

IN A STATE OF NON-AUTHORITY

By HUGH KAY

THERE HAS ALWAYS BEEN a danger that the effects of Vatican II would leave us with a heady sense of newness, and nothing new to show for it. And so it seems, for the moment, to be. We are liberated, but for what? The answer is plain enough to some latin american bishops, who are risking arrest by openly preaching the theology of revolution and warning oppressive rulers that the desperate poor have the right, in extremes, to take the law into their hands. But in the more comfortable countries catholics seem to have swapped one set of disembodied principles for another. They may serve the poor, but their service is peripheral. They do not put themselves in jeopardy to try and dethrone immoral economic systems geared to the needs of the cosy suburban middle class. They may give, in money and kind, to the poorer nations. They do not fight for a world authority to control the errant market forces that keep men needlessly hungry. Yet, unless *Populorum Progressio* was meant to be a joke in doubtful taste, these are the things they ought to be doing. Our defence of racial rights is vocal enough. But where are the Rummels of yesterday to exclude the offenders from the body of the faithful? Some march to protest at the Vietnam war. Who goes to the slums of Saigon to succour the destitute? Rhodesia needs, not an invading british army, but a handful of christian martyrs; that is to say, white ones. Yet Ian Smith's catholic supporters continue to go to communion, unconscious of inconsistency. Where, at home, is the Church's contribution to easing labour unrest? Can it be right to make the faithful pay for a school when the parish could be rebuilding a slum? The Church, of course, will always offer largesse, the ultimate degradation. But her mission to be identified with the poor and their struggle for justice remains all too often unfulfilled – swamped by platitudes at municipal dinners with the clergy the guests of honour.

Many a catholic's spiritual life is turning to sludge. The crisis of faith we kept submerged for years has erupted with a vengeance.

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We have cast off the old, failed as yet to put on the new, and languish in a perilous gap between two worlds. In this stagnation, doubts and darkness that ought to be salvific become neurotic. Priests become obsessed with a sense of total irrelevance and abandon their ministry – unlike Unamuno's village pastor who lost his faith but stayed with his flock because *they* still believed. Today's layman, rightly weaned from false and magical notions of what is absolute in theology's statements, cannot grope his way to maturer insights. His concept of authority, once his unfailing prop, fails him now. Encyclicals and pastorals are derided. Christ has become a character in a book, his divine authority hopelessly elusive. So where does the layman turn? To Christ unstructured, he is told by the *avant-garde*. To creative disaffiliation, says the non-Church on the periphery. The true theologian speaks in measured tones: discover Christ in the community he established; understand authority as the service of a lover and a lackey all in one, and as docility to the will of God. The language is impeccable. The concepts ring true. Yet, if the truth be told, we do not know what they mean. The liberty of the sons of God can be detailed in negative terms. We know what it prohibits. We know that it is not so much a freedom from anything but a freedom for life in the Spirit. But how can it be translated in terms of the workaday world, its experiences and choices?

The issues are severely practical. Christ gave his Church a charge to announce a message. It follows that both Church and message must be identifiable and coherent. We are right to eschew the letter that killeth – but for man as he is there is neither identity nor order without law and institution. There can be encounters and intuitions, engagements of the whole personality and all the rest of the jargon until the faithful servant is black and blue in the face, but ultimately he cannot stifle that within him which expresses wonder and asks questions which have to be answered in sentences with subjects, verbs, complements and even objects. All the kerygmatic and charismatic utterances in the world will not add up to a row of beans unless their message is related to structured thinking as the soul is to the body. The juridical horrors of holy office mythology are grim enough. But if, at the other end of the scale, one is left with religionless Christianity, creative disaffiliation and the language of the non-Church, is there not a danger that the message becomes so vague as not to be a message at all? One is left, in short, in the land of the eunuch, and that is something I really refuse to be. Let us assume, then, for our present purpose that the existence of a divinely

appointed *magisterium* is not in question. The problem is to know when it is actually operating. And that is not all. For the formal exercise of the extraordinary *magisterium* is rare, and looks as though it will be rarer. The Vatican Council bent over backwards to be, so to speak, non-infallible. So how is the will of God to be discerned? What strength am I to accord to priestly advice, bishops' pastorals, papal encyclicals? If, notwithstanding the *charismata* of the authors and the offices which they hold, such statements are open to legitimate scrutiny and even rejection, as they undoubtedly are, where do authority and obedience begin and end? The question is wide open. If, moreover, as was said in a recent television interview, a council of the Church is to a degree democratic and therefore liable at times to speak in terms which to some of the council fathers may be ambivalent, where is the voice of prophecy, loud and clear, which the church claims for her own?

Parallel problems arise in the field of government as distinct from teaching. It used to be said to any novice that a religious superior's order was a reflection of God's will, however imperfect it might seem, provided it was not an order to sin. Yet, recognizing that even sinless orders can have evil consequences, theologians have reached the point of saying that

after fruitless attempts to obtain a better order, the subject remains obliged to obedience for the sake of maintaining the relationship, as long as the disturbance of the relationship between command and obedience fails to lead to something better, or when it is a lesser evil than the execution of a bad order.¹

A start can be made by reminding ourselves that God's mysterious truths are not apprehended unless and until they are lived. The convert has made them part of himself before he can make his act of faith. The fact that we learn the truth through a process of unfolding, development and discovery is not a limitation. It is an expression of the dynamic whereby the truth possesses us. A member of the Church is not a passive receiver. His post-conciliar agony is, or should be, the growing realization that he has to act with God and the Church upon himself, and upon the brethren. He is not, as it were, unconscious under treatment. He has to share in the treating, without benefit of anaesthetic. Like the cooperating mother in pain-

¹ Alois Muller: Authority and Obedience in the Church (*Concilium*, May 1966).

less childbirth, the Church – which means us all – must *work* the truth out of herself; only the process is rarely painless. Let us take heart. After the travail comes the joy that truth has been, and is constantly being, re-born. The future encounter with Christ will be more mature and complex. It need not be less sure. The fact is that, whether teaching faith and morals or simply governing, the shaping of the Church's mind and policy is not a process for high levels but should work its way out of the loins of the body that is the church. It is to arise from the insights and promptings of public opinion, sharpened at times by those of the individual prophet ready to go out on a limb for conscience's sake. It is thus that the holy spirit informs the Church, working in every nerve and network of the people of God. If there were no bold and courageous pioneers, our apprehension of truth would stagnate and wither, for the truth, though never self-contradictory, is essentially dynamic and constantly unfolding. Basic principles of justice, charity and prudence do not alter, but the subordinate precepts through which they seek to break themselves down and apply themselves to specific cases are human devices and open to modification. Without tension, without an element of abrasiveness, without parry and thrust, we are like bovine creatures gazing at a star, forgetful that what we see is where the star was thousands of light years ago. What matters is that the pioneer, for the moment standing out in contradistinction to authority, should not express himself in a manner counter to justice and charity. He is involved in a searching conversation, not a declaration of war. He can confront his family and not mince his words, yet still remain within it, the superior receiving his representations in the same spirit. How many Charles Davis situations in a minor key could have been saved but for bitterness and pride, unbending authoritarianism and insolent intolerance. If, moreover, all this be true for the teacher and the taught, how much more for the administrator and the administered?

At the end of the day, short of situations where his conscience is outraged or Dr Muller's formula applies, the christian will accept unfavourable decisions with serenity, conscious that the Spirit of truth will work out his will in his own good time. If, in matters of faith and morals, the seal of authenticity is attached to public opinion by a formal use of the *magisterium*, or by a conciliar utterance, or even by the overwhelming weight of theological opinion, the individual's path will usually be plain. But, in complex modern society, and especially in the field of morals, the number of situations

wherein the creative activity of the thinking individual within the church is required will steadily mount. It is not just that he will not find rules cut and dried, ready to be applied with the exactness of adhesive tape. It is rather that the Church needs his effective decision, tutored by tradition and the sacramental life, to contribute to the building up of the *corpus* of truth she makes her own, or of the precedents that aid her to form her policy.

In regard to questions of moral teaching, it is surprising that more account is not taken of the lessons to be learned from english common law, which was created, not indeed by the Church, but certainly, in the middle ages, by churchmen. The interaction of common law with equity is even more relevant, for equity was a system of law designed to consider the situation *in personam* where the common law viewed it only *in rem*; and this massive gloss on the common law was the work of the chancellors, usually priests, who brought the mind of the confessional to bear where the common law, as a corpus of custom, failed to yield a remedy. Today the two systems are married together by statute, and the principle is that, where common law and equity conflict, equity is to prevail. Both systems, however, have always worked in comparable ways: a running dialogue between the principle and the situation. The courts do not work in terms of situation ethics, because they guard principle jealously. But case law, as opposed to statutory codification, provides a running principle, always open to adjustment and addition. The law of negligence, that man has a duty of care towards other men, is immutable. But who has a duty of care to whom, and in what situations? As each case arises, the principle is invoked to illumine it; equally, the case may well give something to the principle, and very often does. The case adds a certain precision. It acts as a prism, breaking sheer principle into detail for the sake of practical decisions. It invokes, for a standard of judgment, the view of a mythical character, the 'reasonable man'. It shows how principle, applied in a certain way to a certain case at a certain time, may have to be applied quite differently to radically changed circumstances, without any loss of the principle itself. It was once held by the english courts that a promise was not binding without a consideration, a *quid pro quo*. In this regard, the voice of infallibility, in the shape of the House of Lords' judicial committee, spoke before the turn of the century. But, after the second world war, a judge, now Lord Denning, decided a leading case on the basis that, in certain cases, the non-fulfilment of a promise even without con-

sideration demanded redress in terms of equity. So consideration still stands as a major essential for any contract. But not all cases where unilateral promises are broken will now go without remedy.

It took long years of experience, and finally the experience of little people, to add this type of new dimension to the public concept of law. The great precedents, the pivotal decisions now enshrined in case law, are often based on the simplest facts. A young man buys a girl a bottle of lemonade. Unknown to them both there lurks at the bottom of the bottle the decomposing remnants of a snail. Who is to blame for the girl's sickness? Who had the appropriate duty of care? The manufacturers and bottlers, the intermediary wholesalers, or the shopkeeper, or all of them? In that particular case the answer was the manufacturers. But the case of *Donoghue v. Stephenson* was a *cause célèbre* in its day. It took three courts and nine judges to work out solutions which, proclaimed in systematic form, govern the rules of negligence to this time. The essentials of a contract – offer, acceptance, consideration – emerged over centuries and were first assembled together in those terms in a case less than a hundred years old, where a lady bought a smoke ball on the strength of an advertisement promising £ 100 to anyone who, after using the product, caught a cold within a specified time. Trivial, but a thoroughly real experience for the hapless matron. That, too, went to the House of Lords and resulted in a definitive judgment crucial for every contract ever since. Now if the current problem of birth control had been approached from the start in a common law spirit, the present trauma of fear that the Church's claim to teach without error is in peril would have been avoided. It would have been seen that fundamental and unchanging principles find expression in specific instances through subsidiary precepts open to modification. The majority of the pope's commission on birth control 'gave judgment' in a manner designed expressly to preserve both the counsels of perfection and unalterable moral laws, while at the same time allowing for their application to change in accordance with the social and historical changes that affect the meaning of human acts.

From this it should be clear that there is no reason to fear the death of prophecy simply because a conciliar constitution does not, at a given moment of time, say the last word on a given topic, and leaves certain questions unanswered – perhaps because they cannot be answered at all in general terms but only in terms of the individual conscience working on a concrete set of circumstances (e.g. Vatican II and nuclear war). Prophecy is not to be sewn up

once and for all in tight little formulas. It is a living and developing thing, and will often be seen in the individual witness of a Christian, informed by church tradition, and offering himself as a holocaust to show what the teaching must mean. (Here one thinks of civil disobedience in Nazi Germany, or American conscientious objectors in the Vietnam war). Again, it should also be plain that Charles Davis was being a shade ingenuous when he accused the pope of lying over birth control, for to say that the Church's teaching was in a state, not of doubt, but of study and reflection is not meaningless. It could simply be a way of saying that, in the pope's view, the Church's traditional rejection of contraception still constitutes the Church's mind and must stand for practical purposes until it is proved that the signs of the times are offering insights that require its adaptation (again, as a subsidiary and variable expression of an immutable set of governing principles). One might quarrel with the pope's confidence that the essential mind of the Church remains as it was in any realistic sense. But the distinction he drew is not of itself a nonsense. Life in the open Church is not a free for all. A decision of the Church is a community affair, and, even when an individual believes in conscience that the time has come to vary it, he must at least exercise a searching prudence when he knows that there are views within the Church against him.

Turning to the field of policy and administration, the government of the Church, comparable considerations must arise. The Church is neither a democracy with an elected parliament nor an army where orders must of necessity go unquestioned, at least in the battle line. What, then, if a regional conference of bishops, for instance, orders a campaign to build catholic schools, and there are many serious-minded catholics who believe that the bishops have got their priorities wrong? It is true that the laity, not bound to vows of obedience, are in a different situation from the religious. Yet they owe the bishop obedience of a kind. What kind? The question has hardly been asked in clear-cut terms, let alone answered. But the answer of Dr Muller, quoted above, to the dilemma of a religious under vow would seem at least to offer certain guidelines for a body of the faithful who know that the church's influence in the world cannot be credible unless it is seen to have coherence. This is as true of the practical as of the theoretical order. The implications of a layman's 'disaffiliation' from his bishop's policy are theologically different from those arising in a refusal by a religious to comply with his superior's wish, but in practice the effects are remarkably

similar; at least if we wish to preserve the sense of a family or a community. Yet there is no doubt that many bishops are in desperate need of the laity's advice and criticism, and, as I have had occasion to say before in these columns, the advisers the bishop needs should not be confined to the distinguished few who happen to hold certain jobs in civil life, but should take in the rank and file. How many blueprints, brilliantly conceived in boardrooms, have been saved from disaster by common sense observations from the shop floor? The dialogue of practical wisdom and experience with highly trained expertise is a *sine qua non* for all rational human activity.

It is here that the world has much to teach the Church; and the world is facing many dilemmas of authority and obedience today. The technological age has yet to find the knack of marrying up the need for expert and centralized planning with the rank-and-filer's human need to share in decision. For this our education has not fitted us. Again, when labour unrest imperils a nation's economy, it is tempting to use the lash of legal compulsion. But the balancing by a would-be striker of his family's need against the nation is not to be disposed of in this way. Middle class wrath about the harm the striker does to the public forgets that the strikers are the public too; and it invariably overlooks the complex needs and aspirations, the bewilderment and frustration under bureaucracy's broken promises, which together drive honest men to behave out of character. Some of the countries with the strictest labour laws are among the most indisciplined; while others, dependent on the gentlemen's agreement, suffer far fewer strikes. The comparisons between the United States and Britain, made by the International Labour Office, are certain proof of this. Take also the case of the newly independent country, unable to work its democratic constitution, compelled in the public interest to set up a monolith. Its leaders must hold the torn members together until they begin to knit – and know when the time has come to liberalize once more. That moment of truth is the most elusive in history. But sooner or later the demands of human nature will push against the vertical system that stifles spontaneity and creativeness, and the resulting modifications in the system may be observed in nations as disparate as Russia and Franco's Spain.

The general principle at work in all these queries must surely be that solutions imposed from above rarely yield effective, lasting and human results. All three adjectives matter, and especially the last one. The secret of the best authority is that it sets the seal on some-

thing already achieved, something that grew spontaneously or was at least drawn out, from below. Governments can foster, challenge, exploit, make human nature aware of its own unsuspected powers. They can shore it up and train it, but in the end the scaffolding should of itself dissolve, for in the long run you will never fulfil man's aspirations by intellectual, moral or legal dictation. Governments have to harvest the fruits of all their people's experience. They are not oracles and should not try to be. Authority, then, is a matter of educating the worker to the point where he can participate in sophisticated decision; or allowing quasi-democratic infra-structures to emerge gradually within the protective State monolith until the latter can be naturally discarded without fragmenting the nation. It is a matter of communication between port employers and dockers who yesterday wore cloth caps and today white coats, operating machinery of such complexity that it alters the operator. The whole range of skills has changed; an instinctive sensitivity to machinery replacing manual dexterity. Industrial bargaining has to take into account, not only the international economy, but a whole range of psychological and sociological changes, in addition to the constantly developing technology that raises new human problems daily. It is significant that in one survey after another over the past few years the root cause of labour unrest has been attributed, not to subversion or the pressures of mass production or a deterioration of moral sense, but to problems of job security and personal status. Nothing contributes more to a sense of insecurity and personal degradation than a suspicion that we are being kept in the dark while hidden designs, perhaps beyond our understanding, are being worked out over our heads. The trouble is that leaders so often fail to inform the ranks because they do not believe that the rank-and-file are capable of understanding what they are told. This sort of thing accounted in no small measure for the autumn wave of strikes in Britain, and in all these considerations there should be food for thought for bishops and religious superiors, conscious as they should be that the will of God has to be sought, not only through their own prayers and planning, but also in what God says of himself through the men and women he has created.

The basic unwillingness of ecclesiastical superiors to have confidence in their subjects is apparent from the juvenile quality of pastoral letters which reveal something akin to paternalistic contempt for the audience. When will bishops face the fact that the unlettered and the untutored are not by definition stupid? The

readiness with which uneducated workers can assimilate economics and political theory in adult education centres should be enough to explain the misery of the faithful at this time when so many of them feel that the church is cutting the ground from under her own feet without telling them why. Comparable situations arise even in religious life, when superiors can take decisions to upend a subject's total future and let him know quite casually and belatedly by way of a bored emissary; when gifted men are loaded with cart-horse jobs on the plea that religious should be at the superior's disposal for anything he happens to want; where humiliation is confused with humility, and an impersonality born of suspicion of emotion alternates with precisely the kind of blue-eyed-boy treatment that wrecked labour relations in the London docks. In any situation in this life somebody must in the end have the last word. But, in the ideal Christian community, the superior operates, not as a magistrate, but as a catalyst: the man of whom you can say: he's got a knack for getting people behind him. Again, there is precious little difference in practice between relationships that work in religion and those that work in industry. In both cases it is the personal impact of man upon man that tells the tale, not the system. You can have all kinds of complicated co-management schemes in a factory, and still have rotten labour relations. A religious community may have all sorts of machinery for making representations, and still be a hotbed of resentment. One motor car firm goes for thirty years without a day's strike because the chairman and managing director are constantly on the shop floor and available to members of the works committee day and night, even in their own homes and on Sundays. Another, where the wages are much higher, is a living hell for three or four years – only eleven strike-free days in four months – because the attempted transplantation of american get-tough methods and impersonal organisation into an english setting was repudiated as a sub-human insult, and rightly so. Can any religious superior pretend that he has not met similar contrasts in his own sphere of operation?

The problems of authority in a computerised age will never be solved in terms of formal structures. Structures work when the basic relationship is sound; not vice versa. The problems have to be dealt with flexibly, as often as not off the cuff. They involve problems of communication which require the tutoring of public relations experts at a very high level. There would, in my submission, be a very real case for groups of religious superiors, trade union leaders

and business executives to join in tripartite discussions in this field. A university with the courage to try it out would almost certainly find the results richly rewarding. It is this sort of thing that Church and world dialogue ought to be about, and this, to my mind, is the way to conduct it. Let George Woodcock or Walter Reuther live in a religious community for a month; let provincial superiors (men and women) do as much in a trade union head office; and let them both together attend business management courses. No time? Then they must make time, for unless they can all learn that, for instance, a lightning strike can be a thoroughly healthy blood-letting, capable of doing more by far for any firm than any number of constitutional procedures, they will continue to foster the bitter, often unspoken frustrations which achieve anarchy below the surface – an anarchy more destructive than any amount of open rebellion.