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ARTICLE

Canon law, ecumenism, and synodality

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Abstract

This article considers the following three matters: first, how every Christian tradition globally has its own system of canon law or other regulatory instruments; second, how these laws contribute to ecumenism as an instrument for greater visible communion between the separated churches of Christianity; and third, how a comparative approach to juridical ecumenism informs our understandings of synodality.

Keywords: canon law; comparative law; ecclesiastical law; synodality

The legal systems of Christians

Embryonic norms of conduct and church order are traceable to the communities of New Testament times, multiplied and collected in the legislation of the great councils of the post-apostolic church, developed in the medieval *ius commune* of the western church, and diversified in a plurality of legal systems at the time of and beyond the Reformation of the sixteenth century in the creation of new institutional churches. In all this, Christians became prolific legislators – with laws, rooted in their interpretations of divine law, in a host of forms, from canon law, through constitutions, to local church covenants. However, we also know that the dominant feature of Christian teaching is that the salvation of the soul through Christ is fundamentally a matter of faith and divine grace – not our compliance with human laws.

Needless to say, today Christians have no global system of formal law applicable to all their institutional churches – no single body has competence to make such a system of law. Rather, each institutional church within the traditions has its own body of law, or order, or polity.

First, the laws or other regulatory instruments exist in various formal sources including codes of canon law, charters and statutes, constitutions and by-laws, and books of church order.[1]

[1] See Statement of Principles of Christian Law (2016): I.2: the forms of ecclesial regulation; and, for the law of God, I.3.4: the servant law. See also N Doe, *Christian Law: Contemporary Principles* (Cambridge, 2013) Ch 1.

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As we know of course, for the Latin Church 'the highest norm of human life is the divine law – eternal, objective and universal', and ascertained by the teaching of the church.[2] The principal human source is the Code of Canon Law 1983 which distinguishes 'universal law' and 'particular law'; universal law includes the Code itself, papal decrees, and authentic interpretations of a legislator – and it recognises custom as valid provided it is consistent with divine law, reasonable, rooted in the established usages of a community capable of receiving a custom, and approved by the canon law.[3] The Church also uses soft-law, quasi-legislation.[4]

Anglicans too recognise that church 'Law should reflect the revealed will of God'; and the laws of their churches present Holy Scripture as the ultimate standard and rule in matters of faith. Most churches of the worldwide Anglican have a constitution and canons – although the established Church of England has Measures of its General Synod which on parliamentary approval and royal assent have the same authority as Acts of Parliament; canons are created by General Synod and they must receive royal assent to be operative; and the church uses much soft-law in the form of guidance, policy documents and codes of practice. Custom also has its place: pre-Reformation Roman canon law continues to operate in the Church of England through its incorporation into the common law on condition that it is not repugnant to royal prerogative, statute or common law – and it does so in the form of customary law.[5] Similarities between the laws of Anglican churches are found in a code of principles of canon law common to the churches of the Anglican Communion issued in 2008 and revised in 2022.[6]

Also in the episcopal tradition, Eastern Orthodox churches are 'governed by the Holy Scriptures', 'the norms of Christian morals', or 'moral law of the Church', 'canon law', 'charters', 'constitutions', 'statutes', 'regulations', 'canonical tradition', and 'custom'.[7]

Turning to the Protestant traditions, Methodists too recognise 'God's Law', and see Holy Scripture as the record of divine revelation,[8] and have 'Methodist Law', 'Church law',[9] 'usages', and Articles of Religion.[10] A Presbyterian church receives its authority from Christ,[11] 'the Word of God' is the supreme 'rule of faith and life',[12]

[2] Second Vatican Council, Decree 1965, *Dignitatis humanae*, I.3.

[3] Code of Canon Law 1983 (CIC): cc.12, 16, 22, 29. The Oriental Catholic Churches also have a Code of Canons (1990).

[4] F Morrisey, 'Papal and curial pronouncements: their canonical significance in the light of the 1983 code of canon law' (1990) 50 *The Jurist* 102.

[5] N Doe, *Canon Law in the Anglican Communion* (Oxford, 1998).

[6] The Principles of Canon Law Common to the Churches of the Anglican Communion (2022) (PCLCCAC): Definitions, 'Law'; and Principle 2.

[7] Greek Orthodox Archdiocese of America (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, 2007), 3, 17, 21.

[8] Free Methodist Church of North America (FMCNA), *Book of Discipline*, para 112: 'God's law'.

[9] Methodist Church in Great Britain (MCGB), *Constitutional Practice and Discipline*, Deed of Union, 25(b); Methodist Church in Ireland (MCI), *Constitution*, s. 6: 'Manual of Laws'; s. 5: 'Rules and Regulations'.

[10] Methodist Church of New Zealand (MCNZ), *Laws and Regulations*, 2.26.1; United Methodist Church – United States of America (UMCUSA), *Constitution*, Div I, Art III, Div 2.3, Art I: Articles of Religion, etc.

[11] Presbyterian Church in Ireland (PCI), *Code*, I.I.IV.15.

[12] Presbyterian Church of Aotearoa New Zealand (PACNZ), *Book of Order*, 1.1(2).

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and church courts and officers must 'uphold the laws of Scripture'.[13] Reformed and Presbyterian churches employ, variously, 'law', a 'code', a 'book of church order', or a 'book of order' with 'legislation',[14] a constitution, and normative doctrinal texts;[15] they may also provide a model constitution for a local church, recognise customs, and regulate conduct by means of soft-law.[16] In the Baptist tradition: Christ is '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'.[17] As such, Baptist norms recognise the authority of Holy Scripture as a revelation of God,[18] and classify the Bible as part of 'the constitutions and laws' of a Convention, or as 'the rule of church law'.[19] A national Baptist Union or Convention may have a constitution, with 'laws' and by-laws,[20] normative doctrinal standards (for instance, a Confession of Faith), guidelines, policies, and codes.[21] Within a Union or Convention, a regional Association of churches may also have a constitution, and a local church may have a constitution, trust instrument, a 'covenant' of members' commitments, and doctrinal texts.[22]

Second, the structure and binding character of church laws. For example, Anglican laws contain 'principles, norms, standards, policies, directions, rules, precepts, prohibitions, powers, freedoms, discretions, rights, entitlements, duties, obligations, privileges and other juridical concepts'.[23] The Latin Code of Canon Law binds all the faithful.[24] Orthodox laws and court decisions are 'binding for all clergymen and laymen without any exception'.[25] For some Lutheran churches, a precondition to membership is acceptance of the constitution and by-laws,[26] or classes of member 'covenant' compliance.[27] In Presbyterian churches, typically: 'All

[13] Presbyterian Church in America (PCA), *Book of Church Order*, Preface, II.3; also II.7.

[14] JL Weatherhead (ed), *The Constitution and Laws of the Church of Scotland* (Edinburgh, 1997), 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).

[15] PCI, *Code*, Constitution and Pt. III.15: Trustees' Bylaws; 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.

[16] United Reformed Church (URC): *Model Constitution for Local Churches* (2010); Presbyterian Church of America (PCA), *Book of Church Order*, III.58.8: custom; PCW, *Employee Safety Handbook* (undated).

[17] Baptist Union of Great Britain (BUGB), *Constitution*, 1.3.1; Model Trusts for Churches 2003, 2.8.1.

[18] Ibid, 2.8.1 and 6.1, *Constitution*, 1.3; Bethel Baptist Church (Choctaw, USA), *Constitution*, Art VI.

[19] 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.

[20] Jamaica Baptist Union (JBU), *Constitution*; Baptist Union of Scotland (BUS), *Constitution and Bylaws;* NBC-USA, *Constitution* (2002), Preamble: the Convention has 'constitutions' and 'laws'.

[21] Baptist Union of Southern Africa (BUSA), *Model Constitution for Local Churches*, 4: Statement of Faith.

[22] BUGB, *Model Trusts*, 2.12; Riverside Baptist Church (Baltimore): *Constitution*, Art. IV: 'Church Covenant'.

[23] PCLCCAC, Principle 4.5.

[24] CIC, canon 1; canons 11–12.

[25] 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'.

[26] LCGB, *Rules and Regulations*, Congregations, 1: a congregation must 'accept and uphold the Governing Documents (Constitutions and Rules and Regulations)'.

[27] Evangelical Lutheran Church in Canada (ELCIC), *Constitution*, X.3.

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members of congregations and any other person affected by any provision in the Book of Order must comply with the Book of Order';[28] and Baptists require 'strict adherence' to 'rules and regulations'.[29] Churches also have structures to enforce and to relax their norms.[30]

Third, the purposes of church laws. The Latin Code 'facilitates … an orderly development in the life of both the ecclesial society and of the individual persons who belong to it';[31] indeed, canon law itself teaches that the 'salvation of souls [is] the supreme law'.[32] 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'.[33] As Anglican laws seek to facilitate and order the mission of the church, so 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'.[34] 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)'.[35] 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'.[36] Likewise, a local Baptist church constitution is to 'govern', 'regulate', and 'enable' church life;[37] 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'.[38] So, many juridical similarities.

Juridical ecumenism: ecumenical principles of Christian law

In November 2013 an invited Panel of Experts met in Rome. Participants attended in their personal capacities, not as representatives of their denominations, but on the basis of their expertise in the church law, church order or church polity, of particular Christian churches: Anglican, Baptist, Catholic, Lutheran, Methodist, Orthodox, Presbyterian, and Reformed. Its aim was to explore how these churches share common principles in their regulatory instruments, and how these principles contribute creatively to ecumenism. The Panel was inspired by various 'models' for its work; the historic use of *regulae iuris* and principles of law; Ecumenical Patriarch

[28] PCANZ, *Book of Order*, 2.2; PCA, *Book of Church Order*, 5.8.

[29] JBU, *Constitution*, Art V.

[30] Doe (note 1), Ch 1.

[31] *Sacrae disciplinae leges* (1983), the Apostolic Constitution by which the Code was promulgated.

[32] CIC, c. 1752.

[33] 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), 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).

[34] Evangelical Lutheran Church in Canada (ELCIC): *Constitution*, Introduction and Preamble.

[35] Weatherhead, *Constitution and Laws*, 1.

[36] United Church of Canada (UCC), *Manual*, Introduction.

[37] BUGB, *Model Trusts*, Schedule 4.1–4.6.

[38] Riverside Baptist Church (Baltimore), *Constitution*, Preamble.

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Bartholomew's 1973 article on codifying Eastern Orthodox canon law; the work of the Anglican and Roman Catholic Colloquium of Canon Lawyers; and the principles of canon law common to the churches of the worldwide Anglican Communion.[39]

At its first meeting in 2013, the Panel agreed on the following: (1) there are principles of church law common to the churches studied and their existence can be factually established by empirical observation and comparison; (2) the churches contribute through their laws to this store of principles; (3) the principles have a strong theological content and are fundamental to the self-understanding of Christianity; (4) the principles have a living force and contain within themselves the possibility of development and articulation; and (5) they demonstrate a degree of unity between churches, stimulate common Christian actions, and should be fed into the global ecumenical enterprise to enhance fuller visible unity.

The Panel also agreed that: church laws exist to serve a church in its mission and witness; laws are necessary to constitute the institutional organisation of a church and facilitate and order its public activities but cannot encompass all facets of the Christian faith and life; laws are the servant of the church and must promote the mission of the church universal; theology shapes law, and law implements theological propositions in norms of conduct; and church laws should conform to, and are subject ultimately to, the law of God, as revealed in Scripture and by the Holy Spirit. Next, the Panel agreed that considering church law may provide a new medium for the ecumenical enterprise: namely, that law (an element of the self-understanding of churches) should be conceived as an instrument for global ecumenism. Identifying juridical similarities and differences would benefit ecumenical understanding.[40]

In 2014 the Panel discussed how its work might feed into that of the World Council of Churches through a response to the World Council of Churches (WCC) Faith and Order Commission paper *The Church: Towards a Common Vision* (2013).[41] In 2015, the Panel did three things. First, it finalised its response to *Common Vision*.[42] This showed how comparing laws: facilitates the articulation of principles of law common to the churches; enables reconciliation of juridical difference in the form of a principle of law; provides a stable ecumenical methodology in using concrete textual data; offers a practical guide for Christian life; and defines achieved communion and opportunities for and limits on future progress. It also agreed that: 'Re-imagining ecumenism through law, as applied ecclesiology in … norms of conduct, would advance *Common Vision's* idea that "common action" is intrinsic to the life and being of the Church'.[43]

Second, the Panel worked on candidate principles on: church discipline; and church property. The preparatory work asked members to agree, disagree, or agree to differ on the candidate principles. The meeting revised principles over which there was disagreement in order to reconcile differences. The exercise was whether

[39] N Doe (ed), *Church Laws and Ecumenism: A New Path for Christian Unity* (Oxford, 2021), ch. 1.

[40] Panel: Response to *Common Vision* (2013) (December 2015) 3–4.

[41] WCC Faith and Order Commission Paper No. 214, *The Church: Towards a Common Vision* (2013).

[42] The paper (with changes) was re-produced as N Doe, 'The Ecumenical Value of Comparative Church Law: Towards the Category of Christian Law' (2015) 17 Ecc LJ 135–169.

[43] See *Common Vision*, para 61.

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or not there was legal evidence that the candidate principles are explicit or implicit in the laws. Discussion was robust. Of the 50 or so candidate principles circulated, 47 were agreed. The principles, with the Panel response to *Common Vision*, were submitted to WCC in December 2015. Third, the Panel agreed to continue to discern and articulate principles of law on other topics.[44]

Further candidate principles were circulated.[45] In 2016, the Panel (which by now had been styled the Ecumenical Christian Law Panel) agreed '*A Statement of Principles of Christian Law Common to the Component Churches*' (the *Statement of Principles*).[46] It has 10 sections: churches and their laws; the faithful; ordained ministry; church governance; church discipline; doctrine and worship; rites; ecumenism; church property; and church and state relations. Grouping the principles this way, in these sections, is conditioned by the systematisation of laws generally used by the churches from whose laws they are induced. The principles are derived from various sources, including codes of canon law, statutes, constitutions, books of church order, and other policy documents. The juridical values of clarity, conciseness and consistency govern their form and they are cast in a variety of ways, as: permissions, precepts, prohibitions, exhortations, and descriptions – their forms mirror the laws from which they are induced.[47]

The World Council of Churches, through its Faith and Order Commission, had in 1974 called for study of 'church law' to show how 'churches differ' in their 'legal systems'. However, in 1978 the proposal was abandoned.[48] So, in 2017 the Panel met in Geneva with the Director of the WCC Faith and Order Commission. The Director welcomed the *Statement of Principles* and an 'informal partnership' between the Panel and Commission was set up for them to continue working together.[49] The Panel next met in Rome in 2018 with Commission members and with new members, Old Catholic and Pentecostal. It agreed that Phase One of the work of the Panel was complete (from 2013 to 2018). Phase Two was underway – with Panel members road-testing the statement at ecumenical events across the world. Next: a turning point.

In Rome on 16 September 2019, Ecumenical Patriarch Bartholomew spoke publicly about 'this important *Statement* [of Principles]'; how the 'principles were induced from similarities drawn precisely from a comparative study of the regulatory instruments of the participating Christian canonical traditions';[50] and how it 'is designed to fill the historical canonical deficit in the ecumenical enterprise' as a form of 'juridical ecumenism'.[51] Three days after the Ecumenical Patriarch's address in Rome, at a private audience in the Apostolic Palace, on 19 September 2019, Pope Francis pronounced, for the first time in papal history, that church law

[44] Panel: Response (2015), p 5.

[45] The candidate principles were those as set out in Doe (note 1), Appendix, 387–398.

[46] Of the 250 or so candidate principles considered, 230 were accepted (in a revised or added form).

[47] For the statement, see Doe (note 39), 270, Appendix II.

[48] Doe (note 39), 256, Appendix I.

[49] Doe (note 39), 24.

[50] For extracts from the Address (in which the Patriarch also explained his own doctoral work on 'principles' of canon law), see N Doe and A Nikiforos (eds), *Legal Thought and Eastern Orthodox Christianity* (Oxford, 2025), 5–8. The statement, he wrote, was 'based on the book *Christian Law: Contemporary Principles*, by Professor Norman Doe' (published by Cambridge University Press, 2013).

[51] He cites N Doe, 'Juridical Ecumenism' (2012) 14 Ecc LJ 195–234.

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'is not only an aid to ecumenical dialogue, but also an essential dimension' – more to the point, the Pope said that: 'Canon Law is essential for ecumenical dialogue'; four members of the Ecumenical Panel attended, presenting a copy of the *Statement of Principles* to Pope Francis.[52]

Since then, the project has entered Phase Three – a wider reception at the WCC, following publication of a book on the project written by Panel members.[53] At its 2018 meeting, the Moderator of the WCC Faith and Order Commission, Susan Durber, had suggested the Panel present its work at the next Assembly of the WCC, its highest governing body which meets every eight years. As a result, on 2 September 2022, at Karlsruhe, Germany, at the 11th Assembly of the WCC, a workshop was held on the *Statement of Principles*. I had the privilege to chair it, introduced the background to, models for, and concept underlying the *Statement of Principles*. Mark Hill KC, convenor of the Panel, spoke on the process used by the Panel in drafting the statement. Fr Aetios, Grand Ecclesiarch at the Ecumenical Patriarchate of Constantinople, gave a rich reflection on the value of the *Statement of Principles* as a unifying force and instrument for shared ecumenical witness and mission. Participants then discussed its value, sharing their reaction to and experiences of using the *Statement of Principles*, from as far afield as India, Australia, the USA, and, in Europe, the Netherlands, Germany, Luxembourg, and Switzerland. They were also keen to be involved in further projects relating to the statement. The workshop then agreed that this 'World Council of Churches workshop commends the *Statement of Principles* … for study and use as an essential element of the ecumenical movement'.[54]

The idea of synodality in Christian laws

For Christianity, historically, the Reformation in particular stimulated perhaps the most far-reaching doctrinal reappraisal of church polity, largely on the basis of arguments that scripture prescribed patterns of church government different from those rooted in the papacy and bishops of the Church of Rome. This is reflected today in the fact that, with the new institutional churches that emerged from the Reformation, it is commonly understood that there are three principal forms of church polity – Episcopal, Presbyterian, and Congregational – and the merits of each, and whether they fuel Christian disunity, continue to arouse debate.[55]

However, regardless of their particular doctrinal ideas of authority, all historic churches have institutions of governance – and they all use ideas of synodality. According to the *Statement of Principles*, Christ (of course) is the ultimate head of the Church universal in all its manifestations. A system of government used by a church reflects its conception of divine law. Every church should have institutions

[52] See: http://press.vatican.va/content/salastampa/it/bollettino/pubblico/2019/09/19/0714/01466.html.

[53] Doe (note 39).

[54] The Patriarch too welcomed the commendation: https://www.cardiff.ac.uk/news/view/2674314-cardiff-law-initiative-endorsed-at-the-world-council-of-churches-assembly, accessed 26 February 2025.

[55] See e.g. CO Brand and RS Norman (eds), *Perspectives on Church Government: Five Views of Church Polity* (Nashville, TN, 2004).

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to legislate, administer and adjudicate for its own governance. In turn, an ecclesial institution has such power, authority or jurisdiction as is assigned to it by church law, must comply with that law, and may be subject to such substantive and procedural limitations as may be prescribed by law. These institutions may be organised at international, national, regional, and/or local level.[56]

An ecclesial tradition may have an international organisation – in the form of a church, communion, federation, or other global association, with a structure constituted by, or assigned to it under, its doctrine and law.[57] All traditions have some form (however loose) of national organisation. A church organised at national level has such institutional structure as is prescribed by the laws applicable to it. The functions of a national ecclesial entity, and its conference, synod, council, or other central assembly, may include the authority to legislate, administer and adjudicate on matters within its competence. The institution is composed of such faithful as are elected or otherwise appointed to it in accordance with the law.[58] All churches also make provision for governance at regional and at the most localised levels. And all the ecclesial units at each geographical level are interdependent.[59] All of these principles of law are derived from the similarities between the laws or other norms of the churches.

Regulatory instruments provide concrete evidence of the commitment of churches to the idea of synodality. The authority an institution has at each level varies between the traditions and their doctrinal postures. In the Latin Church (with its 'hierarchical constitution', in which 'the power of governance' vests only in the ordained ministers) and Orthodox churches (with a 'hierarchic 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

[56] Principles of Christian Law (2016): IV.1: Church Governance.

[57] Principles of Christian Law (2016): IV.2: International Ecclesial Communities: an international ecclesial institution is composed of such persons on such terms of tenure as are assigned to it in accordance with its own juridical instruments. See N Doe (note 1), 124–130 for the coercive jurisdiction and authority of the Roman Pontiff and College of Bishops in the Catholic Church, and for the (non-coercive) moral authority, over their autonomous churches, exercised by the institutions of the Anglian Communion, Lutheran World Federation, World Methodist Council, World Communion of Reformed Churches, and Baptist World Alliance.

[58] Principles of Christian Law (2016): IV.3: National Church Structures.

[59] Principles of Christian Law (2016): IV.5: The Local Church.

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as a Parish Council or Kirk Session). In turn, in these traditions, a limited authority ascends to international institutions but these have no general legislative power over the member churches and must respect their autonomy (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.[60]

Turning to the regulatory instruments, 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). 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.[61] 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.[62] 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'.[63]

The most localised ecclesial institutions of governance

The *Statement of Principles* has a section on the most localised ecclesial unit. Regional ecclesial units may be divided into or constituted by local churches or congregations existing at the most localised level. A church organised locally may be in the form of a parish, circuit, congregation or other ecclesial unit. Its assembly, such as a council,

[60] Doe (note 1), Ch 4.

[61] ROMOC, *Statutes*, Arts 43–48; PCLCCAC, Principle 21; CIC, cc 374 and 515.

[62] 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'.

[63] 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'.

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meeting, session or other body, has such authority and functions as are lawfully inherent to it or conferred on it by the institutions of the wider ecclesial entity to which it belongs. It, in turn, is composed of those members of the faithful who are lawfully elected or otherwise appointed to it. All ecclesial units at each level are interdependent.[64] Lay people may be elected to these institutions and hold offices associated with them. Indeed, the law should enable the laity to exercise public ministry in those offices or other positions lawfully open to them. They may be admitted to such offices and positions if they are suitable, qualified, selected and admitted by competent ecclesial authority for such term as is prescribed by law. Lay ministers and officers exercise such public and representative ministry in or on behalf of a church and perform such functions as may be prescribed and permitted by its law. The authority to discipline, dismiss or reappoint a lay minister or officer depends on, and its exercise must comply with, church law.[65] All of these principles are derived from the laws.

Of course in the Latin Church each diocese is divided into parishes.[66] A parish is 'a certain community of Christ's faithful stably established within a particular church, whose pastoral care, under the authority of the diocesan bishop, is entrusted to a parish priest as its proper pastor'. It has juridical personality and the bishop alone is competent to erect, suppress or alter parishes.[67] After the bishop has consulted the Presbyteral Council, and judges it expedient, a Pastoral Council is to be established in each parish; the pastor presides. Through the council the faithful assist in fostering pastoral activity; the council has a consultative (not determinative) vote and is governed by norms determined by the bishop. Each parish must also have a Finance Committee to assist the parish priest in the administration of the parish. In turn, the pastor is administrator of parish property and keeps its records and archives.[68]

An Anglican diocese consists of more localised units, such as archdeaconries, and deaneries, and within these, parishes, the territorial organisation of which is usually in the keeping of the diocesan assembly.[69] Each parish is governed by an assembly (typically a Parochial Church Council) consisting of clergy and representatives of the laity elected at an annual meeting; the assembly is usually under the chairmanship of the minister in charge of the unit and elaborate rules cover meetings, quorum and decision-making.[70] The council and minister must cooperate in exercising spiritual, governmental and administrative functions; typically, the assembly must: promote the whole mission of the church, pastoral, evangelistic, social and ecumenical; report to the diocesan assembly; elect officers; implement matters refereed to it by the diocesan bishop or assembly; administer property; and cooperate at visitations.[71]

[64] Principles of Christian Law (2016): IV.5: The Local Church.

[65] Principles of Christian Law (2016): II.4: Public Ministry Exercised by Lay Persons; public ministry, a gift of God, is the fulfilment of a function assigned in a church to an office or other position exercised under authority on behalf of that church in the service of its mission and witness to the Gospel.

[66] CIC: c 374: for common action, neighbouring parishes may be grouped (e.g. in vicariates forane).

[67] CIC: c 515; c 518: personal parishes may also be set up according to rite, language or nationality.

[68] CIC: cc 532–537, 1220, 1279, 1281–1288.

[69] For archdeacons and deaneries see e.g. Ireland: Const., II.42; England: Synodical Government Measure 1969, s. 3: a deanery has a synod (an archdeaconry, divided into deaneries, does not).

[70] For example Wales: Con. VI.24: meetings, etc. of the Parochial Church Council.

[71] For example Wales: Con. VI.22: mission. See also PCLCCAC, Principle 21.

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Similar arrangements exist in Lutheran congregations/parishes.[72] Within Methodism, in the Methodist Church in Great Britain, the Circuit is a unit of one or more Local Churches and 'the primary unit in which Local Churches express and experience their interconnexion in the Body of Christ'. The purposes of the Circuit include the deployment of resources for ministry, and promoting and supporting the work of the Society 'to the end that every member may share actively in world mission'. The Circuit Meeting, composed of the Circuit Superintendent (who presides), ministers and elected representatives from each local church, is 'the principal meeting responsible for the affairs of a Circuit', 'the development of circuit policy'; it exercises a 'combination of spiritual leadership and administrative efficiency' and is the focus of 'the working fellowship of the churches in the Circuit, overseeing their pastoral, training and evangelistic work' and the encouragement of leadership.[73] The Church Council is 'the principal meeting responsible for the affairs of a Local Church' or 'Society'.[74] 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 ministry of the church'.[75]

In Presbyterianism, the Session (Kirk Session or Council) is the court of the local church.[76] For example, in the Presbyterian Church in Ireland, the Kirk Session consists of the ordained minister(s) and ruling elders of the congregation and has a moderator (minister) and a clerk; it meets at least twice a year to provide for 'the oversight and government of the congregation'. Kirk Session is 'the governing body of a congregation' and must watch over and promote the spiritual interest of the congregation, contribute to Christian witness and service in the local community, and authorise co-operation with other churches. It calls meetings of the congregation, provides for administration of the ordinances of sacrament and word, appoints officers, exercises authority over the congregation as to doctrine and conduct, keeps a roll of members, promotes stewardship, and appoints representatives to the Presbytery and General Assembly.[77] It may also call such Congregational Meetings as e.g. the Presbytery may determine to consider the state of religion and needs of the community, promote mission, foster fellowship, authorise transactions (e.g. as to property), appoint trustees, and raise funds.[78] In Baptist polity the local church has its own institutions of governance.[79]

The regional institutions of ecclesiastical governance

According to the *Statement of Principles*, regional ecclesiastical entities may be in the form of a diocese, eparchy, synod, district, classis, presbytery, association or other regional unit. A regional ecclesial unit may have such institutions, in the

[72] LCGB: RAR, Congregations, 1–2.

[73] MCGB: CPD, DU 1; SO 500–517; 501: changes to Circuits are in the keeping of the Conference.

[74] MCGB: CPD, DU 1; see also SO 61, 600 and 602.

[75] MCGB: CPD, SO 603: duties; 604: committees; 605: formation; 610: members; 621: Meeting.

[76] CLCS, 103, Act XVII, 1931: Kirk Session. Ruling elders are ordained by Kirk Session.

[77] PCI: Code, paras 25–44; 141–147: transaction of business; 148–155: rules of debate; 156–160: voting; see also PCW: HOR, 3.1: District Meeting.

[78] PCI: Code, paras 45–46; 46–52. Church of Scotland: Church Courts Act (Act III 2000) s 37.

[79] See P Goodliff, 'Baptist church polity and practice' (2012) 168 *Law and Justice* 3.

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form of a synod, council, classis, presbytery, or other assembly, as are prescribed by the law applicable to it. A regional institution exercises such authority and functions as are conferred on it by the ecclesial community to which it belongs or the constituent churches associated with it. And a regional assembly or other institution is composed of such of the faithful as are elected or otherwise appointed to it by those competent to do so under the law.[80] Once more these principles are induced from the laws or other norms of the historic churches themselves.

According to the Latin Code, a diocese is a portion of the people of God entrusted to a bishop who nurtures it with the cooperation of the *presbyterum*; 'it constitutes a particular church' in which 'the one, holy, catholic and apostolic Church of Christ truly exists and functions'; a diocese has a defined territory and juridical personality, and may only be established by the supreme authority.[81] The diocesan bishop 'governs the particular church … with legislative, executive and judicial power, in accordance with the law'; the bishop exercises legislative power himself (it cannot be delegated), executive power personally or through Vicars General or Episcopal Vicars, and judicial power personally or through a Judicial Vicar.[82] The Diocesan Synod assists the bishop and consists of clergy and laity elected by the Diocesan Pastoral Council. The bishop convenes, presides at and dissolves the Synod. He is its sole legislator (members have only a consultative vote), and signs and publishes the decrees which he communicates to the Metropolitan and the Episcopal Conference.[83] The Diocesan Curia consists of institutions and persons who assist the bishop in diocesan governance.[84] The bishop may also be assisted by a Presbyteral Council,[85] Finance Committee,[86] and Pastoral Council which must meet at least once a year.[87]

The territory of each Anglican Church is divided into dioceses, each under the spiritual leadership and oversight of a diocesan bishop assisted by a representative assembly (typically a Synod or Conference). The creation, division, amalgamation and dissolution of a diocese are usually in the keeping of the central national church assembly.[88] The assembly consists of houses composed of the bishop, and elected representatives of the clergy and laity; meetings are convened and presided over by the bishop and are usually annual.[89] It may have competence to legislate for the diocese in relation to prescribed matters as well as jurisdiction over its more localised ecclesiastical units (such as parishes); the diocesan assembly must also

[80] Principles of Christian Law (2016): IV.4: Regional Church Structures.

[81] CIC: cc 368–369; see also cc 370–371 for e.g. territorial prelatures and vicariates.

[82] CIC: c 391; c 381: a bishop has 'all the ordinary, proper and immediate power required for the exercise of his pastoral office, except in matters which … the Supreme Pontiff reserves to the supreme or to some other ecclesiastical authority'; c 134: an 'ordinary' is e.g. a diocesan bishop.

[83] CIC: cc 460–468: the bishop determines the manner of election and number of lay members.

[84] CIC: cc 469–494: the officers include the Vicar General, Episcopal Vicar, and Chancellor.

[85] CIC: cc 495–502: he must consult the Council as to matters prescribed under e.g. cc 461, 515, 1263 and 1742; the College of Consultors has prescribed functions when the diocese is impeded or vacant.

[86] CIC: cc 492–494: its members (clerical or lay) must be persons of outstanding integrity and skilled in finance and civil law; the bishop must also appoint a financial administrator: see below chapter 9.

[87] CIC: cc 511–514: those 'outstanding in firm faith, high moral standards and prudence'.

[88] PCLCCAC: Principle 20: a diocese consists of the faithful in a territory overseen by a bishop.

[89] See e.g. England: Synodical Government Measure 1969, s 4; Scotland: Can 50; Wales: Con IV.

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consider any matter referred by the central assembly and implement the lawful directions of the latter to which it must make an annual report.[90] The assembly has an executive organ (its Standing or Executive Committee) which acts with the authority of the assembly between its sessions, advises the bishop and discharges other functions assigned to it by the assembly; the diocesan assembly may also establish a variety of committees, boards, commissions and other bodies, such as on ministry, liturgy, and finance, under the control of the assembly.[91]

Turning to the Protestant traditions, for example Methodist churches have a system of Districts, consisting of Circuits, which are subject to the jurisdiction of the (national) Conference. For instance, the Conference of the Methodist Church in Great Britain designates a District 'to advance the mission of the Church in a region, by providing opportunities for Circuits to work together and support each other, by offering them resources of finance, personnel and expertise which may not be available locally and by enabling them to engage with the wider society of the region as a whole'.[92] In turn, the United Reformed Church too has regions with representative District Councils.[93] In Presbyterian polity, the Presbytery is a court which gives spiritual leadership to the ministers, officers and congregations within its bounds; it appoints a moderator (minister, elder or deacon responsible for order) and a clerk, has a membership of an equal number of ministers and representative elders elected by the Kirk Sessions, and meets to legislate, adjudicate on disputes and administer its affairs.[94] For example, an Irish Presbytery is 'the body primarily responsible for corporate oversight of the congregations and causes assigned to it by the General Assembly'; it may issue 'ordinances' but must observe 'the laws and directions of the Assembly'; and it 'superintends' the 'spiritual and temporal affairs of its congregations'.[95] In the congregational tradition, national Baptist Unions may also have a system of regional associations but these bodies do not enjoy jurisdiction over the autonomous local church.[96]

The national ecclesiastical institutions of governance

According to the *Statement of Principles*, an ecclesial tradition may have a national organisation. A church or other ecclesial community organised at national level may have such institutional structure as is prescribed by the legal rules applicable to it. The functions of a national ecclesial entity, and its conference, synod, council,

[90] PCLCCAC: Principle 20: the bishop may give/withhold consent to proposed legislation if allowed, but may not legislate unilaterally; see e.g. Wales: Con IV.43: Acts of the Diocesan Conference.

[91] For executive committees, see e.g. Wales: Con IV.16; for boards, etc., see e.g. England: Diocesan Boards of Finance Measure 1925, ss 1–3: the Board must comply with synod directions.

[92] MCGB: CPD, SO 400.

[93] URC: Man B.2.3: the District Council (moderator and representatives of local churches) meets annually to discharge tasks under the URC Acts 1972, 1981, 2000; see also B.2.4: the Provincial (or National) Synod.

[94] CLCS: 97: Act VIII, 1996: moderator; Act III, 1992: membership.

[95] PCI: Code, paras 61–79: it consists of ministers and ruling elders appointed by each Kirk Session, has officers (moderator, clerk), meets four times a year, forms new congregations if authorised by General Assembly, ordains, installs and oversees ministers (e.g. in preaching, doctrine), and enquires into the work of Kirk Sessions and Congregational Meetings; 256: annual report to the General Assembly.

[96] See Doe (note 1), 145–146.

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or other central assembly, may include the authority to legislate, administer and adjudicate on matters within its competence. The institution is composed of such the faithful as are elected or otherwise appointed to it in accordance with the law.[97] These principles are derived from the laws.

First, in the Latin Church,[98] the national Episcopal Conference, 'the assembly of the Bishops of a country or of a certain territory',[99] must draw up its own statutes (to be reviewed by the Apostolic See) to deal with e.g. its plenary meetings, a permanent committee of bishops, a general secretary and other offices; each Conference must elect a president who presides over its plenary meetings and permanent committee. Plenary meetings are to be held at least once each year.[100] The Conference may issue decrees only in cases where the universal law so prescribes or by special mandate of the Holy See, on its own initiative or at the request of the Conference; a proposed conference decree must receive two-thirds of the votes at a plenary meeting; and: 'These decrees do not oblige until they have been reviewed by the Apostolic See and lawfully promulgated'; the competence of a diocesan bishop is also protected.[101]

An Anglican Church consists of one or more province(s) (and within them dioceses). The central organ of government is the national assembly, styled variously the General Synod (e.g. England) or Governing Body (Wales) composed of three Houses (or Orders) – bishops, clergy and laity – with representatives elected under elaborate legal rules.[102] The archbishop or primate convenes and presides at meetings held each year – and there are complex procedures for the transaction of business.[103] The principal functions of central assemblies are law-making, policy-making and to a lesser extent administration over a wide range of prescribed subjects of common concern to the whole of the church.[104] The central assembly also has various committees, commissions, boards, and other administrative bodies.[105]

Second, across the wide spectrum of Protestant churches, in Methodist polity the Conference is a 'court' with the power to bind: it meets annually under a President.[106] For example, the Conference of the Methodist Church in Great Britain (one of its 'Church Courts and Jurisdictions') meets annually and consists of ministers (in the Ministerial Session) and lay representatives (in the Representative Session). It is

[97] Principles of Christian Law (2016): IV.3: National Church Structures.

[98] CIC: cc 435–446: neighbouring particular churches may be grouped into provinces to promote inter-diocesan relations; provinces are established, altered or suppressed by the pope; the provincial council and metropolitan oversee the province; its council may legislate by decrees sent to Rome for approval.

[99] CIC: cc 447–449; c 459: relations between Conferences; c 753: the Conference as teacher.

[100] CIC: cc 450–454; c 456: the president must send the minutes of plenary meetings to Rome; c 457: the permanent committee prepares the agenda and ensures decisions are executed; c 458: secretary.

[101] CIC: c 455: Conference decides the manner of promulgation and the time decrees come into force.

[102] For example England: Synodical Government Measure 1969: General Synod has three Houses: bishops, clergy, and laity.

[103] For example Wales: Con II.20: the archbishop presides; Ireland: Standing Orders of General Synod.

[104] For example Ireland: Con Preamble, Declaration IV: General Synod has 'chief legislative power … and such administrative power as may be necessary for the Church and consistent with its episcopal constitution'.

[105] See also PCLCCAC: Part III.

[106] MCI: Con s 6; RDG, 6: Conference composition, functions, constitutional amendment, procedure, quorum, rules of debate, and president; RDG, 8: General Committee.

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responsible for 'the government and discipline of the [church] and the management and administration of its affairs' and has 'all the powers, authorities, rights and duties necessary or desirable in its discretion for such government, discipline, management and administration'; as such, it may: (1) make, amend and repeal Standing Orders or other rules and regulations for the constitution of the Conference consistent with the Deed of Union; (2) found connexional funds for the promulgation of the Gospel and for Circuits and Local Churches and manage connexional property; (3) conduct ordinations; and (4) appoint boards, committees, and officers including its President and the Methodist Council and Executive to act on its behalf between Conferences and ensure that 'the decisions of the Conference are fully implemented'; the Council also has a Committee on Methodist Law and Polity to advise on Methodist 'legislation and administration', changes to law and their 'coherence with existing usage'; the committee reports annually to the Conference.[107] The President of the Conference must be an ordained minister and is elected by it (designated at the previous Conference by ballot and a majority of the votes cast) to hold office for one year.[108] The President of the Conference: 'plays a significant part in the oversight and leadership of the Church in responding to God's Spirit and developing prophetic vision'; presides at the Conference; stations ministers on vacancies on death;[109] exercises 'a ministry through visits to and encouragement of the constituent parts of the Connexion and beyond'; [110] may assist at any Synod, if requested by the Chair or by a majority of the Superintendents in the District; and, if requested to do so, visit any Circuit, to inquire into its affairs, and to take any steps judged beneficial.[111]

Thirdly, a church of the Reformed tradition has a central assembly composed of ministers and lay representatives with legislative authority. For instance, the General Assembly of the United Reformed Church is 'the central organ [and] final authority, under the Word of God and … guidance of the Holy Spirit in … doctrine and order and in all other concerns of its common life'; it has representatives of synods (equal ministerial and lay); it is for example to oversee the work of the church and 'alter, add to, modify or supersede the Basis, Structure and any other form … of the polity and doctrinal formulations' of the church; constitutional amendment is proposed by a two-thirds majority of members, referred to the provinces, and effected by majority vote. The General Assembly is assisted in its work by a range of councils and committees.[112] Two Moderators are elected by secret ballot on nomination by a synod: one a minister or church-related community worker and the other an elder.[113]

[107] MCGB: CPD, SO 003: Church Courts and Jurisdictions; DU 18–21: powers; DU 11, 13–14: membership; DU 19: Standing Orders; 21: officers and committees; 23: ordination; DU 26–29 and SO 110–111: President; SO 210–216: Methodist Council and Executive (and Audit Committee); SO 230–232: other committees; SO 302: General Secretary or 'executive officer'; SO 338 for the Committee on Methodist Law and Polity.

[108] MCGB: CPD, DU 26. The Vice-President is a lay member and is elected similarly (ibid, 27).

[109] MCGB: CPD, DU 28–29.

[110] MCGB: CPD, SO 110.

[111] MCGB: CPD, SO 111.

[112] URC: Man B.2.6; 3.1; C: Rules of Procedure; G: Committees: e.g. Mission Council, and Ministries Committee.

[113] URC: Man C.3; see c 4 for the General Secretary and 5 for the Clerk of Assembly.

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Similarly, a Presbyterian Church has a General Assembly, its highest court composed typically of teaching elders from (regional) Presbyteries and ruling elders from the local (Kirk) Sessions. For instance, in the Presbyterian Church of Wales: 'The General Assembly, the Supreme Court of the Church, is a representative body consisting of ministers and elders elected by Presbyteries'; its 'functions … are legislative as well as judicial and administrative' as to doctrine, worship, discipline and government; Presbyteries may propose legislative reform to General Assembly and no change may be made to the constitution without approval of the Presbyteries.[114] The Moderator is elected by and appointed to preside over the Assembly and performs such functions as are prescribed by the regulatory instruments of the church; generally, the functions of the Moderator are in the sphere of church governance.[115]

By way of contrast, in the Congregational tradition of church polity, in which the fullness of the Church of Christ vest in the local church, the national institutions of Baptists have more limited jurisdictions; for instance, in the Baptist Union of Great Britain: 'The general policy of the Union, subject to any directions of the Assembly, shall be decided by a Council' which meets twice a year and consists e.g. of representatives of Associations and the officers and past Presidents; Council may appoint committees and working groups and the Assembly may amend the constitution of the Union by resolution passed by a two-thirds majority vote with notice given at the previous meeting.[116] A Baptist Union may also have a President, Directors or Moderators with limited functions due to the autonomy of each member church.[117]

International ecclesial governance and primacy

According to the *Statement of Principles*, an ecclesial tradition may have an international organisation in the form of a church, communion, federation, or other global association, with a structure as may be constituted by or assigned to it under its doctrine and law. An international ecclesial institution is composed of such persons on such terms of tenure as are assigned to it in accordance with its own juridical instruments.[118] Also, a church may have a system of international oversight or leadership. A minister has such international oversight or leadership

[114] PCW: HOR, 1.2; 3.4–5.

[115] PCW: HOR, 3.4.3.5: the Moderator is elected from the association in three provinces and admitted at a service for installation (at which the person is given the Assembly Bible 'as sign of [his] authority'); App. A: the Moderator holds office for one year; chairs meetings of the General Assembly and directs its proceedings; is member of every Board; and visits Presbyteries and Associations by invitation; see also PCI: Code, paras 99–100; UFCS: MPP, Ch 5, s 2.

[116] BUGB: Con I.5–9; II.1–10.

[117] BUGB: Con 2.3: the Vice President is elected annually, becomes President Elect for one year and takes office as President at the annual Assembly; BUS: Con IX: Core Leaders include the General Director, Ministry Advisor and Mission Advisor; BL VIII: their functions are agreed by Council.

[118] Principles of Christian Law (2016): IV.2: International Ecclesial Communities: see Doe (note 1), 124–130 for the coercive jurisdiction and authority of the Roman Pontiff and College of Bishops in the Catholic Church, and for the (non-coercive) moral authority, over their autonomous churches, exercised by the institutions of the Anglian Communion, Lutheran World Federation, World Methodist Council, World Communion of Reformed Churches, and Baptist World Alliance.

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as are permitted by law. International church offices include those of pope, patriarch, primate, president, moderator, or general secretary. Those who exercise international oversight or leadership are appointed or elected to that office by competent ecclesiastical authority. A church may assign to such an office a coercive jurisdiction or a moral or persuasive authority.[119] These principles are derived from the laws.

The regulatory instruments of the ecclesial traditions 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 Latin 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.[120] 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.[121] 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.[122] On the basis of these 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.

Conclusion

From the above analysis, I offer three conclusions. First, within every global Christian church family there are laws. They exist in a range of regulatory instruments. Theology is their primary material source. And these laws seek to serve,

[119] SPCL III.4.3–7.

[120] CIC, cc 336–348, 360–361 and 754.

[121] Rodopoulos (note 7), 213–221; ROMOC, *Statutes*, Arts 1–9: the Holy Synod is the 'highest authority'.

[122] 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 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'.

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facilitate, and order the mission, ministry, and witness of all the churches in which they are created and applied.

Second, ecumenism to date has focused mainly on doctrine and theology to effect greater visible unity among the separated institutional churches. Canon law, as Robert Ombres has famously put it, was the missing link in ecumenism.[123]

However, comparing laws of churches, inducing from them shared principles of law, and articulating these, is fertile ground for ecumenism. The similarities between laws of different ecclesial families link Christians in common action (even though the churches differ in the doctrinal reasons for their own laws). The 2016 Statement (launched in 2022) challenges us about the unifying potential of juridical ecumenism. Importantly, Pope Francis and Ecumenical Patriarch Bartholomew both recognise the value of church law to ecumenism.

Third, the ecumenical *Statement of Principles* does not use the *word* 'synodality'. However, for me, the *idea* of synodality is clearly implicit in its principles of law on church governance. This is so because the spirit of synodality is present in the laws of all historic churches in a multitude of different forms, assemblies, and levels. All traditions have international, national, regional, and local assemblies in which Christians 'journey together', 'listen to each other', and 'discern God's will' in the making of hard or soft law to facilitate or order mission in context.

From the *Statement of Principles*, and the laws it is based on, I suggest, emerge principles of synodality around which all Christians today can meet – about the types and levels of church assembly, their composition, functions, and processes. From juridical ecumenism, we see that the principle of synodality is of the *essence* of church governance. The laws of all the churches provide the evidence of this.

But can juridical ecumenism, for greater Christian unity, find still more precise candidate principles of synodality than those already implicit in the *Statement*?

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[123] cf. N Doe, 'Christian Law Panel of Experts' (2018) 20 Ecc LJ 342–344.

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