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Citation for final published version:

Doe, Norman 2015. The ecumenical value of comparative church law: towards the category of Christian law. *Ecclesiastical Law Journal* 17 (02) , pp. 135-169. 10.1017/S0956618X15000034

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# The ecumenical value of comparative church law: toward the category Christian law

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*This study explores juridical aspects of the ecclesiology presented in the World Council of Churches' Faith and Order Commission Paper, The Church: Towards a Common Vision (2013). It does so in the context of comparing systems of church law, order, and polity in eight church families worldwide: Roman Catholic, Orthodox, Anglican, Lutheran, Methodist, Reformed, Presbyterian, and Baptist. Common Vision does not explicitly consider church law-order-polity or its role in ecumenism (as help or hindrance); but its thrust is convergence in belief (the primary stimulus for law) and action (the primary focus of law) and its language is often normative (the primary character of law). However, many of the issues treated in Common Vision surface in church regulatory systems. This study, therefore, examines how church juridical instruments: articulate the ecclesiological propositions found in Common Vision (which as such de facto offers juridical as well as theological principles); translate these into norms of conduct; and, in turn, generate unity in common action (across the church families). The study examines norms as to the sources and purposes of regulation, the faithful (lay and ordained), the institutions of church governance, discipline and dispute resolution, doctrine and worship, the rites of passage, ecumenism, property and finance, and church, state and wider society. The juridical similarities between the churches indicate that all the churches share common principles in spite of their doctrinal divisions, and that the existence of these principles suggests the category 'Christian law'. It proposes that whilst dogmas may divide the churches of global Christianity, the profound similarities between their norms of conduct reveal that the laws of the faithful, whatever their various denominational affiliations, link Christians through common forms of action. For this reason, comparative church law should have a greater profile in ecumenism today.<sup>1</sup>*

## INTRODUCTION

The World Council of Churches' Faith and Order Commission paper, *The Church: Towards a Common Vision* (2013), which took twenty years to prepare, represents 'an extraordinary ecumenical achievement' in ecclesiology.<sup>2</sup> However, it does not explicitly consider church law-order-polity in its ecclesiology or ecumenism generally (as help or hindrance); but the thrust of *Common Vision* is convergence in belief (the primary stimulus for law) and action (the primary focus of law) and its language is often normative (the primary character of law). The Church on earth, manifested in different institutional churches, has no single humanly-created system of Christian Law. Rather, each institutional church has its own regulatory system of law-order-polity dealing typically with ministry, governance, doctrine, worship, ritual, property and finance. Each regulatory system: is the servant of that church; seeks to facilitate and order its life, mission and witness to Christ; binds the faithful in duties and rights for the maintenance of ecclesial communion; and translates the church's theological self-understanding into norms of conduct – law is applied ecclesiology. A comparison of these regulatory systems contributes greatly to ecumenism; it discloses high levels of juridical unity

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<sup>1</sup> This article uses but develops material from N. Doe, 'Comparative church law: towards the category of Christian law', to be published in Volume 49 (2015), and re-produced here with the kind permission, of *Studia Canonica*, a journal published by the Faculty of Canon Law of Saint Paul University in Ottawa, Canada. It is based on elements of N. Doe, *Christian Law: Contemporary Principles* (Cambridge University Press, 2013).

<sup>2</sup> Paper no. 214: *The Church: Towards a Common Vision* (WCC Publications 2013), Preface, viii.

across church families. From these similarities it is possible to induce shared juridical principles.<sup>3</sup> In turn, there are principles of church law common to these traditions and their existence may be factually established by empirical observation and comparison. The churches of each tradition contribute through their own regulatory instruments to this store of principles. These principles have a strong theological content and dimension of weight and are fundamental to the self-understanding of Christians. They have a living force and contain within themselves the possibility of further development and articulation. Above all, the principles demonstrate a degree of unity between the churches, stimulate common Christian actions, and should feed into the global ecumenical enterprise to enhance fuller visible unity.<sup>4</sup>

*Common Vision* was sent to the churches ‘to encourage further reflection on the Church and to seek their formal responses’ so that the document has ‘an important role in the coming years for discerning the next steps toward visible unity’; moreover, as ‘ecclesiology relates to everything the Church is and what its mission implies in and for the world’, so ‘agreement on ecclesiology has long been identified as the most elemental theological objective in the quest for Christian unity’.<sup>5</sup> Similarly, a key pursuit of comparative church law is the systematic search for visible juridical unity through exposure of similarities between the regulatory systems of churches, and their articulation as shared principles of law-order-polity: it is this juridical unity which generates common action which itself may be understood an ‘elemental aspect’ of practical ecumenism relevant to the *Common Vision* principle of ‘convergence’. Indeed, juridical ecumenism represents, to borrow words from *Common Vision*, one of the ‘aspects of ecclesial life and understanding which has been neglected or forgotten’ (viii). Furthermore, juridical convergence fits neatly the call in *Common Vision* for responses to be ‘theological, practical, and pastoral’ (ix); church law-order-polity exhibits all three qualities – it is the product of theological reflection; it translates theology into practical norms of action; and its pastoral quality is evident in the principle that juridical norms are the servant of the community of the faithful seeking to enable and order life in witness to Christ.<sup>6</sup>

That *Common Vision* does not refer explicitly to, or consider, church regulatory systems and their place in the ecumenism, is perhaps related to the historical position of the Faith and Order Commission that ‘church law’ is about *difference*, not the possibility of convergence. In 1974 the Commission recommended - but it was never pursued - that the divided churches should engage in an ecumenical discussion of ‘church law’ in order to explore its role in the movement towards greater visible ecclesial unity. It proposed that, *inter alia*: (1) ‘The churches differ in their order and their constitution’; (2) ‘differences in the structures and legal systems of the churches have their roots in different confessional traditions’; and (3) these differences concern ‘not only the actual order which the churches have, but also the general orientation by which

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<sup>3</sup> For the purpose of this project, a principle of law common to the churches of the Christian traditions studied here is a foundational proposition or maxim of general applicability which has a strong dimension of weight, is induced from the similarities of the regulatory systems of churches, derives from their juridical tradition or the practices of the church universal, expresses a basic theological truth or ethical value, and is implicit in, or underlies, the juridical systems of the churches: see Doe, *Christian Law*, 388.

<sup>4</sup> These were the findings of the Panel of Experts which met in Rome in November 2013 at the Christian Law Symposium. The panel, chaired by Professor Mark Hill QC, consisted of lawyers and theologians from each of the eight traditions; see M. Hill, ‘Christian law: an ecumenical initiative’, (2014) 16 *Ecc LJ* 215-216. The Panel met again in October 2014 to work on a formal response to *Common Vision* to be submitted to the WCC. Key to its work is L.J. Koffeman, *In Order to Serve: An Ecumenical Introduction to Church Polity* (Lit, Vienna, 2014).

<sup>5</sup> *Common Vision*, Foreword, and Preface; ‘Unity is a gift of life and a gift of love, not a principle of unanimity and unilateralism’ (Foreword); ‘The goal of this mutual calling to visible unity necessarily entails a mutual recognition of each other as churches, as true expressions of what the Creed calls the “one, holy, catholic and apostolic Church”’ (Preface).

<sup>6</sup> See N. Doe, ‘Juridical ecumenism’, (2012) 14 *Ecc LJ* 195-234.

their legislation is inspired'.<sup>7</sup> It is suggested here that this outlook is misplaced: law and its ecumenical study is fertile ground for convergence.

## THE CHURCH AND THE SOURCES, FORMS AND PURPOSES OF CHURCH LAW

*Common Vision* presents a rich theological understanding of the Church (universal) - an ecclesiological portrait of its nature, purposes, and composition. The regulatory systems of churches may be used to test whether the churches share the *Common Vision* view of the Church and translate this into their own self-understanding as institutional churches. Each church in the ecclesiastical traditions studied here has a clear view about its own nature and objects, an internal regulatory system based on key texts and unwritten usage, expressed in the form of obligatory and exhortatory norms, principles and other entities, all designed to enable the church to fulfil its objectives so as to balance facility and order in ecclesial life.

### The Nature and Objects of a Church

*Common Vision* presents a threefold mission for the church universal: proclamation of the Gospel, participation in the sacraments and worship, and engagement in service to and beyond the faithful in the world. In its 'common understanding of the Church', it presents 'communion' as a divine gift integral to 'the nature of the Church' (Introduction). This threefold mission is summed up thus: 'The Holy Spirit nourishes and enlivens the body of Christ through the living voice of the preached Gospel, through sacramental communion, especially in the Eucharist, and through ministries of service' (par. 16; also pars. 5, 6, 14, 29).

The regulatory system of each church studied here presents its ecclesiology (its understanding of the Church universal), which shapes and is shaped by its ecclesiality (its understanding of itself as an institutional church), as an integral part of its own juridical order. In turn, the regulatory instruments offer concrete evidence that the theological propositions in *Common Vision* reflect the churches' own 'ecclesiological understandings' of the threefold mission of the Church. These instruments provide that each institutional church, which may be configured at local, regional and/or international level, is an autonomous community which asserts its place in the Church of Christ and which exists to preach the Gospel, to administer sacraments and worship, and to provide pastoral service.<sup>8</sup> The Catholic Church (a global or 'universal' church in which 'subsists' the 'church universal') is 'established and ordered in this world as a society' which exists for 'the salvation of souls', 'to preach the Gospel to all people' and 'proclaim moral principles', to worship and administer the sacraments, and to govern the faithful.<sup>9</sup> An 'autocephalous' or 'autonomous' Orthodox Church (which may be part of a worldwide Patriarchate), is 'a community of Orthodox Christians';<sup>10</sup> it exists, typically, 'to proclaim the Gospel of Christ, to teach and spread the Orthodox Christian Faith, to energize, cultivate and guide the life of the Church', to sanctify 'the faithful through Divine Worship', to build up 'the spiritual and ethical life of the faithful', and to serve as a 'witness of the message of Christ to all persons'.<sup>11</sup> An autonomous Anglican Church, similarly, is a member of the worldwide Anglican Communion and asserts its place in the 'church universal'; its objects are, typically: 'to minister the doctrine and sacraments and discipline of Christ', to

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<sup>7</sup> 'The Ecumenical Movement and Church Law', Faith and Order Commission, Document IV.8 (1974).

<sup>8</sup> Doe, *Christian Law*, Ch. 1.

<sup>9</sup> *Codex Iuris Canonici* (CIC) (Code of Canon Law 1983 (of the Latin Church)), Bks. II-IV. Only occasional references are made here to the *Codex Canonum Ecclesiarum Orientalium* (CCEO), Code of Canons of the Eastern Churches (1990).

<sup>10</sup> Romanian Orthodox Church (ROMOC), *Statutes*, Arts. 1-2.

<sup>11</sup> Greek Orthodox Archdiocese of America (GOAA), *Charter*, Art. 2.

respond to human needs, and to establish ‘the values of the Kingdom’ of God.<sup>12</sup> In the Protestant traditions, a Lutheran church is a national or local assembly of the faithful shaped by authoritative Reformation texts and its ‘biblical foundations’; as ‘part of the whole Church of Christ’, its objects include to ‘declare the teachings of the prophets and apostles and seek to confess in our time the faith’ and to engage in ‘worship and Christian service’; and it may also belong to the Lutheran World Federation.<sup>13</sup> Similarly, a Methodist Church defines itself by its place in the church universal and World Methodist Council, its institutional formation and territorial compass, and its objects, including the advancement of ‘the Christian faith in accordance with the doctrinal standards and the discipline of the Methodist Church’.<sup>14</sup> Likewise, in the Reformed tradition, a Reformed, Presbyterian and Congregational church (which may belong to the World Communion of Reformed Churches) asserts, typically: its place in the church universal, its doctrinal inheritance from the Reformation, its autonomy, and its purposes e.g. establishing fellowships, preaching the Gospel, worship, providing pastoral care and engaging in community service.<sup>15</sup> Within the Baptist World Alliance, Baptist Unions, Conventions and churches have the same outlook.<sup>16</sup>

### **The Sources and Forms of Regulation**

*Common Vision* recognises the normative importance of Holy Scripture and Tradition but does not place these within the context of the wider regulatory systems of churches. It states: ‘All Christians share the conviction that Scripture is normative’; the New Testament provides ‘no systematic ecclesiology’ but ‘it does offer accounts of the faith of the early communities, of their worship and practice of discipleship, or various roles of service and leadership, as well as various images and metaphors used to express the identity of the Church’ (par. 11). Also: ‘Tradition has been acknowledged by most communities; but they vary in assessing how its authority relates to that of Scripture’ (par. 11) and it is important in interpretation of Scripture (par. 39). But, *Common Vision* does not address the treatment of Holy Scripture and Tradition in the churches’ systems of law-order-polity systems, nor does it address the potential of these systems to unite or divide. Importantly, the document refers to ‘law’ only once: ‘Christians are called to work untiringly to overcome divisions and heresies but also to preserve and treasure their legitimate differences of... custom and law and to foster legitimate diversities of spirituality, theological method and formulation in such a way that they contribute to the unity and catholicity of the Church as a whole’ (par. 30). *Common Vision* does, however, use normative language importing juridical categories (see below).

Church regulatory instruments tell us about the importance of Holy Scripture and Tradition in church polity; and that these operate alongside other regulatory entities which also shape church life normatively. The churches studied here have normative texts often styled ‘laws’ (from codes of canon law to charters, constitutions, books of church order, and covenants), and soft-law instruments (e.g. guidance), and they recognise the authority of Holy Scripture and, sometimes, Tradition.<sup>17</sup> For the Roman Catholic Church ‘the highest norm of human life is the divine law itself – eternal, objective and universal’, ascertained by the teaching of the church;<sup>18</sup>

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<sup>12</sup> Church of Ireland, *Constitution*, Preamble; Anglican Church in Aotearoa, New Zealand and Polynesia, *Constitution*, Preamble; see also *Principles of Canon Law Common to the Churches of the Anglican Communion* (PCLCCAC) (Anglican Communion Office, London), Principle 10.

<sup>13</sup> The Reformation texts include the Augsburg Confession (1530) and Formula of Concord (1577); see e.g. Evangelical Lutheran Church in America (ELCA), *Constitution and Foundational Texts* (2003) Chs. 1-4, 8.73.

<sup>14</sup> Methodist Church in GB (MCGB), *Constitutional Practice and Discipline*, Deed of Union, s. 2.3, 4; Book VI.

<sup>15</sup> Presbyterian Church of Wales (PCW), *Handbook of Rules*, 1.1.

<sup>16</sup> Baptist Union of Great Britain (BUGB), *Constitution*, Arts. 1-4: e.g. the duty to evangelise.

<sup>17</sup> See Doe, *Christian Law*, Ch. 1.

<sup>18</sup> *Dignitas Humanae* (Vatican II Decree, 1965), I.3.

and its Code of Canon Law (1983) often presents canons as derived from divine law.<sup>19</sup> An Orthodox church is ‘governed by the Holy Scriptures’, ‘the norms of Christian morals’, or ‘the moral law of the Church’, ‘canon law’, ‘charters’, ‘constitutions’, ‘statutes’, ‘regulations’, ‘canonical tradition’, and ‘custom’.<sup>20</sup> Anglicans too recognise that church ‘Law should reflect the revealed will of God’;<sup>21</sup> and their laws (‘constitutions’, ‘canons’ and other regulatory instruments) present Holy Scripture as the ultimate standard and rule in matters of faith.<sup>22</sup> In turn, Lutherans recognise, typically: ‘the Holy Scriptures...as the only infallible source and norm for all matters of faith, doctrine and life’,<sup>23</sup> and that ‘no resolution of the Synod imposing anything upon the individual congregation is of binding force if it is not in accordance with the Word of God’;<sup>24</sup> norms commonly refer to Holy Scripture, or scriptural principles.<sup>25</sup> Many Lutheran churches have ‘church laws’, ‘constitutions’, ‘bylaws’ and other regulatory instruments,<sup>26</sup> normative doctrinal texts to which compliance is due, ‘ecclesiastical practices and customs’, ‘guidance’, and ‘standards’.<sup>27</sup>

Similarly, Methodists recognise ‘God’s Law’, require ‘obedience to the will of our Lord’, see Holy Scripture as the record of divine revelation in Christ,<sup>28</sup> refer to the ‘law of Christ’, and subject members to ‘moral obligations’.<sup>29</sup> Methodists also have ‘Methodist Law’, ‘Church law’, and ‘the laws of the Church’,<sup>30</sup> in the form of a ‘Constitution’, ‘Book of Discipline’, ‘Manual of Law’, ‘Law Book’ or ‘Code’ (‘Laws and Regulations’), and ‘Standing Orders’.<sup>31</sup> As well as the ‘General Rules of the Methodist Church’,<sup>32</sup> Methodists require adherence to ‘laws and usages’, and Articles of Religion (with ‘rules of doctrine’).<sup>33</sup> In Presbyterianism, the church receives its authority from Christ,<sup>34</sup> ‘the Word of God’ is the supreme ‘rule of faith and life’,<sup>35</sup> and church courts and officers must ‘uphold the laws of Scripture’, or ‘divine law’;<sup>36</sup> it is ‘the duty of everyone to accept and obey’ the will of God revealed in Scripture.<sup>37</sup> Reformed and Presbyterian churches employ, variously, ‘law’, a ‘code’, a ‘book of church order’, or a

<sup>19</sup> CIC, cc. 24, 207, 331, 1249.

<sup>20</sup> GOAA, *Charter*, Arts. 1, 2 and 22, and *Regulations*, Art. 18.3; Russian Orthodox Church (ROC), *Statute*, III.4 and X.18; GOAA, *Regulations*, Art. 18.3. See also ROMOC: *Statutes*, Art. 123(9); P. Rodopoulos, *An Overview of Orthodox Canon Law* (Rollinsford, NH, Orthodox Research Institute, 2007), 3, 17, 21.

<sup>21</sup> PCLCCAC: Definitions, ‘Law’; and Principle 2.

<sup>22</sup> Thirty-Nine Articles of Religion (1571): Art. 20: ‘it is not lawful for the Church to ordain any thing which is contrary to God’s Word written’. These Articles are still normative in many Anglican churches.

<sup>23</sup> Lutheran Church of Australia (LCA), *Constitution*, Art. II.1.

<sup>24</sup> Lutheran Church – Missouri Synod (LCMS), *Constitution*, Art. VII; *Bylaws*, 1.7.

<sup>25</sup> LCA, *Constitution*, Art. IV.1: disputes must be resolved ‘in keeping with 1 Corinthians 6’.

<sup>26</sup> Evangelical Lutheran Church of Southern Africa (ELCSA), *Guidelines*, 10.6: ‘church laws’; Lutheran Church in Great Britain (LCGB), *Constitution* (2011) and *Rules and Regulations* (2011).

<sup>27</sup> ELCA, *Constitution*, Ch. 5.01: church units ‘shall act in accordance with the Confession of Faith’; LCA: *Bylaws*, V.F.1: ‘guidance’; North American Lutheran Church (NALC), *Standards for Pastoral Ministry* (2011).

<sup>28</sup> Free Methodist Church of North America (FMCNA), *Book of Discipline*, par. 112: ‘God’s law’.

<sup>29</sup> Methodist Church of New Zealand (MCNZ), *Laws and Regulations*, s. 7.2.1; Church of the Nazarene (COTN), *Manual*, Pt. III: Covenant of Christian Conduct, e.g. par. 33.4 (1 Thess. 5.21-22).

<sup>30</sup> MCGB, *Constitutional Practice and Discipline*, Deed of Union, 25(b): ‘Methodist law’; Methodist Church in Ireland (MCI), *Constitution*, s. 6: ‘Manual of Laws’; s. 5: ‘Rules and Regulations’.

<sup>31</sup> United Methodist Church in Northern Europe and Eurasia (UMCNEAE), *Book of Discipline*, par. 2546; Methodist Church of New Zealand, *Laws and Regulations* (2007) 2.1.2: ‘this Law Book’; 8.1: ‘Code’.

<sup>32</sup> MCI, *Regulations, Discipline and Government*, 1.03 (John Wesley, 1743).

<sup>33</sup> MCNZ, *Laws and Regulations*, 2.26.1: ‘laws and usages’; United Methodist Church – United States of America (UMCUSA), *Constitution*, Div. I, Art. III, Div. 2.3, Art. I: Articles of Religion etc.

<sup>34</sup> Presbyterian Church in Ireland (PCI), *Code*, I.IV.15.

<sup>35</sup> Presbyterian Church of Aotearoa New Zealand (PACNZ), *Book of Order*, 1.1(2).

<sup>36</sup> Presbyterian Church in America (PCA), *Book of Church Order*, Preface, II.3; also II.7: ‘laws of Scripture’; 11.2: laws of Christ; 29.3: violations of divine law; 59.6: ‘laws of God’.

<sup>37</sup> PCI, *Code*, I.I.III.11.

‘book of order’ with ‘legislation’,<sup>38</sup> a constitution, and normative doctrinal texts for the church and its units.<sup>39</sup> The church may also provide a model constitution for a local church, recognise customs, and regulate conduct by means of soft-law.<sup>40</sup> United Churches recognise Christ as Head of the Church and ‘the moral law of God’,<sup>41</sup> deploy scriptural texts in their legal instruments,<sup>42</sup> and have constitutions, bylaws, customs,<sup>43</sup> and quasi-legislation with ‘ethical standards’, ‘standards of practice’, ‘values’ and ‘norms’.<sup>44</sup>

At the other end of the spectrum lies the Baptist tradition: Christ is ‘the sole and absolute authority in all matters pertaining to faith and practice’; and: ‘Each Church has liberty, under the guidance of the Holy Spirit, to interpret and administer His Laws’.<sup>45</sup> As such, Baptist norms recognise the authority of Holy Scripture as a revelation of God,<sup>46</sup> and classify the Holy Bible as part of ‘the constitutions and laws’ of a Convention, or as ‘the rule of church law’.<sup>47</sup> Baptist instruments often cite scriptural texts,<sup>48</sup> and pastors must support ‘biblical morality’.<sup>49</sup> A national Baptist Union or Convention normally has a constitution, with ‘laws’, and, sometimes, bylaws,<sup>50</sup> as well as normative doctrinal standards (e.g. a Confession of Faith), guidelines, policies, and codes.<sup>51</sup> Within a Union or Convention, a regional Association of churches may have a constitution, and a local church may have a constitution, trust instrument, a ‘covenant’ of members’ commitments, and doctrinal texts.<sup>52</sup> In short, these churches recognise Holy Scripture as authoritative, and they all make norms of action for the conduct of their life, namely, systems of ‘law’ in the form of codes, statutes, customs, ecclesiastical quasi-legislation and other normative entities. This is a shared Tradition.

## The Structure and Binding Character of Church Norms

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<sup>38</sup> JL Weatherhead (ed), *The Constitution and Laws of the Church of Scotland* (Edinburgh, Church of Scotland, Board of Practice and Procedure, 1997), p. 16; *Manual of Practice and Procedure in the United Free Church of Scotland* (2011); *The Code: The Book of the Constitution and Government of the Presbyterian Church in Ireland* (2010); *The Book of Church Order of the Reformed Church in America* (2010).

<sup>39</sup> PCI, *Code, Constitution and Pt. III.15: Trustees’ Bylaws*; for e.g. Westminster Confession of Faith, see e.g. PCANZ, *Book of Order*, 1.1(3)-(4); Reformed Church in America (RCA), *Book of Church Order*, Preamble: the Doctrinal Standards include the Heidelberg Catechism 1608 and Canons of the Synod of Dort 1619.

<sup>40</sup> United Reformed Church (URC): *Model Constitution for Local Churches* (Mission Council, 2010); PCA, *Book of Church Order*, III.58.8: custom; PCW, *Employee Safety Handbook* (undated).

<sup>41</sup> URC, *Manual*, A: Basis of Union, 12: Scripture is ‘the supreme authority for the faith and conduct of all God’s people’; United Church of Canada (UCC), *Manual*, Basis of Union 2.14: ‘the moral law of God’.

<sup>42</sup> United Congregational Church of Southern Africa (UCCSA): *Constitution*, Procedure 15.

<sup>43</sup> United Church of Christ (UCOC), *Constitution*, Art. V.11: ‘the custom and usage of a Local Church’.

<sup>44</sup> UCC, *Ethical Standards and Standards of Practice for Ministry Personnel* (2008).

<sup>45</sup> Baptist Union of Great Britain (BUGB), *Constitution*, 1.3.1; Model Trusts for Churches 2003, 2.8.1.

<sup>46</sup> *Ibid.*, 2.8.1 and 6.1, *Constitution*, 1.3; Bethel Baptist Church (Choctaw, USA), *Constitution*, Art. VI: ‘In all issues, the decision of the congregation shall be final, and there is no appeal to a higher authority, the authority of the church being the court of final appeal and the New Testament being the rule of church law’.

<sup>47</sup> National Baptist Convention – USA (NBC-USA): *Constitution*, Art. X.5; American Baptist Churches in the USA (ABC-USA): Bylaws, Prologue; Canadian National Baptist Convention (CNBC), *Constitution*, 3: Statement of Faith: the Bible ‘reveals the principles by which God judges us’ and is ‘the supreme standard by which all human conduct, creeds, and religious opinions should be tried’.

<sup>48</sup> Riverside Baptist Church (Baltimore, USA), *Bylaws*, Art. II: qualifications for pastors (1 Tim. 3.1-7).

<sup>49</sup> Baptist Union of New Zealand (BUNZ), *Ethical Principles and Guidelines for Pastors* (2000, amended 2008), 6.4: ‘I will support biblical morality...through prophetic witness and social action’.

<sup>50</sup> Jamaica Baptist Union (JBU), *Constitution*; Baptist Union of Scotland (BUS), *Constitution and Bylaws*; NBC-USA, *Constitution* (2002), Preamble: the Convention has ‘constitutions’ and ‘laws’.

<sup>51</sup> Baptist Union of Southern Africa (BUS), *Model Constitution for Local Churches*, 4: Statement of Faith.

<sup>52</sup> BUGB, *Model Trusts*, 2.12 (Constitution); Riverside Baptist Church (Baltimore): *Constitution*, Art. IV: ‘Church Covenant’: members ‘enter into covenant with one another, as one body in Christ’.

*Common Vision* uses a range of words importing juridical concepts but without linking these to church regulatory systems or the significance of such use: ‘order’ (par. 16); ‘institutional structures and ministerial order’ (par. 24); ‘ecclesial order’ (par. 32); ‘authority’ and ‘power’ (par. 50); ‘normativity’ (par 53); ‘requirements’ (par. 52); ‘functions’ (par. 52); ‘obedience’ (par. 51); ‘cooperation and consent’ (par. 51); ‘good order’ and ‘process’ (par. 54); ‘duty’ (par. 54); ‘custom and use’ (par. 55); ‘jurisdiction’ (par. 55); and ‘obligations’ (par. 64). Each of the words, and the juridical category signified, is part of the ecclesiology in *Common Vision*, but the document does not explain the terms as juridical in form and theological in context. Nor does it tease out implications for the normative dimension of its ecclesiology. Needless to say, these concepts are commonplace in the juridical instruments of churches and should be recognised ecumenically as a binding and natural function of ecclesial life.

The regulatory instruments of the churches studied here consist of precepts, prohibitions, permissions; these juristic forms are binding on the faithful but in prescribed circumstances they may be relaxed. First, like Catholic canon law,<sup>53</sup> Orthodox laws consist of ‘principles’, ‘policies’, ‘rules’,<sup>54</sup> ‘rights’ and ‘duties’,<sup>55</sup> ‘guidelines’, ‘instructions’, and ‘codes’ of conduct to which ‘adherence’ is required.<sup>56</sup> Anglican laws contain ‘principles, norms, standards, policies, directions, rules, precepts, prohibitions, powers, freedoms, discretions, rights, entitlements, duties, obligations, privileges and other juridical concepts’.<sup>57</sup> Much the same applies in instruments of Lutherans,<sup>58</sup> Methodists,<sup>59</sup> Presbyterians,<sup>60</sup> and Baptists.<sup>61</sup>

Secondly, juridical norms are binding and enforceable. The Roman Catholic Code of Canon Law 1983 binds all the faithful;<sup>62</sup> Orthodox laws and court decisions are ‘binding for all clergymen and laymen without any exception’;<sup>63</sup> and Anglican laws bind clergy and/or the laity on the basis usually of undertakings.<sup>64</sup> For some Lutheran churches, a precondition to membership is acceptance of the constitution and bylaws,<sup>65</sup> or else classes of member ‘covenant’ compliance;<sup>66</sup> they also have doctrinal texts and ‘guidance’ which may bind.<sup>67</sup> In Presbyterianism, for example: ‘All members of congregations and any other person affected

<sup>53</sup> CIC, Bk. I: general norms; c. 19: ‘principles of law’; cc. 208-223: obligations and rights of the faithful.

<sup>54</sup> ROC, *Statute*, II.5: ‘principles’; GOAA, *Regulations*, Preamble: ‘policies, rules, operation procedures’.

<sup>55</sup> ROMOC, *Statutes*, Art. 45: members’ ‘rights’ and ‘duties’.

<sup>56</sup> Orthodox Church in America (OCIA), *Guidelines for Clergy* (Holy Synod, 1998).

<sup>57</sup> PCLCCAC, Principle 4.5.

<sup>58</sup> LCA, *Constitution*, Art. III: ‘principles’; LCGB, *Rules and Regulations*, Responsibilities and Duties of Pastors; LCMS, *Bylaws*, 1.3.5: members’ ‘privileges’.

<sup>59</sup> MCI, *Regulations etc.*, 6.51: ‘rules’; 13.01: ‘principle’; MCNZ, *Laws and Regulations*, Nature of New Zealand Methodism: ‘the duties and privileges of the Methodist Church under its discipline’.

<sup>60</sup> PCANZ, *Book of Order*, 4.4-6: members’ ‘rights and privileges’ and ‘responsibilities’; PCA, *Book of Church Order*, Preface II.5: ‘duty’; PCANZ, *Book of Order*, 7.2: ‘functions’; 14.3-4: ‘powers’; PCW, *Handbook*, 2.3: ‘Rules of Church Membership’; PCI, *Code*, I.1: General Principles (on e.g. government).

<sup>61</sup> BUGB, *Model Trusts*, 2.8.3: ‘duty’; 3.1: Union ‘powers’; BUSA, *Constitution*, 5.3: ‘Baptist Principles’; Central Baptist Church (Pretoria): *Constitution*, 8: ‘Privileges and Obligations of Membership’.

<sup>62</sup> CIC, c. 1; cc. 11-12.

<sup>63</sup> ROC, *Statute*, VII.8. See also GOAA, *Regulations*, Art. 4.15: the decisions of the Clergy-Laity Congress ‘must be faithfully and firmly adhered to by the Archdiocesan District/Metropolises as well as all Parishes’.

<sup>64</sup> See e.g. Scottish Episcopal Church, Canon (Can). 58: ‘I will give all due obedience to the Code of Canons’.

<sup>65</sup> LCGB, *Rules and Regulations*, Congregations, 1: a congregation must ‘accept and uphold the Governing Documents (Constitutions and Rules and Regulations)’.

<sup>66</sup> Evangelical Lutheran Church in Canada (ELCIC), *Constitution*, X.3: ‘Each lay diaconal minister shall covenant to abide loyally by the constitution, administrative bylaws and enactments of this church and...[regional] synod’.

<sup>67</sup> ELCA, *Constitution*, Ch. 5.01: church units ‘shall act in accordance with the Confession of Faith’; LCA, *Bylaws*, V.F.1: General Pastors’ Conference ‘guidance’ on doctrine.



by any provision in the Book of Order must comply with the Book of Order'.<sup>68</sup> Equally, Methodists are accountable for church discipline,<sup>69</sup> and often require adherence to 'laws and usages', Articles of Religion, and 'guidelines', with 'obligations', 'expectations', and 'policies'.<sup>70</sup> Likewise, Baptists may explicitly require 'strict adherence' to the 'rules and regulations'.<sup>71</sup> Churches also provide mechanisms to enforce and to relax their norms.<sup>72</sup>

### The Purposes of Church Norms

The absence of explicit discussion in *Common Vision* of the role of church law impoverishes its treatment of normativity in church life beyond coverage of Holy Scripture and Tradition. *Common Vision* might usefully, therefore, have pointed to the ecumenical value of the study of the purposes of church law to underscore fulfilment of the threefold mission of the Church.

Within the church families studied here, regulatory instruments are designed to order and facilitate ecclesial life - to guide the faithful in their witness to Christ in the context of the mission of the church. For Catholics, canon law 'facilitates...an orderly development in the life of both the ecclesial society and of the individual persons who belong to it';<sup>73</sup> indeed, canon law itself teaches that the 'salvation of souls [is] the supreme law'.<sup>74</sup> Orthodox canon law is 'at the service of the Church...to guide her members on the way to salvation'; its main function is 'the spiritual growth of the faithful'.<sup>75</sup> Like Anglicans,<sup>76</sup> Lutheran laws 'provide necessary organizational principles, structures, and policies for good order', and in so doing they 'guide, direct, and assist [the church] in mission and ministry'.<sup>77</sup> One Methodist Book of Discipline 'reflects our understanding of the Church and articulates [its] mission to make disciples of Jesus Christ for the transformation of the world'; it 'defines what is expected of [the] laity and clergy as they seek to be effective witnesses in the world as part of the whole body of Christ' and sets out the 'theological grounding of the [church] in biblical faith'.<sup>78</sup> In the Reformed tradition, church law is 'to declare the corporate identity of the Church and to ensure that all things are done decently and in order within it (I Cor. 14.40)',<sup>79</sup> and in so doing it protects the teaching of the church.<sup>80</sup> For one United Church: 'The purpose of law within the church is to order procedures and to provide for the consistent resolution of differences, and so to help to achieve order and justice'.<sup>81</sup> Likewise, a local Baptist church has a constitution to 'govern', 'regulate',

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<sup>68</sup> PCANZ, *Book of Order*, 2.2; PCA, *Book of Church Order*, 5.8: members 'solemnly promise and covenant' to work together 'on the principles of the faith and order'.

<sup>69</sup> MCNZ, *Laws and Regulations*, 2.3: ministry candidates 'accept [church] polity and discipline'.

<sup>70</sup> UMCNEAE, *Book of Discipline*, pars. 806 and 1107: adherence to 'policies and guidelines'.

<sup>71</sup> JBU, *Constitution*, Art. V: whilst the Union recognizes 'the autonomous character of each Church', 'strict adherence shall be given to such Rules and Regulations as are now in force or as may be adopted from time to time' by the Union which in the case of acts 'in contravention' of these in 'a manner injurious' to its interests, the Union may act in accordance with the rules and regulations relative to 'its discipline and powers'.

<sup>72</sup> Doe, *Christian Law*, Ch. 1.

<sup>73</sup> *Sacrae disciplinae leges* (1983), the Apostolic Constitution by which the Code was promulgated.

<sup>74</sup> CIC, c. 1752.

<sup>75</sup> L Patsavos, 'The canonical tradition of the Orthodox Church', in FK Litsas (ed), *A Companion to the Greek Orthodox Church* (New York, Greek Orthodox Archdiocese of North and South America, 1984), p. 137 at p. 141 (reproduced in L Patsavos, *Manual on Orthodox Canon Law* (New York, Hellenic College, Holy Cross Orthodox School of Theology, 1975), Part II (un-numbered page).

<sup>76</sup> PCLCCAC, Principle 1: 'Law exists to assist a church in its mission and witness to Christ. A church needs within it laws to order, and to facilitate, its public life and to regulate its own affairs for the common good. Law is not an end in itself'; Principle 2: 'Law is the servant of the church'.

<sup>77</sup> Evangelical Lutheran Church in Canada (ELCIC): *Constitution*, Introduction and Preamble.

<sup>78</sup> UMCNEAE, *Book of Discipline*, par. 7.

<sup>79</sup> Weatherhead, *Constitution and Laws*, p. 1.

<sup>80</sup> Presbyterian Church in America (PCA), *Book of Church Order*, I.10-11.

<sup>81</sup> United Church of Canada (UCC), *Manual*, Introduction.

and ‘enable’ church life;<sup>82</sup> namely: ‘For the purpose of preserving and making secure the principles of our faith’ so that ‘this body be governed in an orderly manner’; ‘for...preserving the liberties inherent in each individual member of the church’; and, to present ‘this body to other bodies of the same faith’.<sup>83</sup>

## THE FAITHFUL AND LAY OFFICERS

*Common Vision* proposes that the Church (universal) consists of followers of Christ (the people of God and other images), who have ‘obligations of responsibility’, all of whom (lay and ordained) are ‘interrelated’, and that each of the institutional churches has its own ‘membership’, for which faith in Christ is essential (expressed in rites and/or sacraments), and whose discipleship is sustained by the Holy Spirit.<sup>84</sup> The faithful share amongst themselves a communion: ‘The biblical notion of *koinonia* has become central in the ecumenical quest for a common understanding of the life and unity of the Church. This presupposes that communion is not simply the union of existing churches in their current form’; it embraces ‘participation, fellowship, sharing’ (e.g. in the Lord’s Supper, collections for the poor, and witness) (par. 13). Also: ‘As a divinely established communion, the Church belongs to God and does not exist for itself. It is by its very nature missionary, called and sent to witness in its own life to that communion which God intends for all humanity’ (par. 13); the Holy Spirit ‘equips the Church with its essential gifts, qualities and *order*’ (par. 16).

The juridical norms of churches reflect, but indicate substantially deeper agreement beyond, these *Common Vision* propositions about the faithful. Moreover, while ‘communion’ is a theological category central to the ecclesiology in *Common Vision*, ‘communion’ also has normative-juridical aspects; recognition of this is particularly apposite in light of the *Common Vision* focus on communion as shared action and order: as spiritual communion is about relationships, so juridical systems are a key factor to facilitate and order the communion of the faithful associated together in a church. In turn, as institutions, each church in the traditions studied here has an identifiable membership amongst which there is an equality of status and to which admission is effected by reception into the fellowship. Members have clearly defined functions (which may be expressed in the form of rights and duties).

### **The Concept of Church Membership and Equality**

Each church has a membership in which there is a fundamental equality but a key distinction between the laity and ordained ministers. In the Roman Catholic Church the faithful constitute the ‘people of God’ and each one ‘participates in their own way in the priestly, prophetic and kingly office of Christ’ in order ‘to exercise the mission which God entrusted to the Church to fulfil in the world’; but ‘by divine institution, among Christ’s faithful there are...sacred ministers [and] others called lay people’; nevertheless, all enjoy ‘a genuine equality of dignity and action’.<sup>85</sup> As in Anglicanism, in which laity and clergy are ‘equal in dignity before God’, the Orthodox Church distinguishes between ‘clergy’ and ‘laity’ both of whom are related on the basis of ‘the fundamental principle of the equality of all the faithful’; nevertheless, ‘the laity does not have the special property of the priesthood, even though they participate through baptism in the triple office of the Lord’.<sup>86</sup> For Lutheran churches too, the ‘people of God’ embraces ‘the priesthood of all believers’, but there is a distinction between lay and ordained

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<sup>82</sup> BUGB, *Model Trusts*, Schedule 4.1-4.6.

<sup>83</sup> Riverside Baptist Church (Baltimore), *Constitution*, Preamble.

<sup>84</sup> *Common Vision*, pars. 7, 12, 14, 16, 18, 19, 21, 23, 27.

<sup>85</sup> CIC, cc. 205, 207, 208.

<sup>86</sup> Rodopoulos, *Overview*, p. 117; PCLCCAC: Principle 25.

persons, and in Methodism lay people and ministers enjoy a ‘spiritual equality’ - typically: ‘All Christians are called through their baptism to this ministry of servant-hood in the world to the glory of God and for human fulfilment’.<sup>87</sup> Similar distinctions appear in the norms of Reformed, Presbyterian and Baptist churches.<sup>88</sup>

### **Admission to Church Membership**

All the churches studied here regulate admission to membership. In Catholic canon law, baptised persons ‘are in full communion with the catholic Church...who are joined with Christ in his visible body, through the bonds of profession of faith, the sacraments and ecclesiastical governance’.<sup>89</sup> In the Orthodox Church, members are classified typically as ‘parishioners’, namely, persons who are ‘baptized and chrismated according to the rites of the Orthodox Church’.<sup>90</sup> Similarly, in Anglicanism, ‘membership in a church’ may be based on: baptism; baptism and confirmation; baptism, confirmation and communicant status; or regular attendance at worship.<sup>91</sup> Lutherans too define their membership; e.g. a voting member is a baptised person aged 18 or over who has publicly confessed the faith after instruction in the teachings of the Lutheran Church and is duly received into congregation membership by the congregation council.<sup>92</sup> Members of the Methodist Church, typically, are ‘those who, desiring to be saved from their sins through faith in...Christ, and to associate themselves with the people of God in Christian fellowship, have been received into full membership in accordance with the Rules and Regulations of the Conference’; candidates must show e.g. evidence of their commitment to Christ and formally accept the discipline of the church; the Church Council approves admission.<sup>93</sup> Reformed, Presbyterian, United and Baptist churches have similar conditions for admission to the fellowship of the church, and these normally include profession of the faith and acceptance of church doctrine and discipline; for instance, the (local) Church Meeting admits persons if assured of ‘the sincerity of their intention’ and ‘adequate preparation’, and on a ‘public profession of the faith and commitment to the Church’.<sup>94</sup> Moreover, members may be entered on a register, under prescribed conditions, and their names may be removed in accordance with church law.<sup>95</sup>

### **The Duties and Rights of the Faithful**

Christian churches have elaborate norms on the functions of the faithful. All the Catholic faithful are: to preserve their communion with the church; to lead a holy life; to obey their sacred pastors; to provide for the needs of the church; and their rights include making known their needs to their pastors and worshipping God; lay duties include: to strive so that the divine message may be known throughout the world; to participate in the sacraments; and to build up

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<sup>87</sup> UMCNEAE, *Book of Discipline*, par. 125; also e.g. LCA: *The Ministry of the People of God, Commission on Theology and Inter-Church Relations* (CTIR) 1992, 1 and *Constitution, Interpretation*; MCI, *Constitution*, s.1.

<sup>88</sup> URC, *Manual*, A.16 and A.19; PCANZ, *Book of Order*, 1.4; BUGB, *Baptists in Local Ecumenical Partnerships*, s. 3: ‘Most Baptists appoints members to serve as Deacons and Elders’.

<sup>89</sup> CIC, c. 205; also c. 515: a parish is a ‘community of Christ’s faithful established within a particular church’.

<sup>90</sup> Ukrainian Orthodox Church in America (UOCIA), *Statutes*, Art. XI.5; Rodopoulos, *Overview*, p. 115: both laity and clergy constitute ‘members’ of the church.

<sup>91</sup> PCLCCAC, Principle 27: also, membership implicitly involves profession of the faith, acceptance of doctrine, government, law and discipline.

<sup>92</sup> LCGB, *Rules and Regulations*, Individual membership in a Congregation, 1.

<sup>93</sup> MCI, *Regulations, Discipline and Government*, 2.03-2.07.

<sup>94</sup> URC, *Manual*, A.16 and Schedule A. See also e.g. PCW, *Handbook*, II: Membership and Model Constitution, Art. 4: ‘profession of faith’ and a vow to be ‘faithful to the ordinances of the church’; Riverside Baptist Church (Baltimore, USA), *Bylaws*, Art. 1.

<sup>95</sup> Doe, *Christian Law*, 49-54.

the people of God through marriage and the family.<sup>96</sup> Orthodox must ‘uphold Christian values and conduct’, and ‘respect’ the clergy; they are ‘obliged to take part in the divine services, make confession and take holy communion regularly’, ‘observe the canons’, ‘carry out deeds of faith’, ‘strive for religious and moral perfection’, and be ‘an effective witness’ to the Orthodox faith; their rights include participation in e.g. the parish meeting, if they are in ‘good standing’.<sup>97</sup> Like Anglicans, Lutherans must, typically: ‘make regular use of the means of grace, both Word and Sacraments’; ‘live a Christian life in accordance with the Word of God’; ‘support the work of the congregation’; ‘lead godly lives’; ‘proclaim the Gospel and renounce the evil one’; present their children for baptism; and if qualified they may participate in the governance of the church.<sup>98</sup> Methodists too have ‘privileges and obligations’ (e.g. to ‘partake...of the Lord’s Supper’, ‘united prayer’, fellowship, and Christian service), and some are exercisable in their private lives; for example: to act as ‘helpers of one another’ and abstain from alcohol; their rights include entitlement to ‘receive pastoral support’ from ministers and if eligible to participate in governance.<sup>99</sup>

Reformed, Presbyterian, United, and Baptist churches are similar; members have ‘rights’ or ‘privileges’ and ‘responsibilities’ or ‘obligations’ to, typically: attend meetings; provide mutual assistance and care for each other; respect their ministers; receive baptism for their children; participate (with their children) in Holy Communion; stand for election to the assemblies of the church; engage in worship; study Scripture; proclaim the Gospel; lead a life consistent with their profession of the Christian faith; and accept discipline.<sup>100</sup> The norms of these churches also enable qualified people (men and/or women) to hold lay offices and ministries exercisable in worship, teaching, and administration, such as lay preachers, churchwardens, and pastoral visitors.<sup>101</sup> These rights and duties express separation of the faithful from the world (e.g. withdrawal for study, worship or sacraments) and engagement in it (through e.g. proclamation of the Gospel and service). Some churches enable separation from the world in monasteries and convents,<sup>102</sup> as well as, short of this, in e.g. ‘women’s organisations’, ‘brotherhoods’ or ‘sisterhoods’;<sup>103</sup> some positions may be reserved to men.<sup>104</sup>

## THE ORDAINED MINISTERS OF THE CHURCH

*Common Vision* has a detailed discussion of ordained ministry: patterns of ministry; authority and ministry; and the principle of oversight. Each of these matters is regulated in the churches. Juridical analysis is valuable as it discloses convergence amongst the churches in terms of principle and action. The instruments tell us much about the functions, recognition, titles,

<sup>96</sup> CIC, cc. 208-231.

<sup>97</sup> ROC, *Statutes*, XI.3; GOAA, *Regulations*, Art. 18.

<sup>98</sup> ELCA, *Model Constitution for Congregations*, Ch. 8. For Anglicans, PCLCCAC, Principle 26.

<sup>99</sup> MCI, *Regulations, Discipline and Government*, 1.03 (General Rules of our Societies, 1) and 2.04-2.08.

<sup>100</sup> URC, *Manual*, A.19: ‘mutual...care’; PCW, *Handbook*, II: worship; living the Gospel in personal and public life; PCANZ, *Book of Order*, 4: study Scripture; Central Baptist Church (Pretoria), *Constitution*, Art. 8: attend meetings and worship.

<sup>101</sup> Patsavos, *Manual*, p. 65: lay preachers; PCLCCAC, Principle 30: churchwardens; MCGB, *Constitutional Practice and Discipline*, Standing Order 630: pastoral visitor.

<sup>102</sup> See e.g. ROMOC, *Statutes*, Art. 74: ‘The Monastery is a community of monks or nuns who [have] decided of their own accord, to live their life in chastity, poverty and obedience’; Art. 76: it is ‘a place of distinguished spiritual life, of Christian virtues, of pious participation in religious services, of spiritual edification, both for the inhabitants...and for those who come to pray there’.

<sup>103</sup> ELCIC, *Constitution*, Art. XVII.1 and ABL, XVII: the Evangelical Lutheran Women of the ELCIC is ‘an official women’s organization’ and a composite of congregational organizations; it runs its own financial affairs and is ‘an integral part of this church’; ROC, *Statute*, XI: brotherhoods and sisterhoods within a parish.

<sup>104</sup> CIC, c. 230: lay men may be appointed as lector or acolyte.

divine institution, and structures for ordained ministry. Each church studied here has ordained ministers in service at the local, regional, national and international levels. Church norms prescribe the process by which their leadership is recognised, their duties and rights, relationships one with another, and their appointment to and tenure of ministerial positions.

### **Ordained Ministry and Process of Ordination**

According to *Common Vision*, ordained ministry is a *divine institution*: the ‘triple function of the ministry’ (word, sacrament, guidance), is ‘given by Christ to the Church to be carried out by some of its members for the good of all’ (par. 20). Moreover: ‘All...affirm the biblical teaching that...Jesus, our high priest...offered his redeeming sacrifice “once for all”’; ordained ministers ‘may appropriately be called priests’ as ‘they fulfil a particular priestly service by strengthening and building up the royal and prophetic priesthood of the faithful through word and sacraments’, ‘prayers of intercession’, and ‘pastoral guidance’ (par. 45). Thus, some churches consider that ordained ministry has ‘a special relationship with the unique priesthood of Christ’ - they ‘believe...some persons are ordained to a particular priestly function through the sacrament of ordination’; others ‘do not consider ordained ministers as “priests”, nor do some understand ordination in sacramental terms’; and ‘Christians disagree...over the traditional restriction of ordination...to men only’ (par. 45).

As such, *Common Vision* recognises an ‘urgent priority for the churches to discover how [these differences] can be overcome’. In terms of *ministry patterns*: (a) ‘There is no single pattern of ministry in the [NT]’, but all churches ‘look to Scripture in seeking to follow the will of the Lord [as to] how ordained ministry is to be understood, ordered and exercised’; at times, ‘the Spirit has guided the Church to adapt its ministries to contextual needs (cf. Acts 6:1-6)’; (b) The threefold pattern (bishop, presbyter and deacon) ‘became the generally accepted pattern and is still considered normative by many churches’ but some, ‘since the...Reformation, have adopted different patterns’; with scripture, dogma and liturgical order, ordained ministry is important to maintain apostolicity and: ‘Succession in ministry is meant to serve...apostolic continuity’ (par. 46). In this respect: ‘Almost all Christian communities today have a formal structure of ministry. Frequently this structure is diversified and reflects...the threefold pattern’. But Christians are ‘divided...whether or not the “historic episcopate” (meaning bishops ordained in apostolic succession back to the earliest generations of the Church), or the apostolic succession of ordained ministry more generally, is something intended by Christ for his community’. Some see the threefold pattern as ‘a sign of continuing faithfulness to the Gospel and...vital to the apostolic continuity of the Church as a whole’; others ‘do not view faithfulness to the Gospel as closely bound to succession in ministry’; and some are ‘wary of the historic episcopate because they see it as vulnerable to abuse and thus potentially harmful to the well-being of the community’ (par. 47). *Common Vision* urges churches to achieve ‘a consensus’ as to whether ‘the threefold ministry is part of God’s will for the Church’. Juridical analysis certainly establishes consensus as to practice.

Suitable and qualified persons may be called to and ordained or otherwise ‘set apart’ for ministry which is understood across the traditions to be of divine institution. The Catholic Church provides that: ‘By divine institution some among Christ’s faithful are, through the sacrament of order, marked with an indelible character and are thus constituted sacred ministers’: deacons, priests and bishops.<sup>105</sup> Like the Orthodox and Anglicans, who also have

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<sup>105</sup> CIC, cc. 1008-1009.

ordained ministers,<sup>106</sup> Lutheran and Methodist ordained ministers engage in ‘holy ministry’, which is ‘the gift of Christ to the church’, of divine not human institution – ‘the church does not create the office of the public ministry, but it does call and ordain persons into that office’ who are ‘qualified by personal qualities, gifts and training’; ‘God instituted the office of the ordained ministry’, namely: ‘a separated and ordained ministry’.<sup>107</sup> In the Reformed tradition too, ordained ministry is conceived as instituted by Christ, and ministers, elders and deacons ‘represent Christ’ (be they men or women);<sup>108</sup> and for Presbyterians, typically: Christ, ‘for the edification of the visible Church...has appointed officers not only to preach the Gospel and administer the Sacraments, but also to exercise discipline for the preservation both of truth and duty’.<sup>109</sup> Some Baptists practise ‘ordination’, others do not: but they have ‘ministers’.<sup>110</sup>

Ordination is a common practice in the churches studied here – it is the process by which the vocation of individuals to serve as ministers is recognised and by which they are ‘set apart’ for ministry. Like ordination in the Catholic Church (reserved to baptised males), the Orthodox Church ordains clergy by way of the laying on of hands; ordination cannot be repeated – and candidates must be of the Orthodox faith, male, of sufficient age; married persons may be ordained, but unmarried clergy cannot marry.<sup>111</sup> For Anglicans, no person is to be ordained a priest or deacon unless ‘called, tried, examined and admitted according to the rite of ordination’ effected through the imposition of hands by a bishop; orders are indelible.<sup>112</sup> In Lutheranism, typically, ‘By the rite of ordination the church sets a person apart’ for ministry, so in Methodism a ‘Minister is constituted by the Call of God, the consent of the members of the Church, the election of the Conference, and the ordination to the office and work of a Minister in the Church of God by prayer and the laying on of hands’.<sup>113</sup> Similarly, in Presbyterianism: candidates must have an ‘unimpeachable character’, ‘a deep experience of the truth of the Gospel’, a vocation, ‘the calling of God by the Spirit, through the inward testimony of a good conscience, the manifest approbation of God’s people, and the concurring judgment of a lawful court of the Church’; ‘A minister at...ordination is set apart’.<sup>114</sup> Churches also have norms on the appointment or election of ordained ministers to prescribed ministerial posts as well as on the tenure and termination of their ministry.<sup>115</sup>

### **The Functions and Authority of Ordained Ministers**

For *Common Vision*, ordained ministers ‘assemble and build up the Body of Christ by proclaiming and teaching the Word of God, by celebrating the sacraments and by guiding...the community in its worship, its mission and its caring ministry’; they ‘remind the community of its dependence [and their own] on...Christ...the source of its unity and mission’; the Church ‘has never been without persons holding specific authority and responsibility’ (par. 19). Indeed: ‘All authority in the Church comes from her Lord and head, Jesus Christ’; receiving ‘all authority in heaven and on earth’, Jesus shared his authority with the apostles and their

<sup>106</sup> Patsavos, *Manual*, pp. 66-74: ‘Clerics are the bearers of the spiritual authority’ and the ‘major orders’ are bishops, presbyters and deacons; PCLCCAC, Principle 31: the three orders of bishops, priests and deacons.

<sup>107</sup> LCA, *The Ministry of the People and Public Ministry*, 1992: citing e.g. Acts 6.4; MCI, *Constitution*, s. 1.

<sup>108</sup> RCA, *Book of Church Order*, C. I, Pt. I, Art. 1: ‘Ministers are...men and women...inducted into that office by ordination’.

<sup>109</sup> PCA, *Book of Church Order*, 7.1; PCW, *Handbook*, 4.1-2: ‘A minister at...ordination is set apart’.

<sup>110</sup> Bethel Baptist Church (Choctaw), *Constitution*, Art. IV: ordained ministers; Riverside Baptist Church (Baltimore): BL, Art. II: pastors.

<sup>111</sup> CIC, e.g. cc. 1024-1033. For the Orthodox, see e.g. Patsavos, *Manual*, 66-74.

<sup>112</sup> PCLCCAC, Principle 32.

<sup>113</sup> MCI, *Constitution*, s. 4. For Lutheranism, see e.g. ELCA, *Constitution*, Ch. 7.31.

<sup>114</sup> PCW, *Handbook*, 4: qualities; PCA, *Book of Church Order*, 16: vocation etc.

<sup>115</sup> Doe, *Christian Law*, pp. 86-93.

successors in a ministry of oversight (see below) (par. 48). But, the authority which Christ shares with ‘those in ministries of leadership is neither only personal, nor only delegated by the community. It is a gift of the Holy Spirit destined for the service (*diakonia*) of the Church in love’; its exercise is collaborative and ‘includes the participation of the whole community, whose sense of faith (*sensus fidei*) contributes to the overall understanding of God’s Word and whose reception of the guidance and teaching of the ordained ministers testifies to the authenticity of that leadership’; a relation of ‘mutual love and dialogue unites those who exercise authority and those who are subject to it’ (par. 51).

The norms of the churches studied here clearly reflect the functions and authority of ordained ministers as envisaged in *Common Vision*. They also prescribe for the lifestyle of ministers and the expectations placed on them in this regard. An Orthodox priest is ‘the spiritual father of his parish’, must ‘treat his parishioners as his parochial family, as a father treats his children’, deliver homilies, provide liturgy, instruct the faithful, visit his parishioners, direct parish life, and reside in the parish.<sup>116</sup> Catholic clerics have similar functions and they must ‘seek holiness in their lives’, refrain from associations inconsistent with the clerical state, and lead a simple way of life avoiding worldliness.<sup>117</sup> Anglican clergy teach, administer the sacraments, and provide pastoral care, but ‘must not engage in any secular employment or other occupation outside their ministry’ without permission of the bishop.<sup>118</sup> In Lutheranism, typically: ‘Leaders in this church should demonstrate that they are servants by their words, life-style, and manner of leadership’, recognising ‘their accountability to the Triune God, to the whole Church, to each other, and the [church]...in which they serve’.<sup>119</sup> Likewise, for Methodism: ‘Christ’s Ministers in the Church [are] Stewards in the Household of God and Shepherds of His Flock’.<sup>120</sup> Within Presbyterianism: ‘A minister at his/her ordination is set apart by the Church to lead it in...preaching the Word, the administering of the Sacraments, the pastoral care of members and their instruction in the Christian faith’.<sup>121</sup> Ministers are accountable for the exercise of their ministry to competent authority prescribed by law.<sup>122</sup>

### **The Principle of Oversight**

According to *Common Vision*, oversight (*episkopé*) is a necessary ecclesial function: ‘The Church...is built up by the Holy Spirit through a diversity of gifts or ministries’; ‘diversity calls for a ministry of co-ordination so that these gifts may enrich the whole Church, its unity and mission’; *episkopé* under the Gospel by persons chosen and set aside for such ministry is ‘a requirement of fundamental importance for the Church’s life and mission’. Different oversight structures have been developed to maintain ‘continuity in apostolic faith and unity of life’, to ‘safeguard and hand on revealed truth, to hold the local congregation in communion, to give mutual support and to lead in witnessing to the Gospel’. Moreover, ‘All these functions...are exercised by persons who relate to the faithful of their communities as well as to those who exercise such a ministry in other local communities’, and so oversight ‘needs to be exercised in personal, collegial and communal ways’ (par. 52) (see below).

Oversight is addressed in the regulatory systems of all the churches studied here, and is exercised principally by an ordained minister, usually in collaboration with others (who may

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<sup>116</sup> OCIA, *Guidelines for Clergy*, Priests and Deacons, 1-19; this cites e.g. Luke 22.27.

<sup>117</sup> CIC, cc. 276-287: holiness; continence; celibacy; study; common life; simple life; residence; dress.

<sup>118</sup> PCLCCAC, Principle 40.4.

<sup>119</sup> ELCA, *Constitution*, Ch. 5.

<sup>120</sup> MCI, *Constitution*, s. 1.

<sup>121</sup> PCW, *Handbook*, 4.

<sup>122</sup> Doe, *Christian Law*, pp. 93-101.

have a determinative or consultative voice). Norms provide for the exercise of numerous personal ministries of oversight at regional and/or national level but the scope of their jurisdictions differ as between traditions - such as Catholic, Orthodox, and Anglican bishops in their dioceses and beyond them archbishops, Methodist district superintendents and at national level presidents of Conference, and in the Reformed traditions regional Presbyteries and moderators of General Assemblies.<sup>123</sup> Several also provide for ministry at global level. Like the Pontiff in the Catholic Church (who exercises a teaching, sanctifying and governing authority over the faithful worldwide), there are Orthodox Patriarchs who exercise an international jurisdiction (such as the Ecumenical Patriarch of Constantinople over Greek Orthodox churches worldwide).<sup>124</sup> However, in Anglicanism, the Archbishop of Canterbury has no general jurisdiction exercisable over the autonomous churches of the worldwide Anglican Communion, but has a ‘primacy of honour’ as a ‘focus of unity’, but may exercise a limited metropolitan jurisdiction if this is assigned by the laws of a church.<sup>125</sup> Similarly, the President of the Lutheran World Federation, the President of the World Communion of Reformed Churches, and the President of the Baptist World Alliance each exercise a general oversight over the work of these global bodies but exercise no coercive jurisdiction.<sup>126</sup>

## ECCLESIASTICAL GOVERNANCE: INSTITUTIONS

According to *Common Vision*: (1) Christ as head is the source of authority in the Church which, as such, must be exercised in this light - and the Holy Spirit is the guiding agent;<sup>127</sup> (2) however, the exercise of authority ‘can call for obedience, but such a call is meant to be welcomed with voluntary cooperation and consent since its aim is to assist believers in growing to full maturity in Christ’ (par. 51); (3) so, an ‘essential element of communion’ is ‘structures of conciliar relations and decision-making’ (par. 37), but: ‘churches differ about who is competent to make final decisions for the community; for some that task is restricted to the ordained’; ‘others see the laity as having a role in such decisions’ (par. 20); some see structures as instituted by Christ; for others ‘no single institutional order can be attributed to the will of God’; and for some, ‘faithfulness to the Gospel may at time require a break in institutional continuity’ (par. 24); (4) ‘Decision-making in the Church seeks and elicits the consensus of all and depends upon the guidance of the Holy Spirit, discerned in attentive listening to God’s Word and to one another. By the process of active reception over time, the Spirit resolves possible ambiguities in decisions’;<sup>128</sup> indeed, churches should ‘recognize and honour each other’s commitment to seeking the will of God in the ordering of the Church’ (par. 24); and: ‘organizational structures...need to be seen and evaluated, for good or ill, in the light of God’s gifts of salvation in Christ’ (par. 26); thus (5) ‘Under the guidance of the Holy Spirit, the whole Church is synodal/conciliar, at all levels...local, regional and universal’, reflecting the mystery of the Trinity and signifying that each ‘by virtue of baptism, has his or her place and proper responsibility in the communion of the church’ (par. 53).

<sup>123</sup> Doe, *Christian Law*, pp. 102-113.

<sup>124</sup> CIC, c. 331: the Pontiff has ‘supreme, full, immediate and universal ordinary power’; Rodopoulos, *Overview*, pp. 213-221: Constantinople; see also ROC, *Statute*, 1: the Patriarch of Moscow and All Russia.

<sup>125</sup> PCLCCAC, Principle 11.4; e.g. an extra-provincial diocese: Puerto Rico, *Constitution*, II.5.

<sup>126</sup> LWF, *Constitution*, Arts. VII-VIII; WCRC, *Constitution*, Arts. XI-XII; BWA, *Constitution*, Art. VI.

<sup>127</sup> *Common Vision*, par. 21: ‘Christ is the abiding head of his body the Church, guiding, purifying and healing it’; par. 33: ‘The Holy Spirit is the principal agent in...guiding the Church’; par. 49: authority is ‘exercised correctly only in the light of the authority of its head’, as ‘humble service, nourishing and building up the *koinonia*’ without ‘domination or coercion’; par. 50: authority is distinct ‘from mere power’.

<sup>128</sup> *Common Vision*, par. 51: the sense of the whole people of God, insights of biblical scholars and theologians, and guidance of ordained ministers ‘all collaborate in the discernment’ of God’s will (par. 51).



Regulatory instruments provide concrete evidence of the commitment of churches to these ideas and of different approaches to the location of authority identified by *Common Vision*. A church may have an Episcopal, Presbyterian, Congregational, or other form of government as required or permitted by its conception of divine law with Christ as the head of the church universal in all its manifestations. Across the traditions studied here, governance is exercised through a hierarchical system of international, national, regional and local institutions. The authority which an institution has at each level varies between the traditions and their doctrinal postures. In the Catholic (with its ‘hierarchical constitution’, in which ‘the power of governance’ vests only in the ordained ministers) and Orthodox churches (with a ‘hierarchical structure of governance’), the highest authority is an international institution (the Pope and/or College of Bishops, or a Patriarch and Holy Synod) and authority descends to national, regional and local institutions (such as a Diocesan Synod or below that a Parish Council). In the Congregational and the Baptist traditions, authority resides primarily in the local church (and is shared by laity and ministers) and ascends (for limited purposes of common action) to regional, national and international institutions - such as a Baptist Association (regional), a Baptist Union or Convention (national), and the Baptist World Alliance: but these entities cannot interfere in the exercise of the autonomy of the local church. In Anglicanism, Lutheranism, Methodism, and Presbyterianism, authority is located in an institution at the national level (e.g. an Anglican or Lutheran General Synod, a Methodist Conference, and a Presbyterian General Assembly, all composed of both lay and ordained persons); authority then descends to regional institutions (e.g. an Anglican or Lutheran Diocesan Synod and a Presbyterian Presbytery) and local institutions (such as a Parish Council or Kirk Session) – in turn a limited authority ascends to international institutions but these have no general legislative power over the member churches (e.g. the Anglican Communion, Lutheran World Federation and World Communion of Reformed Churches). Nevertheless, whilst they have authority appropriate to their own level, these institutions are interdependent and exercise one or more of three functions: legislative, administrative/executive, and judicial. The basic assumption shared by all the traditions is that these functions must be exercised lawfully.<sup>129</sup>

### **The Regional and Local Church**

For *Common Vision*, the local church is ‘a community of baptized believers in which the word of God is preached, the apostolic faith confessed, the sacraments are celebrated, the redemptive work of Christ for the world is witnessed to, and a ministry of *episkopé* exercised by bishops or other ministers in serving the community’. The local church ‘shares with all other local communities all that is essential to the life of communion’ and ‘contains...the fullness of what it is to be the Church’ - it ‘is wholly Church, but not the whole Church’ and so exists not ‘in isolation from but in dynamic relation with other local churches’. Thus: ‘the communion of local churches is thus not an optional extra’; ‘interdependence’ is critical. In turn: ‘The universal Church is the communion of all local churches united in faith and worship around the world...not merely the sum, federation or juxtaposition of local churches, but all of them together are the same Church present and acting in this world’ (par. 31). Some churches consider the bishop (as apostles’ successor) essential to the local church (a diocese with parishes); for others ‘local church’ is not defined by reference to a bishop, but is rather a congregation gathered in a place to hear the Word and celebrate the sacraments; and for some it is ‘a regional configuration of churches gathered...in a synodal structure under a presidency’. Importantly: ‘there is not yet agreement about how local, regional and universal levels of ecclesial order relate to one another, although valuable steps in seeking convergence about those relations can be found in both multilateral and bilateral dialogues’ (par. 32). So: ‘what is

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<sup>129</sup> Doe, *Christian Law*, Ch. 4.

the appropriate relation between the various levels of life of a fully united Church and what specific ministries of leadership are needed to serve and foster those relations?’

The regulatory instruments of the churches studied here reveal the following principles about how local, regional, and universal levels relate to each other, and what specific ministries of leadership are needed to serve and foster those relations. Within their structures at national level, the churches generally organise themselves on the basis of regional and local territorial units. Catholics, Orthodox and Anglicans have dioceses (each led by a bishop) or other form of Episcopal see. In the Protestant tradition, Lutheran churches have dioceses or synods and, within these, districts or circuits; Methodists too have districts and circuits; Reformed and Presbyterian churches have synods, presbyteries and districts; and, typically, Baptists Unions or Conventions have associations and regions. Regional units are further composed of local units. Catholic, Orthodox and Anglican dioceses are divided into parishes; for instance, an Orthodox parish is ‘a community of Orthodox Christians under the supervision of the diocesan bishop and guided by a rector’, and parish boundaries are determined by the Diocesan Council.<sup>130</sup> Lutheran and Methodists have congregations and, sometimes, parishes, in which the church universal is present and where the members gather for e.g. proclamation of the gospel and administration of the sacraments.<sup>131</sup> In the Reformed, Presbyterian, Congregational and Baptist models, regions and districts are typically composed of circuits, congregations and local churches; for example: a Reformed congregation is ‘a body of baptized Christians meeting regularly in a particular place of worship’; similarly, in Presbyterianism: ‘A particular church consists of a number of professing Christians, with their children, associated together for divine worship and godly living’; and in Baptist polity: ‘the local church, being a manifestation of the universal church, is a community of believers in a particular place where the Word of God is preached and the ordinances of Believers’ Baptism and the Lord’s Supper are observed’.<sup>132</sup>

In the churches studied here, each local unit has its own assembly for governance. Norms deal with its composition, functions and procedure to transact business. Catholics, Orthodox and Anglicans have Parish Councils; for example, an Orthodox parish assembly elects lay representatives to a parish council which with the parish priest carries out parish administration as to mission, property and finance.<sup>133</sup> As Lutherans have e.g. Church Committees and each congregation may have its own constitution (which must be consistent with the general polity of the church), so a Methodist Circuit Meeting, composed of the circuit superintendent, ministers and elected representatives for each local church is ‘the principal meeting responsible for the affairs of a Circuit’ and ‘the development of circuit policy’; it exercises a ‘combination of spiritual leadership and administrative efficiency’, and is the focal point of ‘the working fellowship of the churches in the Circuit, overseeing their pastoral, teaching and evangelistic work’; in turn, the Church Council is ‘the principal meeting responsible for the affairs of a Local Church’ or ‘Society’; it is composed of ministers and lay representatives elected by the annual General Church Meeting and has ‘authority and oversight over the whole area of the

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<sup>130</sup> ROMOC, *Statutes*, Arts. 43-48; PCLCCAC, Principle 21; CIC, cc. 374 and 515.

<sup>131</sup> LCBG, *Rules and Regulations*, Definition of a Congregation, 1-2: ‘a community of baptised Christians who meet regularly for the proclamation of the Gospel and administration of the Sacraments’; MCGB, *Constitutional Practice and Discipline*, Deed of Union, 1(v)-(vi); SO 500-517: a circuit: a unit of one/more local churches and ‘the primary unit in which Local Churches express and experience their interconnexion in the Body of Christ’.

<sup>132</sup> RCA, *Book of Church Order*, Ch. 1, Pt. I, Arts. 1-6: these may also be styled ‘parishes’; PCA, *Book of Church Order*, 4-5; BUSA, *Model Constitution*, Art. 4: the ‘congregational principle’.

<sup>133</sup> ROC, *Statute*, XI; see also CIC, 536: parish council; PCLCCAC, Principle 21: Parochial Church Council.

ministry of the church'.<sup>134</sup> Presbyterians have (Kirk) Sessions and Congregational Meetings; Congregationalists have Church Meetings; and Baptists have meetings and other assemblies. For example, a local Baptist church is 'to manage its affairs according to the New Testament', to glorify God, proclaim the Gospel and provide instruction and fellowship for believers. The local church must hold an Annual General Meeting to receive reports from church departments, elect deacons, consider audited financial statements and elect the ordinary quarterly general meeting which has an Executive: the pastors, deacons and elders constitute the executive to act as directed by the General Meeting; the constitutions of Baptist churches provide for their own organisation on the basis of a church covenant, with a council, officers and standing committees.<sup>135</sup>

### **The Relationship between Local Churches and Regional and National Institutions**

In the traditions studied here, the local church may be subject to the control or direction of regional and national institutions but nevertheless enjoy autonomy within its own sphere. For example: Catholic, Orthodox and Anglican parishes are subject to the norms and directions of diocesan institutions, including those issued by the diocesan bishop and/or diocesan assembly, as well as institutions at national level (such as the Catholic Episcopal Conference, an Orthodox Holy Synod, and an Anglican General Synod).<sup>136</sup> Similarly, Lutheran and Methodist assemblies at national or regional level may exercise control over the local church and its assemblies but each local church enjoys such autonomy as is prescribed by the general law of the church; in Lutheranism: 'The power of the Church shall be exercised through the General Synod', which shall be 'the highest constitutional authority of the Church' and each district synod exercises 'general supervision over...the congregations'; but a congregation has 'authority in all matters that are not assigned by the constitution and bylaws of [the church] to synods'; again, a Methodist Conference is responsible for 'the management and discipline of the [church] and the management and administration of its affairs'; and the District Synod is a link between Conference, circuits and local churches.<sup>137</sup>

Much the same applies within Presbyterianism; typically: a (national) General Assembly may 'enact, alter or abrogate a law of the Church', and at regional level the Presbytery is 'responsible for corporate oversight of the congregations and causes assigned to it by the General Assembly' - it 'superintends' the 'spiritual and temporal affairs of its congregations', but the autonomy of a congregation is protected in its own sphere.<sup>138</sup> In Congregational polity, a Regional Council may 'issue directives/instructions to local churches within its bounds', but they are autonomous.<sup>139</sup> In Baptist polity, a national Union has more limited power – policies may be formulated by a Council for approval by the Assembly which may amend the constitution of the Union, but not interfere with the autonomy of a local Baptist church; and a

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<sup>134</sup> MCGB, *Constitutional Practice and Discipline*, Deed of Union 1(iii) and SO 61; ELCIC, *Constitution*, Art. 11-18: the annual Church Assembly elects the Parish Council; LCA, *Constitution*, Interpretation, Arts. III-IV.

<sup>135</sup> BUSA, *Model Trust*, Arts. 3, 4, 11; Central Baptist Church (Pretoria), *Constitution*, Art. 10.

<sup>136</sup> CIC, cc. 460-466: the diocesan bishop may legislate for the diocese in consultation with the Diocesan Synod; c. 447-455: at national level, the Episcopal Conference may issue decrees; Orthodox, ROMOC, *Statutes*, Art. 19-34: National Assembly; UOCIA, *Statutes*, Arts. VII-VIII: a diocese is 'governed by the Diocesan Bishop with the assistance of the Diocesan Assembly'; PCLCCAC, Principles 19 and 20: provincial synods and legislation; Principle 20: diocesan synods and legislation.

<sup>137</sup> LCA, *Constitution*, Art. VII; ELCA, *Constitution*, Ch. 9; MCGB, *Constitutional Practice and Discipline*, SO 003 and SO 412.

<sup>138</sup> PCI, *Code*, pars. 104-112: General Assembly; pars. 61-79: Presbytery (which monitors the Kirk Session).

<sup>139</sup> UCCSA, *Constitution*, 4.4.

regional association assembly may issue policy resolutions which may be freely adopted by autonomous local churches; these represent universal Baptist principles.<sup>140</sup>

## **International Governance and Primacy**

For *Common Vision*., when ‘the Church comes together to take counsel and make important decisions, there is need for someone to summon and preside over the gathering for good order and to facilitate the process of promoting, discerning and articulating consensus’ and: ‘It is the duty of the ones who preside to respect the integrity of local churches, to give voice to the voiceless and to uphold unity in diversity’. ‘Primacy’ originated in ‘the custom and practice’ recognised by the first ecumenical councils – the bishops of Alexandria, Rome, Antioch, and, later, Jerusalem and Constantinople ‘exercised a personal ministry of oversight over an area much wider than their individual ecclesiastical provinces’; this ‘primacy of decision-making (jurisdiction) and teaching authority’ extending to ‘the whole people of God’ was gradually claimed by the Pope as Bishop of Rome.<sup>141</sup> Some have expressed ‘an openness’ as to ‘how such a ministry might foster the unity of local churches throughout the world and promote, not endanger, the distinctive features of their witness’; but given sensitivity on the issue, ‘it is important to distinguish...the essence of a ministry of primacy and any particular ways in which it has been or is currently being exercised’. All would agree that it would need ‘to be exercised in communal and collegial ways’. So: ‘how might a ministry that fosters and promotes the unity of the Church at the universal level by understood and exercised?’<sup>142</sup>

The regulatory instruments of the traditions studied here already provide for international oversight and leadership, with varying degrees of authority attached to it, in norms applicable to global ecclesial communities which either constitute or are constituted by an institutional church. In the Roman Catholic Church, with the Pontiff, the College of Bishops exercises power over the universal church and its decrees, if confirmed by the Pope, are to be observed by all the faithful; administration is conducted by the Roman Curia.<sup>143</sup> Similarly, in Orthodox polity, an autocephalous patriarchate exercises jurisdiction over its local churches across the world through e.g. the Patriarch and a Holy Synod.<sup>144</sup> However, at international level the institutions of the Anglican Communion (e.g. Lambeth Conference), Lutheran World Federation (Assembly, Council and Secretariat), World Methodist Council, World Communion of Reformed Churches (General Council), and Baptist World Alliance (Congress), exercise no coercive jurisdiction over their autonomous member churches – nevertheless, these international entities co-ordinate their work in matters of common concern on the basis of an authority conferred individually by those member churches; the autonomy of each member church must be respected - however, some of these international ecclesial communities may discipline churches (e.g. suspension) by way of special process.<sup>145</sup> On the basis of these

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<sup>140</sup> BUGB, *Constitution*, I. and II: ‘The general policy of the Union, subject to any directions of the Assembly, shall be decided by the Council’; ABCUSA, *Constitution*, XIII: regional association.

<sup>141</sup> *Common Vision*, par. 54-55: Canon 34 of the Apostolic Canons (still honoured by many) expresses the early Church’s self-understanding that the first among the bishops in each nation would only make a decision in agreement with the other bishops who made no important decision without the agreement of the first bishop.

<sup>142</sup> *Common Vision*, pars. 54-57.

<sup>143</sup> CIC, cc. 336-348, 360-361 and 754.

<sup>144</sup> Rodopoulos, *Overview*, pp. 213-221; ROMOC, *Statutes*, Arts. 1-9: the Holy Synod is the ‘highest authority’.

<sup>145</sup> PCLCCAC, Principle 13: ‘A church shall respect the autonomy of each church’; 11: the Archbishop of Canterbury, Lambeth Conference, Primates Meeting and Anglican Consultative Council do not represent a ‘central legislative, executive or judicial authority’; LWF, *Constitution*, Art. IV: the Federation is ‘an instrument of its autonomous member churches’; Arts. VI-VIII: bodies; WCRC, *Constitution*, Arts. VII-IX: General Council is ‘the main governing body’; its decisions ‘concerning its organization and institutional activities shall be

existing models, there is ample scope for these international institutions to formulate norms under which they may recognise, respect, and perhaps take into account in their decision-making processes the exercise of a global primacy subject to safeguards which protect the continued enjoyment of autonomy however configured beneath those entities.

## CHURCH DISCIPLINE AND CONFLICT RESOLUTION

For *Common Vision*, the Church is called ‘to manifest God’s mercy’ (par. 25). However: ‘As a pilgrim community the Church contends with the reality of sin’; for some traditions, ‘the Church is sinless since, being the body of the sinless Christ, it cannot sin’; for others, ‘it is appropriate to refer to the Church as sinning, since sin may become systemic so as to affect the institution of the Church itself’; again, some see sin as ‘moral imperfection’, others as ‘a break in relationship’. Nevertheless: ‘All churches acknowledge the fact of sin among believers and its often grievous impact’ and ‘the continual need for Christian self-examination, penitence, conversion, reconciliation...and renewal...Holiness expresses the Church’s identity according to the will of God, while sin stands in contradiction to this’.<sup>146</sup> Whatever the theological position of churches about sin within the Church, the juridical instruments indicate that all the churches here recognise the capacity of the faithful to engage in wrong-doing contrary to the normative standards of the church in question. Each church has norms to address wrong-doing, resolve internal disputes, and maintain church discipline.

### **The Nature and Purposes of Church Discipline**

The churches studied here share basic ideas about the nature and purpose of ecclesiastical discipline. Typically: ‘Discipline in the Church is an exercise of that spiritual authority which the Lord Jesus has appointed in His Church. The ends contemplated by discipline are the maintenance of the purity of the Church, the spiritual benefit of the members and the honour of our Lord’; moreover: ‘All members and Ministers of the Church are subject to its government and discipline, and are under the jurisdiction and care of the appropriate Courts of the Church in all matters of Doctrine, Worship, Discipline, and Order in accordance with the Rules and Regulations from time to time made by the Conference’ (the central governing body).<sup>147</sup> Again, the competence of the church to discipline is based on the ‘rule and authority of Christ’, for the ‘correction of offender’, to ‘protect the reputation and resources of the church’, is ‘not punitive’, and: ‘Ecclesiastical discipline shall be carried out in an evangelical manner in accordance with scriptural principles and upholding the rules of natural justice. At all stages of the procedure the purpose...to gain a member, is to be observed’.<sup>148</sup>

### **Quasi-Judicial Discipline and Dispute Settlement**

The instruments of churches often provide for the settlement of disputes by means of procedure short of formal judicial process. Hierarchical recourse is used in the Catholic, Orthodox and

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binding’ but its decisions ‘involving the life and witness of the member churches are advisory in character’; BWA, *Constitution*, Preamble: it ‘recognises the traditional autonomy and independence of Baptist Churches’.

<sup>146</sup> *Common Vision*, pars. 35-36 (cf. Rom. 6: 1-11).

<sup>147</sup> MCI, *Constitution*, s. 5 and *Regulations etc.*, s. 5. See also CIC, c. 135: governance includes ‘judicial power’; Patsavos, *Manual*, p. 111: the power to bind and loose (Matt. 18.18); PCLCCAC, Principle 3.5: ‘discipline’.

<sup>148</sup> ELCA, *Constitution*, Ch. 4.03: rule of Christ; PCANZ, *Book of Order*, 15.1: correction; COTN, *Manual*, Part VI.I: reputation; UCCSA, *Procedure*, 15: discipline is not punitive; Bethel Baptist Church (Choctaw), *Constitution*, Art. VII: a member ceasing to meet the standards of the New Testament ‘will be subject to the discipline of the church’.

Anglican churches.<sup>149</sup> In Lutheranism, a College of Presidents may be charged to give leadership in the resolution of conflicts, in Presbyterianism a congregation may refer a matter to the Presbytery for advice, and several Baptist churches employ arbitration.<sup>150</sup> Churches also employ visitation to monitor and address discipline.<sup>151</sup> In Presbyterian polity, for instance, the Presbytery must carry out a visitation of each congregation ‘to seek the improvement of Church life and work in the congregation...by inquiry into all matters affecting the congregation, by the encouragement of members in their Christian witness and service, and by advice or correction in anything found amiss’.<sup>152</sup> Methodism is similar.<sup>153</sup>

## Church Courts and Tribunals - Judicial Procedure

Most churches have a system of courts or tribunals to provide for the enforcement of discipline and the formal and judicial resolution of ecclesiastical disputes. Courts and tribunals may exist at international, national, regional, and/or local level.<sup>154</sup> They are established by competent authority, administered by qualified personnel, may be tiered in terms of their original and their appellate jurisdiction, and exercise such authority over the laity and ordained ministers as is conferred upon them by law.<sup>155</sup> Every effort must be made by the faithful to settle their disputes amicably, lawfully, justly, and equitably - recourse to church courts and tribunals is a last resort.<sup>156</sup> Judicial process may be composed of informal resolution, investigation, a hearing and/or other stages as may be prescribed by law including an appeal. Disciplinary procedures at trial must secure fair, impartial and due process on the basis of natural justice. The parties, particularly the accused, have the right to notice, to be heard, to question evidence, to silence, to an unbiased hearing, and if appropriate to appeal.<sup>157</sup>

## Disciplinary Offences and Sanctions

Most churches have a system of ecclesiastical offences. Ecclesiastical offences and defences to them are to be clearly defined in writing and a court, tribunal or other body acting in a judicial capacity must give reasons for its finding of a breach of church discipline. The following are typical: apostasy, heresy, schism, ‘immorality’ or ‘violation of the moral norms of the church’, infringing church teaching and doctrine, neglect of duty, acting in a manner inconsistent with

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<sup>149</sup> CIC, cc. 1732-1739; ROC, *Statutes*, X.5: a dean must resolve ‘misunderstandings’ among clergy and laity ‘without formal legal proceedings’; Scottish Episcopal Church, Canon 55: resolution by the bishop(s).

<sup>150</sup> LCA, *Constitution*, Arts VIII and *Bylaws*, VIII.F; PCI, *Code*, par. 21; BUSA, *Constitution*, 10.

<sup>151</sup> CIC, cc. 396-399; ROC, *Statutes*, X.18: the bishop ‘is to visit the parishes...and exercise control over their activities’; PCLCCAC, Principle 23: visitation is a ‘supervisory jurisdiction’ to assess a unit in the diocese.

<sup>152</sup> PCI, *Code*, par. 70, pars. 246-251.

<sup>153</sup> MCGB, *Constitutional Practice and Discipline*, SO 111: the Conference may visit any Circuit.

<sup>154</sup> CIC, cc. 1419-1427: first instance diocesan tribunal; cc. 1438-1441: second instance metropolitan tribunal; cc. 1443-1444: the Roman Rota; ROC, *Statute*, I.8, VII, XI: Diocesan Court and General Ecclesiastical Court; PCLCCAC, Principle 24; ELCIC, *Constitution*, Art. XVIII: Court of Adjudication; PCI, *Code*, pars. 104-109: the General Assembly is ‘the supreme court’; PCANZ, *Book of Order*, 8: ‘A presbytery may exercise...judicial...powers’; MCI, *Regulations etc.*, 5: District Disciplinary Committee.

<sup>155</sup> Doe, *Christian Law*, pp. 164-171.

<sup>156</sup> E.g. UCCSA, *Procedure*, 15.1: informal resolution (this cites Matt. 18.15-17); CIC, c. 1446; PCLCCAC, Principle 24.2: ‘Church disputes must be resolved equitably, and, in the first instance, the parties should seek to resolve their differences amicably’; ELCISA, *Guidelines*, 5: discipline starts with ‘a brotherly consultation’.

<sup>157</sup> CIC, c.221: vindicating rights; 1476: the right to bring an action; c. 1456: judicial impartiality; cc. 1458-1462: hearing; cc. 1501-1655: process and appeals; PCLCCAC, Principle 25: ‘due judicial process’; UOCIA, *Statutes*, Art. XII: ‘due canonical procedure’ (accusations, preliminary process, trial, and appeal); LCGB, *Rules and Regulations*, Disciplinary Procedure for Pastors in the Church: informal settlement; investigation; and hearing; PCW, *Handbook of Rules*, 2.5: complaint, investigation; hearing; appeals; MCGB, *Constitutional Practice and Discipline*, SO 1100-1155; BUSA, *Model Constitution*, Art. 9.

ordained ministry, and conduct ‘censurable by the Word of God’.<sup>158</sup> The churches studied here assert their inherent right to impose spiritual and other lawful censures, penalties, and sanctions upon the faithful provided a breach of discipline is established objectively. Sanctions must be lawful and just and may include admonition, rebuke, suspension, excommunication and ultimately removal from office or membership or withdrawal from spiritual privileges for the remedial or medicinal purpose of the reform of the offender and the welfare of the church. Churches enable removal of sanctions on the basis of e.g. forgiveness and restoration to the full benefits of ecclesial association.<sup>159</sup>

## DOCTRINE AND WORSHIP

*Common Vision* proposes, as already seen, that proclamation of the faith is an integral action of the Church, as is protection of the apostolic faith. Moreover, communion requires unity in the apostolic faith (par. 37). The Church is called in each generation to proclaim the faith and to remain steadfast in the teaching first handed on by the apostles. It is a faith: invoked by the Word of God; inspired by the Holy Spirit; attested in Scripture; transmitted through the living tradition of the Church; confessed in worship, life, and mission; interpreted in the context of changing times and places (in continuity with the original witness); lived out in active service; and spoken to personal and social situations (par. 38). Interpreting the Word involves the faith experience of the whole people of God, insights of theologians, and the discernment of the ordained ministry: the challenge is for churches to agree on how these factors work together (par. 39) to reach ‘a normative expression of its faith’, and reconcile different approaches to ordained ministers ‘in providing an authoritative interpretation of revelation’, and consider how teaching authority is recognised/exercised (par. 51) as well as the importance of the doctrinal definitions of the early Ecumenical Councils.<sup>160</sup>

At the same time, however, *Common Vision* recognises the need to protect legitimate diversity: (1) ‘Legitimate diversity is not accidental to the life of the Christian community but is rather an aspect of its catholicity’ (par. 12) and ‘a gift from the Lord’; cultural and historic factors contribute to diversity, as the Gospel needs to be proclaimed in languages, symbols and images relevant to particular times/contexts so it is lived authentically in each time/place; but (2) ‘Legitimate diversity is compromised whenever Christians consider their own cultural expressions of the Gospel as the only authentic ones, to be imposed upon Christians of other cultures’ (par. 28). Churches must be ‘mutually accountable to each other’ in this regard (par. 29). Thus (3) churches should recognise ‘the limits of legitimate diversity’ (pars. 12, 28-30): when diversity ‘goes beyond acceptable limits it can be destructive of the gift of unity’, such

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<sup>158</sup> CIC, cc. 1364-1399, 1436-1437: e.g. heresy, apostasy, schism; c. 1446: disobedience to the lawful orders of a superior; ROC, *Statute*, X.35: ‘moral norms’; ROMOC, *Statutes*, Art. 14: ‘infringing the church discipline and teaching’; Church of Ireland (Anglican): *Constitution*, VIII.53: ‘immorality’; Scottish Episcopal Church, Can. 54.2: clerical conduct unbecoming; PCI, *Code*, pars. 131-132: conduct censurable by the Word of God; UCCSA, *Procedure*, 13 and 15: ‘wilful and persistent neglect of duties of a minister’ and ‘grave moral misconduct unworthy of a minister’; MCI, *Regulations etc.*, 5.15: practising homosexuality, child abuse, disobedience to church order.

<sup>159</sup> CIC, cc. 1331-1361, 1717-1752: penal remedies, penances, and expiatory penalties (e.g. deprivation) and cessation of penalties; Rodopoulos, *Overview*, pp. 176-178 (e.g. excommunication); PCLCCAC, Principle 24.9: e.g. admonition, rebuke, deprivation; Principle 19: excommunication; ELCA, *Constitution*, Ch. 20.18: admonition, public censure, suspension; PCANZ, *Book of Order*, 7: excommunication; MCI, *Regulations etc.*, 5.03-5.05: admonition, rebuke, suspension of ministers; Riverside Baptist Church (Baltimore), *Bylaws*, Art. I: termination of membership after seeking to bring the person to ‘repentance and amendment’ of life.

<sup>160</sup> *Common Vision*, par. 53: ‘While most churches accept the doctrinal definitions of the early Ecumenical Councils...some maintain that all post-biblical doctrinal decisions are open to revision’; ‘others consider some doctrinal definitions to be normative and [so] irreformable expressions of the faith’; so: has ecumenism stimulated ‘a common assessment of the normativity of the teaching of the early Ecumenical Councils’?

as ‘heresies and schisms’ – so: ‘Christians are called not only to work untiringly to overcome divisions and heresies but also to preserve and treasure their legitimate differences of liturgy, custom and law and to foster legitimate diversities of spirituality, theological method and formulation in such a way that they contribute to the unity and catholicity of the Church as a whole’ (par. 30). (4) Though ‘all churches have their own procedures for distinguishing legitimate from illegitimate diversity...two things are lacking: (a) common criteria or means of discernment; and (b) such mutually recognized structures to use these effectively. All churches seek to follow the will of the Lord yet they continue to disagree on some aspects of faith and order and...whether such disagreements are Church-divisive or...part of legitimate diversity’. So: ‘what positive steps can be taken to make common discernment possible?’

Juridical systems tell us about the extent to which churches themselves are united, through their norms and action prescribed by them, in the proclamation, protection, interpretation, and promotion of the faith. The systems also offer models about the preservation of the inherited faith, development of doctrine, and authority and interpretation of Scripture. Juridical analysis is valuable as it also indicates concrete ways in which churches balance loyalty to the apostolic faith and legitimate diversity of interpretation, doctrine, and worship.

### **The Sources, Definition and Development of Doctrine**

Churches consider doctrine as the teaching of the church on matters of faith and practice. Their norms include the following. The doctrine of a church is rooted in the revelation of God as recorded in Holy Scripture, summed up in the historical Creeds, and expounded in instruments, texts and pronouncements issued by ecclesiastical persons and institutions with lawful authority to teach.<sup>161</sup> Doctrinal instruments include Catechisms, Articles of Religion, Confessions of Faith and other statements of belief.<sup>162</sup> The doctrines of a church may be interpreted and developed afresh, by those persons or institutions within it with competence to do so, to the extent and in the manner prescribed by the law of that church provided this conforms to the catholic and apostolic faith of the church universal; in the Catholic and Orthodox churches the control over doctrine vests in the episcopate,<sup>163</sup> but in other churches doctrinal development is assigned to assemblies of ordained and lay persons.<sup>164</sup>

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<sup>161</sup> CIC, cc. 749-753: the Word of God and tradition and definitive and non-definitive doctrine; GOAA, *Charter*, Art. 2: the church adheres to ‘the Holy Scriptures, Sacred Tradition, the doctrines and canons of the Ecumenical and Local Synods...as interpreted by the Great Church of Christ in Constantinople’; PCLCCAC, Principle 48: Holy Scriptures, Creeds; LCGB, *Rules and Regulations*, Statement of Faith, 2-4: the Holy Scriptures and the Three Ecumenical Creeds; URC, *Manual*, A.12: scripture is ‘the supreme authority for faith’; BUGB, *Model Trusts*, 2.8: Christ is ‘sole and absolute authority in all matters [of ] faith...as revealed in the Holy Scriptures’.

<sup>162</sup> E.g. Apostolic Constitution *Fidei depositum*, on the publication of the Catechism of the Catholic Church (1994); PCLCCAC, Principle 49.1: the Thirty-Nine Articles of Religion, Book of Common Prayer and Ordinal; LCGB, *Rules and Regulations*, Statement of Faith, 3-4: the Lutheran Confession (e.g. Unaltered Augsburg Confession); MCGB, *Constitutional Practice and Discipline*, Bk. V: e.g. Wesley’s Sermons; PCI, *Code*, III.12-13: the Westminster Confession of Faith and Larger and Shorter Catechisms; URC, *Manual*, A.17: Statement of Faith; BUSA, *Constitution*, Declaration of Principles.

<sup>163</sup> CIC, cc. 749-753: the *magisterium* belongs to the ordained ministers and supreme teaching authority vests in the Pope and College of Bishops; ROMOC, *Statutes*, Art. 14: the Holy Synod may resolve any ‘dogmatic issue’.

<sup>164</sup> PCLCCAC, Principle 50: churches must maintain ‘the Faith, Doctrine, Sacraments and Discipline of the One, Holy, Catholic and Apostolic Church’; LCA, *Constitution*, Arts. VI, VII and XII: a General Synod ‘decision on a matter of doctrine’ is ‘governed by the will of Christ as revealed in Scripture’; MCGB, *Constitutional Practice and Discipline*, Deed of Union 5: the Conference has ‘the final authority...concerning the interpretation of [the church’s] doctrines’; PCI, *Code*, III.14: ‘In the Church resides the right to interpret and explain her [doctrinal] standards’; UCOC, *Constitution*, Art. V.18: a local church may ‘formulate its own...confessions of faith; BUSA, *Model Constitution*, Art. 4: the congregation determines the interpretation of doctrinal standards.



## The Proclamation of the Gospel and Evangelical Work

For all traditions, the proclamation of the Word of God is a fundamental action of the church and a divine imperative incumbent on all the faithful for the evangelisation of the world; this is the position in the Catholic, Orthodox and Anglican churches,<sup>165</sup> as well as those of the Protestant tradition.<sup>166</sup> Preaching is inherent to ordained ministry - and ordained ministers and authorised lay persons may deliver sermons or other forms of preaching for the glory of God, the edification of the people, and the consistent exposition of church doctrine: in Catholicism, preaching is of ‘great importance’ and a homily must set out ‘those things which it is necessary to believe and to practise for the glory of God and the salvation of all’; in Orthodoxy: ‘The sermon or homily [at the Divine Liturgy] is directed to the up-building of the congregation, and is intended to be a clear exposition of the Orthodox teaching’; Anglican clergy have the responsibility to preach sermons, but the laity may also be authorised to do so - the preacher ‘must endeavour with care and sincerity to expound the word of truth according to Holy Scripture, to the glory of God and to the edification of the people’.<sup>167</sup> For the Protestant traditions preaching the Word is ‘a means of grace’ and must conform to the (Lutheran) Confession of Faith; ‘the main doctrines of the Christian faith should be more plainly and systematically set forth in public preaching, so that the Methodist people may be established in the faith’; or else, preaching the Gospel is an ordinance of the church.<sup>168</sup> Instruction by ministers and amongst the faithful in general (including children and young persons) may be by means of catechesis, Sunday school or other classes and the faithful should study Holy Scripture; this applies in the Catholic, Orthodox and Anglican churches,<sup>169</sup> as well as in those of Lutherans, Methodists, Presbyterians and Baptists.<sup>170</sup> Each church has a right to enforce its own doctrinal standards and discipline: the faithful should believe church doctrine; ordination candidates and others may be required to subscribe, assent or otherwise affirm their belief in or loyalty to that doctrine; and the faithful should not publicly manifest, in word or deed, a position contrary to church doctrine and those who do so may be subject to correction by means of disciplinary process.<sup>171</sup>

## The Nature of Worship and the Forms of Worship

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<sup>165</sup> Matt. 28.18-20; CIC, cc. 747-748: ‘It is the obligation and inherent right of the Church...to preach the Gospel to all people’; GOAA, *Charter*, Art. 2: ‘The mission of the Archdiocese is to proclaim the Gospel of Christ’ and ‘to teach the Orthodox Christian faith’; PCLCCAC, Principle 48.

<sup>166</sup> LCGB, *Rules and Regulations*, Statement of Faith, 7-8: ‘This Church affirms the special ministry of proclamation of the Gospel’; MCGB: CPD, DU 4: ‘the proclamation of the evangelical faith’; PCW, *Handbook*, 1.1: ‘Missionary work and evangelising’; BUGB, *Constitution*, 4: the Union is ‘to spread the Gospel’.

<sup>167</sup> See, respectively: CIC, 757, 759, 760-772; SOBA, *GO CER*, Pt I; PCLCCAC, Principles 48 and 51.

<sup>168</sup> LCA, *Bylaws*, V.D, Preamble and ELCA, *Constitution*, Ch. 7.31.12; MCGB, *Constitutional Practice and Discipline*, SO 524; see also PCW, *Handbook*, 9: preaching the Gospel is an ordinance; URC, *Manual*, A.13; Riverside Baptist Church (Baltimore), *Constitution*, Art. II.

<sup>169</sup> CIC, cc. 773-777: catechesis; ROMOC, *Statute*, Art. 50: a parish priest catechises children, young people and adults; PCLCCAC, Principle 48: clergy must provide instruction, especially children and young persons.

<sup>170</sup> LCGB, *Rules and Regulations*, Congregations, 2: children and adults; ELCSA, *Guidelines*, 2.7: Sunday School; MCI, *Regulations*, 10.71-74: Sunday School; PCI: *Code*, 37 and 77: ‘Sunday Schools of the congregation’ study ‘Scripture [and] the Shorter Catechism’; BUGB, *Model Trusts*, 5.1.4: a church is a place ‘where children and adults are instructed in the Christian faith’.

<sup>171</sup> CIC, c. 752: *obsequium* is owed to non-definitive doctrine; for doctrinal offences, see cc. 751, 1323-1324, 1369, and 1364; SOCA, *Constitution*, Arts. 59 and 103: heresy; PCLCCAC, Principle 53: doctrinal offences and subscription; LCMS, *Constitution*, Art. III: schism and heresy; MCGB, *Constitutional Practice and Discipline*, SO 010(1): ‘No person shall be appointed to office in the Church who teaches doctrines contrary to those of the Church’; PCI, *Code*, 205: statements at ordination; BUSA, *Model Constitution*, Art. 9.2: ‘erroneous belief’.

For all the churches across the ecclesiastical traditions studied here, the public worship of God is a fundamental action of the church and it is divinely instituted; moreover, worship involves an intimate encounter between the church corporately and the faithful individually with the presence of God.<sup>172</sup> According to their norms, each church and those persons or bodies within it competent to do so (from bishops to assemblies of ordained and/or lay persons) may develop liturgical texts or other forms of service for the public worship of God provided these are consistent with the Word of God and church doctrine. The forms of service for worship may be found in a book of rites or liturgy (Catholic and Orthodox),<sup>173</sup> a book of common prayer (e.g. Anglican),<sup>174</sup> ‘orders of worship’ (Lutheran),<sup>175</sup> a directory of worship (e.g. Presbyterian),<sup>176</sup> and other service books lawfully authorised for use.<sup>177</sup>

### **Attendance, Administration and Conduct of Worship**

Churches have elaborate norms on the administration of public worship. A church must provide for public worship.<sup>178</sup> Ordained ministers particularly are responsible for the conduct of public worship in accordance with the authorised forms of service.<sup>179</sup> The faithful must engage in regular attendance at divine worship, particularly on the Lord’s Day, Sunday.<sup>180</sup> The

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<sup>172</sup> CIC, cc. 834-837: liturgy is to enable the sanctification of the faithful; c. 217: the right to worship; GOAA, *Constitution*, Art. 2 and *Regulations*, 15.3: the church is ‘sanctifying the faithful through Divine Worship; PCLCCAC, Principle 54: ‘the worship of God is a fundamental action and responsibility of the church’; ELCSA, *Guidelines*, 2.1: ‘The divine worship is central to the faith of the Christian as well as for the life of the congregation. The risen Lord acts within His congregation through Word and Sacrament’; MCGB, *Constitutional Practice and Discipline*, SO 569: the faithful ‘meet with God in worship’; PCW, *Handbook*, 1.1 and 2.1: ‘Our purpose is to worship God’ and worship is ‘a means of grace’; see also URC, *Manual*, A.25.

<sup>173</sup> CIC, c. 2: ritual books (*ordines*) contain normative preambles and rubrics; cc. 455, 826, 838: the Pope has authority over the formulation of liturgical texts; ROC, *Statute*, II.5 and III.4: the Bishops’ Council and Holy Synod are responsible for the approval of liturgical texts.

<sup>174</sup> PCLCCAC, Principles 54-55: e.g. a General Synod may approve forms of service which must be consistent with church doctrine, and the Book of Common Prayer 1662 may be normative.

<sup>175</sup> LCA, e.g. Resolution 269 of the 1987 General Convention, Order with Holy Communion.

<sup>176</sup> PCANZ, *Book of Order*, 1.1: Directory of Worship (1995); PCW, *Handbook*, 9: the Book of Services.

<sup>177</sup> MCI, Methodist Service Book (1999) approved by Conference; UCA, *Regulations*, 3.6.5: the Assembly ‘may approve orders of service’.

<sup>178</sup> E.g. PCLCCAC, Principle 60: any minister who fails to provide public worship may be subject to discipline; LCGB, *Rules and Regulations*, Definition of a Congregation, 2: a congregation must ‘provide services of worship’; MCNZ, *Laws and Regulations*, s. 1.5: ‘Divine worship shall be held regularly in all Churches and preaching places on the Lord’s Day’; PCANZ, *Book of Order*, 7.2: the church council must ‘fix the time and place of public worship’; Riverside Baptist Church (Baltimore), *Constitution*, Art. II: the local church is ‘to provide regular opportunities for public worship’.

<sup>179</sup> CIC, cc. 834, 838, 846: liturgy is conducted under the presidency of an ordained minister; ROC, *Statute*, XI.19, 20, 27: the rector is responsible for ‘the correct celebration of the divine services in accordance with the Statute of the Church’; PCLCCAC, Principles 56-57; LCA, General Convention, Res. 269, 1987: ‘pastors and congregations shall normally use the ...specified orders for...the Lord’s Supper’; MCNZ, *Laws and Regulations*, s. 1.5: ‘Divine worship...shall be conducted according to the established forms and usages of Methodism’; PCANZ, *Book of Order*, 1.7: the minister must ‘observe the order and administration of public worship’; RCA, *Book of Church Order*, Ch. 1, Pt. I, Art. 2.11: ‘worship ...shall be in accordance with...the principles...in the Directory of Worship’.

<sup>180</sup> CCC, par. 1069; GOAA, *Regulations*, Art. 8: parishioners must ‘faithfully attend the Divine Liturgy and other worship services’; PCLCCAC, Principle 54: Lord’s Day; LCGB, *Rules and Regulations*, Individual Membership in a Congregation, 2: members who fail to attend regularly may be removed from the membership roll; UMCNEAE, *Book of Discipline*, par. 103 and Articles of Religion, Art. XIV: the Lord’s Day is divinely instituted; PCI, *Code*, II.6: members are ‘to share faithfully in...worship’; JBU, *Constitution*, Art. III: every disciple must engage ‘in Family and Public Worship’.

administration of worship is subject to supervision by those authorities designated by law to provide this.<sup>181</sup> Churches also have norms on music as a feature of Christian worship.<sup>182</sup>

## THE RITES OF PASSAGE

*Common Vision* identifies several ecumenical challenges with regard to ritual: who may be baptized; the presence of Christ in the Eucharist and its relation to His sacrifice on the cross; chrismation or confirmation; and those who do not affirm baptism and Eucharist but do affirm that they share in the Church's sacramental life (par. 40). Whether baptism, Eucharist and other rites should be termed 'sacraments' or 'ordinances' is another challenge,<sup>183</sup> though whichever term is used most traditions 'affirm that these events are both *instrumental* (in that God uses them to bring about a new reality), and *expressive* (of an already-existing reality)'. In any event: 'These rites express both the "institutional" and "charismatic" aspects of the Church. They are visible, effective actions instituted by Christ and, at the same time, are made effective by the action of the Holy Spirit who, by means of them, equips those who receive [them] with a variety of gifts [to edify] the Church and its mission'. Therefore, churches should explore: 'deeper agreement' about ecclesial life which involves these rites; the status of others (e.g. chrismation/confirmation, weddings, rites for forgiveness of sin and blessing the sick); who may receive baptism and preside at liturgical celebrations; and mutual understanding between churches that celebrate these rites and communities convinced that sharing life in Christ does not require celebration of sacraments or other rites (par. 44).

The legal evidence substantiates the differences in approaches between the traditions in terms of the classification of some rites as sacraments. The churches studied here classify baptism and the Lord's Supper as sacraments (or sometimes ordinances) which have been divinely instituted.<sup>184</sup> Most churches have norms on marriage and some on confession and funerals.

### The Rite of Baptism – and Confirmation

*Common Vision* recognises that there is growing convergence among churches about the understanding of baptism: 'Through Baptism with water in the name of the Triune God, the Father, the Son and the Holy Spirit, Christians are united with Christ and with each other in the Church of every time and place'; baptism is: 'the introduction to and celebration of new life in Christ and of participation in his baptism, life, death and resurrection'; and: 'the water of rebirth and renewal by the Holy Spirit...incorporating believers into the body of Christ and enabling them to share in the kingdom of God and the life of the world to come'; it 'involves confession

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<sup>181</sup> CIC, cc. 87-88: the bishop oversees worship; ROC, *Statute*, X.11 and 18: 'The Diocesan Bishop shall...supervise the correct celebration of the divine services'; PCLCCAC, Principle 59: episcopal supervision; ELCA, *Constitution*, Ch. 9.41: congregational worship; MCI, *Regulations etc.*, 4A.04: the District Superintendent is 'to see that public worship is conducted...as provided for in the Circuit plan'; PCI, *Code*, 19.2: a congregation 'in...worship...is under the immediate jurisdiction of the Kirk Session' overseen by Presbytery; Riverside Baptist Church (Baltimore), *Bylaws*, Art. III.3: the Worship Committee is 'responsible for oversight of the worship'.

<sup>182</sup> Doe, *Christian Law*, p. 231.

<sup>183</sup> *Common Vision*, par. 44: *Sacrament* (used to translate the Greek *mysterion*) 'indicates that God's saving work is communicated in the action of the rite...*ordinance* emphasizes that the action of the rite is performed in obedience to Christ's word and example. These two positions have often been seen as mutually opposed'.

<sup>184</sup> CIC, cc. 840-841: the sacraments are actions of Christ and the church (baptism, confirmation, Eucharist, confession, marriage, anointing, and ordination); SOCA, *Constitution*, Art. 148: the 7 sacraments; PCLCCAC, Principles 11, 61, 66: baptism and holy communion are dominical sacraments; for Protestant churches baptism and Lord's Supper are classified variously as 'sacraments' or 'ordinances' and 'means of grace' – LCGB, *Rules and Regulations*, Statement of Faith, 5; MCGB, *Constitutional Practice and Discipline*, Deed of Union 4; PCW, *Handbook*, 9; UCCSA, *Constitution*, 3.5.1; and BUSA, *Constitution*, 2.

of sin, conversion of heart, pardoning, cleansing and sanctification; it consecrates the believer as a member of ‘a chosen race, a royal priesthood, a holy nation’; it is ‘a basic bond of unity’. Moreover: ‘Some churches see the gift of the Holy Spirit as given in a special way through chrismation or confirmation, which is considered by them as one of the sacraments of initiation. The general agreement about baptism has led some who are involved in the ecumenical movement to call for the mutual recognition of baptism’ (par. 41).

The juridical instruments of the churches echo directly these theological propositions. For the churches studied here, baptism is a divinely instituted sacrament and constitutes incorporation of a person into the church of Christ. For instance, in Catholic canon law, baptism (infant or adult), gate to the sacraments, is necessary for salvation in fact or intent, frees from sin, constitutes a rebirth as children of God configured to Christ and incorporates into the church; for Lutherans: ‘In Baptism we are incorporated into Christ’; for Methodists it effects ‘regeneration’; and for Presbyterians: ‘Baptism is an act of the Church, and...of God’ in which ‘individuals are received into the fellowship of the Church’ signifying God’s ‘gracious purpose to save us into eternal life’.<sup>185</sup> Baptism is validly administered with water in the name of the triune God.<sup>186</sup> It is administered ordinarily in public in the presence of the faithful by an ordained minister but extraordinarily in cases of necessity privately by a lay person.<sup>187</sup> A church may practise infant and/or believers’ baptism and a baptised person should be nurtured in the faith by duly qualified sponsors or other designated entity.<sup>188</sup> A baptism should be registered in books kept for this purpose and it cannot be repeated but, in the absence of proof of a prior valid baptism, a conditional baptism may be administered.<sup>189</sup>

In short, for these churches, baptism may be constituted by, accompanied by, or followed by a rite in which candidates make a public and mature demonstration of their faith. Such a rite may be conceived as a sacrament or as sacramental provided this is consistent with church doctrine. The rite may be styled confirmation, profession of the faith, or admission to full membership. Candidates must undergo preparation and instruction prior to its administration. The rite is administered by means of laying-on-of-hands or other ritual action administered by an authorised ordained minister in the presence of the faithful at a public service.<sup>190</sup>

### **The Eucharist, Holy Communion or Lord’s Supper**

According to *Common Vision*, there is ‘a dynamic and profound relation’ between baptism and the Eucharist: ‘The communion into which the newly initiated Christian enters is brought to

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<sup>185</sup> CIC, cc. 849- 878; LCGB, *Rules and Regulations*, Statement of Faith, 5; PCANZ, *Book of Order*, 6.1.

<sup>186</sup> CIC, c. 849-878: ‘washing with true water together with the required form of words’; OCIA, *Guidelines for Clergy*, The Mystery of Baptism; PCLCCAC, Principle 61: pouring, sprinkling, immersion etc., administered with the words ‘I baptize you in the name of the Father and of the Son and of the Holy Spirit’; LCGB, *Rules and Regulations*, Statement of Faith, 5; MCGB, *Constitutional Practice and Discipline*, SO 010A; PCW, *Handbook*, 9.2: it is ‘publicly administered...by sprinkling with water...or...immersion, in the name of the Father, the Son and the Holy Spirit’; URC, *Manual*, A.14.

<sup>187</sup> CIC, cc. 849-878; OCIA, *Guidelines for Clergy*, Mystery of Baptism; PCLCCAC, Principles 61-62; ELCSA, *Guidelines*, 1.8.

<sup>188</sup> CIC, cc. 849-878; SOCA, *Constitution*, Art. 143; PCLCCAC, Principles 61-62; ELCSA, *Guidelines*, 1.4-8: ‘Children are baptized during the first weeks after their birth’ and have sponsors; MCGB, *Constitutional Practice and Discipline*, DU 6; PCW, *Handbook*, 9.1-9.2; compare: BUGB, *Constitution*, 3.2: Believers’ Baptism ‘an act of obedience to...Christ and a sign of personal repentance, faith and regeneration’, by ‘immersion in water into the name of the Father, Son and Holy Spirit’.

<sup>189</sup> CIC, cc. 849-878; ROC, *Statute*, XI.20; PCLCCAC, Principles 63-64; UMCNEAE, *Book of Discipline*, par. 226; PCI, *Code*, I.I.II.39.

<sup>190</sup> Doe, *Christian Law*, 243-246.

fuller expression and nourished in the Eucharist, which reaffirms baptismal faith and gives grace for the faithful living out of the Christian calling'; in sum: 'The Lord's Supper is the celebration in which, gathered around his table, Christians receive the body and blood of Christ'; it is 'a proclamation of the Gospel, a glorification of the Father for everything accomplished in creation, redemption and sanctification (*doxologia*); a memorial of the death and resurrection of Christ Jesus...accomplished once for all on the Cross (*anamnesis*); and an invocation of the Holy Spirit to transform both the elements of bread and wine and the participants themselves (*epiclesis*)'; it impels us to share in mission (par. 62); and: 'Just as the confession of faith and baptism are inseparable from a life of service and witness, so too the Eucharist demands reconciliation and sharing by all those...in the one family of God'; moreover: 'The liturgical renewal among some churches may be seen in part as a reception of the convergences registered in ecumenical dialogue about the sacraments' (par. 43).

The juridical unity between these churches may be articulated in a number of principles as the churches have elaborate norms on the Eucharist, Holy Communion or Lord's Supper - a sacrament instituted by Christ (though churches have different doctrines about its nature). This rite is central to ecclesial life and the faithful should participate in it regularly (and the norm is for the members only to receive the sacrament, which sometimes includes children). It is administered by ordained persons, or those otherwise lawfully deputed, normally in a public church service and exceptionally at home such as to the sick. Also, it is administered through the distribution of bread and wine or equivalent elements. A church by due process may exclude from admission to the sacrament those whom it judges unworthy to receive it. These norms are to be found in the Catholic, Orthodox and Anglican churches.<sup>191</sup> The same norms are also to be found in the regulatory instruments of Protestant churches, including Lutheran and Methodist churches,<sup>192</sup> and Presbyterian and Baptist churches.<sup>193</sup>

### **Marriage and Divorce – Confession and Funerals**

Other ecclesiastical rites which *Common Vision* does not deal with are marriage, confession, funerals, and the nature and administration of worship. The following principles disclose juridical unity across the ecclesiastical traditions studied here in relation to these matters.

Churches have complex norms on marriage, which is defined typically as a lifelong union between one man and one woman, instituted by God for the mutual affection and support of the parties and which may be ordered to procreation.<sup>194</sup> In order to be married validly in the

<sup>191</sup> CIC, cc. 897-958; cc. 897-898: nature; cc. 899-911: celebration and minister; cc. 912-923: participation of the faithful; cc. 924-930: wheat bread and wine from grapes of the vine and not corrupt; cc. 915-916: excommunication; GOAA, *Regulations*, Art. 18.1: parishioners 'participate regularly'; SCOPA, *GOCER*, Pt. I, Sacraments and Other Liturgical Services, 1: the church admits to Holy Communion only 'baptised and chrismated children who confess the full Orthodox faith'; PCLCCAC, Principles 66-69.

<sup>192</sup> ELCIC, *Constitution*, Art. V: 'members...are to be constant in...regularly nourishing their life in Christ in the Sacrament of the Altar'; MCI, *Regulations etc.*, 16-21: 'Admission to the Lord's Supper shall be the privilege of members of the Church...including children who wish to communicate, as the minister may judge to be eligible'; MCGB, *Constitutional Practice and Discipline*, SO 922: 'wine used shall be non-alcoholic' and SO 054: removal for persistent absence.

<sup>193</sup> PCW, *Handbook*, 9.3: sacrament instituted by Christ; UFCS, *Manual of Practice and Procedure*, I.III.2: at home to the sick; *ibid.*, I.III.6: 'Only members in full communion are entitled to participate' in it; PCW, *Handbook*, 2.2: members must partake 'regularly'; PCI, *Code*, I.II.II.40: 'The Kirk Session shall admit...only those...baptised, who make profession of faith...and whose character is consistent with such a profession'; BUSA, *Model Constitution*, 4.1: bread and wine.

<sup>194</sup> CIC, c. 1055: the sacrament of marriage is a 'covenant by which a man and a woman establish between themselves a partnership of their whole life...ordered to the well-being of the spouses and to the procreation and upbringing of children'; Patsavos, *Manual*, p. 123: 'Marriage is the union of man and woman'; PCLCCAC,

eyes of the church, the parties must satisfy the conditions prescribed by church law and should be instructed in the nature and obligations of marriage.<sup>195</sup> The norm is marriage between church members but this may be relaxed in prescribed circumstances - marriage is celebrated at a public service in the presence of an ordained minister and witnesses, and it must be registered.<sup>196</sup> A marriage is dissolved ordinarily by the death of one of the spouses and extraordinarily when recognised as such by competent ecclesiastical authority - though a minister may solemnise the marriage of a divorced person whose former spouse is still alive to the extent that this is authorised by the law of a church and conscience of the minister.<sup>197</sup>

Several traditions practise private confession and absolution in the presence of an ordained minister. A duty of confidentiality attaches to all information disclosed and received in the rite of confession or in the course of ministry;<sup>198</sup> for example, in Lutheranism private confession is voluntary; moreover: 'The penitent, who confides in his minister in private confession, shall know that the minister is bound by his ordination vow to keep secret what has been confessed';<sup>199</sup> also: 'No ordained minister...shall divulge any confidential disclosure given in the course of the care of souls or otherwise in a professional capacity, except with the express permission of the person involved, or where required by law, or in order to prevent the commission of a crime'.<sup>200</sup> Furthermore, funeral rites may be open to all who sincerely seek them, and the disposal of human remains may be by burial or cremation accompanied by the administration of a funeral service authorised for use in a church.<sup>201</sup>

## ECUMENICAL RELATIONS

*Common Vision* invites 'the leaders, theologians, and faithful of all churches to seek the unity for which Jesus prayed' (Jn. 17.21) (par. 8). 'The ecclesial elements required of full communion within a visibly united church...are communion in the fullness of apostolic faith;

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Principle 20; ELCSA, *Guidelines*, 7.2-7.8: 'God has installed marriage as an order of creation. He unites man and woman towards an inseparable communion'; MCGB, *Constitutional Practice and Discipline*, SO 011A: marriage is 'a gift of God and it is God's intention that a marriage should be a life-long union in body, mind and spirit of one man and one woman'; PCW, *Handbook*, 9.4: marriage 'essentially permanent in character should be upheld to the utmost'.

<sup>195</sup> CIC, cc. 1057-1064; OCIA, *Guidelines for Clergy*, Mystery of Marriage, 2: preparation; PCLCCAC, Principle 71: validity; MCI, *Regulations etc.*, 2.09: form of service.

<sup>196</sup> CIC, cc. 1108, 1115-1120; UOCIA, *Instructions*, Policy on Marriages, 3: marriage 'must be celebrated by an Orthodox priest in the church of the bride in accordance with the liturgical tradition of the Orthodox Church'; PCLCCAC, Principles 72-73; ELCSA, *Guidelines*, 7.2-7.8: it is denied if e.g. both spouses are not Christians; MCGB, *Constitutional Practice and Discipline*, SO 011A: 'The Methodist Church welcomes everyone, whether or not a member, who enquires about an intended marriage'; PCI, *Code*, par. 85: marriage with a person whose religion is incompatible with the witness of the Protestant Reformation is barred until set conditions are met.

<sup>197</sup> CIC, c. 1055; Patsavos, *Manual*, pp.137-138: dissolution on the death of a marriage (an Orthodox cannot remarry a fourth time); PCLCCAC, Principles 74-75: following civil dissolution, whether clergy solemnise a re-marriage is a matter of their conscience with/without the consent of/consultation with the bishop; LCA: Marriage, Divorce and Re-Marriage, II, edited 2001: a divorced person may remarry in church provided conditions are met; MCGB, *Constitutional Practice and Discipline*, SO 011A: re-marriage in church is permitted but no minister with a conscientious objection is under a duty to solemnise a re-marriage.

<sup>198</sup> CIC, c. 959: definition; cc. 988-9: all the faithful must make confession at least once a year; c. 983: '[t]he sacramental seal is inviolable'; ROC, *Statute*, XI.32: 'regular' confession; OCIA, *Guidelines for Clergy*, The Mystery of Penance, 6: a priest who betrays 'the secrecy of confession' may be disciplined; PCLCCAC, Principles 76-77: seal of confession; UMCNEAE, *Book of Discipline*, par. 340: confessions and confidentiality.

<sup>199</sup> ELCSA, *Guidelines*, 4.1-4.10.

<sup>200</sup> ELCIC, *Administrative Bylaws*, Pt. III.4: 'No ordained minister...shall divulge any confidential disclosure given in the course of the care of souls or otherwise in a professional capacity, except with...express permission of the person involved, or where required by law, or...to prevent the commission of a crime'.

<sup>201</sup> Doe, *Christian Law*, pp. 269-272.

in sacramental life; in a truly one and mutually recognized ministry; in structures of conciliar relations and decision-making'; and in 'common witness and service in the world' (par. 37). Visible unity requires that churches be able 'to recognise in one another the authentic presence of...the "one, holy, catholic, and apostolic Church"' ; such recognition may 'depend upon changes in doctrine, practice and ministry', representing 'a significant challenge for churches in their journey towards unity' (par. 9). Moreover: 'The Christian community is called to be ever faithful to these apostolic origins; infidelity in worship, witness or service contradicts the Church's apostolicity' (par. 22). Currently: 'some identify the Church of Christ exclusively with their own community'; some see in others 'a real but incomplete presence' of the Church; some have joined 'covenant relationships'; some believe the Church is 'located in all communities that present a convincing claim to be Christian'; and others maintain that 'Christ's Church is invisible and cannot be adequately identified' (par. 10).

The juridical instruments of churches tell us much about the commitment of churches to and their participation in the ecumenical movement. Some churches have a well-developed body of ecumenical norms; others are less well-developed. They tell us about the indivisibility of the church of Christ. Whilst they are divided denominationally, churches teach that there is one, holy, catholic and apostolic church universal,<sup>202</sup> and that an institutional church is, typically, a portion, member or branch of it, or else the church universal subsists in it.<sup>203</sup> Ecumenism seeks the restoration of Christian unity - a divine imperative of Christ - and its goal is full ecclesial communion.<sup>204</sup> Each church must promote the ecumenical movement through dialogue and cooperation which must be prudent and lawful so that the discipline of each is respected.<sup>205</sup> Churches should protect the marks of the church universal and define what ecclesial communion and reciprocity is possible.<sup>206</sup> Churches have structures in place to promote ecumenism: ecumenical activity is generally in the keeping of the central or other authority in a church, but ecumenical duties may be distributed to the local church and to ordained ministers, and churches should provide for the ecumenical formation of the faithful.<sup>207</sup> It is for a church in agreement with its ecumenical partner to determine when dialogue reaches

<sup>202</sup> CIC, c. 204 and CCC par. 820; OCIA, *Guidelines for Clergy*, Ecumenical Witness; PCLCCAC, Principle 93; ELCSA, *Guidelines*, 11 and 12; URC, *Manual*, A.18.5; MCI, *Constitution*, 1; UCC, *Manual*, Basis of Union, 2.15; CNBC, *Constitution*, 2; Statement of Faith, XIV.

<sup>203</sup> CIC, c. 204; SCOBA, *GOCER*, Pt. I, Orthodox Ecumenical Guidelines, 1; PCLCCAC, Principle 10.1; LCGB, *Rules and Regulations*, 2; URC, *Manual*, A.11; PCANZ, *Book of Order*, 1.1; MCGB, *Constitutional Practice and Discipline*, Deed of Union, 4 and SO 500.

<sup>204</sup> For ecumenism as a divine duty (John 17.21) and definitions of it see: CCC, par. 820; CIC, c. 755 and *Ecumenical Directory* (1993), par. 20: 'the restoration of unity between all Christians which, by the will of Christ, the Church is bound to promote'; 'the full visible communion of all Christians is the ultimate goal of the ecumenical movement'; PCLCCAC, Principle 93; LCGB, *Rules and Regulations*, Statement of Faith, 8; UCCSA, *Constitution*, Preamble: 'Christ's will'; PCW, *Handbook*, III.3.4.4; BUGB: Baptists and Ecumenism, Faith and Unity Department (2006).

<sup>205</sup> CIC, c. 755: 'the Church is bound to promote' it; *Ecumenical Directory*, pars. 23,106-107: it must be prudent, lawful and respect the discipline of each partner; OCIA, *Guidelines for Clergy*, Ecumenical Witness: 'ecumenical duty'; PCLCCAC, Principles 93 and 98: reciprocity; Evangelical Lutheran Church in Ireland (ELCIRE), *Constitution*, 3; MCNZ, *Laws and Regulations*, Introductory Documents, II Pastoral Resolutions: 'commitment' to ecumenism; UCCSA, *Constitution*, Preamble; see also e.g. WCRC, *Constitution*, Art. III.F.

<sup>206</sup> The catholicity and apostolicity is spelt out in the objects of churches: see above.

<sup>207</sup> CIC, c. 755: 'It is a matter for the Bishops, and, in accordance with the law, for the Bishops' Conferences, to promote this unity, and...issue practical norms'; *Ecumenical Directory*, pars. 55-56: 'all the faithful are called upon to make a personal commitment towards promoting increasing communion with other Christians'; SCOBA, *GOCER*, Pt. I, Council of Churches, 10: 'a Parish Council on Ecumenical Affairs'; PCLCCAC, Principles 95 and 96; ELCIC, *Administrative Bylaws*, Pt. IX: the National Church Council is 'responsible for the implementation of all ecumenical' relations; LCGB, *Rules and Regulations*, The (local) Church Session; URC, *Manual*, 2(6): General Assembly is 'to conduct and foster the ecumenical relationships'; MCGB, *Constitutional Practice and Discipline*, Deed of Union, 46: Conference authorises 'association' with other churches.

a stage which allows ecclesial communion, and this is dependent typically on whether each church believes the other to hold the essentials of the church universal.<sup>208</sup>

Ecumenical norms may enable interchange of ministers, the sharing of the sacraments, mixed marriages and sharing property – but such norms are usually in the nature of exceptions to general rules which confine such facilities to the enjoyment of the faithful within the ecclesiastical tradition which created those norms;<sup>209</sup> for example: ‘The Church recognises the ordination of ministers of all denominations provided the ordination has been carried out by an authority representing a recognised branch of the Universal Church’.<sup>210</sup> Norms may also enable church members to share in spiritual activities such as common prayer, spiritual exercises, funerals, and in mission and social justice initiatives.<sup>211</sup> The extent and terms of ecclesial communion or other relationship between churches of two/more traditions may be set out in a constitutional union, concordat, covenant or other agreement between them.<sup>212</sup>

## CHURCH PROPERTY AND FINANCE

In its discussion of the Church and society (for which see below) *Common Vision* makes no mention of the temporal assets of the churches - their property and finances - and the uses of these. This too is a fertile ground to identify juridical unity amongst the divided churches. Churches have complex norms to regulate church property and finance and often these are designed to satisfy the requirements of civil law. There are norms on ownership (and trusteeship), the erection, use and administration of church buildings and sacred objects, and the provision, administration and control of budgets, financial audit and accounts. Convergence between these norms, and the resultant common action shared by Christians, is another area of ecclesial life with potential to underscore the unity and mission of the Church.

### Ownership of Property

Churches commonly assert their right to acquire, own, administer, and dispose of property (which may be held at international, national, regional or local level, depending on the church in question). A church and/or institutions or bodies within it should seek legal personality under civil law to enable ownership. A church should have rules about the acquisition,

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<sup>208</sup> *Ecumenical Directory*, pars. 17, 18: ‘churches in full communion with the Catholic Church’ (which e.g. possess the ‘true sacraments’) and ‘other ecclesial communities’ which are not; PCLCCAC, Principle 94: recognition of churches with the essentials of the faith; LCA, Theses on the Church, 26: ‘true Christians are found in every denomination’ in which the ‘marks’ of the church universal are found; UMCNEAE, *Book of Discipline*, par. 2402: ‘full communion’.

<sup>209</sup> OCIA, *Guidelines for Clergy*, The Reception of Converts, 2: recognition of baptisms; SCOBA, *GOCER*, Pt. 1, Preaching on Ecumenical Occasions, 1, and Sacraments, 1 and 2: ‘the Divine Liturgy is ‘a closed Eucharistic assembly being restricted to the active participation of Orthodox Christians alone’; see also the restrictive approach of CIC, c. 844; compare ELCSA, *Guidelines*, 3.9: ‘members of other churches may only be admitted as guests to the Lord’s Supper’; CIC, c. 1124: 25: mixed marriages require the permission of competent authority (e.g. the bishop); MCGB, *Constitutional Practice and Discipline*, Model Trusts and SO 920: sharing of church buildings with members of other denominations.

<sup>210</sup> UFCS, Statement of the General Assembly, Special Constitutional Features.

<sup>211</sup> *Ecumenical Directory*, pars. 62-65; SCOBA, *GOCER*, Pt. 1, Worship with Non-Orthodox (e.g. for ecumenical prayer); OCIA, *Guidelines for Clergy*, Funeral Guidelines, 14 and B.1: for a cleric to conduct the funeral of a non-Orthodox, the diocesan hierarch must be consulted; for preaching by visiting ministers from other churches, see e.g. MCI, *Regulations etc.*, 10.69; LCGB, *Rules and Regulations*, Appendix A; CCEO, c. 908: ecumenical works of charity and for social justice.

<sup>212</sup> Doe, *Christian Law*, pp. 304-308.



ownership, administration, sale or other form of disposal of church property. A church should have in place provision for its own dissolution or that of units within it and the distribution of property on dissolution. Property vests in institutions prescribed by church law which act as its stewards holding it on trust for the benefit of the church and its work. Such rules may be found in Catholic,<sup>213</sup> Orthodox,<sup>214</sup> and Anglican churches,<sup>215</sup> as well as in churches of the Lutheran,<sup>216</sup> Methodist,<sup>217</sup> Presbyterian,<sup>218</sup> and Baptist traditions.<sup>219</sup>

## Sacred Places and Objects

In the churches studied here, places of worship and prescribed objects should be dedicated to the purposes of God – with norms often made which are applicable to their design - and the activities carried out in relation to sacred property should not be inconsistent with the spiritual purposes which attach to that property;<sup>220</sup> typically: ‘No minister shall permit anything to be done in any Church under the responsibility of such Minister which is not in accord with the laws and usages of the Church’.<sup>221</sup> Items of church property include places of worship and their contents (with/without theological significance), associated buildings used for ecclesiastical purposes, and church registers and records – and the use, care and maintenance of sacred places and objects should reside in a designated and local person or body.<sup>222</sup> Moreover, oversight of the administration of church property vests in a competent church

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<sup>213</sup> CIC, c. 1254: the church has ‘the inherent right, independently of any secular power, to acquire, retain, administer and alienate temporal goods, in pursuit of its proper objectives’, namely: ‘the regulation of divine worship, the provision of fitting support for the clergy and other ministers, and the carrying out of works of the sacred apostolate and of charity, especially for the needy’.

<sup>214</sup> GOAA, *Regulations*, Art. 21: a parish should acquire legal personality to hold property for the parishioners.

<sup>215</sup> PCLCCAC, Principle 80: church authorities and trustees are stewards of church property; a church assembly may make norms on the administration of property

<sup>216</sup> LCA, *Constitution*, Art. IV.5: the right of the (national) church to acquire, administer and dispose of property; LCGB: RAR, The Annual General Meeting, 1: appointment of trustees.

<sup>217</sup> MCNZ, *Laws and Regulations*, Introduction: ‘The Church administers property on trust from God and is called to the stewardship of its property resources’; MCGB, *Constitutional Practice and Discipline*, Model Trusts, 2-11: property is classified as local, circuit, district, connexional, conference or general.

<sup>218</sup> PCI, *Code*, 53-57: trustees must comply with the trust terms and the Code; 47: the Congregational Committee administers congregational property; 76: the Presbytery must ‘examine and sanction transactions affecting the congregational ownership’ of property.

<sup>219</sup> BUGB, *Model Trusts*: ‘The Baptist Union Corporation Limited is the Holding Trustee for many churches’ under the Baptist and Congregational Trusts Act 1951; with the (local) Church Meeting the trustees may sell, lease and mortgage church property.

<sup>220</sup> CIC, cc. 1205-1213: in a sacred place designated by episcopal dedication/blessing anything ‘out of harmony with the holiness of the place is forbidden’; cc. 1215-1218: no new church may be built without the consent of the bishop and compliance with liturgical norms; ROC, *Statute*, X.18: the bishop consecrates churches and diocesan assembly oversees construction; LCA, *A Lutheran Approach to the Theology of Worship* (2001), Pt. 4: consecration; UMCNEAE, *Book of Discipline*, par. 2518ff: construction and dedication; PCI, *Code*, 57: plans.

<sup>221</sup> MCNZ, *Laws and Regulations*, s. 2.26.1. See also PCLCCAC: Principle 81: dedication and protection.

<sup>222</sup> CIC, cc. 1219-1243: a church must be maintained in a way which ‘befits the house of God’; ROC, *Statute*, XI.43: the parish meeting and council must ensure the safety, decency and beauty of church property; XI.20: the priest maintains vestments, sacred vessels and registers; PCLCCAC, Principle 81: inventories; LCGB, *Rules etc.*, Responsibilities and Duties of Pastors, 1-24: the pastor ensures ‘facilities and buildings owned by the congregation are properly maintained and are suitable for Christian worship’; MCI, *Regulations etc.*, 10.06: Church Council; PCA, *Book of Church Order*, 9.2: deacons have a special responsibility for the care of church property; URC, *Manual*, B.2: the Church Meeting and ‘the proper maintenance of buildings’; Riverside Baptist Church (Baltimore), *Bylaws*, Art. III.7: the Administrative Committee attends to ‘the condition’ of the buildings and grounds of the church.

authority and a periodic appraisal of its condition may be the object of a lawful visitation.<sup>223</sup> Provision may also be made for access to churches and for clergy residences.<sup>224</sup>

### **The Control of Finance: Budgets, Accounts and Audit**

A church has the right to make rules for the administration and control of its finances. The civil law applicable to financial accountability should be complied with. Each ecclesiastical unit, including the local church, through designated bodies, should prepare an annual budget for approval by its own assembly. A church must provide, with regard to each unit, for the keeping of accounts by for similar approval and ensure that financial accounts are audited annually by qualified persons in order to promote proper stewardship in the church.<sup>225</sup> Moreover, a church has a right to receive funds to promote its objects.<sup>226</sup> The faithful must contribute financially to church work and church officers should encourage the faithful in the matter of offerings and collect and distribute these in the manner and to the objects prescribed by law;<sup>227</sup> typically: ‘The Holy Scriptures teach that God is owner of all persons and all things and that we are but stewards of both life and possessions; that God’s ownership and our stewardship should be acknowledged...[in] the form...of giving at least a tithe of our income and other offerings to the work of the Lord through the Church of Jesus Christ’; thus members should engage in ‘regular, weekly giving, systematic and proportionate offerings’.<sup>228</sup> The local church and other units may be the subject of assessments made beyond them by regional, national, or international authorities.<sup>229</sup> A church may invest money prudently in ethical ventures which are consistent with the standards of the church.<sup>230</sup> Donations should be used only for the purposes for which they were made.<sup>231</sup> Moreover, a church should require the

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<sup>223</sup> CIC: c. 1222: oversight; c. 535: registers; ROC, *Statute*, V.28: the Holy Synod is responsible for ‘the proper state’ of the architecture, iconography, monuments and antiquities; PCLCCAC, Principle 81: periodic inspection by e.g. archdeacons; MCGB, *Constitutional Practice and Discipline*, SO 015: circuit superintendents supervise e.g. archives; PCI, *Code*, 82: ‘The minister shall be entitled to use the place of worship and other church buildings for the purposes of his office, subject to any direction of the Presbytery’.

<sup>224</sup> PCLCCAC, Principle 80: ‘No-one shall deny or obstruct access to any ecclesiastical person or body entitled to enter or use church property’; Principle 82: clergy houses; MCI, *Regulations etc.*, 12.01-03: the Circuit Executive has responsibilities as to the provision of a manse for the minister; PCW, *Handbook*, 4.10: manses.

<sup>225</sup> CIC, cc. 228, 492-494, 1271-1277, 1287: diocesan finance council and funds; c. 537: parish finance council; ROC, *Statute*, XI.43, 46: the Parish Meeting prepares a financial plan, elects the parish Audit Commission, approves the annual budget; PCLCCAC, Principles 84-86: ‘financial stewardship’; LCGB, *Rules etc.*, Annual General Meeting: budgets, accounts and audit; MCI, *Regulations etc.*, 4A.04; PCI, *Code*, 76: Presbytery must ‘examine the...accounts of each congregation...in accordance with directions issued by the General Assembly’; URC, *Manual*, B.2: the local Church Meeting is ‘to adopt financial reports’; BUSA, *Model Constitution*, 18.

<sup>226</sup> CIC, cc. 1260; ROC, *Statute*, XV.1; ELCA, *Constitution*, Ch. 4.03; MCNZ, *Rules etc.*, 1.2; PCI, *Code*, 235.

<sup>227</sup> CIC, c. 222; GOAA, *Regulations*, Art. 18: 10% ‘as stated in Holy Scripture’ but this may be waived by the parish priest; PCLCCAC, Principle 87: offerings according to means; ELCIRE, *Constitution*, 8; MCI, *Regulations etc.*, 1.01 and 2.06: members are ‘expected, as far as they are able, to contribute to the funds of the Church’ by ‘regular giving’; BUSA, *Model Constitution*, 8.3: ‘Members shall be expected to support the ministry and maintain the fellowship...by conscientious giving as God’s provision enable’.

<sup>228</sup> PCA, *Book of Church Order*, 54.

<sup>229</sup> CIC, cc. 1263-1264: a bishop may ‘impose a moderate tax on public juridical persons’; UOCIA, *Statutes*, Art. XI.6: ‘Each year the parish shall remit to the Diocesan Treasurer its minimum financial support to the Diocese’; PCLCCAC, Principle 88: diocesan quota and ‘parish share’; ELCIC, *Administrative Bylaws*, Pt. V.8: ‘Each synod shall receive contributions from congregations’; MCI, *Regulations etc.*, 13.13ff: assessment on circuits; PCI, *Code*, 76: Presbytery has ‘the right to make an assessment on each of its congregations proportional to the amount of stipend paid, to meet the incidental expenses of the Presbytery’; BUGB, *Constitution*, 7: annual subscriptions.

<sup>230</sup> CIC, cc. 1294, 1305: money may be invested cautiously and prudently; ROC, Diocese of Sourozh, *Statutes*, IX.37; PCLCCAC, Principle 89: trustees may make investments which are lawful, financially prudent and morally sound; ELCA, *Model Const. for Congregations*, Ch. 12.05: the Congregation Council is responsible for investments; MCGB, *Model Trusts*, 16; PCW, *Handbook*, 3.2.3; BUGB, *Model Trusts*, 11.

<sup>231</sup> CIC, cc. 1299-1310; GOAA, *Regulations*, Art. 16.5; MCNZ, *Law and Regulations*, 1.2.

designated authorities within it to insure church property against loss;<sup>232</sup> it should remunerate those engaged in full-time and other forms of ministry and pay the expenses of persons engaged in ministry who are entitled to them;<sup>233</sup> and it should make financial provision for ordained ministers who are in ill-health and who retire.<sup>234</sup>

## CHURCH, STATE AND SOCIETY

Each church studied here has norms on the authority of the State in its own secular sphere of governance, the institutional separation of the church from the State, the requirement on the church to comply with State law, the involvement of its members in political activity, the promotion of human rights, and engagement with society in charitable and other activity. These juridical facts find a direct echo in theological propositions found in *Common Vision*.

### Church and State

*Common Vision* proposes: ‘Many historical, cultural and demographic factors condition the relation between Church and state, between Church and society. Various models of this relation based on contextual circumstances can be legitimate expressions of...catholicity. It is altogether appropriate for believers to play a positive role in civic life’, but not to collude with ‘secular authorities’ in ‘sinful and unjust activities’. Also: ‘The explicit call of Jesus that his disciples be the “salt of the earth” and the “light of the world” (cf. Matt. 5:13-16) has led Christians to engage with political and economic authorities...to promote the values of the kingdom of God, and to oppose policies...which contradict them’, through: ‘critically analysing and exposing unjust structures’, ‘working for their transformation’, and ‘supporting initiatives of civil authorities’ for justice, etc. even to the point of persecution or martyrdom, and sharing the lot of those who suffer (pars. 65-66). Juridical norms mirror these ideas.

The norms of many churches provide that the State is instituted by God to promote and protect the temporal and common good of civil society, functions fundamentally different from those of the church.<sup>235</sup> There should be a basic separation between a church and the State but a

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<sup>232</sup> CIC, c. 1284; OCIA, *Guidelines for Clergy*, Priests and Deacons, 16; PCLCCAC, Principle 90; ELCA, *Constitution*, Ch. 15.13.A10; MCI, *Regulations etc.*, 10.06: the Church Council covers ‘insurance of all property entrusted to the Society, subject to such rights and obligation, if any, as may be vested in Local Trustees’; PCI, *Code*, 47(2): the Congregational Meeting must insure congregation property; CBNC: Const., par. 124.

<sup>233</sup> CIC, c. 281: clergy ‘deserve a remuneration consistent with their condition in accordance with the nature of their responsibilities and with the conditions of time and place’; GOAA, *Regulations*, Art. 17: the parish should remunerate its priest; PCLCCAC, Principle 91: ministers have a ‘legitimate expectation’ to a stipend; ELCIRE, *Constitution*, Art. 21: ‘adequate compensation’; MCI, *Regulations etc.*, 13.01: a circuit provides funds ‘for the maintenance of its ministers, and the expenses incidental’ to work in it; PCW, *Handbook*, 4.11: stipends.

<sup>234</sup> CIC, cc. 281, 538 and 1274; ROMOC, *Statutes*, Art. 194; PCLCCAC, Principle 92; ELCIC, *Constitution*, Art. XVI and ABL Pt. XVI; MCGB, *Constitutional Practice and Discipline*, SO 805-907; PCI, *Code*, 125A; JBU, *Constitution*, Art. XV.5.

<sup>235</sup> CCC, pars. 1918-1924, 1927: ‘the political community and public authority are based on human nature and therefore...belong to an order established by God’; ‘the role of the State [is] to defend and promote the common good of civil society’; Rodopoulos, *Overview*, pp. 205-210: ‘the birth of the State is a product of the will of Divine Providence’; Thirty-Nine Articles of Religion (Anglican), Art. 7: monarchs have ‘the chief Government of all estates’; Augsburg Confession (Lutheran): Art. 16: ‘All government and all established rule and laws were instituted by God’; FMCNA, *Book of Discipline*, par. 159: the State is a ‘God-ordained institution’; PCA, *Book of Church Order*, 3.4: ‘The power of the Church is spiritual; that of the State includes the exercise of force’; URC, *Manual*, Basis of Union, A, Sched. D, Version I, 8: the church is ‘distinct from civil government and in all things spiritual not subordinate thereto’; CNBC, *Constitution*, 3, Statement of Faith, Art. XVII: ‘Civil government being ordained of God’.

church should cooperate with the State in matters of common concern.<sup>236</sup> Churches (or entities within them) may seek legal personality in civil law in order to own property, negotiate the enactment of State laws specifically devoted to them, and enter agreements with the State and civil authorities to regulate matters of common concern.<sup>237</sup> The faithful may participate in politics to the extent permitted by church law – clergy in some churches cannot hold public office involving the exercise of civil power and churches often provide that church units cannot participate in or support financially political parties or allow church property to be used for political ends and meetings.<sup>238</sup> The faithful should comply with State law but disobedience by the faithful to unjust laws may be permitted.<sup>239</sup> Also, the faithful should not resort to State courts unless all ecclesiastical process is exhausted.<sup>240</sup>

## Human Rights and Religious Freedom

*Common Vision* presents religious freedom as ‘one of the foundational dimensions of human dignity and, in the charity called for by Christ’, Christians seek ‘to respect that dignity and to dialogue with others...to share...the Christian faith’ and ‘to appreciate whatever elements of truth and goodness are present in other religions’; ‘interreligious dialogue’ is increasingly a topic for Christians (par. 60); ‘respecting the elements of truth and goodness...found in other religions...the mission of the Church remains that of inviting, through witness and testimony, all men and women to come to know and love Christ’ (par. 25). The New Testament teaches that God wills the salvation of all people and that Jesus is the one and only saviour of the world

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<sup>236</sup> CCC, pars. 1918-1924, 1927: ‘in their own domain, the political community and the church are independent from one another and autonomous’ but they should develop a ‘mutual cooperation’; ROMOC, *Statutes*, Art. 4: the church ‘establishes relations of dialogue and cooperation with the State’; ELCSA, *Guidelines*, 12.4: ‘the state does not rule over the Church nor the Church over the state’; UMCNEAE, *Book of Discipline*, par. 64: ‘The rightful and vital separation of church and state’; PCA: BCO, Preface, I.1-13: ‘No religious constitution should be supported by the civil power further than may be necessary for the protection and security equal and common to all others’; BUSA, *Bylaws*, 4.2.7: ‘the principle of separation of church and state’.

<sup>237</sup> N. Doe, *Law and Religion in Europe*, Oxford, University Press, 2011, especially Chapter 4.

<sup>238</sup> CIC, c. 285: clerics must not ‘assume public office whenever it means sharing in the exercise of civil power’; OCIA, *Guidelines for Clergy*, A Selection of Clergy Disciplines, 8: ‘Clergy must not run for political office’; ROC, *Statute*, I.9-10: ‘The canonical units of the [Church] shall not participate in political parties and movements, and shall not provide them with financial or any other assistance and support’; Augsburg Confession, Art. 16: ‘Christians may without sin occupy civil offices’; MCI, *Regulations etc.*, 10.75-76: ‘all party political questions shall be strictly excluded from...the Council’; but, 4D.17,1 20-24: ministers may participate in the work of political parties and stand for office; MCGB, *Constitutional Practice and Discipline*, SO 921: sponsorship of party political meetings is forbidden; and no political petitions at the time of worship; NABC, *Statement of Beliefs*, 7: ‘Christians should pray for civil leaders’:

<sup>239</sup> CIC, c. 22: civil law applies to the church unless contrary to divine law and canon law; CCC, pars. 1897-1942: ‘unjust laws...would not be binding in conscience’; ROC: *Statute*, XI.13: brotherhoods are subject to e.g. ‘the civil statutes’; PCLCCAC, Principle 80: trustees and civil law; LCGB, *Rules etc.*, Congregations, 3: these are ‘to comply with legal requirements’; NALC, *Standards for Pastoral Ministry*, B.7: there is to be no disciplinary action against ministers ‘where the violation of a law was to protest or to test a perceived unjust law or as an expression of civil disobedience’; MCNZ, *Laws and Regulations*, Introductory Documents, III Ethical Standards for Ministry, Responsibilities to the Wider Community, 2: ministers declare ‘While respecting the law, I will act to change unjust laws’; UCC, *Manual*, Basis of Union, 2.20: the church must ‘uphold the just authority of the State’; BUNZ, *Ethical Standards and Standards of Practice for Ministry Personnel*, 6: ministers must ‘obey the laws of [the] government unless they require disobedience to the law of God’.

<sup>240</sup> CIC, c. 1344: a church tribunal may not impose a penalty if the offender is ‘sufficiently punished by the civil authority’; ROC, *Statute*, I.9-10: members ‘cannot apply to the authorities of the State or to the civil courts on matters which pertain to the internal life of the church’; The Episcopal Church USA, Cans. IV.14: ‘No member of the Clergy...may resort to the secular courts for the purpose of delaying, hindering or reviewing any proceeding’ of the church tribunals; UFCS, *Constitution*, V.II.8: members as to set decisions are ‘precluded from recourse to the civil Courts’; BUSA, *Bylaws*, 2(b): ‘every Minister...shall accept without resort to a Court of Law the decision of the Executive and the Assembly’ of the church.

(1 Tim. 2.4; Acts. 4.12); so what of ‘the possibility of salvation for those who do not believe in Christ’? Christians hold different views here (par. 60, Questions). The Church faces three particular challenges here: (a) ‘religious pluralism challenges Christians to deepen their reflection about the relation between the proclamation that Jesus is the one and only Saviour...and the claims of other faiths’; (b) the advance of ‘a global secular culture challenges the Church with a situation in which the many question the very possibility of faith, believing that human life is sufficient unto itself, without any reference to God’; and: ‘the challenge of a radical decline in membership’ as faith is seen by many as ‘no longer relevant to their lives’, stimulating what some see as ‘the need for re-evangelisation’: ‘All churches share the task of evangelization in the face of these challenges’ and others (par. 7).

Church law-order-polity has the potential to play an important part in addressing these challenges. For each church tradition studied here, all humans are created in the image of God and as such all humans share an equality of dignity and fundamental human rights.<sup>241</sup> In turn, the State should recognise, respect and promote basic human rights.<sup>242</sup> Moreover, the church should protect and defend human rights in society for all people, and, like the church, the State and society should not discriminate against individuals on grounds of race, gender, and colour.<sup>243</sup> Also, the State should recognise, promote and protect the religious freedom of churches corporately and of the faithful individually, and their freedom of conscience.<sup>244</sup>

### **The Church and Social Responsibility**

*Common Vision* proposes that: the first attitude of God to the world is love, for all creation; the Church is intended by God to serve the divine plan for transformation of the world; ‘service (*diakonia*) belongs to the very being of the Church’ (par. 58); ‘a constitutive aspect of evangelization is the promotion of justice and peace’ (par. 59); the Church needs to help those without power in society to be heard (to be a voice for the voiceless), ‘to work for a just social order, in which the goods of this earth may be shared equitably, the suffering of the poor eased and absolute destitution one day eliminated’, and to advocate peace, seeking to overcome causes of war (economic injustice, racism, ethnic and religious hatred, exaggerated nationalism, oppression, and the use of violence to resolve differences); Christians ‘acknowledge their responsibility to defend human life and dignity. These are obligations on churches as much as on individual believers’; Christians who have ‘acted jointly’ to foster human dignity, and who may work with other religions in this, set a good example (par. 64).

Each church within the traditions studied here recognises for itself a responsibility to promote social justice and engage in charitable activity in wider society. As such, churches have institutions to guide, initiate, and implement programmes for Christian action in society, and ordained ministers are to lead by example in the field of social justice and responsibility. Also,

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<sup>241</sup> CIC, c. 747; PCLCCAC, Principle 26; LCGB, *Rules etc.*, Statement of Faith, 9: ‘the God-given dignity of all people’; UMCNEAE, *Book of Discipline*, par. 147, Confession of Faith, Art. XVI.

<sup>242</sup> CCC, pars. 1925-1927; Lambeth Conference 1988, Res. 33; LCA: Human Rights (2001); UMCNEAE, *Book of Discipline*, par. 147, Confession of Faith, Art. XVI: governments should respect ‘human rights under God’;

<sup>243</sup> CIC, c. 204; PCLCCAC, Principle 26: ‘fundamental rights’; LWF: Const., Art. III: the ‘promotion of peace and human rights’; MCNZ, *Laws etc.*, Introductory Documents, II, Pastoral Resolutions: pledge to combat discrimination; WCRC, *Constitution*, Art. V: promoting human rights; see also BWA: *Constitution*, Art. II.

<sup>244</sup> *Gaudium et Spes*, 96; ROC, Diocese of Sourozh, *Statutes*, Art. II.10; PCI, *Code*, I.III.13: ‘civil rulers’ must respect religious liberty; BUSA, *Constitution*, Art. 5.3: the Union seeks ‘to maintain religious liberty’.

the faithful are to engage directly in the promotion of social justice and charitable work. Churches present engagement in social responsibility as a function of faith and law.<sup>245</sup>

### **Moral Values and Issues**

For *Common Vision*, ‘discipleship demands moral commitment’; thus: ‘on the basis of faith and grace...moral engagement and common action are possible and should be affirmed as intrinsic to the life and being of the Church’ (par. 61). Indeed, the Church is not isolated from ‘the moral struggles of humankind’; with others, ‘Christians must promote...individual moral values...essential to the authentic realization of the human person’ and the ‘social values of justice, peace and the protection of the environment’, i.e. ‘shared moral values, based upon the inspiration and insights of the Gospel’. Despite their divisions, churches ‘are aware that what one does affects the life of others, and, in consequence, are increasingly conscious of the need to be accountable to each other [as] to their ethical reflections and decisions’ (par. 62). However, philosophical, social and cultural developments have led Christians to rethink ‘many moral norms, causing new conflicts over moral principles and ethical questions to affect...unity’. In this, ‘priority is given to the Gospel in evaluating new developments in moral thinking’; but: ‘Individual Christians and churches sometimes find themselves divided...about what principles of personal or collective morality are in harmony with the Gospel’; and: ‘some believe that moral questions are not...“church-dividing”, whilst others are convinced that they are’ (par. 63). Churches might consider how to discern together what it means to understand and be faithful to Jesus’ teaching in the light of contemporary moral issues; so: ‘How can the churches, as they engage together in...discernment, offer appropriate models of discourse and wise counsel to the societies in which they are called to serve?’

Many churches studied here also assert their right to promote the teaching of Christianity in State schools. Generally, Christian teaching provided in State schools by church entities and persons is a matter of cooperation between the relevant and competent church and civil authorities. Many churches run their own schools. Churches should avail themselves of the opportunities to provide spiritual care in public institutions which include hospitals, homes, prisons, and the armed forces. Moreover, churches should seek lawful financial assistance from the State in the provision of spiritual care in public institutions.<sup>246</sup>

### **CONCLUSION**

When compared, there are profound similarities between the basic elements of the normative regimes of the churches across the ecclesiastical traditions studied here. This is not surprising: juridical unity is often based on the practice of churches to use a common source in shaping their laws (chiefly that of Holy Scripture), and their adoption or adaptation of norms of the mother church, in the case of those churches within a single tradition, or at least elements of

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<sup>245</sup> CIC, c. 839: the church carries out its sanctifying office through works of charity, ‘especially for the needy’; cc. 215 and 222: all the faithful must promote social justice in order (cc. 224-231) to ‘permeate and perfect the temporal order of things with the spirit of the gospel’, and in this way ‘particularly in conducting secular business and exercising secular functions, they are to give witness to Christ’; cc. 528-529: the clergy must foster works which promote ‘social justice; ROC, *Statute*, XI.20: the parish priest and ‘charitable and educational activities’; PCLCCAC, Principle 21: the parish council must promote ‘social’ activities; ELCA, *Constitution*, 4.02: meeting human needs; ELCSA, *Guidelines*, 1.4: members must engage in ‘diaconic service’; MCGB, SO 531: advocacy for the poor; WCRC, *Constitution*, Art. V: promoting ‘economic and ecological justice’; PCI, *Code*, XVII.I, par. 281: the Board of Social Witness of General Assembly; PCW, *Handbook*, 2.2: members must ‘give freely their service to society’; BWA: Const., Art. II: responding to human need.

<sup>246</sup> Doe, *Christian Law*, pp. 377-383: this deals with the provision under church norms of schools, and spiritual care in hospitals, prisons and the armed forces; Doe, *Law and Religion*, Ch. 8: civil law on these matters.

them in the case of churches which have broken away from that tradition. From these similarities may be induced common principles of Christian law. The existence and articulation of these principles may be of some interest to the World Council of Churches, its Faith and Order Commission, and its *Common Vision* project. Regulatory systems of churches shape and are shaped by ecclesiology. These systems also tell us much about convergence in action, including and beyond the matters addressed in *Common Vision*, based on common norms of conduct, as well as the commitment of churches to ecumenism. Whilst dogmas may divide churches, profound similarities between their norms of conduct produce juridical convergence. This reveals that the juridical norms of the faithful, whatever their various denominational affiliations, link Christians through their stimulation of common forms of action. As laws converge, so actions converge. Whilst there are key differences, similarities between the norms of conduct of churches indicate that their faithful engage in the visible world in much the same actions as other Christians. This must count for something in the ecumenical enterprise. In turn, comparing church law-order-polity systems, themselves forms of applied ecclesiology: enables the articulation of principles of law-order-polity common to the churches; provides a stable ecumenical methodology through its focus on concrete textual data; offers a practical guide for Christian life; and defines that degree of achieved communion as well as opportunities for and limits on future progress. In short: dogmas may divide, but laws link Christians in common action. This is significant - as *Common Vision* states: 'common action' is 'intrinsic to the life and being of the Church'.<sup>247</sup>

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<sup>247</sup> *Common Vision*, par. 61.