
Polity and Polemics: The Function of Ecclesiastical Polity in Theology and Practice

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*This article affirms the importance of ecclesiastical polity as a theological–juridical discipline and explores its connection to ecclesiology and church law. It argues that the Anglican Communion, though not itself a church, nevertheless has a lightly structured ecclesiastical polity of its own, mainly embodied in the Instruments of Communion. It warns against short-term, pragmatic tinkering with Church structures, while recognising the need for structural reform from time to time to bring the outward shape of the Church into closer conformity to the nature and mission of the Church of Christ. In discussing Richard Hooker’s contention that the Church is a political society, as well as a mystical body, it distinguishes the societal character of Anglican churches from the traditional Roman Catholic conception of the Church as a *societas perfecta*. In the tradition of Hooker, the role of political philosophy in the articulation of ecclesiology and polity is affirmed as a particular outworking of the theological relationship between nature and grace. The resulting method points to an interdisciplinary project in which ecclesiology, polity and church law, informed by the insights of political philosophy, serve the graced life of the Church in its worship, service and mission.*

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The one-time Bishop of Durham, Herbert Hensley Henson (d 1947), who was notorious for his waspish put-downs, confided to his journal that he found the polity of the Anglican Communion ‘a subject of portentous dullness’, especially when it was being discussed by bishops.¹ Contrary to Henson’s prejudice, I want in this article to affirm with enthusiasm the importance of ecclesiastical polity as a form of applied ecclesiology, underpinned by canon law. I locate polity in the conceptual space between ecclesiology and church law and see it, therefore, as a discipline with both theological and juridical aspects. In this article, I consider ecclesiastical polity in a mainly methodological and programmatic way, though I also aim to make some connections with the received tradition of Anglican ecclesiology and the polity of the Anglican Communion.

Polity has long been a flashpoint of controversial theology, such that the terms ‘polity’ and ‘polemics’ seem to belong together as natural bedfellows. Rival claims for papal jurisdiction, episcopal authority, presbyterianism or

1 H Henson, *Retrospect of an Unimportant Life, Volume 2: 1920–1939* (London, 1943), p 277. Henson was reporting on the Lambeth Conference 1930.

congregational government, for example, have been the stuff of polemical theology through the centuries. Thanks to the influence of the ecumenical movement, the discourse of ecclesiastical polity has softened in recent years. The ecumenical debate is now generally more courteous and respectful, more tolerant of differences and more given to mutual understanding. Nevertheless, it is the areas of authority, governance and structure that continue to prove the most difficult and sometimes intractable in the agenda of ecumenical dialogue.² While, as Norman Doe has shown extensively, there are broad swathes of common principles that can be identified by a comparative study of the bodies of law of the various churches, it remains the case that it is the embedded polities of the churches, underpinned by their respective church laws, that continue to hold them unhappily apart in certain crucial respects.³ By the same token, there is a hugely impressive body of common principles pertaining to ecclesiology and polity that are largely shared by the member churches of the Anglican Communion, being inscribed in the bodies of canon law of those churches.⁴ But somehow all that common ground does not prevent energetic, sometimes bitter and divisive, debate within the Communion with regard to the exercise of authority within the framework of its polity. ‘Polemical’ derives from the Greek *polemikos* (‘hostile’) and stems from the word for war, *polemos*. Ecclesiastical polity continues to be a theological battleground, though today it is mainly a war of words, not swords.

At the present time there is a growing demand within the major, mainstream churches that questions of polity should be tackled afresh. In particular, the need for the reform and renewal of polity is widely recognised by Roman Catholics, particularly with regard to the centralisation of authority structures in that church and the question of how episcopal collegiality, affirmed in the teaching of the Second Vatican Council, can be made more real in practice. At the same time, the Anglican Communion is engaged in reflection, through the Inter-Anglican Standing Commission on Unity, Faith and Order, on the Instruments of Communion and how they can be made more representative and effective. To come even closer to home, the Church of England is currently engaged in a comprehensive process of review that is intended to simplify, reform and revitalise its structures and processes of governance and oversight.

2 W Kasper, *Harvesting the Fruits: basic aspects of Christian Faith in ecumenical dialogue* (London and New York, 2009).

3 N Doe, *Christian Law: contemporary principles* (Cambridge, 2013); see also N Doe, ‘The ecumenical value of comparative church law: towards the category of Christian law’, (2015) 17 *Ecc LJ* 135–169; L Koffeman, ‘The ecumenical potential of church polity’, (2015) 17 *Ecc LJ* 182–193.

4 *The Principles of Canon Law Common to the Churches of the Anglican Communion* (London, 2008), especially Principle 15 (p 31) but also *passim*.

ECCLESIOLOGY, POLITY AND CHURCH LAW

As a communion of churches, the Anglican Communion has a certain ecclesial character and complexion, though one that is rather difficult to pin down. Although it is not a global church – and therefore is not properly referred to as ‘the Anglican Church’ – the Communion does possess a common ecclesiology, that is to say a shared theological understanding of the nature and mission of the Church, which is drawn from the Anglican theological tradition and is inscribed in the historic formularies that derive mainly from the Church of England. In particular, the shared Anglican ecclesiology is inscribed in the various prayer books in the lineage of the Book of Common Prayer, 1662, as that text has been received and adapted within the member churches of the Communion.⁵ What the common Anglican ecclesiology might be in substance is not our main concern here.⁶ My key point is that it is not enough for a church or a communion of churches to have, and to own, an ecclesiology (even one that is contested by some, continually argued over and constantly evolving); a church or a communion of churches also needs a polity, that is to say a stable political order or structure that facilitates its common tasks. But what, more precisely, is ecclesiastical polity?

The realm of polity may be said to embrace the political, pastoral and administrative structures of a church and to determine its organisational shape. Polity has to do particularly with governance: the distribution and exercise of authority, the practice of oversight, the making of policy, the deployment of resources and the resolving of disputes. It is intended to enable discernment of God’s will, as it applies to a church or family of churches at a particular time, through the practices of conciliarity, where the church addresses its responsibilities and challenges in synods and councils at various levels. Conciliarity involves consulting the *consensus fidelium* (the common mind of the faithful) through whatever representative channels are provided in a particular church; deliberation through prayerful, biblical, study and debate; the taking of decisions; and the ongoing process of reception, including the need to test the consent of the faithful.⁷ But polity is not confined to areas of governance; it is equally

5 See P Avis, ‘The Book of Common Prayer and Anglicanism: worship and belief’, in S Platten and C Woods (eds), *Comfortable Words: polity, piety and the Book of Common Prayer* (Norwich, 2012), pp 132–151.

6 P Avis, *The Anglican Understanding of the Church* (second edition, London, 2013); *Anglicanism and the Christian Church* (second edition, London and New York, 2002); *The Identity of Anglicanism: essentials of Anglican ecclesiology* (London and New York, 2008).

7 On the use of *consensus fidelium* and related concepts in the history of the Church and Anglicanism specifically, see B King, ‘“The consent of the faithful” from Clement to the Anglican Covenant’, (2014) 12:1 *Journal of Anglican Studies* 7–36. King points out that in the Anglican Communion Covenant the phrase is translated as ‘the common faith of the Church’s members’ (p 8). On reception, see P Avis, *Reshaping Ecumenical Theology* (London and New York, 2010), ch 5: ‘Towards a deeper reception of “reception”’.

concerned with the abiding structures of a church's ministry in its preaching, sacramental and pastoral dimensions.

Ecclesiology, as an area of theological reflection, is always at risk of remaining abstract, theoretical and ungrounded unless it is translated into polity. It is continually in danger of taking off into the stratosphere, of elaborating theories without having to put them to the test in practice. The widely perceived weakness of the ecclesiology that is set forth in some of the agreed statements of formal ecumenical dialogue is that, though they are (in my view) absolutely necessary, are often inspiring and usually help to carry forward the ecumenical process, promoting doctrinal convergence, they often remain abstract and theoretical. They tend to hover at this theoretical or abstract level because normally they do not have to be translated into concrete proposals for the reform of polity in the churches concerned. They certainly have a degree of moral and persuasive authority and can help to shape a church's stance vis-à-vis other churches, but they are not, in themselves, an agenda for action.⁸

Ecclesiology, though a noble science, is rather helpless without polity. It lacks purchase and efficacy. Theology, in the form of ecclesiology, comes first, but polity forms a necessary second; polity is dependent on theology (ecclesiology) but claims a sphere of its own. However, there is a third level: the polity of a church, in its turn, rests on a body of church law (canon law), which generally gives legal status to key ecclesiological principles and also prescribes the parameters of their application in practice in the realm of polity (while not purporting to legislate for every circumstance or eventuality). As Ladislav Örsy has put it, ecclesiology is *constitutive* while the rules of polity are *regulative*; it falls to theology to evaluate and critique polity and with it the laws and rules of the Church.⁹ Although the ecclesiastical polity of a church is in principle subsidiary to its official ecclesiology, and is intended to translate the ecclesiology into practice, it seems to me that it is important to affirm, as Leo Koffeman does, that polity – just as much as ecclesiology – is essentially a theological discipline, taking its rise from theological reflection certainly, but not stopping there, rather bringing it to bear on political realities in the Church with the aid of juridical expertise and sound jurisprudential judgement.¹⁰

So here we have a hierarchy of descending levels: ecclesiology, polity, church law. But the traffic, the influence, is not all one way; it is reciprocal. We may equally say that there is a hierarchy of ascending levels: church law, church

8 But the report of the Anglican–Roman Catholic International Commission (ARCIC), *The Gift of Authority* (1999), is a partial exception, and not the only one.

9 L Örsy, *Theology and Canon Law: new horizons for legislation and interpretation* (Collegeville, MN, 1992), ch 10: 'Theology and Canon Law: an inquiry into their relationship'; M Reuver, *Faith and Law: juridical perspectives for the ecumenical movement* (Geneva, 2000), p 3.

10 L Koffeman, *In Order to Serve: an ecumenical introduction to church polity* (Zurich and Berlin, 2014), part 1.

polity, ecclesiology. However, we should never forget that, underlying all these, there is the vibrant reality of the life of the Church of Jesus Christ as it goes about its everyday business of prayer, worship, sacrament, proclamation, witness, pastoral care, and service and ministry in a multiplicity of ways. It is the energy generated by the daily life of Christians, gathered in community by, with and under their pastors, that validates the practice of law, polity and ecclesiology and makes them necessary. Koffeman writes:

Church polity is a theological (sub)discipline: it aims at the critical analysis, systematic study, and practical development of positive church polity (i.e. church polity as it is in force . . . in, for instance, a church order . . .) from an ecclesiological perspective.¹¹

Since its raw material includes substantially the corpus of law pertaining to a church, polity sits between the theoretical discipline of ecclesiology and the practical discipline of ecclesiastical jurisprudence (the practice of church law as a component of pastoral oversight and the work of church courts).

But it would be a mistake to think of polity as a purely formal matter and to that extent rather arid and devoid of spiritual vitality (though often intellectually demanding and fascinating). It is polity that provides patterns, connections and models for personal and group interaction and channels of mutual fidelity. Polity has a key relational dimension as it enables the ordered intercourse that comprises the intentional life of a church or family of churches.¹² Church law, which underlies and inscribes ecclesiastical polity, is also intended to facilitate the interpersonal interaction and co-operation of members and office-holders in the service of God's mission through the body of Christ; it should therefore be regarded as a salutary, enabling and supportive provision, though in need of periodic revision or reform in the face of changing circumstances.¹³

As the concrete expression of a theological – specifically ecclesiological – discipline, a church's polity should be appropriate to the nature of the Christian Church as such, to its divine commission and ordering and to its place in the mission of God. The polity of any church or family of churches is required to be consonant with the fundamental ecclesiology and missiology of the Church. Its function is primarily to serve the one Church, the Church Catholic, not merely 'our own' particular historical expression of the Church.

11 Ibid, p 23. An insightful analysis of ecclesiastical government, with a bias to the American scene, is E LeRoy Long, *Patterns of Polity: varieties of church governance* (Cleveland, OH, 2001).

12 See Koffeman, *In Order to Serve*, p 63.

13 The importance, salutary nature and dignity of church law is finely affirmed in 'Reforming church legislation: a response by a working party of the Ecclesiastical Law Society to the Archbishops' Council's Consultation Document GS Misc 1103', available at <<http://www.eclawsoc.org.uk/documents/ELS-Working-Party-Response-Revised-13-July-2015.pdf>>, accessed 22 July 2015.

Karl Barth's emphasis, in his discussion of church order, is strongly on the primacy of service: polity enables us to serve the Lord and one another, not only in the local parish or congregation but in the communion of saints (*communio sanctorum*).¹⁴ Polity is ordered to mutual service and requires to be orientated in practice to that end.

The way that the churches structure themselves and their common life cannot be divorced from the total mission of God (*missio dei*), into which the particular churches are called, as expressions of the one Church, in order to play their part. As Dan Hardy has put it with reference to the Anglican Communion, 'Anglican polity is based on a humble confidence in Anglican Christianity as a mediation of the engagement of the triune God with the world.'¹⁵ Anglican polity, too – whether of individual Anglican churches or of the Communion as a whole – should be capable of serving God's ways in the world and should therefore be true to the nature and mission of Christ's Church.

A given church's polity should, therefore, derive from and express in concrete terms the ecclesiological principles of that church, which of course the church in question believes to be consonant with the basic ecclesiological principles of the one Church of Christ. Polity is based on theological principles that are fundamental to the authentic existence of a church. As Barth insists, church order, polity and law must stem from the church's corporate faith – its 'confession' – applying that faith to the sphere of human action.¹⁶ It follows that it is not for us to invent, re-invent or dream up a blueprint for polity, or to play around with a received form of polity simply because we have had a few bright ideas. Polity cannot be arbitrary, nor is it a purely pragmatic matter, though a certain pragmatism (in the sense of realism and the art of the possible) must play a part. Polity is the outcome of applied theology, a salient example of *praxis*.

In this article we are not so much concerned with the polities of the particular member churches of the Communion – there is some significant variation of detail among them – but the polity, such as it is, of the Anglican Communion as a whole.¹⁷ But first let me deal with a possible misunderstanding and distraction. The term 'Anglican Communion', whatever else it may imply, certainly suggests a communal dimension to the worldwide Anglican family of churches. As an organised, structured – albeit lightly structured – community it inevitably has a political aspect. To say that the Anglican Communion is a political *community* is

14 K Barth, *Church Dogmatics*, ed G Bromiley and T Torrance (Edinburgh, 1956–1975), IV/2, pp 693–5.

15 D Hardy, *Finding the Church* (London, 2001), pp 158–9.

16 Barth, *Church Dogmatics*, IV/2, p 707.

17 For variations of polity within the Communion see N Doe, *Canon Law in the Anglican Communion: a worldwide perspective* (Oxford, 1998); Doe, *Christian Law*, ch 4; C Podmore, 'A tale of two churches: the ecclesiologies of the Episcopal Church and the Church of England compared', (2008) 10 *Ecc LJ* 34–70, reprinted in (2008) 8:2 *International Journal for the Study of the Christian Church* 124–154. What Dr Podmore refers to as diverse 'ecclesiologies' in this article, I would regard, to some extent, as differences in the sphere of polity.

a softer, slightly warmer, way of saying that it is a political *society*. As we shall see in a moment, ‘society’ is the language of Richard Hooker. To call a church or a communion of churches a ‘society’ risks some contamination from the history and import of the phrase ‘perfect society’ (*societas perfecta*), typically applied historically to the Roman Catholic Church.

A perfect or complete society (the Latin adjective *perfecta* has both senses) is one that is self-contained and self-sufficient, independent of, or superior to, other societies. It enjoys supreme power to make and enforce its own laws and to apply punitive sanctions to both laity and clergy for breaches of church law.

The concept of the (Roman Catholic) Church as a perfect or complete society first emerged in the contest between church and state, pope and emperor in the Middle Ages. Aristotle had described the *polis* or city-state as a perfect society and Augustine had used societal language of the Church. Following Aristotle, Thomas Aquinas defined the state as a perfect community (*communitas perfecta*). In defensive reaction against the Reformation the Jesuits, notably Cardinal Robert Bellarmine, repristinated the language of *societas perfecta*. It became the default rhetoric of the Roman Catholic Church from the Council of Trent in the mid-sixteenth century onwards, especially in response to the critique of that church by the secular, anti-clerical aspect of the Enlightenment.¹⁸ While the dogmas of Vatican I do not use the term *societas perfecta*, it figured prominently in the debates on the draft schemata of that council and continued to be the currency of Roman Catholic apologetic until the mid-twentieth century.¹⁹ Leo XIII’s encyclical *Immortale Dei* (1885), in the wake of Vatican I, expounded the unconditional sovereignty of the Roman Catholic Church, understood as coterminous with the universal Church of Christ.

The concept of the Roman Catholic Church as a *societas perfecta* dominated the now superseded 1917 Code of Canon Law (*Codex Iuris Canonici*). Almost the last gasp of the *societas perfecta* ecclesiology occurs in Alfredo Ottaviani’s massive exposition of the institutional, juridical nature of the (Roman Catholic) Church, published on the eve of the Second Vatican Council (1962–1965). Although only vestiges of this conception are to be found in the teaching of Vatican II, which largely breathes a different spirit, Paul VI used the expression in 1969 and the post-Vatican II revision of canon law (1983) is still

18 For the vital distinction between the Christian (including Anglican) Enlightenment and the secular, anti-clerical Enlightenment of the *philosophes*, see P Avis, *In Search of Authority: Anglican theological method from the Reformation to the Enlightenment* (London and New York, 2014), chs 7–9.

19 P Granfield, ‘The Church as *societas perfecta* in the schemata of Vatican I’, (1979) 48:4 *Church History* 431–446; H Witte, ‘“Ecclesia, quid dicis de teipsa?” Can ecclesiology be of any help to the Church to deal with advanced modernity?’ in S Hellemans and J Wissink (eds), *Towards a New Catholic Church in Advanced Modernity* (Zurich and Berlin, 2012), pp 121–45, esp pp 123–8.

substantially informed by the notion of the Roman Catholic Church as a complete, sovereign society, the one true Church.²⁰

Anglican churches, in contrast, generally see themselves as more porous, less circumscribed and not entirely self-defining. They do not play up their sovereignty. The larger Anglican churches probably see themselves as public institutions, set alongside other institutions within civil society, and by natural inclination subject to the law of the land, but without abrogating for a moment their apostolic credentials. The Church of England, as the established Church in England, has negotiated over time – for better, for worse, taking the rough with the smooth – a relationship of partnership and co-operation with the state and its legislative structures and processes (sometimes put in a nutshell as ‘the Sovereign in Parliament under God’).²¹ In that sense, we might say, it has broadly perpetuated the mediaeval pattern of church–state relations in England. Today the General Synod makes public law (subject to certain constraints and safeguards) and about half of the Church of England’s diocesan bishops sit in the second chamber of the legislature, the House of Lords.

The Anglican consciousness, whether in England or elsewhere, does not normally think in terms of self-sufficiency or sovereignty or rivalry, but rather in terms of service, partnership where possible, and loyal citizenship. I think that that is also precisely how most Roman Catholics in England today think too, although, in the view of many members of that church, certain structures and teachings of their church remain inimical to that ethos, as we shall consider shortly. But if we choose to speak of Anglican churches, or of the Anglican Communion as a whole, as ‘political societies’, that is intended to bring out the dimension of polity, which is necessary for all collective enterprises that endure as historical institutions. Such terminology does not have the connotations of a *societas perfecta* in this case.

THE POLITY OF THE ANGLICAN COMMUNION

The commonwealth of shared and lived meanings and values that underpins the lived fellowship of the Anglican Communion, together with the advanced level of ministerial and sacramental interchange that the Communion has stood for since it first became a reality in the mid-nineteenth century and still aspires to realise more fully today, requires appropriate structures. The Communion needs an organisational structure or *polity* – that is to say a set of properly constituted instruments to facilitate the common life that the Communion has agreed on and is in the process of negotiating or re-negotiating, instruments

20 Reuver, *Faith and Law*, pp 3, 16–17, 44, 103–4. See also P Avis, ‘Contested legacy: an Anglican looks at Vatican II’, (2015) 118:3 *Theology* 188–195.

21 P Avis, *Church, State and Establishment* (London, 2001).

that will enable the Communion to carry out its common tasks. The four constitutional ‘Instruments of Communion’ for Anglicans are of course the Lambeth Conference, the Primates’ Meeting, the ministry or office of the Archbishop of Canterbury and the Anglican Consultative Council. Together they give shape to the polity of the Communion. Alongside the constitutional instruments are many less formal initiatives and organisations: commissions set up by the instruments, such as the Inter-Anglican Standing Commission on Unity, Faith and Order (IASCUFUO), networks and consultations, mission societies and the Mothers’ Union. These give life and energy to Communion-wide connexionalism (to borrow a key term of Methodism) and without them the formal instruments would remain abstract and distant, operating in something of a vacuum. If the instruments provide the structure, the skeleton, of Anglican Communion polity, the many networks and projects put flesh on the bones.²²

In the present era of post-modernity, however, polity, like politics itself, is widely distrusted. So the Instruments of Communion struggle to do their work in the face of the pervasive current post-modern suspicion towards political structures and institutions, accompanied by a culture of spontaneity and individualism which militates against collective action – all of which pervades the churches and the thinking of their members. Against this scepticism with regard to institutions and antipathy towards structures, we have to insist that polity is a proper concern of the Church and deserves its best study, reflection and leadership skills.²³ If, as the proverb has it, a bad workman blames his tools, it is equally true that a poor church leader blames the structures (this is frequently observed). The Church needs to take form in every age, a form that will enable it to respond coherently and effectively to challenges, especially when they are hostile to Christianity and to human wellbeing. As Ephraim Radner has argued in his profound and disturbing book *A Brutal Unity: the spiritual politics of the Christian Church*, no collective body of human beings can presuppose that it lacks form.²⁴ Radner shows that a major reason why all the churches failed abysmally and culpably to intervene, as far as they could, against murderous, genocidal actions in Nazi Germany in the 1930s and in Rwanda in the 1990s was lack of unified organisation and cohesive action.

22 See further on the Instruments of Communion: *The Windsor Report* (London, 2004); the report of the Inter-Anglican Standing Commission on Unity, Faith and Order to the Anglican Consultative Council (ACC-14); S Pickard, *Seeking the Church: an introduction to ecclesiology* (London, 2012), ch 7; I Markham, J Hawkins IV, J Terry and L Nunez Steffensen (eds), *The Wiley-Blackwell Companion to the Anglican Communion* (Malden, MA, and Oxford, 2013), chs 4, 7 and 8; P Avis, ‘Anglican conciliarism: the Lambeth Conference as an instrument of communion’ in M Chapman, S Clarke and M Percy (eds), *The Oxford Handbook of Anglican Studies* (Oxford, 2016), ch 3.

23 As Philip Turner has underlined: ‘Communion, order, and dissent or “The revenge of Puss and Boots”’, 7 February 2010, <<http://www.anglicancommunioninstitute.com/2010/02/communion-order-and-dissent>>, accessed 5 October 2015.

24 E Radner, *A Brutal Unity: the spiritual politics of the Christian Church* (Waco, TX, 2012), p 403.

The Church is paralysed in its mission when it lacks defined political form, and such form entails ecclesiastical polity. Theological reflection on polity calls for the Church's best spiritual gifts and insights. These have not been entirely lacking in the history of Anglican thought.

A great classic of Anglican theology, Richard Hooker's *Of the Lawes of Ecclesiasticall Politie*, written in the late sixteenth century, models this high calling. Hooker insists that the Church has two dimensions to its existence: it is a 'politic society' as well as a mystical body, a 'natural society' as well as a 'society supernatural [societie supernaturall]'.²⁵ According to Hooker, the Church of Christ is not correctly described as simply a supernatural or mystical communion (or, in the language that we might favour today, 'the body of Christ'); it is also a political body or society, with structures of governance that are informed by, depend on and reflect the practical wisdom of political philosophy. Hooker argues that in the divine economy there exists a sphere of human law in the Church, pertaining to its outward fabric, mainly its governance, discipline and worship. This body of law is mutable, related to changing circumstances and subject to corporate judgements that are not absolute but basically pragmatic. This does not mean that they are devoid of principle: the pragmatism lies in applying permanent principles to changing circumstances in appropriate ways, which are discerned by the practical reason.²⁶ For Hooker, ecclesiastical polity is not confined to church structures of authority and governance. It rests on a profound biblical, theological, philosophical and juridical foundation and embraces liturgy and the means of grace, church-state relations and the form of the ordained ministry. The core of Hooker's presentation of ecclesiastical polity is his exposition of the connection between Christology and sacramental theology in Book V. In his work we see ecclesiastical polity emerging from reflection on the profoundest, most central theological truths and bringing them into conversation with political philosophy.²⁷

25 R Hooker, *Of the Lawes of Ecclesiasticall Politie*, I.xv.2–3, in *The Folger Library Edition of the Works of Richard Hooker*, ed W Speed Hill, 7 vols (vols 1–5, Cambridge, MA and London, 1977–90; vol 6, Binghamton, NY, 1993; vol 7, Tempe, AZ, 1998), vol 1, pp 131–132. See further W Cargill Thompson, 'The philosopher of the "politic society": Richard Hooker as a political thinker', in W Speed Hill (ed), *Studies in Richard Hooker: essays preliminary to an edition of his works* (Cleveland, OH, and London, 1972), ch 1. My central point, that the Church necessarily has to take a political form (polity), is not affected by the fact that, for Hooker, church and state in England (and Wales) were coterminous, in that all subjects of the crown were required to be members of the Church of England, though the two realms were not conceived as being identical either in thought or in reality.

26 On Hooker's taxonomy of law, see further Avis, *In Search of Authority*, ch 3, esp pp 99–102.

27 The question of the polemical intention and character of Hooker's work is much discussed. See, eg, W Patterson, 'Elizabethan theological polemics', in T Kirby (ed), *A Companion to Richard Hooker* (Leiden, 2008), pp 89–119; for further references see Patterson's n 107 on p 111. To those sources we should now add the discussion in A Joyce, *Richard Hooker and Anglican Moral Theology* (Oxford, 2012), Part I. I give my view of the matter in Avis, *In Search of Authority*, pp 94–95.

ECCLESIOLOGY, POLITY AND POLITICAL PHILOSOPHY

The approach to the political dimension of the Church that is represented by Richard Hooker and has become normative for Anglicanism – the reciprocity and dialogical connection between ecclesiology and political philosophy²⁸ – has recently been capably defended by Luca Badini Confalonieri, in *Democracy in the Christian Church: an historical, theological and political case* (though surprisingly, from the Anglican perspective, Hooker himself is not mentioned).²⁹ Badini Confalonieri, himself a Roman Catholic, argues that the present state of governance in the Roman Catholic Church is not simply an organisational challenge but an ethical issue, a moral scandal, bearing on responsible stewardship of the Church's mission. In terms of Bernard Lonergan's methodology (his philosophy of intentionality), which Badini Confalonieri employs throughout, the twin imperatives for the Church are to think intelligently, drawing on all relevant sources of knowledge and insight, and then to act responsibly, for the common good.³⁰ When these ethical imperatives are flouted – when thinking is not done intelligently and acting is not carried out responsibly – an ethical failure has occurred and the conscience of the faithful is offended. Badini Confalonieri could have argued, against the general drift of sociological reasoning, that the body of ethical teaching and principles that forms the ethical consensus of a given society should be seen as a major 'concrete' structural element within it, in no way less important than its political or economic structure.³¹ Roman Catholic magisterial social teaching exalts justice and endorses the principle of subsidiarity. But subsidiarity is subversive of the hierarchical principle: it means that the 'higher' level is subsidiary to the 'lower', not the other way round, and that it is within the remit of the lower to decide whether responsibility should be passed to a higher level. Badini Confalonieri believes that it is 'immoral' that the subsidiarity principle, exalted in papal social teaching, is systematically negated in Roman Catholic polity.³²

Badini Confalonieri devotes considerable space to refuting the claim, associated with Cardinal Bellarmine in the sixteenth century and Cardinal Ratzinger/Pope Benedict XVI in the twentieth that, because the Church is a divinely created mystery, its organisation cannot be assimilated to human, earthly, political structures and that what political philosophy has to teach about the

28 See, eg, the studies of Richard Hooker, Francis Bacon, Thomas Hobbes, John Locke and Edmund Burke in Avis, *In Search of Authority*.

29 L Badini Confalonieri, *Democracy in the Christian Church: An Historical, Theological and Political Case*, Ecclesiological Investigations 16 (London and New York, 2012).

30 See B Lonergan, *Insight: a study of human understanding* (London, 1983; first published 1957) and *Method in Theology* (London, 1973; first published 1971).

31 As does Teresa Morgan in *Roman Faith and Christian Faith: pistis and fides in the early Roman empire and early churches* (Oxford, 2015), esp ch 12.

32 Badini Confalonieri, *Democracy in the Christian Church*, p 123.

nature, structure and flourishing of societies has no bearing on the matter.³³ Drawing mainly on secondary sources at this point, particularly on Francis Oakley's valuable work on the conciliar tradition,³⁴ he has no difficulty in demonstrating that throughout history the Church has borrowed, without apology, from both the theory and the practice of political philosophy. In the early church, the house churches were modelled on the Roman *domus* and the first church councils took their cue from the Graeco-Roman public assemblies. Mediaeval canonists drew on the legacy of Roman corporation law to formulate the concept of *plenitudo potestatis* ('fullness of power') as an attribute of the papacy, while conciliarists seized on the corporationist axiom *quod omnes tangit, omnibus tractari et approbari debet* ('what affects all must be approved by all'). The validity of natural law for church law was unquestioned. While papalists drew on natural law to support papal authority, conciliarists appealed to it to challenge what they saw as oppressive manmade (positive) laws in the church.

Such indebtedness of ecclesiology to political philosophy respects the traditional Catholic, Thomistic doctrine of the relation of nature and grace, reason and revelation. The cognitive and moral operations that enable us to know intelligently and to decide responsibly are one and the same in all aspects of life and in both civil and Christian communities. We are not given a different brain when we are baptised. The structure of human intentionality is, as Lonergan insisted, generic and universal. Just as personal Christian ethics presupposes and builds on natural ethical principles, so too Christian social ethics – including the ethical dimension of the exercise of authority and the taking of decisions – should presuppose and build on natural social ethics. Social ethics is, as it were, the applied form of political philosophy; and ecclesiastical polity is the applied form of ecclesiology. The church has need of political philosophy in its ecclesiology and of social ethics in its polity. Ecclesiology and political philosophy exist in a symbiotic relationship because the structure of intentionality and action in each is analogous. Ecclesiology needs political philosophy in order to do its work: to operate (as Badini Confalonieri puts it) at a critical, explanatory and systematic level.³⁵ That is to say that ecclesiology is dependent on political philosophy *methodologically* and one cannot get much more fundamental than that.

So we have a complex but rewarding interdisciplinary task ahead of us as we continue to reflect, with the aid of political philosophy, on the nature and mission of the Church (ecclesiology), the political structures that enable that mission (polity) and the canonical regulation that helps to give it stability, coherence and integrity (church law).

33 Ibid, p 101.

34 F Oakley, *The Conciliarist Tradition: constitutionalism in the Catholic Church 1300–1870* (Oxford, 2003).

35 Badini Confalonieri, *Democracy in the Christian Church*, p 130.