RIVALRY AND COMMONALITY AND THE PROJECTS OF
ALASDAIR MacINTYRE AND RICHARD HOOKER

The re-ordering , or rather dis-ordering of world affairs brought about by the end of the cold war has produced a multitude of questions for an understanding of our situation at the end of the millennium. Those question touch on many aspects of our personal social relationships, relations between nations, however conceived, and relations between a wide range of different discrete communities and institutions. It is not surprising that these social changes have ignited interest in issues such as globalisation in its various forms, pluralism[1] or nationalism[2]. If the Christian faith was driven from the "public square" by the mentality of enlightenment modernity,[3] is it now to be lost to public exposure by being located in the inscrutable heart of the singular individual of post-modernism ?[4]

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1   J Camilleri and J. Falk, *The end of Sovereignty. The Politics of a Shrinking and Fragmenting World*, Aldershot, Edward Elgar, 1992, J. a. S. Eck, SAM, *The Pluralism Project: a preliminary report [Harvard study of Asian, Middle Eastern religions in the US]*, Council of Societies for the Study of Religion Bulletin, 21, 1992, 35-37, P. Hirst, *The Pluralist Theory of the State. Select Writings of GDH Cole, JN Figgis, and HJ Laski*, London, Routledge, 1989, 240, A. McGrath, The Christian Church's Response to Pluralism, *Journal of Evangelical Theology*, 35, 1992, 487-501, D. Nicholls, *The Pluralist State*, London, MacMillan, 1975, 179, J. May, *Pluralism and the Religions. The Theological And Political Dimensions*, London, Cassell, 1998,.

2   E. Gellner, *Nations and Nationalism*, Oxford, Blackwell, 1983, A. Hastings, *The Construction of Nationhood. Ethnicity, Religion and Nationalism*, Cambridge, CUP, 1997, M. Matustik, *Postnational Identity. Critical Theory and Existential Philosophy in Habermas, Kierkegaard, and Havel*, New York, The Guildford Press, 1993, E. Hobsbawm, *Nations and Nationalism Since 1780*, Cambridge, CUP, 1990, J. Hutchinson, *Modern Nationalism*, Glasgow, HarperCollins, 1994.

3   See RJ Neuhaus, *The Naked Public Square. Religion and Democracy in America*, Grand Rapids, Eerdmans, 1984 and   for the situation in the United States of America, and for an analysis of the Australian scene see M. Hogan, *The Sectarian Strand. Religion in Australian History*, Ringwood, Penguin, 1987 and G. Shaw, Judeo-Christianity and the Mid-Nineteenth Century Colonial Civil Order, M. Hutchison and E. Campion, *Re-Visioning Australian Colonial Christianity: New Essays in the Australian Christian Experience 1788-1900*, Sydney,1994, 29-39

4   See S. Connor, *Postmodernist Culture. An Introduction to Theories of the Contemporary*, Oxford, Blackwell, 1989,, E. Gellner, *Postmodernism, Reason and Religion*, London, Routledge, 1992, S. Seidman, *Contested Knowledge. Social Theory in the Postmodern Era*, Oxford, Blackwell, 1994 and AC Thiselton, *Interpreting God and the Post Modern Self. On Meaning Manipulation and Promise,* Grand Rapids, Eerdmans, 1995.

On any reckoning the two questions of how individuals relate to each other to constitute some kind of community and how such communities relate to other groups or communities have become critical questions for our time. The perennial questions of commonality and rivalry have been forced once again to the forefront of our attention. For the Christian theologian there is a further dimension, namely, how can the public conversation about God be conducted in relation to these social question.

One of the most notable projects in this area has been that enterprised by Alasdair MacIntyre. In three substantial works published between 1981 and 1990 MacIntyre has stepped out of his own previous philosophical work, and also, to some extent, out of the traditional role of philosopher, to that of prophet.[5] In this project he sets out to deal with the intellectual problems left for western culture and civilisation by the Enlightenment. His is an analytical and constructive endeavour to develop an account of the western tradition that is useable in a post-Enlightenment age. He is seeking to interpret the present state of affairs so as to give an account of civil society.

An Anglican theologian reflecting on this situation and MacIntyre's project could be forgiven for thinking about Richard Hooker and his project. Hooker, obviously was working in a different historical situation, but he also was seeking to give an account of civil society in the context of his time and in terms of his theological tradition. MacIntyre's and Hooker's purposes are not identical but they are certainly similar.

Alasdair MacIntyre discusses the English tradition at some length, not least writers such as John Locke where the Hooker tradition is at least alluded to if not embedded, and yet he never discusses Hooker, indeed he does not seem even to refer to him at any point in his enterprise. Am I being unduly sensitive as an Anglican theologian about this neglect ? Perhaps so. On the other hand, does this neglect indicate some unresolved questions or is it just simply that there is not a lot that Hooker could contribute to MacIntyre's project ? The

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[5]   A. MacIntyre, *After Virtue. A Study in Moral Theory*, London, Duckworth, 1981, A. MacIntyre, *Whose Justice? Whose Rationality?*, Notre Dame, Notre Dame University Press, 1988,and A. MacIntyre, *Three Rival Versions of Moral Enquiry*, Notre Dame, Notre Dame University Press, 1990.

puzzle becomes more intense when one actually identifies the MacIntyre project and compares it with Hooker's, and raises a serious doubt about the way in which MacIntyre has undertaken his formidable enterprise.

A criticism, similar to that which I will develop in this essay, has been made by Stanley Hauerwas and Charles Pinches. They take up the criticism of John Milbank that because MacIntyre argues against the Enlightenment in the name of virtue in general, he necessarily is led to a conclusion cast in terms of Greek notions of virtue, upon which he might try to build a Christian understanding. Milbank, followed on this point by Hauerwas and Pinches, maintains that "we can never recommend virtue in general, but rather only Christian virtue in particular."[6]

Hauerwas and Pinches go on to argue that the Christian perspective is radically different from the Greek and is marked by a contrast between the polis (an arena of heroic virtues) and the church (an arena of grace) with a new telos for the church of peace. Hauerwas and Pinches develop the relationship between Christian virtues and grace in terms of practices of the church such as "reception of the sacraments of baptism and eucharist, but also includes (and entails) immersion in the daily practices of the Christian Church: prayer, worship, admonition, feeding the hungry, caring for the sick, etc. By these we are transformed over time to participate in God's life."[7]

The issue at stake in these criticisms of MacIntyre's project is the place to be given to Christian theology (Milbank) and the place to be given to specifically Christian practices of the church as a divinely infused community (Hauerwas and Pinches). These criticisms are, in my view well placed. In this essay I propose, by a different method to make a similar comment on MacIntyre's project by contrasting his project with the similar project of a pre-

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[6]   S. Hauerwas and C. Pinches, *Christians among the Virtues. Theological Conversations with Ancient and Modern Ethics*, Notre Dame, Notre Dame Univ Press, 1997, p.62. See J. Millbank, *Theology and Social Theory. Beyond Secular Reason*, Cambridge Mass, Blackwell, 1990.

[7]   Hauerwas and Pinches *op cit* p.69.

Enlightenment Christian theologian who was fully seized of the key issues being addressed by MacIntyre.

There are some differences which affect any comparison between MacIntyre and Hooker. The scope of each writer's work is greatly different. The historical canvas to which Hooker appeals is more narrow and precise than the philosophical terrain across which MacIntyre draws his argument. Yet they both are working with tradition and use it positively in their arguments. They both have a focus on community. They are both concerned with issues of commonality and rivalry. Both promote an interpretation of the past for an understanding of the present. Hooker writes before the Enlightenment and MacIntyre writes to deal with the problems left over by the Enlightenment.[8]

A review of these two projects will open up our pressing questions and that in itself is a cause for gratitude to both writers.

MacINTYRE'S PROJECT

In the Preface to *After Virtue*,[9] in 1981 Alasdair MacIntyre announced the first essay in his project which he said had arisen out of "extended reflection upon the inadequacies of my own earlier work in moral philosophy and from a growing dissatisfaction with the conception of "moral philosophy" as an independent and isolable area of enquiry." (p.ix) The project was continued in his second essay, which he had originally intended to call "Justice and Practical Reasoning", but which was published in 1988 as *Whose Justice Which Rationality*. MacIntyre has followed this with a third book, *Three Rival Versions of Moral Enquiry*, which is not a sequence in the way in which the first two books were, but still takes

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8   Contrary to some interpretations of the impact of the Enlightenment, Hooker shows an interest in questions thought by some to have been created by the Enlightenment. See B. Kaye, Authority and the Interpretation of Scripture in Hooker's Of the Laws of Ecclesiastical Polity, *Journal of Religious History*, 21, 1997, 80-109

9   For the sake of simplicity references to MacIntyre's works will be indicated in parenthesis as follows: After Virtue - AV, Whose Justice Which Rationality - JR,

up the question of disagreement and moral reasoning with which his project is directly concerned.

MacIntyre sets out to show that our present situation in regard to moral philosophy, and more generally moral reasoning, is in significant difficulty, and that the time has come for a radical re-assessment. *After Virtue* reads almost like an evangelistic pamphlet, and ends on what some have seen as a somewhat apocalyptic note where we are all waiting for a new Benedict in the new and far worse dark ages at the end of the second millennium.

He begins by drawing attention to the interminable nature of disagreement in contemporary moral debate. There seems to be no way to find a rational conclusion or some form of agreement. He explains this in terms of the failure of the enlightenment project and in particular to the unsatisfactory character of emotivism.[10] The first half of the book (chapters 1-9) is taken up with an analysis of this question. He then turns to his constructive contribution, namely a re-statement of the Aristotelian tradition as the best option in the present circumstances:

> My own argument obliges me to agree with Nietzsche that the philosophers of the Enlightenment never succeeded in providing grounds for doubting his central thesis; his epigrams are even deadlier than his extended arguments. But, if my earlier argument is correct, that failure itself was nothing other than an historical sequel to the rejection of the Aristotelian tradition. And thus the key question does indeed become: can Aristotle's ethics, or something very like it, after all be vindicated. (A V p117f.)

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[10]   MacIntyre begins his account of emotivism in After Virtue with a definition , p. 12, "Emotivism is the doctrine that all evaluative judgements and more specifically, all moral judgements are *nothing but* expressions of preference, expressions of attitude or feeling, insofar as they are moral or evaluative in character." This definition strikingly echoes a description of others by Richard Hooker, who, of course, wrote before the Enlightenment. Hooker begins Book I.10 by saying that what he has so far said is sufficient "to shewe their brutishness , which imagine that religion and virtue are only as men will accompt them, that we might make as much accompt , if we would, of the contrarie, without any harm unto ourselves, and that in nature they are as indifferent one as the other."

This re-statement of the Aristotelian tradition is carried forward under the heading of a narrative of the virtues. He traces the virtues in ancient Greece and in the medieval period and Aquinas, and then poses again the Neitzschean question about the Enlightenment project.

A number of themes recur in this discussion which are key pointers to the nature of the proposal which MacIntyre is developing. Virtue is itself one such theme, and he defines a virtue as "an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods." (p.191) To this he adds the very important qualifier; "to enter into a practice is to enter into a relationship not only with its contemporary practitioners, but also with those who have preceded us in the practice, particularly those whose achievement extended the reach of the practice to its present point. It is thus the achievement, and *a fortiori* the authority, of a tradition which I then confront and from which I have to learn." (A V p. 195)

Thus MacIntyre finishes up with a socially teleological account of virtue. Difference in MacIntyre's account arises from this basis rather than from human fault or flaw as in Aristotle's account. MacIntyre claims this makes his account less vulnerable than Aristotle's. The rest of the work is aimed at the problem of individuality and plurality which his account so far has not adequately considered and it is a problem made more acute by MacIntyre's version of social telos. In an attempt to deal with this problem MacIntyre begins to deploy the themes of tradition in relation to telos, and this leads him to the idea of humans as a story telling species. He also develops the notion of virtue in relation to society and then comes around to relate tradition and rationality in order to address these problems together.

> For all reasoning takes place within the context of some traditional mode of thought, transcending through criticism and invention the limitations of what had hitherto been reasoned in that tradition; this is as true of modern physics as of medieval logic ... a living tradition then is an historically extended, socially embodied argument,

and an argument precisely in part about the goods which constitute that tradition. (A V p.222)

MacIntyre has thus argued not only that moral philosophy must necessarily have some sociological counterpart, but also that the tradition of the virtues must have a particular kind of society or social life. Furthermore that social life is different from that found in bureaucratic individualism. His conclusion, at the end of the first part of his enterprise is; that on the one hand we still, in spite of the efforts of three centuries of moral philosophy and one of sociology, lack any coherent rationally defensible statement of a liberal individualist point of view; and that, on the other hand, the Aristotelian tradition can be restated in a way that restores intelligibility and rationality to our moral and social attitudes and commitments. (A V p.259)

Because he sees the situation in the west, as so bad he concludes his book with what looks like retreating pessimism. "What matters at this stage is the construction of local forms of community within which civility and the intellectual and moral life can be sustained through the new dark ages which are already upon us." (A V p.263)

One suspects that at this point we are hearing a tune more dominated by the American situation than the broader western culture where the tradition of the virtues is less fragmented and less eclipsed, where, in short , the Enlightenment has not been so thoroughly institutionalised.

Seven years later, in 1988, MacIntyre prefaced his second book in this project by referring to the conclusions just quoted from the end of *After Virtue*, and his promise that he would pursue the project in another book.[11] In this book MacIntyre takes up the themes of tradition and social group which he had introduced in the second half of the first book and

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11   "I promised a book in which I should attempt to say what makes it rational to act in one way rather than another and what makes it rational to advance and defend one conception of practical rationality rather than another. Here it is." (JR p.ix)

he now applies them to the question of rationality, and again he sets himself over against the Enlightenment:

> What the Enlightenment made us for the most part blind to and what we now need to recover is, so I shall argue, a conception of rational enquiry as embodied in a tradition, a conception according to which the standards of rational justification themselves emerge from and are part of a history in which they are vindicated by the way in which they transcend the limitation of and provide the remedies for the defects of their predecessors within the history of the same tradition. (JR p.7)

In the context of this argument with the Enlightenment MacIntyre insists that his position must be understood in the light of four considerations. First that the form of this enquiry which he is defending is necessarily historical, and secondly, that the doctrines theses and arguments within the overall argument of the book must be understood in terms of their historical context. Thirdly, by locating difference and rivalry in different traditions the question of difference is made more amenable to solution than in the Enlightenment position. Fourthly, "it is crucial that the concept of tradition-constituted and tradition-constitutive rational enquiry cannot be elucidated apart from its exemplifications, something which I take to be true of all concepts, but something which it is more important not to neglect in some cases than in others." (JR p.10)

MacIntyre conducts this argumentative narrative first through ancient Greece, Plato and Aristotle, then through the Augustine and Aquinas interpretations of the tradition. He then traverses the Scottish Enlightenment and the emergence of Liberalism in order to return at the end to traditions, rationalities and justice. In this last chapter he confronts the issue of difference which his analysis has so clearly raised, and indeed located in a particular sociological way. He is concerned to comment on the particularity of audiences and the effect that changes in audience make to the kind of account which can be enterprised. In the process he makes astringent remarks about the modern university, a subject to which he returned later in his Gifford Lectures, published as *Three Rival Versions of Moral Enquiry*.

The conclusion to this extensive project is twofold. First, MacIntyre concludes that the approach of the Aristotelian tradition to justice and practical rationality has been vindicated in relation to other traditions, but that, secondly, making sense of this tradition in relation to others may prove very demanding.[12] This latter conclusion draws attention to the real difficulties for his position in dealing with difference and rivalry.

In his most recent book, *Three Rival Versions of Moral Enquiry*, MacIntyre returns to a number of these themes, particularly the question of difference and rivalry. Once again he is concerned to defend the tradition constituted version of moral enquiry, this time against the encyclopaedist and the genealogist. On this occasion the end point of the argument takes him to the nature of the university and its modern degeneration at the hands of the enlightenment inspired liberal individualist tradition. [13] He gives a strongly group defined account of interaction and rivalry, of rhetoric and commonality. Yet, when an individual is confronted with two competing traditions, MacIntyre asks, how will they respond ?"The initial answer is: that will depend upon who you are and how you understand yourself." (J R p.393). It is a question made more acute by the argument and not finally dealt with.

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12   "Hence the narratives of these two episodes combine to exhibit an Aristotelian tradition with resources for its own enlargement, correction, and defence, resources which suggest that prima facie at least a case has been made for concluding first that those who have thought their way through the topics of justice and practical rationality, from the standpoint constructed by and in the direction pointed out first by Aristotle and then by Aquinas, have every reason at least so far to hold that the rationality of their tradition has been confirmed in its encounters with other traditions and, second, the task of characterising and accounting for the achievements and successes , as well as the frustration's and failures, of the Thomistic tradition in the terms afforded by rival traditions of enquiry, may, even from the point of view of the adherents of those traditions, be a more demanding task that has sometimes been supposed." (J R p.403)

13   At the end of Whose Justice Which Rationality there are a number of very telling passages on this point: "What each person is confronted with is at once a set of rival intellectual positions, a set of rival traditions embodied more or less imperfectly in contemporary forms of social relationship and a set of rival communities of discourse, each with its own specific modes of speech, argument and debate, each making a claim upon the individual's allegiance. It is by the relationship between what is specific to each such standpoint, embodied at these three levels of doctrine, history, and discourse, and what is specific to the beliefs and history of each individual who confronts these problems, that what the problems are for that person is determined ... The wider the audience to whom we aspire to speak, the less we shall speak to anyone in particular."(p.393f.)

HOOKER'S PROJECT

It is a commonplace, but nonetheless true, to say that Hooker's purpose was to provide a defence of the Elizabethan settlement.[14] Furthermore he states at the outset of the Preface that he writes for posterity, "*that posteritie may know we have not loosely through silence permitted things to passe away as in a dreame, there shall be for mens information extant thus much concerning the present state of the Church of God established amongst us...*" (Pref 1.1). It is quickly apparent that Hooker writes this defence against critics who wish to abandon the present church settlement and establish another. So Hooker is a defender of the status quo of his day.[15]

The point recurs in the much quoted opening sentence of Book 1;

> He that goeth about to persuade a multitude, that they are not so well governed as they ought to be , shall never want attentive and favourable hearers; because they

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14   There has been a considerable interest in Hooker in recent decades, prompted in part by a new publication of his works W. E. Speed Hill (Ed), *The Folger Library Edition of the Works of Richard Hooker*, Cambridge Mass and Binghampton, Harvard University Press and Medieval and Renaissance Studies, 1977-1995, I-VI. References in this paper are taken from this edition and are given in parenthesis by section in the work, to enable access to the quotation in other editions. Volume VI Part One of this edition contains introductions to each of the Books of the Laws and Volume VI Part Two provides a commentary on the text. This volume contains extraordinary riches for an understanding of Hooker. The introduction to the Preface by William P Haugaard (Vol 1 Part One, pp.1-80) sets out in detail the context and occasion for the writing of the Laws. In general terms the following give a lead on the recent Hooker studies W. Speed Hill, *Studies in Richard Hooker: Essay Preliminary to an Edition of his Works*, Cleveland, Case Western Reserve University Press, 1972, W. Speed Hill, Editing Richard Hooker: A Retrospective, *Sewanee Theological Review*, 36, 1993, 187-199, B. Kaye, (Ed.) *Richard Hooker Issue. The Journal of Religious History,* Vol 21,1, Oxford, Blackwells, 1997, B. Kaye, Authority and the Shaping of Tradition: New Essays on Richard Hooker, *JRH*, 21, 1997, 3-9, N. Atkinson, *Richard Hooker and the Authority of Scripture, Tradition and Reason*, Carlisle, Paternoster, 1997. On the more precise question of Hooker's intentions in writing see, for example, A McGrade, Public and the Religious in Hooker's Polity, *Church History*, 37, 1968, 404-422, and Almacy, The Purpose of Richard Hooker's Polemic, *Journal of the History of Ideas*, 39, 1978, 251-270.

15   See Pref 1.10, "Surely the present form of Church government which the lawes of this land have established , is such as no lawe of God, nor reason of man hath hitherto bene alleaged of force sufficient to prove they do ill, who to the uttermost of their power withstand the alteration thereof. Contrariwise , The other which instead of this we are required to accept is only by error and misconceipt named the ordinance of Jesus Christ, no one proofe as yet brought forth whereby it may clearly appeare to be so in very deede." (Pref 1.10)

know the manifold defects whereunto every kind of regiment is subject, but the secret lets and difficulties, which in publick proceedings are innumerable and inevitable, they have not ordinarily the judgement to consider." (EL I.1.1)

In assessing the character of Hooker's project it is important to have in mind the overall structure of the argument as well as the details.[16] The logic of the argument, which can be seen clearly from the overall structure, has a strong ad hominem element in it. The Preface is directed to "them that seeke (as they terme it) the reformation of Lawes, and orders Ecclesiasticall, in the Church of England." It is not surprising therefore that in the Preface Hooker directly addresses his puritan opponents and the alternative situation in Geneva which many were proffering as the proper and only Christian way for the church to be organised.

The first four books are concerned with law and the second four books with power. Book I opens with a discussion of law in general and how it is to be discovered. Hooker makes a number of important preliminary points in chapter 1 about the nature of his proceeding. He trusts that the former more general parts of what he has to say will be confirmed by the more particular things that he will go on to speak about, and that in turn these later points will have more credence in the light of the general material in the beginning of the argument. In other words he envisages that the argument holds together in a coherent way; it is of a piece. Not that it proceeds in a logical and cumulative way, so that the particular depends on the acceptance of the general, but rather that the whole interprets itself in the light of the various parts.[17]

The first law to consider is that law which "which giveth life unto all the rest, which are commendable just and good, namely the lawe whereby the Eternal himself doth worke.

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16   See W. Cargill Thompson, The Philosopher of the Politic Society, in W. Speed Hill(Ed), *Studies in Richard Hooker: Essays Preliminary to an Edition of his Works*, Clevland,1972, 3-76, E. Grislis, Richard Hooker's Method of Theological Enquiry, *Anglican Theological Review*, 45, 1963, 190-203 A. McGrade, The Coherence of Hooker's Polity: The Books on Power, *Journal of the History of Ideas*, 24, 1963, 163-182, and the excellent essays in Vol VI of the Folger Edition of Hooker's Works.

17   Compare MacIntyre, JR,p.401, and *Three Rival Versions of Moral Enquiry*, p.8.

Proceeding from hence to the lawe first of nature, then of scripture, we shall have the easier access unto those things which come after to be debated, concerning the particular cause and question which wee have in mind."(I.1.15). Hooker follows this plan in book I and so comes in chapter 6 to man's first beginning to understand the law of God. Three chapters (8-10) are devoted to the natural discovery of Laws in the light of Reason, and how Reason leads men to make human laws whereby political societies are formed (I.1.10) Three chapters are given to the additional light which is shed on law by scripture, and the first book is concluded with a discussion of the sufficiency of scripture for the purpose for which it was given. Throughout the whole of this first book Hooker has been concerned to establish law as a general way of speaking about the order of the creation and its derivation from God.(I.16.8)

Book II is polemical in character and addresses directly the position of Hooker's opponents that scripture is the only rule of all things which in this life may be done. Of his opponents he says, "these pretending the scriptures perfection inferre thereupon, that in scripture all things lawfull to be done must needes be contained." (II.8.5) Clearly this is directed to the puritans and their insistence that scripture teaches a particular church order as the divine will and that order is Presbyterianism. However, when he concludes this book Hooker expresses himself as in opposition to Roman Catholics on the one hand and to the puritans on the other.[18]

By stating the conclusion to this critical point in the argument in this way Hooker has deliberately positioned himself in between two points of view. This is the basis of his later reputation of having written the Laws on two fronts, against two extremes, but more immediately it sets out the terms of the argument in such a way that he is placed at a

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18   "Two opinions therefore there are concerning sufficiencie of holy scripture, each extremely opposite unto the other, and both repugnant unto truth. The schooles of Rome teach scripture to be so unsufficient , as if, except traditions were added, it did not conteine all revealed and supernaturall truth, which absolutely is necessarie for the children of men in this life to know that they may in the next be saved. Others justly condemning this opinion grown likewise unto a dangerous extremitie, as if scripture did not only conteine all thinges in that kinde necessary, but al things simply, and in such sorte that to doe any thing according to any other lawe were not only unnecessary, but even opposite unto salvation, unlawfull and sinfull." (II.8.7)

rhetorical advantage as compared with the puritans, who were in this situation the real opponents of his work.

In the third book Hooker deals directly with the puritan claim that church order is a matter which is dealt with in scripture and that scripture lays down an order which should be obeyed. Book Four deals with puritan criticisms of the order of the Church of England.

In these opening four books Hooker has laid out the lines of his position, and the general theoretical basis of that position is to be found in Book I in the discussion of law in general. Books 5-8 concern the basis of the power of order which pertains first in the Church of England (Book V), then in the "reformed platform" for lay-elders(Book VI), and Bishops (Book VII). The final book VIII is concerned with the power of the crown , the royal supremacy, as compared with the claimed power in England of the Bishop of Rome.

The foundation for Hooker's position is clearly set out in Book I and to a certain extent elaborated in Book II. The defence of the English ecclesiastical law is to be based on the general presumption that the providence of God in history should prompt us to accept what exists, unless there is good reason to the contrary. In other words Hooker's defence is based upon a particular construal of the providence of God in conjunction with the application of the principle of utility.

There is , however, a significant theme which is located beneath this apparently simple argument , namely, an idea about civil society and its foundations. The point can be illustrated by the discussion of this point in Book I. This in principle discussion gains a certain added significance in relation to Hooker's polemical intention if we first observe the way in which Hooker characterises the establishment and maintenance of the civil society at Geneva under the regimen of Calvin. In the Preface Hooker twice describes the way in which Calvin came to power and influence in Geneva, and the steps by which that rule is maintained. He denies that it was the result of the people of Geneva becoming convinced of the correctness of the teaching of Calvin on civil government. On the contrary, Calvin's return was for other political reasons. The argument that the order taught by Calvin was demanded by scripture was a retrospective legitimation for maintaining an order

established on other grounds.[19] This portrayal of Geneva, has real rhetorical force because it mirrors accusations made about the English settlements.[20]

However, Hooker is at the same time doing more than simply making a rhetorical point about Geneva. He points to the way in which a society legitimated in this way will increasingly tend to become a closed society. A closed epistemology goes with a closed society. Scripture alone for all things in life is a closed system and can only be maintained in a closed society. One is bound to ask whether Geneva was more closed as a society that Tudor England, but the very asking of the question shows that Hooker is engaged here in rhetorical position taking. Underlying the ostensible political debate with which Hooker announced his work, there is a more fundamental and important issue of religious rivalry. Hooker's real concern is a particular kind of religion, not the Elizabethan settlement, nor Geneva politics. That is not to say that the politics are not important. If one may use the language employed by MacIntyre, Hooker is vitally interested in the social exemplification of his religion, both in Tudor England and in Geneva, but he is much more fundamentally interested in that religion of which the politics is a social exemplification.

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19   "These are the pathes wherein ye have walked that are of the ordinarie sort of men, these are the verie steps ye have troden, and the manifest degrees whereby ye are of your guides and directors trained up in that schoole: a custome of inuring your eares with reproofe of faults especially in your governors; an use to attribute those faults to the kind of spirituall regiment under which ye live; boldness in warranting the force of their discipline for the cure of all such evils; a slight of framing your conceipts to imagine that Scripture every where favoureth that discipline; perswasion that the cause why ye find it in Scripture is the illumination of the spirite, that the same Spirite is a seale unto you of your neerenes unto God, that ye are by all meanes to nourish and witnesse it in your selves, and to strengthen on every side your minds against whatsoever might be of force to withdrawe you from it." (Preface 3.25)

20   It is interesting to notice how gentle is Hooker's treatment of Calvin in this account. Indeed whenever Hooker refers to Calvin it is sympathetically and claiming his support for the point which Hooker is making. It is of some real rhetorical value for Hooker to quote Calvin against the puritans, and to point out the political compromises and power plays that were involved in the establishment of the Geneva system. For a discussion of some of the issues in Hooker's use of Calvin see R. Bauckham, Richard Hooker and John Calvin: A Comment, *The Journal of Ecclesiastical History*, 32, 1981, 29-33, and the reply by P. D. L. Avis, Richard Hooker and John Calvin, *Journal of Ecclesiastical History*, 32, 1981, 19-28. The issue is also discussed in N. Atkinson, op cit, J. Coolidge, *The Pauline Renaissance in England. Puritanism and the Bible*, Oxford, Clarendon Press, 1970 and W. Kirby, *Richard Hooker's Doctrine of Royal Supremacy*, Leiden, Brill, 1990.

Given the connection between knowledge and society in Hooker, and also in MacIntyre, it is all the more important to identify the argument which Hooker develops in Book I,10 as to the nature and foundations of civil societies.[21] His thesis is stated at the beginning of the chapter; "Two foundations there are which bear up publique societies, the one , a natural inclination, whereby all men desire sociable life and fellowship, the other an order expressly or secretly agreed upon, touching the manner of their union in living together". (EL I,10.1) These two grounds yield two different kinds of laws; primary laws which arise directly from natural reason, and positive laws of societies which have to do with the convenience of the manner of the social union. These secondary laws should be framed according to the common goods for which societies are instituted.

Hooker then offers an explanation of the development of civil societies from families to monarchies to those societies which embody some kind of consent from the members to the government. He quotes Aristotle in support of this historical opinion. Monarchy, however, proved not to be satisfactory, leading to evils in society which could only be remedied by a degree of consent.[22] Such consent could be given representatively, as in a parliament, but nonetheless the consent was necessary because these positive laws of society are a matter of

21   This part of Hooker's argument is taken up by John Locke, who read the Laws of Ecclesiastical Polity in 1681. See John Locke, *Two Treatises on Government with Introduction and notes by Peter Laslett*, Cambridge, Cambridge University Press, 1963, reissued by The New American Library Inc. New York, 1965. Note particularly pages 70, 310n5. The use of Hooker by Locke is an old and much debated question, see for example, G Bull, What did Locke borrow from Hooker ?, *Thought*, 7, 1932, 122-135. For a more recent discussion see J. Gascoigne, Church and State Unified: Hooker's Rationale for the English Post-Reformation Order, *JRH*, 21, 1997, 23-34, C. Condren, The Creation of Richard Hooker's Public Authority: Rhetoric, Reputation and Reassessment, *JRH*, 21, 1997, 35-59, E. DeJonghe, *Locke Hooker and the finding of the Law, The Review of Metaphysics*, 42, 1988, 301-325. In more general vein see O. Loyer, Contrat social et consentement chez Richard Hooker, *Revue des Sciences Philosophiques et Theologiques*, 59, 1975, 369-398.

22   Hooker repeats this point in EL 1.10.8. See A. Black, *Guilds and Civil Society in European Political Thought*, Cornell Univ Press, B. Tierney, *Church Law and Constitutional Thought in the Middle Ages*, London, 1979, . See also the qualifications in Hooker's defence of the Royal Supremacy in EL 8.3.1 and McGrade's commentary in the Folger Edition Vol VI Part 2.

convenience, and thus of judgment.[23] Such laws enjoin the law of reason and differ from

that law of reason only in the manner of their binding.[24]

Hooker deals with the question of the obligation of later generation to observe laws to which

they have not themselves personally consented in terms of the continuance through time of

corporations in combination with a concept of representation. These were notions used in

medieval political theory and Roman law. However, they had more recently been crucial in

the conciliar conception of the church advanced at the Councils of Constance (1414-1418)

and Basel (1431-1445). This conciliar background was a powerful context in which Hooker's

argument is located.[25]

Hooker also goes on to speak of a third kind of law , namely that between nations. He bases

these laws on the commonality of language amongst humans. Language is the chief

instrument of communion, and thus civil society relies upon that linguistic interchange.[26]

People are more content in such civil society, and they even covet society with all mankind.

Hooker quotes Aristotle in support of this claim for language, and offers the example of

Socrates for the notion of human communion beyond national barriers. Just as there are two

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23   Hooker quotes from Aristotle's example of the law of Pittacus in regard to assaults committed while under the influence of alcohol in order to illustrate the variability of judgements about such convenience in particular societies. Of course, human corruption may lead to people not doing what is right according to the natural law of reason, and in such circumstances positive law may be needed to require compliance. In support of his analysis of this problem of human frailty, he appeals to Aristotle's Ethics (EL 1.10.10), as well as to the epistle of Jude.

24   See EL 1.10.10

25   In his Folger Edition commentary Gibbs(Vol VI, Pt 1, p.507) draws attention to the Roman legal notions of corporatiion and sempinternity in relation to the Roman empire and their application to the church, for which he cites the fourth Canon of the Council of Toledo (633 CE). However, the notion of corporation (universitas) has a much more present and relevant role in Conciliar theory, the origins of which, as Anthony Black has shown, lie in more local and vital sources in medieval life. See A. Black, op cit, and P. Stump, *The Reforms of the Council of Constance (1414-1418)*, Leiden, EJ Brill, 1994. In his landmark work *Church Law and Constitutional Thought in the Middle Ages*, London, 1979, Brian Tierney drew attention to the background of conciliar thought in the tradition of the medieval canonists.

26   See the recent exposition of the central importance of vernacular literature in the formation of nations, A. Hastings, op cit.

kinds of law in civil societies, primary (those of reason) and secondary (positive laws of convenience), so as between nations there are also two kinds of laws; primary laws which have to do with the natural friendship and hospitality between people, primary laws of "embassage" and which are based upon the sincere nature of men, and secondary laws such as the law of arms, which are based upon the depraved nature of man. Thus we should disapprove of laws which exclude communion between nations.[27] The Christian church has always recognised this through the instrumentality of general councils, and Hooker calls for effort to see how the benefits of general councils might be recovered.[28] Even if that cannot be achieved, all churches should have laws of spiritual commerce between Christian nations.

Given a foundation for civil society based in the natural tendencies of human sociability, government is a necessity, and for practical and convenience reasons some degree of consent is necessary in civil order. Differences in positive laws in different societies are acceptable, because the fundamental laws of reason are primary, and these define what ought to be done by all. It is the law of reason which provides the general commonality amongst men, what divides them is issues of secondary or positive law, and these are legitimately variable. However, this fundamental law is a law of God, and the sociability of humans is part of their createdness. The issue is not whether virtue or moral obligation needs to be established on a natural humanistic foundation in order to provide a basis for human connectedness and morals to which a religious story or explanation can then be added. The issue is how far this open human condition can be accounted for theologically.

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27   See the commentary in the Folger Edition by LW Gibbs, Vol VI. 1, p.509

28   The recent gathering interest in conciliarism has had some spin off in terms of the relationship between conciliarism and Anglicanism. See R. Albright, Conciliarism in Anglicanism, *Church History*, 33, 1964, 3-22. It is an recurring theme in the recent biography of Thomas Cranmer, D. MacCulloch, *Thomas Cranmer. A Life*, New Haven, Yale Univ Press, 1996, "Perhaps one might see this reverence for the authority of the general council as the golden thread which runs through Cranmer's theological progress..." p.29. See more generally, A. Black, op cit, Tierney op cit, and the discussion of the English origins of the "Gallican liberties" in Stump, op cit, pp.11f.

In reviewing these two projects of Hooker and MacIntyre a number of things become clear, not just in terms of the different historical location of the projects and the consequences of that fact for their form as well as their content. Nor just in terms of the different directions in which the projects were enterprised. It is clear that these projects reflect interestingly different accounts of several broad questions: what does it mean to be human, what is the nature of society and of the good life? They have different emphases in treating rivalry between groups and the kind of commonality such rivalry and interaction can presume or to which it might aspire.

Hooker does not actually discuss Aristotle as much as MacIntyre does. Aristotle is not as central to Hooker's argument, nor to his final position, as is the case for MacIntyre. Hooker carries forward the theme of purpose which one finds in Aristotle in a more general way than does MacIntyre but the roots of Hooker's thought are quite different. That theme is more characteristically discussed by Hooker under the heading of the providence of God in creation, and thus in history. The generality of this notion can be seen in a greater use made by Hooker of the notion of historical consensus in the broader Christian tradition[29] than we find in MacIntyre who has a more discrete focus in a tradition which he develops from Aristotle through Augustine and then Aquinas.

MacIntyre sees the manifestation of the good in its location in the particular community expression of that tradition. It comes to expression in the virtues which live on in this discrete community. In one sense Hooker would not be unhappy with this statement, though his focus and his argument are differently construed. Hooker looks for continuity not in terms of the virtues but in terms of the presence of the divine. Hooker more characteristically puts the focus on immanence in relation to the sacraments, and he does this because they express most directly and fundamentally the centrality of the Incarnation. It is therefore not surprising that his major exposition of Christology and the Incarnation comes in Book V as the explanatory background to his discussion of the sacraments.

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29   E. Grislis, The Role of Consensus in Richard Hooker's Theological Enquiry, in Cushman RE and Grislis (Eds), *The Heritage of Christian Thought: Essays in Honor of Robert Lowry Calhoun*, New York,1965, 64-88.

In this sense we can say that the specificality of the good, or of the divine, is focussed quite differently in these two writers. Hooker's focus is more occasional, and symbolic. The institutional community framework within which the sacraments occur is construed as a vehicle for the occasions of the sacraments. MacIntyre , however, has a more continuing focus in the community which embodies the tradition about the good, and which develops and maintains a story which expresses that tradition. The contrast between these two writers is quite striking at this point. The contrast is not that Hooker speaks of sacraments where MacIntyre speaks of virtues. Hooker expresses, though in a lower key, a similar sense of the virtues as fundamental elements constitutive of the community and its tradition. Like MacIntyre, Hooker seeks to give importance to rationality within the community and refers to the universities as environments of civil argument about differences in a way which is strikingly similar to the treatment MacIntyre gives to the universities in *Three Rival Versions of Moral Enquiry.* Hooker makes the point with an optimism about the universities which MacIntyre in his day does not.

Rather the fundamental contrast between Hooker and MacIntyre is that Hooker construes his community in relation to a clear conception of the presence in that community of the divine. In doing so he is not talking about a national God, but rather the participation of a national Christian community in the knowledge of a universal God. This way of understanding the issue provides dimensions which are strategically very important. That the universal element is provided by this divine dimension means that the particular expression is at once of universal significance and yet at the same time set in particular terms which are contingent. The problem for Hooker is not whether a general non-religious basis for moral obligation can be established to which might be added a religious or theological gloss. Rather Hooker's problem is to show how a theological account of the human condition can embrace both those who accept the Christian story and those who do not. Hooker does not resort to the non-religious secular move in order to provide a general naturalistic basis for moral obligation. Rather he makes a distinction between providence generally, and the good as judged by Christian wisdom in particular contingent circumstances.

It is this framework which enables Hooker to offer a rationale for the Elizabethan settlement which is theologically grounded and at the same time sees that settlement as historically contingent. It is from this conceptual framework that he is able to justify the settlement against its critics, yet at the same time see that settlement as something to which he is not finally or ultimately committed.

Furthermore this approach means that there is available to Hooker a sense of connection between the different particulars represented in different national churches, and between different expressions of this divine universal over time. It is in this historical context that Hooker displays his 'consensus' argument against the novelty of the puritan argument for their particular ecclesiology. However, this is not a straightforward argument for Hooker since it involves him in the continuing argument about the appropriate range of application of the consensus. Such an understanding calls for a theological conception of change which he locates in the providential good will of God. By way of contrast a notion of change as a return from a corrupted or inadequate position to the pristine will of God would be located in the frailty of the human condition. While Hooker is concerned to defend the status quo of the Elizabethan settlement the very terms of his argument require him to elaborate an account of change which is located deep within the architecture of his theology, indeed within his notion of the character of God and the relation of God to the creation and thus to history and the historicality of the human condition.

By contrast MacIntyre's development of the relationship between rationality and community, and consequently justice and community leaves him with a quite stark problem in regard to difference and rivalry between groups. The broad attack on Enlightenment foundationalism, to which he so sharply draws attention in its subversion in emotivism, actually has had the effect for MacIntyre of leaving virtue isolated in Benedict's cave. For Hooker, on the other hand, the community border is more porous, the method more open ended and difference and change structured more fundamentally within a broader epistemology.

This more open ended approach is assisted in Hooker by his development of the distinction between things which are primary and those which are secondary. In theological terms

between those things which are necessary for salvation and things which are indifferent, the adiaphora. This distinction enables him to sit more lightly to the occasions, or the different institutional arrangements, in church and society that may occur at different times, or in different places. This gives Hooker a good deal of flexibility in dealing with institutions, and evaluating them. MacIntyre, on the other hand is more committed to a particular kind of community, one that enables and sustains the virtues and which is the exemplification of a particular rationality. For this reason he is likely to be more committed to specifics than is Hooker. The idea, for example, of a necessary magisterium in a tradition community would be indigestible for Hooker, but would, I suspect, be tolerable, even palatable or perhaps a practical necessity, for MacIntyre.

Because there is a difference in the way each of these writers portrays commonality and continuing social groupings, the way in which they conceive of the interaction between groups is also different. For Hooker the interaction which he looks for is public debate and argument. He is well able to use the rhetoric of his opponents, and to appeal to their sources of authority. He is, of course, operating within a field of greater open commonality than MacIntyre. For MacIntyre such interaction is a clash of different kinds of rationalities. Obviously interaction, argument, is still possible, but it is the interaction of narratives and traditions cultivated within the parameters of each discrete society, an interaction which is significantly ambiguous and uncertain.

The sum of our inquiry may not lead us to demand of MacIntyre that he reconsider his project and move to a position more consonant with that of Richard Hooker, though that in itself would not be a bad idea. Rather the differences of emphasis between them on such clearly similar projects might prompt us to ask MacIntyre to tell us more explicitly what is the religious basis, or dimension to his account of the human condition. After all he has described himself as an Augustinian Christian. He has been bold enough in these recent books to step outside some of the current roles of the philosopher. Perhaps an invitation to return to a theological exposition of his project might now be in order. If he were to do that then I respectfully suggest that a reading of Richard Hooker would be worthwhile especially in terms of some problematical desiderata in relation to rivalry and commonalty remaining from his project thus far.

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