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Juridical ecumenism and the Canons of Nicaea: comparing the Nicene Canons (325) and the *Statement of Principles of Christian Law* (2016)

Norman Doe KC (Hon)^{1,2,3,4}

¹Professor and Director, the Centre for Law and Religion, Cardiff Law School, Cardiff, UK; ²Academic Benchler, Inner Temple, London, UK; ³Chancellor of the Diocese of Bangor, UK and ⁴Fellow of the British Academy, UK

Email: doe@cardiff.ac.uk

Abstract

Juridical ecumenism is a branch of eclesionomology: the study of church law as a form of applied ecclesiology. It involves the comparative study of the laws and other regulatory entities of different ecclesial traditions and their institutional churches, as well as the practice of church law and ecumenism. It does not seek to replace the historic focus on theology and doctrine in ecumenical dialogue, but rather to remedy the missing legal link in the ecumenical enterprise to date, by using church laws as a rich unifying instrument for greater visible communion between separated institutional churches. One fruit of juridical ecumenism is the issue of the *Statement of Principles of Christian Law* by an Ecumenical Panel in 2016 and its launch at the 11th Assembly of the World Council of Churches in 2022. Marking the 1700th anniversary of the great Council of Nicaea and its Canons gives us the opportunity to think critically, as an exercise in juridical ecumenism, about continuity and change over the centuries in the nature of church law. We can achieve this by comparing the *Statement of Principles of Christian Law* (2016) issued by the Ecumenical Christian Law Panel with the Nicene Canons (325) issued by the first Ecumenical Council. This article explores the similarities and differences between these two juridical entities – in terms of their (1) nature, authority, and reception; (2) subject matter; (3) sources; (4) purposes; and (5) internal structure – and what the Nicene Canons and the Christian Law Principles tell us about these five aspects of church law itself. I conclude with reflections on the value of comparison for the future of juridical ecumenism.

Keywords: comparative law; Canons of the Council of Nicaea; juridical ecumenism; *Principles of Christian Law*

Introduction

As we know, the New Testament contains many embryonic norms for the earliest Christian communities. These norms were *developed* by the early councils; *multiplied* in the medieval *ius commune* of the western church; and *diversified* in a plurality

of legal systems from the Reformations of the 16th century as new institutional churches emerged separate from Rome.

Christians became, and are, prolific legislators. Today, of course, Christians have no global written system of shared humanly made positive ecclesiastical law applicable generally to all their institutional churches. However, the various church families worldwide – and the institutional churches which comprise them – have many forms of human church law. These include codes of canon law, charters and statutes, constitutions and by-laws, and books of church order; and soft law in the form of guidance, policy documents, and codes of practice.

A book was published in 2013 studying these laws, of 100 churches across 10 traditions globally. It proposes that it is possible from their comparative study to induce from these laws principles of Christian law, which should be fed into the ecumenical enterprise, particularly the work of the World Council of Churches (WCC), as a form of ‘juridical ecumenism’.¹

In November 2013, a Panel of Experts met in Rome. Its members were from the Anglican, Baptist, Catholic, Lutheran, Methodist, Orthodox, Presbyterian, and Reformed traditions. It tested the 2013 book findings. It agreed that the category ‘principles of Christian law’ exists.

In 2014, the Panel decided to engage, from the perspective of juridical ecumenism, in the consultation about the WCC Faith and Order Commission paper, *The Church: Towards a Common Vision* (2013). In 2015, the Panel finalised its response to *Common Vision* (in which law played little part). The response proposed that comparing laws: (a) facilitates articulating principles of law common to the churches; (b) enables reconciliation of legal differences in the form of a principle of law; (c) provides a stable ecumenical methodology in using concrete textual data; (d) offers a practical guide for Christian life; and (e) defines achieved communion and opportunities for or limits on future progress. The response also contained 47 ‘candidate principles’ of Christian law on two topics: church discipline and church property.

The Panel worked on further principles on a wide range of topics, reconciling differences between church laws when these existed in the form of a common, shared principle of church law. In 2016, the Panel issued in Rome its ‘Statement of Principles of Christian Law’ (*Principles of Christian Law*). In 2018, the Panel welcomed two new members: Old Catholic and Pentecostal. In 2021, a book was published with critical perspectives on the Statement written by the Panel members.²

From that starting point, this article compares the *Principles of Christian Law* (2016) with the 20 Canons of the Council of Nicaea (325) – the differences and similarities between them – in terms of five issues: (1) their nature, authority, and reception; (2) their subject matter; (3) the sources and species of law which they draw on; (4) their purposes; and (5) their internal structures. I shall also compare what they tell us about church law generically in terms of these five matters.

The source I use for the Nicene canons is the *Pedalion* or *Rudder*, namely: ‘The Metaphorical Ship of the One Holy Catholic and Apostolic Church of Orthodox Christians’. It contains: ‘All the holy and divine canons of the holy and renowned

¹ See N Doe, *Christian Law: Contemporary Principles* (Cambridge, 2013). For the origin and nature of ‘juridical ecumenism’, see N Doe, ‘Juridical Ecumenism’ (2012) 14 *Ecc LJ* 195–234.

² N Doe (ed), *Church Laws and Ecumenism: A New Path for Christian Unity* (Oxford, 2021).

Apostles, of the Holy Synods, ecumenical as well as regional, and of individual divine fathers, as embodied in the original Greek text, for the sake of authenticity, and explained in the vernacular by way of rendering them more intelligible to the less educated'. It was compiled by Agapios, a hieromonk, and Nicodemos, a monk, and published in 1800. It is the pre-eminent authoritative law book of the Eastern Orthodox Church. I have used a recent English translation of the *Pedalion*.³

Part I: The nature, authority, and reception of church law

The Council of Nicaea (325), the First Ecumenical Council, was of course assembled by Emperor Constantine to condemn the teaching of Arius. We all know the Nicene Creed. The Council also, as the authors of the *Pedalion* put it, 'issued ... twenty Holy Canons'. First, then, the general nature of these Canons. The *Pedalion* authors understand some of the Nicene Canons 'decree' matters and the Canons were part of what they classify as the 'legislation' of the Early Church.⁴ As a result, these Canons are 'laws' properly so called – as the Orthodox jurist Rodopoulos writes, 'canons' have 'the force of commands with universal validity'.⁵

Second, the *Pedalion* tells us directly and indirectly about the authority, functions, and canons of the Council of Nicaea when it discusses it in the context of Ecumenical Councils generally and 'dogmas laid down by them *and their canons*'.⁶ In sum:

An ecumenical synod is one that has been convoked by command of the emperor or king, one that has set forth a dogmatic definition concerning the faith, and one that *ordains or prescribes things* which are pious and orthodox and agreeable with the Holy Scriptures and to previous Ecumenical Synods, and one which all the patriarchs and prelates of the Catholic Church have agreed to accept, either by their personal presence or by proxy, or, in the absence of these, by means of their letters and signatures.⁷

Moreover, the authority of such a Synod is unchallengeable; the reason is simple:

For not the Holy Bible, but the Ecumenical Synod is proclaimed by all to be the final judge of ecclesiastical matters, according to Canon VI of the 2nd Ecumenical Synod [381] whose vote and decision is not subject to appeal to any other higher tribunal.⁸

³ The edition used is that by Ralph J Masterjohn (West Brookfield, Mass, The Orthodox Christian Educational Society, 2005): <https://afkimel.wordpress.com/wp-content/uploads/2024/07/nicodemus-the-rudder.pdf>. However, as we shall see below, sometimes the translation could be improved and alternatives of some words in the Masterjohn edition have been given by the Very Rev'd Grand Ecclesiarch Aetios Nikiforos.

⁴ *Pedalion*, 414 (Concerning the First Holy Ecumenical Synod, Prologue) and 418 (Prologue, n 1); 453–454 (Interpretation): 'legislation of the Apostolic Canon'; see below for Canon 16 'directing' and 'decreeing'.

⁵ P Rodopoulos, *An Overview of Orthodox Canon Law* (New Hampshire, 2007), 21.

⁶ *Pedalion*, 416 (Prologue, n 1): emphasis added.

⁷ *Pedalion*, 417 (Prologue, n 1): emphasis added.

⁸ *Pedalion*, 419 (Prologue, n 3).

Third, the authority of the Nicene Canons was confirmed by their reception; as the *Pedalion* puts it, the Council's 'twenty Holy Canons, [were] indefinitely confirmed by Canon I of the 4th Ecumenical Synod [Chalcedon, 451], but definitely by Canon II, of the 6th Ecumenical Synod [Constantinople, 681/2] and Canon I of the 7th Ecumenical Synod [Nicaea II, 787]'.⁹ And their reception continues today. They are recognised expressly by modern Eastern Orthodox laws. For example: the charter of the Greek Orthodox Archdiocese of America is governed by e.g. 'the Holy Canons ... of the Ecumenical and Local Synods ... recognized by the Orthodox Church, as interpreted by the Great Church of Christ in Constantinople'.¹⁰ In short, the Nicene Canons are sacred, holy Canons and in essence they are unchangeable.

How do the Nicene Canons compare with the *Principles of Christian Law* in terms of their nature, authority, and reception? As seen already, these principles are induced from the similarities between the church regulatory instruments which bind as laws. For example, the Latin Code 1983 binds all the faithful of the Latin Church; the regulations of the Greek Orthodox Archdiocese of America are 'binding for all clergymen and laymen without any exception'; in the New Zealand Presbyterian Church: 'All members of congregations must comply with the Book of Order'; and Jamaica's Baptist Union constitution requires 'strict adherence' by its members to its 'rules and regulations'. The *Principles of Christian Law* reflect these realities and some aspects of the nature, authority and reception of the Nicene Canons.

First, *nature*. Unlike the Nicene Canons, the *Principles of Christian Law* are not laws, but principles of law; not legislated, but induced from similarities between church laws; not prescriptive or obligatory, but descriptive, articulating those juridical similarities. The 2016 Statement is clear as to their nature; it reads: (1) there are principles of church law common to the churches whose existence can be factually established by empirical observation and comparison; (2) the churches contribute through their laws to this store of principles; (3) the principles have a strong theological content and are fundamental to the self-understanding of Christianity; (4) they have a living force and contain the possibility of development and articulation; and (5) they demonstrate a degree of ecclesial unity, stimulate common Christian actions, and should be fed into the ecumenical enterprise to enhance fuller visible unity.¹¹ And, whereas there are 20 Nicene Canons, there are in the region of 250 principles; and unlike the Canons, the Principles of themselves claim no inherent holiness or immutability.¹²

Second, *authority*. On the one hand, therefore, unlike the Nicene Canons (and the church laws from which the Principles have been induced), the Christian Law Principles themselves have no binding force: their nature (as set out above) militates against this – only the laws from which they were induced have binding authority;

⁹ *Pedalion*, 415 (Prologue).

¹⁰ Charter, Arts 1(b) and 2(b): for this and other similar examples, see Doe (note 1), 23.

¹¹ Statement of Principles of Christian Law (hereafter in the footnotes 'SPCL'), Preamble: for the text of the Statement, see N Doe (note 2), 270–286, Appendix II, Statement of Principles of Christian Law.

¹² Save to the extent that, of course, some Principles state immutable Christian truths (e.g. SPCL, II.1.1: 'The Christian faithful constitute the people of God'; there are many other examples). However, as the Principles are derived from the laws of churches, so, when those laws change, the Principles themselves may change.

the Ecumenical Panel that issued them had no legislative authority – its members worked in their personal capacities as experts, not as representatives of their churches; and the principles were not intended to bind – they were designed as a juridical unifying force for ecumenism. On the other hand, however, it may be thought that the principles have acquired a persuasive authority by virtue of their reception.

Third, *reception*. The *Principles of Christian Law* have enjoyed a degree of wider ecumenical reception. The World Council of Churches Faith and Order Commission in 1974 called for study of ‘church law’ to show how ‘churches differ’ in their ‘legal systems’. In 1978 this was abandoned. The Panel sought to remedy this. In 2017 it met in Geneva with the Director of the Commission who welcomed the Principles and agreed to an ‘informal partnership’ between the Panel and the Commission to collaborate further. The Commission Moderator joined the Panel in 2018.

Next, in Rome (16 September 2019), Ecumenical Patriarch Bartholomew spoke publicly about: ‘this important Statement’; how its ‘principles were induced from similarities drawn precisely from a comparative study of the regulatory instruments’; and how the Statement ‘is designed to fill the historical canonical deficit in the ecumenical enterprise’, as a form of ‘juridical ecumenism’. Three days later, at a private audience in the Apostolic Palace in the Vatican, on 19 September 2019, Pope Francis pronounced – the first time in papal history – that church law ‘is not only an aid to ecumenical dialogue, but also an essential dimension’. Four members of the Panel attended and one presented the Statement to Pope Francis.

In 2018, the Faith and Order Commission Moderator had suggested that the Panel presents its work at the next Assembly of the WCC – its governing body which meets every eight years. And so on 2 September 2022, at Karlsruhe, Germany, at the 11th Assembly of the WCC, a workshop was held on the Statement. Following three short introductory papers, participants discussed its value and shared their experiences of using the Statement, in for example India, Australia, the USA, Netherlands, Germany, Luxembourg, and Switzerland. They also wanted to be involved in further projects related to it. Participants then agreed, I quote, that this ‘World Council of Churches workshop commends the *Statement of Principles of Christian Law* for study and use as an essential element of the ecumenical movement’.¹³

In short, the Nicene Canons and *Principles of Christian Law* are very different in terms of their nature and authority. The Canons are laws. The Principles are not. The Canons were issued by the first great Ecumenical Council; the Principles by a humble Ecumenical Panel. The Canons bind. The Principles do not. The Canons have been received (not least through confirmation by later Councils and as a body of laws in the Eastern Orthodox Churches). The Principles are currently undergoing a process of reception through ecumenical use globally.

Part II: The subject matter of church law

The two bodies of norms are on the surface very different in terms of the topics which they address. Below the surface, however, there are some profound

¹³ See N Doe, ‘Canon Law, Ecumenism, and Synodality’ (2025) 27 *Ecc LJ* 152–169.

similarities. Identifying differences and similarities is dependent in part on the various ways of grouping the 20 Nicene Canons in terms of their subject matter. There are two obvious approaches to this.

First, there is the wide approach, focusing on the macro-areas of ecclesial life which the Nicene Canons address. As Morag Ellis KC has explained, a standard method of grouping them is thematic, on the basis of their broad subject matter; as such they fall into five groups: (1) the hierarchical ordering and discipline of the clergy (Canons 1, 2, 3, 9, 10, 17, 18); (2) the organisation of ecclesiastical leadership and administration (Canons 4, 5, 6, 7, 15, 16); (3) the regulation of public penance (Canons 11, 12, 13, 14); (4) the reconciliation of members of heterodox groups (Canons 8, 19); and (5) the regulation of liturgical matters (Canon 20).¹⁴

On the one hand, needless to say, these Nicene thematic groupings do not echo precisely all the subject matter groupings in the 10 sections of the *Principles of Christian Law*. One reason is obvious: the Ecumenical Panel did not consult the Nicene Canons when it systematised the Principles thematically in sections. Rather, it used for its section groupings the systems employed in the modern laws of churches today from which it induced the principles. As a result, the Statement has six sections not in the Nicene groups, namely: churches and laws (Section I); the faithful (Section II); rites (Section VII); and ecumenism; property; and church–state relations (Sections VIII–X). Also, two Nicene topic groups – public penance and reconciling heterodox groups – have no equivalents in the *Principles*.

On the other hand, however, four Nicene topic groups are broadly echoed in the subject matter sections of the Statement, namely: the Nicene hierarchical ordering and discipline of the clergy is echoed in Sections III and V of the Statement (that is, ordained ministry and church discipline); the Nicene organisation of ecclesiastical leadership and administration is broadly echoed in Section IV (church governance); and the Nicene regulation of liturgical matters is echoed in Section VI (which actually deals with both worship and church doctrine).

The Statement has a lot to say about these matters. For example, in relation to ordination, the norm in Nicene Canon 1, that if they ‘should otherwise be found worthy, such men the Canon admits to the clergy’, is echoed in the Principle on ‘suitability for ordained ministry’ (III.1.4). In the field of clerical discipline, for example, Canon 2, that if a cleric ‘should be convicted by two or three witnesses, let him cease from the clerical office’, echoes broadly the Principle that sanctions which may be imposed on clergy include ‘removal from office’ (V.5.4). Canon 5 provides that whether a person is excommunicated ‘on account of smallness of soul or contentiousness or any other such repugnancy of the Bishop’, then ‘a proper investigation’ should be made and ‘in a common discussion held by all the Bishops ... let such questions be considered and decided upon’; this echoes broadly the Principle that sanctions ‘should be lawful and just’ (V.5.4) and their imposition subject ‘where appropriate to an appeal’ (V.4.3). On leadership and administration, Canon 4, for instance, on the election of a bishop, echoes the Principle that any ‘ecclesiastical office is filled by appointment or election’ (III.2.5).

¹⁴ M Ellis, ‘The Relevance of the Nicene Canons for Clergy Discipline: Past, Present and Future’ (2026) 28 *Ecc LJ* 45–64, at 47, citing H Ohme, *Greek Canon Law to 691/2* in W Hartmann and K Pennington (eds), *The History of Byzantine and Eastern Canon Law to 1500*, 24–114 (Washington DC, 2012).

Second, the narrow approach to the subject matter of the Nicene Canons. This focuses on the micro-mischief addressed in each Canon: eunuchism (Canon 1); premature ordination (Canon 2); concubinage (Canon 3); irregular episcopal ordinations (Canon 4); unjust excommunication (Canon 5); disrespecting/dishonouring bishops (Canons 6–7); Novatians, who refuse to restore lapsed Christians (Canon 8); ordaining sinful persons (Canon 9); ordaining lapsers (Canon 10); persecuted people who deny the faith (Canon 11); Christians resuming military service (Canon 12); communion for the dying (Canon 13); lapsers (Canon 14); wandering clergy (Canons 15–16); usury (Canon 17); deacons giving priests communion (Canon 18); not rebaptising heretics (Canon 19); and people kneeling at prayer (Canon 20).¹⁵

On the surface, most of these micro-mischiefs are not expressly addressed in the *Principles of Christian Law*. On the other hand, some of the elements of these Nicene Canons have their broad conceptual equivalents in the *Principles of Christian Law*. Three examples are:

- i. Canon 2 forbids the practice by which ‘men just converted ... to the faith [and] instructed but a little while ... as soon as they have been baptized, are advanced to the episcopate or the presbyterate’; and Canon 9 requires that before anyone may be ordained ‘their life and behaviour ... must be looked into’.¹⁶ These are echoed in the Principle that ordination occurs after ‘a process of selection, examination, and training by competent authority’ (III.1.4).
- ii. The spirit of Canon 3 against clerical concubines and the requirement in Canon 9 ‘that those ... to be admitted to Holy Orders must be clear from sins that preclude Holy Orders’, both mirror the Principle that clergy ‘must lead their private lives in a manner which befits their sacred calling’ (III.3.4).
- iii. And Canon 8 provides that Novatian clergy should ‘remain in the clergy’ if ‘they have hands laid upon them’ and if they ‘agree to and will adhere to the dogmas of the catholic and apostolic Church’. This broadly mirrors the Principle (which is found in the section on ecumenical ministerial communion): ‘The validity of an act performed in a church is determined by that church and recognition of such validity by another church is a matter for that other church’ (VIII.4.2).

In any event, the *Principles of Christian Law* sum up on subject matter: ‘Church laws principally deal with ministry, government, doctrine, worship, rites, admonition and discipline, and property’.¹⁷ In short, the micro-mischief subject matter of each Nicene Canon finds some broad reflection in the *Principles*. But the macro-areas addressed by the Canons are more fully reflected in only two sections of the *Principles*, particularly those of ministry and governance. In other words, obviously, the topic coverage of the *Principles* is far wider than that of the Canons.

¹⁵ *Pedalion*, 414–415 (Prologue); 416–424 (Prologue, footnotes); 425–463 (Canons (texts), Interpretations and Concords); 465–502 (footnotes to the Nicene Canons).

¹⁶ *Pedalion*, 441 (Interpretation).

¹⁷ SPCL, I.4.1.

Part III: The sources and species of church law

We now compare the Nicene Canons and *Principles of Christian Law* in terms of (1) the sources and species or types of law used in and by both of them; and (2) their view of the sources and species of church law generically. The ‘sources’ are the ‘material’ sources used, compared with their ‘institutional’ sources (the Ecumenical Council of Nicaea and the Ecumenical Panel, respectively), and the ‘instrumental’ sources or species of law used by the two bodies.

The Nicene Canons make use of two main types of source: one is instrumental, namely, the earlier Canons,¹⁸ and custom; and one is a material, i.e. Scripture, although it is not often cited.

First, earlier written legislation. On the one hand, some Nicene Canons refer generally to earlier legislation without naming it, and the authors of the *Pedalion* identify it. They identify ‘the old Canon’ mentioned in Canon 5 as either ‘Apostolic Canon XXXII or even XII’.¹⁹ Canon 9 provides that ‘the Canon will not admit’ those who, ‘contrary to the Canon’, have had hands laid on them without prior due examination of them, etc.; they identify two Canons here as Apostolic Canons XXV and LXI.²⁰ They identify ‘the ecclesiastical Canon’ mentioned in Nicene Canon 10 (on ordaining lapsers) as Apostolic Canon LXII; they also cite in this connection the earlier Canon X of Peter the Martyr of Alexandria (311) and Canons I, III, XII of Ancyra (314).²¹ Similarly, Canon 13 states: ‘Concerning those who are [dying], the old and canonical Law shall be kept even now, so that, if anyone is [dying], he should not be deprived of the necessary support’; and in their interpretation of this the authors of the *Pedalion* write: ‘the old and canonical law ... appears to be Canon VI of the Synod held in Ancyra [314], this being an earlier one than the First Ecumenical Synod [i.e. Nicaea]’.²²

On the other hand, however, most of the Nicene Canons do not mention earlier Canons at all (even generally) to which they may be related. For this we must rely on the authors of the *Pedalion*. They write that Canon 2 ‘commands what Apostolic Canon LXXX ordains’.²³ For Canon 8 (on Novatianism), they cite Apostolic Canons XLVI, XLVII, LXVIII, Canon XIII of the Council of Ancyra (314), and Canon XIV of the Council of Neocaesarea (314–319).²⁴ For Canon 12 (on Christian soldiers who return to the army in the time of Licinius) they cite Canons IX and XI of Peter the Martyr of Alexandria (311), and Canons II, V, VII of Ancyra (314).²⁵ On Canon 11

¹⁸ See *Pedalion*, 104–245 for e.g. the texts of the 85 Apostolic Canons and the Interpretations.

¹⁹ *Pedalion*, 431–432; for the various elements of Canon 5, the *Pedalion* authors cite e.g. Apostolic Canons XII, XIII, XXXII, XXXVII; Canon XIX of the 4th Ecumenical Synod; and Canons VI, XX of Antioch [341].

²⁰ *Pedalion*, 441 (Canon): they also cite Canons IX–X of Neocaesaria; Canons III, V, VI of Theophilus [412].

²¹ *Pedalion*, 442–444 (Interpretation).

²² *Pedalion*, 449 (Canon); 449–450 (Interpretation); see also n 26.

²³ *Pedalion*, 427 (Interpretation): ‘See also the Interpretation of Apostolic Canon LXXX’. See also 425: Canon 1 and Apostolic Canons XXI, XXII, XXIII; and 433–434: Canon 6 and Apostolic Canon XXXI.

²⁴ *Pedalion*, 438 (Interpretation): also cited are later Canons e.g. Canon VII of the 2nd Ecumenical Synod; Canons VII, VIII of Laodicea; Canon LXVI of Carthage; Canons I, XLVII of Basil; Canon XII of Theophilus.

²⁵ *Pedalion*, 447 (Interpretation); they also cite later Canons: Canon CII of the 6th Ecumenical Synod; Canons I, II of Laodicea; Canons II, III, LXIV, LXXXIV of Basil; Canons IV, V, VII and VIII of Gregory of Nyssa).

they cite Canon III of Peter the Martyr of Alexandria (311).²⁶ And they link Canon 14 (on catechumens) to Canon V of Neocaesaria (314–319),²⁷ Canon 17 (on usury) to Apostolic Canon XLIV,²⁸ and Canon 20 (kneeling) to Canon XV of Peter the Martyr.²⁹

Second, the Canons sometimes draw on (and confirm) earlier ‘custom’. Canon 6 states: ‘Let the ancient customs prevail which were in practice in Egypt, Libya and Pentapolis, to allow the Bishop of Alexandria to have authority over all these parts’; the authors of the *Pedalion* classify the earlier custom mentioned in the Canon as ‘old custom’;³⁰ and Canon 7: ‘Since custom and ancient tradition have prevailed that the Bishop of [Jerusalem] should be honoured, let him, saving its due dignity to the Metropolis, have the next place of honour’.³¹

Third, perhaps surprisingly, it seems only two Nicene Canons refer to scripture. Canon 2 (see above) justifies its rule against premature ordination by stating: ‘For the catechumen needs more time and a longer trial after baptism. The Apostolic letter is also plain which says, ‘not a novice, lest being lifted up with pride he falls into the Devil’s snare’ (II Timothy 3:6)’.³² Canon 17 provides for the deposition of usurious clergy who ‘out of greed and in pursuit of shameful gain (wilfully) forgot the divine passage of Holy Scripture saying ‘who has not lent out his money at interest’ (Psalm 15:5)’.³³ The authors of the *Pedalion* refer to Scripture only twice: the rule in Canon 9 (against bishops ordaining people without due examination) they source in I Timothy 8:2;³⁴ and, on Canon 18 (deacons must not give communion to priests), they state: deacons ‘are inferior to and lower than priests; and what is inferior must be blessed by what is superior, as the Apostle says, and not the other way round (Hebrews 7:7)’.³⁵

Needless to say, today only some churches worldwide have law in the form of ‘Canons’. For example, the Catholic Church has its Code of Canon Law 1983 for the Latin Church, and its Code of Canons for the Eastern Churches 1990. The Eastern Orthodox Churches have the ancient Holy Canons and modern charters and statutes. Anglicans have their constitutions and canons. Methodist churches have what they style ‘Methodist Law’. Presbyterian, as well as Reformed, churches have ‘law’, a ‘code’, a ‘book of church order’, or a ‘book of order’. And a local neighbourhood Baptist church may have a constitution and a ‘covenant’ of members’ commitments. Alongside these laws exist other regulatory instruments, including soft law.³⁶

²⁶ *Pedalion*, 445 (Concord).

²⁷ *Pedalion*, 450 (Canon 14); see also fn 29; 451 also cites later Canons, e.g. Canon XIX of Laodicaea; Canon XX of Basil; Canon VI of Timothy; Canon V of Cyril.

²⁸ *Pedalion*, 456 (Interpretation).

²⁹ *Pedalion*, 462 (Canon); they also link it to later Canon XC, 6th Ecumenical Synod.

³⁰ *Pedalion*, 433–434 (Canon); 434 (Interpretation): ‘the same custom also came to prevail with regard to the Patriarch of Rome [who] was allowed ... authority and presidency over all occidental bishops and metropolitans’.

³¹ *Pedalion*, 435 (Canon); 436 (Interpretation).

³² *Pedalion*, 426 (Canon); 427 (Interpretation); this cites earlier Apostolic Canon LXXX.

³³ *Pedalion*, 455–456 (Canon 17).

³⁴ *Pedalion*, 442 (Interpretation); see also n 19.

³⁵ *Pedalion*, 458 (Interpretation).

³⁶ See Doe (note 1), 19–29.

These laws differ in terms of their makers and reach. In the Catholic Church, law-making power *descends* from the Pontiff: and so the Latin Code 1983 was promulgated by the Pope and applies across the world to the faithful as ‘universal law’ alongside ‘particular law’ made e.g. by a diocesan bishop. At the other extreme, Baptist polity is congregational and limited rule-making authority *ascends* to a national Baptist Union or Convention and the Baptist World Alliance but these cannot legislate for the autonomous local church. In between, for Presbyterians, Anglicans, Lutherans, and Methodists, authority to govern vests in a national legislature – a Presbyterian General Assembly, an Anglican or Lutheran General Synod, and a Methodist Conference – and then *descends* to regional bodies (e.g. an Anglican Diocesan Synod or a Presbyterian Presbytery) and to local bodies (e.g. an Anglican Parish Council or Presbyterian Kirk Session). In turn, limited authority *ascends* to global bodies – but these have no legislative power over member churches and must respect their autonomy. This is the case in the Anglican Communion, Lutheran World Federation, and World Communion of Reformed Churches. Church laws are ‘national’ in creation and reach.³⁷ The Nicene Canons are clearly different: they were created by an Ecumenical Council for the whole Church.

Like the Nicene Canons, the *Principles of Christian Law* do not name expressly the laws of churches from which they were induced, nor (like most of the Nicene Canons) do they expressly cite passages from Scripture. Nevertheless, that said, three points may be made.

First, like the Nicene Canons, the *Principles* did not come into being *ex nihilo*. The Panel was inspired by five ‘models’ or ‘material’ sources: the historic canonical use of *regulae iuris*; Ecumenical Patriarch Bartholomew’s 1970s doctorate on codifying Orthodox canon law; the work of the Colloquium of Anglican and Roman Catholic Canon Lawyers and its ‘agreed principles’ over the years; the principles of canon law common to the churches of the worldwide Anglican Communion; and the works of such scholars as Robert Ombres OP.³⁸

Second, as we have seen, the Panel used the legal systems of the churches of its members.³⁹

Third, while the Nicene Canons implicitly acknowledge that church law is to be found in a range of sources (such as earlier Canons and customs), the *Principles* expressly state: ‘Laws are found in a variety of formal sources including codes of canon law, charters and statutes, constitutions and bylaws, and books of church order. Customs may have juridical force to the extent permitted by the law of a church. Ecclesiastical quasi-legislation, which includes guidelines and codes of practice, is designed to complement formal law and consists of

³⁷ See Doe (note 1), 118–124.

³⁸ See N Doe, ‘The Evolution of the Principles of Christian Law’, in N Doe (ed), *Church Laws and Ecumenism* (Oxford, 2021), 6–27 (chapter 1), especially 13–19. For Ecumenical Patriarch Bartholomew on principles, see: N Doe, ‘Bartholomew, Codifying Orthodox Canon Law and Articulating Principles of Christian Law’ in *Festschrift in Honour of Ecumenical Patriarch Bartholomew I* (Athens, 2021) 421–436; and A Nikiforos, ‘The Canonist Patriarch: His All-Holiness Bartholomew and the Development of Canon Law’, and N Doe, ‘The Principles of Christian Law’, in N Doe and A Nikiforos (eds), *Legal Thought and Eastern Orthodox Christianity: The Addresses of Ecumenical Patriarch Bartholomew I* (Oxford, 2023), 10–19 and 20–28, respectively.

³⁹ Doe (note 2), chapters 2–12.

rules that are nevertheless prescriptive in form and generate the expectation of compliance'.⁴⁰

As stated earlier, the Ecumenical Panel did not collectively invoke the Nicene Canons as a source. However, explicit reference was made to the Nicene Canons by only two Panel members.⁴¹ Indeed, the Nicene Canons are largely neglected as either material sources for or actual species of law in the laws of most ecclesial traditions.⁴² For instance, the Church of England Canons provide that the '*doctrine of the Church of England is grounded in [inter alia] such teachings of the ancient Fathers and Councils of the Church as are agreeable to the ... Scriptures*',⁴³ not that the *law of the Church is grounded in the Canons of the Councils*.

Needless to say, the *Principles of Christian Law* draw on a wider range of sources than do the Nicene Canons.

Part IV: The purposes of church law

One key aspect of the Nicene Canons is that they often state the reason for a Canon.⁴⁴ First, then, the Nicene Canons seek to confirm or enhance the enforcement of earlier legislation and custom in order to promote 'due order' in the church. Canon 18 provides a fulsome example:

in some regions and cities Deacons are giving the Eucharist to Priests, *which is something that neither the Canon nor custom has allowed those who have not the authority to offer* [and that] some Deacons touch the Eucharist even before the Bishops. Let all these things ... be done away with, and let Deacons conform to their own standards, well knowing that they are servants of the Bishop, and ... inferior to Priests. Let them take the Eucharist in due order after the Priests, with either the Bishop or the Priests administering it to them. But neither let it be permissible for Deacons to sit among Priests for to do so is contrary to the Canon, and ... to *due order*: if in this disregard of these definitions, anyone refuses to obey, let him be dismissed.⁴⁵

In turn, the authors of the *Pedalion* interpret Canon 18 in the context of the principle that '*Good order must be observed everywhere, and especially among those in Holy*

⁴⁰ SPCL, I.2.1-3.

⁴¹ Doe (note 2), 28 (Roman Catholic) and 74 (Orthodox).

⁴² See Doe (note 1), 19-29.

⁴³ Canon A5: emphasis added.

⁴⁴ For example, the exceptions to the rule in Canon 3 (against clergy having a female housekeeper), that a mother, sister, etc. are 'above suspicion' suggests that clergy should be 'above suspicion' of scandal: *Pedalion*, 428 (Interpretation); and Canon 6 justifies the customary jurisdiction of the Bishop of Alexandria (over Egypt, etc.) with the words 'since this is also the treatment usually accorded to the Bishop of Rome': *Pedalion*, 433-434.

⁴⁵ *Pedalion*, 457-458 (Canon and Interpretation): emphasis added. See notes 3 and 4: 'due order' corresponds to *taksin*.

Orders; for this reason the [Canon] seeks to correct anything that is done in *disregard of due order*'.⁴⁶

Second, a Nicene Canon may add to earlier church legislation. A good example is the interpretation of the *Pedalion* authors of Canon 16:

The present Canon amplifies [Apostolic Canon 15] *directing* that priests and deacons [who leave their own church] are to be reinstated in the church in which they were ordained, while the present Canon punishes them with suspension if they refuse to return, by *decreeing* that any priests or deacons [etc] without fearing God or knowing the Canon of the Church (Apostolic Canon XV) and rashly depart from that church in which they were ordained, they must not be admitted to another (without commendatory letters), but on the contrary, must be forced to return to their own church.⁴⁷

Third, unity and catholicity. For example, one of the stated purposes of Nicene Canon 20 was to effect liturgical uniformity; the Canon states: 'Forasmuch as there are certain persons who kneel on the Lord's Day and in the days of Pentecost, therefore, to the intent that all things may be uniformly observed everywhere (in every parish), it seems good to the holy Synod that prayer be made to God standing'.⁴⁸ And for the *Pedalion* authors the aim of a Canon is to direct the whole church; they write (on Canon 13): 'And to lay down a *catholic and common canon*, let the Bishop or even the spiritual father, with examination, impart the Divine Mysteries to any person that is in mortal danger and asks to partake of the Holy Eucharist'.⁴⁹

Fourth, some Canons address non-compliance with earlier legislation. Canon 2 forbids conduct (premature ordinations) 'contrary to the ecclesiastical Canon'.⁵⁰ The *Pedalion* authors write about Canon 1: 'Various Canons of the Apostles include decrees concerning eunuchism. But since they were disregarded it would appear, on this account it became necessary that it be made the subject of the present Canon'.⁵¹ Canon 16 provides: 'Any Priests or Deacons, or other persons covered by the Canon, who take the risk, without having the fear of God before their eyes, or keeping aware of the ecclesiastical Canon, of departing from their own church, they must not be admitted at all in another church, but they must be strictly forced to return to their own parish, or, in case they insist, it is proper for them to be excluded from Communion. If on the other hand, anyone should surreptitiously snatch away one belonging to another and ordain him in his own church, without the consent of his Bishop, from whom the one covered by the Canon departed, let the ordination be invalid'.⁵²

⁴⁶ *Pedalion*, 458 (Interpretation).

⁴⁷ *Pedalion*, 454 (Interpretation). See notes 3 and 4 about translation: in the translation of Canon 16, 'directing' corresponds to the Greek *diorizetai* which would be better translated as 'ordains' or 'prescribes'; also, the word 'decreeing' corresponds to the Greek *legon*, which should be better translated as 'saying' [from *logos*].

⁴⁸ *Pedalion*, 462 (Canon): emphasis added.

⁴⁹ *Pedalion*, 450 (Interpretation): emphasis added.

⁵⁰ *Pedalion*, 426 (Canon); 427 (Interpretation): the earlier Canon was Apostolic Canon LXXX.

⁵¹ *Pedalion*, 425–426 (Interpretation): 'Read also the Interpretation of Apostolic Canon XXI'.

⁵² *Pedalion*, 454 (Interpretation): Apostolic Canons XIV and XV.

Fifth, the purpose of some Nicene Canons is to abolish custom *contra legem*; for example: Canon 15: 'Because of much disturbance [etc.], it has seemed best to do away altogether with the custom which obtained contrary to the Apostolic Canon in some places, so as not to allow either a Bishop or a Priest or a Deacon to go from one city to another'; but 'if anyone should attempt to do such a thing, or has actually undertaken to do such a thing, let the resulting affair be invalidated by all means, and let him be reinstated in the church in which the Bishop or Priest in question was ordained'; the *Pedalion* cites Apostolic Canons XIV and XV.⁵³ In other words, today we might say that many Nicene Canons are functional 'lawyers' laws'.

The five purposes of the Nicene Canons – to confirm earlier legislation, to widen it, to effect good order (including unity), to cure breaches of earlier legislation, to abolish unlawful custom – are doubtless still used by the legislators of our churches today. But they are not mirrored exactly in the Christian Law Principles. However, the Nicene purposes of protecting due order, standards, and church unity are found in actual church laws and in the Principles.

All the churches state the purposes of their laws. Pope John Paul II said, when issuing it, that the Code 'facilitates ... an orderly development in the life of both the ecclesial society and of the individual persons who belong to it'; and the 'salvation of souls [is] the supreme law'. The Orthodox jurist, Lewis Patsavos, writes that the ancient Holy Canons are, I quote, 'at the service of the Church ... to guide her members on the way to salvation'; their focus is 'the spiritual growth of the faithful'. The Constitution of the Evangelical Lutheran Church Canada states that its norms 'provide necessary organizational principles, structures, and policies for good order', and in so doing 'guide, direct, and assist [the church] in mission and ministry'.⁵⁴

Turning to the Principles themselves, as seen above, their primary aim is to fill the juridical deficit in the ecumenical enterprise to date, by inducing common principles from church laws, articulating them, and feeding them into ecumenical discourse. At the same time, however, the Principles spell out the purposes of 'the servant law' itself; namely, church laws: (1) exist to serve a church in its mission and in its witness to the salvific work of Christ; (2) contribute to constituting the institutional organisation of a church and facilitate and order its activities; (3) may realise certain theological propositions in norms of conduct and behaviour; and (4) should conform to the law of God, as revealed in Holy Scripture and by the Holy Spirit.⁵⁵

Part V: The internal structure and morality of church law

The Nicene Canons are structured internally in a number of ways which tell us a little about their intended effect: some contain 'rules', 'decrees', 'commands', 'rights', 'privileges', or are 'principle-like'; some have 'exceptions'; and some enable their own relaxation. They also tell us about their moral dimension and character – many of the Canons present themselves as being 'just', 'reasonable', 'right', or

⁵³ *Pedalion*, 453 (Interpretation).

⁵⁴ See Doe (note 13), 152–169.

⁵⁵ SPCL, I.3.1–4.

combinations of these. The *Pedalion* authors also use this wide range of juridical structures and categories when they interpret the Nicene Canons.

First, the Nicene Canons often contain what we call 'rules' in the form of a *protasis* (an 'if' or conditional clause) and an *apodosis* (a consequence clause); the translations of the Canons are in this form. Some examples follow. Canon 1 opens with: 'If anyone has been castrated by surgeons for a disease [etc., then] let him remain in the clergy'.⁵⁶ Part of Canon 9 is translated in the *Pedalion* as follows: 'If some persons have been promoted to the priesthood without due examination, or when given a hearing confessed their sins to them, and after they confessed, these men, acting contrary to the Canon, laid hands upon such persons, the Canon will not admit them'.⁵⁷ In turn, the authors of the *Pedalion* interpret Canon 18 as containing a 'rule' which forbids deacons to give communion to priests and bishops: 'if any of the deacons should be unwilling to submit to this *rule*, let them be deprived of their diaconate'.⁵⁸ They see Canon 5 as decreeing,⁵⁹ and write that 'Canon 15 ordains these decrees' – which are listed.⁶⁰

Another idea they use is that of 'commands';⁶¹ for example, Canon 6 '*commands* that not only the privileges of [the] Patriarchs are to be preserved, but even the privileges of other eparchies and churches that are subject to the metropolitans'.⁶² And so the Canons indicate a sanction for non-compliance; for example, by Canon 3, if a bishop lives with any woman at all, the bishop shall be deposed.⁶³ In this sense, again, the Nicene Canons are truly juridical in a way reminiscent of the maxim that 'a norm without a sanction is not [itself] juridical'.⁶⁴

Second, some Canons contain 'rights' or 'privileges'. For example, Canon 12 provides that soldiers who become Christians but then return to the army must at church services 'kneel' for ten years, 'listen' for three years, after which follows 'a *right* to the Bishop to devise some more philanthropic treatment regarding them'.⁶⁵ And the *Pedalion* authors interpret Canon 18 (which forbids deacons to give communion to priests) in terms of 'rights': 'neither have deacons any *right* to sit among priests, since this too is disorderly and contrary to canon; for it tends to intimate that deacons are peers'.⁶⁶ Canon 3 forbids clergy 'the *privilege* of having

⁵⁶ *Pedalion*, 425 (Canon).

⁵⁷ *Pedalion*, 441 (Canon); see also n 18.

⁵⁸ *Pedalion*, 458 (Interpretation): emphasis added; see notes 3 and 4: 'rule' is used in the translation for *kanona*.

⁵⁹ *Pedalion*, 432 (Interpretation): 'The present Canon decrees the following things'.

⁶⁰ *Pedalion*, 453 (Interpretation); see also 455.

⁶¹ See below for 'prohibitions' in e.g. Canons 1, 3 and 16.

⁶² *Pedalion*, 434 (Interpretation): emphasis added; see notes 3 and 4: 'commands' corresponds with *prostazei*.

⁶³ *Pedalion*, 429 (Interpretation): exceptions are listed.

⁶⁴ It is most commonly rendered in Italian: *Senza sanzione la norma non è giuridica*.

⁶⁵ *Pedalion*, 447 (Canon). But, see notes 3 and 4: 'right' does not appear in the Greek text but was added by the translator.

⁶⁶ *Pedalion*, 458 (Interpretation). But, see note 3: 'right' here corresponds to the noun *adeia* in the Greek text, and this should be translated as 'permission' not as 'right' (i.e. deacons need priests' permission to sit among them).

a housekeeper' (subject to listed exceptions);⁶⁷ and the *Pedalion* authors on Canon 7 write: 'For the Apostolic throne of Jerusalem not only stands first in nearly the whole world, but also enjoyed patriarchal *privileges* from the beginning, and still enjoys them ... today'.⁶⁸

Third, some Canons appear to contain 'principles' – succinct weighty propositions general in nature and applicability (as distinct from rules). Canon 6 (on the customary jurisdiction of the Bishop of Alexandria, etc.) states: '*it is obvious* that in the case in which anyone has been made a bishop without the Metropolitan's approval, the great Synod has prescribed that such a person must not be a bishop'.⁶⁹ The *Pedalion* authors too interpret Canon 9 (against bishops ordaining people without due examination, etc.) in the context of a principle, namely: 'the Catholic Church insists upon irreproachability', i.e. in those whom a bishop ordains.⁷⁰ And Grand Ecclesiarch Aetios Nikiforos wrote in 2023: Ecumenical Patriarch Bartholomew 'constantly treats the sacred canons as a living tradition and he faithfully seeks to renew the practice of the Church on the basis of the fundamental *principles* he finds in those canons'.⁷¹

Fourth, as some Nicene Canons contain 'rules', so they also contain 'exceptions'. There are many examples. Canon 3 states: 'The great Synod has generally forbidden any Bishop, Priest or Deacon, or anyone else among those in the clergy, the privilege of having a housekeeper; *unless* she is either a mother, a sister, an aunt, or a person above suspicion'; the compilers of the *Pedalion* overtly classify the latter as a built-in exception to the general rule.⁷² Canon 4 states: 'It is most proper that a Bishop should be installed by all those in his province. But if such a thing is difficult either because of the urgency of circumstances, or because of the distance to be travelled, at least three should meet together somewhere, and by their votes combined with the votes of those who are absent and join in the election by letter, they should thereafter carry out the ordination. But as for the ratification of the proceedings, let it be entrusted in each province to the Metropolitan'.⁷³ The authors of the *Pedalion* interpret this exception as having been based on 'urgent necessity'.⁷⁴ Canon 13 entitles the dying to receive communion: 'However ... if he again is found among the

⁶⁷ *Pedalion*, 428 (Canon). However (see note 3), the word 'privilege' does not exist in the Greek text, but has been added by the translator.

⁶⁸ *Pedalion*, 436 (Interpretation); they continue: 'The reason for this is because it had provinces subject to it, and a diocese which belonged to the Patriarch'; and: 'Read also Apostolic Canon XXXIV'. See also note 3: the word 'privileges' corresponds to the word *pronomion* in the Greek text.

⁶⁹ *Pedalion*, 433–434 (Canon): emphasis added.

⁷⁰ *Pedalion*, 441 (Interpretation). See also note 19.

⁷¹ Emphasis added: see A Nikiforos, 'The Canonist Patriarch: His All-Holiness Bartholomew and the Development of Canon Law', in N Doe and A Nikiforos (eds), *Legal Thought and Eastern Orthodox Christianity: The Addresses of Ecumenical Patriarch Bartholomew I* (Oxford, 2023), 10–19 at 18–19.

⁷² *Pedalion*, 428 (Canon): emphasis added; Interpretation: 'excepting only a mother, a sister, an aunt, or other persons that do not arouse any suspicion'; and Concord (reciting Justinian Novel 123: 'Except that they may keep a mother, a daughter, and a sister, and any other persons that are exempt from suspicion'); and note 3.

⁷³ *Pedalion*, 430 (Canon); this cites e.g. Apostolic Canon I.

⁷⁴ *Pedalion*, 430–431 (Interpretation): having discussed Zonaras and Balsamon: 'when only three perform the ordination, it must previously have been voted for by all of them, those absent signifying their choice by letter'.

living, let him stay with those who participate in prayer only'.⁷⁵ Canon 16 forbids a cleric who leaves his own church to be admitted to another; but: 'If ... anyone should surreptitiously snatch away one belonging to another and ordain him in his own church, without the consent of his Bishop, from whom the one covered by the Canon departed, let the ordination be invalid'.⁷⁶ Canon 1 forbids one who castrates himself to be ordained, but 'if any ... have become eunuchs by barbarians or their lords, but are otherwise found to be worthy, the Canon admits such persons to the clergy'.⁷⁷

Sometimes 'exceptions' seem to be required by, for example, 'kindness' or 'economy'. For example, Canon 11 provides: 'Concerning those who have transgressed without any need, without being deprived of goods, without being in any peril or in any such strait as occurred during the tyranny of Licinius, it has seemed fit to the Synod to be *kind* to them, even though they did not deserve philanthropic treatment', provided that they repent.⁷⁸ And the authors of the *Pedalion* write, when discussing Canon 12 (about Christians who return to the army): 'In this connection, too, Canon XXVIII of Nicephoros [d. 828] says that if a secular person of his own free will confesses his mistakes, the spiritual father (confessor) but may allow him an "economy," that is, give him an adjustment in regard to the matter of penalties'.⁷⁹ This raises the matter of the moral dimension of the Nicene Canons in terms of their substantive content.

Fifth, then, the Nicene Canons, are about morality: what is 'reasonable', 'just', or 'right', sometimes linking these to the reason for the Canon. For instance, Canon 6: '[if] anyone has been made a bishop without the Metropolitan's approval, the great Synod has prescribed that such a person must not be a bishop. If however, concerning the common vote of all, though *reasonable* and in accordance with [a] Canon, two or three men object on account of contentiousness, let the vote of the majority prevail'.⁸⁰ In turn, the authors of the *Pedalion* understand several Nicene Canons to be 'reasonable'. For example, as to Canon 2 (confirming earlier law forbidding ordination without preparation) they write: 'these things ... formerly used to be done thus illegally. It has therefore appeared *reasonable* that from now on these things should not be done'.⁸¹ On Canon 8 (schismatic Novatians), they write: 'the present Canon asserts that [when] Novatians join the Catholic Church, it has appeared *reasonable* that they should have hands laid' – but not to make them a bishop, 'in order to avoid having this *improper and absurd* situation arise in which two

⁷⁵ *Pedalion*, 449 (Canon).

⁷⁶ *Pedalion*, 454 (Canon); 455 (Interpretation): Canon 15 is one 'directing'; Canon 16 in one 'decreeing'.

⁷⁷ *Pedalion*, 425 (Canon).

⁷⁸ *Pedalion* 444 (Canon), emphasis added. The commentary cites e.g. Canon VI of Ancyra. See note 3: the word 'kind' corresponds to the word *christevesthai* in the Greek text of the *Pedalion*.

⁷⁹ *Pedalion*, 449 (Concord): 'Read also Canons IX and XI of Peter'.

⁸⁰ *Pedalion*, 433–434 (Canon), emphasis added; the compilers cite e.g. Apostolic Canon XXXIV. See note 3: the word 'reasonable' corresponds to the word *evlogon* in the Greek text of the *Pedalion*.

⁸¹ *Pedalion*, 427 (Interpretation), emphasis added; they then give the reason: 'For a catechumen needs sufficient time even before being baptized to be properly catechized and instructed in ... the faith. After being baptized he again needs to undergo a long trial as a test of his worthiness'. See note 3: the word 'reasonable' corresponds to the word *evlogon* in the Greek text of the *Pedalion*.

bishops are officiating in one and the same city.⁸² On Canon 15 (with its prohibition on wandering clergy) they write: 'it has seemed *reasonable* to definitively abolish the custom which had been in practice in some places contrary to the ordinance and legislation of the Apostolic Canon ... because of numerous disturbances [ensuing] as a result of this transgression'.⁸³

Then there are Canons about what is 'just' or 'right'. Canon 17 states: the Council has judged it '*just and right* that [if] anyone is found ... receiving interest for the use of money ... he shall be deposed from the clergy';⁸⁴ and Canon 8 states: 'it has seemed *right* to the holy and great Synod, when [Novatians] have had hands laid upon them, to let them remain in the clergy'.⁸⁵

The *Pedalion* authors do likewise. Two examples follow. As to Canon 5: those excommunicated by bishops of one province must not be admitted to communion by bishops of another province if a 'proper' investigation shows that they 'have been *rightly and justly* excommunicated'; they are to remain excommunicated on 'the grounds of *congruity and justice*, and also by all the rest of the bishops, until it appears *reasonable* to the common assembly of the bishops to render a more philanthropic decision regarding those who have been excommunicated'; and so that this matter may be properly investigated, 'it has appeared *reasonable* to hold local synods twice a year in each province' for this purpose.⁸⁶ Similarly, in relation to Canon 6, they write that: 'if all the bishops in common elect a candidate to an episcopate in accordance with ecclesiastical Canons, but two or three object to his election, not for a *good reason and justly*, but frivolously and spitefully, the vote of the majority shall decide the matter'.⁸⁷

The various internal structures of the Nicene Canons – from rules through exceptions to moral ideas – continues today in the laws of all churches worldwide: there are countless examples.⁸⁸ As a result, the Principles have passages parallel to those in the Nicene Canons.

First, clearly, the *Principles of Christian Law* themselves are not composed of particular 'rules' but of general 'principles' – and the Statement tells us about their internal structure: 'A "principle of Christian law" describes a foundational proposition of general applicability; is induced from the similarities of the regulatory systems of the churches studied; is derived from their juridical tradition; and may reflect their theological understanding'.⁸⁹ This mirrors the idea in the

⁸² *Pedalion*, 439–440 (Interpretation): emphasis added: 'concerning which see Apostolic Canon XXXV'. See note 3: the word 'reasonable' corresponds to the Greek *evlogon* and the words 'improper and absurd' correspond to the Greek *atopon* in the Greek text of the *Pedalion*.

⁸³ *Pedalion*, 453 (Interpretation), emphasis added; see also n 31. See note 3: the word 'reasonable' corresponds to the word *evlogon* in the Greek text of the *Pedalion*.

⁸⁴ *Pedalion*, 455–456 (Canon): emphasis added; see also Interpretation: this cites e.g. Apostolic Canon XLIV. See n 3: the phrase 'just and right' corresponds to the word *edikaiosēn* in the Greek text of the *Pedalion*.

⁸⁵ *Pedalion*, 438 (Canon): emphasis added. See note 3: 'it has seemed right' corresponds to the word *edoxe* in the Greek text in the *Pedalion*.

⁸⁶ *Pedalion*, 432–433 (Interpretation): emphasis added. See note 3: 'rightly and justly' corresponds to the Greek *dikaion tropōn*; 'on the grounds of congruity and justice' corresponds to the Greek *kata ton tou akolouthou kai dikaion logon*; the word 'reasonable' in both instances corresponds to the Greek *evlogon*.

⁸⁷ *Pedalion*, 434 (Interpretation): emphasis added. They cite Apostolic Canon XXXIV; see also note 10.

⁸⁸ Doe (note 1), 33–36 (law of God); 36–41 (the structure, effect and relaxation of norms).

⁸⁹ SPCL, Preamble.

Pedalion that a Canon of the early Councils too has a certain principle-like generality about its internal structure; for example, one of the fourteen axioms of the compilers of the *Pedalion* is that a Canon deals with ‘common’ occurrences and not ‘individual’ cases – that is, a Canon itself is structured to regulate ‘what usually happens’ and not ‘what rarely occurs’.⁹⁰

Second, the *Principles* tell us about the internal structure, effect, and relaxation of church laws; namely: (1) church laws consist of various juridical formulae, such as precepts, prohibitions and permissions, and may be cast as principles and rules, rights and duties, functions and powers; (2) they may be binding or exhortatory; (3) all members of a church are subject to its laws as are its component institutions, to the extent that the law provides; (4) later laws may abrogate earlier laws; (5) church laws are prospective and should not be retrospective in effect unless this is clearly provided for in the laws themselves; (6) they should be clear, stable, and coherent; (7) a church may have in place a mechanism to enforce and vindicate the rights and duties of the faithful; and (8) a church law may be relaxed, by competent ecclesial authority, by means of dispensation, economy or other form of equity for the spiritual good of the individual and the common good of the ecclesial community.⁹¹

Third, the *Principles* address the matter of the interpretation of church law: church laws should be interpreted by reference to their text, context, and precedent; a church has authority to interpret its own law; and for the interpretation of church law, recourse may be had to the purposes of the law, the mind of the legislator, and the faith and practice of the church.⁹²

In short, there are clear parallels between the internal structure of the Nicene Canons and the structure of the *Principles* and their understanding of the internal structure of church laws.

Conclusion

Ecumenism to date has focused mainly on doctrine to effect greater visible unity among the separated institutional churches. Church law was the missing link in ecumenism. Juridical ecumenism seeks to remedy this. Comparing the laws of churches, inducing from them shared principles of law, and articulating these, is fertile ground for ecumenism. Similarities between laws of different ecclesial families link Christians in common action (even though the churches differ in the doctrinal reasons for their own laws). The 2016 *Principles of Christian Law*, launched at the World Council of Churches in 2022, challenges us to think about the unifying potential of juridical ecumenism. But juridical ecumenism has not, to date, examined what lessons the history of church law might teach us about greater Christian unity today. Comparing the Nicene Canons and Christian Law Principles might be a good place to start.

First, clearly, there are differences between these two juridical entities which are so far apart in terms of time, circumstances, and the people involved. They differ in

⁹⁰ *Pedalion*, 72, Axiom (k): ‘the canons and the laws were enacted about the common and not about the individual; about what usually happens and not about what rarely occurs’.

⁹¹ SPCL, I.4.2-9.

⁹² SPCL, I.5.1-3.

terms of their nature and authority. The Canons are laws; the *Principles* are not. The Canons were issued by the first great Ecumenical Council; the *Principles* by a humble Ecumenical Panel. The Canons are, for the Eastern Orthodox Church, sacred and unchangeable; the *Principles* claim no inherent holiness and they are changeable as the laws they come from change. The Canons bind; the *Principles* do not. The Canons have been received; the *Principles* are undergoing reception. The subject matter of the Canons is far narrower than that of the *Principles*. The *Principles* draw on a wider range of sources than do the Canons. Canons continue to be a type of law in episcopal churches today, yet all other churches have their equivalents. The purpose of the Nicene Canons was to address mischiefs which were arising in the early Church; the purpose of the *Principles* is to address the canonical deficit in global ecumenism today.

Second, the similarities. The Nicene Canons were made by and for the whole Church undivided; the *Principles* were issued as a unifying force for all Christians today, divided as they are in their separate institutional churches (from whose the laws the *Principles* come). Some subjects addressed in the Canons are treated in some of the sections of the *Principles*, especially those on ministry and governance. The particular purposes of some Canons, to protect due order, standards, and church unity, are found in the *Principles* and the laws from which they are induced. Perhaps the greatest parallels are found in the internal structures of the Canons and *Principles* and the laws from which they are derived. Both contain rules, rights, duties, exceptions, and principles – and large moral ideas about justice and equity.

Third, comparing the ancient Nicene Canons and the modern *Principles of Christian Law* clearly has value for juridical ecumenism today. A comparison of the two jural entities demonstrates the profound historic continuity between the fundamentals of laws of churches in our age and those of the first Ecumenical Council – the church as a law-maker, the species of its laws in distinct sources, the subject matter of its laws, the purposes of its laws, and the internal structure of its laws, are all materially much the same now as they were 1700 years ago.

This scientific juridical reality might help underscore the legitimacy of church laws today. Of course, there have been great changes in the jural lives of Christians over the centuries – and laws have been both the cause and effect of Christians dividing into separate churches – but the fundamentals have outlived change. The Nicene Canons and *Principles of Christian Law* are both, in their own way, an exercise in juridical ecumenism. Both serve the communion of the Church by using law as a unifying ecclesial force. Perhaps all this shows too that juridical ecumenism is by no means limited to the comparative study of modern church laws as forms of applied ecclesiology. Juridical ecumenism can also have a rich historical perspective.

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