter to the Bishops of the Catholic Church on Some Aspects of the Church Understood as Communion' (28th May 1992), (London/New York: Catholic Truth Society/St. Paul Books & Media, 1992), §9, available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_28051992_communionis-notio_en.html. Such passages evoke Komonchak's observation that 'Works in ecclesiology often begin (and sometimes end) with appeals to the transcendent or mysterious character of the Church, which is invoked in order to forestall or deflect attempts to apply the methods and the language of social theory to the concrete life of the Church', *Foundations in Ecclesiology*, 64, also 148–9.

matters falling within their operational range and thus inalienable responsibility. Put differently still, respect of subsidiarity determines whether a polity is ethical and democratic, or whether it is unethical and dictatorial (see for further 5.4).

The history of subsidiarity would offer an ideal case-study for both the historical symbiosis and the real, essential continuity between ecclesiology and political philosophy, for it has long been a key insight operative, implicitly or explicitly, in both disciplines. Already Aristotle had grasped it in his description of the various organisational levels of society: a city-state is composed of several villages, and each village is composed of several families. Each group governs and administers what lies within its capacities and range: the family is concerned with everyday's needs, the village with needs which are not daily, and the city-state is concerned not simply with living, but with living well: in other words, it supplies what smaller communities are unable to provide.[64] But the insights contained in that principle can also be found often enough in the history of ecclesiology. And so it is significant that not long before its first ever official formulation by Pius XI in his 1931 encyclical '*Quadragesimo Anno*', which commended subsidiarity as morally binding for all human societies, Pius XII clarified that subsidiarity was a necessary constitutive foundation of the ecclesial polity too. A timid application of this has been the acknowledgment that subsidiarity is one of the constitutive principles informing canon law, which should accordingly guide its interpretation.[65]

Moreover, the insight behind subsidiarity, presented in a slightly different form and under a different name, has been dubbed one of the foundational principles of democratic political liberalism.[66] The significance cannot be overstressed of the

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[64] Chantal Delsol, 'La bonne étoile de la subsidiarité', in Peter Blickle, Thomas O. Hüglin, Dieter Wyduckel (eds.), *Subsidiarität als rechtliches und politisches Ordnungsprinzip in Kirche, Staat und Gesellschaft* (Berlin: Duncker & Humblot, 2002), 85–90 (85).

[65] Pope John Paul II, '*Praefatio*' [Preface to the 1983 *CIC*], in *Acta Apostolicae Sedis*, 75 (1983), p. xxii, available at http://www.vatican.va/archive/aas/documents/AAS%2075%20%5B1983%5D%20II%20-%20ocr.pdf (in Latin); summary in English in James A. Coriden, *An Introduction to Canon Law* (Mahwah NJ: Paulist Press, rev. ed. 2004), 39 (point no. 5). It should be noted, however, that the understanding of subsidiarity assumed there is the common yet erroneous one—quite subversive of its original purpose and meaning—implying that it is the higher level's responsibility to judge on the operational range of the lower levels, and thereby to decide when and on what matters to intervene. In contrast, subsidiarity entails exactly the reverse: see for further 5.4.

[66] Robert Dahl calls it the 'presumption of personal autonomy': 'In the absence of a compelling showing to the contrary everyone should be assumed to be the best judge of his or her own good or interests', *Democracy and Its Critics* (New Haven/London: Yale University Press, 1989), 100, italics in the original (cf. 70, 76, 93, 99–105, 180–2). It is to be noted that the same principle is one of the

acknowledgment that subsidiarity is a, if not *the*, foundational principle for cooperation to be responsible in the ecclesial just as in the civil polities. In effect, for ecclesiology and political philosophy to share such a fundamental insight would further suggest the essential continuity between the ecclesial and the civil communities at the organizational level at least.

Arguably the most important theoretical tool Catholic thought has contributed to democratic philosophy in the recent past, subsidiarity is seen by several ecclesiologists as the only hermeneutical key to a meaningful (as opposed to merely rhetorical) solution of the relationship between local and universal church.[67] Yet Walter Kasper, among many others, noted that often an appeal to the supernatural character ('*Geheimniscbarakter*') of the church is the basis for dismissing the application of subsidiarity within the church: such a unilaterally supernatural view of the church leads, he contended, to nothing less than 'religious totalitarianism'.[68] The same problem arose again recently in a debate between the late Cardinal Avery Dulles and Ladislas Örsy precisely on subsidiarity.[69] More generally, the forceful rejection by ecclesiologists on

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arguments Antonio Rosmini brought in favour of an elective system for appointing bishops in which the whole local church would be involved: one should remember, he said, 'one certain principle, confirmed by universal experience […]: "Generally speaking, only the moral body or moral person concerned is capable of judging what is best for itself". The reason underlying this principle is enlightened self-interest which always provides the most watchful and secure guide. Exceptions may be found, but in general this law, which governs all moral bodies and societies, is always true. It is especially applicable to the Church whose interests are spiritual and moral and, as a result, straightforward, simple, consistent and enlightened. It follows that if pastors of churches are appointed from outside ecclesial competence, their nominators will never act with the same sure judgment that churches would use on their own behalf, and have in fact used for centuries.' *The Five Wounds*, §116 (pp. 116–17).

[67] See e.g. A. Leys, *Ecclesiological Impacts of the Principle of Subsidiarity* (Kampen: KOK Pharos, 1995), 212; Patrick Granfield, *The Papacy in Transition* (Garden City NY: Doubleday, 1980), 76–8; Jean-Marie Tillard, *The Bishop of Rome*, trans. by John de Satge (London: SPCK, 1983), 183–4. Again, it should be noted that all those authors advanced the common mistaken understanding of subsidiarity sketched in no. 65 above.

For a short history of the principle and its reception up to the 1985 Extraordinary Synod of bishops, see Komonchak, 'Subsidiarity: The State of the Question', in Hervé Legrand, Julio Manzanares, and Antonio García y García (eds.), *The Nature and Future of Episcopal Conferences* (Washington DC: Catholic University of America Press, 1988), 298–350; and an updated history with the more recent discussion in Carlos Schickendantz, 'El principio de subsidiariedad en la Iglesia: Breve historia, discusiones recientes y campos de aplicación práctica', *Teol. vida* 42, no. 3 (2001), 280–91, available at http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0049-34492001000300003&lng=es&nrm=iso. For recent concrete instances of opposition to the principle—going as far as preventing or ignoring its discussion at Episcopal conferences and even at the Roman Synod of bishops—see Gerard O'Collins, *Living Vatican II. The 21st Council for the 21st Century* (Mahwah NJ: Paulist Press, 2006), 156–8.

[68] W. Kasper, 'Zum Subsidiaritätsprinzip in der Kirche', *Internationale katholische Zeitschrift* 18 (1989) 155–62, (157); also 'Der Geheimnischarakter hebt den Sozialcharakter nicht auf. Zur Geltung des Subsidiaritätsprinzip in der Kirche', *Herder-Korrespondenz* 41 (1987), 232–6.

[69] Dulles, 'The Papacy for a Global Church', *America* 183, no. 2 (15th July 2000), 6–11, and Örsy's reply, 'The Papacy for an Ecumenical Age: A Response to Avery Dulles', *America* 183, no. 12 (21st

the basis of the uniqueness of the church as a supernatural mystery offers a good example of the very concrete consequences one's ecclesiological method can bring to, for the rejection of subsidiarity has been used to maintain a decision-making method where numerous important decisions—from the various problems of inculturation of the gospel, liturgy, to the choice of bishops and priests—are immorally taken away from the local as well as national churches, and reserved to the micro-management of the pope and the Roman Curia (see for further 6.5).

Another crucial example of 'mystification' touches on magisterial teaching authority at all its levels: episcopal as well as papal, ordinary as well as extraordinary. On this subject too the appeal is made to magisterial teaching authority being God-given, and is played against the call for making legally binding the use of the correct human procedures and means for assuring an attentive, intelligent, reasonable and responsible choice. For instance, it was precisely the *Deputatio de fide* (doctrinal commission) at Vatican I that had to clarify—against the proponents of a mystical infallibility of the pope graciously and directly bestowed from above by divine inspiration without human cooperation—that papal infallibility, albeit divinely granted, did *not* in any way exclude the use of all appropriate human prudential means for avoiding error and reaching the truth.[70] Indeed, acceptance or rejection of the *via humana* in discerning the truth had been the crux of the conflict among those discussing papal infallibility from at least the sixteenth century forward.[71] A remarkable amount of debate went into determining whether when an ordained Christian—and more specifically a bishop—teaches, he is bound—whether only morally or also legally was a further question—to inform himself by consulting the faith of the church, theologians,

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October 2000), 9–15, available at http://www.americamagazine.org/content/article.cfm?article_id=760 and http://www.americamagazine.org/content/article.cfm?article_id=2237 respectively.

[70] The old Scholastic insight with regard to the working of grace comes to mind: '*facienti quod in se est Deus non denegat gratiam*' ('God does not deny grace to the person who does one's utmost'). This axiom was in effect recalled by those theologians insisting that the pope and his advisers be bound to 'every measure of preparation and diligence' before making any doctrinal pronouncement, Ulrich Horst, O.P., *The Dominicans and the Pope: Papal Teaching Authority in the Medieval and Early Modern Thomist Tradition*, trans. James D. Mixson (Notre Dame IN: University of Notre Dame Press, 2006), 45. Accordingly, the pope and, it might be added, every official teacher or decision-maker in the church more generally, is but the representative of the community and the spokesperson of its common fund of knowledge and wisdom: he does not 'discover' new revelatory truths by means of a direct divine inspiration, which he then teaches to a community ignorant about them because never granted such divine enlightenment; rather, she simply articulates the results of the ever growing understanding of the entire Christian community about its faith.

[71] See most notably Horst, *Dominicans and the Pope*, esp. from p. 39 to the end of the book.

other bishops, and even—in the case of the pope—a general council, or whether he can in fact solve a controversial theological issue and propose a new teaching in virtue of his *carisma veritatis* understood as entailing divine inspiration. But this second stance understanding the *carisma veritatis* as divine inspiration was to be repeatedly dismissed as heretical for it postulated new revelations, which have traditionally been excluded. And yet, it is striking to notice how such a position, despite its very dubious orthodoxy, managed not only to avoid an explicit condemnation but also to effectively guide and structure decision-making in the RC Church for several centuries up till now. Even Vatican I, while rejecting it in theory, as evident from the explanation put forward by the *Deputatio de fide* to the conciliar fathers, in practice refused what the minority asked most, viz. an explicit mention that in teaching infallibly the pope needs to undertake the *via humana*.[72]

A final notable instance of theological reductionism, quite revealing of its pragmatic goal of preserving the current balance of power in the church, is the argument denying the necessity of a system of checks and balances for the exercise of papal power on the grounds that personal reform would be both sufficient and necessary in order to avoid abuses. Structural reform, in contrast, would be secondary or even unnecessary, and its requests a sign of arrogance and lack of self-reform. Cajetan was to set the standard in this regard: forced to admit that a pope could become heretic or teach or do something potentially harmful to the body of the faithful at large, he stubbornly refused to allow for a structural provision through a system of checks and balances, as the conciliarists proposed (a general council with exceptional policing powers over a heretical pope). Rather, he admitted that, because there existed no higher tribunal than the pope to which to appeal in case of papal misgovernment, the *only* solution to such cases was prayer to God.[73]

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[72] 'The real concern of the minority was that […] it [be] clearly understood that when defining *ex cathedra* the pope is articulating the *sensus ecclesiae*; that he is acting not only as head, but as mouth of the body of Christ; that he teaches in union with the Church and under her magisterium and infallibility. In other words, it was their concern to avoid the establishment of a papal infallibility that would be personal, absolute, and separate. This was the crucial issue to which their energies were directed throughout the debate: the decapitation of the Church. For this reason the majority of the emendations proposed were directed in one way or another to linking the papal teaching role more closely to the Church's.' Stephen Duffy, 'The Modern Period', in Terry Tekippe (ed.), *Papal Infallibility: An Application of Lonergan's Theological Method* (Washington, DC: University Press of America, 1983), 61–116 (64).

[73] Cajetan, 'On the Comparison of the Authority of Pope and Council', 124–7, 132.

It is quite significant that exactly the same argument was also to be used to defend absolute monarchy in the civil sphere (see 2.5). In both cases, the neglect of structural in favour of a unilateral emphasis on personal reform could not be clearer. While now by and large discarded by political philosophy, such an argument is still upheld in RC ecclesiology, in the form of stressing the necessity of personal over structural reform, at times coming close to a rejection of the latter.[74]

There are two main problems with such a stance. The first is that, according to mainstream Christian spirituality, a prayer of petition is misguided if it is not matched with a genuine human effort towards doing, with God's help, what is humanly possible with regard to what is being asked of God. As Saint Ignatius de Loyola put it, 'Pray as though everything depended on God, and work as though everything depended on you'.[75] As it is clearly possible to work towards setting up human checks and balances for the exercise of papal power, negligence in doing so cannot be excused on the grounds that God will be asked for help if things turn ugly.[76]

Secondly, such a stance also overlooks how economic, social, political (including ecclesial), and cultural structures can not only support but also actively hinder human (and Christian) development and self-transcendence, with evident negative consequences for the possibilities of physical, moral and spiritual progress of those subject to them (1.1). It is therefore impossible to sharply separate personal from structural conversion (see for further 5.6).

The centrality of the above mentioned issues for ecclesiology can hardly be overstressed. Depending on how they are solved, the church is to be structured either democratically or as a non-democratic, totalitarian society. If decisions in doctrinal as well as pastoral matters must follow the human way and cannot avoid it—even while granting their being graciously assisted by the Spirit—then the Christian community is

[74] See for instance then Cardinal Ratzinger's 'A Company in Constant Renewal', in *Called to Communion. Understanding the Church Today* (San Francisco: Ignatius, 1996), 133–56. The point had already been stressed in the pre-conciliar period by Henri de Lubac, *The Splendour of the Church*, trans. Michael Mason (San Francisco: Ignatius Press, 1999 [1953]), 284-91 (esp. 287-8 and 290); and de Lubac was to reiterate it repeatedly after Vatican II. Karl Rahner likewise once claimed that 'The Catholic does not demand a juridical norm by which the Pope could be impeached, he relies on the power of the grace of God and of the Holy Spirit in the Church.' 'Dogmatic Constitution on the Church: Chapter III, Articles 18-27', in Herbert Vorgrimler (ed.), *Commentary on the Documents of Vatican II*, Vol. 1, trans. by Lalit Adolphus *et al*. (London: Burns & Oates, 1967), 186–218 (203).

[75] Quoted in Joseph de Guibert, SJ, *The Jesuits: Their Spiritual Doctrine and Practice*, trans. William M. Young (Chicago: Loyola University, 1964), 148, no. 55.

[76] See also the analogous answer to the argument that to reintroduce the popular election of bishops would be a control of the Spirit's freedom in bestowing charisms in 6.2.

to be structured according to the best way in which such discernment can occur: and that means, as it is now generally perceived and will be explained in details later, that the Christian community will have to embody the constitutive and essential elements of an intelligent and responsible polity: on the one hand, subsidiarity; and on the other the freedoms of information, expression, and public debate. (In effect, as it will be seen, it is only in this way that the common fund of knowledge and wisdom of the community can be attentively, intelligently, reasonably, and responsibly exploited). It is thus important to probe their assumptions further.

4.7 Elements of the Continuity between the Christian and the Human Polity

The continuity between political philosophy and ecclesiology is real because of the real continuity existing between the Christian and the non-Christian with regard to the cognitional and moral operations required of both to come to know intelligently and decide responsibly. Such continuity at the level of individual, solitary understanding, deciding, and acting extends necessarily at the public level of cooperating in common decision-making and action. Thus, the solution which the Scholastics reached for preserving the supernatural distinctiveness of the Christian as individual—i.e. an intelligent and moral agent—vis-à-vis the non-Christian, will prove foundational for understanding how to preserve the supernatural distinctiveness of the church vis-à-vis the human community.

The Scholastics' account of the specificity of the Christian as an individual was to acknowledge that human nature is perfected, but not destroyed, by the 'new creation' or supernatural state in which the justified was graciously established. That meant, more in detail, preserving the best philosophical descriptions of the human person, understood in its distinctive intellectual as well as moral faculties (sense, intellect, and will), even while integrating them with the distinctive insights of Christian theology. Scholastic theologians explained *Christian* intentionality in its cognitional and moral capacity as well as operations—what Lonergan has detailed as (attentive) experiencing, (intelligent) coming to know, (responsible) deciding, and (loving) acting—by theologically

integrating, while fully preserving, the best available explanation of *human* intentionality, as described by 'natural' anthropology and ethics.[77]

The theological integration consisted in hypothesising that divine grace, by means of the supernatural virtues of faith, hope, and charity, perfected the natural faculties and virtues even while preserving them. The problem of pinpointing the distinctiveness of the Christian as Christian was, in other words, that of understanding how divine grace influences human nature in its coming to know and deciding. Ultimately and fundamentally, the problem was the one, foundational to Christian theology, of understanding how divine and human cooperation works. It is not a coincidence, as we will see (6.2), that opposed understandings of divine-human cooperation lay at the very basis of the opposed divine-right and consensual understandings of authority.

It is not necessary here to illustrate the complex solution Scholastic theologians advanced in that regard, which included the distinction of several kinds of divine graces operating or cooperating with human freedom and responsibility. Its only relevant aspect for present purposes is that the systematic categories used in the description of the supernatural were the natural ones, which were analogically extended to indicate the supplementation grace provides to nature: thus love was conceived as sublated by charity (i.e. self-less love), intellect by faith, human hope by supernatural (theological) hope.[78] Such methodology is in itself traditional, being arguably implicit in Paul's description of the supernatural virtue charity exclusively by comparison with a list of natural virtues and vices (1 Cor. 13.4–7).[79] In other words, a fairly systematic understanding of the Christian individual as Christian was developed by *integrating* (without essentially changing them) the systematic philosophical understanding of the human being already achieved. Without the latter, it would have been very difficult—if

[77] The point is particularly evident in Aquinas, whose theory of morality 'presupposes an account of the *natural* human good, which serves as the proximate norm for morality', Jean Porter, *The Recovery of Virtue. The Relevance of Aquinas for Christian Ethics* (London: SPCK, 1994), 69 (my emphasis). An account of the natural human good implies, in turn, a view of the cognitional and moral faculties and capacities of the human being.

[78] The relationship between natural and supernatural virtues has been linked by Lonergan to the general philosophical scheme he named 'emergent probability': that is, God's intervention makes probable in the life of both each person individually as well as, consequently, of communities the occurrence of what in itself was not such: see *Insight*, 476–89 for an elucidation of 'emergent probability', and ch. xx, 709–52 for an account of its role in explaining the working of grace.

[79] For a concise overview of Paul's treatment of virtues and vices, as well as of its Greco-Roman influences, see Troels Engberg-Pedersen, 'Paul, Virtues, and Vices', in J. Paul Sampley (ed.), *Paul in the Greco-Roman World: A Handbook* (Harrisburg PA: Trinity Press International, 2003), 608–34.

at all possible—to develop the former. Integration here means a sublation of the natural level, whereby all the latter's characteristics are retained.

The problem of what was central in determining the distinctiveness of the Christian vis-à-vis the non-Christians, then, became the problem of explaining how grace influences and perfects those human faculties and virtues without destroying them: but, crucially for present purposes, there was no question of dismissing what had been already correctly understood and systematized by 'natural' philosophy and ethics. The theological reflection on the individual has used for centuries natural categories (natural law) without particular warnings or reservations, in the conviction that there exists a supernatural dimension of the redeemed human being in perfect continuity with the natural one. What the Scholastics did, in other words, was to integrate theologically the best available philosophical understanding of human intentionality in its cognitive and moral faculties and operations.

Now, such an understanding is the necessary basis of any political philosophy. Paradigmatically, Aristotle conceived political philosophy as the application of practical wisdom to political problems. For him 'politics, in the strict sense of legislative science, is a form of practical wisdom or prudence […] (*EN* [*Nicomachean Ethics*] VI.8 and X.9)'.[80] The first point to be noted is that the individual's decision to cooperate through delegation cannot and does not abolish her personal responsibility, but rather includes it. Accordingly, cooperation derives from (and dramatically expands) individual ethics. To the questions concerning the morality of the individual's personal actions, it adds all the issues linked to the morality of the individual's cooperation in common actions: What are the moral norms for a person's decision to cooperate in a common action to be intelligent and responsible? More specifically, when are delegation/subordination/obedience responsible and not, instead, a desertion of responsibility?

The study of the criteria for the responsibility of the individual's collaboration in a common action of a group is the specific task of political philosophy. Differently put, political philosophy is based on a social ethics, viz. it is an expansion of traditional individual ethics by considering not only the morality of personal actions but also the

[80] Fred Miller, 'Aristotle's Political Theory', in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Fall 2008 Edition), available at http://plato.stanford.edu/archives/fall2008/entries/aristotle-politics/.

morality of cooperation in common actions. Analogously, ecclesiology can be conceived as including also an expansion of a Christian ethics to encompass the analysis of the morality of the Christians' cooperation in ecclesial actions.

As just noted, mainstream Christian theology does not conceive the influence of grace or divine action on the *individual* Christian as destroying his freedom and responsibility in general, and the cognitional and moral operations necessary to discern the truth and the good, and to act accordingly. It follows that, as Christian ethics has been based on philosophical ethics, so likewise ecclesiology will be based on political philosophy. Whether with regard to evaluating the intelligence and moral worth of solitary courses of actions, or with regard to evaluating the intelligence and moral worth of cooperation with others, the theological reflection is always and necessarily grounded on what has already been understood of human coming to know the true and the good: on the one hand, (individual) cognitional and moral theory, and on the other, political philosophy and political ethics. No theological ground should therefore hinder the use of natural categories in the theological reflection about the social dimension of the redeemed human being, and therefore in ecclesiology.

From this perspective, just as medieval theologians were correct in understanding the Christian subject as in perfect continuity with the human subject (and consequently Christian anthropology and ethics as fundamentally in continuity with the best available philosophical grasp of human coming to know, deciding, and acting *in general*), so they were right in conceiving the Christian community as in perfect continuity with the human one (and consequently ecclesiology as fundamentally continuous with the best available philosophical explanation of human coming to know, deciding, and acting *when cooperating with others*—the most systematic bodies of knowledge on the subject being, again, Aristotle's political philosophy, and Roman Law). Inasmuch as political philosophy can be understood as a branch of ethics, viz. that studying the morality of cooperation (and thus of delegation), medieval theologians and canonists were correct in solving the problem of the specificity of the church by the same method that had been utilised for explaining the distinctiveness of the Christian.

An examination of what a community is can further clarify the extent of the continuity between the church and human society. On an ancient and traditional view, *κοινωνία*/community is conceived as the organized collaboration of individuals for the pursuit of a common aim or aims. In line with Aristotle's classical formulation, I

characterise the community or polity as a group of people sharing some common experiences, understandings, values, and in which some relationships of coordination and subordination for common action toward a common goal obtain. The only element formally constitutive of a community *qua* community is, accordingly, not geographical vicinity or ethnic/linguistic homogeneity, but rather a shared fund of meanings and values (see 5.2.2).

Now, on precisely the level of meanings and values, no discontinuity has ordinarily been acknowledged between the Christian and the human plane; rather, faith has generally been understood as in perfect continuity with reason. It can hardly be justifiable, then, to postulate a discontinuity with regard to the patterns of cooperation and authority, which are not strictly speaking essential for the formation and existence of a community (see 3.6). Moreover, as noted above, the continuity does in fact extend to the patterns of cooperation: for the ethical requirements for cooperation, subordination, and obedience to be responsible are the same for the Christian as for the non-Christian.

This clarifies the post-Vatican II ecclesiological debate. It affirms that it is 'theologically reductionist' to reject the use and validity of critical (i.e. correct) socio-political categories in ecclesiology, and/or to contend that the traditional metaphors are sufficient for an understanding of the church at the level of our times. On the contrary, ecclesiology will be critical, explanatory, and systematic, to the extent that it is based on and integrates a critical, explanatory, and systematic political philosophy. It builds on the relationship between ecclesiology and political philosophy outlined in a relatively clear passage in Vatican II's notoriously ambiguous ecclesiological teaching:

> Since the Church has a visible and social structure as a sign of her unity in Christ, she can and ought to be enriched by the development of human social life, not that there is any lack in the constitution given her by Christ, but that she can understand it more penetratingly, express it better, and adjust it more successfully to our times.[81]

[81] *GS* §44; the anachronistic reference should be noted to an ecclesial 'constitution' established by Christ: no such affirmation can be warranted from the scriptural and apostolic witness we have.

4.8 Conclusion

One of Lonergan's central insights is that what assures both the continuity and the scientific status of any discipline is more its method than its field, 'for the field tends to expand to include every area in which the method can be applied successfully'.[82] Evidently, ecclesiology is no exception, as is witnessed by the uninterrupted usage of the traditional ecclesiological method throughout church history, even by those opposed to it in general, to the extent that they have always *de facto* resorted to it in an *ad hoc* fashion, and most notably when describing the Petrine primacy. From this perspective, the post-conciliar disagreements on the interpretation of Vatican II's ecclesiological texts have a further, deeper root alongside the motivations generally agreed on—incompleteness of its teaching, unaccomplished synthesis of the metaphorical and the more systematic juridical languages—namely, the lack of agreement upon how ecclesiology is to be carried out, and how the church is to be studied.

The examples of theological reductionism reported above (4.6) show the very concrete ecclesiological conclusions that one's ecclesiological method can bring to. They are all instances—central to ecclesiology, and themselves with a rich history of theological debate and pragmatic/political justifications—of the appeal to the supernatural, sacred level to dismiss or neglect the human level, a radical and so far relatively effective rejection of the insight that grace perfects nature without superseding it. Whilst it would be very difficult to find in any one contemporary theologian (and much less in documents of the CDF) an explicit rejection of that principle, or even only of the fact that political philosophy cannot or has nothing to contribute to ecclesiology because of the essential mystery which the church is, still on particular ecclesiological issues—indeed on the crucial ones of authority, subsidiarity, and freedom of expression and debate—this general rule seems to be *de facto* implicitly presupposed and operative for reasons which can be identified with a defensive attitude aiming at preserving the institutional *status quo*.

The resulting erroneous methodology excludes precisely those philosophical tools which could not only be of great aid to theological questions, but which are in fact required to reach a certain systematization of thought. As the refusal of the insight

[82] 'The Ongoing Genesis of Methods', in *A Third Collection: Papers by Bernard J. F. Lonergan*, ed. F. E. Crowe (Mahwah NJ: Paulist Press, 1985), 146–68 (152).

embodied in the principle of subsidiarity shows, to dispense with political philosophy entails the condemnation of ecclesiology to an abstract sterility actually making it impossible at the practical level to adequately solve concrete ecclesiological issues, as opposed to offering a mere rhetorical solution of them. The obdurate exclusion of political philosophy at the systematic level means that ecclesiology lacks its human referent and, consequently, that communication with non-Christians in general and political philosophers specifically will be difficult. Put differently, the prohibition against critically drawing from the categories of political philosophy would condemn ecclesiology to a pre-systematic and uncritical pluralism of metaphorical images. Perhaps even worse is the fact that the constitution of the RC church will continue to appear irrational as well as unintelligible to Christians and non-Christians alike, as well as to political philosophers.

As suggested above, the theological basis of such exclusivist methodology is that grace is discontinuous with nature in the specific case of the structured community of Christians. In contrast, the theological basis of the opposed methodology—the one envisaging ecclesiology as in continuity with political philosophy—is, of course, that the Scholastic solution in favour of the continuity to the relationship between nature and grace at the level of the individual Christian remains normative with regard to that same relationship at the communal, ecclesial level. Because continuity between nature and grace is considered to be the norm in Christian theology, the burden of proof lies with those wanting to uphold the admittedly momentous exception to that rule in the case of the church. To justify it simply on the basis of some scriptural passages supposedly witnessing a divine establishment of certain church structures as irreversible and necessary, and/or by appealing to the church being a ‘mystery’, does not appear to be sufficient. I have recalled previously the requirement in RC canon law that ‘no doctrine is understood to be infallibly defined unless it is clearly established as such’ (can. 749.3, see section 3.4). Such a prudential principle is particularly relevant in the case of ecclesial structures supposedly willed by God as necessary and immutable, and the more so to the extent that they appear contrary to the precepts of nature and reason—summed up in the principle of subsidiarity, or the self-determination of each moral body, which translates concretely in giving individuals the freedom ‘to participate freely and actively in establishing the constitutional bases of a political community, governing the state, determining the scope and purpose of various institutions, and choosing

leaders'[83]—whose observance provides the heuristic definition of democracy. Accordingly, the next chapter will turn to analyzing the contemporary understanding of (democratic) authority.

[83] *GS* §75.

5 CENTRAL INSIGHTS AND CATEGORIES OF DEMOCRATIC POLITICAL PHILOSOPHY

5.1 Introduction

This chapter and the next are based on the traditional theological axiom that grace does not destroy nature, but perfects it according to the manner of the nature. This is valid both at the individual and at the social levels. Hence, lacking specific and unambiguous dictates from revelation to the contrary, the principles for responsible cooperation should be the same in the church as in civil society. Indeed, the church should be a model society, thus bearing witness even on that point to the divine work of redemption. The assumption that the church has to develop and refine the rules of human societies is even more confirmed by contemporary historical studies which show that the church has always adopted the political forms of the surrounding civil societies.[1]

From this perspective, it becomes necessary to critically investigate the insights political philosophy has developed with regard to the requirements for the individual's cooperation to be responsible, as well as the political categories developed to express the relationships constitutive of community, authority, and democracy. However, a problem immediately arises, in that the meaning of the central political categories has historically divided, and still divides, political philosophers. It is thus essential to state clearly the method which will be adopted for discerning between correct and incorrect understandings of such categories.

Political philosophy is understood here as having as its primary object of study the data concerning the relationships of cooperation and authority among members of a human polity. Inasmuch as the study of the intelligence and morality of *common* action presupposes the understanding of the cognitional and moral operations involved in *individual* action, by which social cooperation is constituted, political philosophy—just like ecclesiology—is based on a theory of how we come to know, decide, and act on our knowledge. The fact that it is by his/her intentional operations that each individual contributes to the common action of a group means that the categories developed to understand the political relationships constitutive of common action—cooperation and subordination/authority—will be the more systematic and explanatory the more they

[1] See e.g. Norman Tanner, *Was the Church too Democratic? Councils, Collegiality, and the Church's Future* (Bangalore: Dharmaran, 2003), particularly 18–23.

have traced the various intentional steps involved in the decision to cooperate.[2] The decision to cooperate should not be blind; and the best way to provide general guidelines to assess its intelligence, reasonableness, and responsibility is by means of uncovering the general cognitional and moral operations which enter into it. Again, the same method applies with regard to 'authority', viz. that foundational category political philosophy has developed to name a particular type of cooperation, that involving subordination: as itself a result of an intentional response of a person to another, its critical meaning can be clarified by bringing to light the cognitional and moral operations involved in entering such relationship.[3] The same method, again, is relevant for clarifying all other categories political philosophy has developed—e.g. freedom and obedience, consent and coercion, delegation, subsidiarity, legitimation, accountability, and so on.

The methodological contention that political philosophy must be based on a theory of intelligent coming to know and responsible decision-making is not new. It has been advanced in different forms by some eminent sociologists and political philosophers alike. To take but three examples: political philosopher Jürgen Habermas has argued that 'democratic procedures are meant to institutionalize the forms of communication necessary for rational will-formation';[4] Joshua Cohen concurred and specified: 'The ideal deliberative procedure provides a [normative] model that they [i.e. the democratic institutions] should mirror, so far as possible';[5] sociologist Talcott Parsons famously and perceptively defined society as 'one of the primary subsystems of the human *action* system', where 'Action consists of the structures and processes by which human beings form meaningful intentions and, more or less successfully, implement them in concrete situations.'[6]

[2] Lonergan, *Insight: A Study of Human Understanding*, CWL 3 (Toronto: University of Toronto, 5th ed. 1992 [1957]), 329 and 592.

[3] This method is based on the argument, advanced by Bernard Lonergan, that an explicit understanding of how human intentionality works can have a critical function in analysing the categories of the human sciences—i.e. those studying (the products of) human meanings and values—of which political philosophy is one: see Lonergan, *Method in Theology* (London: DLT, 1972), 6–26 (esp. 20–6).

[4] 'Popular Sovereignty as Procedure', in J. Bohman and W. Rehg (eds.), *Deliberative Democracy: Essays on Reason and Politics* (Cambridge MA: MIT Press, 1997), 35–66 (56).

[5] 'Deliberation and Democratic Legitimacy', in Hamlin and Pettit (eds.), *The Good Polity* (Oxford: Blackwell, 1989), 17–34 (26).

[6] *Societies: Evolutionary and Comparative Perspectives* (Englewood Cliffs N.J.: Prentice Hall, 1966), 5.

The general cognitional theory and epistemology which will be assumed here is the one detailed by philosopher and theologian Bernard Lonergan.[7] It is beyond the scope of this work to undertake an exposition and justification of Lonergan's theory. For present purposes, its validity can be assessed *a posteriori*, against its explanatory potential in clarifying and evaluating the meaning of the central political categories. This chapter will exploit the explanatory potential of Lonergan's analysis of human intentionality with regard to political philosophy, in a way analogous to what has already been successfully carried out with regard to e.g. psychology, spirituality, and biblical exegesis.[8]

Lonergan identified to an unmatched level of detail both of the basic invariant dynamic pattern of related and recurrent operations which each human being performs in coming to know and in deciding morally (i.e. experience, understanding, factual verification, moral evaluation), and of the criteria for self-correction immanent to those operations at each cognitive level. Such thoroughness is invaluable to accurately uncover the cognitional and moral operations at the origin of the individual's political relationships, so as to critically understand the political categories expressing them—e.g. belief, community, delegation to authority, and subsidiarity. It is, however, obviously possible to accomplish the latter in a more general manner, i.e. assuming only some minimal facts concerning how humans come to know and decide (hence leaving Lonergan's original and much more detailed picture of the workings of human intentionality for reference): and that is what will be done here.

The general assumption is that any decision must have previously fulfilled four cognitional and moral steps: gathering data/evidence (attentively); understanding it (intelligently); verifying (reasonably) the factual correctness of such understanding

[7] The most detailed exposition of it is to be found in *Insight*, cited above; and a short summary in the first chapter of *Method in Theology*, 3–26. Lonergan's cognitional theory has been the object of a wealth of studies expounding it, linking it with various important currents in cognitive philosophy, and occasionally clarifying and expanding it through fresh applications.

[8] Notable applications of Lonergan's understanding of the structure of human intentionality have been done in fields as diverse as, for instance, psychology and spirituality (most importantly Daniel A. Helminiak, *The Human Core of Spirituality: Mind as Psyche and Spirit* [New York: SUNY, 1996]; but also Walter Conn, *The Desiring Self: Rooting Pastoral Counseling and Spiritual Direction in Self-Transcendence* [Mahwah, NJ: Paulist Press, 1998]); and William Johnston, *Christian Zen* (New York: Fordham University Press, 3rd ed. 1997 [1979]); *id.*, *Being in Love: The Practice of Christian Prayer* [London: William Collins Sons & Co., 2nd ed. 1999]), biblical exegesis and hermeneutics (primarily Ben F. Meyer, *Critical Realism and the New Testament* [Allison Park, PA.: Pickwick Publications, 1989]), ecclesiology and ecumenism (primarily Joseph Komonchak, *Foundations in Ecclesiology*, ed. Frederick Lawrence [Boston: Boston College, 1995]; also Reid B. Locklin, 'Toward an Interreligious Theology of Church: Revisiting Bernard Lonergan's Contribution to the "Dialogue of Religions",' *Journal of Ecumenical Studies* 43, no. 3 [2008], 383–410; Margaret O'Gara, *The Ecumenical Gift Exchange* (Collegeville: Liturgical Press, 1998); and Neil Ormerod, 'The Structure of a Systematic Ecclesiology', *Theological Studies* 63, no. 1 [2002], 3–30).

against the experienced data; and evaluating (responsibly) the moral worthiness of the possible course(s) of action envisaged by one's verified insights into the data of experience. (The intuitive meaning of the expressions 'attentive experience', 'intelligent understanding', 'reasonable factual verification', and 'responsible evaluation' should suffice for the purposes of the present chapter: their thorough technical explanation can be found in Lonergan's two main works cited above [no. 7]). The above sketch delineates an understanding of human knowledge as not simply a question of taking a good look at what is out there to be seen—contrary to a widespread misconception—but rather as 'a compound of experiencing, understanding, and judging',[9] and a 'self-correcting process of learning'[10] driven by questions in interaction with answers.

It should also be pointed out at the start that the following application of those insights into human intentionality to an analysis of political relationships is not completely original. Lonergan himself already examined the basic categories of belief,[11] community,[12] authority,[13] in light of those insights into human intelligent coming to know and responsible deciding. While retaining both Lonergan's general methodology and his specific findings concerning those foundational categories, I will extend its analysis to encompass more specific problems of political philosophy which Lonergan only touched on, such as those concerning delegation, subsidiarity, and especially the twofold most important challenge to contemporary democratic theory: that concerning the accountability of expert authority, and its relationship with the non-specialised authority of political representatives.[14]

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[9] *Method in Theology*, 106.

[10] See *Insight*, 196–8; 311–12; 315 (on the social dimension of such self-correcting process); 728 (on its relationship with both immanently generated [i.e. personally discovered] knowledge and with the web of beliefs constituting 99% of what we know).

[11] Lonergan treats belief systematically several times: the most accurate and lengthy discussion occurs in the section entitled 'The Notion of Belief' in *Insight*, 725–40. Shorter accounts can be found in the essay 'Belief: Today's Issue' (1968), in *A Second Collection. Papers by J. F. Lonergan, S. J.*, eds. William F. J. Ryan and Bernard Tyrrell (London: Darton, Longman and Todd, 1974), 87-100; and in the section entitled 'Beliefs', in *Method in Theology*, 41–7.

[12] *Insight*, 237–8; 'The Role of a Catholic University in the Modern World', *Collection: Papers by Bernard Lonergan*, CWL 4 (Toronto: Toronto University Press, 2nd ed. 1993 [1967]), 108–13 (109); *Method*, 356–61.

[13] See 'Dialectic of Authority' (1974), in *A Third Collection: Papers by Bernard J. F. Lonergan*, ed. F. E. Crowe (Mahwah NJ: Paulist Press, 1985), 5–11.

[14] Several scholars have already commented, clarified and at times even expanded such a framework on Lonergan's seminal political insights: see for instance Giuseppe Badini Confalonieri, 'Democracy as a Public Method of Searching for the Truth and the Good: The Epistemological Foundations of the Democratic Method', trans. Donald E. Buzzelli, available at http://www.lonergan.org/dialogue_partners/badini/badini.htm, unpublished ET with modifications by the author of 'La democrazia come metodo pubblico di ricerca del vero e del bene: I fondamenti epistemologici del metodo democratico', in Antonio Salvatore (ed.), *Europa Cristiana e Democrazie Liberali* (Stresa: Edizioni Rosminiane, 2002), 245–70; the much lengthier essay—almost a short book in

Accordingly, the chapter begins by critically examining the following concepts: (1) *community* and the common meanings and values unifying its members; (2) *authority*, as that relationship of 'vertical' cooperation through the delegation of decisions, and the related notions of *delegation* and *subsidiarity*; and (3) *democracy*, as the rationalization and responsibilisation of delegation and of the relationship of authority. From that basis, the chapter will then turn to discuss some of the aspects of democracy which have provoked the most discussion: the reasonableness of the *delegation to expert authority*; the *impossibility of a unique, supreme authority* over all areas of common decision-making and action; *majority rule*; and the distinction between *legitimacy and legitimation*.

5.2 Belief, Common Meaning, and Community

One of the fundamental categories used in ecclesiology is that of community. Lonergan clarified its traditional definition by relating it to the conscious and intentional acts of the individual subject. Specifically, he did so by highlighting the role which 'belief' has in the creation of any community. 'Belief' is the intentional procedure by which both cognitional and evaluative contents discovered by separate individuals can be appropriated by others, and thus eventually become common. Historical development is assured by the creation *through belief* of a common fund of knowledge, to which it is possible to draw as well as to contribute.

5.2.1 The Intentional Structure at the Origin of Belief

Reflections on the general role of belief in human life are quite old, at least in the Anglo-Saxon philosophical tradition. Already David Hume pointed out: 'there is no species of reasoning more common, more useful, and even necessary to human life, than that which is derived from the testimony of men, and the reports of eyewitnesses and

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its own right—by Patrick Brennan, 'Realizing the Rule of Law in the Human Subject', *Boston College Law Review* 43, no. 2 (2002), 227–349, available at http://lawdigitalcommons.bc.edu/bclr/vol43/iss2/1/; Anthony J. Fejfar, 'Insight into Lawyering: Bernard Lonergan's Critical Realism Applied to Jurisprudence', *Boston College Law Review* 27, no. 4 (1986), 681–719, available at http://lawdigitalcommons.bc.edu/bclr/vol27/iss4/1/; John Haughey, 'Responsibility for Human Rights: Contributions from Bernard Lonergan', *Theological Studies* 63 (2002), 764–85; Komonchak, *Foundations in Ecclesiology*; also 'Authority and its Exercise', in Catholic Common Ground Initiative (ed.), *Church Authority in American Culture: The Second Cardinal Bernardin Conference* (New York: Herder and Herder, 1999), 29–48; David A. Nordquest, 'Lonergan's Cognitional Theory: Toward A Critical Human Science', *The Review of Politics* 56, no. 1 (Winter, 1994), 71–99.

spectators.'[15] Belief is the link between individual and social knowledge. It enables both the formation of a social fund of knowledge from the contributions of many individuals, and the exploitation by each individual of such common fund.[16] If only developments within the intentional structure of the individual subject were possible, Lonergan noted, every person would start over at the dawn of history. Historical development is assured by the implementation of a common fund of knowledge, to which it is possible to draw as well as to contribute. Indeed, belief is what makes for the very possibility of human traditions, the passing on of knowledge from one generation to another. It is, again, what lies behind human education, socialization and acculturation at any given time and place in history.[17] Finally, it is central to everyday life too to a much greater extent than immanently generated knowledge is. 'Ninety-eight per cent of what a genius knows, he believes', as Lonergan put it.[18] Nobody checks the capacity of a bridge before stepping onto it, nor that the food she buys is edible.[19]

Believing, then, is an essential factor in that process which in its various stages and forms is called education, socialization, and acculturation into a given socio-cultural tradition. Because of its fundamental role in human development as well as in the development of social, cultural, and religious traditions and institutions, it is particularly valuable to analyse the structure of belief, in order to evaluate whether it is actually the reasonable and responsible action which its widespread use by humans suggest. According to Lonergan, that is indeed the case to the extent only that the decision to believe is based on two judgments.[20]

The first consists in a *general* judgment by which one becomes convinced of the usefulness of the division of labour in acquiring knowledge, both diachronically (i.e. by means of cognitive cooperation throughout history) and synchronically (i.e. by means of

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[15] David Hume, *An Enquiry Concerning Human Understanding*, ed. Eric Steinberg (Indianapolis: Hackett Publishing Company, 1977), 74. The literature on belief as cognitional procedure is huge: a primer is Jennifer Lackey and E. Sosa (eds.), *The Epistemology of Testimony* (Oxford: OUP, 2006). A selective bibliography on the subject is also available in Jonathan Adler, 'Epistemological Problems of Testimony', in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Winter 2007 Edition), available at http://plato.stanford.edu/entries/testimony-episprob/.

[16] Lonergan, *Insight*, 725.

[17] Lonergan, 'Belief: Today's Issue', 87; also *Insight*, 452–3.

[18] 'An Interview with Fr. Bernard Lonergan, S.J.', ed. Philip McShane, in *A Second Collection*, 209–30 (219).

[19] *Ibid*., 88–9. In criticising the rejection of tradition theorized by the Enlightenment, Gadamer observed: '[E]ven in a state of perfect enlightenment we cannot ground everything we hold to be true through strict proof or conclusive deduction. Rather, we must permanently rely on something, and ultimately on someone, in whom we have trust. Our entire communicative life rests on this.' Gadamer, 'Authority and Critical Freedom', in *The Enigma of Health: The Art of Healing in a Scientific Age*, trans. Jason Gaiger and Nicholas Walker (Stanford: Stanford University Press, 1996), 117–24 (121).

[20] *Method in Theology*, 41–7.

cognitive cooperation within a society at any given point in time). Such approval, Lonergan noted, is far from uncritical: 'It is fully aware of the fallibility of believing. But it finds it obvious that error would increase rather than diminish by a regression to primitivism' caused by the rejection of cognitive cooperation.[21]

Second is a *particular* judgment of value on the credibility of the source one is to believe:

> It regards the trustworthiness of a witness, a source, a report, the competence of an expert, the soundness of judgment of a teacher, a counsellor, a leader, a statesman, *an authority*. The point at issue in each case is whether one's source was critical of his sources, whether he has reached cognitional self-transcendence in his judgments of fact and moral self-transcendence in his judgments of value, whether he was truthful and accurate in his statements.[22]

This checking is not only direct, about the source's credibility here and now, but also indirect, through the innumerable confirmations that come from others concerning either the object to be believed or the multiple consequences connected with it.[23] Lonergan applies in this point his original discussion on direct and indirect verification.[24]

Finally, the decision to believe follows from considering the original judgment of fact or value to be true and leads to accepting the contents on which it refers with regard to data, insights, facts, or values.

5.2.2 Community, Cooperation, and Power

Belief thus conceived is analogous to the 'trust' sociologists envisage as central to social life.[25] It is the instrument by which personal meanings and values can be appropriated by other people, and thus eventually become common. Not only does belief enable the constitution of a common fund of knowledge: because it allows knowing what other persons in principle know, evaluate, and do, belief can also enlarge

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[21] *Ibid.*, 45.

[22] *Ibid.*

[23] Cf. Lonergan's original discussion of direct and indirect verification in *Insight*, 58, 114; also 'Natural Knowledge of God', in *A Second Collection*, 117–33 (124-5).

[24] *Insight*, 58, 114.

[25] The literature on 'trust', as that on belief, is quite vast; see e.g. F. Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity* (New York: The Free Press, 1995); D. Gambetta, (ed.), *Trust: Making and Breaking Cooperative Relations* (New York: Basil Blackwell, 1988); R. Hardin, *Trust and Trustworthiness* (New York: Russell Sage Foundation, 2002); and Carolyn McLeod, 'Trust', in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Fall 2008 Edition), available at http://plato.stanford.edu/archives/fall2008/entries/trust/.

the possibility of *cooperation*, both in knowledge and in action, well beyond the immediate interpersonal relations.

From this perspective, community arises precisely out of the cooperation in knowledge and action that emerges through the belief people grant to others. Individuated materially by a group of persons, a community has its own formal component in common meaning.[26] Agreement or disagreement can occur with regard to experiences, insights, judgments of fact, or moral evaluations. As agreement creates the community, so disagreement disrupts it:

> Without a common field of experience people are out of touch. Without a common way of understanding, they will misunderstand one another, grow suspicious, distrustful, hostile, violent. Without common [factual and value] judgments they will live in different worlds, and without common aims they will work at cross-purposes.[27]

In the measure in which shared knowledge extends to and includes values and goals, a community of knowledge can become a community of action or, differently put, cooperation extends from the cognitive to the practical level. Cooperation in knowledge can foster specialisation, while cooperation in action can nurture a division of labour integrating the sundry activities of the community members (see below).

Now, the *power* of a given community is the product of cooperation; hence belief, by enabling cooperation, is also at the basis of power of a given community. Moreover, because it is the community which collectively possesses and passes on the achievements of the past through a common tradition, and because it is the community which organises itself to make possible cooperation in the present, the community is the original and primary carrier of power.[28]

Cooperation has a synchronic as well as a diachronic dimension: 'There is the cooperation down the ages. There is cooperation at any given place and time.'[29] Without the former, as noted when treating of belief, we would have never developed beyond the primitive stage. Such cooperation in history is then complemented by the cooperation in the here and now.

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[26] 'Community is not just an aggregate of individuals within a frontier, for that overlooks its formal constituent, which is common meaning.' Lonergan, *Method in Theology*, 356-7.

[27] Lonergan, 'Dialectic of Authority', 5–6. In a similar way, Aristotle stressed the political importance of *ὁμόνοια* ('unanimity or 'concord'); it was for him the *idem sentire* or 'political friendship' constitutive of the *πόλις*: see the reference at no. 105 below.

[28] *Ibid*., 5–6.

[29] *Ibid*., 5.

From the subject's point of view, such cooperation develops as a web of responses to the actions of others. There are two most relevant kinds of response and ways of cooperating. First, individuals or groups may adjust their decisions and actions to the actions of others, so that each focuses on what s/he can do best while leaving to others the fulfilment of tasks s/he either cannot or has not the time to discharge.[30] In this kind of cooperation, the complementarity of products and actions, tasks and roles creates extensive webs of socio-economic relations, the greatest part of which remains unknown to and not controllable by the individual participant, who only knows and controls the very small segment directly related to him/her. Such a self-extending web is analogous to Adam Smith's 'invisible hand'—although it encompasses not only the economic, but also the social, cultural and religious systems.[31] This first kind of response creates that 'horizontal' cooperation without subordination also known as 'division of labour'.

5.3 Delegation and Authority

The second type of cooperation is what is ordinarily termed subordination or *authority* proper, and originates from the individual's free decision to accept as a directive for action the choice of someone else. Such decision is what is meant by *delegation*.

That term underlines the passage of competence already present in believing (from the believer to who is being believed). Belief is at the basis of authority because the decision to believe someone means recognising that person as an authority, at least with regard to the particular assertion which is being believed. Belief in the capacity of someone else's judgment can motivate the delegation of the choice. As belief with regard to cognitional content creates cognitional authority, so the delegation of choice creates social and political authority.

However, while belief simply entails the acceptance of someone else's judgments of facts or of value, delegation also involves the acceptance of directives for action. In actual practice, the person accepting the decisions of the authority does not ordinarily ask to be provided with the knowledge which had been necessary in order to make those choices, for that would hamstring in no small part the very purpose and usefulness of

[30] '[L]abor is not divided by simply delegating a task we could do ourselves at the cost of time, but rather by giving over a task to others that we could not do at all' because of lack of technical expertise, James Bohman, 'Citizenship and Norms of Publicity: Wide Public Reason in Cosmopolitan Societies', *Political Theory* 27, no. 2 (1999), 176–202 (189).

[31] Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. Kathryn Sutherland (Oxford: OUP, 1999 [1776]), bk. iv, ch. II, 291–2.

delegation. The relationship of authority can thus occur both in the field of knowledge and in that of action; and because knowledge and action are interrelated, the relationship of authority ordinarily involves a mix of the two. In any case, the central point—whether in the cognitive or the practical domain—is that the decision to believe/delegate should be responsible, following a judgment on the greater accuracy of someone else's capacity for evaluation in comparison with one's own.[32]

From a cognitive viewpoint, then, *belief* refers to the conscious act of the subject who believes, *delegation* to the objective relation that his/her action creates vis-à-vis another subject, and *authority* to the resulting relation between the delegated subject and the originating believing subject. From an operative viewpoint, the originating act, instead of *belief* is usually named *consent*. Historically the meaning of that word has been much debated, but intentionality analysis suggests an unambiguous meaning, i.e. the result of a responsible choice. This choice is the consequence of two judgments: a general judgment in favour of the general opportunity to cooperate at both the cognitive and also the practical levels, and a specific judgment in favour of the opportunity of the specific delegation in favour of the subordination constitutive of *authority*. The crucial point is, then, that it is precisely such a choice and assent—however one may want to call it: belief, consent, or delegation—the common constitutive basis of *any* authority: for, as it has been observed,

> political authority is established in ways substantially similar to the authority of expertise […]. To be recognized as an authority, an individual must demonstrate his or her expertise or knowledge and subject it to the scrutiny of an audience. The authority of an expert is the result of the audience's judgments about the merits of his or her knowledge. If individuals defer to the judgment of the authority, they do so because they accept that the authority has been earned and demonstrated. […] Thus, when authority means recognized expertise, we do not find that those who recognize the authority have surrendered their judgment; to the contrary, they have judged that the authority has a better grasp of the topic or good than others and, all other things being equal, deserves a trust and deference in his or her areas of expertise.[33]

[32] According to Hans-Georg Gadamer, the authority of persons 'is ultimately based not on the subjection and abdication of reason but on an act of acknowledgment and knowledge—the knowledge, namely, that the other is superior to oneself in judgment and insight and that for this reason his judgment takes precedence—i.e., it has priority over one's own.' *Truth and Method* (New York: Continuum, 2nd ed. 1993), 281.

[33] Mark Warren, 'Deliberative Democracy and Authority', *The American Political Science Review* 90, no. 1 (1996), 46–60 (54); paraphrasing in turn Richard E. Flathman, *The Practice of Political Authority* (Chicago: University of Chicago, 1980), ch. 5. Warren also added few lines later: 'Flathman

As belief greatly enhances the cognitive possibilities (first of the individual subject and then of the community), so likewise delegation greatly enhances the possibilities of action—initially only of the individual who delegates the choice of the appropriate course of action to one who is more competent, but subsequently of the whole community. In this light, delegation can be described as a procedure devised to overcome two common issues of political life: (i) the need to bring the specialised knowledge of experts to bear on the action of the group; and (ii) the need to act even when unanimity does not seem to be forthcoming.

With regard to the first point, it should be noted that—as is particularly evident in the contemporary complex societies—most of the decisions concerning the common courses of action to be undertaken require specialized competences. Such specialized competences, by definition, are not and cannot be the common possession of everybody, but are rather scattered among the many members of the community. Delegation is precisely the method to exploit such scattered specialized expertise in decisions affecting the entire community. As the 'Principal-Agent' model (currently perhaps the most widespread theoretical frameworks for explaining delegation) puts it, one of the key rationales for delegation is precisely its capacity for 'overcom[ing] information asymmetries in technical areas of governance (agents [i.e. delegates] are expected to develop and employ expertise in order to produce, or help principals [i.e. delegators] produce appropriate public policy).'[34] Or, differently put, delegation is 'an effective substitute for the acquisition of expertise'.[35]

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notes, correctly, that a strict separation between belief and (authoritative) obedience is not sociologically possible. The one subject to authority must decide to obey an authority if the relationship is to be one of authority (which requires obedience in the sense of discharging an obligation) rather than imposition or compulsion.'

[34] Mark Thatcher and Alec Stone Sweet, 'Theory and Practice of Delegation in Non-Majoritarian Institutions', in Thatcher and Stone Sweet (eds.), *The Politics of Delegation* (London: Frank Cass, 2003), 1–19 (3). Two additional rationales for delegation identified by the 'Principal-Agent' model are noteworthy: first, enhancing the credibility of policy-makers vis-à-vis their constituents; and second, 'enhanc[ing] the efficiency of rule making (agents are expected to respond to relatively specific problems and issues that arise, while principals set and then update the more general terms of policy)', *ibid*.

Indeed, in his sketch of the 'Principal-Agent' model, Fabrizio Gilardi only mentions expertise (and time constraints) as the primary rationale for delegation: 'A principal wishes a given task to be executed but lacks the expertise or time to perform it and therefore delegates it to an agent, which gets the job done in exchange for some form of remuneration. This is a very general social phenomenon, which occurs every time we consult a doctor or ask a mechanic to repair our car. [T]he principal must solve two problems. First, the principal must select an agent with the appropriate expertise and preferences. [...] Second, once an agent has been selected the principal must make sure that it fulfils the principal's interest and not its own.' Gilardi, *Delegation in the Regulatory State. Independent Regulatory Agencies in Western Europe* (Cheltenham: Edward Elgar Publishing, 2008), 29, with good bibliography.

[35] Arthur Lupia and Mathew W. McCubbins, 'Who Controls? Information and the Structure of Legislative Decision Making', in Kenneth A, Shepsle and Barry R. Weingast (eds.), *Positive Theories of Congressional Institutions* (Ann Arbor MI: University of Michigan, 1995), 201–34 (203).

With regard to the second point, it should be observed that the institutionalization of delegation is what enables the group to decide something even without the unanimity of all the group's members. Let us recall that for a community to act in common unanimity is required. It is clear that when there is unanimity there is no delegation, for all participate in the choice. When there is disagreement, however, and a decision cannot be postponed anymore without a damage greater than that which would follow inaction, a solution may be that of *unanimously* acknowledging the opportunity to delegate the decision-making authority to the majority, whether of the initial group or of representative person(s): structurally, majority rule is, in fact, a form of delegation. Hence, majority rule is that particular type of delegation which allows transcending the requirement for unanimity.

Finally, because those who have been delegated can in turn delegate, there might develop a vertical 'ladder' of relationships of authority. However, in comparison with the horizontal web of cooperative relations constituting a division of labour, this vertical ladder of relations of authority created through successive delegations is much smaller and can and should be easily discernible by the community in order to be responsibly accepted.

In summary, delegation is what gives rise to the type of relationship ordinarily referred to as 'authority' proper. The latter, then, is best defined as the subsidiary coordination of the common action of a community, where the adjective 'subsidiary' means that it should concern those actions only which lay beyond the individual's or lower level's operational range—beyond, that is, their knowledge or competence and capacity for independent action.

5.4 Subsidiarity

It is quite significant that the features of a responsible delegation yield the principle of subsidiarity. For to the extent that one is only justified in delegating what one deems to be beyond their capacity to make a responsible decision, it is irresponsible to delegate to others a decision that one could make by oneself, in an equally or even more responsible way. In agreement with this, the principle of subsidiarity suggests that, on the one hand, each decisional level (from the individual upward) has an inalienable responsibility to decide and act within its own operational range and, on the other hand, that only those actions which cannot be achieved by the individual or the smaller group

alone, can be appropriately achieved through recourse to the higher level of a structured community.

But in light of the analysis of believing advanced by Lonergan it is possible to draw attention to a further unavoidable postulate of subsidiarity, namely that the division between what can be decided autonomously and what should be decided by delegation must be determined by the delegating individual or group and not by the higher levels. For it is only the former who has the responsibility to decide on the appropriateness and extent of the delegation.[36] This (self)determination by the delegant(s) of both their own decisional/operational range and, consequently, also of the limited competence of the delegated, is an unavoidable presupposition for the responsibility of any delegation.[37] In other words, all authorities are created and determined in their limits through delegation.

This enlarged understanding of subsidiarity is implicit in, yet intrinsic and fundamental to, its original formulation. The healthy understanding of community which subsidiarity promotes must always presuppose the subsidiary role of any community vis-à-vis the individual, and of the higher action-levels within a complex community vis-à-vis the lower ones.

Under a different name and in a slightly different form, subsidiarity has been acknowledged as one of the fundamental principles of and criteria for democratic political philosophy, as the principle of the

> *final control of the agenda by the demos*: The demos must have the exclusive opportunity to make decisions that determine what matters are and are not to be decided by means of procedural democracy [i.e. by delegation to the majority or to a higher decisional level]. […] According to this criterion, a political system would be procedurally democratic even if the demos decided that it would not make every decision on every

[36] '[T]he global community must be organized according to subsidiarity, not hierarchically, such that bigger institutions do not impede the development of smaller ones', for it is up to the smaller communities to delegate in the measure 'as they observe that the problems arising within them have grown beyond their abilities.' Rafael Domingo, *The New Global Law*, ASIL Studies in International Legal Theory (Cambridge: CUP, 2010), 180. 'This precept [i.e. subsidiarity] holds that authority should reside at the lowest level commensurate with the necessary information and resources for making and implementing decisions, *with the onus of proof on those who would move powers to a higher level*. As a practical matter, this suggests the supremacy of the individual over all decision-making authority, only some of which is to be delegated upwards. The hierarchy thus runs from the bottom to the top: individual to community to region to province to central government to international'. Gordon Gibson, 'The Role of Subsidiarity in a Democracy', *Fraser Forum* (May 2000), available at http://oldfraser.lexi.net/publications/forum/2000/05/section_01.html (my emphasis).

[37] The existence of a domain of inalienable responsibility can be inferred from Lonergan's distinction between the 'essential' and 'effective' freedom of the socially and culturally located individual, as described in *Insight*, 643–7 (esp. 643).

> matter, but instead chose to have some decisions on some matters made, say, in a hierarchical fashion by judges or administrators. As long as the demos could effectively retrieve any matter for decision by itself, the criterion would be met. In this respect, then, the doctrine of procedural democracy allows more latitude for delegation of decision-making….[38]

Accordingly, as Dahl further remarked,

> the criterion of final control does not presuppose a judgment that the demos is qualified to decide *every* question requiring a binding decision. It does presuppose a judgment that the demos is qualified to decide (1) which matters do or do not require binding decisions [and thus also which decisions are to be delegated to the majority or to higher levels of authority], (2) of those that do, which matters the demos is qualified to decide for itself, and (3) the terms on which the demos delegates authority. To accept that the criterion is appropriate is therefore to imply that the demos is the best judge of its own competence and limits.[39]

Subsidiarity, then, does not automatically entail decentralisation, as it is sometimes mistakenly asserted. Subsidiarity merely asserts that it is each decisional level's responsibility to evaluate what it can do and what it can instead only achieve through delegation and cooperation with the higher levels: but 'this principle also recognizes that if the decisions at issue are translocal, transnational, or transregional, then political associations need not only to be locally based but also to have a wider scope and framework of operation'.[40] That is perfectly compatible with the eventuality of an extraordinary situation where the normal functioning (i.e. decision-making and acting capacities) of the lower decisional levels is, for whatever reason, compromised: in such situation the lower levels may well decide both intelligently and responsibly to delegate emergency decisional powers to higher levels, and perhaps even agree on a single leader. As often noted, as long as the delegation has been freely and responsibly agreed on by the lower levels, the resulting governmental form, even when monarchical in outlook, would not be thereby undemocratic.

Finally, it should be noted that, in this perspective, subsidiarity is but the technical expression of what is meant by authority as a 'service':[41] for the *raison d'être* of

[38] Dahl, 'Procedural Democracy', in Robert E. Goodin and Philip Pettit (eds.), *Contemporary Political Philosophy: An Anthology* (Oxford: Blackwell, 1997), 109–27 (114).

[39] *Ibid*., 115.

[40] David Held, 'Principles of Cosmopolitan Order', in Gillian Brock and Harry Brighouse (eds.), *The Political Philosophy of Cosmopolitanism* (Cambridge: CUP, 2005), 10–27 (14).

[41] An expression of which ecclesiologists are particularly fond—perhaps more so than political philosophers—yet which may be misused to justify or cloud over an authoritarian institutional

authority is precisely that of empowering the possibility of action of individual persons and lower/intermediate groups.[42] Hence, authority can be understood as the service of *subsidiary* coordination of the common action of a community.[43]

5.5 Authority and Office

It can be helpful to notice how the understanding of authority expounded so far (sections 5.2–5.4) relates to and differs from some common assumptions on or descriptions of authority made by contemporary political philosophers.

Max Weber's systematisation outlined three forms of authority: tradition, personal charisma, and institutionalised office. In his wake, political philosophers and even ecclesiologists have often implicitly or explicitly envisaged authority as coming from disparate and apparently irreconcilable sources, simply juxtaposed one to the other: consent, expertise, trustworthiness, and/or office. Often, when proponents of similar views attempt to overcome the inconsistency latent in postulating several potentially overlapping and thus conflictual sources of authority, they tend to reduce them to a single one, viz. *consent*.

This process is evident in a recent specimen of such an approach. Apparently espousing a multiple-sources view of authority in his treatment of the concept of representation, Mark B. Brown affirms that 'In addition to the public authority […] delegated through appointment' by election, there exists a second manner of public authorization, namely, through one's competence. Significantly, however, Brown added immediately that such authorization is warranted by means of 'licensing or certification by a professional association according to publicized criteria',[44] that is, in other words, on *publicly agreed on* standards of both education and licensing/certification. This suggests the problematicity of understanding authority as constituted not only by the consent of those subject to it but also by intellectual or moral competence. To the

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arrangement. See the analysis in Sykes, *Power and Christian Theology* (London: Continuum, 2006), 114–15; 135–52.

[42] For similar ecclesiological reflections see Faith and Order Commission of the World Council of Churches, *The Nature and Mission of the Church. A Stage on the Way to a Common Statement*, Faith and Order Paper 198, (Geneva: WCC, 2005), §90.

[43] As Warren has said 'political authorities (and their policy experts) serve social coordination, allowing a society to attain goods it otherwise would have to forgo. […] [A]uthority is justified when it is in service to the people, by attaining goods that would not otherwise be possible.' 'Deliberative Democracy and Authority', 53, referring in turn to Joseph Raz, 'Introduction', in Raz (ed.), *Authority* (New York: New York University, 1990), 1–19 (5–8).

[44] Mark B. Brown, 'Survey Article: Citizens Panels and the Concept of Representation', *The Journal of Political Philosophy* 14, no. 2 (2006), 203–25 (208).

contrary, it is only the attentive, intelligent, reasonable, and responsible free consent of the delegants to constitute authority.[45] Hence, 'only because authorities are scrutinized critically do they come to possess authority.'[46] This is so much so, that if one has doubts as to the quality or correctness of a given official certificate of special expertise for whatever reason (poor quality of the educational institution which granted it, *de facto* if not *de iure* below the agreed on educational standards; suspicions of bribes in obtaining the certificate, or what have you), then it will see no reason to delegate her choices to that particular certificate-holder, and will accordingly look for another person which she deems better qualified.[47] Of course, the current pattern of institutional legitimation is initially accepted—along with the whole of the cultural tradition (the common fund of beliefs) of one's community—quite uncritically by the individual educated, socialised, and acculturated in it, but may subsequently be subject to criticism if it conflicts with the individual's developing worldview.

The point is, however, that by highlighting the structure of belief, intentionality analysis shows the distinction between the authority coming from responsible consent and that inherent to an office to be fictitious. With Gadamer:

> Authority does not consist in the superiority of a power that promotes blind obedience and forbids thinking. The true essence of authority is based much more on the claim that it is not unreasonable, indeed, that it can be a command of reason itself, to assume that the insight of others who are superior in other matters exceeds your own judgment. To obey authority means to have insight that the other—and so also the other

[45] It should be noted that I have not said that authority is constituted by free consent as such, for even free consent may often be biased; rather, what constituted authentic authority is only that particular free consent which is given *after* the correct implementation of human intentionality by doing what is required for being attentive, intelligent, reasonable, and responsible at the levels of experience, intelligence, rationality, and responsibility respectively. What is more, consent would be irresponsible not only when the *individuals* have been inattentive (uninformed), unintelligent, and unreasonable, but also when the *institutional procedures* for the appointment of the authorities are deficient, viz. have been devised in contrast with those precepts of human intentionality and in agreement with the manifold biases plaguing human intentionality both at the individual and at the social level (see Lonergan's extensive discussion of those many biases in Lonergan, *Insight*, 214–27; 244–67), so that they hinder their fulfilment instead of favouring it. This problem will be dealt with in section 5.12 below within the reconciliation of the authentic *legitimacy* (i.e. cognitional and moral correctness) and institutional *legitimation* of authority.

[46] Warren, 'Deliberative Democracy and Authority', 56.

[47] 'If the rules and procedures produce normatively questionable outcomes, then they tend to lose their authority, and they become subject to public debate and political challenge. Likewise, we rarely divorce the substantive expertise of persons from the office they hold. Over the long term, unqualified officials undermine the authority of their office. We may obey such officials but only because they can impose their will, not because we endow them with authority.' Again, 'An official's decisions are authoritative if s/he acts within the boundaries of the office, as established by the law. […] Whatever authority officials have flows from the legitimacy associated with […] agreed procedures' of appointment, 'Deliberative Democracy and Authority', *ibid*., 54 and 59 respectively.

> voices that resound from tradition and the past—can see something better than oneself.[48]

Intentionality analysis thus provides a philosophical basis to the traditional view that authority—whether institutionalized in an office or merely contingent on an issue—has its basis on the responsible consent of those subject to it.

5.6 Expert Authority and the Risk of Guardianship

The establishment of specialised authorities has followed the gradual process of what has been called the ever increasing 'epistemic division of labour' distinctive of modern highly differentiated societies. Such process of specialisation, where

> everyone is an expert in some area or another, economizes on the cognitive resources of a community or group while idealizing their social interdependence. If *each* of the members has to know everything that the group as a whole knows and thus become the 'omnicompetent individuals' criticized by Lippmann, then they *all* know less than a group characterized by the epistemic division of labor [...]. The division of labor recognizes these cognitive limitations of individual agents and provides a way to overcome them to a certain degree by specialization that reduces costs of acquiring information for the whole.[49]

But specialisation raises problems of its own: to the extent that laypersons or even experts may not be in a position to evaluate the soundness of specialised knowledge outside their own limited domains of competence, delegation to experts renders more difficult the accountability of authority.[50] The problem is being felt so forcefully as to have been pinpointed as one of the most central to contemporary (democratic) political philosophy:

> the familiar 'interests' conception of politics that made sense of nineteenth century liberalism is now outdated. '[T]he new politics of expertise' is a politics in which expertise itself is at stake and in which the

[48] Hans-Georg Gadamer, 'Truth in the Human Sciences', in *Hermeneutics and Truth*, ed. and trans. Brice R. Wachterhauser (Evanston: Northwestern University, 1994), 25–32 (28).

[49] James Bohman, 'Democracy as Inquiry, Inquiry as Democratic: Pragmatism, Social Science, and the Cognitive Division of Labor', *American Journal of Political Science* 43, no. 2 (1999), 590–607 (591–2).

[50] *Ibid*., 596; referring to Kenneth Arrow, 'The Economics of Agency', in John Pratt and Richard Zeckhauser (eds.), *Principals and Agents* (Cambridge MA: Harvard Business School, 1985), 37–51, and Susan Shapiro, 'The Social Control of Impersonal Trust', American Journal of Sociology 93 (1987), 623–58 (627).

> establishment of expertise, the judging of expertise, the assertion of bias, and the problems and conflicts of interests, are central.[51]

From such observations, the conclusion is often advanced that delegation to expert authority is undemocratic because, in highly differentiated societies, laypeople cannot directly evaluate the competence of individual experts as well as of the specialised institutions.[52] The most they can do is to rely on indirect means of verifications, e.g. by setting up publicly agreed standards of expertise (e.g. establishing professional certificates such as university-level diplomas) and peer-review—which means that ultimately an expert's competence can only be assessed by 'cognitive authorities' in his/her same specialised area.[53]

The objection is correct in pointing that for most people expert authority is accepted by 'belief' or trust.[54] However, that does not mean that expert authority is accepted always or necessarily irrationally: rather, the decision to believe can be an open-eyed, critical, intelligent, and responsible choice, as the earlier analysis of its intentional structure suggests (5.2.1).

The danger of rule by experts is tempered first of all by the fact that, according to subsidiarity, in the very act of recognizing and then instituting—through delegation—expert authority, delegants fix the area, scope, and limits of such delegation. Expert authorities would enjoy autonomous and supreme decision-making power but only, of course, in that particular field in which they are recognized and trusted as authorities by the delegants. Expertise can then be described as 'a form of delegated authority, similar to the delegations that legislatures make to administrative agencies'[55] and which, as every form of authority based on free recognition and consent, must be continually assessed by those delegating:

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[51] Stephen P. Turner, *Liberal Democracy 3.0: Civil Society in an Age of Experts* (London: SAGE Publications, 2003), 4–5.

[52] *Ibid*., 4–5, 12, 25, 29, 36 and *passim*. Turner's book is one of the most comprehensive recent monographs on the problem of the relationship between political and expert authorities in contemporary liberal democracies.

[53] The problem exists, of course, in the Christian church too: as theologian Charles Curran remarked: 'Only academic peers—not outside authorities of either church or state—can make judgments about the competence of a scholar to teach in the academy. Church authority cannot interfere in the hiring, promotion, or firing of faculty.' *Loyal Dissent: Memoir of a Catholic Theologian* (Washington D.C.: Georgetown University, 2006), 133.

[54] 'The client is not a true judge of the value of the service he receives [...]. A central feature, then, of all professions is the motto [...] *credat emptor*. [...] The client is to trust the professional [...]. Only the professional can say when his colleague makes a mistake.' Hughes, 'Professions', 656–7.

[55] Sheila Jasanoff, '(No?) Accounting for Expertise', *Science and Public Policy* 30, no. 3 (2003), 157–62 (158). That issue of *Science and Public Policy* is entirely dedicated to the theme of 'Democratising science expertise'.

> By allowing experts to act on their behalf, democratic publics do not give up the right to participate in decisions with a pronounced technical dimension: they only grant to experts a carefully circumscribed power to speak for them on matters requiring specialized judgement.
>
> Among the rights the public does not give up under this theory is the right to ensure that experts are acting within the scope of their delegation. Whether through direct participation or through organized questioning, the public has both a right and a duty to ask experts and their governmental sponsors whether appropriate knowledge is being deployed in the service of desired ends.[56]

That alone, however, is insufficient for the task of allowing non-experts to keep specialised authorities accountable. It should be complemented by some additional measures. One may consist in implementing both *a posteriori* and indirect tests of expert knowledge. The former kind is an assessment of expert knowledge on the basis of its fruits and efficaciousness in solving technical issues. The latter check is more pro-active and is accomplished, as touched on above, by requiring standards of peer-review with regard to expert education, training, and research. What is relevant is that the recognition and legitimation of expert authority—just as for any other authority—must be dependent on the consent of its audience, and that makes it democratic, in principle at least:

> Expertise is a kind of possession, certified or uncertified, of knowledge that is testified to be efficacious and in which this testimony is widely accepted by the relevant audience. [...] Authority conceived of as resting in some sense on widely accepted, at least within the relevant audience, testimony to the efficacy of the knowledge that experts correctly claim to possess is itself a kind of democratic authority, for this acceptance is a kind of democratic legitimation.[57]

The third and arguably most important factor tempering the danger of rule by experts is that the *use* of expert knowledge and findings, necessary for policy-making in differentiated societies, is always shaped by and subject to the shared values and priorities of the (majority of) the community. It is, it will be argued, the distinctive task of the political authority to represent such values and priorities, and to utilize accordingly the technical or specialised knowledge relevant to policy-making.

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[56] *Ibid*., 158–9.

[57] Turner, *Liberal Democracy 3.0*, 25; see also p. 30, where he notes that 'What public audiences can do in each case is to legitimate, or accept the claims to expertise. Legitimation is a "solution" to the conflict'.

A general trust in expert authority remains necessary, and is simply an instance of the believing so necessary and pervasive in our communal lives. It is true, however, as it has been noted, that trust in and consent to expert authority is only responsible if the possibility is there of testing the epistemic value of expert authority in the public sphere. This points to the twofold difficulty presented by 'creating communication across divergent frameworks and interests among experts and the lay public':[58] the translation of scientific knowledge so as to make it publicly accessible and, conversely, the translation of 'practical questions and public problems back into the framework of expert discourses'.[59] The responsibility of delegation to expert authority is inversely proportional to the communicative gap between experts and laypeople: conversely, the smaller the gap, the more expert policy analyses and advice can be publicly discussed and even criticised in light of the community's shared interests and values.[60]

5.7 Historical Development away from the Classical Understanding of Authority as Necessarily Unique, Supreme, and Omnicompetent

It has been observed that the decision to delegate authority to someone else on a (generally limited) issue is only justified against a previous judgment concerning the greater knowledge or expertise of the delegate with regard to the specific area being delegated. Conversely, it would be ordinarily irresponsible, immoral, indeed inhuman, for an individual to delegate decisions on matters which are deemed to fall within one's possibilities, or which the delegate is no better placed to address than the one delegating.

There follows that a responsible delegation is ordinarily never omni-comprehensive, and always rather specific: limited both to what the delegant does not yet need to know in order to decide responsibly, and to what the delegate is being recognized as competent. Differently put, authorities are such in the specific domain in which they are recognized as being competent, and an omnicompetent authority is only possible to the extent only that a single person or body can be recognized as omnicompetent. The logical consequence is that none of the specialised authorities

[58] James Bohman, 'Democracy as Inquiry, Inquiry as Democratic', 598–9.
[59] *Ibid*., 597.
[60] '[E]xtensive and reciprocal communication between experts and the wider public [is needed] if the social tendencies toward technocracy and anti-rationalism are to be avoided. […] The problem is to ensure that such communication can take place and that the implementation of expert knowledge depends upon such mediation and accountability to the public.' James Bohman, 'Democracy as Inquiry, Inquiry as Democratic', 597.

present in a community can be hierarchically subject to the others, because the latter, by definition, do not have competence outside their particular domain.

That does not mean that it is impossible for a community to responsibly delegate a certain authority to a single representative. As already Wilhelm von Humboldt observed at the end of the eighteenth century, in the past the monarchical form of government—whether in a village, tribe, city- or nation- state—was justified and indeed appropriate because of the very limited function which monarchical rulers had, as 'nothing more than leaders in war, and judges in peace': and, as he noted, 'to have one general or umpire is unquestionably the happiest provision for such a necessity'.[61] It has already been suggested (2.5) how the monarchical cosmology of neo-Platonic and pseudo-Dionysian origins has hardly ever been the unique basis for the monarchical organization of society under a unique, omnicompetent, and hierarchically supreme authority. Instead, that might have been but the loftier justification for rather more pragmatic, functionalist considerations based on the experience that, in actual fact, the limited military and administrative goals characterizing authority up to roughly the modern age could best be pursued through a monarchical hierarchy of command.

In other words, a general delegation to a supreme leader might have been reasonable in communities which are differentiated in a merely embryonic or incipient manner, where real distinctions of competences did not exist, and the choices do not require specialised knowledge but are a matter of common sense. Yet political anthropology suggests that very early on the recognition of the existence of several fields of relatively specialised competence resulted in the development of distinct institutions and authorities. One of the earliest differentiations has been the one between religious and temporal authorities, which have often grown into parallel hierarchies with varying degrees of influence and authority over society at large. The best known instance of this phenomenon is arguably the medieval struggle between papacy and empire. Their respective claims to hegemony made large use of the traditional argument that authority had to be one and supreme—and thus necessarily omnicompetent—in order for any society to survive. Such argument became very widespread in both political philosophy and ecclesiology.[62] It forms the core of what has been called the

[61] Von Humboldt, *The Limits of State Action* (1792), edited with an introduction and notes by J. W. Burrow (Indianapolis: Liberty Fund, 1993), 43.

[62] Among the foremost advocates of such a conception of authority one should mention—in addition to Dante and the other thinkers referred to in 2.5—also Hobbes and Bellarmino, who applied it in the political and ecclesiastical fields respectively: see Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: CUP, rev. ed. 1996) ch. 18, pp. 121–9; also ch. 29, pp. 221–8 (esp. pp. 224 to the end); Bellarmine, Vol. i:

'classical conception of sovereignty' which, to the basic conception of sovereignty as 'the highest, final, and supreme political and legal authority and power within the territorially defined domain of a system of direct rule', adds three features:

> absoluteness [i.e. it is unconstrained], inalienability [i.e. it cannot be delegated], and indivisibility [i.e. it is unique and cannot be divided]. [...] [T]he sovereign is the ultimate source of absolute, inalienable, indivisible political authority within a realm.[63]

Yet the increasing recognition that papal and royal or imperial authorities dealt with related but distinct domains of competence, each with its proper autonomy and independence, led to the eventual defeat of both papal claims over temporal authority, and imperial/royal claims over spiritual authority. The official recognition of that basic differentiation was soon to be followed by several others. The emergence of the centralized states in early modern Europe has meant that the political authority gradually developed from a relatively weak institution with very limited administrative ends to becoming the all-encompassing institution of contemporary Western democracies, whose influence extends massively to such fundamental areas as economy, education, welfare, social security, health care, cultural and religious development, and so on. The increased diversification of state authority generated an even more explicit rebuttal of the traditional ideal that only a unique, indivisible, and supreme authority could exist to govern all domains of the political life of a community: for it prompted the explicit theorization of the need for the *separation* of the various powers of the state: each power is in its field, viz. in the fulfilment of its proper task, supreme and autonomous.

The development of a pluralism of specialized authorities in the various areas of state action sounded the death-bell for the traditional conception understanding society as best being governed by an authority which, being unique and hierarchically supreme, was also thereby omnicompetent. When a rather undifferentiated political authority only exercised little more than the function of defence, a single authority could and in fact had been possible. But when the state started to expand its action at first in the

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Controversia tertia generalis, De Romani Pontificis ecclesiastica monarchia, bk i, ch. 1. For a summary and commentary of Bellarmine's argument there, which was quite widespread among Jesuit and Roman Catholic theologians more generally, see Harro Höpfl, *Jesuit Political Thought. The Society of Jesus and the State, c. 1540–1640* (Cambridge: CUP, 2004), 40–2.

[63] Christopher W. Morris, *An Essay on the Modern State* (Cambridge: CUP, 1998), 172–99 (178), with additional bibliographic references to several political philosophers from the early modern period onwards who have upheld such view.

economic domain, then in the social domain, and finally in the cultural domain, a single authority did not suffice anymore. Indeed, a single authority, in contemporary differentiated societies, would mean the reign of incompetence. Conversely, because in present-day highly specialised societies nobody can be omnicompetent and the common sense of normal people is incapable of coping with the highly technical issues facing civil society, a general delegation of decisions over all domains would be morally impossible. As it has been remarked, the classical understanding of authority as unique, supreme, and omnicompetent

> no longer is as popular as it once was. It is now widely thought that sovereignty can and should be limited. It is often thought as well that one of the most effective institutional means of limiting the authority and power of states is to divide sovereignty among a plurality of agents or institutions; there need be no single authority.[64]

The high complexity and specialisation of the modern world and of the issues the political authority must routinely deal with have resulted in the abandonment of the ideal of a supreme (or sovereign) and indivisible authority over all domains of common action, in favour of the practical recognition that each specialised domain of human knowledge and endeavour has its own authorities, as recognized on the basis of relevant expertise and competence. Delegation is motivated by knowledge unavailable to the delegants which means that, in contemporary highly differentiated societies, delegation occurs primarily to *expert* knowledge. It follows that the resulting authority of the delegate(s) is always limited to the particular specialised domain(s) in which they are recognised as competent and for which their knowledge is being sought. In every differentiated society, then, the variety of specialised competencies has developed into a corresponding pluralism of *specialised* authorities.

Specialised knowledge can be the motivation of the institutionalization of such a delegation even to the point of granting some expert bodies or categories an official role in policy-making on the relevant technical issues. The phenomenon has been described in Everett C. Hughes' seminal sociological reflections on experts:

> Every profession considers itself the proper body to set the terms in which some aspect of society, life or nature is to be thought of, and to define the general lines, or even the details, of public policy concerning it. The mandate to do so is granted more fully to some professions than to others;

[64] Morris, *An Essay on the Modern State*, 179.

> in time of crisis it may be questioned even with regard to the most respected and powerful professions.[65]

In summary, contemporary complex societies encompass a web of specialised authorities.

5.7.1 The Criticism of the Classical Conception of Authority

The historical development briefly sketched above is related to a major theoretical maturation with regard to the concept of (political) authority. Up to and including the early modern period, it was most often advanced that, in order for any society to survive, political authority had to be one, indivisible, supreme, and thus necessarily omnicompetent. Significantly for present purposes, this was believed to be the case with regard to both the civil and the ecclesiastical authorities, and generally endorsed by the imperial/royal and papal establishments. But while in political philosophy such a conception has since undergone a critique and has been largely abandoned, Roman Catholic ecclesiology still assumes its basic correctness. Hence the importance of analysing the arguments which brought political philosophy to the correction of the traditional understanding of authority.

The most comprehensive defence of the traditional understanding of authority as one, indivisible, supreme, final, and absolute has been advanced by Hobbes. M. M. Goldsmith isolated the three essential insights constitutive of such a notion: 'hierarchy', 'closure', and 'indivisibility'.[66]

'Hierarchy' means 'a chain of norms or authorities, each subordinate to the next higher link and superior to those below it.'[67] This minimal understanding of hierarchy is relatively uncontroversial, and has been retained by contemporary sociology and political philosophy. But 'hierarchy' can also be a synonym for a top-down understanding of authority, where 'each subordinate rule or authority *owes its validity to, is derived from*, a superior authority.'[68] Such, as noted elsewhere (2.5), was the essence of the neo-Platonist cosmology and political philosophy which constituted one

[65] 'Professions', *Daedalus* 92, no. 4 (1963), pp. 655–68 (657).

[66] M. M. Goldsmith, 'Hobbes's "Mortall God": Is There a Fallacy in Hobbes's Theory of Sovereignty?', *History of Political Thought* 1 (1980), 33-50, reprinted in Christopher W. Morris (ed.), *The Social Contract Theorists. Critical Essays on Hobbes, Locke, and Rousseau* (Lanham MD: Rowman and Littlefield, 1999), 23–39. In what follows I will refer to the reprint pagination.

[67] *Ibid*., 27.

[68] *Ibid*.

of the justifications undergirding many papalist and royalist theories.[69] Despite its past diffusion, the top-down understanding of authority is now largely abandoned.

The alternative which consistently opposed it, and eventually won the day, has been the 'below-upwards' one which identified the origin of authority in (attentive, intelligent, reasonable, responsible, and free) consent. The parting issue has also a methodological component—which may be called the 'turn to the subject'—analogous to what Lonergan described with regard to cognitional theory. It was Lonergan's contention that much of the past and contemporary epistemological discussions were prevented from achieving the right answers to questions about the nature of knowledge by most often describing it simply on the most immediate and apparently persuasive analogy, viz. ocular vision. Our eyes see, and seeing is an operation in which the subject-object relationship is both immediate and indisputable. Hence, knowledge has often been conceived on the analogy of seeing. Ocular accounts of knowledge consider objectivity to be a matter of fulfilling a unique condition: the 'givenness' of data, or the 'out, there, now' associated with visual or spatio-temporal presence.[70]

Just as an all too common approach to defining knowledge was, and sometimes still is, to understand it as something 'out-there-now', so too an all too common approach in political philosophy was and still is to understand authority as an already existent and quite evident reality, a given, the problem being merely that of determining the limits of the obedience which the individual subject must necessarily give to such an entity. Of course, just as has been the case with the ocular epistemological paradigm, such a political stance is understandable to the extent that authority is indeed at first sight an evident reality. Paradigmatic here—and in a way which also underscores the relationship between the problems of understanding knowledge and authority—is the French counter-revolutionary philosopher Louis de Bonald (1754–1840), according to

[69] Bellarmine, for instance, defended ecclesiastical monarchy by appealing to 'order cosmology as proof that God implanted "not only into human beings, but even into almost all things a natural propensity to a monarchical form of rule: in families, in most regions of the earth, which are ruled by kings", among bees.' Höpfl, *Jesuit Political Thought*, 41, quoting Bellarmine's previously mentioned 'Third General Controversy' entitled 'The Ecclesiastical Monarchy of the Roman Pontiff', bk. i, ch. 2. Such a classic recourse to a top-down cosmology had long played an important role in the justification for a top-down understanding (and exercise) of ecclesiastical authority.

[70] For Lonergan's argument in relation to Kant and Gilson, see his 'Metaphysics as Horizon', in CWL 4, 188–204. For a recent argument that even Rorty, despite his rightly perceiving the dominance of the visual analogy as one of the major defects of historical epistemologies, remains trapped in an extroverted view of knowledge, see R. J. Snell, *Through a Glass Darkly: Bernard Lonergan and Richard Rorty on Knowing Without a God's-eye View* (Milwaukee WI: Marquette University Press, 2006). A fuller critical account of Rorty's epistemology is Paul D. Murray, 'Chapter 2: On the Utility of Truth: A Pragmatic Critique of Richard Rorty's Neo-pragmatism', in *Reason, Truth, and Theology in Pragmatist Perspective* (Leuven: Peeters, 2004), 23–90.

whom one should substitute 'the evidence of authority' to the 'authority of evidence' ('l'autorité de l'évidence [à] l'évidence de l'autorité')'.[71] Authority is a given, out-there-now, you do not have to ask why or whence or what are its grounds: you simply have to acknowledge its existence, and work out how best to cope with it.

But an alternative and more correct understanding of authority is reached by resolving the human phenomenon under scrutiny into the intentional operations constitutive of it, as all those who identified (attentive, intelligent, reasonable, responsible, and free) consent as the basis of authority have done, with greater or lesser detail. Among them, Lonergan deserves mention for the thoroughness with which he tracked down and laid out the intentional operations by which the individual believes, delegates, and thus creates authority—in a way which has been summarised in the preceding paragraphs (5.2–5.4).

In contrast, when authority's origin in and dependence on human intentionality is overlooked, then authority does appear somewhat self-existent and without (human) origins. Then the way is open for every sort of speculations to be suggested to explain such an evident yet unaccounted for given: for instance, by referring to the top-down hierarchical manner the cosmos is organised (as those subscribing a Neo-Platonist, pseudo-Dionysian cosmology believed). Therefore, often enough throughout history the manifest fact of authority has been explained by positing a top-down causal chain in the above mentioned sense, i.e. one where 'each subordinate rule or authority *owes its validity to, is derived from*, a superior authority.'

It is, on the contrary, well-nigh impossible to reach such a conclusion from even a minimal recognition and/or incomplete understanding of authority's origins in human intentionality. Hobbes is paradigmatic in this regard: for him, sovereign authority was the result of a free and responsible social contract whereby humans decided in favour of subjection to a sovereign as preferable to the only alternative of insecurity and civil strife.[72] The resulting conception of authority may be absolutist, but cannot strictly speaking be said to be top-down: for authority originates, in that view, in a free and responsible consent and delegation of human beings.[73]

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[71] *Oeuvres Complètes*, vol. viii, *Recherches philosophiques sur les premiers objets des connoissances morales*, vol. 1 (Paris: Le Clère, 3rd ed. 1838) 62; quoted in Jean-Yves Pranchère, *L'autorité contre les lumières: la philosophie de Joseph de Maistre* (Genève: Droz, 2004), 329, also 27 and 331.

[72] See *Leviathan*, ch. 18, pp. 121–9 (esp. the first paragraph at p. 121).

[73] For this reason, Hobbes was forcefully accused to be a radical revolutionary, and his *Leviathan* a 'Rebel's catechism', by 'pure' divine-right theorists, such as John Bramhall, Edward Clarendon, Richard

This last passage, however, has not always been sufficiently recognized or stressed by the contractarian view, still relatively common also among contemporary political philosophers. For, according to the view expounded previously (5.2–5.4), authority is constituted through (intelligent and responsible) delegation, and the latter is the result of a precise decision and *not*, strictly speaking, of a *compact* or a *contract*, and much less of a mere *logical deduction*. A pact, and even more so a contract, imply the assumption of a precise obligation towards another person or persons; on the other hand, the trust grounding authority is a *personal*, revisable judgment, that can change with the subject and her judgments of fact and value, and thus with no obligations toward others. *Pace* Hobbes, Rousseau, and their followers, this is true even if concretely the act of delegation may be legally institutionalised and thus display the reciprocal expectations of the *compact* or the binding agreements of the *contract*, and even if it should always respect a strict *logic*, viz. that of considering the concrete situation in which the delegation is being made. Differently put, the consensual delegation which founds authority can also take the form of a written agreement, compact or contract; the latter, however, is itself always based on the personal decision of the delegants who in fact establish the terms of the delegation: hence, it is not the contract or compact the foundation of authority, but rather the free consent and subsequent decision of the delegants, a decision which, as it will be noted, must be as attentive, intelligent, reasonable, and responsible as possible.

The same answer can be given to the issues revolving around the second characteristic of authority, namely 'closure'. Closure means that

> the chain [of authorities] does not extend infinitely upward and that the system is independent, i.e., not subordinate to another system of authorities or norms. This implies that there is no appeal outside the system, or, to put it another way, other systems or authorities are external to it.[74]

Some papalists and royalists might have understood that as necessitating a monarchical authority. But many of them—and Hobbes for one—were aware that the necessity for an independent system of authority to be closed did not logically entail the necessity for it to be monarchical. Indeed, as it has been remarked,

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Cumberland, and Robert Filmer. See for further Jean Hampton, 'The Failure of Hobbes's Social Contract Argument', in Morris (ed.), *The Social Contract Theorists*, 41–57.

[74] Goldsmith, 'Hobbes's "Mortall God",' 27.

> Modern constitutionalism is determined by the same logic [of 'closure']. Kelsen's *Grundnorm* and Hart's secondary rule of recognition are ultimate rules that cancel the possibility of an infinite regress. By standing at the top of a hierarchical order of subordinate rules, the sovereignty of the constitution validates the whole legal system (see Wilks, 1969, 201-2).[75]

Just as hierarchy entails an ordered chain of norms or authorities each subordinate to the next higher link and superior to those below it, but does not entail that authority flows from the top down, so closure means that an independent system must have a final authority, but does not entail that the latter be monarchical. So the search for something or someone in the community with the attributes of sovereignty or final authority has been going on since, with different subjects being pinpointed: an original contract, a divinely-established absolute sovereign, a legislative body, a fundamental set of constitutional laws, a supreme (constitutional) court. But according to the consensual understanding of authority, the final authority which closes the regress is the same as its original source: the self-determining individual and, by extension, the self-determining community. Human intentionality itself is both the source and the ultimate, final appeal of authority, as suggested by its role in cooperation and subordination as well as in devising, evaluating, modifying, and accepting institutions/authorities to implement those actions. Such understanding is the opposite of the old top-down conception of authority, such as that of divine-right theorists, whether royalists or papalists.

That authority must be indivisible has been thought to follow logically from closure. Yet this assumption too is mistaken:

> to be an independent, closed, complete and conclusive system merely requires that there should be a final decider [...] in any sphere, for any issue or controversy that may arise; what Hobbes asserts is that there must be the same final decider for everything. This latter assertion goes beyond what is logically necessary. The necessity of there being the same final authority in every matter is 'necessary' only in the sense that it eliminates the possibility that there may be conflicting decisions on the same matter by different authorities within the system. Such conflicts might arise if the constitution provided for jurisdictions which were not mutually exclusive or if, as is also likely, issues could be interpreted as falling within the jurisdiction of several authorities.[76]

[75] Renato Cristi, *Hegel on Freedom and Authority* (Cardiff: University of Wales Press, 2005), 111, paraphrasing Goldsmith, 'Hobbes's "Mortall God",' 27, and Yvor Wilks, 'A Note on Sovereignty', in W. J. Stankiewicz (ed.), *In Defense of Sovereignty* (Oxford: OUP, 1969), 197-205 (201-2).

[76] Goldsmith, 'Hobbes's "Mortall God",' 30. Hobbes's argument that sovereign authority must be indivisible can be found in *Leviathan*, ch. 18, p. 127; see also ch. 19, pp. 130-1; and ch. 29, p. 225.

For Hobbes, however, 'whenever such a disagreement was possible, the state of war of all against all was endemic and so a commonwealth not established.'[77] The only solution to conflicting decisions by overlapping jurisdictions is to posit a single, indivisible, and supreme authority over all areas. For this reason, Hobbes insisted forcefully that the temporal sovereign was the supreme authority also in the spiritual (just as in every other) domain: for him, 'the attempt to establish separate civil and ecclesiastical jurisdictions was to establish two states rather than one.'[78] For the same reason, Hobbes and more generally the classical conception of authority would have regarded as deeply flawed the institution of three supreme independent authorities, one each for the legislative, executive, and judicial functions of the state.[79]

5.7.2 The Pluralism of (Specialised) Authorities in Differentiated Societies

Indeed, as I have noted, the latter historical development, together with the one consisting in the eventual recognition that ecclesiastical and civil authorities had distinct spheres of action and so parallel jurisdictions, have been among the factors which led to the gradual abandonment of the widely held conviction concerning the necessity of a unique, supreme, and undivided authority for society to exist, be stable, or thrive. The ever increasing specialisation and technical differentiation of modern societies has suggested that social cooperation is the result not, simplistically, of a single top-down hierarchy of command but rather, as it will be suggested, of the interaction of a web of mutually dependent yet autonomous (specialised) authorities.

This is perhaps best represented by one of the most significant developments in democratic practice in the Western world, namely the establishment by political governments of regulatory agencies with substantial policy-making power over specialised issues, which are largely autonomous and independent from the central government itself.[80] The interesting point in this development is that the political authority has delegated substantive policy-making powers to *expert* agencies which are *independent* from it. Vital domains of social life are supervised in important respects by specialised authorities largely autonomous and independent from the central political

[77] *Ibid.*

[78] *Ibid*. Hobbes is unambiguous in this regard: see e.g. his argument in *Leviathan*, ch. 39, pp. 320-2; also ch. 29, pp. 221-30 (226-7).

[79] Hobbes, *Leviathan*, ch. 29, p. 228.

[80] This development is traced and analysed in Gilardi, *Delegation in the Regulatory State.*

authority. In the regulatory state, the latter still governs and makes substantive policy, but does so by cooperating in different ways with independent and autonomous regulatory agencies. Independent regulatory agencies 'are at the core of the rise of regulation as a key tool for policy makers, and they constitute a new form of market governance'.[81] From the viewpoint of economics, that has been defined as a shift from a centralised state as a direct economic actor deeply involved in the production of goods and services to a decentralisation of those activities to private enterprise, with the central political authority only retaining regulatory power of the markets. But from the viewpoint of political philosophy, the above can be interpreted as a shift from the classic conception of authority as one, indivisible, and omnicompetent, to one where the *political* authority is but one of a differentiated community's many mutually dependent yet autonomous specialised authorities, whose chief distinctive function is to coordinate and regulate the others according to the scale of values and priorities of the (majority of) the community.

5.8 The Relationship between Specialised Authorities and the Political Authority

Three are the fundamental affirmations which have been made: (1) delegation is only responsible because the delegate is deemed to possess relevant knowledge which those delegating need; (2) in contemporary differentiated and complex societies specialised knowledge is ordinarily always needed in policy-making in order to responsibly discern courses of common action; finally, (3) such specialised knowledge is scattered in contemporary societies.

Those three points highlight a central issue of political philosophy, namely, whether and on what conditions it would be responsible to establish a central political authority above the specialised authorities. And if such a higher political government is indeed desirable, the further question arises as to what its role would be: an extended one of policy-making over all areas of common action, or a more limited coordinative one? If the former, a final problem should then be addressed. For political representatives generally lack deep specific expertise. Yet this is 'a time when virtually every governmental action demands extensive expert inputs'.[82] How can the condition that relevant competence be required of those with decisional power be fulfilled in case

[81] *Ibid.*, p. 22.
[82] Jasanoff, '(No?) Accounting for Expertise', 158.

of the *political* authorities? How, in other words, can the latter make use of the community's relevant yet scattered specialised knowledge when making political decisions?

In his book *Is Democracy Possible? The Alternative to Electoral Politics*,[83] John Burnheim offered a nuanced argument against the desirability of a central political authority. He contended that, due to the complexity of matters of public and common concern in today's highly differentiated societies, people and their political representatives alike 'can[not] know enough to make rational decisions on the very large of issues that have to be faced'.[84] That, he noted, bides strongly 'against all centralization of decision-making power whether in an individual, a small group or a mass assembly', and favours instead the establishment of 'autonomous specialized agencies that are co-ordinated by negotiation among themselves or, if that fails, by quasi-judicial arbitration, rather than by direction from a controlling body'.[85] As he insisted, 'an appropriate form of decentralization would concentrate on functions, rather than localities. The organizations that supply various community needs should be independent of each other. Their geographical extent should vary according to the technical and social exigencies of their carrying out those functions'.[86] Burnheim's vision has been summarized as follows:

> Instead of a pyramid or a set of loosely-coordinated communities and enterprises, both of which would have to cover a wide range of functions, the functional decentralist advocates a variety of autonomous, specialized agencies, each performing one specific function, and coordinated by negotiation among themselves or by quasi-judicial arbitration. [...] Agencies would be constitutionally required to coordinate, cooperate, and negotiate on any policies that affect the interests represented by more than one agency. [...] Each agency, whether it deals with finance, real estate, fuel, consumer goods, education, health, or transport, would be staffed by people of attested competence whose expert advice would have to be taken into account by the lay trustees in the formulation of policy, and who would execute that policy.[87]

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[83] (Cambridge: Polity, 1985). A second edition with a new introduction has been published in Sidney by Sydney University Press in 2006, and is also entirely available at http://setis.library.usyd.edu.au/democracy/. In what follows I will refer to the pagination of the original edition.

[84] *Ibid*., 3.

[85] *Ibid*., 7.

[86] *Ibid*., 104, explained with examples at 8-9.

[87] James C. Walker, 'Education for Democracy: The Representation/Participation Dualism', in Paul Heywood Hirst and Patricia White (eds.), *Philosophy of Education: Major Themes in the Analytic Tradition*, vol. iii, *Society and Education* (London: Routledge, 1998), 11–27 (22).

Higher bodies with a function of 'setting up the various functional bodies, hearing appeals about their structure, restructuring them to meet changed circumstances, adjudicating their disagreements and dividing up resources between them'[88] would still be needed. However, such coordinating authorities 'would not be empowered to initiate policy, much less to dictate to various functional bodies, but to provide a legal framework within which productive bodies operate'.[89]

What is most relevant in the foregoing analysis lies in the core insight undergirding it, namely, that civil society is essentially constituted by a web of interconnected but *autonomous* and *independent* specialised authorities. Each provides for some specific need or desire of the community, and can in theory cover all aspects of such enterprise: planning and deciding courses of action, gathering of the necessary resources, implementing and coordinating common action, and even codifying a preferred pattern of cooperation for future reference. As already Hughes had noted, each of the many specialised professional bodies in civil society naturally tends to 'consider itself the proper body to set the terms in which some aspect of society, life or nature is to be thought of, and to define the general lines, or even the details, of public policy concerning it.'

Burnheim's main insight to be retained, then, is that each of the many specific domains of common action should be governed by a specialised authority, established as such by being consensually recognized as possessing the relevant expertise. I would add that, as suggested by the earlier analysis of belief and delegation, the various specialised authorities present in any differentiated society cannot be hierarchically subject to each other, because each of them, by definition, does not have competence outside their specialised domain: each is, accordingly, supreme, autonomous and independent in its own limited area of competence. Burnheim's second noteworthy conclusion is that a political authority should not have powers to 'dictate' policy in (as distinct from merely coordinating and adjudicating) specialised areas, because specialised authorities are autonomous and supreme with regard to what is—according to their judgment—within the reach of their specialised knowledge.

However, Burnheim's ideas need to be examined more carefully. That the central political authority be given an adjudicatory and judicial role is relatively

[88] *Ibid*., 118.

[89] 'The decisions must take the form of arbitration between conflicting proposals to extend the jurisdiction of existing agencies or create new agencies. The arbitrating body must have no power to engage in police work of any kind. It must not direct the policy of bodies that do so except by way of settlement of disputes.' *Ibid*., 123.

uncontroversial, for that would be limited to providing a judicial service whenever freely requested by the specialised authorities. Such a service could hardly be construed as evidence of the latter's subordination to the political authority. However, the exact nature should be analysed in much more details of the powers of 'coordination' and regulation which the political authority would exercise over the specialised authorities.

Specialised authorities can provide the political authority with the knowledge and research it needs to adequately fulfil its function of policy-making for guiding common action. The distinctive role of the political authority consists in pooling together the specialised authorities according to the function they fulfil with the goal of planning, evaluating, and deciding in favour of common courses of action. The resulting unity which the political authority brings about from a plurality of autonomous specialized authorities is, however, not hierarchical but functional—hence the name 'functional coordination'—*and has the system of delegation (its desires, priorities, needs, values, and goals) as its ultimate referent*. In other words, and most significantly for present purposes, the functional coordination of specialised authorities by the political authority must occur—and the point is crucial—according to the delegants' scales of values and priorities. For the delegations are made on the basis of the needs of the delegant(s), and the latter can accordingly decide to establish both a hierarchical ranking of priorities among the various delegated specialised authorities, and an authority coordinating the latter according to their own needs and scale of preferences.

To clarify further: on the one hand, the coordinating, supervisory, and regulatory functions of the political authority with regard to the specialised authorities does not entail the authority to adjudicate between or criticise the latter's *purely technical* results where no values are involved—which is arguably what Burnheim meant by debarring any political authority from 'dictating' policies in the specialised fields of expert authorities. That means that, according to subsidiarity, with regard to purely technical issues expert authorities should have complete independence to determine, according to their judgment, not only the limits of their field of competence and their research methods—the two things are interrelated, because the field of any science or discipline tends to be coextensive with every area to which the same method has been successfully applied[90]—but also what to inquire.

[90] 'A modern science is characterized more by its method than by its field, for the field tends to expand to include every area in which the method can be applied successfully', Lonergan, 'Third Lecture: The Ongoing Genesis of Methods', in *A Third Collection*, 146–68 (152).

Granted that the role of political authority is not that of micromanaging a community's specialised authorities but rather that of supporting them and garnering their expertise when relevant for the task of discerning courses of common action, there still remains the problem of avoiding the two opposite dangers of, on one extreme, technocracy, and on the other, commonsense incompetence. For political representatives generally lack deep specific expertise. Yet this is 'a time when virtually every governmental action demands extensive expert inputs'.[91] How can the condition that relevant competence be required of those with decisional power be fulfilled in case of the political authorities? How, in other words, can the latter make use of the community's relevant yet scattered specialised knowledge when making political decisions? Given the thorough specialisation of knowledge in contemporary societies, and the unavoidable need for technical expertise in order to address the complex issues constantly facing them, the conditions must be investigated that can effectively avoid the danger of an untrammelled rule of experts whilst, on the other hand, utilising their specialised knowledge in making political decisions.

The first clue to the solution of the alternative between technocracy and government by an incompetent majority can be found in remarks on representation by Nadia Urbinati:

> When I go to vote, I really do two things: I select somebody to sit in the assembly but I also want somebody who is close to my ideas or represents them as much as possible. I don't choose a competent bureaucrat or an expert, because the job of the lawmaker is not like that of a bureaucrat or a magistrate (who are not supposed to express their ideas when do their job or even act according to their own ideas). [Political representativeness] is a sort of vicinity in ideas and ideology between the candidates (and then elected) and the electors.[92]

Political representatives are not a body of polymaths, and even if they were, no such limited body could carry out the amount of research and analysis needed to discern and implement sound public policies. As noted above, the purpose of political authority is not that of being an omnicompetent authority micro-managing and carrying out the tasks distinctive of a community's specialized structures of knowledge and evaluation.

[91] Jasanoff, '(No?) Accounting for Expertise', 158.

[92] Hélène Landemore, 'Is Representative Democracy Really Democratic? Interview of Bernard Manin and Nadia Urbinati—New York, 10th April 2007', *La Vie des idées*, (31th March 2008), available at http://www.laviedesidees.fr/Is-representative-democracy-really.html.

Rather, it is primarily that of making decisions that determine the general direction of common action.

Such decisions are primarily in the future and thus are necessarily based on findings, judgments, and evaluations that cannot be made at election time. For this reason—and the point is crucial—*political delegation is based not primarily on technical competence, but on the scale of values of the delegants*:

> The group allowed to perform a medical consultation is selected, for the most part, on the basis of specific competence in medicine, but in a direct political democracy those who participate in voting are not chosen for their specific competence, but for their involvement in the action of the group. In a representative democracy they are chosen for their fitness to represent the interests and values of those who will be involved in the group's action.[93]

And, of course, 'being involved in some project or being ideologically allied to someone who is involved is not the same as being competent in all the technical, economic, and moral problems connected with that project.'[94]

One solution to the problem of requiring the exploitation of the relevant expertise by the political authorities has been to advocate a division of labour whereby 'citizens ought to choose the overall aims of society while legislators and administrators ought to be concerned with figuring out how to pursue those aims.'[95] This would only be possible, however, if 'the means and strategies [were] separable from the aims'[96]—which is far from being always the case: 'If aims and means are not developed in conjunction with each other, the aims are likely to be either utopian or mundane, and the means counterproductive.'[97] The alternative solution is to stress the importance that political delegation focus on the delegants' scales of values, for the latter are the only criteria for determining the general priorities and orientation of *future* choices, necessarily based on data, factual judgments, and evaluations not available at the moment of the delegation. So the position here is similar to Christiano's own, yet with the significant difference that what citizens determine are not simply the ends but, more

[93] Giuseppe Badini Confalonieri, 'Democracy', 265.

[94] *Ibid*.

[95] Thomas Christiano, *The Constitution of Equality: Democratic Authority and Its Limits* (Oxford: OUP, 2008), p. 146 no. 14. 'This', he added, 'is the only way to reconcile the ideals of democracy with the need for a division of labor in a modern democratic state.' *Ibid*. His lengthier argument can be found in Christiano, *The Rule of the Many: Fundamental Issues in Democractic Theory* (Oxford: Westview, 1996), 169–178.

[96] Christiano, *Rule of the Many*, 175.

[97] Mark B. Brown, *Science in Democracy. Expertise, Institutions and Representation* (Cambridge, MA: MIT, 2009), 86.

fundamentally, the scale of values that determines both which ends will be chosen and their relative priority. For their part, political representatives determine, in light of both the delegants' scale of values and of the relevant (often specialised) knowledge available in the community, the means and strategies to achieve them. This last point is fundamental: political representatives have a moral obligation, like everybody else, to defer to the specialized authorities relevant for dealing with a given issue. Thus, only after having properly taken into account the analyses and reports the specialized authorities provide can the representatives evaluate what the alternative courses of actions are and choose the one in accordance with the technical indications offered and most consonant with the values shared by the (majority of the) delegating community.

The moral duty of seeking advice when in doubt is an important principle of Christian moral theology.[98] However, inasmuch as—unlike everybody else—if the political authority disallows that moral precept, it is the whole community which will suffer from misguided policies, the fulfilment of that moral duty should not be left to their conscience alone but should also, ordinarily, be warranted legally. Accordingly a first, general solution to the requirement that relevant specialised competence be exploited by the political authority during the agenda-setting[99] and policy-making process can be found in the institutionalization of binding forms of collaboration (either by consultation or by delegation) of political representatives with the community's specialised structures of knowledge and evaluation—universities, think tanks, and so on.

In a representative form of government, legal institutionalization must mean that the fact of taking into account specialized knowledge is to be understood as a duty—legally binding if needs be—of the political representatives: whilst it does not belong to such specialised bodies to make the ultimate choice, attending to their responses should be a non-negotiable step towards an informed decision. The representatives will then have the task of evaluating the possibility of acting in accordance with the technical indications offered if consonant with the political principles they represent. For example, in order to know whether or not it is socially, economically, and

[98] See Aquinas, *Summa Theologiae*, I^{a} II^{ae}, q. 19, a.6, ad. 3; also Roman Catholic Church, *Catechism of the Catholic Church* (London: Geoffrey Chapman, 1994), §1787.

[99] Expertise can play a role already during agenda setting, well before the final decision-making stage: 'During agenda setting, expertise is useful as warning to policy makers of impending problems and as guidance to decision makers on how to revise policy. [P]olicy research can help to define the boundaries of problems and the dimensions of interventions before issues even receive serious debate.' Andrew Rich, *Think Tanks, Public Policy, and the Politics of Expertise* (Cambridge: CUP, 2004), 108, referring to David A. Rochefort and Roger W. Cobb, *The Politics of Problem Definition: Shaping the Policy Agenda* (Lawrence: University Press of Kansas, 1994), pp. 10–15.

environmentally convenient to build a highway instead of a fast train line, I need first to consult the appropriate technical bodies which will be able to analyse the social, monetary, and environmental costs. Only then I will be able to choose among different alternatives the one I deem to be most in agreement with my values and goals. Differently put, the delegation to non-specialist political representatives of decisions requiring specialised knowledge is only responsible if the representatives' moral obligation to consult and to treat with due seriousness specialist analyses is institutionalised and made legally binding. It will then be the representatives' distinctive duty to consider such technical reports within the broader framework of their values and interests (which should reflect those of the community which delegated them), when attempting to judge what the best course of action should be.

Finally, some prudential solutions to the ever-present problem of making transparent and democratic the assessment of the expert knowledge necessary to the policy-making process, so as to minimize the danger that the latter be steered by politicised experts, have already been advanced when examining delegation to expert authority (5.6). They can include publicly selected official standards for the recognition of expertise, peer-review procedures, and, to the extent possible, the translation of the specialised problems and findings relevant to policy making so as to make them available for free and public discussion.

In summary, in addition to the general limitation required by subsidiarity, highly specialised and differentiated societies where no one can be omnicompetent require further limiting conditions for delegation to be responsible. Either (1) the representative is given a *specific mandate* in virtue of her specialised competence; or when, (2) within a *generic mandate*—as in the case of political representatives—the one delegating is reasonably sure the representative will use criteria for factual and value judgments similar to those she would have used. In the case of political representation the delegate is given a mandate not to supersede but rather to (pre)serve the specialised authorities, each of which is autonomous and independent in its own limited field, even while coordinating and regulating them according to the scale of values of the (majority of) the community. The extent of this service must, again according to subsidiarity, be decided by those who will delegate authority to it: it will result in either more or less power of coordination, policy-making, adjudication, and resource allocation. In other words, it is fundamental that such a greater or lesser centralization be freely and responsibly chosen from below upwards, from the individual to each successive higher decision-making level.

A final note regards the notion of accountability intrinsic to the analysis of authority made so far. Inasmuch as delegation—as the institutional embodiment of belief—is what constitutes authority as subsidiary coordination of the common action of a community, violation of the terms fixed by the ones delegating is an abuse of authority and thus it is that against which the notion of accountability must be assessed:

> The act of delegation is what distinguishes authority from raw power. Nobody can claim authority over another on the basis of personal privilege, wealth, hereditary right, or superior force. Those in power hold offices with specified duties so that power is not personal but, instead, is associated with the authority of office. The central principle of accountability […] is that people with power ought to be accountable to those who have entrusted them with it. And the standard for recognizing abuses of power will be violations of that trust: acting beyond the authority of the office or in violation of its purposes.[100]

From the perspective of delegation, then,

> power is legitimate only when it is authorized by the legitimating consent of those who delegate it. And since power is always delegated for a reason, it is legitimate only so long as it serves its original purposes…[101]

This confirms what has been said previously, namely, that all characteristics of delegated authority—i.e. its area of competence, scope, length, and so on—should be determined by the delegating individuals (as already noted in the discussion of subsidiarity, 5.4 above) and thus with the latter's consent.

5.9 Unanimity and Majority

It has been previously said (5.2.2) that the smaller the number of the experiences, insights, judgments of fact, values and goals which are actually shared in a society, the more people will work at cross purposes, cooperation will be improbable, and social cohesion will deteriorate.[102] As Lonergan put it, 'society does not survive without a large measure of community', understood precisely as a group sharing meanings, values, and goals.[103] Nor does the pluralism of present-day Western societies invalidate

[100] Ruth W. Grant and Robert O. Keohane, 'Accountability and Abuses of Power in World Politics', *American Political Science Review* 99, no. 1 (February 2005), 29–43 (32), referring in turn to John Locke, *Second Treatise of Government*, ed. J. W. Gough (Oxford: Blackwell, 1966 [1690]), esp. §§149 and 151.
[101] *Ibid*.
[102] See Lonergan, 'Dialectic of Authority', 5–6, quoted above, 5.2.2.
[103] *Method in Theology*, 360.

that point: for even such pluralism does not ordinarily exclude, but rather stems from, an agreement on a nucleus of common values (without which, properly speaking, there would be no 'community' whatsoever).[104]

Unanimity is also the pre-condition for common action to occur (5.3). Indeed, 'the need for authority is, precisely, to substitute for unanimity in determining the solution of practical co-ordination problems which involve or concern everyone in the community'.[105] It is of course because of the perceived importance of unanimity that many contractarians actually construed their hypothetical social compact—through which a people would bestow political authority to their ruler(s)—as a unanimous decision.[106]

Because, then, of the inevitable pluralism within any community or society, solutions have been devised since the earliest times to allow a community to act also when unanimity is lacking. All those solutions require the delegation of choice: to a single ruler, to the majority of the original group, or to the smaller majority of a group of delegates/representatives (see 5.3 above). Hence, as Rousseau put it: 'The law of majority voting is itself something established by convention, and presupposes unanimity, on one occasion at least.'[107] Notably, agreement on a political decision-making procedure in case of disagreement is the only point where unanimity is required.

This suggests that it is misleading to picture the majority as acting completely without any consent of the minority: in fact, a previous consent of the minority is present in that everybody, before knowing whether they will be in the majority or in the minority, have agreed to delegate to the majority the decisional power because they understood that to have someone decide—perhaps even a majority of which they are not a part—would be better than not to decide at all. To accept the principle of deliberation by majority, then, is to accept in advance what will be decided by the majority on a given issue. This prior acceptance is, structurally, a form of delegation.

Majority rule enjoys a status as the default decision-making procedure in many cultures from the most ancient times.[108] If that may empirically suggest its reasonableness, still two main theoretical objections have been advanced against

[104] See Aristotle's classic discussion of unanimity or concord (ὁμόνοια) in the *Nicomachean Ethics*, bk. IX, ch. 6, 1167a-1167b, trans. David Ross, revised with an introduction and notes by Lesley Brown (Oxford: OUP, 2009), 171.

[105] John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1979), 248.

[106] E.g., Jean-Jacques Rousseau, The Social Contract *and Other Later Political Writings*, bk. i, ch. 5, §3, ed. Victor Gourevitch (Cambridge: CUP, 1997 [1762]), 49.

[107] The Social Contract *and Other Later Political Writings*, bk. 1, ch. 5, p. 49.

[108] See Mathias Risse, 'Arguing for Majority Rule', *The Journal of Political Philosophy* 12, no. 1 (2004), 41–64 (43).

majority rule. The first, widespread particularly in RC circles, is that such a procedure is not functional to the search for the truth, and that it is indeed in constant danger of being construed as an alternative to finding the truth. Majority then becomes what determines truth not in the positive sense of being instrumental, within a larger deliberative system, to searching and discerning it, but in the negative one of legitimating as true whatever the majority decides in a procedurally correct manner, even when objectively wrong. The second objection is likewise often voiced by members of the RC hierarchy, is also significant among political philosophers, stressing the danger of the dictatorship of the majority trumping the minority's conscience.

If it were true that democracy in general and majority rule in particular have no procedural link with the discovery of what is true and what is good, it would be lethal for both. Hence the need for examining it.

5.10 The Danger of the Dictatorship of the Majority, or How to Safeguard the Minority's Freedom of Conscience?

'In matters of faith and morals, no one can be bound by majority decisions. [...] To bind conscience by majority decision is impossible, both anthropologically and theologically.'[109] Thus then Cardinal Ratzinger, who also explicitly acknowledged that argument as the only theoretical rationale behind the current Vatican legislation denying any decision-making authority in either doctrinal or disciplinary matter to all episcopal conferences and synods—bodies which, in effect, operate by majority-voting.[110] Delegating the decision to the majority seems then to raise a most important objection: how can one responsibly agree to accept the majority's choice in the eventuality of being in the minority, if such choice runs counter to one's wishes, perspectives, or principles?

There are moral limits to cooperating in actions one deems misguided and/or immoral—moral limits which, of course, are fixed by the delegant. Specifically, delegation to the majority always includes the tacit assumption that the majority must

[109] 'Questions about the Structure and Duties of the Synod of Bishops', in *Church, Ecumenism and Politics: New Essays in Ecclesiology*, trans. Robert Nowell (Slough: St Paul, 1988), 51–68 (62).

[110] *Ibid.* It should be noted, however, that there is another theoretical reason for denying decision-making authority to such ecclesiastical bodies, which Ratzinger himself mentioned in the same essay, namely, that the decision-making authority of synods 'would—inevitably as we have seen—be delegated papal authority, not authority proper to the synod.' *Ibid*., 57. Such a position follows from the belief, long advanced by papalist theologians and still largely operative in the canon law currently in force in Roman Catholicism, that all jurisdictional powers in the church derive from the pope: see for further 6.2.

never make the individual do something she considers immoral.[111] Subsidiarity sets binding limits on the majority so that it cannot make decisions contrasting with the minority's indefeasible beliefs and rights without allowing for the possibility of reasonable conscientious objection for dissenters.

The fundamental point here is the distinction between permitting/tolerating, on the one hand, and, on the other, collaborating. When it is impossible to obtain a better result, it is morally acceptable to permit something that one considers an evil (the principle of the lesser evil). Yet nobody can responsibly agree to participate in a decisional process with the expectation that she will have to act against her conscience, even if only in collaboration with others. Delegation to the majority—as any other delegation—is only justifiable with the proviso that it may never go against one's most strongly held, absolutely non-negotiable principles and values: for that would of course be judged by the delegants as a much greater evil than the breakdown of cooperation. In such an eventuality, if the possibility of reasonable conscientious objection in those areas is not provided for, the delegation would be immoral, and the danger will thus increase of rebellion or even schism by the minority, if requests of legitimate autonomy and self-determination in those areas are not granted.[112] Hence the possibility of conscientious objection is implicit in any responsible delegation of a decision. Conscientious objection and, more generally, all choices in favour of the breakdown of cooperation in a greater or lesser area of one's political life are radical measures ordinarily resorted to by the individual only when s/he deems that some of his/her non-negotiable values are at stake, whose abandonment is judged a greater evil than that resulting from the breakdown of cooperation. As touched on above, that also occurred repeatedly within the Christian church, most notably during the Reformation.

It is noteworthy that, with the above provisos, delegation to the majority can be a responsible choice with regard to all kinds of decisions, both those establishing concrete courses of common actions and those establishing orthodox beliefs (facts) and values, whether in philosophical or theological matters. It is not only the Christian church (and most other religious communities) which has deliberated on matters of orthodox (theological) beliefs by majority voting, e.g. in ecclesiastical councils and synods: the legislation of every political society is replete with factual as well as value judgments

[111] The understanding of subsidiarity and majority rule here also uncovers the rationale behind Dahl's empirical observation that majority rule works better if members of a minority are confident that the collective decisions will never fundamentally endanger the basic elements of their way of life, see *Democracy and Its Critics*, 161.

[112] *Ibid*., 184, see also 148, and his remarks at pp. 49–50.

considered normative and binding, whose infringement may constitute a punishable offense. So much so, that *political* representation, as noted, focuses precisely on finding a representative whose beliefs and scale of values are closest to those the delegant deems orthodox. Moreover, in both the church and the state, policies concerning the common life embody judgments of fact and of value. Accordingly, in both institutions there is the danger that (majority) decisions authorizing a common policy, as well as those endorsing certain beliefs, run contrary to one's deeply held ideas concerning matters of fact and/or of value. It is therefore mistaken to suggest that the reason why majority rule can only apply to civil society but not to the church is that in the latter it is a question of factual or moral judgments (embodied in officially formulated doctrines), viz. the kind about which conscience should be left free and not be compelled to believe, for the same is true in civil society as well. Economic, social, and cultural policies are always the expression of factual and moral assumptions and so might run counter the conscience of the individual citizen just as theological or moral directives can run counter the conscience of the individual Christian. For the same reason, the statement that majority decisions about faith and morals cannot bind conscience is both a truism—freedom of conscience means precisely that—and misleading, to the extent that church councils throughout history have indeed made foundational doctrinal decisions by majority and, while their enforcement often enough did not respect freedom of conscience, still sometimes it did, and the minority could either come to receive them or, if agreement continued to be regarded as impossible and the matter was serious enough, opt for a 'schism' and decide to become autonomous. It follows that the above solution to the question whether it can ever be responsible to delegate the choice to the majority will apply equally to the church and civil society.

5.11 Majority and Relativism

A common opinion among political philosophers suggests that democracy in general and majority rule in particular is intrinsically linked to relativism, inasmuch as it affirms the impossibility of attaining objective cognitive and moral knowledge.[113] This is why it settles for simply envisaging (the outcomes of) a certain ideal procedure (e.g. majority

[113] For an overview and discussion of works arguing this, see John Livingston, 'Liberalism, Conservatism, and the Role of Reason', *The Western Political Quarterly* 9, no. 3 (September 1956), 641–57. Noteworthy is also Hans Kelsen, 'Absolutism and Relativism in Philosophy and Politics', *American Political Science Review* 42, no. 4 (1948), 906–14 (913–14); also his 'The Foundations of Democracy', in *Ethics* 66, no. 1 (1955–56), part 2, pp. 1–101.

rule) as *objectively* (if contradictorily) better than others in some ways, and, most significantly for present purposes, *as the best substitute for an unverifiable epistemic and moral correctness* (see discussion in section 5.12 below on 'Legitimation and Legitimacy').

Such an understanding of majority rule as having no apparent link with the search for truth in politics has been accepted in several official pronouncements of the RC episcopal magisterium.[114] On the one hand, the tendency is condemned to regard the wish of the majority as always binding and true, in a manner resonating with Richard Rorty's tribal view of truth as localized consensus or 'that which is deemed good in these parts'.[115] On the other, there is a parallel insistence that 'truth cannot be created by the majority; it can only be found'.[116] Indeed, democracy or majority rule in the church would be an alternative to fidelity to the Truth.[117]

Such a position has been pinpointed as one of the central ecclesiological misunderstandings.[118] In effect, the mere fact that the majority can err is not a sufficient reason to give a positive answer. Christian theology does regard human reason (as well as human conscience) as fallible, and indeed as often mistaken, but it does not conclude from this to denying reason an intrinsic bond with the truth, and conscience an inner bond with the good. In a similar way, the Congregation for the Doctrine of the Faith recently reaffirmed that even reason especially helped by the Spirit—as in the case of the Magisterium in its ordinary, prudential and 'non-definitive' pronouncements—can

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[114] For example, Pope John-Paul II, '*Centesimus Annus*. Encyclical Letter on the Hundredth Anniversary of *Rerum Novarum*', (1st May 1991), §46 available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus_en.html; also '*Evangelium vitae*', §§68–70 (esp. §69); also Joseph Cardinal Ratzinger, *Principles of Catholic Theology. Building Stones for a Fundamental Theology*, trans. Mary Frances McCarthy (San Francisco: Ignatius Press, 1987), 325. Most contemporary political philosophers agree that 'Mere procedural fairness is a very weak reason to obey when I believe the outcome is morally mistaken', David Estlund, 'Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority', in James Bohman and William Rehg (eds.), *Deliberative Democracy. Essays on Reason and Politics* (Cambridge MA: MIT, 1997), 173–204 (195).

[115] One of the most perceptive and thorough analyses of Rorty's epistemology, including its political ramifications, is Murray, *Reason, Truth and Theology in Pragmatist Perspective*, 23–90 (esp. 79–87).

[116] Joseph Cardinal Ratzinger with Vittorio Messori, *The Ratzinger Report*, trans. Salvator Attanasio and Graham Harrison (San Francisco: Ignatius Press, 1985), 49, 61; reiterated more recently in Ratzinger with Peter Seewald, *Salt of the Earth. The Church at the End of the Millennium*, trans. Adrian Walker (San Francisco: Ignatius Press, 1997), 145: 'the extending of the majority principle to questions of doctrine' is 'nonsensical, because doctrine is either true or not true, which means that it's not a matter to be decided by majorities…'.

[117] Thus recently, for instance, then Bishop Donald W. Wuerl (now archbishop of Washington, D.C.), 'Reflections on Governance and Accountability in the Church', in Francis Oakley and Bruce Russett (eds.), *Governance, Accountability and the Future of the Catholic Church* (New York/London: Continuum, 2004), 13–24 (17–18).

[118] Schillebeeckx, *Church. The Human Story of God*, trans. by John Bowden (New York: Crossroad, 1994 [1989]), 218–19 (219); also Miroslav Volf, *After Our Likeness: The Church as the Image of the Trinity* (Grand Rapids MI: Eerdmans, 1998), 253, for some complementary considerations.

sometimes be mistaken, whilst immediately adding that it does not follow thereby that such an official teaching authority has no intrinsic bond with truth.[119]

The responsible character of the choice to delegate to the majority is already suggested by its extraordinary historical and trans-cultural diffusion. Far from being dictated by relativism, such choice is ordinarily justified because of one of the following circumstances. The first is simply a situation of doubt as to the best course of action among those proposed. In such a case of 'doubtful conscience', the choice to delegate to the majority is the result of a judgment that, on the presumption of a roughly equal competence of those going to deliberate, the more numerous the deliberating heads, the greater the probabilities for a more attentive, intelligent, correct, responsible deliberation. The decision of the majority is therefore in principle preferable to that of the minority, granted, of course, a statistical equivalence among the competence of the voters. In such case, to opt for majority voting is not relativism, but *a prudential principle of choice by a doubtful conscience in a situation where a decision cannot be postponed anymore*.

The second circumstance which makes delegation to the majority both reasonable and responsible is when, among the courses of action envisaged, some are in fact deemed objectively better than others, and yet all of them are considered acceptable, if to different degrees. In such a situation, the worst scenario would be when one or more of the courses of action envisaged are deemed to a certain degree immoral, but tolerable (as opposed to intolerable or completely unacceptable). Even in this case, however, delegation to the majority could still be justified by means of the principle of the *lesser* (or, more accurately, *least*) *evil*.[120] Such delegation would responsibly follow a concrete judgment that, despite all, common action would produce a lesser evil than what would ensue from inaction. In such a case, the minority is not forced to regard the majority's

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[119] '*Donum Veritatis*. Instruction on the Ecclesial Vocation of the Theologian', (24th May 1990), §§22–3, available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19900524_theologian-vocation_en.html. On the 'presumption of truth' to be granted to the ordinary magisterium, a consequence of the theological view just mentioned, see Hermann Pottmeyer, 'Reception and Submission', *The Jurist* 51, (1991), 269–92.

[120] Indeed, in some situation one could even tolerate an unacceptable evil, such as a legislation in favour of abortion, for the sake of 'limiting the harm done by such a law and [...] lessening its negative consequences at the level of general opinion and public morality', for such action would not 'in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects'. John Paul II, '*Evangelium Vitae*. Encyclical Letter on the Value and Inviolability of Human Life' (25th March 1995), §73. For a concise illustration of the general moral principle supporting this, see James T. Brezke, 'The Lesser Evil', *America* 129, no. 11 (26th March 2007), available at http://www.americamagazine.org/content/article.cfm?article_id=5371; a lengthier and very thorough treatment is Georg Spielthenner, 'Lesser Evil Reasoning and Its Pitfalls', *Argumentation* 24 (2010), 139–52.

resolutions as true or good: indeed it will continue to regard them as mistaken or immoral, but will nevertheless tolerate them for the sake of continuing cooperation, granted the limits and conditions to the action of the majority outlined above. In such a situation such a justification of the delegation to the majority is based on the above mentioned distinction between permitting/tolerating, and, on the other hand, collaborating: when it is impossible to obtain a better result, it can be 'lawful to tolerate a lesser evil [which one considers acceptable] in order to avoid a greater evil'.[121] ('Acceptable' here means that the evil in question is not considered to be such 'intrinsically', i.e. 'regardless of the circumstances and independently of the consequences'[122]).

All the above, of course, only applies to a *responsible* delegation to the majority, viz. one in which the previously mentioned conditions are realized: necessity to decide; relevant and roughly equal competence of the voters of the group to whose majority decision-making authority will be delegated; the right to conscientious objection on matters which impinge on the absolute principles of the delegants, as mandated by subsidiarity.

To sum up, one can answer to the objections against majority rule by saying: firstly, that democratic rules aim to ensure that majority rule is a prudential and thus responsible procedure functional to the pursuit of the best choice available; secondly that, in a democratic system, the conditions for delegation to be responsible, and specifically the principle of subsidiarity, do not permit majority decisions to become majority dictatorship. If the above analysis is correct, it proves mistaken the two remaining RC magisterial arguments—after an anti-historical interpretation of divine-right ecclesial structure and the appeal to the church being a mystery have been discarded as lacking any positive scriptural or traditional foundation—justifying the rejection of majority rule (and, by extension, democracy[123]) in the church: namely, that such procedure has no link with the discovery of what is true and what is good, and worse, that it is potentially totalitarian in the sense of contrary to freedom of conscience.

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[121] Paul VI, '*Humanae Vitae*. Encyclical Letter on the Regulation of Birth' (25th July 1968), §14, available at http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_25071968_humanae-vitae_en.html.

[122] Spielthenner, 'Lesser Evil Reasoning and Its Pitfalls', 142.

[123] The rejection of majority rule, if held consistently, entails the rejection of democracy. It would deprive the practice of delegation of all reasonableness and morality, and would likewise turn the conception of authority expounded so far into a dehumanizing aberration, viz. a minority exercising tyrannical coercion over the majority.

5.12 Legitimation and Legitimacy of Authority

As noted, it is the community, as the living depositary of a common tradition of meanings and values, which is the carrier of power; and it is always the community's consent which is the origin of authority, both of the authority of tradition, by consensually receiving the common fund of meanings and values, and of the authority of institutional authorities, through delegating decision-making power to certain individuals and/or groups (i.e. the authorities) in order to maximise the exploitation of that traditional fund of meanings and values.

Now, there might at times be a contradiction and even conflict between some of the meanings and values embedded in, respectively, the tradition, official authorities, and the current existing consent of the members of a community. For, although tradition, official authorities, and the current existing consent only have authority because they have been and are accepted by the community's members, still that does not exclude that, in periods of cultural development, some of the meanings and values embedded in tradition (customs and norms) or in institutions (all societal structures, from the family upward, as well as laws and the legal system) do not anymore resonate with the latter's shifting cultural outlook, and may therefore be abandoned and even rejected. Alternatively stated, changing situations require fresh and often creatively original answers at the societal as well as cultural levels. Cultural development may prompt and even require the revision of traditional understandings of some institutions (from the family up to the state).

It should be noted that the problem of the three potentially conflicting loci of authority in the community is the same underlying the issue of reconciling popular sovereignty with a fundamental set of constitutional laws and/or human rights. The problem arises because the framework provided by the latter provides values and norms which—however enabling of the democratic process—functions as constraints for the exercise of the former.[124] Again, it has also been articulated as the problem of

[124] An essay addressing this last problem is Habermas, 'Constitutional Democracy: A Paradoxical Union of Contradictory Principles?', *Political Theory* 29, no. 6 (December 2001), 766–81; also 'Popular Sovereignty as Procedure', in Bohman and Rehg (eds.), *Deliberative Democracy*, 35–66; 'Law and Morality', in Sterling M. McMurrin (ed.), *The Tanner Lectures on Human Values*, trans. Kenneth Baynes (Salt Lake City: University of Utah Press, 1988), vol. VIII, 217–79 (230): 'Legitimacy is possible on the basis of legality insofar as the procedures for the production and application of legal norms are also conducted reasonably, in the moral-practical sense of procedural rationality. The legitimacy of legality is due to the interlocking of two types of procedures, namely, of legal processes with processes of moral argumentation that obey a procedural rationality of their own.'

reconciling 'procedural' democracy with a 'substantive' set of basic rights.[125] Finally, as noted earlier (5.7.1), the problem has also been construed as the one of determining whether ultimate authority belongs to a supreme monarch or a set of constitutional laws.

The already mentioned answer to this last point applies to the more general problem underlying the other dilemmas as well: namely, ultimate political authority in a community should not be identified simply with the established political pattern—and so with whatever it recognizes as a supreme authority be that a sovereign monarch, a prime minister, a set of constitutional laws, a set of universal rights, and so on—but rather should be understood as based on the evolving, historically shifting consent of its members.

It is true, however, that the potential inconsistency or even conflict between a community's tradition, institutional authorities, and the current existing consent of its members requires the possibility of evaluating the epistemic and moral soundness (or 'authenticity') of their factual and value judgments, and therefore presupposes a cognitional and moral theory.[126] Authenticity just as inauthenticity are present on many levels (individual, social, cultural) of the community: (i) in (the beliefs constituting) the tradition or common fund of knowledge which, precisely through the procedure above labelled as *belief*, is formally constitutive of the community as a group sharing common meanings, (ii) in the community's (institutionalised) authorities (i.e. the people to whom political power has been delegated), and (iii) in the individuals themselves that are subject to the authorities and shaped by their tradition.

Hence the need for the crucial distinction between the authenticity (i.e. cognitive and moral correctness) that gives authority its *legitimacy*, and the assertion or acknowledgment of such legitimacy, that is, the *legitimation* of authority. Authority—whether of a community's received traditional norms; socially accepted practices; or

[125] Acknowledging it as a crucial yet still unsolved problem, Habermas devoted his last major work to suggesting a solution. For a more concise statement see Joshua Cohen, 'Procedure and Substance in Deliberative Democracy', in Bohman and Rehg (eds.), *Deliberative Democracy*, 407–437 (esp. 409–12).

[126] The necessity to evaluate their validity is one of the most important unresolved questions of contemporary political philosophy: 'what is the relationship of the (esoteric) *validity of rationally justifiable norms* to validity in the sense of *legal validity* (on the basis of institutionalized procedures for the justification of norms) and to the *social validity* of norms?', for 'the *conventional* validity of norms on the basis of traditions is always already placed in question in principle, once the problem of the *justification through rational arguments* is raised at all', Apel, 'Is the Ethics of the Ideal Communication Community a Utopia?', in Benhabib and Dallmayr (eds.), *The Communicative Ethics Controversy*, 37; also Habermas, 'Discourse Ethics: Notes on a Program of Philosophical Justification', in *ibid*., 60–110 (66–7): '[T]he "existence" or social currency of norms says nothing about whether the norms are valid. We must distinguish between the social fact that a norm is intersubjectively recognized and its worthiness to be recognized. There may be good reasons to consider the validity claim raised in socially accepted norm to be unjustified. Conversely, a norm whose claim to validity is in fact redeemable does not necessarily meet with actual recognition or approval.'

creative legislative process—is *legitimate* (as distinct from *legitimated*) only if it is 'authentic': namely, if it embodies objectively correct factual and value judgments. Legitimation is necessary for the institutionalisation of the relationship of authority: 'If there are to be authorities, then over and above their authenticity there is needed some external criterion by which their position can be publicly recognized.'[127] Such external criteria—which constitute institutional legitimation—are, in today's Western societies, those norms and laws, constitutional or otherwise, which regulate the delegation of power and authority (e.g. its scope, duration, and mechanisms of accountability).

The problem arises, however, that inasmuch as inauthenticity is pervasive at the individual, social, political (procedural) and cultural levels, there is no necessary link between the legitimation of authority and its legitimacy. Just as the implementation of a decisional procedure correctly embodying the normative epistemic and moral requirements of human intelligent understanding and responsible deciding is a guarantee not of infallibility, but simply of the fact that everything has been done to search for the correct solution, so analogously an authority legitimated in accordance with a society's well-devised legitimation procedures is not thereby automatically a legitimate (i.e. authentic) authority: institutional procedures may be in place facilitating the fulfilment of the cognitive and moral requirements in the selection of authorities, but they may be (mis)used by biased people and result in a biased outcome. Thus, a society's external criteria for *legitimation* are a necessary but not sufficient condition for the *legitimacy* of authority. The sufficient condition, Lonergan noted, must be authenticity: legitimation, on the other hand, albeit ideally coupled with authenticity, need not be accompanied by it.[128]

Legitimation will tend to approximate—whilst of course never being able to absolutely guarantee—legitimacy the more the institutional procedures it makes use of are in agreement with, and efficaciously implement, the intentional procedure for intelligent coming to know and responsible decision-making. Thus, a (democratic) procedure of legitimation which puts the structures in place for maximising the critical exploitation of the community's fund of cognitive knowledge and moral wisdom will be more likely to select and legitimatise authentic leaders than a procedure which does not make use of such wisdom and is therefore more likely to choose biased and thus

[127] 'Dialectic of Authority', in *ibid.*, 11.
[128] *Ibid.*, 9.

inauthentic authorities. It is also, as noted, the requirement for (the consent to) delegation to be responsible.

Of course, it remains true, as noted, that a community of largely biased people informed by a largely inauthentic culture will most likely choose for itself inauthentic authorities even were they to use sound (democratic) procedures for institutional legitimation. As it has been observed:

> Decisions are made by people. Good people may arrive at good decisions in spite of poor institutionalized procedures, when they are not wholly constrained by those procedures. Conversely, the best procedures in the world can be misused by people who are determined to do so. But the more complex the society and the longer our time-span the less likely it is that these divergences from the norm will be significant. This is not just a matter of probabilities sorting themselves out in the long term. Procedures have a constraining effect on what is registered and what is made of it, and the constraints tend to grow tighter the more deeply entrenched the procedures become.[129]

What an intelligent and responsible democratic institutional procedure for legitimation does, it must be reiterated, is not to guarantee always perfect results, but simply to heighten the probability of them occurring by maximising the critical exploitation of the community's common fund of knowledge (and thus its exercise of intelligence) and values (and thus its exercise of responsibility), where cognitive and moral biases are most easily detected through processes of free and public discussion.

5.13 Conclusion

This chapter has attempted to offer an initial examination of the socio-political categories most relevant to ecclesiology. The two main relationships of any collaborative enterprise, and thus also of any political community, are primarily (horizontal) *cooperation* and, in order to maximise its efficiency, *subordination*. Delegation has been seen as the intelligent and responsible decision which enables both horizontal cooperation through the delegation of non-specialised tasks (viz. complementarity, and division of labour), and vertical cooperation through the delegation of decisions and actions which cannot be taken at the local level but require the greater resources of a higher level within the community (viz. subsidiarity and authority).

[129] Burnheim, *Is Democracy Possible?*, 14.

A further interesting result following from this has been that of clarifying the normative conditions for any delegation to be responsible and not, on the contrary, a desertion of responsibility. A first general limiting condition is the one envisaged by subsidiarity, namely, that the delegate can only decide within the limits set by those delegating, and in any case can never make decisions which lie within the decisional and operational range of lower levels and/or of the individuals. It was further argued that other limiting conditions must obtain for a delegation to be responsible in highly specialised and differentiated societies where no one can be omnicompetent. Either (1) the representative is given a *specific mandate* in virtue of specialised competence; or when, (2) within a *generic mandate,* (i) the one delegating is reasonably sure the representative will use criteria for factual and value judgments similar to those she would have used; (ii) the delegate is only given a coordinative and supervisory role, viz. one which does not involve micro-managing a community's specialised authorities by dictating their policies, but rather is limited to a regulatory activity, which may include overseeing the selection as well as performance of all a community's authorities—whether experts or bureaucrats—and assessing (and when necessary limit it) against standards in agreement with the scale of values of (the majority of) the community; and (iii) the delegate is made legally bound to act in accordance with the technical reports worked out by the relevant specialised person(s) or commission(s), which have in turn been democratically assessed, selected and delegated to deal with issues in their field of competence. Finally, majority rule is also a responsible kind of delegation and a prudential means for the discernment of the true and the good.

Those are normative requirements. Any political organizational pattern should therefore abide by and embody them. To the extent that it does, it can properly be called a democracy. To the extent that it does not, it is something less than a democracy. But it is important not to remain fixated on words. This understanding of democracy differs somewhat from most if not all the contemporary ones. It might well be called differently: 'polyarchy',[130] 'demarchy',[131] '*κοινωνία*', '*διακονία*', 'authority-as-service', or what have you. The crucial point is that, however one labels it, any political organizational pattern is a responsible and thus moral one to the extent that it is structured around such normative elements of social ethics (from respecting the inalienable operational range of lower levels to fostering informed and responsible

[130] Borrowing from Robert Dahl, *Polyarchy: Participation and Opposition* (London: Yale University, 1971).

[131] Borrowing from John Burnheim, *Is Democracy Possible?*, 9, 13, 16, and *passim*.

delegation and delimitation of the competences of authority by the delegants); conversely, it is an immoral one to the extent that it does not.

The result is an understanding of democracy as defined by its capacity for enabling the rationality and responsibility of the delegation to authority, rather than exclusively or even primarily on the number of people to whom ultimate decisional power has been freely, intelligently, and responsibly delegated.[132] Put differently, in order to establish whether or not a regime governed by an individual alone is democratic, one must inquire about whether the conditions of the initial choice as well as the permanence (accountability) of the authorities can be responsibly accepted.

From this perspective, free and public discussion is a necessary feature for the very continuation of any community, if not for its establishment (fuller treatment at 6.7). It is, in effect, the only means whereby the common fund of experiences, insights, judgments of fact, and values is exploited. Besides bringing to the surface all the available knowledge and wisdom of the community, it also filters biased counter-positions, so that it is necessary for an informed assessment and selection of potential authorities and thus for a responsible delegation. The same rationale is behind allowing the (s)election—direct or representative—of officials by all those concerned.

This, it has been noted, is far from conceding a facile optimism whereby democracy and/or majority rule would be the infallible panacea for arriving at objectively correct decisions. It does affirm, however, that the authentic *legitimacy* (i.e. objective cognitional and moral correctness) of decisions concerning both the selection of authorities and common policies is more easily approximated by an institutional *legitimation* through a political arrangement which would put the structures in place for respecting the conditions of responsible delegation and enabling free and public discussion.

In light of the analysis advanced in this chapter, it follows that the true meaning and value of 'democracy' is that it is *the* method for, on the one hand, making responsible the collaboration of the individual with others whilst preserving her full

[132] 'One need not choose the same decision-making procedure for all contexts. It may be that rule by one, or a kind of monarchy, is a desirable form of rule for certain types of collective decision, say, military decision making. It may also be that rule by a few is desirable in circumstances wherein a great deal of expertise is required', Thomas Christiano, 'Introduction', in Christiano (ed.), *Philosophy and Democracy. An Anthology* (Oxford: Oxford University Press, 2001), 3–13 (5). 'What is important is that institutions and organizations are designed so they can revert to democracy as needed, on an issue-by-issue basis. Then most decisions can be made by trusted authorities, attended to by interested parties, or simply work through routine agreements, rules, habits, traditions, markets, or market-like mechanisms, without harm to democracy.' Mark E. Warren, 'What can Democratic Participation Mean Today?', *Political Theory* 30, no. 5 (2002), 677–701 (688, citation omitted).

freedom to act within her decisional and operational range and, on the other, maximising the intelligence and responsibility brought to bear in planning the common action of the group.

Finally, as it has been argued in the previous chapters, those insights from political philosophy and moral theory—themselves devised and assessed against a view (Lonergan's) of human intentional coming to know and deciding—should be taken as normative within the Christian community as well. If one's view of human being's cognitive and moral capacities can be quite influential on one's ecclesiology—as is most evident in the different ecclesiologies stemming from Augustinian and Thomist anthropologies respectively—it should not come as a surprise that one's (often implicit) view of human intentionality, as to how human beings come to know, decide and act, can be equally momentous. Just as the categories exploited by traditional systematic theology for the metaphysical and ethical study of the individual were built on the analogy of the supernatural dimension with the natural one, so too, likewise, the systematic categories of ecclesiology should be grounded on an analogy with those of socio-political studies. This is because the operative moral norms governing individual as well as public ethics and choices are universal, viz. do not vary for the Christian and the non-Christian.

Accordingly, the next chapter will offer, in light of what has been said so far, some critical reflections on the political organization of the Christian community, focusing in particular on some ecclesiological issues within Roman Catholicism.

6 A DEMOCRATIC ECCLESIOLOGY

6.1 Introduction

'Within the church [...] *power*—if by power we intend the ultimate responsibility [...] of bishops vis-à-vis the life of the church—*is not divisible*'. '[T]he bishop, being the foundation of the unity of his church, cannot delegate such responsibility of his to anybody, not even to a majority'. Indeed, the common judgment within a particular church 'is not measurable with mathematical criteria of majority. Rather, common judgment is not established as such until authority has spoken its last word'.[1] In what is arguably a direct deduction from such axioms, the late Pope John Paul II consistently reiterated that

> Dissent, in the form of carefully orchestrated protests and polemics carried on in the media, is opposed to ecclesial communion and to a correct understanding of the hierarchical constitution of the People of God. Opposition to the teaching of the Church's Pastors cannot be seen as a legitimate expression either of Christian freedom or of the diversity of the Spirit's gifts. When this happens, the Church's Pastors have the duty to act in conformity with their apostolic mission, insisting that the right of the faithful to receive Catholic doctrine in its purity and integrity must always be respected.[2]

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[1] All three extracts are from Cardinal Tarcisio Bertone, 'Chiesa e democrazia: analogie e differenze', (4th December 2008), available at http://www.vatican.va/roman_curia/secretariat_state/card-bertone/2008/documents/rc_seg-st_20081204_lectio-magistralis_it.html, my translations. Cardinal Bertone, then Secretary of State of the Vatican, reiterated such affirmations in the context of two *lectiones magistrales* at the faculties of canon law and theology of Venice, Italy and, Wroclaw, Poland in 2008 and 2010, respectively.

[2] '*Veritatis splendor*. Encyclical Letter on the Church's Moral Teaching', (6th August 1993) §113 (emphasis original), available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor_en.html. The points are made more thoroughly in '*Donum veritatis*. Instruction on the Ecclesial Vocation of the Theologian' (24th May 1990), §§21-41, available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19900524_theologian-vocation_en.html. The current RC magisterium is forcefully opposed to public dissent in the church even only against its own non-irreformable teachings, see esp. *ibid.*, §§30-1. One of the most famous implementation of that stance occurred with the condemnation by the CDF of distinguished moral theologian Charles Curran: one of the primary motivations for that sentence was precisely his public dissent towards some magisterial teachings on ethical matters, see Charles Curran, *Loyal Dissent: Memoir of a Catholic Theologian* (Washington DC: Georgetown University, 2006), 107, 124. Moreover, the new 1983 *CIC* introduced a completely new canon, can. 1371, further modified in 1998 (by means of Pope John Paul II's *motu proprio* '*Ad tuendam fidem*' available at http://www.vatican.va/holy_father/john_paul_ii/motu_proprio/documents/hf_jp-ii_motu-proprio_30061998_ad-tuendam-fidem_en.html), stating that those who dissent after a warning even from non-irreformable teaching must be punished with a just penalty: see the commentary in Canon Law Society of America, *New Commentary of the Code of Canon Law*, eds. John P. Beal, James A. Coriden, Thomas J. Green (Mahwah NJ: Paulist Press, 2000), 21–2, 275–6, 917; 1582–3.

All of those points, but the one on dissent, have been concisely re-stated more recently by Pope Benedict XVI in that crucial sentence of his letter expounding the official understanding of RC ecclesiology to the Chinese Catholics: 'The principles of independence and autonomy, self-management and democratic administration of the Church [are] incompatible with Catholic doctrine'.[3]

While the anti-democratic and authoritarian character of the RC Church which such quotations delineate might perplex an external observer unfamiliar with the history of Catholicism since the French Revolution, or indeed since the Reformation, it does not startle those who are acquainted with those recent chapters of the history of Christianity. Already before the Reformation the sharp rejection of the novel absolutist claims of such Popes as Boniface VIII and Innocent III made for an increased intransigence in proffering them. But it has been only with the events triggered by Luther that the widespread extent of the radical disagreements many Christians had with them eventually broke out concerning, among other things, several aspects of that centralization of power which the papacy had been building for itself. The unique scale and concrete consequences of the Reformers' rejection of papal authority has been such a shock for the papacy, that the latter has since clung to a very strong conception of its own authority, going as far as viewing it as the primary mediation and highest human source of all other authorities in the church, often enough claiming superiority to and thus obedience from even the secular authority of Christian rulers. That period also saw the almost complete abandonment of the ancient practice of democratic election of bishops by the entire local church (clergy as well as laity). Consequently, bishops became increasingly unrepresentative of, and so unaccountable to, their dioceses. Authority on and responsibility for the church became conceived as completely independent from the laity: instead, they became understood as the exclusive possession of the episcopal hierarchy, in virtue of an immediate empowerment from Christ, or at least from Christ through the pope, but in any case to the exclusion of the Christian people. The foundations were thus firmly in place for an understanding of the church as constituted primarily if not essentially by the clerical hierarchy, and only secondarily by the 'non-ordained', or laity. The laity merely provided a subsidiary cooperation, as part-time helpers, to the mission and apostolate of the church proper, i.e. the hierarchy—a

[3] Benedict XVI, 'Letter to the Bishops, Priests, Consecrated Persons, and Lay Faithful of the Catholic Church in the People's Republic of China', (27th May 2007), available at http://www.vatican.va/holy_father/benedict_xvi/letters/2007/documents/hf_ben-xvi_let_20070527_china_en.html. The target of such a statement is the understanding of RC ecclesiology advanced by the Chinese government.

cooperation, moreover, always subject to the latter's control.[4] This was to be concisely stated by Pope Pius X:

> [T]he Church is essentially an unequal society, that is, a society comprising two categories of persons, the Pastors and the flock […]. So distinct are these categories that with the pastoral body only rests the necessary right and authority for promoting the end of the society and directing all its members towards that end; the one duty of the multitude is to allow themselves to be led, and, like a docile flock, to follow the Pastors….[5]

It is important to recall such traditional views, so dominant and widespread until relatively recently, because they render less eccentric and more understandable to the outsider today's statements from the contemporary RC ecclesiastical establishment. Their common fundamental insight is that the responsibility for the common action and mission of the church resides entirely with the clerical hierarchy to the exclusion of the laity. The latter do not have any responsibility in determining the action of the church; their cooperation in it is apparently a matter of passive obedience, which does not require an assessment either of the intelligence and morality of the policy decisions taken by the church authority, or of the morality of cooperating with them, and certainly does not envisage any kind of public dissent from them. In the current intra-ecclesial discussion this is expressed by affirming that the laity cannot 'participate' in the power

[4] Probably the clearest instance of this is the way in which Catholic Action was—and still is—conceived and understood: as late as 1960, Pope John XXIII still spoke of it as 'this organization of the laity subsidiary to the hierarchical apostolate, a marvellous instrument for the penetration of Christian thought into all areas of life', cited in Joseph Komonchak, 'Subsidiarity in the Church: The State of the Question', in Hervé Legrand, Julio Manzanares, and Antonio García y García (eds.), *The Nature and Future of Episcopal Conferences* (Washington DC: The Catholic University of America Press, 1988), 298-350 (309 no. 26). Ironically, this understanding was the opposite of the one which had been advanced by his predecessor, Pope Pius XII, 'for whom it was the clergy who were subsidiary to the laity with regard to the *consecration mundi*', *Ibid*. Consult for further Jon Nilson, 'The Laity', in Peter C. Phan (ed.), *The Gift of the Church. A Textbook on Ecclesiology in Honor of Patrick Granfield, O.S.B.* (Collegeville MN: Liturgical Press, 2000), 395–413 (399–400); David McLoughlin, 'Authority in the Service of Communion', in Noel Timms and Kenneth Wilson (eds.), *Governance and Authority in the Roman Catholic Church. Beginning a Conversation* (London: SPCK, 2000), 123-36 (129); Edward Schillebeeckx, *Church. The Human Story of God*, trans. John Bowden (New York: Crossroad, 1990), 205. For a closer examination of its organizational structure in Italy, see the still very informative work by Gianfranco Poggi, *Catholic Action in Italy: The Sociology of a Sponsored Organization* (Stanford: Stanford University, 1967 [1963]), whose original title was the tongue-in-cheek 'Il clero di riserva', i.e. 'reserve clergy'.

[5] Pius X, '*Vehementer nos*. Encyclical Letter on the French Law of Separation', (11th February 1906), available at http://www.vatican.va/holy_father/pius_x/encyclicals/documents/hf_p-x_enc_11021906_vehementer-nos_en.html.

of governance of the clergy: the most they can do is to 'cooperate' with it, in a consultative way only and at the exclusive discretion of the hierarchy.[6]

At the same time, it should not be forgotten that the principles proffered in the above citations are far from being the common stance of Christians—or indeed of Catholics—vis-à-vis church government. They represent, nevertheless, the position currently endorsed by the current Roman Catholic establishment, and thus presented as the standard, official one of Roman Catholics worldwide.

That such illiberal views on church government are widespread among the Roman Catholic hierarchy is suggested by a simple fact. Any well-known, top political figure in a Western democracy who would publicly affirm the principles that political power is indivisible; that only and exclusively the mayor of a city or the prime minister of a country—and not any majority, whether a direct or representative one—have the non-delegable responsibility of exercising such indivisible, all-encompassing power; that dissent cannot be seen as a legitimate expression of freedom, and that due precautions should be taken so as to insure that citizens get the 'sound' philosophy and morality in their purity and integrity—'sound' as determined, of course, by the political establishment itself—would trigger in the political establishment of that country, never mind in its public opinion, sharp criticisms as well as calls for resignation, and the unfortunate politician would quickly find him- or herself isolated and disgraced.

In contrast, the frequent reiteration of such principles by top Roman Catholic officials since Vatican II has hardly ever produced any public reaction, much less criticism, among the hierarchy. Given, on the one hand, the foundational character and momentous importance of the principles at stake for the very constitution as well as responsible development of any community and, on the other hand, the frequency with which the above statements have been publicly made, it cannot easily be argued that such a lack of response by the worldwide episcopate depends on inattention and ultimately ignorance about them. The most plausible hypothesis is that such principles are essentially shared by the RC episcopate. Hence the need for critically analysing them in light of what has been said in the previous chapter.

The argument which follows will begin by addressing the nature of ecclesial authority (6.2). After having recalled in section 6.3 the few ethical norms for responsible cooperation outlined in chapter five, I will move to analyze the two

[6] The canonical difference between 'cooperation' and 'participation' will be briefly outlined below, 6.4.

interrelated dysfunctional centralizations which hinder the fulfilment of those norms in the current RC Church. Section 6.4 will be devoted to the centralization of competences occurring from the existence at many decisional levels in the church—parish, diocese, worldwide communion—of a single supreme authority whose competence is *de iure* all-encompassing. The second centralization, examined in 6.5, concerns the disregard of the principle of subsidiarity (or principle of subsidiary function), occurring when a higher authority, instead of being limited to deciding and acting on those specific domains only which individuals and lower levels, following their inalienable responsibility, have deemed beyond their reach and have thus responsibly delegated, exercise an intrusive micro-management of the decisions and actions lying within the lower levels' operational range.

Sections 6.6 and 6.7 are closely linked. The former briefly sketches, on the basis of the thought of Bernard Lonergan, the influence of socio-political structures and cultural/religious tradition on the individual, and the necessity of constantly purifying the meanings and values informing them. The latter focuses on the consequent essential role free and public discussion has for, on the one hand, the very formation of a community of shared meanings and values and, on the other—by allowing the formation of an informed public opinion—for a greater efficiency in the related, ongoing needs to both foster the community's progress and reverse its decline. Free and public discussion will emerge as the chief way—as far as strictly human means are concerned—of correcting and healing the unjust and unchristian elements which, due to human frailty and fallenness, inevitably attack to variable extents both socio-political structures and cultural and religious traditions.

6.2 Human Consent and Divine Institution: The Nature of Ecclesial Authority

With reference to the nature of authority in the church, the current RC default instinct is to oppose the 'merely human' authority and the ecclesial one, the former constituted by human consent while the latter by divine institution. Yet a different yet thoroughly traditional view holds that, in Nicholas of Cusa's classic statement,

> every ecclesiastical or spiritual rulership was established by Christ through the mediation of human consent. For legitimate superiors are those established by the consent of their subjects. We are obliged to obey

> them because of having given them our consent as established in authority by men from among men.[7]

Not even the pope's authority, he insisted, is unmediated by the consent of the church: the only possible alternative, he added, would be if there is 'some miracle or sign that God wished someone to rule before he had obtained the consent of the faithful (in which case all Christians would be obliged to obey the divine command)'.[8] Differently put, God was ordinarily understood as acting through secondary causes—specifically, the customary electoral procedures or, in Nicholas of Cusa's more fundamental perspective, human consent.

As touched on above, contrary to such a consensual view of ecclesial authority is the current official RC ecclesiology, essentially based on what is known historically as the divine-right theory of authority. Its foundational principle, often repeated by papalist theologians, is that all powers in the church come from Christ, either immediately (as it happened during his lifetime, e.g. when he choose Peter and the Apostles), or mediately, i.e. through the pope and the bishops as only successors of Peter and the Apostles to whom alone Christ had historically bestowed the self-mediating supernatural *sacra potestas*. The point has been made most concisely in a recent introduction to RC canon law:

> the power of jurisdiction has been bestowed by Christ to the Apostles; therefore, it is possessed primarily by the pope and the episcopal college with regard to the universal church, and by each of the diocesan bishops with regard to the particular church they preside. [...]
>
> The power of jurisdiction admits a vast delegation to secondary bodies; however the power of such bodies is always delegated and, therefore, dependent on and derived from the power of the pope or of the diocesan bishop. There are no phenomena of jurisdiction which are not reconducible to the above mentioned primary organs, insofar as jurisdiction proceeds from Christ, who transmitted it to the Apostles and only to them.[9]

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[7] *The Catholic Concordance*, Paul E. Sigmund (ed. and trans.) (Cambridge: Cambridge University Press, 1991), bk. ii, no. 262 (p. 202); also nos. 124 (p. 95), 130 (p. 100), 132 (p. 101), and *passim*.

[8] *Ibid*. Thus J. N. Figgis correctly summarizing Nicholas of Cusa's position as affirming that 'the consent and agreement of the Christian community is the origin of Papal authority, which is a delegation from the people, and may be removed at their will'. *Political Thought from Gerson to Grotius, 1414–1625: Seven Studies* (CUP, 2nd ed. 1916, reprinted by the Thoemmes Press, Bristol, 1998), 52.

[9] Javier Hervada, *Elementos de derecho constitucional canónico* (Pamplona: Ediciones Universidad de Navarra, 2nd ed. 2001 [1987]), 237, my translation, available at http://www.javier.hervada.org/edcc.pdf.

Such a theory is behind several crucial contentious issues in current RC ecclesiology. For instance, as then Cardinal Ratzinger observed, it is the reason for the present denial that regional, national, and international synodal and conciliar bodies can exercise any proper and ordinary (as distinct from delegated) jurisdictional power, as well as for the concurrent affirmation that they can only exercise as much jurisdictional power as the pope delegates them.[10] All ecclesial institutions of ecclesiastical (as distinct from divine) right—i.e. everything but the papacy and personal episcopacy—receive their jurisdictional power from delegation by the pope (or, in the case of diocesan bodies, from the local ordinary). In theory, the worldwide episcopal body together with the pope is also the wielder of supreme absolute power in the church. In practice, however, there are no canonically enshrined *ordinary* structures (as distinct from extraordinary institutions, such as ecumenical councils) for the worldwide episcopal body to act collegially—whether to govern or even only to delegate powers.

Far from having been superseded by Vatican II, the old theory that all jurisdictional powers in the church derive ultimately from the pope has only been mitigated, not rejected, by that council's endorsement of the theological doctrine that bishops derive their *sacra potestas* immediately from Christ. In effect, a crucial passage of the famous *Nota explicativa praevia* appended to *Lumen gentium* distinguishes the *sacra potestas* received through episcopal ordination, and the 'canonical or juridical determination through the hierarchical authority [i.e. the pope or, in the Oriental Churches in communion with Rome, the patriarch]. This determination of power can consist in the granting of a particular office or in the allotment of subjects, and it is done according to the norms approved by the supreme authority.'[11] Such a distinction means, concretely, that while bishops may receive their *sacra potestas* directly from Christ, they depend on the pope for the legitimate (as distinct from valid) exercise of such power, which includes the jurisdictional power. Such a view, which does not modify the substance of the traditional papalist position, appears to have been enshrined in the post-Vatican II reform of canon law, if the conclusion of a recent study on the role of diocesan bishops in the current canon law is true that 'the general determinations of the Code concerning the episcopate and the diocesan bishop, as well as the standard understanding of this ministry in the determinations of the Code, describe the diocesan

[10] 'Questions about the Structure and Duties of the Synod of Bishops', in *Church, Ecumenism and Politics: New Essays in Ecclesiology*, trans. Robert Nowell (Slough: St Paul, 1988), 51–68 (57).

[11] *Nota explicativa praevia* no. 2, available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html.

bishop as being juridically a functionary of the Pope'.[12] In such a way, the pope maintains an indirect control over all jurisdictional powers in the church, including those of local, national, and supra-national synods and councils, which only exist by papal delegation.

The first reason for rejecting the view that ecclesial authority comes from Christ through Peter, the Apostles, and their successors, to whom alone Christ had directly bestowed the self-mediating supernatural *sacra potestas*, is simply that such view is based on a mistaken exegesis without valid scriptural bases.

The second reason is that the divine-right construal of church authority is based on a flawed understanding of the relationship between divine action and human cooperation. Indeed, that is the crucial issue lying at the very heart of the divergence between the divine-right and the consensual understandings of ecclesiastical authority, as it can be glanced in one the main arguments in favour of the former and against the latter. The NT, such argument goes, appears to describe church offices as a particular kind of charisms. But charisms have an exclusively pneumatical origin. Hence, the authority of the charismatics (including office-holders) comes directly from God and thus is in no way dependent on the community's consent for—and that is the crucial point—that would entail an unacceptable 'control' over the Spirit, forcing the Spirit to bestow the required charism of leadership to the chosen person.[13]

However, it has long been generally acknowledged that God ordinarily acts in a way which preserves the laws of creation, even when perfecting their proper nature and working: which, in the case of the establishment of ecclesial (as well as civil) authority, means that the divine action occurs through human beings' freedom and concomitant responsibility of discerning and evaluating the best available candidate for office, even while assisting and perfecting them. The only alternative is to maintain that God ordinarily acts without any human cooperation, bypassing human freedom and responsibility: so that God would somehow impose (and potentially force) ecclesiastical authority on (and potentially over against) the freedom, intelligence, and thus responsibility God has endowed his human creatures with—something in effect touched on by Cajetan when forced to describe the church as a 'servile' society (4.4). There is

[12] As canonist Georg Bier concisely observed, it is 'the pope [who] determines the extent of the diocesan bishop's power of governance [*Leitungsgewalt*, or *potestas regiminis*].' 'Das Verhältnis zwischen Primat und Episkopat. Anknüpfungspunkt für einen ökumenischen Konsens über den Petrusdienst?', in Wolfgang Bock (ed.), *Gläubigkeit und Recht und Freiheit: Ökumenische Perspektiven des katholischen Kirchenrechts* (Göttingen: Vandenhoeck & Ruprecht, 2006), 53–76 (59).

[13] Thus Joseph Ratzinger, 'Demokratisierung der Kirche?', in Ratzinger and Hans Maier (eds.), *Demokratie in der Kirche: Möglichkeiten, Grenzen, Gefahren* (Limburg: Lahn-Verlag, 1970), 7–46 (26).

but one significant historical instance in which 'ecclesial' officials might be understood as having been established immediately by God: namely, Jesus' selection of the original Twelve. But since Jesus' ascension, the process of selecting ministers and leaders for the embryonic church has inevitably followed the pattern of divine-human cooperation outlined above: indeed, already Matthias was to be chosen by the entire community, although certainly under the Spirit's assistance (see Acts 6).

The same insights about the relationship between God's action and human cooperation are also implicitly entailed by Cyprian's understanding of the *vox populi* as the *vox Dei* in the context of the selection of bishops (see 2.2, no. 24). Cyprian's conception also suggests, by the way, how foreign to the mind of the early church was the view regarding the common judgment and consent of the church as a control over the Spirit.[14] The same insights were, again, to be expressed more explicitly in Nicholas of Cusa's above mentioned assertion that, unless clear evidence exists of a miraculous—and thus by definition extraordinary—divine intervention, God is to be understood as ordinarily acting through the consent of Christians. This is not to deny that all authority, both civil and ecclesiastical, comes from God, as already Paul had stated. Rather, it agrees with a central affirmation of the Scholastics—and especially the Dominicans of the Salamanca School—that while God is indeed the *causa prima* of authority, it is human consent which is ordinarily its *causa secunda*.[15] This has long been understood to be the case in the civil and ecclesial societies alike. The only difference should be sought, then, in the motivation for such consent: in the political sphere, that was identified with the fulfilment of temporal needs, while in the Christian community delegation to ecclesial officials was motivated by the fulfilment of Jesus' mandate both to spread the Good News and to contribute in different ways to the coming of God's kingdom on earth. Because such mandate can only be accepted in faith, the basis of the delegation to church officials is ultimately the supernatural assent of faith. But this only difference, as noted, was not seen as incompatible with the fact that the essential requirement of authority—the free, informed assent of intelligent and responsible individuals—remained analogous in both cases. While, then, it is theoretically legitimate to argue that God in appointing church authority routinely

[14] Cyprian explicitly wrote more than once his conviction that God, with whom the real decision in episcopal elections lies, speaks through the voice of the people (*Epist.* 43, 1; 55, 8; 59, 5; 68, 2). See also the analysis in Peter Norton, *Episcopal Elections 250–600: Hierarchy and Popular Will in Late Antiquity* (Oxford: Oxford University Press, 2007), 12–3.

[15] A point first made officially, to my knowledge, by Pope Leo XIII, '*Immortale Dei*: On the Christian Constitution of States', (1st Nov 1885), §§3–4, quoted in 2.5, no. 91.

makes a miraculous exception and bypasses the requirements of freedom and responsibility of his creatures, still, because mainstream Christian theology regards the continuity between nature and grace to be the norm, the burden of proof lies with those wanting to uphold such an admittedly momentous exception to that rule.

The reflection on political authority has been quicker to accept such insights than that on ecclesial authority, and so we see that what John Neville Figgis observed long ago with regard to the 'desacralization' of the former can nowadays fittingly describe what is happening with regard to the latter:

> the theocratic [...] conception of political right has gone from the educated world. Providence, doubtless, has to do with politics as with other human affairs, and all Theists must allow that political associations have some divine sanction. But most are now agreed to relegate the part of Providence to that of final cause. There has been a revolution in political thought, not dissimilar to the substitution of efficient for final causes as an account of natural phenomena. [I]nstitutions and all alleged rights must be able to show some practical utility if their existence is to be maintained.[16]

More recently, Andrés Torres-Queiruga has argued that the very same reasons which recent magisterial teaching highlighted to 'desacralise' civil authority must be applied to the church.[17] One of its most concise statements, whose ecclesiological transposition is easily made by simply substituting the word 'church' to the word 'State', can be found in Pope John XXIII's encyclical *Pacem in terris*:

> The fact that authority comes from God does not mean that men have no power to choose those who are to rule the State, or to decide upon the type of government they want, and determine the procedure and limitations of rulers in the exercise of their authority. Hence the above teaching [about the divine origins of authority] is consonant with any genuinely democratic form of government.[18]

[16] John Neville Figgis, *Political Thought from Gerson to Grotius*, 16; also Francis Oakley, 'In Praise of Prolepsis: Meaning, Significance, and the Medieval Contribution to Political Thought', *History of Political Thought* 27, no. 3 (Autumn 2006), 407–22 (414–5).

[17] 'Vatican II and Theology', *Concilium* 4 (2005), 21–33 (31).

[18] '*Pacem in terris*. Encyclical Letter on Establishing Universal Peace in Truth, Justice, Charity and Liberty' (11th April 1963), §52 (see also *GS*§74), available at http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html.

If it is true, then, that '"*Ius divinum*" is the atomic bomb of the reactionary',[19] it is also true that it is increasingly evident to Christians in general and Catholics in particular that such a 'nuclear' deterrent to change is non-existent.[20]

Further clarification from tradition can be had from one of the Scholastics' central theological insights concerning divine-human cooperation, affirming that *facienti quod in se est, Deus non denegat gratiam* (God does not deny grace to the one who is doing within one's power). Or, as Saint Ignatius de Loyola supposedly put it, 'Pray as though everything depended on God, and work as though everything depended on you'.[21] From this perspective, to understand an institutionalized procedure for evaluating and selecting candidates to church office as an unacceptable control over the Spirit and the mediation of grace is as mistaken as understanding a prayer of petition, or a genuine human effort to achieve something with God's help, as doing the same. More specifically still, if requiring the people's consent to candidates for church office (and specifically ordination) is understood as an absurd control over the Spirit, then so should be the requirement—common to Paul, the mainstream Christian tradition, and canon law—that the community evaluate the presence of certain 'qualifications' or dispositions in candidates to office/ordination. Again, it should also be noted that the same people who affirm that elections would bind the Spirit to the human will of the majority also ordinarily assert that the exercise of all other charisms is dependent on their being assessed by office-holders.[22] This makes the authority of all other

[19] Piet F. Fransen, 'Criticism of Some Basic Theological Notions in Matters of Church Authority', in Leonard Swidler and Piet F. Fransen (eds.), *Authority in the Church and the Schillebeeckx Case* (New York: Crossroad, 1992), 48–74 (67).

[20] For complementary reflections on Christians' freedom to devise the polity of their own faith community, see the opening paragraphs of Lewis S. Mudge, 'Ecclesia as Counter-Consciousness' [1971] in *Rethinking the Beloved Community. Ecclesiology, Hermeneutics, Social Theory* (Lanham, MD: University Press of America, 2001), 63–75 (63).

[21] Joseph de Guibert, SJ, *The Jesuits: Their Spiritual Doctrine and Practice*, trans. William M. Young (Chicago: Loyola University, 1964), 148, no. 55; consult also J. P. M. Walsh, 'Work as if Everything Depends On—Who?', *The Way Supplement* 70 (Spring 1991), 125–36.

[22] In contrast, the official RC position can be found in *LG* §7; also e.g. John Paul II, '*Christifideles laici*. Post-Synodal Apostolic Exhortation on the Vocation and Mission of the Lay Faithful in the Church and in the World', (30th December 1988), §24, available at http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_30121988_christifideles-laici_en.html. More specifically, for instance, while Vatican II is explicit that priests are empowered by Christ rather than the bishops ('*Presbyterorum ordinis*. Decree on the Ministry and Life of Priests', [7th December 1965], §§12, 2, 5, available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651207_presbyterorum-ordinis_en.html; '*Ad gentes*. Decree on the Mission Activity of the Church', [7th December 1965], §39, available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651207_ad-gentes_en.html), still the 1983 Code of Canon Law gives the diocesan bishop full discretionary power in the selection and appointment of priests to specific parishes (cann. 523–4), see Robert Ombres OP, 'What Future for the Laity? Law and History', in Noel Timms and Kenneth Wilson (eds.), *Governance and*

charismatics dependent on institutional legitimation, and yet that is not ordinarily condemned as 'control' of the Spirit.[23] In fact, the correct insight that charisms must be somehow assessed and legitimated provides the answer *ad personam* to the objection appealing to their divine origin: this latter does not exclude the human mediation in the sense of the responsibility of those on behalf of whom the charism has been given to evaluate both its prerequisites, if any, and its authenticity.

The problem, then, becomes that of finding the best way for discerning the Spirit's charisms—or, if one wants to contend that ordination bestows such charisms *ex opere operato*, for discerning the proper dispositions for receiving them. In any case, the way of discerning the right person has since the very beginning been a matter of working out the most appropriate human technique, in the conviction that the Spirit always works through human means. Such human means are the specific object of political philosophy, and so we see throughout history a close symbiosis between the latter and ecclesiology.

Now, several scriptural passages and the earliest tradition witness that an electoral procedure was considered as the best means to discern charisms—including the charism of office—and consequently to appoint ecclesial office-holders. Besides the instances mentioned in 3.3, suffice here to recall the most unambiguous scriptural examples we have in this regard, viz. the selection of Matthias and the Seven (Acts 1.15–26 and 6.1–6 respectively) by the local congregation.[24]

So it is that, in virtue of its scriptural basis and apostolic origins, the election of church officials and more specifically bishops by the local church has been considered by many Fathers, and most famously by Cyprian with all the bishops of Northern Africa, and Leo I, to be nothing less than of divine institution. They accordingly regarded it as the only proper procedure, all others being illegitimate under ordinary

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Authority in the Roman Catholic Church. Beginning a Conversation (London: SPCK, 2000), 91–102 (100). The post-Tridentine hierarchy has even arrogated to itself the selection of seminarians, setting in canon law strict guidelines for assessing the authenticity of what is elsewhere judged to be a divine personal calling *originally* independent of any ecclesial mediation. And the papacy of the last century and a half has proceeded to the current centralization of worldwide episcopal appointments. In other words, in the current organizational layout of the RC Church, the discernment of whether a certain individual possesses a God-given charism, which was once the prerogative of the whole church, has been exclusively restricted to the episcopal hierarchy and to the pope.

[23] Although contrast this with the argument condemning precisely institutional legitimation as 'control' over the Spirit advanced in Emil Brunner, *The Misunderstanding of the Church*, trans. Harold Knight (London: Lutterworth Press, 1952), 81–2.

[24] On the election of *ἐπίσκοποι* see Hermann W. Beyer, '*Ἐπίσκοπος*', in Gerhard Kittel (ed.), *Theological Dictionary of the New Testament*, trans. Geoffrey W. Bromiley (Grand Rapids, MI.: William B. Eerdmans, 1964), vol. II, 608–20 (616).

circumstances[25]—a judgment which was to be forcefully endorsed in more recent times by Blessed Antonio Rosmini.[26]

Precisely because the method to discern the best person available to fulfil a certain function—whether administrative or sacramental—has since the very beginning been a matter of working out the most appropriate human technique, we see that considerations in favour of the popular election of bishops have hardly ever been grounded exclusively on the properly theological sources just mentioned. Rather, they have also been endorsed by considerations which today would be called political, that is, stemming from insights into the organization of human community. This is particularly evident in the ecclesiological debates since the investiture struggle, when canonists and theologians soon realized that the practical quandary of deciding who (or which body) should appoint bishops could not be solved apart from the deeper issue regarding the locus of authority in the community and, specifically, from a judgment on the best procedures for information- gathering and assessing, and for responsible decision-making. Political philosophy proved to be coherent with the early ecclesiological practice by further clarifying why and how an electoral procedure is the best way of carrying out the discernment of church officials. One of the most important reasons, developed at some length by political philosophers and ecclesiologists such as Rosmini, is simply that *the discernment of the best person available to fulfil a certain office and function is best carried out through a free and public discussion of all the members concerned*—where all data, insights, judgments of fact and judgment of value can emerge and be critically assessed—*followed by an election*.[27]

But there are other reasons just as fundamental. To deny that the discernment of those members most apt to be church officials can be done by the local community and that accordingly it should be its own inalienable responsibility, means to deny the faithful the possibility of giving a responsible consent to the choice and appointment of

[25] For an historical survey see Joseph F. O'Callaghan, *Electing our Bishops: How the Catholic Church should Choose Its Leaders* (Lanham: Sheed & Ward, 2007), 7–118.

[26] For a thorough argument bringing together the scriptural, patristic, traditional, and political arguments in favour of episcopal elections see Rosmini, *The Five Wounds of the Church*, ed. and trans. Denis Cleary (Leominster: Fowler Wright Books, 1987 [1848]).

[27] See Rosmini, 'Letter III', *The Five Wounds*, p. 184: 'It is certain that private judgment, greatly influenced by particular longings and inclinations, is often deceived. [Besides,] a person acting alone cannot normally take into account all that has to be considered. On the other hand, a unanimous judgment is not so easily deceived nor affected by prejudice because […] individual leanings cancel one another out, and particular lights and insights gradually grow to completion in unity […]. Moreover, when everyone can state his opinion and the majority prevail, any suspicion of favouritism is eliminated, and all are assured that everything has been done to discover the truth. *The heightened possibility of finding the truth more easily when many agree, and its clearer recognition and acceptance by all, is a twofold reason prevailing in the ancient discipline governing the choice of bishops.*' (my emphasis, note omitted).

office-holders: and that means, in turn, to deny them the possibility of cooperating responsibly. It is therefore quite correct to underscore that the primary objection to any centralized system of appointment disregarding subsidiarity is *moral*—as Pope Pius XI did when he first formulated that principle[28]—rather than pragmatic or based on considerations of efficiency.

Again, the community's consent is required not only for the jurisdictional authority—which is natural and delegated by the community—but also for the sacramental authority—despite its supernatural character—because in both cases what the candidate to office/ordination will fulfil is a (jurisdictional/spiritual) *service* offered to free, intelligent and responsible individuals (a service which if imposed on unwilling subjects would be nothing but coercion), and as such it must rely on the consent of those to whom it is offered.

Finally, such consent, as noted, takes the form of a reasonable and responsible delegation which may be expressed by means of an election or by other institutional procedures. However structured, such a procedure should respect subsidiarity, that is the inalienable responsibility of each level, from the individual upwards, to determine both what is within and what is beyond the possibilities of one's competences and charisms. For the consent must not only be free, but also informed and thus responsible: and yet it cannot be such if the selection procedure is badly devised, and thus (1) does not sufficiently allow for information- gathering and assessing, i.e. the two necessary steps for an informed and thus responsible decision; (2) disregards subsidiarity by taking away the inalienable responsibility of those concerned to select for themselves as an authority the person(s) they deem most appropriate on the basis of their competence.

The current system of episcopal appointments in the RC church does not envisage any public discussion and largely deprives the local church of its inalienable responsibility to select for itself an overseer. Ninety-nine percent of the faithful of a local church are routinely excluded in any significant way from the discernment process, and their inalienable responsibility to discern and choose for themselves an authority disregarded. This would not be the case if all church officials were authorised by the community which, by recognizing their God-given charisma or humanly developed skill/expertise, would also delimit their area of competence. Authority,

[28] Pope Piux XI, '*Quadragesimo anno*. Encyclical Letter on the Reconstruction of the Social Order' (15th May 1931), §79, available at http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno_en.html.

whether sacramental or jurisdictional, does not come automatically from intellectual and moral competence/divinely bestowed charism, much less from the office itself. Rather, it comes from the (attentive, intelligent, reasonable, and responsible) consent given to the *perceived* (intellectual and moral) competence/charism of someone, and the consequent decision, if need be, to appoint/ordain him/her (compare 5.5). This is analogous to the distinction between the legitimacy and legitimation of authority: one must distinguish the legitimacy (i.e. authenticity) of the 'empowerment from above', of the divinely bestowed 'sacramental power to mediate grace'—or, more scripturally, of those charisms supernatural in origins—*per se*, from the legitimation to exercise it, which requires discernment followed by consent. If even Christ did not force his divine authority on anybody, but rather subjected his teaching to the acceptance of all people of good will, how much more should any authority in the church—whether spiritual/sacramental or jurisdictional—do the same, whatever the claims about its divine origins, and thus legitimise its exercise by the consent of the faithful it is supposed to serve.

The remarkable convergence of scripture, tradition, and reason outlined above demands that, for all intents and purposes, the discernment, selection and appointment of all church officials must occur democratically—the object of such discernment being the possession of the relevant competence(s) for the job, whether humanly acquired skills and/or divinely-bestowed charisms. In current Roman Catholicism that would mean the reintroduction of elections by the Christians concerned as the ordinary method of appointing bishops and other church officials as well, in particular parish priests.[29]

6.3 Setting a Standard: The Ethical Norms for a Responsible Cooperation

Granted that legitimate ecclesial authorities are established through responsible delegation—ordinarily under the form of an electoral procedure—it is necessary to examine whether the moral norms for such delegation and, more generally, for the individual's subordination to an authority to be responsible are respected within contemporary RC ecclesiology. Let us recall them briefly.

[29] The 'trustee' system in eighteenth century U.S.A. Catholicism where laypeople administered the finances and appointed parish priests is instructive in this regard; see for further J. Dolan, 'The American Catholic Parish: A Historical Perspective 1820–1980', in *The Parish in Transition: Proceedings of a Conference on the American Catholic Parish*, ed. David Byers (Washington: NCCB, 1985), 34–46.

The foundational principle is that it is the inalienable responsibility of each decisional level, from the individual upward, to determine the limits, extent, and domain of what falls within one's operational range and is thus one's responsibility, and what instead can only be decided and achieved by cooperation. Delegation occurs when a moral person (individual or collective) freely decides, on the basis of a responsible judgment, to accept as a directive for action the judgment or choice of someone else in order to achieve something lying beyond one's reach, because of insufficient knowledge or means. Hence, a delegation is responsible only if it is motivated by a judgment on the greater accuracy of someone else's capacity for evaluation and action in comparison with one's own. Only and exclusively such *responsible* delegation creates *legitimate* authority (the adjectives here are crucial). Again, the motivation of responsible delegation is competence—the competence the delegant perceives in the potential delegate. Differently put, it is the subject's judgment as to the opportunity to delegate that creates authority, and that judgment is based on an assessment of the competence of potential delegates. It is, accordingly, the delegants—from the individual upwards—who have the inalienable responsibility of determining the limits, extent and domains of delegation and thus of the delegates' authority.[30] In this regard it should be recalled what can. 133 §1 affirms generally with regard to delegation: 'A delegate who exceeds the limits of the mandate, with regard either to things or to persons, performs no act at all.'

But in addition to those requirements for delegation to be responsible—most of which are concisely embodied in the principle of subsidiarity or derive directly from it—highly specialised and differentiated societies where no one can be omnicompetent require further limiting conditions for delegation to be responsible. Either (1) the representative is given a *specific mandate* in virtue of specialised competence; or when, (2) within a *generic mandate*, (i) the one delegating is reasonably sure the representative will use criteria for factual and value judgments similar to those s/he would have used; (ii) the delegate is only given a coordinative or supervisory role, viz. one which does not involve making decisions on the substantive (often technical) issues at stake, but only overseeing the performance and selection of others (who might in turn be coordinators themselves), perhaps with some veto powers capable of demanding that certain procedures be repeated; (iii) the delegate is made legally bound to act in accordance with the technical reports worked out by the relevant specialised person(s) or

[30] Conversely, 'whether a decision has authority depends on the person to whom the order is addressed, not on "persons of authority" who give orders', Karl Weick, *The Social Psychology of Organizing* (Reading PA: Addison-Wesley, 1969), 3.

commission(s), which have in turn been democratically assessed, selected and delegated to deal with issues in their field of competence.

It is crucial to understand that the resulting authority of such 'generic' church officials must be purely coordinative or supervisory, analogously to what has been said of the authority of political representatives: by which I mean that it cannot entail at all making decisions of substance in the various specialised fields, although it may perhaps entail a veto power demanding that a certain decision-making procedure be carried out again where irregularities have occurred.

We can now move to inquire whether the current organization of the Roman Catholic Church respects such steps for a responsible delegation to authority, which are also necessary ethical norms for cooperation to be moral. It is fairly evident that the answer must be negative, due to a twofold centralization which disregards each of the main points above.

6.4 Centralization of Competences in the Roman Catholic Church

The current ecclesiology of Roman Catholicism displays two dysfunctional centralizations resulting from the disregard of both norms for a responsible delegation. The first is a centralization of competences: the monarchical authority exercised by the hierarchy is conceived as including each and all domains of church life: it is omnicompetent. The second is the centralization resulting from the disregard of the normative limit subsidiarity imposes on authority, namely that of only acting on those issues which are judged by the lower level as beyond its range.

At the level of theory, both centralizations are the consequence of the RC church's continuing acceptance of the traditional argument in favour of monarchical government: namely, that for the unity—and ultimately very existence—of a society, the latter must be structured under a unique, indivisible, supreme authority (see 2.5 and 5.7).[31] That such an authority must also encompass all domains of action follows necessarily from the above as a matter of logical deduction.

Such an understanding of authority made more sense before the early modern time, when the organization of civil society (in its various forms of empire, kingdom, city-state, etc.), was understood as having a very limited agenda, essentially restricted to

[31] Christopher W. Morris, *An Essay on the Modern State* (Cambridge: CUP, 1998), 172–99 (178), with specific bibliographic references to several political philosophers from the early modern period onwards who have upheld such view.

defending the internal and the external peace.[32] As I have argued earlier (5.7), such a conception has undergone a radical development in political philosophy, due both to the vast acceleration of the process of social differentiation and specialisation since the Industrial Revolution, and to the great expansion of the operational range of the modern state.

As with the process of desacralisation of authority, so also with regard to its process of decentralisation ecclesiology—in its RC variety at least—appears to lag behind political philosophy. Many of Vatican II's central ecclesiological tenets are still clearly based on the traditional reasoning concerning the necessity of a indivisible, omnicompetent and supreme authority for the unity and existence of a community: for instance, that 'the Roman Pontiff, as the Successor of Peter, is the perpetual and visible source and foundation' of the unity of the bishops; that, in turn, 'The individual bishops [...] are the visible principle and foundation of unity in their particular churches' (*LG* §23). More recent magisterial pronouncements are on the same line:

> the ordered hierarchical communion of all the Bishops, successors of the Apostles, with the Successor of Peter, [is] a guarantee of the unity of the faith and life of all Catholics. It is therefore indispensable, for the unity of the Church in individual nations, that every Bishop should be in communion with the other Bishops, and that all should be in visible and concrete communion with the Pope.[33]

And again, 'the profound unity which binds together the particular Churches [...] throughout the world, has its roots not only in the same faith and in a common Baptism, *but above all* in the Eucharist and in the episcopate.'[34] Apparently, a common fund of shared experiences (and primarily the experience of the Spirit), meanings, values, and goals, is either insufficient or unnecessary in that regard: the unity and thus ultimately existence of a community (or collegial body) is understood as warranted both sufficiently and necessarily by a unique monarchical authority.

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[32] Marsilius of Padua's *Defensor Pacis* still reflects such a conception of the role of political authority.

[33] Pope Benedict XVI, 'Letter to the Catholic Church in the People's Republic of China', §5; also the analogous affirmations by then Cardinal Ratzinger in 'The Key Question in the Catholic-Protestant Dispute: Tradition and *Successio Apostolica*', in *Principles of Catholic Theology. Building Stones for a Fundamental Theology*, Mary Frances McCarthy (trans.) (San Francisco: Ignatius Press, 1987 [1985]), 239–84 (253–4).

[34] *Ibid.* (my emphasis). The document refers to *LG* §26, from which it would seem that the indispensability of episcopacy for church existence is derived, that is, only to the extent that the episcopal order, possessing the fullness of the priesthood, is necessary for the exclusively priestly task of offering the Eucharistic sacrifice.

And so we reach the indivisibility principle of (jurisdictional) power in contemporary RC ecclesiology.[35] That assumption is also, as Ladislas Örsy observed, the reason for the position that 'non-ordained persons can only cooperate with the power of governance but not participate in it', and that, conversely, the ordained cannot delegate jurisdictional power to laypeople.[36] While controversial, such a stance is the one accepted and practiced by the current RC establishment.[37]

As for the tenet concerning the omni-competence of such authority, it is, as noted, a necessary logical consequence of its being unique and indivisible. Perhaps more importantly, it is further entailed by that pervasive theological current which has been arguing since the Middle Ages that there is an indissoluble link between sacramental/spiritual and jurisdictional/administrative authority. According to this view, only and exclusively the clerical hierarchy of the ordained can exercise jurisdictional power within the church. This means that the hierarchy possesses an ultimate and exclusive responsibility both over all functions of authority itself (e.g. the legislative, executive, judicial) and over all aspects of church action (not only the primary and in itself enormous domain of evangelization—which includes informing individuals, as well as social, political, and cultural structures with the gospel—but also the other domains of financial administration, charitable work, theological research and teaching, preaching, catechetical formation, liturgical work, and so on). On this basis, the official post-Tridentine RC ecclesiology has advanced in both theory and practice a growing centralization of competences.

Yet, analogously to what has already happened in political philosophy, ecclesiology too has been undergoing for some time now a process of progressive abandonment of the twin tenets concerning the unicity and omnicompetence of authority respectively.

A first element which has contributed to disproving the necessity for a unique, indivisible, supreme, and so inevitably all-encompassing (papal) authority has been the already recalled unsuccessfulness and eventual rejection of papal claims of authority over the temporal domain. The acknowledgment that the temporal authorities are

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[35] 'Chiesa e democrazia: analogie e differenze', available at http://www.vatican.va/roman_curia/secretariat_state/card-bertone/2008/documents/rc_seg-st_20081204_lectio-magistralis_it.html.

[36] Örsy, *Receiving the Council. Theological and Canonical Insights and Debates* (Collegeville MI: Liturgical Press, 2010), 40. For the canonical difference between 'cooperation' and 'participation' see this section, below.

[37] Besides Örsy's work, consult also Beal, Coriden, and Green (eds.), *New Commentary of the Code of Canon Law*, 187, commentary to can. 131.

independent and supreme in their own domain of competence was already suggested in the reflections by medieval theologians on the real secular authority of non-Christian, pagan kingdoms, and then explicitly and officially acknowledged by Roman Catholicism in many eighteenth and nineteenth centuries concordats between the papacy and European states, and eventually at Vatican II.[38] The latter was to clarify the issue even further, by observing that the evangelization of the world, including of course its social and political domains, is the primary and distinctive responsibility of the laity, and not of the hierarchy (*GS* §43). That implies a division of competences and a recognition, if only in theory, of distinct authorities within the church, to the extent that the laity is acknowledged as being ordinarily autonomous and independent from the hierarchy in their own specific domain.

Another element contributing to the abandonment of the construal of authority as necessarily unique and omnicompetent is the sharp decline of the traditional view that there is an indissoluble link between the sacramental and jurisdictional powers. Not that such a position had ever been uncontroversial: quite the contrary, it has been contending for centuries against the opposite stance according to which sacramental and jurisdictional authorities can be distinguished at the level of theory because they can and have been separated at the level of practice.[39] In the post-Vatican II period, this debate has continued unabated;[40] it seems, however, that despite the fact that the 1983 code of

[38] *GS* §76: 'The political community and the Church are autonomous and independent of each other in their own fields.'

[39] 'Distinguishing already at the start of the fourteenth century (and in a way destined to become classic) between, on the one hand, the sacramental powers conferred on priests and bishops by ordination and consecration, and, on the other, the various jurisdictional or governmental powers they exercise within the church, the Dominican theologian John of Paris made a pertinent and fundamental point. Whereas the sacramental powers, he said, are of supernatural provenance, "what is of [the power of ecclesiastical] jurisdiction is not supernatural or outside the ordinary operations of human affairs. For it is not beyond the ordinary condition of man that some men should have jurisdiction over others, for that is in a certain way natural…. So then, just as jurisdiction is conferred by consent of men, so contrariwise may it be taken away by consent".' Francis Oakley, 'Constitutionalism in the Church?', in Oakley and Bruce Russett (eds.), *Governance, Accountability and the Future of the Catholic Church* (New York/London: Continuum, 2004), 76–87 (81–2), quoting John of Paris, *De potestate regia et papali* [*On Royal and Papal Power*], ch. 25.

[40] For a comprehensive historical survey of the theological reflection on the two powers, see Laurent Villemin, *Pouvoir d'ordre et pouvoir de jurisdiction: histoire théologique de leur distinction* (Paris: Cerf, 2003); for the post-Vatican II discussion see Adriano Celeghin, *Origine e natura della potestà sacra. Posizioni postconciliari* (Brescia: Morcelliana, 1987); Francesco Viscome, *Origine ed esercizio della potestà dei vescovi dal Vaticano I al Vaticano II. Contesto teologico-canonico del magistero dei 'recenti Pontefici' (Nota Explicativa Praevia 2)* (Rome: Pontificia Univ. Gregoriana, 1997); and J. Beal, 'The Exercise of the Power of Governance by Lay People: State of the Question', *The Jurist* 55 (1995), 1-92. Consult also the succinct outline of the issue in Edward P. Hahnenberg, *Ministries. A Relational Approach* (New York: Herder & Herder, 2003), 137-8 in the box. It should be noted that Vatican II never espoused the theory about the sacramental origin of the power of order, to the extent that an unambiguous official response by the Secretariat of the Pontifical Commission for the Revision of the Code of Canon Law denying that Vatican II taught 'the sacramental origin of all jurisdictional power and thus the

Canon law (can. §129[41]) appears to support the intrinsic union of jurisdictional and sacramental powers, it is the contrary view which is supported by the most data, both scriptural and traditional. To the earliest church, the language and reality of that separate priestly class which will be known as 'clergy' and of the 'sacred (mediatorial) power' associated with it was unknown: it is a question there of a relatively late innovation, and one arguably contrary to the NT (see below).[42] Furthermore, not even after the introduction of such a distinction between the two *genera* of Christians—laity and clergy—does the ecclesial tradition support the exclusion of the laity from the power of governance: quite the contrary in fact, given the innumerable and ever growing historical instances witnessing the exercise of jurisdictional authority within the church by laypeople, both men and women.[43]

In addition to such historical facts, there is the philosophical argument coming from an understanding of the morality of cooperation and delegation. I have concluded earlier that a responsible delegation of authority to church officials, just like for civil officials, requires a discernment as to the competences and charisms of potential candidates by the people such a minister will serve, and is thus both based on their consent and limited to the domain in which they recognise the candidate as being competent/charismatic. Now, in light of the two facts that the determination of the possession of relevant competence/charism is a moral requirement for responsible delegation, and that jurisdictional and sacramental powers fulfil two quite different sets of functions requiring two quite different sets of specialised competences and skills,

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absolute exclusion of the laity from the *munus regendi*', and in view of the fact that the debate went on in the post-conciliar period without the official *magisterium* ever intervening to settle the issue: thus Viscome, *Origine ed esercizio*, 227-43 (esp. 229-31; 242-3).

[41] The fundamental objection to can. 129 is that it hardly has any scriptural or traditional basis: 'It is significant that the most pivotal canon we have, canon 129§1, has no source assigned to it except canon 196 of the 1917 Code; nothing at all from Vatican II. In turn, the 1917 canon had as its two main sources a 1794 condemnation of one proposition attributed to the council of Pistoia (1786) and a general reference to the entire encyclical *Pascendi* (1907), part of the anti-Modernist campaign. The years 1794 and 1907 were not ideal for balanced theological reflection in Rome on the authority of the laity', Robert Ombres OP, 'What Future for the Laity? Law and History', in Timms and Wilson (eds.), *Governance and Authority*, 91-102 (95-6). (One may further point to two facts: first, it is generally understood that a layperson elected pope would enjoy the fullness of jurisdictional powers from the moment of his election rather than from his episcopal ordination; second, can. 274 §1 allows laypersons to become ecclesiastical judges and thus exercise jurisdictional power proper).

[42] James Dunn, *Unity and Diversity in the New Testament: An Inquiry into the Character of Earliest Christianity* (London: SCM Press, 3rd ed. 2006 [1977]), 446; also Herbert Haag, *Worauf es ankommt: Wollte Jesus eine Zwei-Stände-Kirche?* (Freiburg/Basel/Vienna: Herder, 1997).

[43] See the historical examples and commentary offered in James A. Coriden, *Canon Law as Ministry: Freedom and Good Order for the Church* (Mahwah NJ: Paulist Press, 2000), 125-31; also Örsy, *Receiving the Council*, 39.

ecclesial office holders and ordained persons should ordinarily be two different sets of people.[44]

Moreover, even separated from the function of sacramental/spiritual guidance, the jurisdictional/administrative task must be fulfilled in innumerable specialised fields. For this reason, a specific authority of oversight or *ἐπισκοπή* to coordinate them would therefore be, if not absolutely necessary, highly desirable. But would such an authority have decision-making power to dictate policies in every area of church life? That would include financial administration; theological education/teaching/research; preaching, liturgy, and other pastoral activities; social and charitable work; the vast work entailed by divinely-mandated mission of *total* evangelization—i.e. informing with the gospels not only individuals, but also societies and cultures—with all the problems that raises, in the various fields from bioethics to economics.

The glaring problem with such an understanding is, of course, that of competence: no single authority can possess the innumerable expertises necessary to govern all those fields of church life. By far the most common solution suggested by RC ecclesiologists since Vatican II has consisted not in denying the existence of a centralised hierarchy with exclusive and absolute prerogative for the exercise of jurisdictional and decision-making power over all areas of church life, but rather in insisting that the laity be allowed to participate in the decisions of the episcopal hierarchy. The latter should be bound, morally and perhaps even canonically, to 'consult' the church—in its general public opinion, relevant experts, or both.[45] (As purely consultative, that role of the non-ordained would not be a real 'participation' or sharing in church governance, and would accordingly preserve the clerical hierarchy's exclusive responsibility in that regard[46]). In

[44] The current *CIC* does state the principle that 'Two or more incompatible offices, that is, offices which together cannot be fulfilled at the same time by the same person, are not to be conferred upon one person.' (can. 152).

[45] 'To perform its doctrinal task successfully the hierarchy must take the necessary means. It must study the sources and the tradition, consult the sense of the faithful, and make use, on occasion, of the advice of qualified experts.' Avery Dulles, 'Faith and Revelation', in Francis Schüssler Fiorenza and John P. Galvin (eds.), *Systematic Theology: Roman Catholic Perspectives*, vol. 1 (Minneapolis MN: Augsburg Fortress, 1999), 89–128 (123); also Francis A. Sullivan, *Magisterium: Teaching Authority in the Catholic Church* (Dublin: Gill & Macmillan, 1983), 31–2; and especially Coriden, *Canon Law as Ministry*, 124–5.

[46] The conservative Munich school of canon law has argued against the use of the verb 'participate' ('*partem habere*') to define the role of the laity in the exercise of jurisdiction (governance) within the church, because they consider jurisdiction to be intrinsically linked to the sacramental power of order, and thus as exclusive to the ordained. Hence they successfully proposed that, in the crucial can. 129, §2 of the 1983 *CIC*, the verb 'participate' be substituted with 'cooperate', meaning with the latter that laity can be involved only in the preparation, accompaniment, and execution of acts of jurisdiction: see the helpful summary of the two opposing stances—in favour and against the possibility that the laity exercise jurisdictional power—in Canon Law Society of America, *New Commentary of the Code of Canon Law*, 184–5. For a more general discussion of the issue concerning the exercise of the *potestas regiminis* by the

other words, much of the current ecclesiological discussion on the issue of church governance starts by implicitly presupposing the existence of a class of policy-makers (i.e. the bishops) with decision-making authority over all the many specialised areas of church life, and then attempts to work out how best to make them exploit the relevant specialised expertise and wisdom scattered in their Christian communities. The solution would be to insist and even require that they inform themselves through consultation.

Yet to frame the issue as that of making sure that those who decide in a community first inform themselves is to state an unhelpful truism. For, to reiterate, the problem concerns competence: the preliminary question to be solved whenever the Christian community is confronted with a problem is to identify who, within the community, has the specialised competence to address it. The person or group thus identified will be acknowledged as being an authority over that issue or area of competence, and thus as having decision-making/governing power over it.

The contribution of political philosophy to that issue can, once again, prove illuminating. In the civil community, it has been argued (5.8), the purpose of political authority is not that of micro-managing and carrying out the tasks distinctive of a community's specialized structures of knowledge and evaluation: that would require an almost omnicompetent authority. Rather, it is primarily that of making decisions that determine the general direction of common action *on the basis of the delegating community's scale of values and priorities*. But with regard to the various expertises necessary for making those decisions, the political authority must defer, as a matter of moral duty (which should be made legally compulsory), to the relevant specialised authorities.

Exactly the same would apply to the authority of *ἐπισκοπή* in the Christian churches. Analogously to the political authority in civil society, *ἐπισκοπή* would have two main functions. One would be that of overseeing—as distinct from micromanaging—the performance of those which are recognized to be the community's specialised authorities. The other would be that of deciding and guiding the common action of the community in agreement with the latter's distinctive scale of values and goals. Such policy-making, of course, requires of *ἐπισκοπή* that it exploit the findings of the specialised authorities within the Christian community. The exploitation means that an authority of *ἐπισκοπή* (which cannot normally possess all the expertise needed to

laity, see Thomas A. Amann, *Laien als Träger von Leitungsgewalt? Eine Untersuchung aufgrund des Codex Iuris Canonici*, Münchener Theologische Studien III (St. Ottilien: Eos, 1996).

plan and decide common policies) must defer to the relevant specialized authorities as a matter of moral duty, by means of the legal institutionalization of binding forms of collaboration (either by consultation or by delegation) with the Christian community's specialised authorities—including its structures of knowledge and evaluation such as universities, think tanks, and so on. Their responses, reports, and even decisions should be required before the authority of *ἐπισκοπή* (I do not say 'episcopal authority', given the excessively centralised power that expression conveys in most mainstream Christian churches) could make a decision. This is not sufficiently stressed by the *CIC* currently in force, which simply affirms that 'According to the knowledge, competence, and prestige which they possess, [all faithful] have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church' (can. 212 §3). There is a very subtle but nonetheless real difference between affirming that, in the contemporary highly complex and differentiated societies, specialized authorities should 'convince' whoever is delegated with the authority of planning and deciding common policies to consult or delegate to them those tasks requiring specialized competence, and saying that according to the way we come to know and decide, whoever exercises policy-making authority—in the Christian church, arguably the authority of *ἐπισκοπή*—has, just like anybody else, a moral duty of deferring to specialized authorities with regard to everything lying within their competence.

The exploitation of expert or specialised authorities would not translate into an ecclesial technocracy, if the subsidiarity principle is preserved according to which it is the community who sets standards of expertise, and proceeds to recognize and delegate individual or groups with relevant specialised competences to deal with particular issues requiring such expertise. Expert authorities would enjoy autonomous and supreme decision-making power but only, of course, in that particular field in which are recognized and trusted as authorities by the delegants (see 5.6 and 5.8). In addition to this, as noted, an effort should always be made to translate technical problems in commonsense language, so that technical findings and proposals be made available for public discussion at large, thus implementing a synergy of public debate and expert decision-making. Finally, the danger of rule by experts is tempered by the fact that, while laypersons may not be able to directly assess the expert authorities, nonetheless the (admittedly necessary) use of expert knowledge and findings is always shaped by and subject to the shared values and priorities of the (majority of) the community.

An example of the difficulty, within the RC Church, of coordinating the supreme authority of *ἐπισκοπή* with the output of specialised authorities within that community occurred in the late sixties with regard to the issue of contraception. At that time, for the first time the papacy instituted an experts' commission on the topic, with a view to expound the Christian approach to that issue and, by the same token, also offer some official guidelines to the Catholic faithful.[47] The commission gathered Catholic experts in the various relevant fields (medicine, psychology, etc., as well as, of course, theology), made also sure to consult widely laypeople by means of questionnaire polls, and then, by majority vote, gave its official advice against the maintenance of an absolute ban on contraceptive methods. So far so good, for in the perspective of what has been said, a similar process—one involving a synergy of free public debate and expert/specialised knowledge—is the correct way of addressing complex problems, and should therefore be legally institutionalised so that its results would be *binding* on the decision-maker, lest the whole procedure is rendered pointless.

However, this latter possibility is evidenced precisely by our Roman Catholic example where, in effect, the commission had the status of the erstwhile counsellors of the prince: it was the deliberating authority itself which would choose, at its complete discretion, when and whom to consult, and whether or not to accept their advice which, as purely consultative, was in no way binding.[48] In that particular case, the result was that the advice of the commission was disregarded.

A major problem in RC ecclesiology, then, is precisely its justification of an absolutist centralization of all powers into a hierarchy which is not legally bound to defer to the specialized competences as an unavoidable moral requirement. Even today, the acknowledgment of the role of specific authorities is often impeded by the old prejudice, dominant for so many centuries, that authority is essentially non-divisible, and thus unique, supreme, omnicompetent and not subject to any control.

The hierarchy's refusal to accept that deferring to such specialized competences is a moral requirement which they cannot bypass finds its only theological justification—

[47] Consult the thorough historical account of the commission's work by Robert McClory, *Turning Point: The Inside Story of the Papal Birth Control Commission, and How* Humanæ Vitæ *Changed the Life of Patty Crowley and the Future of the Church* (New York: Crossroad Publishing, 1995).

[48] As it has been noted, 'A [monarch's] council was expected to advise the ruler on how to achieve his or her goals; its term of office could be terminated at the ruler's whim; its representative function was minimal. A congress of parliament, in contrast, serves at the people's pleasure, and is expected to deliberate "not on its own behalf but in response to a wider context of deliberation, open to all, to which it must be attending carefully".' Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2005), 4, quoting Oliver O'Donovan, *The Desire of the Nations: Rediscovering the Roots of Political Theology* (Cambridge: CUP, 1996), 270.

complementing the discredited philosophical one on the unicity of authority—from their belief in being endowed with a certain '*carisma veritatis*' (charism of truth), which would obviate the hard work of coming to know in favour of direct inspiration from God. Yet direct inspiration from God of the hierarchy has been explicitly rejected by both Vatican councils,[49] and however the *carisma veritatis* is interpreted, it is well understood that it can only be some sort of assistance in the fulfilment of the *via humana*, the human way of coming to know and deciding, perfecting rather than superseding it.[50]

Now, our understanding of the *via humana* has increased remarkably during the last two centuries on the wake of the development of critical historical studies, hermeneutics, and the human sciences more in general. Specifically, with regard to theology, the *via humana* requires undergoing the very same methodical steps—research (archaeological, philological, literary, etc.); exegesis/interpretation; historical reconstruction; critical assessment of opposed interpretations/historical reconstructions—which Lonergan detailed as necessary before a correct understanding of doctrines can be attained and, if need be, an official, dogmatic formulation expressed.[51] Lonergan dubbed such steps 'functional specialties', to highlight that they are ordinarily carried out by different authorities—the archaeologist, philologist, exegete, historian, and so on—each of which is supreme and autonomous in its sphere, even while collaborating with the others. Now, it is evident that as the exegete cannot ignore but indeed must defer to new archaeological or philological findings by the relevant experts, so must the historian do with regard to the exegete, and the systematic theologian with regard to the findings of all the previous specialties. Analogously, any teacher in the church—including bishops and popes—cannot ignore but indeed must defer to the results of the different expert authorities in the several specialised fields constituting a comprehensive theological method. Differently put, to the extent that the magisterium does not enjoy constant private revelations but must, just like all common mortals, follow the methodical order of the functional specialties in retrieving the revelatory meaning in scripture, tradition, and reason, to that extent it depends on the

[49] See *LG* §25: 'The Roman Pontiff and the bishops, in view of their office and the importance of the matter, by fitting means diligently strive to inquire properly into that revelation and to give apt expression to its contents; but a new public revelation they do not accept as pertaining to the divine deposit of faith'.

[50] See the recent essay by Thomas F. O'Meara, 'Divine Grace and Human Nature as Sources for the Universal Magisterium of Bishops', *Theological Studies* 64, no. 4 (2003), 683–706.

[51] A detailed description in Lonergan's *Method in Theology* (London: Darton, Longman and Todd, 2nd ed. 1973).

experts dedicated to such enterprise—primarily, but by no means exclusively, exegetes, historians of Christianity, and systematic theologians.[52]

Richard McCormick is among the contemporary RC theologians who has insisted the most that the specialised research and findings of the theologian 'is a necessary pre-requisite for the proper (contemporary and persuasive) expression of the faith by hierarchical leaders', and so in that sense the theologian 'educates the hierarchical magisterium'.[53] However, and the point is crucial, this affirmation should be extended to *all* Christian experts in *all* the sundry areas of church life and mission: liturgy and charitable work; ecumenism and interreligious dialogue; bioethics and social justice. Rather than an absolute (papal) monarchy, then, the Christian polity might more helpfully be conceived as encompassing a network of autonomous yet mutually dependent specialised authorities, each recognized as competent in only one area among the innumerable ones comprising the vast mission of informing with the gospel not only the infinite variety of human beings in their own historical and socio-cultural context, but also the very socio-cultural structures which exert so much influence on their physical and spiritual development, both as human beings and as Christians.

Finally, the understanding of a pluralism of parallel, autonomous yet cooperating authorities—and the consequent rejection of the necessity of a unique, supreme, and all-encompassing authority—appears to agree with the scriptural evidence. For nowhere does the latter envisage, and much less does it mandate, a class exercising a monopoly of jurisdictional authority in the community. Indeed, as James D. G. Dunn observed, '[T]he idea of mono-ministry or ministerial autocracy—that is, of all the most important gifts concentrated on one man (even an apostle) or in a select group—is one which Paul dismissed with some ridicule'[54] in 1 Cor. 12, esp. vv. 29–30. It cannot be sufficiently stressed how Paul's ecclesiological principle that nobody can possess all competences or charisms—something which implicitly discards the possibility of delegating authority over all areas to any one person or group alone—is foundational to any social ethics

[52] This is, in fact, something at the very heart of Küng's ecclesiology in general, and of his questioning of infallibility as highlighted by Walter Kasper in particular: 'What H. Küng intends by his thesis, among other things, is the attenuation of a purely formal authority to make room for a scholarly authority of learning.' Walter Kasper, 'Zur Diskussion um das Problem der Unfehlbarkeit', in H. Küng (ed.), *Fehlbar? Eine Bilanz* (Zurich: Benziger, 1973), 74–89 (78), quoted in Robert Kress, 'Systematics', in Terry Tekippe (ed.), *Papal Infallibility: An Application of Lonergan's Theological Method* (Washington DC: University Press of America, 1983), 270–306 (280–1). Küng explicitly agreed with that interpretation, see *ibid*.

[53] Richard A. McCormick, 'The Role of the Magisterium and of the Theologians', *Proceedings of the Catholic Theological Society of America* 24 (1970), 239–54 (247–8).

[54] *Unity and Diversity in the New Testament*, 123. One of the best treatments of this principle in NT ecclesiology is Hans Küng, *Infallible? An Inquiry*, trans. Eric Mosbacher (London: Collins, 1971), 127-38.

concerned with the morality of cooperation. Its centrality is highlighted precisely by the fact that it is one of the only two explicitly political principles unambiguously advanced in the entire NT—the other being that concerning the exercise of ecclesial authority as service rather than dominion (treated in section 6.5 below).

That principle must also be complemented by two further NT insights. The first is the rejection of any separate sacerdotal class as necessary to mediate between the divine and Christians or indeed human beings more in general.[55] This is most clear in Hebrews (esp. 4.14 and 8.1) and 1 Peter 2.9; in addition, nowhere in Paul's letter is such a class either mentioned or envisioned as necessary—indeed if anything it appears to be excluded by his ecclesiology. In the current RC theology, a central *raison d'être* of the 'ordained', making their existence as a separate priestly class of Christians necessary, is that they are the only ones to be divinely empowered to preside over the most important sacrament, viz. the Eucharist. But such exclusivism is at odds with the earliest scriptural and traditional testimony, according to which a variety of people are reported to have presided over the common Eucharistic meals: most importantly, prophets, teachers, and house-church patrons.[56] And because there is unambiguous scriptural as well as traditional[57] evidence that all such roles have been fulfilled by women, it is almost certain that women who were apostles (Junia in Rom. 16.7, according to the majority of exegetes), prophets (Acts 21.9; 1 Cor. 11.5), teachers (Acts 18.26; see 1 Tim. 2.12), or

[55] 'It has never failed to astonish me that a principle so clearly formulated could be so blatantly ignored or side-stepped by those who insist that nevertheless, despite Hebrews, an order to priesthood is necessary within Christianity. To use Hebrews 5.1 to justify or explain Christian priesthood, as Vatican II does, while ignoring the thrust and argument of the Letter as a whole is a form of eisegesis which ranks more as abuse than as correct use of Scripture. Similarly the argument that the function of Christian priests is to represent the one true priesthood of Christ reads more like a rationalization than a justification. And since it interposes once again a mediator of grace between believer and God, when the concern of Hebrews was to convince his readers that such mediation was no longer necessary, it can hardly look for support to Hebrews in good faith. Mormons who operate with two orders of priesthood, the Aaronic and the Melchizedek, seem to have misunderstood the argument of the Letter still more. But the mistake is basically the same. What price the canonical authority of Hebrews when one of its principal concerns is treated so casually and twisted to serve a variation of the very case it was written to oppose?' Dunn, 'Church Ministry: A View from New Testament Theology', in Dunn and J. M. Mackey, *New Testament Theology in Dialogue: Christology and Ministry* (London: SPCK, 1987), 121–40 (125–6). The development of the distinction between clergy and laity has been thoroughly traced by Alexandre Faivre's trilogy, *The Emergence of the Laity in the Early Church*, trans. David Smith (New York: Paulist Press, 1990); *Ordonner la Fraternité: Pouvoir d'innover et retour à l'ordre dans l'Église ancienne* (Paris: Cerf, 1992); and *Les premiers laïcs: Lorsque l'Église naissait au monde* (Strasbourg: Éditions du Signe, 1999).

[56] For a clear instance, see the practice attested by Tertullian and discussed in Roland Minnerath, 'La présidence de l'eucharistie chez Tertullien et dans l'Église des trois premiers siècles', in Christian Grappe (ed.), *Le Repas de Dieu—Das Mahl Gottes*, Wissenschaftliche Untersuchungen zum Neuen Testament 169 (Tübingen: Mohr Siebeck, 2004), 271–98.

[57] Kevin Madigan and Carolyn Osiek (eds. and trans.), *Ordained Women in the Early Church: A Documentary History* (London: Johns Hopkins University, 2005).

house-church patrons,[58] would have not only taught but also presided at Eucharistic meals.[59] In short if, for simplicity's sake, we anachronistically apply to the early church the language of sacramental and jurisdictional powers developed much later, it can be said that throughout a few post-apostolic generations at least, *all* Christians, women included, could be delegated authority to fulfil specific functions of both an administrative and a sacramental nature—including those which were later to be ordinarily reserved to a special class or *ordo* of Christians, the clergy: preaching, teaching, baptising, and even Eucharistic presidency[60]—on behalf of the community and for the sake of its evangelising mission.[61]

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[58] Among female patrons of Pauline house-churches alone one can mention: Prisca and probably Chloe at Corinth; Phoebe at Cenchreae (Rom. 16.2); Euodia, Syntyche, and arguably Lydia at Philippi (Phil. 4.1-2; Acts 16.14-15); Nympha at Laodicea (Col. 4.15); Junia (with Andronicus) at Rome (Rom. 16.7). With only slightly less certainty, one can add 'Mary, Tryphaena, Tryphosa and Persis (Rom. 16.6, 12), all described as "hard-workers"—a description which elsewhere is usually taken as an indication of leadership (I Cor. 16.16; I Thess. 5.12). As these are the only ones so described in the list of greetings in Rom. 16, we should presumably conclude that women were particularly prominent in the leadership of the earliest churches in Rome': Dunn, *Unity and Diversity in the New Testament*, 134, also L. Michael White, 'Paul and *Pater Familias*', in J. Paul Sampley, *Paul in the Greco-Roman World: A Handbook* (Harrisburg PA: Trinity Press International, 2003), 457-87 (467).

[59] *Didachè* 15.1 is fundamental in witnessing the shift from an arrangement that it was appropriate, where possible, that 'fellowship' or 'Eucharistic' meals (for their difference see Dunn, *Unity and Diversity*, 138–9) be presided by prophets and teachers (albeit, it is important to note, without the slightest suggestion that the latter had the exclusive competence or ability to do so), to an arrangement where the community was to select among itself *ἐπίσκοποι* and *διάκονοι* to fulfil that role where prophets and teachers were lacking. Indeed, 'the *Didache* [15.1] urges that the bishop be held in great respect because he celebrates the same liturgy that the prophets celebrate', Enrico Mazza, *The Celebration of the Eucharist. The Origin of the Rite and the Development of Its Interpretation*, trans. Matthew J. O'Connell (Collegeville MN: Liturgical Press, 1999), 96. Because we know that there were many women prophets, it is most likely that women did preside over the Eucharistic meal. As Mazza observed, a telling instance in this regard comes from Irenaeus' description of the Eucharistic meals held in the community of a certain Marcus: while condemning several of his Eucharistic practices, he pays no attention whatsoever to the fact that a woman prophet pronounced the thanksgiving that 'made the Eucharist', *ibid*, 123, no. 80, referring to Irenaeus, *On Heresies*, bk. I, ch. 13, §2. See also Elisabeth Schüssler-Fiorenza, 'Tablesharing and the Celebration of the Eucharist', *Concilium* 152 (1982), 3-12. That issue of *Concilium* is entirely devoted to the question 'Can we always celebrate the Eucharist?'.

[60] '[A]s far as eucharistic presidency is concerned, there is no indication anywhere in the New Testament of an explicit link between the Church's office and presiding at the Eucharist. There is certainly no attempt to link theologically the discernment of charismatic gifts and the developing notions of office with particular powers, functions or responsibilities with respect to the Eucharist. There is no suggestion that anyone was ordained or appointed to an office which consisted primarily of saying the blessing over the bread and wine'. House of Bishops of the General Synod of the Church of England, *Eucharistic Presidency* (London: Church House, 1997), §4.21, p. 41. For a recent analysis of the Neotestamentarian and early church data on Eucharistic presidency see Nicholas H. Taylor, *Lay Presidency at the Eucharist? An Anglican Approach* (London: Continuum, 2009), 30-98. The most plausible picture is the one advanced by E. Schillebeeckx, who suggested that, to put it in contemporary language, '[I]n the ancient church the whole of the believing community concelebrated, albeit under the leadership of the one who presided over the community', *Ministry* (London: SCM Press, 1981), 49, quoted approvingly by Dunn, *Unity and Diversity in the New Testament*, 446 no. 14.

[61] With regard to the role of women in earliest Christianity, see Elisabeth Schüssler-Fiorenza, *In Memory of Her: A Feminist Theological Reconstruction of Christian Origins* (London : SCM, 2nd ed. 1995), e.g. the succinct conclusion at 183; and the foundational study by Ute E. Eisen, *Women Officeholders in Early Christianity: Epigraphical and Literary Studies*, trans. Linda M. Maloney (Collegeville: Liturgical Press, 2000 [1996]).

The second significant element which can be gleaned from the pages of the NT is that in the early church, often enough, the chief reason for appointing someone as an authority in his/her own field was the possession of the relevant competence(s) (and I include here both humanly achieved and divinely bestowed skills/charisms).[62] This remains true, even though the consensual acknowledgment that a person had authority—and so, often enough, his/her consequent appointment to office—was also dependent on the *socially accepted* (hence consensual) criteria such as the importance of honour, patronage, and the patriarchal organization of the household.[63] Within the limits, then, of the already accepted patterns of cooperation and authority, it was often the community which would authoritatively discern and select suitable people to carry out administrative or spiritual tasks on its behalf (3.3). In this way the potential pool of possessors of such human skills or infused charisms was not arbitrarily and a priori limited to a separate caste of those who had been enabled through ordination to accomplish certain functions.

It is within this general understanding that the question concerning the separation of sacramental and jurisdictional powers must be addressed, and that its historical development can be better appreciated. No necessary link existed between competence in financial and other administrative matters and competence in liturgical, pastoral, theological/doctrinal, and spiritual/mystical matters. This is also adumbrated by the expression the Twelve use in Acts 6.2 (i.e. '*οὐκ ἀρεστόν ἐστιν*', that is, 'It is not fitting', 'commendable', or 'reasonable'), which appears to be a declaration of incompetence to serve at the tables by those charged with the unrelated task of proclaiming the Good News. The episode suggests that, as the Twelve, so too apostles, teachers, preachers and more generally all ministers in the church were not thereby also granted authority over issues beyond the specialised function detailed by their very title.[64]

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[62] Robert Banks, *Paul's Idea of Community: The Early House Churches in Their Historical Setting* (Grand Rapids MI: Eerdmans, 1988), 146: 'in Acts we find that, either through the word of a prophet in the assembly (13:3) or through the discerning choice of all the members (6:1-6), people were chosen with a view to their fitness for the task. Hands were laid upon them as a tangible sign of fellowship and prayer, not as a mechanism for the creation of a ministry or imparting of special grace.' The same interpretation is advanced by Dunn, *Unity and Diversity in the New Testament*, 116.

[63] Consult Andrew D. Clarke, *Serve the Community of the Church. Christians as Leaders and Ministers*, First-Century Christians in the Graeco-Roman World (Cambridge: William B. Eerdmans, 2000).

[64] The fact should not be underestimated that—as noted by Luke Timothy Johnson, 'Paul's Ecclesiology', in James D. G. Dunn (ed.), *The Cambridge Companion to St Paul* (Cambridge: CUP, 2003), 199-211 (208)—Paul always treats the various ministries and charisms, including leadership, 'in purely functional terms, without providing any theological legitimation in its support', in contrast with what will then become the norm later, with the appeal to divine right very much the chief justification for the institutional *status quo*.

Together with the foundational Pauline principle of 1 Cor. 12.29–30, this means that, because it is extraordinary that a Christian be uniquely competent not only in spirituality but also in all areas of church life (from financial administration to policy-planning, resource-allocation, and liturgical worship), those who have spiritual authority—the 'ordained', in the present understanding of church ministry as being primarily a cultic-oriented 'priesthood'—should not ordinarily also have administrative authority.

Such an interpretation of those scriptural data appears the only alternative to the current official opinion in Roman Catholicism that the power of government of the hierarchy includes all the domains of the ecclesial life. For, to reiterate, it is impossible for any single person to be sufficiently qualified to wield absolute, unaccountable policy-planning and decision-making authority over all areas, and even more impossible to be able to fulfil demanding spiritual and sacramental duties as well. As Vatican II felt compelled to state, pastors 'know that they were not ordained by Christ to take upon themselves alone the entire salvific mission of the Church toward the world. On the contrary they understand that it is their noble duty to shepherd the faithful and to recognize their ministries and charisms, so that all according to their proper roles may cooperate in this common undertaking with one mind.'[65]

To sum up: authorities in the Christian community, just like in the human community, are such in the specialized domain only in which they are recognized as being competent. There can, of course, be ecclesial officials exercising a general, political authority of *ἐπισκοπή*: however, rather than being all-encompassing, such authority should only extend to the domain of the subsidiary coordination for unity, while deferring to the specialized authorities in their areas of expertise.

6.5 Micromanagement and the Disregard of Subsidiarity in the Roman Catholic Church

We come here to the second centralization plaguing contemporary RC ecclesiology. Defined negatively and explanatorily, it is the one resulting from the disregard of subsidiarity, and defined positively and descriptively, it is known as micro-management.

We see such a dysfunctional disregard of subsidiarity in several elements of the current constitution of the RC Church. A central one is the centralized appointment of

[65] *LG* §30.

bishops worldwide by the pope—a procedure which took place gradually only since the mid-nineteenth century. Another vast field where micro-management is most evident concerns liturgical translations, customs and more generally local evangelization and the inculturation of the gospel. Those as well as analogous areas of micro-management in the RC Church depend on and are justified by the crucial definition of the powers of bishops as stated by can. 381 §1 of the 1983 *CIC*: 'A diocesan bishop in the diocese entrusted to him has all ordinary, proper, and immediate power which is required for the exercise of his pastoral function *except for cases which the law or a decree of the Supreme Pontiff reserves to the supreme authority or to another ecclesiastical authority*' (my emphasis).[66]

According to the understandings of delegation, subsidiarity, and the division of competences offered earlier, it is always the inalienable responsibility of each decisional level *from the individual upward*, to determine the extent and limits of what is one's responsibility to decide and act, and what is instead better delegated to the higher authority—not the other way around. According to subsidiarity, the authority of office holders must be understood as a subsidiary 'coordination' which, rather than entailing some sort of intrusive micro-management of the decisions and actions lying within the operational range of the individuals or the lower levels (negative prescription), is to be understood as limited to those decisions and actions only which individuals and lower levels have deemed beyond their reach and for which they require accordingly the help and cooperation of the wider community (positive prescription).

Now, both the negative and the positive aspects of the understanding of authority resonate with some important NT data we have on the subject. The NT passages on ecclesial 'authority' ordinarily quoted by ecclesiologists (esp. Mt 20.24–7, 23.8–12; Mk 10.42–44; Lk 22.26; Jn 13.1–17; 1 Peter 5.3, and 2 Cor. 1.24) repeatedly distinguish between two conflicting understandings of authority: a negative one, 'to lord it over', against which the NT repeatedly warns, and a prescriptive one, '*διακονία*' or service. The former understanding appears to exclude the possibility for authority to micro-manage ('lord it over') in violation of the principle of subsidiarity. On the other hand, the positive 'service' authority provides is made more explicit by Paul as that of 'equipping the saints' or perhaps, as a possible alternative translation goes, as 'bringing

[66] For a thorough exposition of how such an understanding informs the current CIC, consult the short study by Monica-Elena Herghelegiu, *Reservatio Papalis: A Study on the Application of a Legal Prescription according to the 1983 Code of Canon Law*, Tübinger Kirchenrechtliche Studien 8 (Berlin: LIT Verlag, 2008).

the saints to maturity' (Eph 4.12):[67] whatever the interpretation, it is plausible to infer that Paul understands the function of authority as supplying what enables lower levels to perform at best (which is precisely the most relevant meaning of the Greek *καταρτισμός*, from the verb *καταρτίζω*: 'make whole or perfect', also used to refer to moral and spiritual maturation[68]), that which can be further specified in light of the analysis so far as the function of deciding and coordinating the implementation of only what individuals and lower levels have deemed beyond their reach and for which they accordingly require the help and cooperation of the wider community. This seems to accord with the NT usage of *ἐπίσκοπος* as 'a man charged with the duty of seeing that things to be done by others are done rightly, any curator, guardian or superintendent'.[69] More generally, as it has been noted,

> the goal of the 'apostolic ministry' is 'the responsible community' and also the 'organization of the community' (see 1 Cor. 14). The Pauline ideal of the Christian community does not consist in making believers dependent on the ecclesiastical office, but in assisting them towards their own responsibility and independence as self-accountable Christians (see 1 Cor. 3:1-4).[70]

Arguably, resistance in the RC Church to the application of subsidiarity and to the reform of its absolutist polity largely derives from the fear that to do so would contradict the dogmatically defined immediate, universal and ordinary jurisdiction of the pope. Yet such fear is mistaken, at least to the extent that they would not abolish such jurisdiction, but simply restrict it to exceptional cases. Again, subsidiarity remains the only solution to the unresolved issue of the two overlapping jurisdictions of the local bishop and the pope respectively.[71] The acknowledgment of the importance of

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[67] Sydney H. T. Page, 'Whose Ministry? A Re-appraisal of Ephesians 4:12', *Novum Testamentum* 47, no. 1 (2005), 26–46 (35); also Paula Gooder, '*Diakonia* in the New Testament: A Dialogue with John N. Collins', *Ecclesiology* 3, no. 1 (2006), 33–56 (54–5).

[68] Page, 'Whose Ministry', 32–5, esp. 34.

[69] Joseph H. Thayer, *Thayer's Greek-English Lexicon of the New Testament* (Grand Rapids MI: Zondervan, 1969), 243.

[70] Josef Blank, 'The Concept of Power in the Church: New Testament Perspectives', *Concilium* 197, no. 3 (1988), 3–12 (10). That the general goal and raison d'être of ecclesial officials was only that facilitating the maturation of the entire community is a clear Pauline teaching, as observed at some length by R. Banks, *Paul's Idea of Community*, 64, 88–90.

[71] This understanding has already been advanced several times: see e.g. Joseph S. George, *The Principle of Subsidiarity With Special Reference to Its Role in Papal and Episcopal Relations in the Light of Lumen Gentium*, Canon Law Studies No. 463, (Washington DC: Catholic University of America, 1968); A. Leys, *Ecclesiological Impact of the Principle of Subsidiarity* (Kampen: KOK Pharos, 1995), 212; Patrick Granfield, *The Papacy in Transition* (Garden City NY: Doubleday, 1980), 76–8; Jean-Marie Tillard, *The Bishop of Rome*, trans. by John de Satge (London: SPCK, 1983), 183–4.

subsidiarity, and its consequent implementation in the RC Church, would eliminate centralism, while the recognition of the unfeasibility of an omnicompetent authority would eliminate the main source of clericalism.

To the extent that the current structural outline of the RC Church does not respect those norms for the individual's cooperation in the common action of a community to be responsible, it is 'gravely immoral' by the very standard of the principle of subsidiarity. To the same extent, moreover, also for the individual Catholic to cooperate in the common action of their local church—whether by contributing time, skill or money—is irresponsible and thus potentially immoral.

Consider for example the morality of donating money, which is a form of cooperation in the common action of the group, for money funds collaborative projects. Following the scriptural witness in Acts, as well as the above mentioned philosophical insights into the morality of cooperation, in the Christian church temporal goods belong to the whole community, and so does their administration. In the current RC Church, with regard to the financial administration, canon law apparently allows self-determination: it affirms that dioceses and each parish within a diocese own their own lands, buildings and money, and have a fair amount of autonomy in financial administration—the diocese in particular having virtually no external or regulatory oversight of its financial statements.[72]

Yet the affirmation that the local church own its own assets risks becoming void to the extent that, according to the canon law currently in force, the bishop is the only person ultimately and exclusively responsible for the financial administration of those assets. Additional circumstances make the irresponsibility and thus potential immorality of cooperating financially with one's RC parish and diocese under the current legal ordering particularly evident: namely, that the bishop is not canonically required to be an expert in financial administration, cannot be expected to be able to elaborate single-handedly the future policies and courses of action to be taken in concert by the local church and, last but not least, is not even legally bound to take into account the analysis of the only expert financial body canon law prescribes at the diocesan level—namely the finance council (can. 492)—unless for an amount of money exceeding a certain

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It is to be noted however that all of the above ecclesiologists appear to have missed the point that subsidiarity entails that it is the responsibility of the lower delegating level to judge on the operational range of the higher delegated level, not the other way around.

[72] A point made in Robert West and Charles Zech, 'Internal Financial Controls in the U.S. Catholic Church', *Journal of Forensic Accounting* 9 (2008), 129–56 (134); a final draft is also available at http://graphics8.nytimes.com/packages/pdf/national/CatholicChurchfinances.pdf.

limit, which varies from national church to national church (in the U.S., it is $1 million for dioceses with more than 500,000 Catholics, and $500,000 for smaller dioceses, see can. 1295). In addition, there are not legal provisions to make such financial decisions open and transparent, a lack which already Blessed Antonio Rosmini forcefully denounced more than a century and a half ago.[73] The problem is compounded by the bishop's virtual lack of accountability for how he administers the assets of his church.

Conversely, the donors—and more generally the whole community, to which, it is crucial to remember, ecclesial assets belong—have legally no say on how the money is to be spent. This means that their money may be used for purposes or projects which they deem (and may well objectively be) inappropriate, mistaken, or even immoral, without them having the possibility of doing anything about it.[74] And the possibilities of that happening are far from remote for, as noted, the system does not provide legal norms binding the only decision-maker (i.e. the bishop) to be an expert on policy-making and economic administration, nor does it provide any legal warranties that *both* binds him to consult the competent person(s), *and* makes him accountable in case of misdeeds.[75] Such a 'blind' cooperation, with no voice in the discernment for the best course of action possible, no warranty that everything will be done to find it, nor that the values and priorities of those cooperating into the common action are shared by the decision-maker, is irresponsible and potentially immoral.

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[73] See *The Five Wounds of the Church*, chapter five. For the current state of affairs with regard to financial checks and balances, West and Zech, 'Internal Financial Controls in the U.S. Catholic Church', 135–6. 85% of the 78 chief financial officers responding to the Zech-West survey acknowledged that embezzlement occurred in their dioceses over the past five years.

[74] It is hardly the case to recall here the scandalous way in which RC bishops used church goods to cover for abusive priests, not only in the US but also, notably, in the UK and Ireland.

[75] Statistical studies show that Catholics on average donate significantly less to their church than most Protestant denominations: see e.g. Dean R. Hoge *et al*., *Money Matters: Personal Giving in American Churches* (Louisville: Westminster John Knox Press, 1996): the average Catholic Household was reported at $819 in the early 1990s, the lowest of the five Christian denominations studied, i.e. Lutherans ($1,196), Presbyterians ($1,635), Baptists ($2,479), and members of the Assemblies of God ($2,985). Is that because Catholics are greedier or less generous than other Christians? Or is it because they perceive the dangers of donating under the current arrangement? Indeed, church members responding to the study did indicate that if churches wanted them to give more, the churches should be prepared to give them a say in how the money was spent. Catholics, the lowest givers, expressed the greatest dissatisfaction with being left out of financial decisions. More than two-thirds of Protestant respondents said members had enough influence in how church money was spent; only 48 percent of Catholics said they had enough influence. 78% of Catholics surveyed said lay people and clergy should handle financial matters jointly. Only 9% wanted to leave finances to priests only. In fact, it has further been statistically observed that Catholics' contribution is positively affected, among other things, precisely by the extent of the community's (i.e. the donors') decision-making power with regard to how the donations are to be used, and by the extent to which an active majority of parishioners are involved: see on this Peter Zaleski and Charles Zech, 'Economic and Attitudinal Factors in Catholic and Protestant Religious Giving', *Review of Religious Research* 36 (December, 1994), 158-67.

6.6 Social Sin and the Necessity of Criticism towards Tradition

By highlighting the relationship of individuals with their cultural tradition of common meanings and values, the outline of a political philosophy based on Lonergan's intentionality analysis presented in chapter five also sheds light on the meaning of the concept of social and structural sin, much debated especially since the development of liberation theology. It is true, of course, that there cannot be sin unless with reference to a morally conscious individual subject, and to his/her choices. Still, the subject's choices can be motivated either by his/her own immanently generated knowledge, or by what s/he believes. Now, the vast majority of the latter comes from the shared fund of meanings and values constituting his/her cultural inheritance: about 98% of what we know, we believe, so that the cultural tradition from which we imbibe meanings and values makes us far more than we make it. Consequently, most of our choices and judgments are based on beliefs coming from our cultural heritage rather than on immanently generated knowledge.[76] Accordingly, responsibility is fully personal only and exclusively for those choices or the part of those choices which are fully attributable to the individual subject; while it is a shared (co-)responsibility for those judgments and choices not directly generated by the subject. As a consequence, while the responsibility of the individual vis-à-vis the factual as well as evaluative errors of the community does exist, it is always a very small percentage of the overall, communal co-responsibility for it.

The cumulative results of social inattention, oversight, unreasonableness and irresponsibility constitute what Lonergan calls the 'social surd', namely the historical and social results of the sustained inauthenticity stemming from inattention, oversight, unreasonableness, and irresponsibility.[77] The individuals' responsibility with regard to it presupposes the possibility of escaping at least partially from the factual as well as evaluative mistakes contained in one's socio-cultural tradition. Inasmuch as the common fund of knowledge and evaluations is the result of the experiences, understandings, judgments of fact and of value of several generations, individuals can

[76] See e.g. Lonergan, 'The Human Good' (1976), *Philosophical and Theological Papers 1965–1980*, eds. Robert C. Croken and Robert M. Doran (Toronto: University of Toronto, 2004), 332–52 (340–42); *Insight*, 196–8; 311–12; 315 (on the social dimension of such self-correcting process); 728 (on its relationship with both immanently generated [i.e. personally discovered] knowledge and with the web of beliefs constituting 99% of what we know).

[77] Lonergan, *Insight. A Study of Human Understanding*, Collected Works of Lonergan 3 (Toronto: Toronto University, 1992 [1958]), 651–56; also 'Dialectic of Authority', in *A Third Collection: Papers by Bernard J. F. Lonergan*, ed. F. E. Crowe (Mahwah NY: Paulist Press, 1985), 8–10; 'Healing and Creating in History', in *ibid*., 100–8 (104–8).

carry out the critique of their socio-cultural tradition only in minimal percentages. In effect, while it would of course be nonsensical to say that individuals can escape entirely from the influence of their tradition, still it is possible that, on particular occasions, they may perceive the effects of the distortions the social surd produces. And, as Lonergan illustrated, because the correction of a single error can open the way to a systematic tracking of the web of factual as well as evaluative mistakes preceding it, the independent contributions of particular individuals can be the starting point for the critical contribution of others.[78]

Such collaborative cultural critique will not be a linear or obstacles-free process, so much so that, according to Lonergan, the overcoming of the social surd is simply impossible if one were to consider only the intrinsic capacities of human beings. In order to rise above the biases derived from individual and group egoism, it is necessary to have a further contribution, which Lonergan outlines as the integration of human capacities.[79] The healing of the social surd will be, in any case, always and inevitably be a very partial and precarious achievement until the *παρουσία*, or second coming of Christ. Yet such healing, even if inescapably partial, is the overall goal to which the church must contribute in the history of humanity.

Finally, and most significantly for present purposes, the critical assessment of tradition necessary for the healing of the social surd largely depends, as far as human means are concerned, on the existence of the freedoms of information, thought, communication, and public debate.

Such is, in extremely summarized form, the vision elaborated by Lonergan, in harmony with his philosophical and theological system. Lonergan argued that the problem of evil, viz. human beings' fundamental moral impotence or 'basic sin'—understood as their incapacity of being attentive, intelligent, reasonable, and responsible consistently and for a sustained period, and which is the cause of the social surd and would quickly bring to the end of humanity—is not something which can be addressed by our natural capacities: rather, it requires a supernatural solution. This solution he envisaged precisely as a supernatural integration of the human capacities which strengthens but does not destroy or supersede them.[80] Lonergan's perspective is a development of the Thomist conception of the continuity between nature and the supernatural. It is relevant for our present purposes in two ways: first, by clearly

[78] See the detailed treatment in *Insight*, 736–9.
[79] The general lines of the solution are presented in chapter 20 of *Insight*, 709–51.
[80] *Insight*, 747.

envisaging the socio-cultural dimension of sin and the need for divine redemption at that level too, it confirms that the church's role in God's universal salvific plan must include a distinct and arguably irreplaceable contribution to the communal striving for the constantly needed redemptive recovery of the social surd. Second, it highlights both the need for critically assessing a community's tradition in order to heal its social surd and, most to the point, the fact that such critical assessment depends, as far as human means are concerned, on the existence of the freedoms of information, thought, communication, and public debate.

6.7 The Role of Free and Public Discussion in the Church

The ecclesial community too must provide for the diffusion and development of its own fund of knowledge and values. Only thus will it be able to live up to the times and contribute to the overcoming of the social surd. This is because, on the one hand, this overcoming presupposes the conversion of the individual, but on the other, it is itself the presupposition for the preparation, purification, and completion of the individual conversion itself.[81]

If this is so, there is a clear need to nourish the critical assessment and development of the common fund of knowledge and evaluations of a community, and to foster its critical appropriation by its members. To this goal, modern societies have developed a certain number of institutions concerning education and mass communication. Those institutions are geared towards assuring the freedoms of conscience, research, and communication, which are the fundamental conditions for the development of culture just mentioned. We find again here a third dimension of the analogy between human and ecclesial authority (cf. section 6.2 above): in both, the conditions for the decision to delegate are the same, viz. that there be sufficient information for such decision to be informed and thus responsible. Thus, just as the more the state wants to realize the democratic ideal of responsible delegation, the more it must invest in promoting the diffusion of knowledge, so too in the case of the church: the adhesion of the people of God is the more responsible the more it is informed and critical.

[81] The cultural world mediated by meanings and motivated by values makes individuals far more than they make it, for they assimilate and are thus essentially informed by it—a process which in its various aspects is named socialization, acculturation, and education. See Lonergan, 'The Human Good', *Philosophical and Theological Papers 1965–1980*, 340–2.

The impossibility of public criticism is the death-sentence of any society: for just as self-critique is an absolutely necessary premise for individual conversion—conversion always stems from the realization of the sinfulness of one's own current ways—so public debate and critique is an absolutely necessary premise for social and cultural conversion, and this applies within the church as well.[82] Free and public discussion is a necessary feature for the very continuation—and indeed the very establishment[83]—of any community in the technical meaning of the word detailed above, as a group characterised by common experiences, insights, judgments of fact, and values. It is, in effect, the only means whereby the common fund can be exploited. Besides bringing to the surface all the available knowledge and wisdom of the community, it also filters biased, ideological counter-positions, so that it is necessary for an informed assessment and selection of potential authorities and thus for a responsible delegation.

6.8 Conclusion

The present chapter was motivated by the twofold concern for assessing both the extent to which the current RC polity opposes the above mentioned insights concerning the moral norms for the individual's responsible cooperation in a common action (including by means of subordination to authority), and whether it is really possible to affirm—as official Roman Catholic ecclesiology is, if not unique, certainly idiosyncratic among the Christian churches in doing—that those insights are invalid within the church because incompatible with scriptural and/or traditional data on the church.

The findings reported above suggest both that current official RC ecclesiology does in fact contradict in important respects some foundational (democratic) principles of political freedom and responsibility, and that such principles appear to resonate rather than being incompatible with scripture and tradition. Among the common elements, I have mentioned the importance that officials be appointed by popular election, or other procedure, as long as it is suitable for expressing the necessary consent of the community to those in authority. Again, I have insisted that the understanding of authority defined by the principle of the subsidiary function seems to be if not explicitly warranted at least in agreement with scripture. Indeed, it specifies the twofold NT

[82] See John R. Quinn, 'Reform and Criticism in the Church', in *The Reform of the Papacy: The Costly Call to Christian Unity* (New York: Crossroad, 1999), 36–75.

[83] 'Through communication there is constituted community, and, conversely, community constitutes and perfects itself through communication.' Lonergan, *Method*, 363.

description of authority—positively as 'service' and negatively as 'not lording it over'—by envisaging the very raison d'être of authority as that of helping the lower decisional level (from the individual upwards) attain what it would otherwise have to forsake—hence its diaconal element—and by the same token limits such authority by forbidding micro-management—hence its 'not lording it over' element. Finally, I have commented on the importance of free and public discussion for the very formation as well as maintenance and development of a community. Free and public debate, of course, is implied by the NT term *παρρησία*—itself a fundamental concept of Greek political thought[84]—which was a central element of the common life of the early church. In effect, the common house-meetings and assemblies (*ἐκκλησίαι*) at the basis of the Christian fellowship (*κοινωνία*) were undoubtedly events in which discussion—for mutual edification, growth in understanding of the Good News, discernment of the common good and decision-making for common action—was a primary and indeed essential purpose.[85] Today, such public debates should be promoted also on all available ecclesial mass-media.

The guidelines offered above aim to overcome both the centralization of competences—and thereby both allow the responsible selection by all those concerned of church officials on the basis of their competence, and legally binding the coordinating authority to defer to the relevant specialized authorities whenever needed as a matter of moral duty—and the centralization resulting from not recognizing that every authority has only a subsidiary function with regard its lower level and, accordingly, should not act in any of those matters that the lower level deems, on the basis of its own personal judgment, to lay within its capacity and thus responsibility. Until the Roman Catholic ecclesial polity has redressed both centralizations—and the changes required, as might be appreciated, are momentous—it can be foreseen that the current situation of indifference, disengagement, and alienation affecting a majority of those baptized Catholics is not likely to improve.[86]

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[84] See Heinrich Schlier, '*παρρησία, παρρησιάζομαι*', in Gerhard Kittel and Gerhard Friedrich (eds.), *Theological Dictionary of the New Testament* (Ann Arbor: Eerdmans, 1967), vol. V, 871–86.

[85] Hamilton Hess, *The Early Development of Canon Law and the Council of Serdica* (Oxford: Oxford University Press, 2002), 5–6, 33–4, quoted in 3.6 and 2.2 respectively.

[86] For an analysis of the silent schism of alienated Catholics from the current ecclesiastical establishment, see Peter Steinfels, *A People Adrift: The Crisis of the Roman Catholic Church in America*, (New York: Simon and Schuster, 2004); also Michael P. Hornsby-Smith, 'Some Sociological Reflections on Power and Authority in the Church', in Noel Timms and Kenneth Wilson (eds.), *Governance and Authority in the Roman Catholic Church. Beginning a Conversation* (London: SPCK, 2000), 12–31.

7 CONCLUSION

This work has been prompted by the much debated question of whether the Christian community can be structured democratically. The organization of the Christian polity, it was anticipated, can have a remarkable import for both the intellectual and the moral quality of Christian action and cooperation in the world, and that justifies the amount of research and discussions gone into addressing it.

The potential for developing this work is both dependent on and limited by its methodology, for the latter is based on two precise assumptions which are not universally shared. The first, expounded in chapter four, is an insight basic to and distinctive of mainstream Christian (as distinguished from e.g. Islamic) theology. In this view, divine assistance—whatever its precise nature—always preserves all the cognitional and moral operations making up human beings' distinctive way of coming to know (intelligently) and deciding (responsibly).

The second assumption is that any theory studying the individual's cooperation in the action of a group always assumes, explicitly or implicitly, a view of whether and how (i.e. by what cognitional and moral operations) we come to know and decide. When coupled with the first more properly theological assumption, the resulting insight affirms that an understanding of human intentionality detailing whether and how humans come to know (intelligently) and decide (responsibly) is basic to, and always undergirds, not only philosophical but also theological reflections about the individual's political cooperation in the action of his or her group, regardless of whether the latter is a primarily religious or a primarily civil community.

That this has been historically the case is witnessed by the remarkable influence different views of human intellectual and moral capacities and operations (e.g. the Augustinian/Platonic and the Thomist/Aristotelian) have had on the past ecclesiologies and political philosophies they undergirded—whether papalist or conciliarist, royalist or constitutionalist, Catholic or Protestant.

The method underlying this work has been, accordingly, that of clarifying, comparing, and evaluating political as well as ecclesiological insights and practices against whether and to what extent they stem from and abide by the cognitional and moral criteria for our coming to know to be attentive, intelligent, and reasonable, and for our deciding to be responsible. Its results have been, on the one hand, the essential reaffirmation of the insights entailed by the principles of subsidiarity and self-

determination and, on the other hand, a heuristic understanding of democracy as the rationalization and responsibilisation of delegation and of the relationship of authority.

Both subsidiarity and the understanding of legitimate authority as based on attentive, intelligent, reasonable, responsible and free decision to delegate should not be regarded simply as a recent insight which has perhaps over-hastily been considered as the foundation of contemporary Western democratic political philosophy. Rather, they express the eventual widespread acceptance of the ancient perception that human beings are rational, responsible, and thus free, and that accordingly obedience to authority—any authority, whether that of the gods or of the rulers—must ultimately rest on free consent.

Of course, historically such a fact of human nature has been ignored much more often than not, variously due to group prejudices about ethnicity, gender and sexual orientation, religion, or social class/caste. Throughout history, people have denied and still deny other people their intelligence, responsibility, and thus freedom—including of course their political freedom—for a variety of reasons. For instance, because they worshipped the wrong gods ('infidels'); had been conquered or were born of the 'wrong' parents ('slaves', by conquest or by birth); were born of the 'wrong' sex (female) or sexual orientation (homosexuals); were born of the 'wrong' race: all those terms, from 'infidel' to 'female', carried—and often still carry—the implication of negative, inferior, sub-normal cognitive and moral capacities.

Yet, the universal awareness of the responsible and thus free nature of human beings kept resurfacing, time and again, with the nagging insistence of facts, which are sacred. Its very slow, struggling recognition has only recently began to attain dominant, if still precarious, status in the cultural mindset of the people living in the Western democracies, but that in itself, from an historical perspective, is to be counted as a momentous achievement of political philosophy and human civilization more generally.

An analogous discourse can be made about subsidiarity—understood in the sense presented earlier (4.4)—which well summarises the intentional requirements for cooperation to be responsible. Precisely with regard to that principle we find a notable convergence between political philosophy, Christian ecclesiology, and—I would suggest—some important non-Christian thought on political as well as religious communities. Let us proceed in that order.

Robert Dahl has hailed subsidiarity, under the name of 'presumption of personal autonomy',[1] as *the* foundational principle of democratic political philosophy. Its essence is already clearly present in Aristotle's *Politics*.[2] The most famous endorsement of subsidiarity has been by the 1992 *Maastricht Treaty* of the European Union, which sanctioned it as *the* normative principle for regulating the division of competencies and responsibilities between the various decisional levels within the EU (thus further underlying that it is the only principle truly necessary and foundational for any polity, and thus the only principle with potential transcultural value). However it is called, the principle of subsidiarity—which is but a clarification of the principle of self-determination—continues to be regarded across many of the currently dominant and most widespread cultures as expressing a universal anthropological insight with obvious political consequences. Particularly noteworthy is also the fact that subsidiarity has been regarded as one of the handful of interrelated foundational principles which should undergird any revision of international law and any future development of a 'global law'.[3]

Subsidiarity has had an analogous fundamental role in the history of ecclesiology. As in political philosophy, its earlier implicit role was first officially acknowledged only relatively recently, when Pope Pius XII twice stressed its foundational importance in the church. More recently, in 1998 the *Virginia Report* of the Inter-Anglican Theological and Doctrinal Commission endorsed its application as a principle which should inform the government of the worldwide Anglican Communion.[4] Likewise, the constitution of

[1] 'In the absence of a compelling showing to the contrary everyone should be assumed to be the best judge of his or her own good or interests', Dahl, Democracy and Its Critics (New Haven/London: Yale University Press, 1989), 100, italics in the original (cf. 70, 76, 93, 99-105, 180-2). It is to be noted that the same principle is one of the arguments Antonio Rosmini brought in favour of an elective system for appointing bishops in which the whole local church would be involved, see *The Five Wounds of the Church*, ed. and trans. Denis Cleary (Leominster: Fowler Wright, 1987 [1848]), §116 (pp. 116–17), whose lengthy seminal extract has been quoted in 4.6 no. 66 above.

[2] Chantal Delsol, 'La bonne étoile de la subsidiarité', in Peter Blickle, Thomas O. Hüglin, Dieter Wyduckel (eds.), *Subsidiarität als rechtliches und politisches Ordnungsprinzip in Kirche, Staat und Gesellschaft* (Berlin: Duncker & Humblot, 2002), 85–90 (85).

[3] Rafael Domingo, *The New Global Law*, ASIL Studies in International Legal Theory (Cambridge: CUP, 2010), 176–80; David Held, 'Principles of Cosmopolitan Order', in Gillian Brock and Harry Brighouse (eds.), *The Political Philosophy of Cosmopolitanism* (Cambridge: CUP, 2005), 10–27 (12–14). The full list of the universal principles Held envisages as 'paramount' for a cosmopolitan order are: '(1) equal worth and dignity; (2) active agency; (3) personal responsibility and accountability; (4) consent; (5) collective decision-making about public matters through voting procedures; (6) inclusiveness and subsidiarity; (7) avoidance of serious harm; and (8) sustainability' (*ibid*., 12).

[4] Inter-Anglican Theological and Doctrinal Commission, *Virginia Report* (1997), in Lambeth Conference, *The Official Report of the Lambeth Conference 1998: Transformation and Renewal, July 18–July 9, 1998, Lambeth Palace; Canterbury, England*, eds. Mark Dyer *et al*. (Harrisburg, PA: Morehouse Publishing, 1999), pp. 15–63 (esp. §§4.8–4.9), available at http://www.lambethconference.org/1998/documents/report-1.pdf.

the Lutheran World Federation, drafted in 1990, clearly embodies the principle of subsidiarity even while it does not explicitly mention it.[5] In their recent ecclesiological dialogue with the U.S. Roman Catholic Church, the U.S. United Methodists acknowledged that they 'highly value the application of the "principle of subsidiarity" within their communities, whereby functions, services, and decisions that are appropriate to individuals or smaller groups are actually carried out by them. It is unjust and harmful to *koinonia* for higher authorities or larger communities to deprive people of their rightful responsibilities'.[6] The polity of other Christian churches—Reformed, Presbyterian, Baptist, and Free Churches—are already largely consistent with subsidiarity: but they too might still find that principle useful for the ongoing assessment of both their current practices and their future developments.

Lastly, there are some intriguing instances of the presence of the principle of subsidiarity in the political thought of non-Christian traditions. For instance, with regard to Islam, Muslim scholars Zafar Iqbal and Mervyn K. Lewis observed:

> The Holy Qur'an mandated the pre-Islamic concept of *shura*, that is governance by mutual consultation and consensus, as a central aspect of an Islamic system of government as epitomized by the actual practice of the Prophet and the four rightly-guided Caliphs. *Shura* involved the use of elections or consultations to select representatives to discuss, debate and formulate public policy on the *umma*'s behalf. Using this example, each specific community or fraternity should decide, via *shura*, what structure of governance is appropriate for it. In effect, what must be decided is the process of establishing mutual consultation on political decisions, and the role of *ahl al-hal wa al-àqd*, the persons eligible to participate in the process of *shura* (Tag el-Din, 2006).[7]

The affirmation that it is up to each specific community to determine what political pattern is appropriate for it, as well as the scope and extent of delegation, is essentially an affirmation of subsidiarity (see 5.4 and 5.13, no. 138).

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[5] 'As instrument of its autonomous member churches the Lutheran World Federation may take action in matters committed to it by the member churches. It may act on behalf of one or more churches in such specific tasks as they commit to it', §iv and *passim*, available at http://www.lutheranworld.org/Who_We_Are/LWF-Constitution.pdf. This constitution could well be the chart for an ecumenical papacy.

[6] United Methodist-Roman Catholic Dialogue, USA, *Through Divine Love: The Church in each Place and all Places* (New York/Washington D.C.: United Methodist Church [U.S.]/USCCB, 2005), §107, available at http://www.usccb.org/seia/finalUMC-RC5-13masterintro.pdf.

[7] *An Islamic Perspective on Governance* (Cheltenham: Edward Elgar Publishing, 2009), 258–9. 'For these reasons—they added—Siddiqi (2006) argues that democratic decision-making should be added "as a pillar of the free society of Islam" (p. 4).' *Ibid*., 258.

In light of those assumptions, it is easy to see how this work could be developed. For the latter is but a specific and limited application of the general method of clarifying, comparing and evaluating philosophical or theological insights on the political life in general—and specifically on the requirements for cooperation in a community—against both a critical understanding of how (i.e. by which intentional operations) we come to know and decide, and against the resulting view of the human being stemming from it—i.e. the view, today widespread, of the human subject as intelligent, responsible, free and self-determining (if always socially and culturally conditioned). Politically, it entails—as chapter five has attempted to show—an understanding of democracy as the rationalization and responsibilisation of delegation and of the relationship of authority, based on the principle of subsidiarity or self-determination.

From this perspective, a way to carry that project forward would be, as just noted, that of clarifying, comparing and evaluating philosophical or theological insights of other cultural or religious traditions concerning the political life in general—and specifically on the requirements for cooperation in a community—against whether and to what extent they stem from a view of human intentionality in general, and of its cognitive and moral requirements for cooperation/obedience to be responsible in particular, analogous to the distinctively Christian and Western one assumed here: namely, that the human subject retains his/her intelligence, responsibility, and freedom of self-determination even if continually assisted by God, and that the main criterion for evaluating any polity, whether primarily civil or primarily religious, is the extent to which it stems from, reflects, and enables the exercise of intelligence and responsibility in the relationship of authority, and so primarily in delegating.

A reliable way of knowing if such an understanding of democracy common in the West has indeed a future is by evaluating its presence in, or at least compatibility with, the political insights contained in the many cultural and religious traditions of the world. While a lot has already been done in this regard, with many specific studies analysing the democratic content of the Islamic, Hinduist, Buddhist, or Confucian traditions—to mention but a few—much more still needs to be done.

A more immediate way of expanding the project advanced here is to study further what ecclesiological insights and practices should be preserved, developed, or revised for the Christian church to become an exemplary model of democracy in the sense developed in this work: namely, a community stemming from, reflecting, and nurturing

the exercise of intelligence and responsibility in the relationship of authority. Such a goal, as de Gruchy among others insisted, is central to the mission of the church:

> If political democracy means the way in which justice is structured on the presupposition of equity and for the sake of freedom, then it reflects by analogy what should be even more true within the life of the Christian *ekklesia*. If genuine democracy should enable human fulfilment and flourishing, how much more should the life of the church enable its members to discover an even deeper fulfilment and freedom in Christ? If democracy is about political participation in which difference is respected and which contributes to the well-being of the whole, how much more should the church as the *koinonia* of the 'people of God' embody and express true human sociality, reflecting the restored image of the triune God? This being so, 'the most authentic support that the church can give to a democratic order of society remains that of an effective and increasingly profound praxis of communion within itself'.[8]

Indeed, Barth's words remain as actual today as they were first written that 'the decisive contribution which the Christian community can make to the upbuilding and maintenance of the civil consists in the witness which it has to give it and to all human societies in the form of the order of its own upbuilding and constitution.'[9]

[8] John de Gruchy, *Christianity and Democracy: A Theology for a Just World Order* (Cambridge: CUP, 1995), 255, citing Giuseppe Alberigo, 'Ecclesiology and Democracy: Convergences and Divergences', in James H. Provost and Knut Walf (eds.), *The Tabu of Democracy within the Church*, *Concilium* 5 (1992), 14-26 (23).

[9] Karl Barth, *Church Dogmatics*, Vol. IV, Part 2, eds. G. W. Bromiley and T. F. Torrance, trans. G. W. Bromiley *et al.* (Edinburgh: T.&T. Clark, 1961), 721, cited in de Gruchy, *Christianity and Democracy*, 255.

Bibliography

a) Selected Works Envisaging a Democratization of the Church

The RC literature on democracy in the church is enormous, and the issue has been addressed from the perspectives of biblical exegesis, history, canon law, sociology, political philosophy, theology, feminist studies, and so on. Here I can only offer a very selective sample of some significant contributions. Several collections have been published which call for, favour or at the very least suggest the possibility, from the perspectives of the above mentioned different disciplines, of a democratisation of the church. Four recent collections are invaluable in this regard:

Bianchi, Eugene C., and Rosemary Radford Ruether (eds.), *A Democratic Catholic Church: The Reconstruction of Roman Catholicism* (New York: Crossroad, 1992).

Oakley, Francis, and Bruce Russett (eds.), *Governance, Accountability, and the Future of the Catholic Church* (New York/London: Continuum, 2004).

Pope, Stephen J. (ed.), *Common Calling: The Laity and Governance of the Catholic Church* (Washington D.C.: Georgetown University Press, 2004).

Timms, Noel, and Kenneth Wilson (eds.), Governance and Authority in the Roman Catholic Church. Beginning a Conversation (London: SPCK, 2000).

Slightly older but still quite valuable collections include:

Coriden, James A. (ed.), *Who Decides for the Church?* (Hartford CT: Canon Law Society of America, 1971).

—, (ed.), *The Once and Future Church* (New York: Alba House, 1971).

Küng, Hans (ed.), *Reforming the Church Today: Keeping Hope Alive*, trans. Peter Heinegg with Francis McDonagh (Edinburgh: T&T Clark, 1990).

Küng, Hans, and Leonard J. Swidler (eds.), *The Church in Anguish: Has the Vatican Betrayed Vatican II?* (London: Harper & Row, 1987).

Swidler, Leonard J. (ed.), *Charter of Rights for Catholics in the Church* (Kansas City MO: Sheed and Ward, 1989).

Numerous past issues of the theological journal *Concilium* have played a key role in spreading the arguments in favour of a democratization of the church. The most relevant have been, in chronological order:

Alois Muller (ed.), Democratization of the Church, Concilium 63 (1971).

Teodoro Jimenez Urresti (ed.), *Contestation in the Church*, *Concilium* 68 (1971).

Edward Schillebeeckx (ed.), *The Unifying Role of the Bishop*, *Concilium* 71 (1972).

Müller, Alois, and Norbert Greinacher (eds.), *Ongoing Reform of the Church*, *Concilium* 73 (1972).

Küng, Hans, and Walter Kasper (eds.), *The Plurality of Ministries*, *Concilium* 74 (1972).

Alberigo, Giuseppe, and Anton Weiler (eds.), *Election and Consensus in the Church*, *Concilium* 77 (1972).

Van Iersel, Bastiaan, and Roland Murphy (eds.), *Office and Ministry in the Church*, *Concilium* 80 (1972).

Küng, Hans, and Walter Kasper (eds.), *Polarization in the Church*, *Concilium* 88 (1973).

Baum, G., and A. Greeley (eds.), *The Church as Institution*, *Concilium* 91 (1974).

Bassett, W., and P. Huizing (eds.), *Judgment in the Church*, *Concilium* 107 (1977).

Duquoc, Christian, and Casiano Floristán Samanes (eds.), *Charisms in the Church*, *Concilium* 109 (1978).

Greinacher, Norbert, and Alois Muller (eds.), *The Church and the Rights of Man*, *Concilium* 124 (1979).

Küng, Hans, and Jürgen Moltmann (eds.), *Conflicts about the Holy Spirit*, *Concilium* 128 (1979).

Schillebeeckx, Edward, and Johann Baptist Metz (eds.), *Right of the Community to a Priest*, *Concilium* 133 (1980).

Huizing, Petrus, and Marcus Lefébure (eds.), *Electing Our Own Bishops*, *Concilium* 137 (1980).

Floristán Samanes, Casiano (ed.), *Christian Obedience*, *Concilium* 139 (1980).

Moltmann, Jürgen, Hans Küng, and Marcus Lefébure (eds.), *Who Has the Say in the Church?*, *Concilium* 148 (1981).

Küng, Hans, and Jürgen Moltmann (eds.), *The Right to Dissent*, *Concilium* 158 (1982).

Huizing, Peter, and Knut Walf (eds.), The Ecumenical Council and the Church Constitution, Concilium 167 (1983).

Boff, Leonardo, and Virgil Elizondo (eds.), *La Iglesia Popular: Between Fear and Hope*, *Concilium* 176 (1984).

Metz, Johann Baptist, and Edward Schillebeeckx (eds.), *The Teaching Authority of the Believers*, *Concilium* 180 (1985).

Schüssler Fiorenza, Elisabeth (ed.), *Women—Invisible in Church and Theology*, *Concilium* 182 (1985).

Provost, James, and Knut Walf (eds.), *Power in the Church*, *Concilium* 197 (1988).

Provost, James, and Knut Walf (eds.), *Collegiality Put to the Test*, *Concilium* 4 (1990).

Provost, James H., and Knut Walf (eds.), *The Tabu of Democracy within the Church*, *Concilium* 5 (1992).

Moltmann, Jürgen, and Karl-Josef Kuschel (eds.), *Pentecostal Movements as an Ecumenical Challenge*, *Concilium* 3 (1996).

Schlüssler-Fiorenza, Elisabeth, and Hermann Häring (eds.), *The Non-Ordination of Women and the Politics of Power*, *Concilium* 3 (1999).

Again, several monographs too should be mentioned which have suggested the opportunity or even necessity of ecclesial democratisation, whether from the standpoint of biblical exegesis, history, canon law, or systematic theology (listed in alphabetical order):

Boff, Leonardo, Church, Charism and Power: Liberation Theology and the Institutional Church, trans. John W. Diercksmeier (London: SCM, 1985).

Carey, Patrick W., People, Priests, and Prelates: Ecclesiastical Democracy and the Tensions of Trusteeism (Notre Dame: University of Notre Dame Press, 1987).

Carroll, James, Toward a New Catholic Church: The Promise of Reform (New York: Mariner Books, 2003).

Coriden, James A., Canon Law as Ministry: Freedom and Good Order for the Church (Mahwah NJ: Paulist Press, 2000).

—, *The Rights of Catholics in the Church* (Mahwah NJ: Paulist Press, 2007).

De Gruchy, John W., *Christianity and Democracy*. A Theology for a Just World Order (Cambridge: CUP, 1995).

De la Bédoyère, Quentin, Autonomy and Obedience in the Catholic Church: The Future of Catholic Moral Leadership (London: T.&T. Clark, 2002).

Lakeland, Paul, The Liberation of the Laity. In Search of an Accountable Church (New York/London: Continuum, 2003).

—, *Church: Living Communion* (Collegeville MN: Liturgical Press, 2009).

Leys, Ad, Ecclesiological Impacts of the Principle of Subsidiarity (Kampen: KOK Pharos, 1995).

McKenna, Kevin E., The Battle for Rights in the United States Catholic Church (Mahwah NJ: Paulist Press, 2007).

McKenzie, John L., *Authority in the Church* (Eugene OR: Wipf & Stock, 2009 [1969]).

Naud, André, Un aggiornamento et son éclipse: La liberté de la penseé dans la foi et dans l'Église (Quebec: Fides, 1996).

Örsy, Ladislas, Receiving the Council. Theological and Canonical Insights and Debates (Collegeville MI: Liturgical Press, 2010).

Quinn, John R., The Reform of the Papacy: The Costly Call to Christian Unity (New York: Crossroad, 1999).

Radford Ruether, Rosemary, *Contemporary Roman Catholicism: Crises and Challenges* (Kansas City MO: Sheed and Ward, 1987).

Schillebeeckx, Edward, *Church. The Human Story of God*, trans. by John Bowden (New York: Crossroad, 1990).

Swidler, Leonard, *Toward a Catholic Constitution* (New York: Crossroads, 1996).

—, Making the Church Our Own: How We Can Reform the Catholic Church from the Ground Up (Lanham MD: Rowman & Littlefield Publishers, 2007).

Torfs, Rick, A Healthy Rivalry: Human Rights in the Church (Leuven: Peeters, 1995).

—, 'Rights in Canon Law: Real, Ideal or Fluff?', in *Proceedings of the Canon Law Society of America 61*, (1999), 343-84.

Torres Queiruga, Andrés, *La Chiesa oltre la democrazia*, trans. F. Sudati (Molfetta: La Meridiana, 2004).

Viola, Frank, Reimagining Church. Pursuing the Dream of Organic Christianity (Colorado Springs CO: David C. Cook, 2008).

Finally, a few works should be mentioned out of the vast literature in German arguing in favour of ecclesial democratisation, selected primarily from the comprehensive and extensively commented bibliography on democracy in the church compiled by Peter Inhoffen and Michael Höltz in Bernhard Körner, Maria E. Aigner, and Georg Eichberger (eds.), *Bischofsbestellung. Mitwirkung der Ortskirche?* (Graz: Styria, 2000), 161-226, with a few additions of works appeared since:

Fürst, Gerbhard (ed.), *Dialog als Selbstvollzug der Kirche?*, Quaestiones Disputatae 166 (Freiburg i. Br.: Herder, 1997).

Greinacher, Norbert, 'Demokratisierung der Kirche', *Theologische Quartalschrift* 170, (1990), 253–66.

—, 'Apostel, Propheten und Lehrer: Damals und Heute', *Theologische Quartalsschrift* 171, no. 1 (1991), 48–63.

Haag, Herbert, *Worauf es ankommt: Wollte Jesus eine Zwei-Stände-Kirche?* (Freiburg/Basel/Vienna: Herder, 1997).

—, *Nur wer sich ändert, bleibt sich treu: Für eine Verfassung der katholischen Kirche* (Freiburg in Br.: Herder, 2000).

Hartmann, Gerhard, *Der Bischof. Seine Wahl und Ernennung. Geschichte und Aktualität*, Gräzer Beitrage zur Theologie-geschichte und kirchlichen Zeitgeschichte 5 (Graz: Styria, 1990).

Hasenhüttl, Gotthold, Herrschaftsfreie Kirche. Sozio-theologische Grundlegung (Düsseldorf: Patmos, 1974).

Hattrup, Dieter, 'Amt und Volk in der Kirche. Zum Sinn des Sensus Fidei', *Theologie und Glaube* 85 (1995), 337-64.

Heinemann, Heribert, 'Demokratisierung als Anfrage an das Kirchenverständnis', *Renovatio* 53, no. 1 (1997), 13-22.

Heinz, Hanspeter, 'Demokratie in der Kirche. Zur Mitverantwortung und beteiligung aller getauften', *Stimmen der Zeit* 212, no. 9 (1994), 579-92.

Hilberath, Bernd Jochen (ed.), *Communio—Ideal oder Zerrbild von Kommunikation?*, Quaestiones Disputatae 176 (Freiburg/Basel/Wien: Herder, 1999).

Hoffmann, Paul, Das Erbe Jesu und die Macht in der Kirche: Rückbesinnung auf das Neue Testament (Mainz: Matthias-Grunewald-Verlag, 1991).

Inhoffen, Peter (ed.), *Demokratische Prozesse in den Kirchen? Konzilien, Synoden, Räte*, Theologie im kulturellen Dialog (Graz: Styria, 1998).

Karrer, Leo, Wir sind wirklich das Volk Gottes. Auf dem Weg zu einer geschwisterlichen Kirche (Freiburg i. Br.: Paulusverlag, 1994).

Koch, Günter, Mitsprache im Glauben? Vom Glaubenssinn der Gläubingen (Würzburg: Echter, 1993).

Küng, Hans, (ed.), *Für Freiheit in der Kirche. Herbert-Haag-Preis 2001* (Freiburg i. Br.: Universitätsverlag Freiburg Schweiz, 2002).

Laun, Andreas, Kirche Jesu oder Kirche der Basis? Zum *Kirchenvolksbegehren* (Köln: Adamas Verlag, 1996).

Leuninger, Ernst, Wir sind das Volk Gottes! Demokratisierung der Kirche (Frankfurt a. M.: Knecht, 1992).

Liebmann, Maximilian, *Kirche in der Demokratie—Demokratie in der Kirche*, Theologie im kulturellen Dialog 1 (Graz: Styria, 1997).

Liebmann, Maximilian (ed.), *Demokratie und Kirche. Erfahrungen aus der Geschichte*, Grazer Beiträge zur Theologiegeschichte und Kirchlichen Zeitgeschichte (Graz: Styria, 1997).

Lüdecke, Nobert, and Georg Bier (eds.), *Freiheit und Gerechtigkeit in der Kirche. Gedenkschrift für Werner Böckenförde*, Forschungen zur Kirchenrechtswissenschaft Band 37, (Würzburg: Echter Verlag, 2006).

Luzzatto, Franco, Öffentlichkeitsdefizit der katholischen Kirche: Organisationskommunikation und Kommunicationsstruktur der katholischen Kirche Schweiz—Bedingungen für ein Ende der Stagnationskrise (Freiburg i. Br.: Universitätsverlag Freiburg Schweiz, 2002).

Pfammatter, Josef and Eduard Christen (eds.), *Dialogische Kirche: Kirche im Dialog* (Hamburg: Paulusverlag Freiburg Schweiz, 1996).

Schavan, Annette (ed.), Dialog statt Dialogverweigerung. Impulse für eine zukunftsfähige Kirche (Kevelaer, 1994).

Stegmann, Josef, 'Subsidiarität in der Kirche. Anmerkungen zu einem gravissimum principium der katholischen Soziallehre', in Wilhelm Geerlings und Max Seckler (eds.), *Kirche sein. Nachkonziliare Theologie im Dienst der Kirchenreform*, Festschrift für Hermann Josef Pottmeyer (Freiburg im Br.: Herder, 1994), 361-71.

Wenz, Gunther, Kirche. Perspektiven reformatorischer Ekklesiologie in ökumenischer Absich (Göttingen: Vandenhoeck & Ruprecht, 2005).

Zsifkovits, Valentin, *Die Kirche, eine Demokratie eigener Art?* (Münster: LIT-Verlag, 1997).

Zulehner, Paul M., and Andreas Heller (eds.), *Kirchenreform* (Wien: Verlag Zeitpunkt, 1998).

b) Works Consulted

Adler, Jonathan, 'Epistemological Problems of Testimony', in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Winter 2007 Edition), available at http://plato.stanford.edu/entries/testimony-episprob/.

Ahaus, Hubert, 'Holy Orders', *The Catholic Encyclopedia*, Vol. 11 (New York: Robert Appleton Company, 1911), available at http://www.newadvent.org/cathen/11279a.htm.

Aimone-Braida, Pier Virginio, 'La partecipazione dei laici alla potestà sacra nella storia del Diritto Canonico (can. 129)', in Italian Association of Teachers of Canon Law

(ed.), *I laici nella ministerialità della Chiesa. XXVI Incontro di studio. Centro Dolomiti 'Pio X' – Borca di Cadore, 28 giugno – 3 luglio 1999*, Quaderni della Mendola 8 (Milano: Glossa, 2000), 35–49, available at http://www.unifr.ch/cdc/show_fn.php?id=23.

Allen, John, Cardinal Ratzinger: The Vatican's Enforcer of the Faith (London: Continuum, 2000).

Almain, Jacques, 'A Book Concerning the Authority of the Church' [*Tractatus de Auctoritate Ecclesiæ et Conciliorum Generalium adversus Thomas de Vio*], in J. H. Burns and Thomas M. Izbicki (eds.), *Conciliarism and Papalism*, Cambridge Texts in the History of Political Thought (Cambridge: CUP, 1997), 134-200.

Amann, Thomas A., Laien als Träger von Leitungsgewalt? Eine Untersuchung aufgrund des Codex Iuris Canonici, Münchener Theologische Studien III (St. Ottilien: Eos, 1996).

Amidon, Philip R., 'The Procedure of St. Cyprian's Synods', in Everett Ferguson (ed.), *Church, Ministry, and Organization in the Early Church Era*, Studies in Early Christianity 13 (New York/London: Garland, 1993), 224-35.

Apel, Karl-Otto, 'Is the Ethics of the Ideal Communication Community a Utopia?', in Seyla Benhabib and Fred Dallmayr (eds.), *The Communicative Ethics Controversy* (Cambridge MA/London: MIT, 1990), 23-59.

Aquinas, Thomas, *Political Writings*, ed. and trans. R. W. Dyson (Cambridge: CUP, 2002).

Aristotle, *Nicomachean Ethics*, bk. IX, ch. 6, 1167a-1167b, trans. David Ross, revised with an introduction and notes by Lesley Brown (Oxford: OUP, 2009).

Arrow, Kenneth, 'The Economics of Agency', in John Pratt and Richard Zeckhauser (eds.), *Principals and Agents* (Cambridge MA: Harvard Business School, 1985), 37–51.

Avis, Paul, Beyond the Reformation? Authority, Primacy and Unity in the Conciliar Tradition (London: T&T Clark, 2006).

Badini Confalonieri, Giuseppe, 'La democrazia come metodo pubblico di ricerca del vero e del bene: I fondamenti epistemologici del metodo democratico', in Antonio Salvatore (ed.), *Europa Cristiana e Democrazie Liberali* (Stresa: Edizioni Rosminiane, 2002), 245-70, unpublished ET by Joseph Buzzelli with modifications by the author, 'Democracy as a Public Method of Searching for the Truth and the Good: The Epistemological Foundations of the Democratic

Method', available at http://www.lonergan.org/dialogue_partners/badini/badini.htm.

Banks, Robert, P*aul's Idea of Community: The Early House Churches in Their Historical Setting* (Grand Rapids MI: Eerdmans, 1988).

Bartelink, Gerard, 'The Use of the Words *Electio* and *Consensus* in the Church (Until about 600)', in Giuseppe Alberigo and Anton Weiler (eds.), *Election and Consensus in the Church*, *Concilium* 77 (1972), 147-54.

Basdevant-Gaudemet, Brigitte, 'Les éveques de la chrétienté et l'éveque de Rome du milieu de iii^{e} siècle au milieu du v^{e} siècle', in *Eglise et autorités. Etudes d'histoire de droit canonique médiéval*, Cahiers de l'Institut d'Anthropologie Juridique no. 14 (Limoges: Presses universitaires de Limoges, 2006), 25–49.

Bauckham, Richard, 'James the Just and the Jerusalem Church', in Bauckham (ed.), *The Book of Acts in Its Palestinian Setting*, (Grand Rapids MI: Eerdmans, 1995), 415-80.

Bauckham, Richard (ed.), *The Book of Acts in Its Palestinian Setting*, (Grand Rapids MI: Eerdmans, 1995).

Bauer, Walter, *Orthodoxy and Heresy in Earliest Christianity*, trans. by a team from the Philadelphia Seminar on Christian Origins, ed. R. A. Kraft and G. Krodel (Mifflintown PA: Sigler Press, 1996 [1971, 1st ed. 1934]).

Baycroft, John, 'An Emerging Ecumenical Consensus on Papal Primacy?', *Journal of Ecumenical Studies* 35, nos. 3–4 (1998), 365–9.

Beal, J., 'The Exercise of the Power of Governance by Lay People: State of the Question', *The Jurist* 55 (1995), 1-92.

Bellarmino, Roberto, Risposta del Card. Bellarmino ad un libretto intitulato Trattato, e resolutione sopra la validità de le scommuniche di Gio. Gersone (Rome, 1606).

Benedict XVI, Pope, 'Letter to the Bishops, Priests, Consecrated Persons, and Lay Faithful of the Catholic Church in the People's Republic of China', (27th May 2007), available at http://www.vatican.va/holy_father/benedict_xvi/letters/2007/documents/hf_ben-xvi_let_20070527_china_en.html.

Benhabib, Seyla, and Fred Dallmayr (eds.), *The Communicative Ethics Controversy* (Cambridge MA/London: MIT, 1990).

Benson, Robert L., *The Bishop-Elect. A Study in Ecclesiastical Office* (Princeton NJ: Princeton University Press, 1968).

Berkowitz, Peter, 'Mill: Liberty, Virtue, and the Discipline of Individuality', in Eldon J. Eisenach (ed.), *Mill and the Moral Character of Liberalism* (University Park: Pennsylvania State University, 1998), 13–48.

Bertone, Cardinal Tarcisio, 'Chiesa e democrazia: analogie e differenze', (4th December 2008), available at http://www.vatican.va/roman_curia/secretariat_state/card-bertone/2008/documents/rc_seg-st_20081204_lectio-magistralis_it.html.

Best, Thomas F., and Günther Gassmann (eds.), *On the Way to Fuller Koinonia. Official Report of the Fifth World Conference on Faith and Order*, Faith and Order Paper no. 166 (Geneva: World Council of Churches, 1994).

Beyer, Hermann W., '*Ἐπίσκοπος*', in Gerhard Kittel (ed.), *Theological Dictionary of the New Testament*, trans. Geoffrey W. Bromiley (Grand Rapids MI: Eerdmans, 1964), vol. II, 608-20.

Bianchi, Eugene C., and Rosemary Radford Ruether (eds.), *A Democratic Catholic Church: The Reconstruction of Roman Catholicism* (New York: Crossroad, 1992).

Bier, Georg, 'Das Verhältnis zwischen Primat und Episkopat. Anknüpfungspunkt für einen ökumenischen Konsens über den Petrusdienst?', in Wolfgang Bock (ed.), *Gläubigkeit und Recht und Freiheit: Ökumenische Perspektiven des katholischen Kirchenrechts* (Göttingen: Vandenhoeck & Ruprecht, 2006), 53-76.

Blank, Josef, 'The Concept of Power in the Church: New Testament Perspectives', *Concilium* 197, no. 3 (1988), 3-12.

Blanshard, Paul, *American Freedom and Catholic Power* (Boston: Beacon Press, 1949).

—, Communism, Democracy, and Catholic Power (London: J. Cape, 1952).

Blickle, Peter, Thomas O. Hüglin, and Dieter Wyduckel (eds.), *Subsidiarität als rechtliches und politisches Ordnungsprinzip in Kirche, Staat und Gesellschaft* (Berlin: Duncker & Humblot, 2002).

Bohman, James, 'Citizenship and Norms of Publicity: Wide Public Reason in Cosmopolitan Societies', *Political Theory* 27, no. 2 (1999), 176–202.

—, 'Democracy as Inquiry, Inquiry as Democratic: Pragmatism, Social Science, and the Cognitive Division of Labor', *American Journal of Political Science* 43, no. 2 (1999), 590-607.

Bohman, James and William Rehg (eds.), *Deliberative Democracy: Essays on Reason and Politics* (Cambridge MA: MIT Press, 1997).

Bornkamm, Günther, 'μυστήριον', in Gerhard Kittel (ed.), *Theological Dictionary of the New Testament* (Grand Rapids MI: Eerdmans, 1964), vol. IV, 802-29.

Braaten, Carl E., and Robert W. Jenson (eds.), *Church Unity and the Papal Office* (Grand Rapids MI: Eerdmans, 2001)

Brezke, James T., 'The Lesser Evil', *America* 129, no. 11 (26th March 2007), available at http://www.americamagazine.org/content/article.cfm?article_id=5371.

Blue, Bradley, In Public and in Private: The Role of the House Church in Early Christianity (Phd Thesis, Aberdeen University, 1989).

—, 'Acts and the House Church', in David W. J. Gill and Conrad Gempf (eds.), *The Book of Acts in Its First Century Setting: Graeco-Roman Setting* (Grand Rapids MI: Eerdmans, 1994), vol. II, 119–222.

Bohman, James, 'Citizenship and Norms of Publicity: Wide Public Reason in Cosmopolitan Societies', *Political Theory* 27, no. 2 (1999), 176-202.

Branick, Vincent, *The House Church in the Writings of Paul* (Wilmington: Michael Glazier, 1989).

Brennan, Patrick, 'Realizing the Rule of Law in the Human Subject', *Boston College Law Review* 43, no. 2 (2002), 227-349, available at http://lawdigitalcommons.bc.edu/bclr/vol43/iss2/1/.

Brent, Allen, Hippolytus and the Roman Church in the Third Century: Communities in Tension Before the Emergence of a Monarch-Bishop (Leiden/New York/Köln: Brill, 1995).

—, 'Was Hippolytus a Schismatic?', *Vigiliae Christianae* 49, no. 3 (1995), 215–44.

Brown, Mark B., 'Survey Article: Citizens Panels and the Concept of Representation', *The Journal of Political Philosophy* 14, no. 2 (2006), 203-25.

—, Science in Democracy. Expertise, Institutions and Representation (Cambridge, MA: MIT, 2009).

Brown, Raymond E., Karl P. Donfried, and John Reumann (eds.), *Peter in the New Testament: A Collaborative Assessment by Protestant and Roman Catholic Scholars* (Mahwah NJ: Paulist Press, 1973, 2nd ed. 2002).

Brown, Schuyler, 'Koinonia as the Basis of the New Testament Ecclesiology', *One in Christ* 12 (1976), 157–67.

Brownlee, William Craig, *Popery: An Enemy to Civil and Religious Liberty, and Dangerous to Our Republic* (New York: Charles K. Moore, 4th ed. 1839), available online at http://www.archive.org/details/poperyanenemyto00browgoog.

Brunner, Emil, *The Misunderstanding of the Church*, trans. Harold Knight (London: Lutterworth Press, 1952).

Burnheim, John, Is Democracy Possible? The Alternative to Electoral Politics (Cambridge: Polity, 1985).

Burns, J. H., and Thomas M. Izbicki (eds.), *Conciliarism and Papalism*, Cambridge Texts in the History of Political Thought (Cambridge: CUP, 1997).

Cajetan, Cardinal Thomas, *see* De Vio, Tommaso.

Calvin, John, *The Epistles of Paul the Apostle to the Galatians, Ephesians, Philippians and Colossians*, ed. David W. Torrance and Thomas F. Torrance, trans. T. H. L. Parker, Calvin's New Testament Commentaries vol. 11 (Grand Rapids MI: Eerdmans, 1996).

Campbell, J. Y., 'The Origin and Meaning of the Christian Use of the Word "Ekklesia"', *Journal of Theological Studies* 49 (1948), 130-42.

Campbell, R. A., The Elders: Seniority within Earliest Christianity (Edinburgh: T&T Clark, 1994).

Canon Law Society of America, *New Commentary of the Code of Canon Law*, eds. John P. Beal, James A. Coriden, Thomas J. Green (Mahwah NJ: Paulist Press, 2000).

Cardman, Francine, 'Myth, History, and the Beginnings of the Church', in Francis Oakley and Bruce Russett (eds.), *Governance, Accountability, and the Future of the Catholic Church* (New York/London: Continuum, 2004), 33–48.

Carey, Kenneth Moir (ed.), Historic Episcopate in the Fullness of the Church: Six Essays by Priests of the Church of England (Westminster: Dacre Press, 2nd ed. 1960 [1954]).

Celeghin, Adriano, Origine e natura della potestà sacra. Posizioni postconciliari (Brescia: Morcelliana, 1987).

Chadwick, Henry, 'The Origin of the Title "Oecumenical Council"', *Journal of Theological Studies* 23, no. 1 (1972), 132-5.

Christiano, Thomas, The Rule of the Many: Fundamental Issues in Democractic Theory (Oxford: Westview, 1996).

—, The Constitution of Equality: Democratic Authority and Its Limits (Oxford: OUP, 2008).

Christiano, Thomas (ed.), *Philosophy and Democracy. An Anthology* (Oxford: Oxford University Press, 2001).

Clarke, Andrew D., *Serve the Community of the Church. Christians as Leaders and Ministers*, First-Century Christians in the Graeco-Roman World (Cambridge: William B. Eerdmans, 2000).

Clifton, Shane, Pentecostal Churches in Transition: Analysing the Developing Ecclesiology of the Assemblies of God in Australia (Leiden: Brill, 2009).

Cohen, Joshua, 'Deliberation and Democratic Legitimacy', in Alan Hamlin and Philip Pettit (eds.), *The Good Polity* (Oxford: Blackwell, 1989), 17-34.

—, 'Procedure and Substance in Deliberative Democracy', in James Bohman and William Rehg (eds.), *Deliberative Democracy. Essays on Reason and Politics* (Cambridge MA: MIT, 1997), 407–437.

Collins, Paul (ed.), From Inquisition to Freedom: Seven Prominent Catholics and their Struggle with the Vatican (London: Continuum, 2010).

Collins, Stephen L., From Divine Cosmos to Sovereign State: An Intellectual History of the Idea of Order in Renaissance England (Oxford: OUP, 1989).

Colomer, Joseph M., and McLean, Iain, 'Electing Popes: Approval Balloting and Qualified-Majority Rule', *Journal of Interdisciplinary History* 29, no. 1 (Summer, 1998), 1-22.

Comité mixte Catholique-Orthodoxe en France, *La primauté romaine dans la communion des Eglises* (Paris: Cerf, 1991).

Congar, Yves, *Lay People in the Church: A Study for a Theology of the Laity*, trans. D. Attwater (London: Chapman, 1985, rev. ed. [1953]).

—, L'Eglise de Saint Augustin à l'époque moderne (Paris: Cerf, 1970).

—, 'The Conciliar Structure or Regime of the Church', *Concilium* 167, no. 7 (1983), 3–12.

Congar, Yves, Hans Küng and Daniel O'Hanlon (eds.), *Council Speeches of Vatican II* (London: Sheed & Ward, 1964).

Congregation for the Doctrine of the Faith, '*Libertatis nuntio.* Instruction on Certain Aspects of the Theology of Liberation' (6th August 1984), available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19840806_theology-liberation_en.html.

—, '*Donum veritatis*. Instruction on the Ecclesial Vocation of the Theologian' (24th May 1990), available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19900524_theologian-vocation_en.html.

—, '*Communionis notio.* A Letter to the Bishops of the Catholic Church on Some Aspects of the Church Understood as Communion' (28th May 1992), available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_28051992_communionis-notio_en.html.

—, '*Dominus Iesus*: Declaration on the Unicity and Salvific Universality of Jesus Christ and the Church' (6th August 2000), available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20000806_dominus-iesus_en.html.

—, 'Responses to Some Questions Regarding Certain Aspects of the Doctrine on the Church' (29th June 2007), available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20070629_responsa-quaestiones_en.html.

Conze, W., R. Koselleck, H. Maier, Ch. Meier, and H. L. Reimann (eds.), *Democrazia*, trans. Francesca D'Amicis and Paolo Barbesino (Venice: Marsilio, 1993 [1975]).

Coriden, James A., 'The Canonical Doctrine of Reception', *The Jurist* 50, no. 1 (1990), 58-82.

—, *An Introduction to Canon Law* (Mahwah NJ: Paulist Press, rev. ed. 2004).

Coriden, James A. (ed.), *Who Decides for the Church?* (Hartford CT: Canon Law Society of America, 1971).

Cox, Harvey, The Silencing of Leonardo Boff: The Vatican and the Future of World Christianity (Oak Park IL: Meyer-Stone, 1988).

Cristi, Renato, *Hegel on Freedom and Authority* (Cardiff: University of Wales Press, 2005).

Crocker, David A., and Ingrid Robeyns, 'Capability and Agency', in Christopher W. Morris (ed.), *Amartya Sen* (Cambridge: CUP, 2010), 60–90.

Curran, Charles E., 'What Catholic Ecclesiology Can Learn from Official Catholic Social Teaching', in Eugene C. Bianchi and Rosemary Radford Ruether (eds.), *A Democratic Catholic Church: The Reconstruction of Roman Catholicism* (New York: Crossroad, 1992), 94-112.

—, *Loyal Dissent: Memoir of a Catholic Theologian* (Washington D.C.: Georgetown University, 2006).

Cusa, Nicholas of, *The Catholic Concordance* [*De concordantia catholica* (1433)], ed. and trans. Paul E. Sigmund (Cambridge: CUP, 1991).

Dahl, Robert, *Polyarchy: Participation and Opposition* (London: Yale University, 1971).

—, *Democracy and Its Critics* (London: Yale University Press, 1989).

—, 'Procedural Democracy', in Robert E. Goodin and Philip Pettit (eds.), *Contemporary Political Philosophy: An Anthology* (Oxford: Blackwell, 1997), 109-27.

Daly, Brian E., 'Position and Patronage in the Early Church: The Original Meaning of "Primacy of Honour"', *Journal of Theological Studies* 44, (1993), 529-53.

Davies, David P., 'Women Priests: The Theological Imperative', *Feminist Theology* 1, no. 1 (1992), 89–93.

De Bonald, Louis, Oeuvres Complètes, vol. viii, Recherches philosophiques sur les premiers objets des connoissances morales, vol. 1 (Paris: Le Clère, 3rd ed. 1838).

De Gruchy, John W., *Christianity and Democracy*. A Theology for a Just World Order (Cambridge: CUP, 1995).

De Guibert, Joseph., *The Jesuits: Their Spiritual Doctrine and Practice*, trans. William M. Young (Chicago: Loyola University, 1964).

De la Bédoyère, Quentin, Autonomy and Obedience in the Catholic Church: The Future of Catholic Moral Leadership (London: T.&T. Clark, 2002).

Delsol, Chantal, 'La bonne étoile de la subsidiarité', in Peter Blickle, Thomas O. Hüglin, Dieter Wyduckel (eds.), *Subsidiarität als rechtliches und politisches Ordnungsprinzip in Kirche, Staat und Gesellschaft* (Berlin: Duncker & Humblot, 2002), 85-90.

De Lubac, Henri, *The Splendour of the Church*, trans. Michael Mason (San Francisco: Ignatius Press, 1999 [1953]).

De Vio, Tommaso (Cardinal Cajetan), 'On the Comparison of the Authority of Pope and Council' [*Auctoritas papae et concilii sive ecclesiae comparata*], in Burns and Izbicki (eds.), *Conciliarism and Papalism* (Cambridge: CUP, 1997), 1-133.

Dietrich, Donald (ed.), *Priests for the 21st Century* (New York: Crossroad, 2006).

Dix, Dom Gregory,'The Ministry in the Early Church', in Kenneth Escott Kirk (ed.), *The Apostolic Ministry: Essays on the History and the Doctrine of Episcopacy* (London: Hodder & Stoughton, 1946), 274–87.

Dodd, C. H., *The Apostolic Preaching and Its Developments*, (New York: Harper & Row, 1980 [1936]), available at http://www.religion-online.org/showbook.asp?title=539.

Dolan, J., 'The American Catholic Parish: A Historical Perspective 1820-1980', in David Byers (ed.), *The Parish in Transition: Proceedings of a Conference on the American Catholic Parish* (Washington: NCCB, 1985), 34-46.

Doyle, Dennis, *Communio Ecclesiology. Vision and Versions* (Maryknoll NY: Orbis, 2000).

Duffy, Stephen, 'The Modern Period', in Terry Tekippe (ed.), *Papal Infallibility: An Application of Lonergan's Theological Method* (Washington, DC: University Press of America, 1983), 61-116.

Dulles, Avery, '"*Ius Divinum*" as an Ecumenical Problem', *Theological Studies* 38 (1977), 681–708.

—, *Models of the Church* (New York: Doubleday, 1987).

—, 'The Papacy for a Global Church', *America* 183, no. 2 (15th July 2000), 6-11, available at http://www.americamagazine.org/content/article.cfm?article_id=760.

Dunn, James D. G., Unity and Diversity in the New Testament: An Inquiry into the Character of Earliest Christianity (London: SCM Press, 3rd ed. 2006 [1977]).

—, Jesus and the Spirit: A Study of the Religious and Charismatic Experience of Jesus and the First Christians as Reflected in the New Testament (Grand Rapids MI: Eerdmans, 1997 [1975]).

—, 'Church Ministry: A View from New Testament Theology', in Dunn and J. M. Mackey, *New Testament Theology in Dialogue: Christology and Ministry* (London: SPCK, 1987), 121–40.

—, *The Theology of Paul the Apostle* (Grand Rapids MI: Eerdmans, 1998).

—, Christianity in the Making, vol. 2, Beginning from Jerusalem (Grand Rapids MI: Eerdmans, 2009).

Dunn, James D. G. (ed.), *The Cambridge Companion to St Paul* (Cambridge: CUP, 2003).

Dunn, James D. G. and J. M. Mackey, New Testament Theology in Dialogue: Christology and Ministry (London: SPCK, 1987).

Dupont, Jacques, 'L'union entre les premiers Chretiens dans les Actes des Apotres', *Nouvelle Revue Theologique* 91 (1969), 903–8.

Dura, Nicolae, 'The "Petrine Primacy": The Role of the Bishop of Rome according to the Canonical Legislation of the Ecumenical Councils of the First Millennium, an Ecclesiological-Canonical Evaluation', in Walter Kasper (ed.), *The Petrine Ministry: Catholics and Orthodox in Dialogue. Academic Symposium Held at the Pontifical Council for Promoting Christian Unity*, trans. the staff of the Pontifical Council for Promoting Christian Unity (Mahwah NJ: Newman Press, 2003), 159–87.

Dvornik, Francis, 'Emperors, Popes and General Councils', *Dumbarton Oaks Papers* 6 (1951), 1-23.

Edwards, Mark, Catholicity and Heresy in the Early Church (Farnham: Ashgate, 2009).

Ehrman, Bart D., The Lost Christianities: The Battles for Scripture and the Faiths We Never Knew (Oxford: OUP, 2003).

Empie, P. C. and T. A. Murphy (eds.), *Papal Primacy and the Universal Church—Lutherans and Catholics in Dialogue 5* (Minneapolis MN: Augsburg Press, 1974).

Engberg-Pedersen, Troels, 'Paul, Virtues, and Vices', in J. Paul Sampley (ed.), *Paul in the Greco-Roman World: A Handbook* (Harrisburg PA: Trinity Press International, 2003), 608-34.

Estlund, David, 'Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority', in James Bohman and William Rehg (eds.), *Deliberative Democracy. Essays on Reason and Politics* (Cambridge MA: MIT, 1997), 173-204.

Faith and Order Commission of the World Council of Churches, *The Nature And Mission of the Church: A Stage on the Way to a Common Statement*, Faith and Order Paper no. 198, (Geneva: WCC, 2005), available at http://www.oikoumene.org/fileadmin/files/wcc-main/documents/p2/FO2005_198_en.pdf.

Faivre, Alexandre, *The Emergence of the Laity in the Early Church*, David Smith (trans.) (Mahwah NJ: Paulist Press, 1990).

—, Ordonner la Fraternité: Pouvoir d'innover et retour à l'ordre dans l'Église ancienne (Paris: Cerf, 1992).

—, Les premiers laïcs: Lorsque l'Église naissait au monde (Strasbourg: Éditions du Signe, 1999).

Fejfar, Anthony J., 'Insight into Lawyering: Bernard Lonergan's Critical Realism Applied to Jurisprudence', *Boston College Law Review* 27, no. 4 (1986), 681-719, available at http://lawdigitalcommons.bc.edu/bclr/vol27/iss4/1/.

Fellermayr, Josef, Tradition und Sukzession im Lichte des römisch-antiken Erbdenkens: Untersuchungen zu den lateinischen Vätern bis zu Leo dem Grossen (München: Minerva Publikationen, 1979).

Ferguson, Everett, *The Church of Christ: A Biblical Ecclesiology for Today*, (Grand Rapids MI: Eerdmans, 1996).

Ferguson, Everett (ed.), *Church, Ministry, and Organization in the Early Church Era*, Studies in Early Christianity 13 (New York/London: Garland, 1993).

Figgis, John Neville, *Political Thought from Gerson to Grotius, 1414-1625: Seven Studies* (CUP, 2nd ed. 1916, reprinted by the Thoemmes Press, Bristol, 1998).

Finnis, John, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1979).

Finucane, Daniel J., *Sensus Fidelium: The Use of a Concept in the Post-Vatican II Era*, (London: International Scholars Publications, 1996).

Flathman, Richard E., *The Practice of Political Authority* (Chicago: University of Chicago, 1980).

Florovsky, Georges, 'The Authority of the Ancient Councils and the Tradition of the Fathers. An Introduction', in his *Collected Works*, vol. I, *Bible, Church, Tradition: An Eastern Orthodox View* (Vaduz: Buchervertriebsanstalt, 1987), 93–103, also available at http://jbburnett.com/resources/florovsky/1/florovsky_1-6-auth-councils.pdf.

Fransen, Piet F., 'Criticism of Some Basic Theological Notions in Matters of Church Authority', in Leonard Swidler and Piet F. Fransen (eds.), *Authority in the Church and the Schillebeeckx Case* (New York: Crossroad, 1992), 48-74.

Fuchs, Lorelei F., Koinonia and the Quest for an Ecumenical Ecclesiology: From Foundations through Dialogue to Symbolic Competence for Communionality (Grand Rapids MI: Eerdmans, 2008).

Fukuyama, F., *Trust: The Social Virtues and the Creation of Prosperity* (New York: The Free Press, 1995).

Gadamer, Hans-Georg, *Truth and Method*, trans. Joel Weinsheimer & Donald G. Marshall (New York: Continuum, 2nd ed. 1993).

—, 'Truth in the Human Sciences', in *Hermeneutics and Truth*, ed. and trans. Brice R. Wachterhauser (Evanston: Northwestern University, 1994), 25-32.

—, 'Authority and Critical Freedom' (1983), in *The Enigma of Health: The Art of Healing in a Scientific Age*, trans. Jason Gaiger and Nicholas Walker (Stanford: Stanford University Press, 1996), 117-24.

Gaillardetz, Richard, Teaching with Authority. A Theology of the Magisterium in the Church (Collegeville MN: Liturgical Press, 1997).

Gambetta, D. (ed.), *Trust: Making and Breaking Cooperative Relations* (New York: Basil Blackwell, 1988).

Gaudemet, Jean, 'Vox Populi', in André Vauchez, Richard Barrie Dobson, and Michael Lapidge (eds.), *Encyclopedia of the Middle Ages* (Cambridge: James Clarke & Co, 2000), vol. II, 1531–2.

Gauthier, David P., *The Logic of* Leviathan. *The Moral and Political Theory of Thomas Hobbes* (Oxford: Clarendon Press, 1969).

George, Joseph S., The Principle of Subsidiarity With Special Reference to Its Role in Papal and Episcopal Relations in the Light of Lumen Gentium, Canon Law Studies No. 463, (Washington DC: Catholic University of America, 1968).

Ghirlanda, Gianfranco, *Hierarchica communio: significato della formula nella Lumen Gentium*, Analecta Gregoriana 216 (Rome: Gregorian University, 1980).

Gilardi, Fabrizio, Delegation in the Regulatory State. Independent Regulatory Agencies in Western Europe (Cheltenham: Edward Elgar Publishing, 2008).

Gill, David W. J., and Conrad Gempf (eds.), *The Book of Acts in Its First Century Setting: Graeco-Roman Setting* (Grand Rapids MI: Eerdmans, 1994).

Goldsmith, M. M., 'Hobbes's "Mortal God": Is There a Fallacy in Hobbes's Theory of Sovereignty?', *History of Political Thought* 1 (1980), 33-50; reprinted in Christopher W. Morris (ed.), *The Social Contract Theorists. Critical Essays on Hobbes, Locke, and Rousseau* (Lanham, MD: Rowman and Littlefield, 1999), 23-39.

Gooder, Paula, '*Diakonia* in the New Testament: A Dialogue with John N. Collins', *Ecclesiology* 3, no. 1 (2006), 33-56.

Granfield, Patrick, *The Papacy in Transition* (Garden City NY: Doubleday, 1980).

Grant, Ruth W., and Robert O. Keohane, 'Accountability and Abuses of Power in World Politics', *American Political Science Review* 99, no. 1 (February 2005), 29-43.

Griggs, C. Wilfred, Early Egyptian Christianity. From Its Origins to 451 CE (Leiden: Brill, 2000).

Guillemain, Bernard, La politique bénéficiale du pope Benoît XII, 1334-1342 (Paris: H. Champion, 1952).

Gustafson, James M., *Treasure in Earthen Vessels: The Church as a Human Community* (Chicago: University of Chicago, 1961).

Haag, Herbert, *Worauf es ankommt: Wollte Jesus eine Zwei-Stände-Kirche?* (Freiburg/Basel/Vienna: Herder, 1997).

Habermas, Jürgen, 'Law and Morality', in Sterling M. McMurrin (ed.), *The Tanner Lectures on Human Values*, trans. Kenneth Baynes (Salt Lake City: University of Utah Press, 1988), vol. VIII, 217-79.

—, 'Discourse Ethics: Notes on a Program of Philosophical Justification', in Seyla Benhabib and Fred Dallmayr (eds.), *The Communicative Ethics Controversy* (Cambridge MA/London: MIT, 1990), 60-110.

—, ‘Popular Sovereignty as Procedure’, in J. Bohman and W. Rehg (eds.), *Deliberative Democracy: Essays on Reason and Politics* (Cambridge MA: MIT Press, 1997), 35-66.

—, ‘Constitutional Democracy: A Paradoxical Union of Contradictory Principles?’, *Political Theory* 29, no. 6 (December 2001), 766-81.

Hahnenberg, Edward P., *Ministries. A Relational Approach* (New York: Herder & Herder, 2003).

—, ‘One Priestly People: Ordained and Lay Ministries in the Church’, in Donald Dietrich (ed.), *Priests for the 21st Century* (New York: Crossroad, 2006), 104-25.

Hamlin, Alan, and Philip Pettit (eds.), *The Good Polity* (Oxford: Blackwell, 1989).

Hankey, W. J., ‘“Dionysius dixit, Lex divinitatis est ultima per media reducere”: Aquinas, Hierocracy and “augustinisme politique”,’ in *Tommaso d’Aquino: proposte nuove di letture. Festschrift Antonio Tognolo*, ed. Ilario Tolomio, *Medioevo. Rivista di Storia della Filosofia Medievale* 18 (1992), 119–50, available at http://classics.dal.ca/Faculty%20and%20Staff/DIONDIX1.php

Hardin, R., *Trust and Trustworthiness* (New York: Russell Sage Foundation, 2002).

Harty, John, ‘Tyrannicide’, *The Catholic Encyclopedia* (New York: Robert Appleton Company, 1912), vol. XV, available at http://www.newadvent.org/cathen/15108a.htm.

Hasenhüttl, Gotthold, *Herrschaftsfreie Kirche. Sozio-theologische Grundlegung* (Düsseldorf: Patmos, 1982 [1969]).

Haughey, John, ‘Responsibility for Human Rights: Contributions from Bernard Lonergan’, *Theological Studies* 63 (2002), 764-85.

Hebblethwaite, Peter, The New Inquisition? The Case of Edward Schillebeeckx and Hans Küng (London: Collins, 1980).

—, *Pope John Paul II and the Church* (Kansas City MO: Sheed & Ward, 1995).

Held, David, ‘Principles of Cosmopolitan Order’, in Gillian Brock and Harry Brighouse (eds.), *The Political Philosophy of Cosmopolitanism* (Cambridge: CUP, 2005), 10–27.

Helminiak, Daniel A., *The Human Core of Spirituality: Mind as Psyche and Spirit* (New York: State University of New York, 1996).

Herghelegiu, Monica-Elena, Reservatio Papalis: A Study on the Application of a Legal Prescription according to the 1983 Code of Canon Law, Tübinger Kirchenrechtliche Studien 8 (Berlin: LIT Verlag, 2008).

Hervada, Javier, *Elementos de derecho constitucional canónico* (Pamplona: Ediciones Universidad de Navarra, 2nd ed. 2001 [1987]), available at http://www.javier.hervada.org/edcc.pdf.

Hess, Hamilton, The Early Development of Canon Law and the Council of Serdica (Oxford: OUP, 2002).

Hills, Julian V. (ed.), *Common Life in the Early Church* (Harrisburg PA: Trinity Press International, 1998).

Hobbes, Thomas, *Leviathan*, ed. Richard Tuck (Cambridge: CUP, rev. ed. 1996 [1651]).

Hoge, Dean R., *et al*., *Money Matters: Personal Giving in American Churches* (Louisville: Westminster John Knox Press, 1996).

Hollander, Harm W., 'The Idea of Fellowship in 1 Corinthians 10.14–22', *New Testament Studies* 55, no. 4 (2009), 456–70.

Höpfl, Harro, Jesuit Political Thought. The Society of Jesus and the State, c. 1540-1640 (Cambridge: CUP, 2004).

Hornsby-Smith, Michael P., 'Some Sociological Reflections on Power and Authority in the Church', in Noel Timms and Kenneth Wilson (eds.), *Governance and Authority in the Roman Catholic Church. Beginning a Conversation* (London: SPCK, 2000), 12-31.

Horst, Ulrich, The Dominicans and the Pope: Papal Teaching Authority in the Medieval and Early Modern Thomist Tradition, trans. James D. Mixson (Notre Dame IN: University of Notre Dame Press, 2006).

House of Bishops of the General Synod of the Church of England, *Eucharistic Presidency* (London: Church House, 1997).

Hughes, Everett C., 'Professions', *Daedalus* 92, no. 4 (1963), 655-68.

Hume, David, *An Enquiry Concerning Human Understanding*, ed. Eric Steinberg (Indianapolis: Hackett Publishing Company, 1977).

Ijsewijn, Jozef and Jacques Paquet (eds.), *The Universities in the Late Middle Ages* (Leuven: Leuven University Press, 1978).

Italian Association of Teachers of Canon Law (ed.), I laici nella ministerialità della Chiesa. XXVI Incontro di studio. Centro Dolomiti 'Pio X' – Borca di Cadore, 28 giugno – 3 luglio 1999, Quaderni della Mendola 8 (Milano: Glossa, 2000).

Izbicki, Thomas M., 'Cajetan's Attack on Parallels between Church and State', *Cristianesimo nella storia* 20 (1999), 80-9.

James I, King of England, *The True Law of Free Monarchies:* And, *Basilikon Doron*, eds. Daniel Fischlin and Mark Fortier (Toronto: Victoria University, 1996).

Jasanoff, Sheila, '(No?) Accounting for Expertise', *Science and Public Policy* 30, no. 3 (2003), 157-62.

John XXIII, Pope, '*Pacem in terris*. Encyclical Letter on Establishing Universal Peace in Truth, Justice, Charity and Liberty' (11th April 1963), available at http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html.

John Paul II, Pope, '*Christifideles laici*. Post-Synodal Apostolic Exhortation on the Vocation and Mission of the Lay Faithful in the Church and in the World', (30th December 1988), available at http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_30121988_christifideles-laici_en.html.

—, '*Centesimus annus*. Encyclical Letter on the Hundredth Anniversary of *Rerum Novarum*', (1st May 1991), available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus_en.html.

—, '*Veritatis splendor*. Encyclical Letter on the Church's Moral Teaching', (6th August 1993), available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor_en.html.

—, '*Evangelium vitae*. Encyclical Letter on the Value and Inviolability of Human Life', (25th March 1995), available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae_en.html.

—, '*Ut unum sint*. Encyclical Letter on Commitment to Ecumenism', (25th May 1995), available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_25051995_ut-unum-sint_en.html.

Johnson, Luke Timothy, 'Paul's Ecclesiology', in James D. G. Dunn (ed.), *The Cambridge Companion to St Paul* (Cambridge: CUP, 2003), 199-211.

Johnston, William, *The Still Point: Reflections on Zen and Christian Mysticism*, (New York: Fordham University Press, 1977).

—, *Christian Zen* (New York: Fordham University Press, 3rd ed. 1997 [1979]).

—, *Being in Love: The Practice of Christian Prayer* (London: William Collins Sons & Co., 2nd ed. 1999),

Judge, E. A., 'The Early Christians as a Scholastic Community' [1960-1], in Judge (ed.), *The First Christians in the Roman World* (Tübingen: Mohr Siebeck, 2008), 526-52.

Kärkkäinen, Veli-Matti, 'The Calling of the Whole People of God into Ministry: The Spirit, Church, and Laity', *Studia Theologica* 53 (1999), 144-62.

Käsemann, Ernst, 'Ministry and Community in the New Testament', in *Essays on New Testament Themes*, trans. W. J. Montague (London: SCM, 1964 [2nd ed. 1960]).

—, 'The Canon of the New Testament and the Unity of the Church', in *Essays on New Testament Themes*, trans. by W.J. Montague (London: SCM Press, 1964), 95–107.

Kasper, Walter, 'Zur Diskussion um das Problem der Unfehlbarkeit', in H. Küng (ed.), *Fehlbar? Eine Bilanz* (Zurich: Benziger, 1973), 74-89.

—, 'Der Geheimniscarakter hebt den Sozialcharakter nicht auf. Zur Geltung des Subsidiaritätsprinzip in der Kirche', *Herder-Korrespondenz* 41 (1987), 232-6.

—, *Theology and Church*, trans. Margaret Kohl (London: SCM, 1989 [1987]).

—, 'Zum Subsidiaritätsprinzip in der Kirche', *Internationale katholische Zeitschrift* 18 (1989) 155-62.

—, 'From the President of the Council for Promoting Christian Unity', *America* (26th November 2001), 28-9, available at http://www.americamagazine.org/content/article.cfm?article_id=1260.

Kasper, Walter (ed.), The Petrine Ministry: Catholics and Orthodox in Dialogue. Academic Symposium Held at the Pontifical Council for Promoting Christian Unity, trans. the staff of the Pontifical Council for Promoting Christian Unity (Mahwah NJ: Newman Press, 2003).

Kelsen, Hans, 'Absolutism and Relativism in Philosophy and Politics', *American Political Science Review* 42, no. 4 (1948), 906-14.

—, 'The Foundations of Democracy', in *Ethics* 66, no. 1 (1955-56), part 2, pp. 1-101.

Kerwin, J. G., 'Democracy', in Thomas Carson and Joann Cerrito (project eds.), *New Catholic Encyclopedia*, (London: Gale/Thomson in association with the Catholic University of America, 2nd ed. 2003), vol. IV, 636-44.

Kesich, Veselin, 'Peter's Primacy in the New Testament and the Early Tradition', in John Meyendorff (ed.), *The Primacy of Peter. Essays in Ecclesiology and the Early Church* (Crestwood NY: St Vladimir's Seminary, 2nd ed. 1992), 35-66.

Kirk, Kenneth Escott (ed.), The Apostolic Ministry: Essays on the History and the Doctrine of Episcopacy (London: Hodder & Stoughton, 1946).

Kling, David William, The Bible in History: How the Texts have Shaped the Times (Oxford: OUP, 2004).

Kloppenborg, J. S. and S.G. Wilson (eds.), *Voluntary Associations in the Graeco-Roman World* (London: Routledge, 1996).

Komonchak, Joseph, 'Subsidiarity in the Church: The State of the Question', in Hervé Legrand, Julio Manzanares, and Antonio García y García (eds.), *The Nature and Future of Episcopal Conferences* (Washington DC: The Catholic University of America Press, 1988), 298-350.

—, *Foundations in Ecclesiology*, ed. Frederick Lawrence (Boston: Boston College, 1995).

—, 'Modernity and the Construction of Roman Catholicism', *Cristianesimo nella Storia* 18 (1997), 353–85.

—, 'Authority and its Exercise', in Catholic Common Ground Initiative (ed.), *Church Authority in American Culture: The Second Cardinal Bernardin Conference* (New York: Herder and Herder, 1999), 29-48.

—, 'The Significance of Vatican Council II', in Peter C. Phan (ed.), *The Gift of the Church. A Textbook on Ecclesiology in Honor of Patrick Granfield, O.S.B.* (Collegeville MN: Liturgical Press, 2000), 69-92.

Kress, Robert, 'Systematics', in Terry Tekippe (ed.), *Papal Infallibility: An Application of Lonergan's Theological Method* (Washington DC: University Press of America, 1983), 270-306.

Kretschmar, Georg, 'The Councils of the Ancient Church', in H. J. Margull (ed.), *The Councils of the Church: History and Analysis*, trans. Walter F. Bense (Philadelphia: Fortress Press, 1966 [1961]), 1–81.

Kühn, Ulrich, 'Church', in Jean-Yves Lacoste (ed.), *Encyclopedia of Christian Theology* (New York: Routledge, 2004), vol. I, 300–10.

Küng, Hans, *Structures of the Church*, trans. Salvator Attanasio (London: Burns & Oates, 1965 [1962]).

—, *The Church*, trans. Ray and Rosaleen Ockenden (London: Search Press, 1981 [1968]).

—, *Infallible? An Inquiry*, trans. Eric Mosbacher (London: Collins, 1971).

—, 'Participation of the Laity in Church Leadership and in Church Elections', in Eugene Bianchi and Rosemary Radford Ruether (eds.), *A Democratic Catholic Church. The Reconstruction of Roman Catholicism* (New York: Crossroad, 1992), 80-93.

—, *On Being a Christian*, trans. Edward Quinn (London: Continuum, 2008).

—, *Disputed Truths: Memoirs II* (London: Continuum, 2008).

Kuttner, Stephan, 'Some Considerations on the Role of Secular Law and Institutions in the History of Canon Law', in *Scritti di sociologia e politica in onore di Luigi Sturzo* (Bologna: Zanichelli, 1953), Vol. II, 349-64, available at http://www.luigisturzo.it/images/stories/biblio/scrittidisociologiaepoliticainonoredi luigisturzo-vol2.pdf.

Lackey, Jennifer, and E. Sosa (eds.), *The Epistemology of Testimony* (Oxford: OUP, 2006).

Lacoste, Jean-Yves (ed.), *Encyclopedia of Christian Theology*, 2 vol., (London: Routledge, 2005).

Lakeland, Paul, The Liberation of the Laity. In Search of an Accountable Church (New York/London: Continuum, 2003).

—, 'John Paul II and Collegiality', in Gerard Mannion (ed.), *The Vision of John Paul II: Assessing His Thought and Influence* (Collegeville: Liturgical Press, 2008), 184–99.

—, *Church: Living Communion* (Collegeville: Liturgical Press, 2009).

Lampe, Peter, *Christians at Rome in the First Two Centuries. From Paul to Valentinus*, ed. Marshall D. Johnson, trans. Michael Steinhauser (London: Continuum, 2003).

Lampridius, 'Alexander Severus', in *Scriptores Historiae Augustae*, trans. D. Magie, The Loeb Classical Library (Cambridge MA: Harvard University Press, 1924), vol. II, ch. 45, nos. 6-7, 179-285, also available at http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Historia_Augusta/Severus_Alexander/2*.html.

Landemore, Hélène, 'Is Representative Democracy Really Democratic? Interview of Bernard Manin and Nadia Urbinati—New York, 10th April 2007', *La Vie des idées*, (31th March 2008), available at http://www.laviedesidees.fr/Is-representative-democracy-really.html.

Lawler, Michael G., What Is and What Ought to Be: The Dialectic of Experience, Theology, and Church (London: Continuum, 2005).

Lee, Hwa-Yong, Political Representation in the Middle Ages: Marsilius in Context (New York: Peter Lang, 2008).

Lee, Randall, and Jeffrey Gros (eds.), The Church as Koinonia of Salvation. Its Structures & Ministries. Agreed Statement of the Tenth Round of the U.S.

Lutheran-Roman Catholic Dialogue with Background Papers (Washington DC: USCCB, 2004).

Legendre, Pierre, La pénétration du droit romain dans le droit canonique classique de Gratien à Innocent IV: 1140-1254 (Paris: Jouve, 1964).

Legrand, Hervé, 'Grâce et institution dans l'Église: les fondements théologiques du droit canonique', in Jean-Louis Monneron, *et al*. (eds.), *L'Église, institution et foi* (Brussels: Facultés universitaires St Louis, 2nd ed. 1985), 139–72.

—, 'Brève note sur le concile de Sardique et sur sa reception: Rome instance d'appel ou de cassation?', in Comité mixte Catholique-Orthodoxe en France, *La primauté romaine dans la communion des Eglises* (Paris: Cerf, 1991), 47–60.

—, 'Reception, *Sensus Fidelium*, and Synodal Life: An Effort at Articulation', *The Jurist* 57 (1997), 405-31.

—, 'Ordination/Order', in Jean-Yves Lacoste (ed.), *Encyclopedia of Christian Theology*, vol. 2 (New York: Routledge, 2005), 1158-1162.

Legrand, Hervé, Julio Manzanares, and Antonio García y García (eds.), *The Nature and Future of Episcopal Conferences* (Washington DC: Catholic University of America Press, 1988).

Leo XIII, Pope, '*Immortale Dei*: On the Christian Constitution of States', (1st Nov 1885), available at http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei_en.html.

—, '*Satis cognitum*: Encyclical Letter on the Unity of the Church', (29th June 1896), available at http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_29061896_satis-cognitum_en.html.

Leys, Ad, Ecclesiological Impacst of the Principle of Subsidiarity (Kampen: KOK Pharos, 1995).

Lincoln, Andrew T., 'Communion: Some Pauline Foundations', *Ecclesiology* 5, no. 2 (2009), 135–60.

Lindbeck, George, 'Papacy and *Ius Divinum*: A Lutheran View', in P. C. Empie and T. A. Murphy (eds.), *Papal Primacy and the Universal Church—Lutherans and Catholics in Dialogue 5* (Minneapolis MN: Augsburg Press, 1974), 193–207.

Livingston, John, 'Liberalism, Conservatism, and the Role of Reason', *The Western Political Quarterly* 9, no. 3 (September 1956), 641-57.

Locke, John, The Second Treatise on Government and A Letter Concerning Toleration, ed. J. W. Gough (Oxford: Blackwell, 1966 [1690]).

Locklin, Reid B., 'Toward an Interreligious Theology of Church: Revisiting Bernard Lonergan's Contribution to the "Dialogue of Religions",' *Journal of Ecumenical Studies* 43, no. 3 [2008], 383-410.

Lonergan, Bernard, *Grace and Freedom: Operative Grace in the Thought of St Thomas Aquinas*, eds. Frederick E. Crowe and Robert M. Doran, CWL 1 (Toronto: Toronto University Press, 2000 [1940-2]).

—, *Insight. A Study of Human Understanding*, Collected Works of Lonergan 3 (Toronto: Toronto University, 1992 [1958]).

—, 'Metaphysics as Horizon' (1963), in *Collection*, eds. Frederick E. Crowe and Robert M. Doran, CWL 4 (Toronto: Toronto University Press, 2nd ed. rev. and aug. 1993 [1967]), 188-204.

—, 'The Absence of God in Modern Culture' (1969), in *A Second Collection. Papers by Bernard J. F. Lonergan, S.J.*, eds. William F. J. Ryan and Bernard J. Tyrrell (London: Darton, Longman and Todd, 1974), 101-16.

—, *Method in Theology* (London: Darton, Longman and Todd, 2nd ed. 1973).

—, 'Dialectic of Authority' (1974), in *A Third Collection: Papers by Bernard J. F. Lonergan*, ed. F. E. Crowe (Mahwah NJ: Paulist Press, 1985), 5-11.

—, 'The Human Good' (1976), *Philosophical and Theological Papers 1965–1980*, eds. Robert C. Croken and Robert M.Doran (Toronto: University of Toronto, 2004), 332–52.

—, 'Healing and Creating in History', in *A Third Collection*, 100-8.

—, 'First Lecture: Religious Experience', in *A Third Collection*, 113-28.

—, 'Third Lecture: The Ongoing Genesis of Methods', in *A Third Collection*, 146-68.

—, 'Natural Right and Historical Mindedness', in *A Third Collection*, 169-73.

—, 'A Post-Hegelian Philosophy of Religion', in *A Third Collection*, 202-23.

—, 'Pope John's Intention', in *A Third Collection*, 224-38.

Longenecker, Richard N. (ed.), *Community Formation in the Early Church and in the Church Today* (Peabody, MA: Hendrickson, 2002).

Louth, Andrew, 'Unity and Diversity in the Church of the Fourth Century', in Everett Ferguson (ed.), *Doctrinal Diversity: Varieties of Early Christianity* (London: Garland, 1999), 1–18.

Lumpe, A., '"Concilium" als "repraesentatio totius nominis Christiani" bei Tertullian', *AHC* 7 (1975), 79-81.

Lupia, Arthur, and Mathew W. McCubbins, 'Who Controls? Information and the Structure of Legislative Decision Making', in Kenneth A, Shepsle and Barry R. Weingast (eds.), *Positive Theories of Congressional Institutions* (Ann Arbor, MI: University of Michigan, 1995), 201-34.

Luscombe, Daniel, 'Some Examples of the Use made of the Works of the Pseudo-Dionysius by University Teachers in the Later Middle Ages', in Jozef Ijsewijn and Jacques Paquet (eds.), *The Universities in the Late Middle Ages* (Leuven: Leuven University Press, 1978), 228-41.

—, 'Hierarchy', in A. S. McGrade (ed.), *The Cambridge Companion to Medieval Philosophy* (Cambridge: CUP, 2003), 60-73.

Lutheran-RC Dialogue in the US, 'Differing Attitudes Toward Papal Primacy' (1973), in Joseph A. Burgess and Jeffrey Gros (eds.), *Building Unity: Ecumenical Dialogues with Roman Catholic Participation in the United States*, (Mahwah NJ: Paulist Press, 1989), commentary section entitled 'Reflections of the Roman Catholic Participants', available at http://www.usccb.org/seia/differingattutidues.pdf.

LWF, PCPCU, *The Apostolicity of the Church: Study Document of the Lutheran-Roman Catholic Commission on Unity* (Minneapolis MN: Lutheran University Press, 2006), §182 available at http://www.prounione.urbe.it/dia-int/l-rc/doc/e_l-rc_ap-01.html.

Lynch, John E., 'Co-Responsibility in the First Five Centuries: Presbyteral Colleges and the Election of Bishops', in James A. Coriden (ed.), *Who Decides for the Church?* (Hartford CT: Canon Law Society of America, 1971), 14–54.

Maccarrone, Michele, '"Sedes Apostolica—Vicarius Petri". La perpetuità del primato di Pietro nella sede e nel vescovo di Roma (Secoli III–VIII)', in Maccarrone (ed.), *Il primato del vescovo di Roma nel primo millennio: ricerche e testimonianze. Atti del symposium storico-teologico Roma, 9–13 Ottobre 1989* (Vatican City: Libreria Editrice Vaticana, 1991), 275–362.

Maccarrone, Michele (ed.), Il primato del vescovo di Roma nel primo millennio: ricerche e testimonianze. Atti del symposium storico-teologico Roma, 9–13 Ottobre 1989 (Vatican City: Libreria Editrice Vaticana, 1991).

Maldonado, Carlos Eduardo, *Human Rights, Solidarity and Subsidiarity: Essays toward a Social Ontology* (Washington DC: Council for Research in Values and Philosophy, 1997).

McClory, Robert, Turning Point: The Inside Story of the Papal Birth Control Commission, and How Humanae Vitae Changed the Life of Patty Crowley and the Future of the Church (New York: Crossroad Publishing, 1995).

McCormack, Alan, The Term 'Privilege'. A Textual Study of Its Meaning and Use in the 1983 Code of Canon Law, Ph.D. thesis (Rome: Pontificia Università Gregoriana, 1997).

McCormick, Richard A., 'The Role of the Magisterium and of the Theologians', *Proceedings of the Catholic Theological Society of America* 24 (1970), 239-54.

—, Critical Calling. Reflections on Moral Dilemmas Since Vatican II (Washington, D.C.: Georgetown University, 1989), 3–208.

McCready, W. O., '*Ecclesia* and Voluntary Associations', in J. S. Kloppenborg and S.G. Wilson (eds.), *Voluntary Associations in the Graeco-Roman World* (London: Routledge, 1996), 59–73.

McGrade, A. S. (ed.), *The Cambridge Companion to Medieval Philosophy* (Cambridge: CUP, 2003).

McLeod, Carolyn, 'Trust', in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Fall 2008 Edition), available at http://plato.stanford.edu/archives/fall2008/entries/trust/.

MacMullen, Ramsay, *Voting about God in Early Church Councils* (New Haven CT: Yale University, 2006).

McLoughlin, David, 'Authority in the Service of Communion', in Noel Timms and Kenneth Wilson (eds.), *Governance and Authority in the Roman Catholic Church. Beginning a Conversation* (London: SPCK, 2000), 123-36.

Madigan, Kevin, and Carolyn Osiek (eds. and trans.), *Ordained Women in the Early Church: A Documentary History* (London: Johns Hopkins University, 2005).

Maier, Hans, 'La democrazia come indicatore di movimento della storia (xix secolo)', in W. Conze, R. Koselleck, H. Maier, Ch. Meier, and H. L. Reimann (eds.), *Democrazia*, trans. Francesca D'Amicis and Paolo Barbesino (Venice: Marsilio, 1993 [1975]), 83-100.

Mannion, Gerard, Ecclesiology and Postmodernity: Questions for the Church in our Time (Collegeville: Liturgical Press, 2007).

—, '"Defending the Faith": The Changing Landscape of Church Teaching Authority and Catholic Theology', in Mannion (ed.), *The Vision of John Paul II: Assessing His Thought and Influence* (Collegeville: Liturgical Press, 2008), 78–106.

Mannion, Gerard (ed.), *The Vision of John Paul II: Assessing His Thought and Influence* (Collegeville: Liturgical Press, 2008).

Margull, H. J. (ed.), *The Councils of the Church: History and Analysis*, trans. Walter F. Bense (Philadelphia: Fortress Press, 1966 [1961]).

Mazza, Enrico, The Celebration of the Eucharist. The Origin of the Rite and the Development of Its Interpretation, trans. Matthew J. O'Connell (Collegeville MN: Liturgical Press, 1999).

Merello Arecco, Italo, 'La máxima "Quod omnes tangit": Una aproximación al estado del tema', *Revista de Estudios Histórico-Jurídicos* 27 (2005), 163-75, available at http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0716-54552005000100008&lng=es&nrm=iso.

Meyendorff, John, 'The Council of 381 and the Primacy of Constantinople', in *Catholicity and the Church* (Crestwood NY: SVS Press, 1983), 121-42.

Meyendorff, John (ed.), *The Primacy of Peter. Essays in Ecclesiology and the Early Church* (Crestwood NY: St Vladimir's Seminary, 2nd ed. 1992).

Meyer, Ben F., *Critical Realism and the New Testament* [Allison Park, PA.: Pickwick Publications, 1989).

Meyer, Herding, '"Suprema auctoritas ideo ab omne errore immunis": The Lutheran Approach to Primacy', in James F. Puglisi (ed.), *Petrine Ministry and the Unity of the Church* (Collegeville MN: Michael Glazier, 1999), 15–35.

Mill, John Stuart, Considerations on Representative Government (1861), in The Collected Works of John Stuart Mill, Volume XIX—Essays on Politics and Society Part 2, ed. John M. Robson, introduction by Alexander Brady (London: Routledge and Kegan Paul, 1977), 371–613.

—, *The Subjection of Women* (1869), in *On Liberty and Other Writings*, ed. Stefan Collini (Cambridge: Cambridge University Press, 1989), 117–218.

Miller, Fred, 'Aristotle's Political Theory', in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Fall 2008 Edition), available at http://plato.stanford.edu/archives/fall2008/entries/aristotle-politics/.

Miller, J. Michael, *The Divine Right of the Papacy in Recent Ecumenical Theology* (Rome: Università Gregoriana Editrice, 1980).

Minear, Paul Siever, *Images of the Church in the New Testament* (Philadelphia: Westminster Press, 1960, reprinted with a new foreword by Leander E. Keck, Cambridge: Clarke, 2007).

Minnerath, Roland, ‘La présidence de l’eucharistie chez Tertullien et dans l’Église des trois premiers siècles’, in Christian Grappe (ed.), *Le Repas de Dieu—Das Mahl Gottes*, Wissenschaftliche Untersuchungen zum Neuen Testament 169 (Tübingen: Mohr Siebeck, 2004), 271–98.

Monneron, Jean-Louis, *et al*. (eds.), *L’Église, institution et foi* (Brussels: Facultés universitaires St Louis, 2nd ed. 1985).

Monod, Paul Kléber, The Power of Kings. Monarchy and Religion in Europe 1589-1715 (Ann Arbor MI: Yale University, 1999).

Montesquieu, Charles de Secondat, baron de, *Spirit of the Laws* [*De l’esprit des lois*], trans. and ed. Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone, Cambridge Texts in the History of Political Thought (Cambridge: CUP, 1989 [1748]).

Morris, Christopher W., *An Essay on the Modern State* (Cambridge: CUP, 1998).

Mudge, Lewis S., Rethinking the Beloved Community. Ecclesiology, Hermeneutics, Social Theory (Lanham MD: University Press of America, 2001).

Murray, Paul D., Reason, Truth and Theology in Pragmatist Perspective (Leuven: Peeters, 2004).

Murray, Paul D. (ed.), Receptive Ecumenism and the Call to Catholic Learning. Exploring a Way for Contemporary Ecumenism (Oxford: OUP, 2008).

Nauta, Lodi, ‘Hobbes on Religion and the Church between *The Elements of Law* and *Leviathan*: A Dramatic Change of Direction?’, *Journal of the History of Ideas* 63, no. 4 (2002), 577-98.

Newman, John Henry, *On Consulting the Faithful in Matters of Doctrine*, ed. John Coulson (London: Collins Liturgical, 1986).

Nilson, Jon, ‘The Laity’, in Peter C. Phan (ed.), *The Gift of the Church. A Textbook on Ecclesiology in Honor of Patrick Granfield, O.S.B.* (Collegeville MN: Liturgical Press, 2000), 395-413.

Nordquest, David A., ‘Lonergan’s Cognitional Theory: Toward A Critical Human Science’, *The Review of Politics* 56, no. 1 (Winter, 1994), 71–99.

Norton, Peter, *Episcopal Elections 250-600*: Hierarchy and Popular Will in Late Antiquity (Oxford: OUP, 2007).

Oakley, Francis, ‘Almain and Major: Conciliar Theory on the Eve of the Reformation’, *American Historical Review* 70, (1965), 673-90.

—, ‘Celestial Hierarchies’, *Past & Present* 60 (Aug., 1973), 3-48.

—, ‘Conciliarism in the Sixteenth Century: Jacques Almain Again’, *Archiv für Reformationsgeschichte* 68 (1977), 111-32.

—, The Western Church in the Later Middle Ages (London: Cornell University, 1979).

—, ‘Bronze-Age Conciliarism: Edmond Richer’s Encounters with Cajetan and Bellarmine’, *History of Political Thought* 20, no. 1 (1999), 65-86.

—, The Conciliarist Tradition: Constitutionalism in the Church 1300-1870 (Oxford: OUP, 2003).

—, ‘Constitutionalism in the Church?’, in Oakley and Bruce Russett (eds.), *Governance, Accountability and the Future of the Catholic Church* (New York/London: Continuum, 2004).

—, Kingship: The Politics of Enchantment (Oxford: Blackwell, 2006).

—, ‘In Praise of Prolepsis: Meaning, Significance, and the Medieval Contribution to Political Thought’, *History of Political Thought* 27, no. 3 (Autumn 2006), 407-22.

Oakley, Francis, and Bruce Russett (eds.), *Governance, Accountability, and the Future of the Catholic Church* (New York/London: Continuum, 2004).

O’Callaghan, Joseph F., Electing our Bishops: How the Catholic Church should Choose Its Leaders (Lanham MD: Sheed & Ward, 2007).

O’Collins, Gerard, Living Vatican II. The 21st Council for the 21st Century (Mahwah NJ: Paulist Press, 2006).

O’Donovan, Joan Lockwood, ‘Authority: B. Political Authority’, in Jean-Yves Lacoste (ed.), *Encyclopedia of Christian Theology* (London: Routledge, 2005), vol. I, 132-7.

O’Donovan, Oliver, The Desire of the Nations: Rediscovering the Roots of Political Theology (Cambridge: CUP, 1996).

O’Gara, Margaret, *The Ecumenical Gift Exchange* (Collegeville: Liturgical Press, 1998).

—, ‘A Roman Catholic Perspective on Ius Divinum’, in Randall Lee and Jeffrey Gros (eds.), The Church as Koinonia of Salvation. Its Structures & Ministries. Agreed Statement of the Tenth Round of the U.S. Lutheran-Roman Catholic Dialogue with Background Papers (Washington DC: USCCB, 2004), 226–46.

Öhler, Klaus, ‘Der Consensus Omnium als Kriterium der Wahrheit in der antiken Philosophie und der Patristik’, *Antike Philosophie und byzantinisches Mittelalter: Aufsätze zur Geschichte des griechischen Denkens* (Munich, 1969), 234-63.

Ohlig, Karl-Heinz, *Why We Need the Pope: The Necessity and Limits of Papal Primacy*, trans. Robert C. Ware (St. Meinrad: Abbey, 1975).

O'Malley, John W., 'Vatican II: Did Anything Happen?', *Theological Studies* 67, no. 1 (2006).

Ombres, Robert, 'What Future for the Laity? Law and History', in Noel Timms and Kenneth Wilson (eds.), *Governance and Authority in the Roman Catholic Church. Beginning a Conversation* (London: SPCK, 2000), 91-102.

O'Meara, Thomas, 'Divine Grace and Human Nature as Sources for the Universal Magisterium of Bishops', *Theological Studies* 64, no. 4 (2003), 683-706.

Ormerod, Neil, 'The Structure of a Systematic Ecclesiology', *Theological Studies* 63, no. 1 (2002), 3-30.

—, 'Recent Ecclesiology: A Survey', *Pacifica* 21 (February 2008), 57-67.

Örsy, Ladislas, 'Reception and Non-Reception of Law: A Canonical and Theological Consideration', in *Canon Law Society of America, Proceedings* 46 (1984), 66-70.

—, 'The Papacy for an Ecumenical Age: A Response to Avery Dulles', *America* 183, no. 12 (21st October 2000), 9-15, available at http://www.americamagazine.org/content/article.cfm?article_id=2237.

—, Receiving the Council. Theological and Canonical Insights and Debates (Collegeville MI: Liturgical Press, 2010).

Osawa, Takeo, Das Bischofseinsetzungsverfahren bei Cyprian: Historische Untersuchungen zu den Begriffen iudicium, suffragium, testimonium, consensus (Frankfurt: Lang, 1983).

Osborne, Kenan B., 'Envisioning a Theology of Ordained and Lay Ministry: Lay/Ordained Ministry—Current Issues of Ambiguity', in Susan K. Wood (ed.), *Ordering the Baptismal Priesthood* (Collegeville MN: Liturgical Press, 2003), 195-227.

Page, Sydney H. T., 'Whose Ministry? A Re-appraisal of Ephesians 4:12', *Novum Testamentum* 47, no. 1 (2005), 26-46.

Pannenberg, Wolfhart, *Systematic Theology*, vol. 3, trans. Geoffrey W. Bromiley (Edinburgh: T&T Clark, 1998).

Parsons, Talcott, *Societies: Evolutionary and Comparative Perspectives* (Englewood Cliffs, N.J.: Prentice Hall, 1966).

Patzia, Arthur G., *The Emergence of the Church: Context, Growth, Leadership & Worship*, (Downers Grove IL: InterVarsity Press, 2001).

Paul VI, Pope, 'The Task', in Yves Congar, Hans Küng and Daniel O'Hanlon (eds.), *Council Speeches of Vatican II* (London: Sheed & Ward, 1964), 15-7.

Pennington, Ken, 'Innocent III and the *Ius commune*', in Richard Helmholz, Paul Mikat, Jörg Müller, and Michael Stolleis (eds.), *Grundlagen des Rechts: Festschrift für Peter Landau zum 65. Geburtstag*, Rechts- und Staatswissenschaftliche Veröffentlichungen der Görres-Gesellschaft, NF 91 (Paderborn: Verlag Ferdinand Schöningh, 2000), 349-66, available at http://faculty.cua.edu/Pennington/Medieval%20Papacy/InnocentIuscom.htm.

—, 'A Short History of Canon Law from Apostolic Times to 1917', (2004), available at http://faculty.cua.edu/Pennington/Canon%20Law/ShortHistoryCanonLaw.htm.

Petersen, Joan M., 'Some Titular Churches at Rome with Traditional New Testament Connexions', *The Expository Times* 84, 9 (1973), 277–9.

Phan, Peter C. (ed.), The Gift of the Church. A Textbook on Ecclesiology in Honor of Patrick Granfield, O.S.B. (Collegeville MN: Liturgical Press, 2000).

—, 'A North American Ecclesiology: The Achievement of Patrick Granfield', in Phan (ed.), *The Gift of the Church*, 469–502.

Pius X, Pope, '*Vehementer nos*. Encyclical Letter on the French Law of Separation', (11th February 1906), available at http://www.vatican.va/holy_father/pius_x/encyclicals/documents/hf_p-x_enc_11021906_vehementer-nos_en.html.

Piux XI, Pope, '*Quadragesimo anno*. Encyclical Letter on the Reconstruction of the Social Order' (15th May 1931), available at http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno_en.html.

Plato, *Euthyphro—Apology—Crito—Phaedrus*, ed. Jeffrey Henderson, trans. Harold North Fowler (Cambridge MA: Harvard University Press, 2001).

Plumer, Eric, 'The Development of Ecclesiology: Early Church to the Reformation', in Peter C. Phan (ed.), *The Gift of the Church. A Textbook on Ecclesiology in Honor of Patrick Granfield, O.S.B.* (Collegeville MN: Liturgical Press, 2000), 23-44.

Podmore, Colin (ed.), Together in Mission and Ministry: The Porvoo Common Statement with Essays on Church and Ministry in Northern Europe (London: Church House Publishing, 1993).

Poggi, Gianfranco, Catholic Action in Italy: The Sociology of a Sponsored Organization (Stanford: Stanford University, 1967 [1963]).

Porter, Jean, The Recovery of Virtue. The Relevance of Aquinas for Christian Ethics (London: SPCK, 1994).

Post, Gaines, Studies in Medieval Legal Thought: Public Law and the State 1100–1322 (Princeton: Princeton University, 1964).

Pottmeyer, Hermann, Unfehlbarkeit und Souveränität. Die päpstliche Unfehlbarkeit im System der ultramontanen Ekklesiologie des 19. Jahrhunderts, (Mainz: Matthias-Grünewald Verlag, 1975).

—, 'Reception and Submission', *The Jurist* 51, (1991), 269-92.

—, *Towards a Papacy in Communion*, trans. Matthew J. O'Connell (New York: Crossroad, 1998).

Powell, Douglas, 'Haeres Petri: Leo I and Church Order', International journal for the Study of the Christian Church 8, no. 3 (2008), 203-10.

Powell, Mark E., Papal Infallibility: A Protestant Evaluation of an Ecumenical Issue, (Cambridge : Eerdmans, 2009).

Pranchère, Jean-Yves, L'autorité contre les lumières: la philosophie de Joseph de Maistre (Genève: Droz, 2004).

Prusak, Bernard, 'Hospitality Extended or Denied: Koinonia Incarnate from Jesus to Augustine', in James H. Provost (ed.), *The Church as Communion* (Washington DC: The Canon Law Society of America, 1984), 89-126.

Pseudo-Clement, 'Clementine Homilies', in Ante-Nicene Fathers, Philip Schaff (ed.), The Twelve Patriarchs, Excerpts and Epistles, The Clementia, Apocrypha, Decretals, Memoirs of Edessa and Syriac Documents, Remains of the First Age (Calvin College: Christian Classics Ethereal Library, 1995 [1886]), vol. VIII, available at http://www.ccel.org/ccel/schaff/anf08.pdf.

Puglisi, James F. (ed.), *Petrine Ministry and the Unity of the Church* (Collegeville MN: Michael Glazier, 1999).

Quinn, John R., The Reform of the Papacy: The Costly Call to Christian Unity (New York: Crossroad, 1999).

Rahner, Karl, 'Dogmatic Constitution on the Church: Chapter III, Articles 18-27', in Herbert Vorgrimler (ed.), *Commentary on the Documents of Vatican II*, Vol. 1, trans. by Lalit Adolphus *et al*. (London: Burns & Oates, 1967), 186-218.

Ratzinger, Joseph, and Hans Maier (eds.), *Demokratie in der Kirche: Möglichkeiten, Grenzen, Gefahren* (Limburg: Lahn-Verlag, 1970), 7–46.

—, ‘Demokratisierung der Kirche?’, in Ratzinger and Maier (eds.), *Demokratie in der Kirche*, 7–46.

—, Principles of Catholic Theology. Building Stones for a Fundamental Theology, trans. Mary Frances McCarthy (San Francisco: Ignatius Press, 1987).

—, Church, Ecumenism and Politics: New Essays in Ecclesiology, trans. Robert Nowell (Slough: St Paul, 1988).

—, ‘Questions about the Structure and Duties of the Synod of Bishops’, in *Church, Ecumenism and Politics*, 51-68.

—, *Called to Communion: Understanding the Church Today*, trans. Adrian Walker (San Francisco: Ignatius Press, 1996).

—, ‘The Theological Locus of Ecclesial Movements’, trans. Adrian Walker, *Communio* 25 (1998), 480-500, available at http://www.communio-icr.com/articles/PDF/ratzinger25-3.pdf.

Ratzinger, Joseph, with Vittorio Messori, *The Ratzinger Report*, trans. Salvator Attanasio and Graham Harrison (San Francisco: Ignatius Press, 1985).

Ratzinger, Joseph, with Peter Seewald, *Salt of the Earth. The Church at the End of the Millennium*, trans. Adrian Walker (San Francisco: Ignatius Press, 1997).

Raz, Joseph (ed.), *Authority* (New York: New York University, 1990).

Reumann, John, ‘Kononia in Scripture: Survey of Biblical Texts’, in Thomas F. Best and Günther Gassmann (eds.), *On the Way to Fuller Koinonia. Official Report of the Fifth World Conference on Faith and Order*, Faith and Order Paper no. 166 (Geneva: World Council of Churches, 1994), 37–69.

—, ‘One Lord, One Faith, One God, but Many House Churches’, in Julian V. Hills (ed.), *Common Life in the Early Church* (Harrisburg PA: Trinity Press International, 1998), 106–17.

Rich, Andrew, Think Tanks, Public Policy, and the Politics of Expertise (Cambridge: CUP, 2004).

Rikhof, Herwi, The Concept of the Church. A Methodological Inquiry into the Use of Metaphors in Ecclesiology (London-Shepherdstown: Sheed and Ward/Patmos Press, 1981).

Risse, Mathias, ‘Arguing for Majority Rule’, *The Journal of Political Philosophy* 12, no. 1 (2004), 41-64.

Robinson, I. S., ‘Church and Papacy’, in J. H. Burns (ed.), *The Cambridge History of Medieval Political Thought—c.350-c. 1450* (Cambridge: CUP, 1988), 252-305.

Rochefort, David A., and Roger W. Cobb, *The Politics of Problem Definition: Shaping the Policy Agenda* (Lawrence: University Press of Kansas, 1994).

Rodríguez, Pedro, 'Theological Method for Ecclesiology', in Peter Phan (ed.), *The Gift of the Church. A Textbook on Ecclesiology in Honor of Patrick Granfield, O.S.B.* (Collegeville MN: Liturgical Press, 2000), 129-58.

Roman Catholic Church, *Catechism of the Catholic Church* (London: Geoffrey Chapman, 1994).

Rome, Giles of, *Giles of Rome's* On Ecclesiastical Power*: A Medieval Theory of World Government. A Critical Edition and Translation*, ed. and trans. R. W. Dyson (New York: Columbia University Press, 2004).

Root, Michael, 'Bishops, Ministry, and the Unity of the Church in Ecumenical Dialogue: Deadlock, Breakthrough, or Both?', *CTSA Proceedings* 62 (2007), 19–35, also available at http://www.ctsa-online.org/Root.pdf.

Rorem, P., Pseudo-Dionysius: A Commentary on the Texts and an Introduction to their Influence (Oxford: OUP, 1993).

Rosmini, Antonio, *The Five Wounds of the Church*, ed. and trans. Denis Cleary (Leominster: Fowler Wright, 1987 [1848]).

Rousseau, Jean-Jacques, The Social Contract *and Other Later Political Writings*, ed. Victor Gourevitch (Cambridge: CUP, 1997 [1762]).

Rush, Ormond, '*Sensus Fidei*: Faith Making Sense of Revelation', *Theological Studies* 62, no. 2 (2001), 231-61.

Sagovsky, Nicholas, Ecumenism, Christian Origins and the Practice of Communion (Cambridge: CUP, 2004).

Schatz, Klaus, *Papal Primacy: From Its Origins to the Present*, trans. John A. Otto and Linda M. Maloney (Collegeville MN: Liturgical Press, 1996).

Schickendantz, Carlos, 'El principio de subsidiariedad en la Iglesia: Breve historia, discusiones recientes y campos de aplicación práctica', *Teol. vida* 42, no. 3 (2001), 280-91, available at http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0049-34492001000300003&lng=es&nrm=iso.

Schillebeeckx, Edward, *Ministry* (London: SCM Press, 1981).

—, *Church. The Human Story of God*, trans. by John Bowden (New York: Crossroad, 1990).

Schlier, Heinrich, ‘παρρησία, παρρησιάζομαι’, in Gerhard Kittel and Gerhard Friedrich (eds.), *Theological Dictionary of the New Testament* (Ann Arbor: Eerdmans, 1967), vol. V, 871-86.

Schmidt, Hans-Joachim, ‘The Papal and Imperial Concept of *plenitudo potestatis:* The Influence of Pope Innocent III on Emperor Frederick II’, in John C. Moore (ed.), *Pope Innocent III and His World* (Aldershot: Ashgate, 1999), 305-14.

Schoof, Ted (ed.), The Schillebeeckx Case: Official Exchange of Letters and Documents in the Investigation of Fr. Edward Schillebeeckx by the Sacred Congregation for the Doctrine of the Faith, 1976–1980 (New York: Paulist, 1984).

Schüssler Fiorenza, Elisabeth, *Priester für Gott* (Münster: Aschendorff Verlag, 1972).

—, ‘Tablesharing and the Celebration of the Eucharist’, *Concilium* 152 (1982), 3-12.

—, ‘Discipleship of Equals’, in Letty M. Russell and J. Shannon Clarkson (eds.), *Dictionary of Feminist Theology* (Louisville: Westminster John Knox, 1996), 70-1.

—, ‘A Discipleship of Equals’, in Eugene C. Bianchi and Rosemary Radford Ruether (eds.), *A Democratic Catholic Church: The Reconstruction of Roman Catholicism* (New York: Crossroad, 1992), 17-33.

—, ‘The Twelve and the Discipleship of Equals’, in *Discipleship of Equals: A Critical Feminist Ekklēsia-logy of Liberation* (London: SCM, 1993).

Sen, Amartya, *Development as Freedom* (Oxford: OUP, 1999).

Shapiro, Susan, ‘The Social Control of Impersonal Trust’, *American Journal of Sociology* 93 (1987), 623–58.

Sieben, Hermann Josef, ‘Consensus, unanimitas und maior pars auf Konzilien, von der Alten Kirche bis zum Ersten Vatikanum’, *Philosophie und Theologie* 67 (1992), 192-6.

—, *Die Konzilsidee der Alten Kirche* (Paderborn: Schöningh, 1979).

Skinner, Quentin, *The Foundations of Modern Political Thought* (Cambridge: Cambridge University Press, 1978), vol. II.

Smith, Adam, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. Kathryn Sutherland (Oxford: OUP, 1999 [1776]).

Snell, R. J., Through a Glass Darkly: Bernard Lonergan and Richard Rorty on Knowing Without a God’s-eye View, (Milwaukee WI: Marquette University Press, 2006).

Snyder, Graydon F., *Church Life Before Constantine* (Macon GA: Mercer University Press, 1991).

Spielthenner, Georg, 'Lesser Evil Reasoning and Its Pitfalls', *Argumentation* 24 (2010), 139-52.

Stagaman, David J., *Authority in the Church* (Collegeville: Liturgical Press, 1999).

Stein, P. G., 'Roman law', in J. H. Burns (ed.), *The Cambridge History of Medieval Political Thought—c. 350-c. 1450* (Cambridge: CUP, 1988), 37-50.

Steinfels, Peter, A People Adrift: The Crisis of the Roman Catholic Church in America, (New York: Simon and Schuster, 2004).

—, 'Necessary but not Sufficient: A Response to Bishop Wuerl's Reflections', in Francis Oakley and Bruce Russett (eds.), *Governance, Accountability and the Future of the Catholic Church* (New York/London: Continuum, 2004), 25-32.

Stout, Jeffrey, *Democracy and Tradition* (Princeton: Princeton University Press, 2005).

Stuiber, Alfred, and Alfred Hermann (eds.), *Mullus: Festschrift Theodor Klauser* (Münster im Westfalen: Aschendorff, 1964).

Stylianopoulos, Theodore, 'Concerning the Biblical Foundation of Primacy', *Greek Orthodox Theological Review* 49, 1–2 (2004), 1–31.

Sullivan, Francis A., The Church We Believe In. One, Holy, Catholic and Apostolic (Mahwah NJ: Paulist Press, 1988).

—, Review of Electing our Bishops: How the Catholic Church should Choose Its Leaders (Lanham MD: Sheed & Ward, 2007), by Joseph O'Callaghan, in The Catholic Historical Review 93, 3 (2008), 524.

Swidler, Leonard, '*Demo-kratia*, the Rule of the People of God, or *Consensus Fidelium*' in Swidler and Piet F. Fransen (eds.), *Authority in the Church and the Schillebeeckx Case* (New York: Crossroad, 1992), 226–43.

—, Making the Church Our Own: How We Can Reform the Catholic Church from the Ground Up (Lanham MD: Rowman & Littlefield Publishers, 2007).

Swidler, Leonard, and Piet F. Fransen (eds.), *Authority in the Church and the Schillebeeckx Case* (New York: Crossroad, 1992).

Sykes, Stephen, 'Power in the Church of England', *Concilium* 197, no. 3 (1988) 123–8.

—, *Power and Christian Theology* (London: Continuum, 2006).

Tanner, Norman, Was the Church too Democratic? Councils, Collegiality and the Church's Future (Bangalore: Dharmaram Publications, 2003).

Tanner, Norman (ed.), *Decrees of the Ecumenical Councils*, vol. 2, *Trent to Vatican II*, original text established by G. Alberigo *et al.*, (London: Sheed & Ward and Georgetown University Press, 1990).

Tătaru-Cazaban, Miruna, '*Quod omnes tangit*: le problème du consentement politique de Thomas d'Aquin jusqu'à Nicolas de Cues', unpublished doctoral dissertation (University of Bologna, 2007), available at http://amsdottorato.cib.unibo.it/459/1/Tesi_Cazaban.pdf.

Taylor, Nicholas H., Lay Presidency at the Eucharist? An Anglican Approach (London: Continuum, 2009).

Tekippe, Terry (ed.), *Papal Infallibility: An Application of Lonergan's Theological Method* (Washington, DC: University Press of America, 1983).

Thatcher, Mark, and Alec Stone Sweet, 'Theory and Practice of Delegation in Non-Majoritarian Institutions', in Thatcher and Stone Sweet (eds.), *The Politics of Delegation* (London: Frank Cass, 2003), 1-19.

Thayer, Joseph H., *Thayer's Greek-English Lexicon of the New Testament* (Grand Rapids MI: Zondervan, 1969).

Theological Advisory Board of the WordAlone Network, '*The Episcopal Ministry within the Apostolicity of the Church*: A Lutheran Response' (2003), available at http://www.wordalone.com/o-site/newsletters/2003/JulyAug03.pdf.

Tierney, Brian, Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism (Cambridge: CUP, 1955).

—, Religion, Law, and the Growth of Constitutional Thought (Cambridge: CUP, 1982).

—, 'Church Law and Alternative Structures. A Medieval Perspective', in Francis Oakley and Bruce Russett (eds.), *Governance, Accountability, and the Future of the Catholic Church* (New York/London: Continuum, 2004), 49-61.

Tillard, Jean-Marie, *The Bishop of Rome*, trans. by John de Satge (London: SPCK, 1983).

—, 'The Jurisdiction of the Bishop of Rome', *Theological Studies* 40, no. 1 (1979), 3-22.

Timms, Noel, and Kenneth Wilson (eds.), Governance and Authority in the Roman Catholic Church. Beginning a Conversation (London: SPCK, 2000).

Torfs, Rik, 'Auctoritas, Potestas, Iurisdictio, Facultas, Officium, Munus: A Conceptual Analysis', *Concilium* 197, no. 3 (1988), 63-73.

Torres-Queiruga, Andrés, 'Vatican II and Theology', *Concilium* 4 (2005), 21-33.

Traniello, Francesco, *Società religiosa e società civile in Rosmini* (Brescia: Morcelliana, 2nd ed. 1997 [1966]).

Trebilco, Paul, The Early Christians in Ephesus from Paul to Ignatius (Grand Rapids MI: Eerdmans, 2007).

Turner, Stephen P., Liberal Democracy 3.0: Civil Society in an Age of Experts (London: SAGE Publications, 2003).

Ullmann, Walter, 'Leo I and the Theme of Papal Primacy' [1966], in Everett Ferguson (ed.), *Church, Ministry, and Organization in the Early Church Era*, Studies in Early Christianity 13 (New York/London: Garland, 1993), 359-86.

—, *Growth of Papal Government* (London: Methuen, 3rd ed. 1970).

Urbinati, Nadia, Mill on Democracy: From the Athenian Polis to Representative Goverment (Chicago: University of Chicago Press, 2002).

Van Liere, Katherine Elliot, 'Vitoria, Cajetan and the Conciliarists', *Journal of the History of Ideas* 58, no. 4 (1997), 597-616.

Vatican II, '*Lumen gentium*. Dogmatic Constitution on the Church' (21st November 1964), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html.

—, '*Unitatis Redintegratio*: Decree on Ecumenism' (21st November 1964), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19641121_unitatis-redintegratio_en.html.

—, '*Ad gentes*. Decree on the Mission Activity of the Church', (7th December 1965), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651207_ad-gentes_en.html.

—, '*Gaudium et spes*. Pastoral Constitution on the Church in the Modern World' (7th December 1965), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html.

—, '*Presbyterorum ordinis*. Decree on the Ministry and Life of Priests', (7th December 1965), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651207_presbyterorum-ordinis_en.html.

Villemin, Laurent, Pouvoir d'ordre et pouvoir de jurisdiction: histoire théologique de leur distinction (Paris: Cerf, 2003).

Vio, Tommaso de, 'On the Comparison of the Authority of Pope and Council' [*Auctoritas papae et concilii sive ecclesiae comparata*], in J. H. Burns and Thomas M. Izbicki (eds.), *Conciliarism and Papalism*, Cambridge Texts in the History of Political Thought (Cambridge: CUP, 1997), 1-133.

—, ‘The Apology of Brother Tommaso de Vio… concerning the authority of the pope compared with that of the council’ [Apologia de comparata auctoritate papae et concilii], in *Conciliarism and Papalism*, 201-84.

Viscome, Francesco, Origine ed esercizio della potestà dei vescovi dal Vaticano I al Vaticano II. Contesto teologico-canonico del magistero dei ‘recenti Pontefici’ (Nota Explicativa Praevia 2) (Rome: Pontificia Univ. Gregoriana, 1997).

Viterbo, James of, De regimine Christiano: *A Critical Edition and Translation*, ed. R. W. Dyson (Leiden and Boston: Brill, 2009).

Voiss, James, ‘Understanding John Paul II’s Vision of the Church’, in Gerard Mannion (ed.), *The Vision of John Paul II: Assessing His Thought and Influence* (Collegeville: Liturgical Press, 2008), 62–77.

Volf, Miroslav, After Our Likeness: The Church as the Image of the Trinity (Grand Rapids MI: Eerdmans, 1998).

Vorgrimler, Herbert (ed.), *Commentary on the Documents of Vatican II*, Vol. 1, trans. by Lalit Adolphus *et al*. (London: Burns & Oates, 1967).

Wainwright, Geoffrey, ‘“The Gift Which He on One Bestows, We All Delight to Prove”: A Possible Methodist Approach to a Ministry of Primacy in the Circulation of Love and Truth’, in James F. Puglisi (ed.), *Petrine Ministry and the Unity of the Church* (Collegeville MN: Michael Glazier, 1999), 59–82.

Walker, James C., ‘Education for Democracy: The Representation/Participation Dualism’, in Paul Heywood Hirst and Patricia White (eds.), *Philosophy of Education: Major Themes in the Analytic Tradition*, vol. iii, *Society and Education* (London: Routledge, 1998), 11-27.

Walsh, J. P. M., ‘Work as if Everything Depends On—Who?’, *The Way Supplement* 70 (Spring 1991), 125–36.

Warren, Mark E., ‘Deliberative Democracy and Authority’, *The American Political Science Review* 90, no. 1 (1996), 46-60.

—, ‘What can Democratic Participation Mean Today?’, *Political Theory* 30, no. 5 (2002), 677-701.

Watkins, Clare, ‘The Church as a “Special Case”: Comments from Ecclesiology Concerning the Management of the Church’, *Modern Theology* 9, no. 4 (1993), 369-84.

Weick, Karl, *The Social Psychology of Organizing* (Reading PA: Addison-Wesley, 1969).

West, Robert, and Charles Zech, 'Internal Financial Controls in the U.S. Catholic Church', *Journal of Forensic Accounting* 9 (2008), 129-56 (134); a final draft is also available at http://graphics8.nytimes.com/packages/pdf/national/CatholicChurchfinances.pdf.

White, L. Michael, 'Paul and *Pater Familias*', in J. Paul Sampley, *Paul in the Greco-Roman World: A Handbook* (Harrisburg PA: Trinity Press International, 2003), 457-87.

Wieler, Anton, 'Nicholas of Cusa on Harmony, Concordance, Consensus and Acceptance as Categories of Reform in the Church, in *De concordantia catholica*', in Iñigo Bocken (ed.), *Conflict and Reconciliation: Perspectives on Nicolas of Cusa* (Leiden: Brill, 2004), 77-90.

Wilks, Michael, The Problem of Sovereignty in the Later Middle Ages: The Papal monarchy with Augustinus Triumphus and the Publicists (Cambridge: CUP, 2008 [1963]).

Wilks, Yvor, 'A Note on Sovereignty', in W. J. Stankiewicz (ed.), *In Defense of Sovereignty* (Oxford: OUP, 1969), 197-205.

Williams, Robert Lee, Bishop Lists: Formation of Apostolic Succession in Ecclesiastical Crises (Piscataway NJ: Gorgias Press, 2005).

Winroth, Anders, *The Making of Gratian's* Decretum (Cambridge: CUP, 2004).

Wood, Susan K., 'Episcopacy', *The Encyclopedia of Christianity*, ed. Erwin Fahlbusch *et al.*, trans. Geoffrey William Bromiley, vol. 2 (Grand Rapids: Eerdmans, 2001), 105–11.

Wood, Susan K. (ed.), *Ordering the Baptismal Priesthood* (Collegeville MN: Liturgical Press, 2003).

Wootton, Janet, 'The Priesthood of All Believers—Is This What You Want?', *Feminist Theology* 1, no. 1 (1992), 74–9.

Wuerl, David, 'Reflections on Governance and Accountability in the Church', in Francis Oakley and Bruce Russett (eds.), *Governance, Accountability and the Future of the Catholic Church* (New York/London: Continuum, 2004), 13-24.

Yeago, David, 'The Papal Office and the Burdens of History: A Lutheran View', in Carl E. Braaten and Robert W. Jenson (eds.), *Church Unity and the Papal Office* (Grand Rapids MI: Eerdmans, 2001), 98–123.

Zaleski, Peter, and Charles Zech, 'Economic and Attitudinal Factors in Catholic and Protestant Religious Giving', *Review of Religious Research* 36 (December, 1994), 158-67.

Zanetti, Gianfranco, Political Friendship and the Good Life: Two Liberal Arguments Against Perfectionism (The Hague: Kluwer Law International, 2002).

Zizioulas, John, 'Recent Discussion on Primacy in Orthodox Theology' in Walter Kasper (ed.), The Petrine Ministry: Catholics and Orthodox in Dialogue. Academic Symposium Held at the Pontifical Council for Promoting Christian Unity, trans. the staff of the Pontifical Council for Promoting Christian Unity (Mahwah NJ: Newman Press, 2003), 231–48.

c) Web References

Adler, Jonathan, 'Epistemological Problems of Testimony', in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Winter 2007 Edition), available at http://plato.stanford.edu/entries/testimony-episprob/.

Ahaus, Hubert, 'Holy Orders', *The Catholic Encyclopedia*, Vol. 11 (New York: Robert Appleton Company, 1911), available at http://www.newadvent.org/cathen/11279a.htm.

Aimone-Braida, Pier Virginio, 'La partecipazione dei laici alla potestà sacra nella storia del Diritto Canonico (can. 129)', in Italian Association of Teachers of Canon Law (ed.), *I laici nella ministerialità della Chiesa. XXVI Incontro di studio. Centro Dolomiti 'Pio X' – Borca di Cadore, 28 giugno – 3 luglio 1999*, Quaderni della Mendola 8 (Milano: Glossa, 2000), 35-49, available at http://www.unifr.ch/cdc/show_fn.php?id=23.

Aquinas, Thomas, *Summa Theologiae*, http://www.newadvent.org/summa/.

Badini Confalonieri, Giuseppe, 'Democracy as a Public Method of Searching for the Truth and the Good: The Epistemological Foundations of the Democratic Method', trans. Joseph Buzzelli, available at http://www.lonergan.org/dialogue_partners/badini/badini.htm (originally in Italian: 'La democrazia come metodo pubblico di ricerca del vero e del bene: I fondamenti epistemologici del metodo democratico', in Antonio Salvatore [ed.], *Europa Cristiana e Democrazie Liberali* [Stresa: Edizioni Rosminiane, 2002], 245-70).

Benedict XVI, Pope, 'Letter to the Bishops, Priests, Consecrated Persons, and Lay Faithful of the Catholic Church in the People's Republic of China', (27th May 2007), available at

http://www.vatican.va/holy_father/benedict_xvi/letters/2007/documents/hf_ben-xvi_let_20070527_china_en.html.

Bertone, Cardinal Tarcisio, 'Chiesa e democrazia: analogie e differenze', (4th December 2008), available at http://www.vatican.va/roman_curia/secretariat_state/card-bertone/2008/documents/rc_seg-st_20081204_lectio-magistralis_it.html.

Brezke, James T., 'The Lesser Evil', *America* 129, no. 11 (26th March 2007), available at http://www.americamagazine.org/content/article.cfm?article_id=5371.

Brennan, Patrick, 'Realizing the Rule of Law in the Human Subject', *Boston College Law Review* 43, no. 2 (2002), 227-349, available at http://lawdigitalcommons.bc.edu/bclr/vol43/iss2/1/.

Brownlee, William Craig, *Popery: An Enemy to Civil and Religious Liberty, and Dangerous to Our Republic* (New York: Charles K. Moore, 4th ed. 1839), available online at http://www.archive.org/details/poperyanenemyto00browgoog.

Congregation for the Doctrine of the Faith, '*Libertatis nuntio.* Instruction on Certain Aspects of the Theology of Liberation' (6th August 1984), available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19840806_theology-liberation_en.html.

—, '*Donum veritatis*. Instruction on the Ecclesial Vocation of the Theologian' (24th May 1990), available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19900524_theologian-vocation_en.html.

—, '*Communionis notio.* A Letter to the Bishops of the Catholic Church on Some Aspects of the Church Understood as Communion' (28th May 1992), available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_28051992_communionis-notio_en.html.

—, '*Dominus Iesus*: Declaration on the Unicity and Salvific Universality of Jesus Christ and the Church' (6th August 2000), available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20000806_dominus-iesus_en.html.

—, 'Responses to Some Questions Regarding Certain Aspects of the Doctrine on the Church' (29th June 2007), available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20070629_responsa-quaestiones_en.html.

Dodd, C. H., *The Apostolic Preaching and Its Developments*, (New York: Harper & Row, 1980 [1936]), available at http://www.religion-online.org/showbook.asp?title=539.

Dulles, Avery, 'The Papacy for a Global Church', *America* 183, no. 2 (15th July 2000), 6-11, available at http://www.americamagazine.org/content/article.cfm?article_id=760.

Faith and Order Commission of the World Council of Churches, *The Nature And Mission of the Church: A Stage on the Way to a Common Statement*, Faith and Order Paper no. 198, (Geneva: WCC, 2005), available at http://www.oikoumene.org/fileadmin/files/wcc-main/documents/p2/FO2005_198_en.pdf.

Fejfar, Anthony J., 'Insight into Lawyering: Bernard Lonergan's Critical Realism Applied to Jurisprudence', *Boston College Law Review* 27, no. 4 (1986), 681-719, available at http://lawdigitalcommons.bc.edu/bclr/vol27/iss4/1/.

Florovsky, Georges, 'The Authority of the Ancient Councils and the Tradition of the Fathers. An Introduction', in his *Collected Works*, vol. I, *Bible, Church, Tradition: An Eastern Orthodox View* (Vaduz: Buchervertriebsanstalt, 1987), 93–103, also available at http://jbburnett.com/resources/florovsky/1/florovsky_1-6-auth-councils.pdf.

Hankey, W. J., '"Dionysius dixit, Lex divinitatis est ultima per media reducere": Aquinas, Hierocracy and "augustinisme politique",' in *Tommaso d'Aquino: proposte nuove di letture. Festschrift Antonio Tognolo*, ed. Ilario Tolomio, *Medioevo. Rivista di Storia della Filosofia Medievale* 18 (1992), 119–50, available at http://classics.dal.ca/Faculty%20and%20Staff/DIONDIX1.php

Harty, John, 'Tyrannicide', *The Catholic Encyclopedia* (New York: Robert Appleton Company, 1912), vol. XV, available at http://www.newadvent.org/cathen/15108a.htm.

Hervada, Javier, *Elementos de derecho constitucional canónico* (Pamplona: Ediciones Universidad de Navarra, 2nd ed. 2001 [1987]), available at http://www.javier.hervada.org/edcc.pdf.

John XXIII, Pope, '*Pacem in terris*. Encyclical Letter on Establishing Universal Peace in Truth, Justice, Charity and Liberty' (11th April 1963), available at http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html.

John Paul II, Pope, '*Christifideles laici*. Post-Synodal Apostolic Exhortation on the Vocation and Mission of the Lay Faithful in the Church and in the World', (30th December 1988), available at http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_30121988_christifideles-laici_en.html.

—, '*Centesimus annus*. Encyclical Letter on the Hundredth Anniversary of *Rerum Novarum*', (1st May 1991), available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus_en.html.

—, '*Veritatis splendor*. Encyclical Letter on the Church's Moral Teaching', (6th August 1993), available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor_en.html.

—, '*Evangelium vitae*. Encyclical Letter on the Value and Inviolability of Human Life', (25th March 1995), available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae_en.html.

—, '*Ut unum sint*. Encyclical Letter on Commitment to Ecumenism', (25th May 1995), available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_25051995_ut-unum-sint_en.html.

Kasper, Walter, 'From the President of the Council for Promoting Christian Unity', *America* (26th November 2001), 28-9, available at http://www.americamagazine.org/content/article.cfm?article_id=1260.

Kuttner, Stephan, 'Some Considerations on the Role of Secular Law and Institutions in the History of Canon Law', in *Scritti di sociologia e politica in onore di Luigi Sturzo* (Bologna: Zanichelli, 1953), Vol. II, 349-64, available at http://www.luigisturzo.it/images/stories/biblio/scrittidisociologiaepoliticainonorediluigisturzo-vol2.pdf.

Lambeth Conference, The Official Report of the Lambeth Conference 1998: Transformation and Renewal, July 18–July 9, 1998, Lambeth Palace; Canterbury, England, eds. Mark Dyer et al. (Harrisburg, PA: Morehouse Publishing, 1999), pp. 15–63 (esp. §§4.8–4.9), available at http://www.lambethconference.org/1998/documents/report-1.pdf.

Lampridius, 'Alexander Severus', in *Scriptores Historiae Augustae*, trans. D. Magie, The Loeb Classical Library (Cambridge MA: Harvard University Press, 1924), vol. II, ch. 45, nos. 6-7, 179-285, also available at http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Historia_Augusta/Severus_Alexander/2*.html.

Landemore, Hélène, 'Is Representative Democracy Really Democratic? Interview of Bernard Manin and Nadia Urbinati—New York, 10th April 2007', *La Vie des idées*, (31th March 2008), available at http://www.laviedesidees.fr/Is-representative-democracy-really.html.

Leo XIII, Pope, '*Immortale Dei*: On the Christian Constitution of States', (1st Nov 1885), available at http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei_en.html.

—, '*Satis cognitum*: Encyclical Letter on the Unity of the Church', (29th June 1896), available at http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_29061896_satis-cognitum_en.html.

Lutheran-RC Dialogue in the US, 'Differing Attitudes Toward Papal Primacy' (1973), in Joseph A. Burgess and Jeffrey Gros (eds.), *Building Unity: Ecumenical Dialogues with Roman Catholic Participation in the United States*, (Mahwah NJ: Paulist Press, 1989), commentary section entitled 'Reflections of the Roman Catholic Participants', available at http://www.usccb.org/seia/differingattutidues.pdf.

LWF, PCPCU, *The Apostolicity of the Church: Study Document of the Lutheran-Roman Catholic Commission on Unity* (Minneapolis MN: Lutheran University Press, 2006), §182 available at http://www.prounione.urbe.it/dia-int/l-rc/doc/e_l-rc_ap-01.html.

McLeod, Carolyn, 'Trust', in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Fall 2008 Edition), available at http://plato.stanford.edu/archives/fall2008/entries/trust/.

Merello Arecco, Italo, 'La máxima "Quod omnes tangit": Una aproximación al estado del tema', *Revista de Estudios Histórico-Jurídicos* 27 (2005), 163-75, available at http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0716-54552005000100008&lng=es&nrm=iso.

Miller, Fred, 'Aristotle's Political Theory', in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Fall 2008 Edition), available at http://plato.stanford.edu/archives/fall2008/entries/aristotle-politics/.

Örsy, Ladislas, 'The Papacy for an Ecumenical Age: A Response to Avery Dulles', *America* 183, no. 12 (21st October 2000), 9-15, available at http://www.americamagazine.org/content/article.cfm?article_id=2237.

Pennington, Ken, 'Innocent III and the *Ius commune*', in Richard Helmholz, Paul Mikat, Jörg Müller, and Michael Stolleis (eds.), *Grundlagen des Rechts: Festschrift für Peter Landau zum 65. Geburtstag*, Rechts- und Staatswissenschaftliche Veröffentlichungen der Görres-Gesellschaft, NF 91 (Paderborn: Verlag Ferdinand Schöningh, 2000), 349-66, available at http://faculty.cua.edu/Pennington/Medieval%20Papacy/InnocentIuscom.htm.

—, 'A Short History of Canon Law from Apostolic Times to 1917', (2004), available at http://faculty.cua.edu/Pennington/Canon%20Law/ShortHistoryCanonLaw.htm.

Pius X, Pope, '*Vehementer nos*. Encyclical Letter on the French Law of Separation', (11th February 1906), available at http://www.vatican.va/holy_father/pius_x/encyclicals/documents/hf_p-x_enc_11021906_vehementer-nos_en.html.

Pseudo-Clement, 'Clementine Homilies', in Ante-Nicene Fathers, Philip Schaff (ed.), The Twelve Patriarchs, Excerpts and Epistles, The Clementia, Apocrypha, Decretals, Memoirs of Edessa and Syriac Documents, Remains of the First Age (Calvin College: Christian Classics Ethereal Library, 1995 [1886]), vol. VIII, available at http://www.ccel.org/ccel/schaff/anf08.pdf.

Ratzinger, Cardinal Joseph, 'The Theological Locus of Ecclesial Movements', trans. Adrian Walker, *Communio* 25 (1998), 480-500, available at http://www.communio-icr.com/articles/PDF/ratzinger25-3.pdf.

Root, Michael, 'Bishops, Ministry, and the Unity of the Church in Ecumenical Dialogue: Deadlock, Breakthrough, or Both?', *CTSA Proceedings* 62 (2007), 19–35, also available at http://www.ctsa-online.org/Root.pdf.

Schickendantz, Carlos, 'El principio de subsidiariedad en la Iglesia: Breve historia, discusiones recientes y campos de aplicación práctica', *Teol. vida* 42, no. 3 (2001), 280-91, available at http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0049-34492001000300003&lng=es&nrm=iso.

Tătaru-Cazaban, Miruna, '*Quod omnes tangit*: le problème du consentement politique de Thomas d'Aquin jusqu'à Nicolas de Cues', unpublished doctoral dissertation (University of Bologna, 2007), available at http://amsdottorato.cib.unibo.it/459/1/Tesi_Cazaban.pdf.

Theological Advisory Board of the WordAlone Network, '*The Episcopal Ministry within the Apostolicity of the Church*: A Lutheran Response' (2003), available at http://www.wordalone.com/o-site/newsletters/2003/JulyAug03.pdf.

Vatican II, '*Lumen gentium*. Dogmatic Constitution on the Church' (21st November 1964), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html.

—, '*Unitatis Redintegratio*: Decree on Ecumenism' (21st November 1964), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19641121_unitatis-redintegratio_en.html.

—, '*Ad gentes*. Decree on the Mission Activity of the Church', (7th December 1965), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651207_ad-gentes_en.html.

—, '*Gaudium et spes*. Pastoral Constitution on the Church in the Modern World' (7th December 1965), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html.

—, '*Presbyterorum ordinis*. Decree on the Ministry and Life of Priests', (7th December 1965), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651207_presbyterorum-ordinis_en.html.

West, Robert, and Charles Zech, 'Internal Financial Controls in the U.S. Catholic Church', *Journal of Forensic Accounting* 9 (2008), 129-56 (134); a final draft available at http://graphics8.nytimes.com/packages/pdf/national/CatholicChurchfinances.pdf.