(2012) 14 Ecc LJ 195–234 © Ecclesiastical Law Society
doi:10.1017/S0956618X12000038

Juridical Ecumenism

Norman Doe
Professor and Director of the Centre for Law and Religion, Cardiff Law School

The ecumenical movement seeks to achieve Christian unity through greater visible communion between the separated (or divided) institutional Churches of Christianity worldwide. The practice of ecumenism and ecumenical theology have developed principally at the doctrinal and theological levels. The juridical instruments of Churches have not thus far played a central role in ecumenical discourse – they are occasionally seen as the 'missing link' in ecumenism. This article examines for the first time, in a wide comparative compass, the treatment of ecumenism in the juridical instruments of separated Christian traditions and their institutional Churches worldwide. It proposes that these instruments should have a more prominent place in ecumenical practice and theology in so far as they tell us much about the scope of both the commitment of Churches to and their participation in the ecumenical enterprise. Juridical instruments define what ecclesial communion is possible and what is not, either enabling or restricting the development of greater visible communion between separated Churches in the quest for Christian unity. As such, this 'juridical ecumenism' offers both a theoretical and a practical framework for the global transformation of ecumenism to complement but not replace the current dominance of the doctrinal and theological focus in contemporary ecumenical method and practice.

INTRODUCTION

The Great Schism between east and west (in the eleventh century) and the Reformation (in the sixteenth century and beyond) represent landmarks stimulating the fragmentation of the undivided Christian Church into a proliferation today of different institutional Churches or denominations. The ecumenical movement (maturing in the twentieth century) seeks the recovery of Christian unity through the development of greater visible communion between those separated Churches worldwide.[1] The principal focus of this movement, in the practice of ecumenism (through inter-church dialogues and institutional structures such as the World Council of Churches) and in ecumenical theology (the study of ecumenism), has been the quest for agreement at the level of doctrine, achieved through theological debate. The juridical instruments of Churches, their laws or other regulatory instruments, have not thus far featured as part

1 See generally N Lossky, J Bonino, J Pobee, T Stransky, G Wainwright and P Webb (eds), *Dictionary of the Ecumenical Movement* (Geneva, 2002).

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

of the staple diet of ecumenical discourse.[2] In point of fact, church law and its equivalents are seen by some distinguished scholars, both catholic and protestant,[3] as the 'missing link' in ecumenism, though 'ecumenical law' (created unilaterally by Churches and addressing an ecumenical topic) is recognised by scholars as a juridical category.[4]

Indeed, in 1974 the World Council of Churches acknowledged the potential of the study of 'church law' as an instrument of ecumenism, but no action was taken to promote this.[5] By way of remedy, this article examines the treatment of ecumenism and associated issues in the juridical instruments of seven major Christian traditions worldwide,[6] and over 50 Churches across these traditions. It explores whether these instruments recognise the need for ecumenism, assume ecumenical obligations, provide institutional structures for ecumenism and regulate ecclesial, ministerial and sacramental ecumenism; it also explores conciliar and covenantal ecumenism.[7] The study suggests that juridical instruments should have a more prominent place in ecumenical practice and theology, in so far as they tell us much about the scope of both the commitment of churches to and their participation in the ecumenical enterprise. It thereby proposes the concept of juridical ecumenism. Juridical instruments define what ecclesial communion is or is not possible – and juridical ecumenism facilitates exploration of the ways in which ecclesial regulatory instruments enable or restrict the development of greater visible communion between separated Churches in the quest for Christian unity. As such, juridical ecumenism offers both a theoretical and a practical framework for the global transformation of ecumenism – one designed to complement but not to replace the current

2 'Juridical instruments' is used here to embrace the variety of regulatory forms used by Churches of different Christian traditions, ranging from canon law (in the Roman Catholic, Orthodox and Anglican traditions) to the systems of church order and polity (in the Reformed Protestant traditions), though Lutheran, Presbyterian, Baptist and Methodist churches often use the word 'law' for their regulatory systems. See generally N Doe, 'Modern church law', in J Witte and F Alexander (eds), *Christianity and Law* (Cambridge, 2008), pp 271–291. The study also examines ecclesiastical quasi-legislation (informal administrative norms which complement formal laws).

3 'Catholic' is used here for the Latin (or Roman) and Eastern (or Oriental) Catholic Church(es). Catholic scholars include Robert Ombres OP: see M Hill *et al* 'A decade of ecumenical dialogue in canon law', (2009) 11 Ecc LJ 284–328. See also the Protestant scholar L Koffeman, *Het Goed Recht van de Kerk: een theologische inleiding op het kerkrecht* (Kampen, 2009).

4 See N Doe, *Canon Law in the Anglican Communion* (Oxford, 1998), ch 12; H Dombois, 'Ökumenisches Kirchenrecht heute', (1979) 24 *Zeitschrift für Evangelisches Kirchenrecht* 225–249, which states that church law is ecumenical in nature because Churches are united in using juridical forms to express their place in the Church universal.

5 World Council of Churches, Faith and Order Commission, Document IV.8 (1974), 'The ecumenical movement and church law': see M Reuver, *Faith and Law: juridical perspectives for the ecumenical movement* (Geneva, 2000), p 5.

6 Namely Catholic (Latin and Oriental), Orthodox, Anglican, Lutheran, Reformed (and Presbyterian), Baptist and Methodist; samples of the instruments of other churches (such as the United Churches) are also studied.

7 While the subjects in the first four sections involve norms created unilaterally by a tradition or individual Church, the final section studies norms created bilaterally or multilaterally through ecumenical collaboration.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

(and dominant) doctrinal and theological focus in contemporary ecumenical method and practice: after all, church regulatory systems are applied theology.[8]

THE CHURCH UNIVERSAL AND CHRISTIAN DISUNITY

In Christian teaching about the nature of the Church (ecclesiology), there is one undivided Church – the Church Universal, the Body of Christ – the one, holy, catholic and apostolic Church of the Nicene Creed.[9] This teaching is not only expressed in the doctrinal documents of the various separated Churches themselves but also appears in a great many ecumenical statements resulting from dialogue between these Churches.[10] The juridical instruments of Churches bind them to this understanding of the existence and unity of the Church Universal: Catholic canon law presents the church as 'the people of God', and 'Christ bestowed unity on his Church from the beginning';[11] Orthodox instruments speak of 'the unity of the Christian Church' and 'the visible church of Christ' – 'Jesus Christ founded the one true Church', which is 'united in one Apostolic Faith';[12] and, according to the principles of canon law common to the churches of the Anglican Communion, 'the "church universal" means the One, Holy, Catholic and Apostolic Church' – it is the indivisible body of Christ.[13] These marks of the oneness and indivisibility of the Church Universal are also commonplace in the regulatory instruments of protestant churches: for Lutherans 'the One Holy Christian Church, the *Una Sancta*, the Church Universal, is the people of God … the communion or congregation of saints … gathered through the Holy Spirit'; it is 'One, Holy, Catholic, and Apostolic', and its unity is a gift of God; or else, the Church of Christ is the

8 See, in this issue, R Ombres OP, 'Canon law and theology' (2012) 14 Ecc LJ 164–194.

9 See typically A Dulles, *Models of the Church* (second edition, Dublin, 1988).

10 N Doe, 'The concept of Christian law – a case study: the concept of "a church" in a comparative and ecumenical context', in N Doe and R Sandberg (eds), *Law and Religion: New Horizons* (Leuven, 2010), pp 243–274.

11 (Latin) *Code of Canon Law (Codex Iuris Canonici)* 1983 (*CIC*), Canon 204; *Code of Canons of the Eastern Churches* (*CCEO*), Canon 7; *Catechism of the Catholic Church* 1994 (*CCC*), para 820; see also the Decree on Ecumenism, *Unitatis redintegratio* (1963), para 4.3.

12 Orthodox Church in America (OCA), *Guidelines for Clergy*, Ecumenical Witness; Standing Conference of Orthodox Bishops in America, *Guidelines for Orthodox Christians in Ecumenical Relations* (*GOCER*), Introduction; P Rodopoulos, *An Overview of Orthodox Canon Law* (Rollinsford, NH, 2007) pp 5–8.

13 Anglican Communion Legal Advisers' Network, *Principles of Canon Law Common to the Churches of the Anglican Communion (Principles)* (London, 2008), Definitions, p 95; Principles 9.2 and 93.1: 'The church universal is indivisible'; the Anglican Communion Covenant, Arts 1.1, 3.2.3 (Body of Christ). The laws of Churches sometimes define each of the marks of the Church universal. See eg Anglican Church in Aotearoa, New Zealand and Polynesia: the Church is one 'because it is one body, under one head, Jesus Christ'; it is holy 'because the Holy Spirit dwells in its members and guides it in mission'; catholic 'because it seeks to proclaim the whole faith to all people to the end of time'; and apostolic 'because it presents the faith of the apostles and is sent to carry Christ's mission to all the world'.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

communion of pardoned sinners, 'the household of God'.[14] The Reformed and Presbyterian churches similarly see the Church Universal as the people of God united in the one, holy, catholic and apostolic Church – there is 'but one Church of the one God', a gift of God.[15] Much the same outlook surfaces in the juridical instruments of Methodist churches: the Church Universal is the people of God, the 'one body of Christ'; 'Christ constitutes the church as his body by the power of the Holy Spirit'; it is the company of his disciples, the 'One Holy Catholic and Apostolic Church united in the faith and knowledge of the Son of God'.[16] Baptist churches also speak of 'Christ's people',[17] as do the united and uniting churches: 'the unity of the one holy catholic and apostolic church'.[18] It is a principle of Christian law and order that there is unity in the Church Universal – the one, holy, catholic and apostolic Church – an indivisible Church. This juridical principle is merely a reflection of the doctrinal positions of Churches.

A key feature of the juridical instruments of Churches is the assertion contained in them that the institutional Church in question is a part of the Church Universal, the body of Christ. Several different images of this relationship to the Church Universal are used – from the existence of the Church Universal in the institutional Church to the existence of an institutional Church in the Church Universal. The former approach is used in the Catholic Church. Whereas for Pope Pius XII 'the Mystical Body of Christ and the Roman Catholic Church are one and the same', today the Catholic canonical position is that 'the church' (universal), 'established and ordered in this world as a society, subsists [*subsistit*] in the catholic Church, governed by the successor of

14 Lutheran Church of Australia (LCA), *Theses on the Church*, paras 1, 17, 20; Evangelical Lutheran Church of Southern Africa (ELCSA), *Guidelines* 11.1 and 12.6; Evangelical Lutheran Church in America (ELCA), *Constitution*, Introduction and ch 4; see also *Lutheran World Federation as a Communion* (Geneva, 2003), p 8: Lutherans affirm 'the unity of the one universal church, which is the body of Christ in this world'.

15 United Reformed Church of Great Britain (URC), *Manual*, A.1, A.18.5, A.25; Reformed Church in America (RCA), *Book of Church Order*, Preamble; United Free Church of Scotland (UFCS), *Manual of Practice and Procedure*, Statement of the General Assembly, Special Constitutional Features of the UFCS: the UFCS 'affirms the obligation of the Universal Church to make known the Gospel throughout the world' (I.III.1.8); Presbyterian Church of Wales, *Handbook of Order and Rules*; Presbyterian Church of New Zealand, *Book of Order*, 1.1; Presbyterian Church in Ireland (PCI), *Code*, 1–4; Presbyterian Church in America, *Book of Church Order*, Preface II.3; Presbyterian Church (USA), *Book of Order* G-4.0201.

16 United Methodist Church USA, *Constitution*, Preamble; United Methodist Church in Northern Europe and Eurasia (UMCNEE), *Book of Discipline*, paras 5, 103–104, 129 and 215; Methodist Church in Ireland (MCI), *Constitution*, s 1; Methodist Church of New Zealand, *Laws and Regulations*, The Nature of New Zealand Methodism, s 1.2; Methodist Church of Great Britain, *Constitutional Practice and Discipline* (*CPD*), Deed of Union, para 4 and SO 701; Free Methodist Church of North America, *Pastors and Church Leaders Manual*, I.A.1, and *Book of Discipline*, 6010.

17 Canadian National Baptist Convention, *Constitution*, 3 (Statement of Faith, XIV); American Baptist Churches in the USA, *The Covenant of Relationships and its Agreements among the General, National and Regional Boards of the American Baptist Churches*, I.A.6.

18 Uniting Churches in Australia (Congregational, Methodist and Presbyterian), *Constitution*, 2; United Church of Canada (UCC), *Manual*, Basis of Union, 2.15.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

Peter and the bishops in communion with him';[19] moreover, in the particular Church 'the one, holy, catholic and apostolic Church of Christ truly exists and functions' in both the diocese (with its bishop) and in local congregations.[20] Orthodox Churches share this view: the Church Universal is one and 'remains visible in the Orthodox communion [of Churches]' – 'the fullness of grace and truth abides in the Orthodox Church';[21] moreover, the local ecclesial community (around its bishop) is 'a true and eucharistic manifestation of the Church of God'.[22] By way of contrast, 'the Anglican Communion is a [worldwide] fellowship of churches within the One, Holy, Catholic and Apostolic Church', and each Church affirms 'its communion in the one, holy, catholic, and apostolic Church', as well as its commitment to 'the catholic and apostolic faith';[23] more particularly, some Anglican Churches see themselves as a 'member', 'branch' or 'portion' of, or 'belonging' to, the Church Universal.[24] Lutheran regulatory instruments employ both images: these instruments present a Lutheran Church as an expression of the Church Universal,[25] while a local church or congregation gathered for the Word and Sacrament is a 'realisation' of, enjoys the presence of or participates in the Church Universal.[26] This twofold approach is common in Reformed, Presbyterian and Baptist churches.[27] In Methodism, too, regulatory instruments commonly speak of a Methodist Church as a 'part of the church universal', or a 'branch' of it, or as having a 'place' in it;[28] and it

19 *CIC*, Canon 204 §2; *Lumen Gentium*, 8; see also *CCEO*, Canon 7.2.
20 *CIC*, Canon 369; see also Canon 368 and *Lumen Gentium*, 26: the Church universal is present in congregations.
21 *GOCER*, pt 1, Orthodox Ecumenical Guidelines, 1 and 6; see also OCA, *Guidelines for Clergy*, Ecumenical Witness: 'The Holy Orthodox Church alone has preserved in full and intact "the faith once delivered unto the saints"'.
22 G Limouris (ed), *Orthodox Visions of Ecumenism* (Geneva, 1994), p 29.
23 *Principles*, 10.1; see also Anglican Communion Covenant, Art 1.1.1.
24 Church of India, Pakistan, Burma and Ceylon, *Constitution*, Prefatory Statement, 1; Scottish Episcopal Church, Canon 1.1; Anglican Church of Canada, *Constitution*, Declaration of Principles, 1; Church of England, Canon A 1.
25 Evangelical Lutheran Church in Canada, *Constitution*, Art IV.1; ELCA, *Constitution*, Introduction.
26 LCA, *Theses on the Church*, 10; ELCA, *Constitution*, ch 3: Evangelical Lutheran Church in Canada, *Constitution*, Art III.1–3; ELCSA, *Guidelines*, 11.1: 'The Congregation is the body of Christ', 12.6: 'The Church is present where people gather around the Word and Sacrament' (see also 2.1: 'The risen Lord acts within His congregation through Word and Sacrament'); Lutheran Church in Great Britain, *Rules and Regulations*, p 2.
27 United Congregational Church of Southern Africa, *Constitution*, Preamble; UFCS, *Manual of Practice and Procedure*, IV.III.8; UCC, *Constitution*, 2, 3: the congregation is 'the embodiment in one place of the one holy catholic and apostolic church'; URC, *Manual*, A.11; Presbyterian Church of Aotearoa New Zealand, *Book of Order* 1.1(1): the church is 'part' of the church universal; Presbyterian Church (USA), *Book of Order*, G-4.0102; American Baptist Convention, *Bylaws*, Prologue: the American Baptist Churches in the USA are 'a manifestation of the church universal'.
28 United Methodist Church USA, *Constitution*, I, Art VI; UMCNEE, *Book of Discipline*, para 214; MCI, *Constitution*, ss 1 and 2; Methodist Church (GB), *CPD, Deed of Union*, 4; Methodist Church New Zealand, *Laws and Regulations*, The Nature of New Zealand Methodism and s 1.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

is in the circuit that 'Local Churches express and experience their inter-connexion in the Body of Christ'.[29]

Christian disunity and denominational divisions in the visible Church Universal on earth are often recognised in the juridical instruments of Churches. Moreover, such recognition, alongside the use of concepts of the otherness of denominations that exist outside the tradition, may be understood to represent a juridical wall of separation that institutionalises ecclesial divisions within the Church Universal. Catholic regulatory instruments recognise the 'divisions' between Christians, and they refer to '"other Churches and ecclesial communities" . . . who are not in full communion with the Catholic Church', as well as 'non-Catholics' in terms of persons.[30] Within 'the disunity of Christendom', Orthodox Churches recognise the existence of 'non-Orthodox communions', 'non-Orthodox churches', and 'other Christian denominations',[31] in some of which 'certain basic elements are lacking which constitute the reality of the fullness of the Church', namely 'the Faith of the ancient, united, and indivisible Church of the Seven Ecumenical Councils'.[32] Similarly, Anglican churches recognise 'the divided Christians of the world' in 'separated churches' – 'parts of the Church of Christ' but nevertheless 'other churches'.[33] Much the same is found in protestant regulatory instruments. Lutheran Churches recognise 'divisions in the body of Christ' in the form of 'other churches' ('the deplorable disunity among Christians' is not 'a division of the body of Christ'), thus a distinction must be made between the Church Universal and 'the visible organized Churches'.[34] Reformed Churches understand the Church Universal to include 'many particular churches' (or 'other churches'), a 'division which has made it impossible for Christians fully to know, experience and communicate the life of the one, holy, catholic, and apostolic Church' – but 'the visible unity of the body of Christ, though obscured, is not destroyed by its division into different denominations of professing Christians'; indeed, 'It is according to scriptural example that the Church should be divided into many individual

29 Methodist Church (GB), *CPD*, SO 500: 'The Circuit is the primary unit in which the Local Churches express and experience their inter-connexion in the Body of Christ'; UMCNEE, *Book of Discipline*, para 201.

30 *Directory for the Application of Norms and Principles of Ecumenism* 1993 (*Ecumenical Directory*), 9, 17, 18 and 19, see also 106: 'other Communions'; *CIC*, Canon 383 §3; Canon 1170: 'non-catholics'; *CCEO*, Canon 906.

31 *GOCER*, pt I, Orthodox Ecumenical Guidelines, 1, 7, 13; OCA, *Guidelines for Clergy*, Ecumenical Witness, B.5 (see also A Selection of Clergy Disciplines, 1); Archdiocese of Thyateira and Great Britain (Greek Orthodox), *Instructions*, Baptism; Ukrainian Orthodox Church in America, *Statutes*, Art II.6; Romanian Orthodox Church, *Statutes*.

32 Statement of Orthodox Delegates, 2nd Assembly of World Council of Churches (Evanston, 1954) in Limouris, *Orthodox Visions*, p 29.

33 *Principles*, 94.1, 95 and 98.1; Church in the Province of the West Indies, Canon 33: 'other Churches'.

34 LCA, *Theses on the Church*, 24–25; ELCSA, *Guidelines*, 3.9, 11.8; ELCA, *Constitution*, ch 8.72.12, ch 11.32, ch 12.04; Evangelical Lutheran Church in Canada, *Constitution*, Art IV.2.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

churches'.[35] Similarly, for Methodist churches, the 'very dividedness' of the Church of Christ is found in the existence of 'other Christian communions', 'Christians of other communions', 'other Christian churches', 'other Christian traditions' and 'other denominations'.[36] Much the same applies in Baptist Churches.[37] Moreover, each Church's own understanding of its individual identity (its ecclesiality), particularly robust assertions of denominational autonomy, may also contribute to the image of a juridical wall of separation between the divided Churches of Christendom.[38]

In short, there is juridical unity among Churches in their recognition of the indivisible Church Universal, of their relationship to it (and its presence in the local church) and of its denominational divisions. These three juridical facts are fundamental to understand the need for ecumenism.

THE NATURE OF ECUMENISM AND THE ECUMENICAL OBLIGATION

The juridical instruments of the separated Churches share much in common in terms of their recognition of the reasons for Christian unity (as a divine imperative), their definition of ecumenism (including the nature of ecumenical communion), their obligation to participate in it (the ecumenical obligation) and their protection of the marks of the Church Universal; several Churches also make express provision for constitutional union with other Churches and the United Churches are themselves fruits of juridical union.

Regulatory instruments in most separated Churches recognise that Christian unity is a divine imperative (the will of Christ as expressed in John 17:21) and that the existence of denominational divisions is a breach of divine law. Catholic canon law, Latin and Oriental, presents Christian unity as the will of Christ, a

35 Presbyterian Church in America, *Book of Church Order*, 1.2.2–3; see also Presbyterian Church (USA), *Book of Order*, G-4.0201; PCI, *Code*, 4.1; URC, *Manual*, A.7: divisions; UFCS, *Manual*, IV.III.III.4; United Church of Christ, *Bylaws*, 229; United Congregational Church of Southern Africa, *Constitution*, Arts 6.4.9 and 6.4.11; Presbyterian Church of Wales, *Handbook of Order and Rules*, IV.4.18; UCC, *Manual*, BU, 8.6.9–10; RCA, *Book of Church Order*, Preamble, ch 1, pt 1, Art 5, ss 2b and 3; PCI, *Code*, 106 and 108(a).

36 United Methodist Church USA, *Constitution*, Preamble; see also UMCNEE, *Book of Discipline, Constitution*, Preamble, paras 101 and 333; Methodist Church (GB), *CPD, Deed of Union*, 8(e); SO 051–053; Free Methodist Church of North America, *Book of Discipline*, 3401; MCI, *Regulations, Discipline and Government*, 2.03, 4B.36, 4E.04; Methodist Church New Zealand, *Laws and Regulations*, s 3.1.

37 Baptist Union (GB), *Constitution*, 1.4.6; Jamaica Baptist Union, *Constitution*, IV.10; Baptist Union of New Zealand, *Ethical Principles and Guidelines for Pastors*, 2.2; American Baptist Churches in the USA, *Ordination Guidelines*, II and *Standing Rules*, 1111.

38 Eg Ukrainian Orthodox Church in America, *Statutes*, Art II; Romanian Orthodox Church, *Statutes*, Art 14: the Holy Synod is 'the highest authority' of the Church; ELCA, *Constitution*, ch 12.10–11: Churchwide Assembly is 'the highest legislative authority'; Methodist Church (GB), *CPD*, Deed of Union, 11: the authority of the Conference; URC, *Manual*, 2(6): the General Assembly is the 'final authority' in the church; United Church of Christ, *Constitution*, Art V.18: 'The autonomy of the Local Church is inherent and modifiable only by its own action'; American Baptist Churches in the USA, *Ordination Guidelines* (2004), II.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

gift of God and a call of the Holy Spirit.[39] This is echoed in Anglican instruments: Christian unity is 'the will of God' – a gift and vocation.[40] The same idea is found in the juridical instruments of the protestant traditions: for Lutherans, Christian unity is a 'divine imperative' and 'the call of the Gospel';[41] for Methodists, it is 'the will of our Lord' and 'a call towards unity';[42] for Reformed Churches, it is 'the will of Christ that His Church on earth should exist as a visible and sacred brotherhood', and unity is a gift of God;[43] Baptist instruments speak of 'the biblical imperative for Christian unity'.[44] Consequently, juridical instruments condemn Christian disunity. For example, some Orthodox Churches see Christian disunity as a 'sin before God, a scandal to the people and an obstacle to the acceptance of the Gospel'; also, 'Christian division hinders the mission of the Church';[45] for Anglicans, too, because 'the Church is divided its mission is impaired',[46] and for Methodists, the 'very dividedness' of the Church of Christ is 'a hindrance to its mission in [the] world'.[47]

Second, there is juridical agreement in the definition of ecumenism. In Catholic canon law, ecumenism is 'the restoration of unity between all Christians which, by the will of Christ, the Church is bound to promote'; moreover, 'the full visible communion of all Christians is the ultimate goal of the ecumenical movement'.[48] The recovery of unity is also a feature of the juridical instruments of several Orthodox Churches: Guidelines of the Standing Conference of Orthodox Bishops in the Americas provide that 'the ecumenical movement involves renewal, unity, common witness and joint action amongst

39 *CCC*, para 820; *CCEO*, Canon 902; *Ecumenical Directory*, 9: ecumenism is 'the plan of God' and it seeks 'to overcome what divides Christians', 22: it is a grace of God.

40 *Principles*, 93.1; Anglican Communion Covenant, 2.1.5; Lambeth Conference 2008, *Reflections* 71, 73, 74; see also Anglican Church of Southern Africa, *Resolution of Permanent Force of the Provincial Synod*, 1 (1973): 'it is God's will that His Church should be visibly one'.

41 LCA, *Theses*, 23; ELCSA, *Guidelines*, 11.8; Lutheran Church (GB), *Rules and Regulations*, Statement of Faith, 8.

42 United Methodist Church USA, *Constitution*, Preamble: the church is obedient 'to the will of our Lord that his people be one, in humility for the present brokenness of the Church'; see also UMCNEE, *Book of Discipline*, *Constitution*, Preamble and para 104.

43 UCC, *Manual*, Basis of Union 2.15; United Congregational Church of Southern Africa, *Constitution*, Preamble; United Church in Australia, *Regulations*, 3.1.1(b)(i); Presbyterian Church of Aotearoa New Zealand, *Book of Order*, 1.6: 'Jesus' prayer'; Presbyterian Church (USA), *Book of Order* G-4.0201.

44 American Baptist Churches in the USA, *Covenant of Relationships*, I.A.7.

45 *GOCER*, pt I, Orthodox Ecumenical Guidelines, 1, 7, 13; OCA, *Guidelines for Clergy*, Ecumenical Witness, B.5 (see also A Selection of Clergy Disciplines, 1); Archdiocese of Thyateira and Great Britain (Greek Orthodox), *Instructions*, Baptism; Ukrainian Orthodox Church in America, *Statutes*, Art II.6; Romanian Orthodox Church, *Statutes*; Greek Orthodox Archdiocese of America, *Charter*: 'any Christian denomination'.

46 Anglican Communion Covenant, Introduction, para 6; see also Lambeth Conference 2008, *Reflections*, paras 71, 73; *Principles*, 93.1; Church of England, Canon A 8; Anglican Church in Aotearoa, New Zealand and Polynesia, GS Standing Resolution [on] Intercommunion (1992).

47 United Methodist Church USA, *Constitution*, Preamble; UMCNEE, *Book of Discipline*, Constitution, Preamble.

48 *CIC*, Canon 755 §1; *Ecumenical Directory*, 20.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

Christians' and 'the recovery of the biblical-patristic synthesis of faith which is constitutive of the one church'.[49] Similarly, in Anglicanism, the ecumenical movement seeks 'the full visible unity of the Church', 'a meeting in truth in Christ', important because Christian reconciliation offers a paradigm for a broken world; as such, the constitution of the Anglican Church in Korea (for example) speaks of 'the restoration of the catholic faith and principles of unity of the early Church before the Great Schism'.[50] Some Lutheran instruments understand 'unity, reconciliation and healing' as lying at the heart of ecumenism, as well as 'official church-to-church relationships'.[51] The understanding of ecumenism in several Methodist instruments is that ecumenism is a 'calling of Christians everywhere to strive towards unity', and Methodists participate in it on the basis that they 'share a common heritage with Christians of every age and nation'; as such, 'ecumenical convergence' involves 'the healing of churches' with 'the Holy Spirit at work in making the unity among us more visible', as well as the development of 'formal relations'.[52] Parallel ideas are found in Reformed and Baptist juridical instruments.[53]

Third, there is juridical unity in terms of the assumption by each Church of its own corporate obligation to promote and participate in ecumenism. Under Catholic canon law, both Latin and Oriental, 'the Church is bound to promote' the ecumenical movement,[54] and Orthodox juridical instruments speak of 'our ecumenical duty'.[55] Similarly, according to the principles of canon law common to the churches of the Anglican Communion, 'A church should promote mutual understanding, foster reciprocal fellowship, seek ecumenical cooperation, and strive for visible unity amongst the separated churches';[56] moreover, Anglicans are committed to seeking to give themselves as servants of 'a greater unity among the divided Christians of the world' and each church affirms 'the ecumenical vocation of Anglicanism to the full visible unity of the Church in accordance with Christ's prayer that "all may

49 *GOCER*, Introduction and pt 1, Orthodox Ecumenical Guidelines, 7–8; OCA, *Guidelines for Clergy*, Ecumenical Witness.

50 Lambeth Conference 2008, *Reflections*, 73, 76, 77, 80, 84; Anglican Church in Korea, *Constitution*, Fundamental Declaration of Faith and Rites.

51 Lutheran Church (GB), *Rules and Regulations*, Statement of Faith, 8; ELCA, *Constitution*, ch 8.70: church-to-church relationships.

52 United Methodist Church USA, *Constitution*, div 1, Art VI; see also UMCNEE, *Book of Discipline*, paras 5, 101 and 104, and para 2402 for 'formal relations'.

53 Presbyterian Church of Wales, *Handbook of Order and Rules*, III.3.4.4; Baptist Union (GB), *Baptists and Ecumenism* (2006).

54 *CIC*, Canon 755.2; see also *CCEO*, Canon 902 and 903: 'The Eastern Catholic Churches have a special duty of fostering unity among all Eastern Churches' (ie to foster ecumenism with Orthodox churches).

55 OCA, *Guidelines for Clergy*, Ecumenical Witness.

56 *Principles*, 93.3; Anglican Church in Korea, *Constitution*, Fundamental Declaration of Faith and Rites; Lusitanian Church, Canon X.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

be one"'.[57] The ecumenical duty is shared by the protestant churches. The juridical instruments of Lutherans commonly recognise a duty to 'promote and maintain true Christian unity in the bond of peace', and to 'dialogue with other Christian church bodies'.[58] Methodist instruments speak of 'commitment' to 'the cause of Christian unity' or 'to contribute to unity in the church'.[59] Some Reformed churches likewise present the ecumenical duty prescriptively: 'The Presbyterian Church (USA) will seek to initiate, maintain, and strengthen its relations to, and to engage in mission with, other Presbyterian and Reformed bodies and with other Christian churches, alliances, councils, and consortia'.[60] However, other Reformed churches present the duty descriptively: 'In obedience to its understanding of Christ's will, [the United Congregational Church of Southern Africa] participates in the ecumenical movement and shares in the task of world evangelism and social transformation'.[61] The united Church of South India provides that the church 'should continually seek … to work towards the goal of full union in one body of all parts of the Church of Christ'.[62] The ecumenical obligation is less evident in Baptist instruments.[63]

Fourth, there is considerable agreement between juridical instruments as to the types of activity or processes involved in ecumenical work. That ecumenism involves open and frank dialogue, consultation and co-operation, common witness (including joint action for social justice), reciprocity (in ministry, worship and sacrament), perhaps through intercommunion, and ultimately full communion (see below in the section on ecclesial, ministerial and sacramental communion) appears in the juridical instruments of the Catholic (Latin and Oriental),[64] Orthodox,[65] Anglican,[66] Lutheran[67] and Methodist

57 Anglican Communion Covenant, Introduction, para 6; 2.1.5; Lambeth Conference 2008, *Reflections*, 72.

58 LCA, *Constitution*, Art III; see also ELCA, *Constitution*, ch 4.03; Lutheran Church (GB), *Rules and Regulations*, Statement of Faith, 8; ELCSA, *Guidelines*, 10.11 and 11.8; Lutheran Church Missouri Synod, *Constitution*, Art III; Lutheran Church in Ireland, *Constitution*, 3.

59 UMCNEE, *Book of Discipline*, para 104; Methodist Church of New Zealand, *Laws and Regulations*, Introductory Documents, II, Pastoral Resolutions.

60 Presbyterian Church (USA), *Book of Order*, G-15.0102; see also G-4.0201: the Church is 'committed to the reduction of that obscurity' of the visible oneness of the Church universal.

61 United Congregational Church of Southern Africa, *Constitution*, Preamble; World Communion of Reformed Churches, *Constitution*, Art III.F; UFCS, *Manual of Practice and Procedure*, Appendix 3, V.

62 United Church of South India, *Constitution*, II.2.

63 See eg Baptist Union (GB), *Constitution*, 1.4.6: the union is 'to confer and cooperate with other Christian communities as occasion may require'. For a similar formula, see Jamaica Baptist Union, *Constitution*, XII.

64 *Ecumenical Directory*, 106 and 107; *CCEO*, Canon 905.

65 OCA, *Guidelines for Clergy*, Ecumenical Witness: 'unity in faith, sacramental life and the wholeness of truth'; *GOCER*, pt 1, Orthodox Ecumenical Guidelines, 13, Orthodoxy and Other Churches, 3, Preaching on Ecumenical Occasions, and 4: 'the principle of reciprocity'.

66 *Principles*, 93.3, quoted above.

67 ELCA, *Constitution*, ch 4.03: the church is to 'Foster Christian unity by participating in ecumenical activities, contributing to its witness and work and cooperating with other churches which confess God the Father, Son and Holy Spirit' and to establish dialogue and conversations on matters of 'faith, doctrine and practice', pulpit and altar fellowship; ch 8.60: 'dialogue and common action';

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

churches (and some of the latter provide that ecumenism involves development of 'a self-critical view of our own tradition and accurate appreciation of other traditions').[68] Typically, for example, Reformed Churches are to contribute to 'the ecumenical movement through dialogue and cooperation in ministry' and through the transformation of the world by promoting social justice, peace and reconciliation.[69] However, ecclesial norms impose restraints on the discharge of the ecumenical obligation. For example, the instruments of Catholics provide that there must be mutual respect of each other's discipline; moreover, ecumenical action should involve 'lawful reciprocity' and prudence, and should not be indiscriminate nor involve 'indifferentism' or proselytism.[70] Likewise, Orthodox Churches provide that ecumenism cannot involve 'doctrinal reductionism' nor does it require denial of the belief 'that the fullness of grace and truth abides in the Orthodox Church';[71] and Anglican Churches may allow reciprocal acts of inter-communion or full communion if there is agreement on apostolic faith and order, and then only 'to the extent permitted by the discipline of each church involved'.[72] For some Lutheran Churches, ecumenism should be conducted 'in accordance with adopted policies' – but it must not involve 'syncretism or unionism' or full fellowship with 'Churches with which we are not one in doctrine and practice'.[73] Similar restraints appear in the norms of Reformed[74] and Baptist[75] churches.

ch 8.70–71: agreements. See also LCA, *Some Pastoral Guidelines for Responsible Communion Practice* (2001) and *Guidelines for Dialogue with Other Churches* (2001).

68 Methodist Church (GB), *CPD*, SO 729: communion, and SO 330: inter-communion; UMCNEE, *Book of Discipline*, para 104.

69 World Communion of Reformed Churches, *Constitution*, Art III.F; United Church of Christ, *Bylaws* 239; United Reformed Church, *Manual*, B.2(5).

70 *Ecumenical Directory*, 6, 20, 23, 106; 107: 'Catholics ought to show a sincere respect for the liturgical and sacramental discipline of other Churches and ecclesial Communities and these in turn are asked to show the same respect for Catholic discipline'. For 'indifferentism', see *CIC*, Canon 844.2. See also *CCEO*, Canon 905: 'due prudence has to be kept avoiding the dangers of false irenicism, indifferentism and immoderate zeal'.

71 *GOCER*, Introduction, pt 1, Ecumenical Guidelines, 7–8; OCA, *Guidelines for Clergy*, Ecumenical Witness.

72 *Principles*, 98.1; Lambeth Conference 1968, Res 47; Lambeth Conference 1998, Res IV.1: the process to visible unity may entail temporary anomalies which may be bearable when there is an agreed goal of visible unity; Anglican Church in Aotearoa, New Zealand and Polynesia, General Synod Standing Resolution [on] Intercommunion: 'inter-communion does not require the acceptance of all doctrinal opinion, sacramental devotion or liturgical practice characteristic of the other, but implies that each believes the other to hold all the essentials of the faith'; Lambeth Conference 1998, Res IV.2 (Chicago–Lambeth Quadrilateral (1888)).

73 ELCA, *Constitution*, ch 8.60: adopted policies; LCA, *Theses of the Church*, 27: syncretism; Lutheran Church Missouri Synod, *Constitution*, Art VI, and *Bylaws*, 2.1–2.4; Evangelical Lutheran Church in Canada, *Constitution*, Art IX.

74 United Church of Christ, *Bylaws*, 295: ecumenism should be conducted in accordance with 'policies'; UCC, Community Ministry Standards and Best Practice (2007) 35: 'ecumenical partnership'; Presbyterian Church (USA), *Book of Order*, G-15.0101: 'conversation, cooperation, and action with other ecclesiastical bodies', and G.15.0201: 'full communion'.

75 Canadian National Baptist Convention, *Constitution*, 3 (Statement of Faith, XIV): 'Christian unity in the new testament sense is spiritual harmony and voluntary cooperation for common ends . . . when

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

Fifth, the juridical instruments of Churches provide a range of mechanisms designed to symbolise or protect a Church's loyalty to the Church Universal. They typically include norms by which a Church affirms its loyalty to scripture (as the ultimate standard in matters of faith and order), to proclamation of the Word, to administration of the sacraments, to worship as fundamental to Christian life, to the maintenance of ministry and to the priesthood of all believers.[76] The field of mission is a good example of norms in which the separated Churches underscore their apostolicity: for instance, each Anglican Church affirms 'its participation in the apostolic mission of the whole people of God, and that this mission is shared with other Churches and traditions'; thus, each church is called 'to explore ways of being involved in the mission co-operatively with other Christians'.[77] The catholicity and apostolicity of the institutional Church is spelt out no better than in juridical lists of the objects of that Church: for example, 'The Purpose of the Reformed Church in America, together with all other churches of Christ, is to minister to the total life of all people by preaching, teaching, and proclamation of the gospel of Jesus Christ'.[78] Above all, the apostolicity of each Church is expressed in juridical statements about the headship of Christ of the Church Universal.[79] Finally, the juridical instruments of Churches make explicit provision for constitutional union with other Churches (and prescribe the use of special majorities for this);[80] even united

the end to be attained is itself justified, and when such cooperation involves no violation of conscience or compromise of loyalty to Christ and His Word as revealed in the New Testament'; see also *Ecumenical Directory*, 87, for respect for conscience.

76 Eg UFCS, *Manual of Practice and Procedure*, IV.III.1.8: scriptures are 'the standards by which faith and conduct are tested'; Uniting Church in Australia, *Constitution*, 4; URC, *Manual*, A.12: Word and Sacraments; Presbyterian Church of Aotearoa New Zealand, *Book of Order*, 1.1(2): scripture, and 1.3: sharing in mission; UMCNEE, *Book of Discipline*, paras 101 and 103, and para 104: the church is 'a congregation of faithful men in which the pure Word of God is preached, and the Sacraments duly administered according to Christ's ordinance', para 301: the Bible as the 'sacred canon for Christian people', para 125: 'Ministry in the Christian Church is derived from the ministry of Christ', and para 106: ministry is a gift of God; Methodist Church (GB), *CPD*, Deed of Union, 4.

77 Anglican Communion Covenant, 1.1.8, and see also 2.1, 2.2; 3.2.4; Lambeth Conference 2008, *Reflections*, 75; *Principles*, 93.2: 'The mission of a church is part of the wider mission of all Christians'. For Lutheranism, see eg ELCA, *Constitution*, ch 4.03; Evangelical Lutheran Church in Canada, *Constitution*, IV.2: 'The mission of this church, as an expression of the universal Church' is to share the gospel, etc.

78 RCA, *Book of Church Order*, Preamble. See also Anglican Church of Australia, *Constitution*, I.I.1–3: 'The Anglican Church of Australia, being a part of the One Holy Catholic and Apostolic Church of Christ, holds the Christian Faith', receives the scriptures, and 'will ever obey the commands of Christ, teach His doctrine, administer His sacraments, follow and uphold His discipline and preserve the three orders of bishops, priests and deacons in the sacred ministry'.

79 LCA, *Constitution*, Art VI.1: 'The Church acknowledges that Jesus Christ is its one Lord and Head'; ELCSA, *Guidelines*, 11.8; RCA, *Book of Church Order*, Preamble; Presbyterian Church of Aotearoa New Zealand, *Book of Order*, 1.1; United Methodist Church USA, *Constitution*, Preamble; Free Methodist Church of North America, *Book of Discipline*, Introduction and 6010; Anglican Communion Covenant, Preamble: churches are 'under the Lordship of Jesus Christ'.

80 Methodist Church (GB), *CPD*, Deed of Union, 46: The Conference has powers over the 'unification, amalgamation or association of the Methodist Church or any body thereof with any other Christian church or organisation'; United Congregational Church of Southern Africa, *Model Constitution for*

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

Churches provide for the possibility of wider union with other Churches outside that union.[81]

In sum, the juridical instruments studied in this section reveal principles of Christian law and order that the restoration of Christian unity is a divine imperative; that each Church has a duty to promote the ecumenical movement through dialogue and co-operation, moving ultimately towards full ecclesial communion; that ecumenical activity must be lawful and prudent; and that each Church should protect in its juridical system the marks of the Church Universal.

INSTITUTIONAL STRUCTURES FOR ECUMENISM

Various ecumenical functions (in the nature of powers and duties) are distributed to different levels in the institutional Church depending on the tradition in question and its adopted system of government and polity. In Latin Catholic canon law

> It is a matter for the Bishops and, in accordance with the law, for Bishops' Conferences, to promote this unity and, in line with the various needs and opportunities of the circumstances, to issue practical norms which accord with the provisions laid down by the supreme authority of the church [that is, the Apostolic See].[82]

Moreover, the bishop is to be solicitous for all Christ's faithful (regardless of age, condition or nationality) and the bishop is, in particular, 'to act with humanity and charity to those who are not in full communion with the catholic Church; he should also foster ecumenism as it is understood by the Church'. Importantly, the bishop may also invite to the diocesan synod (if he considers it opportune) 'as observers some ministers or members of Churches of ecclesial communities which are not in full communion with the catholic Church'.[83]

Similarly, in the Eastern Catholic Churches, 'concern for the restoration of the unity of all Christians belongs to the entire Church, all [the] Christian faithful,

Local Churches, 11: 'The Church has the right to negotiate a union with another local church, either of UCCSA or another denomination, and to take steps necessary to give effect thereto' (see also *Constitution*, Art 6.4.11); URC, *Manual*, A.3(2): 'union with other churches'.

81 United Church of North India, *Constitution*, II.IV.35: the Synod 'shall have power to enter into negotiations with other Churches with a view to wider union and to do all that is necessary to bring such wider union to consummation'; UCC, *Manual*, BU 1.2: 'It shall be the policy of the United Church to foster the spirit of unity in the hope that this sentiment of unity may in due time, so far as Canada is concerned, take shape in a Church which may fittingly be described as national'; Presbyterian Church of America, *Book of Church Order*, 26.5: 'full organic union' with 'any other ecclesiastical body' (with the approval of three-quarters of the General Assembly).

82 *CIC*, Canon 755 §2.

83 For the bishop, see Canon 383 §3; for invitations, see Canon 463 §3. See also *Ecumenical Directory*, 37, which suggests that it is important to know the 'highest religious authority of other Churches and ecclesial Communities'.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

especially pastors of the church'; these must pray and work, 'zealously participating in the ecumenical work brought about by the grace of the Holy Spirit'. Bishops have a special ecumenical responsibility and particular laws are to be made on ecumenism by each individual church *sui iuris*.[84] In Orthodox Churches too, the patriarch, a holy synod or a bishop has primary responsibility 'in external relations with non-Orthodox communions'.[85]

By way of contrast, in Anglican synodical government (representative of bishops, clergy and laity), ecumenical relations may be authorised centrally (but administered locally); the authority to recognise a non-Anglican Church (for ecumenical relations) is vested in the central assembly or other lawfully designated body of a Church.[86] However, a Church is free to establish relations of ecclesial communion with other Churches if permitted by the discipline of each ecumenical partner. It is for a Church, in agreement with its ecumenical partner, to determine when dialogue reaches a stage that allows establishment of ecclesial communion. If an Anglican Church enters a relation of ecclesial communion with a non-Anglican Church, this effects a relationship between the non-Anglican Church and other Anglican Churches only to the extent provided in their own laws and the regulatory instruments of the non-Anglican Church.[87] Protestant Churches have similar arrangements. The central assemblies of Lutheran Churches have competence over ecumenical relations,[88] and in the Evangelical Lutheran Church in America the bishop is the 'chief ecumenical officer' and must 'cultivate communion in faith and mission with appropriate Christian judicatory leaders functioning within the territory of [the] synod'.[89]

84 *CCEO*, Canons 902, 903 and 192 §2 on the episcopal responsibility; Canon 904 on particular laws. The Pope directs the movement for the universal Church.

85 *GOCER*, pt 1, Orthodox Ecumenical Witness, 1: Ecumenical Patriarch; Ukrainian Orthodox Church in America, *Statutes*, Art II.6: the Holy Synod has competence over 'the establishment of general policies in relation to … non-Orthodox religious bodies'.

86 *Principles* 96.1–3: such authority shall be exercised in such manner as may be prescribed by the law of that church; see eg Anglican Church in Aotearoa, New Zealand and Polynesia, Canon G.XIII.6: the General Synod is empowered to determine if and when it is in full communion with another church; Church of the Province of Central Africa, Resolution of Provincial Synod 1972: the bishops make the decision. The Scottish Episcopal Church has a list of churches with which it is in full communion.

87 *Principles*, 95.1–3.

88 LCA, *Handbook*, B38–39: the General Synod makes decisions 'about entering into formal relations with another church'; ELCA, *Constitution*, ch 8.70–71: church-to-church relationships of full communion may be recommended, reviewed by the Conference of Bishops and adopted by the Church Council (see also 8.14: the Church-wide organisation shall implement the mission of the church by 'entering into relationship with … ecumenical … agencies'); Lutheran Church Missouri Synod, *Bylaws*, 1.1.1: the Synod shall 'work through its official structure toward fellowship with other Christian church bodies'; Evangelical Lutheran Church in Canada, *Administrative Bylaws*, Part IX: the National Church Council is 'responsible for the implementation of all ecumenical and inter-church relations of this church and its agencies, which have been approved by the convention'.

89 Evangelical Lutheran Church in America, *Constitution*, ch 10.31 and 13.21–22: the bishop as chief ecumenical officer. See also LCA, *Bylaws*, VIII.F.3(b): the president 'officially represents the church in relations with other church bodies'.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

The Reformed Church in America is typical of the Reformed tradition: 'the General Synod shall maintain a friendly correspondence and cooperative relationship with the highest judicatories or assemblies of other Christian denominations'.[90] In the Presbyterian Church (USA), 'All governing bodies of the church, in consultation with the next higher governing body, shall be authorized to work with other Christian denominations in the creation and strengthening of effective ecumenical agencies for common mission'.[91] Methodist juridical instruments also sometimes list ecumenism as a function of their central assemblies, and in some Methodist Churches with bishops those bishops must have a 'passion for the unity of the church [universal]'.[92]

As well as ecumenical bodies of global ecclesial communities,[93] the central assemblies of Churches are assisted in the promotion of ecumenism by various commissions, boards and other bodies charged with ecumenical tasks and the provision of advice on ecumenism. Catholic norms provide that the bishop (or eparchial bishop in the Oriental churches) should set up a diocesan ecumenical commission (composed of clergy, religious, lay people and ecumenical experts) to implement episcopal directives on ecumenism, to assist the diocesan ecumenical officer (appointed by the bishop) and to foster ecumenism by various prescribed means (such as workshops, seminars and advice). Institutes of consecrated life and societies of apostolic life (many of which pre-date ecclesial division) should also promote ecumenical activity.[94] Similarly, as with some Orthodox bodies,[95] in Anglicanism each 'church

90 RCA, *Book of Church Order*, ch 1, pt IV, Art 2.5. See also PCI, *Code*, 113; United Church of Christ, *Constitution*, Art IX.54: the General Synod is 'to encourage conversations with other communions and where appropriate to authorize and guide negotiations with them, looking to formal union'; United Congregational Church of Southern Africa, *Constitution*, Art 6.4.9: the Assembly is 'to encourage co-operation and conversations with other communions of the Christian church and to enter negotiations with them with a view to full organic union'; URC, *Manual*, 2(6): the General Assembly is 'to conduct and foster the ecumenical relationships' of the URC.

91 Presbyterian Church (USA), *Book of Order*, G-15.0103. See also World Communion of Reformed Churches, *Bylaws*, I.C.6: the General Council consists of 'ecumenical delegates' to represent 'a recognized ecumenical fraternal organization'.

92 Methodist Church (GB), *CPD*, Deed of Union, 46: the Conference has authority of 'association' with other churches, and SO 300: the Conference Secretary leads on 'the Church's vision of unity'; UMCNEE, *Book of Discipline*, para 403, and see also para 414: the bishop must provide leadership 'in the search for strengthened relationships with other living faith communities'.

93 In the Catholic Church, the Pontifical Council for Promoting Christian Unity cultivates relations with other churches and ecclesial communities implementing the principles of ecumenism. It organises official dialogues with these on the 'international level', and issues guidelines and directives: see *Ecumenical Directory*, 53. The Inter-Anglican Standing Commission on Unity, Faith and Order monitors and enables Anglican participation in multilateral and bilateral dialogues.

94 *Ecumenical Directory*, 41–46, 50: within their rules of life etc they should contribute to ecumenical understanding, organise ecumenical meetings for spiritual exercises etc, maintain relations with monasteries etc in other 'Christian Communions', engage in ecumenical work for social justice, for the protection of creation and for peace, and, on the level of their central authorities, establish ecumenical commissions.

95 Standing Conference of Orthodox Bishops in America, *Constitution*, IV.2.4: the American Orthodox Committee on Relations with Non-Orthodox Bodies.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

should establish commissions with such membership and functions as may be prescribed under its law to enable ecumenism by stages or other process' and has a standing commission on central assemblies often have 'ecumenical relations'.[96] Equivalent commissions may be found in the Protestant Churches – Lutheran,[97] Reformed,[98] Methodist[99] and Baptist.[100]

In turn, ecumenical functions may be assigned to institutions at the most local levels of churches (typically parishes or congregations). Catholic parishes should be encouraged to participate in ecumenical initiatives at their level,[101] while Orthodox parishes should have 'a Parish Council on Ecumenical Affairs', which may work with similar bodies in 'other communions'.[102] The Anglican parish council must promote the 'ecumenical' mission of the Church.[103] The Lutheran Church Session must consider 'ecumenical relationships', and congregations (and their councils) must engage in 'ecumenical cooperation' and 'participate in ecumenical relationships consistent with church-wide policy'.[104] The Methodist local church must participate in ecumenism.[105] In the Presbyterian Church of Aotearoa New Zealand the presbytery

96 *Principles*, 96.3. See eg The Episcopal Church (USA), Canon I.1(2): the General Convention's Standing Commission on Ecumenical Relations is 'to develop a comprehensive and coordinated policy and strategy on relations between this Church and other Churches', and makes recommendations to General Convention; Episcopal Church in the Philippines, Canon I.2.2; Church in the Province of the West Indies, Canon 33: the Provincial Standing Commission on Ecumenism.

97 For the Constitution of the Commission on Theology and Inter-Church Relations, see LCA, *Handbook*, B38f. See also ELCA, *Constitution*, ch 15.12.B10: 'the executive for ecumenical' relations must assist the bishop, and 15.31.A07: the conference of bishops must study ecumenical documents and promote 'ecumenical worship, fellowship and interaction'.

98 UFCS, *Manual of Practice and Procedure*, Appendix 3, V (General Assembly Committees): Ecumenical Relations Committee; United Church of Christ, *Bylaws*, 229, 295: Council for Ecumenism, and 239–240: the Office of General Ministries is to nurture ecumenical relations; Presbyterian Church of Wales, *Handbook of Order and Rules*, III.3.4.4: the function of the Ecumenical Panel of the General Assembly is 'to promote further discussions on "church unity" according to the decisions of the General Assembly'; UCC, *Manual*, Bylaws 570–572: the Conference has a Committee on Inter-Church and Inter-Faith Relations; RCA, *Book of Church Order*, ch 3, pt 1, Art 5, s 2: 'ecumenical observers' are permitted on the Commission on Christian Action.

99 MCI, *Regulations, Discipline and Government*, 41: the Conference shall appoint a Committee for Ecumenical Relations, which reports annually to the Conference, addresses issues concerning relations with other churches and keeps itself informed on national, international and world level ecumenical issues; Methodist Church of New Zealand, Laws and Regulations, s 5.4.2: the Mission and Ecumenical Committee is to 'promote the ecumenical relationships' of the church; Methodist Church (GB), *CPD*, SO 330: the Faith and Order Committee of the Conference deals 'with proposals and projects for inter-communion' (see SO 334 for the 'ecumenical officer' of the Methodist Council).

100 American Baptist Churches in the USA, *Standing Rules*, 11.11: the General Board of the American Baptist Churches has a Committee on Christian Unity. The Baptist Union (GB) has a Baptists and Ecumenism, Faith and Order Department.

101 *Ecumenical Directory*, 67.

102 *GOCER*, pt 1, Council of Churches, 10.

103 *Principles*, 21.6; Church in Wales, *Constitution*, VI.22(2).

104 Lutheran Church (GB), *Rules and Regulations*, The Church Session, 1 and 2; ELCA, *Constitution*, ch 8.16, 8.75, 9.10–11, 9.41, and *Model Constitution for Congregations*, ch 4: congregations.

105 UMCNEE, *Book of Discipline*, 202: the local church is 'to cooperate in ministry with other local churches'. See also Methodist Church of New Zealand, *Laws and Regulations*, ss 3.1 and 3.3: the congregational Leaders' Meeting is to 'foster participation and partnership with other Churches within

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

must 'maintain ties with ecumenical partners'; in other churches, each synod may determine 'ecumenical cooperation' and in the United Church of Canada each presbytery has a committee on inter-church relations.[106] In Baptist polity, the local congregation determines 'the nature of its relationship with other congregations and/or ecclesiastical bodies'.[107]

Not only do juridical instruments assign ecumenical functions to ecclesial institutions. Legislation and quasi-legislation may also impose ecumenical duties on the ordained ministers of the Churches, and this applies across the different ecclesial traditions. Catholic pastors have a duty to pray for and participate in ecumenism;[108] Orthodox clergy may engage in ecumenism to promote true Christian unity (as may the laity), and chaplains in educational institutions are 'in a special position to make real contributions to ecumenism';[109] Anglican 'ministers should seek to foster and participate in ecumenical partnership with faith communities of other Christian traditions, especially those with which their church already has formal relations'.[110] Much the same is found in Protestant juridical instruments. Lutheran bishops must ensure that the Church is represented at ecumenical events 'to further the cause of Christian unity', and pastors must 'maintain good relationships with other Christian churches';[111] Reformed ministers must participate in ecumenical activities 'as possible and appropriate' and show respect to their ecumenical colleagues; ministers may also serve in ecumenical projects.[112] The New Zealand Baptist Union requires pastors to maintain 'contact' with pastors 'from other denominations, through personal meetings and regular support of pastors' meetings and conferences'.[113] Methodist ordained ministers 'exercise their ministry in covenant with all Christians' and must participate in ecumenical concerns 'and encourage the people to become so involved and to pray and labour for the unity of the

the area'; Methodist Church (GB), *CPD*, SO 412: the District Synod designates local ecumenical partnerships, SO 604: Local Church committees are to engage in their activities 'ecumenically', and SO 614.

106 Presbyterian Church of Aotearoa New Zealand, *Book of Order*, 8.4. See also PCI, *Code*, 70(c); URC, *Manual*, B.1(2)(a) and B.2; UCC, *Manual*, Bylaw 385.

107 American Baptist Churches in the USA, *Covenant of Relationships*, I.A.4.

108 *CCEO*, Canon 902.

109 OCA, *Guidelines for Clergy*, Ecumenical Witness, B.1: laity; *GOCER*, pt 1, Orthodox Ecumenical Witness, 6: chaplains.

110 *Principles*, 98.1, 98.2: 'Ministers should in ecumenical affairs collaborate, co-operate and where appropriate consult with ministers of other faith communities and in all dealings with them act courteously and with respect for their corporate traditions. 3. Ministers (a) should minister to members of other faith communities if authorised by the discipline of their own church and of the other community; and (b) should not solicit membership of their own church from a member of another faith community.'

111 Lutheran Church (GB), *Rules and Regulations*, The Role of the Bishops, 3; Responsibilities and Duties of Pastors, 1–24. Compare ELCA, *Constitution*, ch 7.31.12, where no ecumenical duty is listed.

112 UCC, *Ethical Standards and Standards of Practice for Ministry*, Personnel, Standards of Practice, 4(d), and Ethical Standards, 4(a); URC, *Manual*, K.

113 Baptist Union of New Zealand, *Ethical Principles and Guidelines for Pastors* (2008), 2.2.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

Christian community'; and ministers in the Methodist Church in Great Britain undertake 'to seek to work together with the churches of all denominations within the neighbourhood'.[114]

Importantly, juridical instruments sometimes provide for the ecumenical formation of both clergy and laity. Catholic norms are particularly well developed on this matter. Teachers and pastors should undergo ecumenical formation in the history of ecclesial divisions and the doctrinal positions of other Churches and ecclesial communities, especially the eastern (Orthodox) and Reformation Churches.[115] In turn, Roman Catholic seminarians must be instructed in dealing with non-Catholics (and unbelievers) and in 'ecumenical questions';[116] and those in the Oriental Catholic churches who control the means of communication (such as preachers and teachers) must ensure that the faith is presented accurately to ecumenical partners.[117] Indeed, in the Catholic Church, 'all the faithful are called upon to make a personal commitment towards promoting increasing communion with other Christians',[118] and ordained ministers should cultivate 'an authentically ecumenical disposition'.[119] Similarly, some Orthodox Churches prescribe that, for example, 'the true spirit of ecumenism should be developed through education in the home, the Church and the schools'; moreover, priests are to prepare programmes of education on ecumenism for adults and youth in the parish and, 'if the laity become involved in ecumenism, they must be well-grounded in the Orthodox faith and ecclesiology and possess at least a rudimentary knowledge of comparative theology, discipline and practice'. Therefore, not only is it the case that 'the parish priest must inform the faithful in these matters', but also clergy 'are encouraged to establish and maintain better relations with clergy and faithful of other churches', as well as to accept invitations to explain the Orthodox faith 'whenever possible'.[120]

114 UMCNEE, *Book of Discipline*, paras 303 (covenant) and 340; Methodist Church of New Zealand, *Laws and Regulations*, Introductory Documents, III, Ethical Standards for Ministry: ministers must 'promote co-operation and mutuality' with colleagues 'outside the Methodist Connexion'; Methodist Church (GB), *CPD*, book VI, pt 1, Resolutions on Pastoral Work (1971).

115 *Ecumenical Directory*, 57, 72–78: there should be an ecumenical dimension in doctrinal formation and theological disciplines, with formation in 'the elements of the Christian patrimony of truth and holiness which are common to all Churches and ecclesial Communities' (including liturgy, spirituality and doctrine proper to each communion and points of disagreement on matters of faith and morals); also formation in 'canon law, which must distinguish clearly between divine law and those ecclesiastical laws which change with time, culture, or local tradition'.

116 *CIC*, Canon 256. See also Congregation for Catholic Education, *Basic Norms for Priestly Formation* 1985, no 96; Congregation for Catholic Education, *The Ecumenical Dimension in the Formation of Those Engaged in Pastoral Work* (1995).

117 *CCEO*, Canon 906.

118 *Ecumenical Directory*, 55–56; *CCEO*, Canon 625: 'Catechesis must have an ecumenical dimension, presenting a true image of other Churches and Ecclesial Communities'; *CCEO*, Canon 350 §4: 'ecumenism should be one of the necessary dimensions of any theological discipline'. See also *Unitatis redintegratio*, 10.

119 *Ecumenical Directory*, 70.

120 *GOCER*, pt 1, 3 and 7: Orthodoxy and other Churches and Orthodox Ecumenical Witness; OCA, *Guidelines for Clergy*, Ecumenical Witness, B.1.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

Ecumenical formation appears to be less obvious in the juridical instruments of Anglicans and Protestants. However, in the North American Lutheran Church, 'A pastor shall possess a sense of the wholeness of the Christian church'.[121] Indeed, the Assembly of the Uniting Church in Australia has a Ministerial Education Committee that is required 'to encourage the several theological colleges to participate in ecumenical theological education'. Meanwhile, in the United Church of Canada each presbytery is to have an ecumenical committee 'to promote within the presbytery a knowledge of and concern for ecumenical affairs, and to assist ... in ecumenical outreach'.[122]

There is therefore ample juridical evidence of institutional structures for ecumenism in the separated Churches of Christianity: ecumenism is normally in the keeping of the central authorities of Churches; these may be assisted by commissions and similar advisory bodies, and duties to participate in ecumenism are also distributed to the institutions of the local churches as well as to ordained ministers; ecumenical formation is more evident in the juridical instruments of the Catholic and Orthodox Churches than in those of Protestantism.

ECCLESIAL, MINISTERIAL AND SACRAMENTAL COMMUNION

The juridical instruments of separate Churches deal with matters of crucial importance to the ecumenical relationship of communion between Churches – the recognition of Churches as such, baptism as creating a fundamental communion between Christians, the recognition of ministers of other Churches, Eucharistic fellowship, mixed marriages, common worship, funerals, sharing property and joint collaboration in the field of mission and social justice. In each of these areas we see the juridical ebb and flow of reciprocity, facility and restriction.

The recognition of Churches and ecclesial communion

Whether a Church of one tradition is in communion (full communion or some lesser or imperfect species of communion) with a Church of another tradition depends on the extent to which that Church recognises the essential marks of the Church Universal in the other Church. Around this principle, the juridical instruments of each Church studied here contain a range of conditions that must be satisfied before another denomination is recognised as a Church for the purposes of the development of greater visible communion. For Catholicism, on the one hand, there are 'Churches' in full communion with the Catholic Church and Churches with which there is a weaker form of communion; the latter may 'possess true sacraments, above all – by apostolic succession – the

121 North American Lutheran Church, *Standards for Pastoral Ministry* (2011), p 2.
122 Uniting Church in Australia: *Regulations*, 2.2.18(h): UCC, *Manual*, Bylaw 385.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

priesthood and the Eucharist, whereby they are still linked with us in closest intimacy'; such a Church 'retains a certain communion with the Catholic Church'.[123] For example, the Orthodox (the 'eastern churches'), while not 'in perfect communion with the Catholic Church, remain united to her by means of the closest bonds, ie by apostolic succession and a valid Eucharist, [and] *are true particular Churches*'; the Church of Christ 'is present and operative' in them but 'they lack full communion … since they do not accept the Catholic doctrine of Primacy, which, according to the will of God, the Bishop of Rome objectively has and exercises over the entire Church'.

On the other hand, 'a Church outside of communion with the Roman Pontiff lacks more than just the visible manifestations of unity with the Church of Christ which subsists in the Roman Catholic Church'.[124] Many 'communities of Christians' proclaim the gospel, announce the kingdom and celebrate baptism and other sacraments, through which 'we know that God saves and sanctifies them'; but it is difficult to determine their relationship with the Catholic Church. Consequently: '"Churches" and "other Churches and ecclesial communities" … refer to those who are not in full communion with the Catholic Church', that is, 'ecclesial communities which have not preserved the valid Episcopate and the genuine and integral substance of the Eucharistic mystery, *are not Churches in the proper sense*'.[125] Eucharistic and ecclesial communion are 'considered inseparable',[126] since the Eucharist is a 'church-making' sacrament: Anglican communities fall into this category.[127] Yet such communities commemorate the Holy Supper and 'profess it signifies life in communion with Christ'; their worship 'displays notable features of a liturgy once shared in common'; their way of life 'is nourished by faith', and for them the Word is a 'source of Christian virtue'.[128] While 'these separated churches and communities … suffer from defects', they have not been 'deprived of significance and importance in the mystery of salvation'; 'the spirit of Christ has not refrained from using them as means of salvation';

123 *Ecumenical Directory*, 17, 18; *Unitatis redintegratio*, 15.

124 *The Catholic Church's Response to the Final Report of ARCIC I* (1991), <http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/angl-comm-docs/rc_pc_chrstuni_doc_1991_catholic-response-arcici_en.html>, accessed 9 February 2012.

125 *Dominus Iesus* (2000), 17; *Decree on the Catholic Churches of the Eastern Rite – Orientalium ecclesiarum* (1964), 1–4; *Ecumenical Directory*, 122f.

126 *Ecumenical Directory*, 129.

127 Catholic Bishops' Conference of England and Wales, Ireland and Scotland, *One Bread, One Body* (London, 1998), p 53. See also House of Bishops, Church of England, response to *One Bread, One Body* (2001): 'the Church of England is not correctly referred to as one of those "Christian communities rooted in the Reformation". The Church of England traces its origins back to the beginnings of Christianity in England and is continuous with the Church of the Apostles and Fathers. The particular churches of the Anglican Communion belong to the [Church Universal], reformed and renewed at the Reformation (though not, of course, only then)'.

128 *Unitatis redintegratio*, 23.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

indeed, they 'derive their efficacy from the fullness of grace and truth entrusted to the Catholic Church'.[129]

Similarly, the Orthodox refer to 'holy Churches of God', the 'Church of the Protestants', the 'Anglican Church' and 'Christian Churches'; their ecclesiality is found 'in their common history, in their common ancient and apostolic tradition, from which all of them derive their existence'. However, if reluctant to 'pass judgment upon those of the separated communions', the Orthodox do not accept 'parity of denomination' (or 'equality of confessions'). Rather, 'in these communions certain basic elements are lacking which constitute the reality of the fullness of the Church', namely 'the Faith of the ancient, united, and indivisible Church of the Seven Ecumenical Councils'. The Church (Universal) 'is not necessarily present in every Eucharistic assembly but in the episcopal diocese through which each Eucharistic gathering acquires its catholic nature'; a local community is 'a true manifestation' of the Church 'only if is catholic in its composition and structure'; 'there can be no churches ... except as manifestations of the one true Church'.[130]

For Anglicans, ecclesial communion between two or more Churches exists when 'a relationship is established in which each church believes the other to hold the essentials of the Christian faith and recognises the apostolicity of the other'. Full communion involves 'the recognition of unity in faith, sacramental sharing, the mutual recognition and inter-changeability of ministries, and the reciprocal enjoyment of shared spiritual, pastoral, liturgical and collegial resources'. In turn, inter-communion is 'an ecclesial relationship in which at least one but not all of the elements of full communion is present. Churches in communion become interdependent but remain autonomous'. Communion does not, however, require 'the acceptance of all theological opinion, sacramental devotion or liturgical practice characteristic of another church'.[131]

Protestant juridical criteria to recognise Churches for the purposes of ecclesial communion are not dissimilar. In the development of full ecclesial communion with 'sister churches', which exist in 'reconciled diversity', Lutherans (with their ecumenical partners) have employed a methodological paradigm for seeking unity by stages: in this, ecclesiality is recognised by agreement as to the goal of full visible unity on the basis of shared faith and common order, a declaration of mutual acknowledgment (of the authenticity of ministries, sacraments and oversight) and mutual commitments.[132] Thus, 'true Christians are found in every denomination in which to a greater or lesser degree the marks of the [Church Universal] are present'; and 'mutual recognition as brethren,

129 *Dominus Iesus*, 16–17.
130 For the various official statements, see Limouris, *Orthodox Visions*, pp 2–9, 29, 31, 66 and 103.
131 *Principles*, 94.1–5. Establishing communion with another church is determined by each Anglican church individually: see Doe, *Anglican Communion*, pp 256–258.
132 P Avis, *The Christian Church: an introduction to the major traditions* (London, 2002), p 150.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

altar and pulpit fellowship and resultant cooperation in the preaching of the Gospel and the administration of the Sacraments, presupposes unanimity in the pure doctrine of the Gospel and in the right administration of the Sacraments'.[133] The norms of Reformed Churches also speak of 'recognised churches' in full communion,[134] as do those of Methodist Churches: 'full communion' may be established with other Churches that 'recognize in each other the one, holy, catholic and apostolic faith as expressed in the Holy Scriptures and confessed in the church's historic creeds' and when 'the authenticity of each other's baptism and Eucharist' is acknowledged; 'covenantal relationships with churches ... of other denominational traditions' may also be established.[135] At the other end of the legal spectrum, the United Church of Canada recognises 'as part, more or less pure, of this universal brotherhood, every particular church throughout the world which professes faith in Jesus Christ and obedience to Him as divine Lord and Saviour'.[136] For Baptists, however, a local congregation determines 'the nature of its relationships with other congregations and/or ecclesiastical bodies'.[137]

Baptismal communion

The juridical instruments of Churches commonly recognise that baptism generates a spiritual communion between all Christians regardless of tradition (and regardless of formal ecclesial communion between them).[138] Many therefore provide for: the recognition of a baptism administered in another Church outside the tradition; the baptism within the tradition of those from other traditions; the role of ministers in such baptisms; and the appointment of baptismal sponsors from other churches. The Roman Catholic Church recognises that baptism provides 'a real, if imperfect, communion among Christians': 'All the baptized ... though not professing the full Roman Catholic faith and not in full communion with the See of Rome, are seen as "joined to the Church in many ways"' (that is, in shared faith, sacramental and spiritual life, liturgy, devotion and virtue).[139] However, it is normally only Catholic ministers who may

133 LCA, *Theses on the Church*, 26; ELCA, *Constitution*, 8.60 and 70–71: 'official church-to-church relationships'.

134 United Congregational Church of Southern Africa, *Model Constitution for Local Churches*, 3.3; RCA, *Book of Church Order*, ch 1, pt I, Art 2, s 4: recognised by the General Synod; Presbyterian Church (USA), *Book of Order*, G-150201: full communion with Churches recognised by ecumenical agreements approved by the General Assembly.

135 United Methodist Church USA, *Constitution*, div I, Art VI; UMCNEE, *Book of Discipline*, paras 5 and 2402.

136 UCC, *Manual*, Basis of Union, 2.15.

137 American Baptist Churches in the USA, *Covenant of Relationships*, I.A.6.

138 On the basis that baptism, theologically and juridically, is incorporation into the Church Universal.

139 *Ecumenical Directory*, 104; *Lumen Gentium*, 15; but: 'Christ ... founded one church ... yet many Christian communities present themselves as the true inheritors of Jesus Christ ... such division openly contradicts the will of Christ'.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

baptise those from the Catholic community, although baptism may be administered by a member of a non-Catholic Church or ecclesial community if the ordinary Catholic minister is absent or impeded, and if the non-Catholic who administers the baptism has the requisite intention and satisfies the manner and form for valid baptism. There is also a presumption of the validity of a baptism administered by a non-Catholic unless there is serious doubt that the non-Catholic minister intended to do what the Church does.[140] Moreover, while the general rule is that to be a sponsor for a baptismal candidate the person must be a Catholic, a 'baptised person who belongs to a non-catholic ecclesial community may be admitted only in company with a catholic sponsor, and then simply as a witness to the baptism'.[141] Catholics may also, 'in common celebration with other Christians', commemorate the baptism that unites them by renewal of baptismal promises.[142] Catholic canon law provides for the reception of members of other Churches and ecclesial communities,[143] as do the legal and other regulatory instruments of Orthodox, Anglican and Protestant Churches – but reception is not of itself an ecumenical action.[144]

Each of these rules on baptism finds, to a greater or lesser extent, an echo in the juridical instruments of other Christian traditions. According to Orthodox norms, Orthodox Churches recognise baptisms administered elsewhere in the name of the Holy Trinity in a manner acknowledged as authentic by the Church.[145] Orthodox clergy are the normal ministers of baptism and non-Orthodox clergy present at a baptism administered by the Orthodox Church may not participate in any part of the service.[146] Only Orthodox Christians may act as baptismal sponsors, being 'a representative of the Orthodox faith'; 'members of communions other than the Orthodox Church may not act as sponsors in an Orthodox baptismal or chrismation service'. Conversely, 'Orthodox Christians may not act as sponsors in baptism or

140 *CIC*, Canon 861. For the prohibition on administration of the sacraments to and by non-Catholics, see Canon 844 §1. For the presumption of validity and the general prohibition against conditional baptism (to which there are exceptions) see Canon 869 §2. See also *Ecumenical Directory*, 95: baptism by immersion or pouring, with the Trinitarian formula.

141 *CIC*, Canon 874 §1.3 and §2 (this does not apply to the eastern Churches). See also *Ecumenical Directory*, 98.

142 *Ecumenical Directory*, 96: they may also pledge 'to cooperate with the grace of the Holy Spirit in striving to heal the divisions which exist among Christians'.

143 Ibid, 99ff.

144 For the Orthodox Churches, see Archdiocese of Thyateira and Great Britain (Greek Orthodox), *Instructions*, Baptism: Reception of Non-Orthodox; OCA, *Guidelines for Clergy*, The Reception of Converts, 2: catechumens previously baptised in the name of the Holy Trinity 'in a manner recognised as authenticate by the Church' may be received. For the Anglican Communion, see *Principles*, 99.

145 OCA, *Guidelines for Clergy*, The Reception of Converts, 2.

146 *GOCER*, pt 1, Sacraments and Other Liturgical Services, II.1–2. For baptisms administered by non-Orthodox, see OCA, *Guidelines for Clergy*, Ecumenical Witness, B.12.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

chrismation in non-Orthodox communions', but they may act as witnesses.[147] It is rarely the case that the juridical instruments of the other Churches studied here expressly address the mutual recognition of baptisms, possible mutual administration and ecumenical sponsorship.[148] However, some Lutheran Churches provide for the mutual recognition of baptisms,[149] as well as for administration (in emergencies) by 'any Christian';[150] moreover, 'Normally, sponsors are Lutherans whose confession of Christian faith and life is that of the evangelical Lutheran church'.[151] Similarly, in some Reformed Churches baptism may be administered to adults and to 'the children of parents, one or both of whom are members of the Church';[152] in Methodist Churches baptism shall be administered 'in general' only to the children of members on the congregational register;[153] and, in Britain, 'No minister of the United Reformed Church shall be compelled to administer a baptism in a form to which he has a conscientious objection'.[154] The prohibition against infant baptism in some Baptist Churches is understood as a significant issue in ecumenical relations by Baptists themselves, as is the rule that 'Only ordained Baptist Ministers should baptise'.[155]

The mutual recognition of ministries

The Catholic Church determines whether to recognise orders and ministries conferred within other Churches and ecclesial communities by reference to the apostolic succession.[156] The Orthodox approach is much the same. Moreover, Orthodox clergy must not take an active part in a non-Orthodox ordination and should consult the bishop before accepting an invitation to attend such an event; however, non-Orthodox clergy may be invited to Orthodox ordinations, yet they too must not take 'an active part' but may be given a place of honour.[157] The laws of Anglican Churches provide for 'the mutual recognition and interchangeability of ministries'; orders conferred in another Church are recognised

147 *GOCER*, pt 1, Sacraments and Other Liturgical Services, III.4; Archdiocese of Thyateira and Great Britain (Greek Orthodox), *Instructions*, Baptism, 3; Ukrainian Orthodox Church in America, *Instructions*, Baptisms; American Carthpartho-Russian Orthodox Diocese of the USA, *Spiritual and Sacramental Guidelines*, Baptisms.

148 For Anglicanism, see Doe, *Anglican Communion*, pp 241–255.

149 LCA and the Australian (Catholic) Episcopal Conference, decision 1977.

150 ELCSA, *Guidelines*, 1.7.

151 LCA, *Pastoral Practice in Reference to Holy Baptism* (1984). See also ELCSA, *Guidelines*, 1.9: at least one sponsor should be a Lutheran.

152 UFCS, *Manual of Practice and Procedure*, I.III.5. Compare Presbyterian Church of Wales, *Handbook of Order and Rules*, IX.9.2: baptism may also be administered to the children of 'non-members'.

153 MCI, *Regulations, Discipline and Government*, 3.04. See also Methodist Church (GB), *CPD*, SO 010A; Methodist Church of New Zealand, *Laws and Regulations*, s 1.

154 URC, *Manual*, E.

155 Nigerian Baptist Convention, *Policies and Practices*, Baptism, C.

156 See the studies in N Doe (ed), *The Formation and Ordination of Clergy in Anglican and Roman Catholic Canon Law* (Cardiff, 2009). The Catholic Church considers Anglican orders null and void.

157 *GOCER*, pt 1, Sacraments and Other Liturgical Services, V.1–2.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

if the ordination was administered episcopally (in the historic succession) and the other Church is in communion with the Anglican Church in question.[158] Likewise, Lutheran Churches may establish with other Churches 'a mutual recognition of ministers'; ordained ministers from other Churches with which a relationship of full communion has been established may be invited to serve in the Lutheran Church, and Lutheran ordained ministers may serve in other Churches with which a relationship of full communion has been established.[159]

While many Churches also have extensive provisions for the reception of ministers (and laity) from other Churches (not itself an ecumenical action),[160] some Protestant Churches provide for associate membership for people of other Churches, or they offer 'guest membership to Christians' not involving 'a change of confession'.[161] Methodist laws provide for the 'recognition of valid ordination' performed in other Churches, for the creation of 'ecumenical shared ministries' with a 'congregation of other Christian traditions', and for bishops and ministers from other churches with which there is a relationship of communion to join in the laying on of hands at ordinations.[162] Similarly, according to the law of the Reformed Church in America,

> A consistory shall recognize as valid only such ordination to the office of elder or deacon in another denomination as is able to meet the following conditions: intended to be within and to the ministry of the catholic or universal church performed by a duly organized body of Christian churches, and by the authority within such body charged with the exercise of this specific power; accompanied by prayer and the laying on of hands.[163]

158 *Principles*, 94.2. See eg The Episcopal Church (USA), Canons I.16.2; III.10–11: this deals with ministers ordained 'by other than a Bishop in the Historical Succession to minister in a Christian body not in communion with this Church'.

159 ELCA, *Constitution*, Art VII.4–5; ch 7.31.20–21 and ch 8.72; see also Art IX: ordained ministers of other Churches with which there is a 'communion agreement' have the same rights as ministers of the host Church. See also Uniting Church in Australia, *Regulations*, 2.7.22: secondment of ministers from other churches 'recognised by the Church'.

160 Ukrainian Orthodox Church in America, *Statutes*, Art II.6; ELCSA, *Guidelines*, 9.3; UMCNEE, *Book of Discipline*, para. 225; MCI, *Regulations, Discipline and Government*, 2.03; Methodist Church (GB), *CPD*, Deed of Union 8(e) and SO 051–053; URC, *Manual*, K; Presbyterian Church of Wales, *Handbook of Order and Rules*, II.2.2 and IV.4.18: the Church does not encourage the transfer of ministers from other Churches; RCA, *Book of Church Order*, ch 1 pt 1 Art 5, s 2.b; United Church North India, *Constitution*, III.VIII.1–3.

161 Lutheran Church of Ireland, *Constitution*, 5. See also UMCNEE, *Book of Discipline*, para 227: affiliate membership for a member of another denomination; Uniting Church in Australia, *Regulations*, 1.1.11: associate members from 'another Christian denomination'.

162 UMCNEE, *Book of Discipline*, paras 207–211, 333 and 346; Methodist Church (GB), *CPD*, SO 729: 'a person ordained to the ministry of the word and sacraments in a church whose ministry is recognised by the Methodist Church'. See also Methodist Church of New Zealand, *Laws and Regulations*, 2.6; UCC, *Manual*, Bylaw 001 and 348: ecumenical shared ministries.

163 RCA, *Book of Church Order*, ch 1, pt I, Art 2, s 17.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

The basic principle emerging is summed up by the United Free Church of Scotland: 'The Church recognises the ordination of ministers of all denominations provided that the ordination has been carried out by an authority representing a recognised branch of the Universal Church'.[164] However, the Nigerian Baptist Convention provides that 'Any Baptist trained in a non-Baptist theological Institution, as a minister of the Gospel, should not serve as pastor in any Baptist Church'.[165]

Eucharistic fellowship

Eucharistic communion or fellowship is, needless to say, still the subject of intense ecumenical debate. The juridical instruments of the different Churches offer a range of approaches to mutual Eucharistic hospitality – from the restrictive to the more liberal. There is no Church studied here whose rules absolutely exclude admission to the Eucharist, Holy Communion or Lord's Supper of the faithful of other Churches outside the tradition or the participation of the faithful in such celebrations in other Churches outside the tradition. As a general rule, under Catholic canon law: 'Catholic ministers may lawfully administer the sacraments only to catholic members of Christ's faithful, who equally may lawfully receive them only from catholic ministers'. However, Catholics may receive the Eucharist (and penance and anointing of the sick) from non-Catholic ministers if there is a necessity or a genuine spiritual advantage, if there is no danger of error or indifferentism, and when it is both physically or morally impossible to approach a Catholic minister and the Church or ecclesial community of the minister approached has valid sacraments and order recognised as such by the Catholic Church.[166] In turn, Catholic ministers may lawfully administer the Eucharist (penance and anointing) to members of the eastern Churches (Orthodox) and to members of other Churches not in full communion with Rome but that the Apostolic See judges to be in the same position as the eastern Churches as to the sacraments, if those members spontaneously ask for them and are properly disposed; there is also provision for special cases of danger of death or other grave and pressing need.[167] However, Catholics priests

164 Statement of the General Assembly, Special Constitutional Features of the UFCS; and *Manual of Practice and Procedure*, IV.III.1.8: 'not exclusively to a denomination'. See also United Church of Christ, *Constitution*, Art VII.31ff: mutual recognition of ordinations.

165 Nigerian Baptist Convention, *Policies and Pra*ctices, Pastors Attending Non-Baptist Theological Institutions.

166 *CIC*, Canon 844 §§1 and 2. For recognition of sacraments and orders, see *Ecumenical Directory*, 132: those churches that have 'preserved the substance of the Eucharist, the Sacrament of Orders and apostolic succession'; see also 104–106.

167 *CIC*, Canon 844 §3; see also *Ecumenical Directory*, 125. See also the encyclical *Ecclesia de eucharistia* (2003), 30: the Reformation ecclesial communities 'have not preserved the genuine and total reality of the Eucharistic mystery'. The diocesan bishop should make general norms (taking into account any made by the bishops' conference) to judge situations of grave and pressing need: *Ecumenical Directory*, 130.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

are forbidden to concelebrate the Eucharist with ministers of Churches not in full communion with Rome.[168]

In similar vein, the Orthodox Divine Liturgy is 'a closed Eucharistic assembly being restricted to the active participation of Orthodox Christians alone'.[169] If non-Orthodox are present for the Divine Liturgy of the Eucharist, it is prudent to announce who is permitted to partake of the Eucharist prior to its distribution. Even after offering this specific information, it should not be presumed that the guests will necessarily understand or heed it. Therefore, it is prudent for the priest to ask one or more questions of a person he does not know to ascertain his or her Orthodox standing. In any case, the priest is reminded that he is the guardian of the Eucharist. Deacons who have been given the blessing to distribute the Eucharist to the faithful must defer to the priest in uncertain situations.[170]

In Anglicanism, however, communicant members of an Anglican Church may receive Holy Communion in any Church outside the Anglican Communion that subscribes to the doctrine of the Holy Trinity and upholds the apostolic faith, in such circumstances permitted by the discipline both of their own Church and of the host Church. Conversely, there may be admitted to the Holy Communion in an Anglican Church, to the extent permitted by its discipline, baptised persons who are communicants of good standing in any Church outside the Anglican Communion that upholds the apostolic faith and subscribes to the doctrine of the Holy Trinity.[171]

The topic is dealt with in some detail in Lutheran Churches: responsible communion practice includes refraining from taking part in any celebration of the sacrament involving 'a denial of the gospel or of the nature and benefits of the Lord's supper, or which gives the impression of fellowship which does not, in fact, exist'; and 'a Lutheran congregation may not be involved in a joint celebration of the Lord's supper with a congregation of another denomination'. As to admission of non-Lutherans to Lutheran altars, the fundamental principle is: 'Lutheran altars for Lutheran communicants only'. Nevertheless, not only may non-Lutherans be admitted if there is 'inter-communion' with another Church but 'individual participation' is permitted in 'special situations

168 *CIC*, Canon 908, and Canon 933: breach is 'against religion and the unity of the church'. See also *CCEO*, Canons 670–671.

169 *GOCER*, pt 1, Preaching on Ecumenical Occasions, 1; Sacraments and other Liturgical Services, 1.1 and 2. See also Archdiocese of Thyateira and Great Britain (Greek Orthodox), *Instructions*, Holy Communion: admission is restricted to those baptised members in good standing in Churches 'in Eucharistic communion with the Ecumenical Patriarchate or a patriarchate in communion with our Mother Church'.

170 OCA, *Guidelines for Clergy*, Ecumenical Witness, B.11.

171 *Principles*, 99. For the laws of individual Churches, see Doe, *Anglican Communion*, pp 369–372; eg New Zealand, Canons G.IX–XIII: all 'baptised Anglicans' are free to attend the Eucharist in other churches 'as conscience dictates', and all Christians duly baptised in the name of the Trinity are 'welcome to receive the sacrament' of Holy Communion.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

and contexts' when the person has the requisite disposition.[172] Some Reformed Churches are more liberal: the United Free Church of Scotland states that 'Members of other Churches are welcomed to communion and ministers of other Churches may, on invitation, administer the sacraments'. Thus 'Only members in full communion are entitled to participate' in the Lord's Supper, but the Session may grant 'occasional communion to members of other churches who desire to join in it, when nothing is known concerning them inconsistent with their profession as members of the Church of Christ'.[173] In contrast, for the Presbyterian Church in Ireland, 'the minister presiding at any celebration of the Lord's Supper may invite all communicant members of other congregations and of other Christian Churches who are present to partake of the sacrament'.[174] Methodists also 'extend sacramental hospitality' to other Churches with which there is full communion.[175]

Mixed marriages

All the churches studied here make provision for mixed marriages (between a baptised person within the tradition and one in a Church outside the tradition) as an exception to the general rule; the conditions vary. The general rule in Catholic canon law provides:

> Without the express permission of the competent authority, marriage is prohibited between two baptised persons, one of whom was baptised in the catholic Church or received into it after baptism, the other of whom belongs to a church or ecclesial community not in full communion with the catholic Church.[176]

However, the local ordinary may permit a mixed marriage if there is a just and reasonable cause, although permission cannot be granted unless three

172 LCA, *Some Pastoral Guidelines for Responsible Communion Practice* (1990, 2001), pp 9–14, and see pp 4–5 for detail on special situations. See also ELCSA, *Guidelines*, 3.9: 'members of other churches may only be admitted as guests to the Lord's Supper', decisions on this matter being taken by the minister; also Lutherans 'are allowed to participate in Holy Communion in other Churches as guests' provided there is a prior agreement with the host minister of the other Church.

173 UFCS, Statement of the General Assembly, 'Special constitutional features of the UFCS', *Manual of Practice and Procedure*, I.III.6.

174 PCI, *Code*, 84(2). See also Presbyterian Church in America, *Book of Church Order*, 56.4: 'the minister, at the discretion of the Session, before the observance begins, may invite all those who profess the true religion, and are communicants in good standing of any evangelical church, to participate in the ordinance'; URC, *Manual*, F: there is a duty 'to be sensitive to the ecumenical dimensions of presidency at the sacraments' and so a minister must preside where possible; Presbyterian Church (USA), *Book of Order*, W-2.4006: celebration of the Lord's Supper at 'ecumenical assemblies'.

175 UMCNEE, *Book of Discipline*, para 2402; MCI, *Regulations, Discipline and Government*, 4A.02: the general rule is that only members may receive communion; Methodist Church (GB), *CPD*, SO 011: a Circuit that considers 'other Christians' in the locality to be deprived of the reasonably frequent and regular celebration of the Lord's Supper may apply for persons other than ministers to preside.

176 *CIC*, Canon 1124; see also Paul VI, *Matrimonia mixta* (1970).

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

conditions are met: the Catholic party must declare that he or she is prepared to remove dangers of defecting from the faith and must make a sincere promise to do all in his or her power to ensure that the children are baptised and brought up in the catholic Church; the other party is to be informed in good time of these promises (so that the non-Catholic party is certain that he or she is truly aware of the promise and of the obligation of the Catholic party); and both parties are to be instructed about the purposes and essential properties of marriage, which are not to be excluded by either party. Provision also exists for mixed marriages to be celebrated in a Eucharistic context (if there is a just cause).[177] A Catholic minister may take part in the celebration of a marriage between two Orthodox or a Catholic and an Orthodox if invited by the relevant Orthodox authority.[178] A non-Catholic may act as a witness at a Catholic celebration of marriage as can Catholics at marriages in other churches.[179]

The juridical position in Orthodox Churches is very similar. The norm is to celebrate only the marriage of two Orthodox, and an Orthodox marriage must be solemnized by an Orthodox priest but 'A marriage performed by a priest in communion with the Orthodox Church is recognized as valid by the entire Orthodox Church'.[180] However, a mixed marriage (between an Orthodox and a non-Orthodox Christian who is baptised and confesses the Lordship of Christ) is tolerated by means of the principle of economy for pastoral concern and love for the faithful – 'it is permitted in the hope that the non-Orthodox spouse will seek entrance into the [Orthodox] Church'. The Orthodox partner 'should not consent to have children of the union baptized outside the orthodox Church as a pre-marriage agreement'; and the active participation of non-Orthodox clergy in the marriage service, as in all the mysteries of the Orthodox Church, is not allowed (but they may attend). Conversely, 'Orthodox clergy may not participate in non-Orthodox services and rites'.[181] 'Orthodox

177 *CIC*, Canon 1125; *Ecumenical Directory*, 150. The Episcopal Conference is to prescribe the manner in which these declarations and promises (which are always required) are to be made, and to determine how they are to be established, and how the non-Catholic party is to be informed of them: *CIC*, Canon 1126 (see Canon 1127 §2 for dispensations and Canon 1127 §3 for double marriage celebrations). Local ordinaries and other pastors of souls must ensure that the Catholic spouse and the children born of a mixed marriage are not without the spiritual help needed to fulfil their obligations; they are to assist the spouses to foster the unity of conjugal and family life: *CIC*, Canon 1128. Ordinarily, a mixed marriage is celebrated outside the Eucharist, except for just cause: see *Ecumenical Directory*, 159.

178 *Ecumenical Directory*, 127.

179 Ibid, 136.

180 Ukrainian Orthodox Church in America, *Joint Statement of Hierarchs*, Living the Sacramental Life of the Church: Practical Instructions for the Diocesan Faithful, 'Policy on marriages', p 3.

181 OCA, *Guidelines for Clergy*, The Mystery of Marriage, A.1–4: a petition for a mixed marriage must be submitted to the bishop. Non-Orthodox clergy present in the church on the occasion of a wedding, funeral, baptism or other similar event may not participate in any part of the service. However, after a wedding, non-Orthodox clergy may offer a prayer or blessing at the reception or at another appropriate time outside the church. See also OCA, *Guidelines for Clergy*, Ecumenical Witness, B.12; *GOCER*, Sacraments and Other Liturgical Services, IV.9: the Orthodox priest may attend as a

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

Christians who marry outside the Orthodox Church thereby exclude their marital life from the life of the Church, exclude themselves from the Holy Eucharist, and therefore from full membership of the Church'. However, they may be restored to Eucharistic fellowship by recommendation from the priest and the approval of the hierarch; normally, such restoration includes the confirmation of the marriage through the rite approved by the hierarch.[182] Anglicans also relax the general norm in the case of mixed marriages.[183]

In the Protestant Churches studied here, three in particular have detailed norms on the matter. The Lutheran Church of Australia prescribes that a Lutheran pastor may take part in a marriage service conducted by a minister of another denomination not in altar and pulpit fellowship with the Lutheran Church as 'an exception' only after consultation with the president of the district of the Lutheran minister. The Lutheran pastor may read the Word of God, give an address and pronounce a blessing provided the service does not contain 'doctrinal aberrations'. However, 'a Lutheran pastor will not invite a minister of a church which is not in altar and pulpit fellowship with the [Lutheran Church], to preach at a marriage service conducted by a Lutheran pastor', but such a guest minister may be invited to read from the Word of God and give a blessing or greeting.[184] The Presbyterian Church in Ireland stipulates:

> A minister should not join in marriage a member of the Church with one holding beliefs or having a Church membership incompatible with the witness of the Protestant Reformation, until careful instruction has been given in the doctrines and obligations of our evangelical faith or until other conditions approved by the General Assembly's Committee on marriage and the family have been observed.[185]

The Methodist Church in Great Britain provides that it may welcome 'everyone who enquires about an intended marriage service in a Methodist church' to be

guest; Archdiocese of Thyateira and Great Britain (Greek Orthodox), *Instructions*, Weddings: the non-Orthodox party should sign a declaration that 'the children will be baptised and brought up within the Orthodox faith and in accordance with her traditions'; Ukrainian Orthodox Church in America, *Instructions*, Policy on Marriages, 9–12 and (for identical provisions) American Carthpartho-Russian Orthodox Diocese of the USA, *Spiritual and Sacramental Guidelines*, Marriages; Greek Orthodox Archdiocese of Australia, *Instructions*, Weddings.

182 OCA, *Guidelines for Clergy*, The Mystery of Marriage, C.1–4. See also *GOCER*, pt 1, Sacraments and Other Liturgical Services, IV.

183 N Doe, 'Inter-church and inter-faith marriages in Anglican canon law', in N Doe (ed), *Marriage in Anglican and Roman Catholic Canon Law* (Cardiff, 2009), p 95. The *Principles* do not deal with the matter.

184 LCA, *Guidelines for Inter-Church Marriages* (1988, revised 2000). See also ELCSA, *Guidelines*, 7.6: if one party belongs to 'a different denomination', there must be instruction about 'the problems that might follow'.

185 PCI, *Code*, 85(5).

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

solemnised by a minister 'who is not prevented by conscience from considering their request', but 'the participation of a priest or religious leader from another faith community' is the exception.[186]

In short, from the Churches studied here the juridical principle that emerges is that mixed marriages are permitted as exceptions to the rule.

Common prayer, worship, preaching and funerals

Common prayer and worship (outside the Eucharist) are much less sensitive issues, and the juridical instruments of the different traditions are generally liberal with regard to them. According to Catholic norms, Christians may be encouraged to share in spiritual activities such as common prayer (particularly prayer for Christian unity, and ecumenical partners should collaborate on the preparation of common prayer), spiritual exercises, blessings and funerals.[187] Catholics may read lessons in Orthodox sacramental liturgical services and *vice versa*; in the case of other Churches, a non-Catholic may read from scripture at a Catholic Eucharist on an exceptional occasion if the bishop permits this for just cause. Indeed, liturgy should be used as an agent of unity (with prayer for Christian unity). Moreover, while blessings are 'to be imparted primarily to Catholics, they may be given also to catechumens and, unless there is a prohibition by the Church, even to non-Catholics'.[188]

The general rule in Orthodox churches is that Orthodox services are 'restricted to the members of the Orthodox Church and must not be understood or implemented as means towards [Christian] unity' because they represent 'the official prayer and devotional action of the Orthodox Church'. However, non-liturgical prayer for Christian unity is encouraged and an Orthodox priest should not hesitate to provide a blessing for a non-Orthodox if requested.[189] Orthodox services may be celebrated at which non-Orthodox are present, but the readings, hymns and responses must be led by Orthodox Christians. Non-Orthodox clergy may attend Orthodox services as guests of honour.[190] Orthodox Christians may participate in an ecumenical service but must first ask the diocesan hierarch for 'his blessing'; the Orthodox participants should also review the text of the service so that they can determine whether or not an Orthodox presence might be misconstrued. If the contents of the service compromise or offend the Orthodox faith or ecclesiology 'there can be no

186 Methodist Church (GB), *CPD*, Book VI, Part 2 Guidance, Section 9: Christian Preparation for Marriage, Methodist Church Policy and Guidelines, A, and Book VI, Section 10: Guidance for Inter-faith Marriages.

187 For preparation and publication of the Scriptures, 'in cooperation with separated brethren', see *CIC*, Canon 825 §2.

188 *Ecumenical Directory*, 62–63, 111–121, 126 and 133. For blessings see *CIC*, Canon 1170.

189 *GOCER*, pt 1, Worship with Non-Orthodox, 3 and Blessings etc.

190 OCA, *Guidelines for Clergy*, Ecumenical Witness, A.4; *GOCER*, pt 1, Worship with Non-Orthodox.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

Orthodox participation'; in this case, reasons should be given. Orthodox clergy, in the context of ecumenical services, may preach, offer a prayer in the Orthodox Tradition and read from Holy Scripture.[191]

Some Anglican Churches have detailed ecumenical rules for mutual ministerial participation in divine worship.[192] The matter is not treated in the juridical instruments of the Protestant Churches studied here, but preaching by ministers from other Churches is addressed in some detail. For example, ministers from other prescribed Churches may be invited to preach at Lutheran churches,[193] Methodist churches[194] and Reformed churches.[195]

In Orthodox Churches, as a general rule preaching at Orthodox services is reserved to Orthodox clergy (but non-Orthodox may be invited to preach as an exception to this rule),[196] and with the knowledge and blessing of his diocesan hierarch an Orthodox clergyman may deliver a sermon in a non-Orthodox church without this in any way compromising the tenets of the faith and Orthodox Tradition.[197]

The juridical instruments of Churches also allow reciprocity in ministry at funerals, normally as an exception to the general rule. According to Catholic norms, provided their own minister is not available, baptised persons belonging to a non-Catholic church or ecclesial community may, in accordance with the prudent judgment of the local ordinary, be allowed funerals in a Catholic church unless it is established that they did not wish this.[198]

An Orthodox clergyman may not take part in a funeral for a non-Orthodox even if that person is related to a parishioner; if invited, however, he may offer some words of consolation at the graveside or funeral meal. Moreover, if an Orthodox priest is asked to bury a non-Orthodox person, he must consult with his diocesan hierarch, and 'with the hierarch's blessing bury the person according to the services prescribed in the Book of Needs'. In turn, a non-Orthodox cleric may not be invited to participate in an Orthodox funeral

191 *GOCER*, pt 1, Worship with Non-Orthodox. See also OCA, *Guidelines for Clergy*, Ecumenical Witness, A.5: 'Although a service of prayer may be tailored for a particular occasion, it must be clearly demonstrated that it is the prayer of the Orthodox to God for the spiritual enlightenment and wellbeing of all the participants'.

192 See eg Church of England, Canons B 43 and B 44.

193 Lutheran Church (GB), *Rules and Regulations*, Appendix A.

194 MCI, *Regulations, Discipline and Government*, 10.69.

195 RCA, *Book of Church Order*, ch 1, pt 1, Art 2, s 11.e: provided their character and standard are known. See also Presbyterian Church (USA), *Book of Order*, W-3.5301: common prayer.

196 *GOCER*, pt 1, Preaching on Ecumenical Occasions, 1: the bishop is consulted for exceptions; reciprocity requires extending invitations only if these can be reciprocated. OCA, *Guidelines for Clergy*, Ecumenical Witness, B.4: non-Orthodox clergy may not preach in an Orthodox church, but they may be invited to give lectures or presentations in the educational facilities of the church; the diocesan hierarch is to be consulted for his blessing.

197 OCA, *Guidelines for Clergy*, Ecumenical Witness, B.5.

198 *CIC*, Canon 1183 §3.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

service or offer any form of homily or public statement in the temple, or participate in the graveside service; the officiating priest, however, cannot control what takes place after the Orthodox service of burial has been concluded in a public cemetery.[199]

In Anglicanism, if called upon to provide ministry at a funeral for persons belonging to another faith community, ministers should (as appropriate) suggest that they approach a minister of that other community, consult with a minister of that community for advice and consult within their own Church. Ministers may approach colleagues in another faith community to minister to a member of their own Church only in exceptional cases at the request of that member.[200] Some Lutheran churches also provide expressly for ministers to perform funerals for members of other churches.[201]

The sharing of church buildings

The juridical instruments provide as a general rule that places of worship must be used only for the purposes of the Church in question. However, exceptions are made, in prescribed circumstances, to allow the sharing of places of worship with other Churches outside the tradition. Catholic churches that are consecrated or blessed have an important theological and liturgical significance for Catholics and are therefore generally reserved for Catholic worship. Nevertheless, if priests, ministers or communities not in full communion with the Catholic Church do not have a place or the liturgical objects necessary for celebrating their religious ceremonies worthily, the bishop may allow them the use of a church or a Catholic building and also lend them what may be necessary for their services. Under similar circumstances, permission may be given to them for interment or for the celebration of services at Catholic cemeteries. Moreover, where there is a good ecumenical relationship, the shared ownership or use of church premises may be permitted over an extended period by agreement.[202] Similarly, regulations of the Greek Orthodox Archdiocese of America provide that Orthodox properties must be used for the purposes of the Orthodox faith.[203] However, while the Orthodox Church in America does not permit an ecumenical service to be conducted in an Orthodox church, Orthodox services held for the benefit of true ecumenical witness (which may have a significant number of non-Orthodox clergy and laity attending) are allowed, provided that the permission and blessing of the diocesan hierarch

199 OCA, *Guidelines for Clergy*, Funeral Guidelines, 14 and B.1, 15 and B.13.
200 *Principles*, 98.4.
201 For example, ELCSA, *Guidelines*, 8.5.
202 *Ecumenical Directory*, 137–140: the agreement should deal with reservation of the sacrament, finance and civil law matters; see also *CCEO*, Canon 670 §2.
203 Greek Orthodox Archdiocese of America, *Regulations*, Art II.1.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

have been secured.[204] Express provision also exists in relation to some Anglican Churches for the sharing of church buildings.[205]

The juridical instruments of Protestant Churches also facilitate the sharing of church buildings subject to the satisfaction of prescribed procedural requirements. For example, a congregation of the Lutheran Church of Australia may make its church 'available to another denomination' with which 'close relationships' have been developed and provided the other denomination worships the Triune God 'as confessed in the ecumenical creeds'. However, 'it is not appropriate that the sanctuary is made available for use by a non-sacramental church', and the other denomination must undertake not to alter the buildings' appointments or to proselytise among the members of the local Lutheran congregation.[206] Likewise, in the Reformed tradition a church building must be used for the purposes of the denomination but may also be used for purposes that are of 'a religious, ecclesiastical, or charitable nature, though not connected with the congregation', including the conduct of worship 'by any minister of any other religious denomination' (subject to the necessary consents).[207] Similarly, while as a general rule Methodist places of worship shall be used 'according to the established forms and usages of Methodism', they may be shared with other churches subject to satisfaction of the prescribed consents.[208] Once again, ecumenical sharing is the exception to the rule.

Mission, social justice and ecumenism

The juridical instruments of Churches often provide for ecumenical collaboration in mission to the wider world, particularly in the promotion of social justice. Under the canon law of the Oriental Catholic Churches,

> With due regard for the norms on *communicatio in sacris*, it is desirable that the Catholic faithful undertake any project in which they could cooperate with other Christians, not alone but together, such as works for charity and social justice, defence of the dignity and the fundamental rights of the human person, promotion of peace, days of commemoration for the country, and national holidays.[209]

204 Local Orthodox clergy fellowships, under the guidance of their hierarchs, should come to one mind as to ecumenical activity and uniformity of practice: OCA, *Guidelines for Clergy*, Ecumenical Witness, C, and Ecumenical Religious Services.

205 In the UK the matter is governed by the Sharing of Church Buildings Act 1969, which applies not only to the Anglican churches but also, *inter alia*, to the buildings of the Roman Catholic Church and the Methodist Church.

206 LCA, *Statement on the Use of Lutheran Churches by other Church Groups* (1975, revised 2001).

207 UFCS, *Manual of Practice and Procedure*, I.III.23; UCC, *Manual*, appendix II, sch B, Model Trust Deed, 4(a); URC, *Manual*, D, Parts I and II; PCI, *Code*, 230(5).

208 Methodist Church of New Zealand, *Laws and Regulations*, s 1.5.1–3. See also Methodist Church (GB), *CPD*, Model Trusts 1492 and SO 920(2); UMCNEE, *Book of Discipline*, para 2550.

209 *CCEO*, Canon 908. See also Canon 930; *Ecumenical Directory*, 64.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

Moreover, for the promotion of religious liberty: 'Directors of schools, hospitals and other similar Catholic institutions are to see to it that other Christians who are visiting or working in the institution are able to receive spiritual aid and the sacraments from their own ministers'.[210] In Catholic schools and institutions, every effort should be made to respect the faith and conscience of students or teachers who belong to other Churches or ecclesial communities. In accordance with their own approved statutes, the authorities of these schools and institutions should take care that clergy of other communities have every facility for giving spiritual and sacramental ministration to their own faithful who attend such schools or institutions. As far as circumstances allow, with the permission of the diocesan bishop, these facilities can be offered on Catholic premises, including the church or chapel. In hospitals, homes for the aged and similar institutions conducted by Catholics, the authorities should promptly advise priests and ministers of other communities of the presence of their faithful and afford them every facility to visit these persons and give them spiritual and sacramental ministrations under dignified and reverent conditions, including the use of the chapel.[211]

For some Orthodox churches, 'participation and cooperation in work for the good of society in such areas as educational opportunities, morality, responsible citizenship, Christian charity, social services, and other areas of concern to the community are acceptable'.[212] Co-operation in humanitarian work[213] and mission also features in both Orthodox[214] and Protestant norms.[215]

CONCILIAR ECUMENISM AND COVENANTAL COMMUNION

The juridical instruments of separated Churches commonly provide for the participation of those Churches in the external institutional structures of the ecumenical movement. This is usually achieved through permissive norms allowing membership of local, national and international ecumenical bodies, such as the World Council of Churches.[216] Such norms exist in Churches

210 *CCEO*, Canon 907.
211 *Ecumenical Directory*, 141–142.
212 OCA, *Guidelines for Clergy*, Ecumenical Witness, A.2; see also *GOCER*, pt 1, Secular Ecumenism, 1: inter-denominational activities as to 'social, moral and political issues'.
213 UCC, *Community Standards and Best Practices: administrative standards for community and social service ministries* (2007), p 27.
214 Co-operation may include education, social justice, racial tensions, human development and moral issues: *GOCER*, pt 1, Council of Churches, 6.
215 PCI, *Code*, 113.
216 For membership of the World Council of Churches (WCC), see eg UMCNEE, *Book of Discipline*, para 1905 ff; ELCA, *Constitution*, ch 15.12.B10. The WCC itself, beyond the scope of this article, has a constitution that deals, *inter alia*, with the objects of the WCC, membership (the rules require submission of the principal juridical instrument of the applicant Church or communion) and the functions of its assemblies and bodies.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

across the traditions studied here.[217] Norms may also explain the nature of permissible conversation and co-operation, as well as official representation on the wider ecumenical councils and bodies.[218] However, these norms on conciliar ecumenism, as with all those studied in the previous sections, are made unilaterally by each Church. This may be contrasted with norms that result from joint action on the part of ecumenical partners from different traditions in the form of an ecumenical covenant that enables and regulates ecclesial communion – either full communion or a lesser communion, depending on the extent of the relationship that has been reached by the parties involved. Thus, such covenants represent ecumenical norms properly so called – joint norm-making – though the juridical instruments of Churches across the separate traditions commonly provide for the making of such agreements, which are usually operative upon approval by their central assemblies.[219]

First, ecumenical covenants may be bilateral or multilateral. Bilateral covenants are entered between a single institutional Church and another Church from a different tradition, and they often present themselves as articulating current practice: one Anglican–Methodist covenant endorses formally (and seeks to go some way beyond) what is already a reality in many local situations.[220] Not unlike the Anglican–Lutheran Concordat of Agreement in the USA,[221] the Lutheran–Anglican Covenant in Australia is a *national* covenant, which enables further *regional* agreements to develop by stages.[222] A covenant may be tripartite,[223] or it may be multipartite – the Australian Churches Covenanting Together involves 15 different churches.[224] Other covenants are

217 For Catholic norms, see *Ecumenical Directory*, 166f. For Orthodox norms see *GOCER*, pt 1, Council of Churches, 7–8 on 'conciliar ecumenism': 'Where membership is considered desirable by a local congregation or parish, the Orthodox priest should encourage his parish council to enter into a working relationship or full membership in the Councils of Churches'; 'When invited, orthodox priests may accept leadership positions in a council. It is desirable to enlist the support and interest of capable laity. Such elections or appointments must be brought to the attention of the bishop'. See also Greek Orthodox Archdiocese in America, *Charter*, Art 6.9: national representation in ecumenical relations; ELCA, *Constitution*, ch 15.12.B10: membership of the National Council of the Churches of Christ in the USA; UCC, *Manual*, Bylaw 385: Canadian Council of Churches; URC, *Manual*, K: working with the Council for World Mission; MCI, *Regulations, Discipline and Government*, 20.02: 'world level' ecumenical issues.

218 See eg *Ecumenical Directory*, 172 ff; OCA, *Guidelines for Clergy*, Ecumenical Witness, B.2–3.

219 See eg UMCNEE, *Book of Discipline*, para 2402.

220 An Anglican–Methodist Covenant, *Common Statement of the Formal Conversations between the Methodist Church of Great Britain and the Church of England* (2001), p v.

221 Episcopal Church of the USA, Office of Ecumenism and Interfaith Relations, *A Beginner's Guide to the Concordat of Agreement* (2003).

222 Anglican Church of Australia, General Synod Resolution 78/04(a),(b).

223 Such as the Lutheran–Anglican–Roman Catholic (Virginia) Covenant 1990.

224 *Australian Churches Covenanting Together (ACCT)*, p 4: The Covenanting Document, Part A, Declaration of Intent. The parties are: the Anglican Church of Australia, the Antiochian Orthodox Church, the Armenian Apostolic Church, the Assyrian Church of the East, the Church of Christ in Australia, the Congregational Federation of Australia, the Coptic Orthodox Church, the Greek Orthodox Archdiocese of Australia, the Lutheran Church of Australia, the Religious Society of

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

continental, such as the *Charta Oecumenica* (2001) between the Conference of European Churches and the (Roman Catholic) Council of European Bishops' Conferences. And some covenants are local in nature.[225]

Second, ecumenical covenants are solemn voluntary and relational agreements that spell out the commitments that each ecclesial party has made towards greater visible communion: typically, the agreement 'gathers together in pilgrimage … churches and Christian communities' in which they 'agree' to collaborate for greater Christian unity.[226] In the Lutheran–Anglican Covenant in Australia, for example, the parties pledge to work together to develop joint participation in mission and witness: they 'solemnly covenant together' and 'undertake' to continue to work towards a Concordat for full communion and reconciliation of ministries.[227] Such covenants may also seek to engage in secular ecumenism, working together in the field of politics and social justice.[228] Unity and co-operation are typical goals of ecumenical covenants such as the concordat between the Evangelical Lutheran Church of America and The Episcopal Church USA.[229] Inter-church agreements may also have a penitential goal, such as the Leuenberg Agreement of the Community of Protestant Churches in Europe: in it the parties seek to confess the guilt and suffering that have accompanied and accompany the struggle for truth and unity in the Church.[230] Lastly, ecumenical covenants commonly describe the qualities that the parties recognise in each other – that they each share the essential marks of the Church Universal.[231]

Third, ecumenical covenants are often prescriptive. While some are 'permissive',[232] most contain 'commitments' in the form of duties and correlative rights: to welcome members of the partner Churches to receive sacramental and pastoral ministrations; to regard baptised members of the Churches as members of the partner Churches; and to welcome persons ordained as bishop, priest

Friends, the Roman Catholic Church in Australia, the Romanian Orthodox Church, the Salvation Army, the Syrian Orthodox Church and the Uniting Church in Australia.

225 Such as the Kilcoy Covenant (Queensland, Australia) 2001.

226 *ACCT*, pp 3 and 7: Covenanting Document, Part B.

227 Anglican Church of Australia, General Synod Resolution 78/04; see also *ACCT*, p 11, Part C: the churches 'pledge eg to continue to discuss and articulate within our churches the meaning and significance of our involvement in the quest for a more visible expression of unity and the possibilities for further engagement in ecumenical partnership'.

228 See eg *Charta Oecumenica*.

229 Episcopal Church of the USA, *A Beginner's Guide to the Concordat of Agreement*.

230 Community of Protestant Churches in Europe, *The Leuenberg Agreement* (1973), Preamble, 1.

231 In the Porvoo agreement Anglican and Lutheran churches recognise one another as churches belonging to the One, Holy, Catholic and Apostolic Church of Jesus Christ, and as truly participating in the apostolic mission of the whole people of God. They acknowledge that, in each of them, the Word of God is authentically preached, that the sacraments of baptism and the Eucharist are duly administered, and that each shares in the common confession of the apostolic faith.

232 *ACCT*, p 1: it is 'permission-giving' but also contains 'commitments'. The *Charta Oecumenica* spells out mischiefs and curative commitments.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

or deacon to serve in the ministry of the partner Churches.[233] Some churches also formally incorporate ecumenical covenants in their juridical systems,[234] or otherwise adopt them formally.[235] In contrast, the signatories to the Lutheran–Anglican–Roman Catholic (Virginia) Covenant merely 'recommend' it to their 'respective judicatories', and *Charta Oecumenica* has 'no magisterial or dogmatic character, nor is it legally binding under church law'.[236] Significantly, however, ecumenical covenants protect the juridical autonomy of the participating Churches.[237] Indeed, the notion of 'reconciled diversity' is used by the Community of Protestant Churches in Europe: it is perfectly acceptable to have a state of 'reconciled diversity' in which there is fellowship between Churches that maintain their own distinct identity and traditions.[238] In any event, covenants are the result of a process of both vocation and negotiation. For instance, the Lutheran–Anglican–Roman Catholic (Virginia) Covenant is based not only on the parties having felt 'impelled' by 'powerful experiences' to covenant together but also on recognition that the Spirit 'calls us to . . . consensus so that we can advance toward the goal of unity willed by Christ'. It has a section styled 'A call into covenant', and the bishops in turn call on their respective faithful to commit to the terms of the covenant.[239]

Finally, ecumenical covenants sometimes provide for tiers of membership of different covenantal commitments as between the alliance members. For example, in the Australian Churches' Covenant, 15 Churches are party to the declaration of intent and are committed to common prayer, to intercede and care for one another, and to explore Christian convictions and their application.[240] Of these, 11 agree to support initiatives for sharing physical resources, such as buildings, and to encourage consultation between the appropriate governing bodies of the Churches before major new developments are

233 Church in Wales, Canon 28-9-1995, sch 1; The Anglican–Lutheran Covenant in Australia (pledges, commitments).

234 Church in Wales, Canon 28-9-1995 (Porvoo); Canon 1-5-1974: Covenant of Churches in Wales.

235 The Anglican–Lutheran Covenant in Australia: the 'Anglican Church formally commits itself to enter into this Covenant with the Lutheran Church'. It was 'adopted by the General Synod and provides that 'Each church enacts the Covenant by whatever measures are appropriate for each church': General Synod Resolution 78/04(d) and (f); General Synod, Motion A164 (2001): Waterloo Declaration for Full Communion with the Evangelical Lutheran Church in Canada.

236 See the preambles of both instruments.

237 Cold Ash Statement (1983), *Growth in Communion*, para 113: in 'this new relation, churches become interdependent while remaining autonomous'; para 117: 'Full communion is understood as a relationship between two distinct churches or communions in which each maintains its own autonomy while recognising the catholicity and apostolicity of the other, and believing the other to hold the essentials of the Christian faith'. See S Oppegaard and G Cameron (eds), *Anglican–Lutheran Agreements: regional and international agreements 1972–2002* (Geneva, 2004).

238 The Leuenberg Fellowship, *The Church of Jesus Christ* (Frankfurt-am-Main, 1996).

239 See also Covenant between Churches for Union in Wales (1975) for the notions of the Churches as called to covenant.

240 *ACCT*, The Covenanting Document, Part B, The Proposed Commitment, (a) General (for example, the Romanian Orthodox Church is not party to this but Anglicans, Lutherans and Roman Catholics are).

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

undertaken.[241] Eight agree to explore strategies for mission;[242] nine agree to mutual recognition of baptisms;[243] two churches agree to Eucharistic sharing;[244] and four pairs of churches agree to work towards mutual recognition of ordained ministry.[245] All 15 churches pledge to discuss and articulate the meaning of their involvement in the quest for more visible unity and to explore further steps to make more clearly visible the unity of all Christian people.[246] The Churches name each other 'as a sign of what we can covenant to do together'.[247]

All of these ecumenical covenants are by-products of the unilaterally created juridical norms described in the previous sections. Above all, in so far as they are the result of joint ecclesial action (whether bilateral or multilateral norm-making), they represent ecumenical laws properly so-called.

CONCLUSIONS

The juridical instruments of Churches tell us much about the commitment of those Churches to and their participation in the ecumenical movement. First, they tell us about the indivisibility of the Church of Christ, about how each Church sees its relationship with the Church Universal, and about how Christian disunity itself is in part a result of and sustained by juridical walls between the separated Churches.

Second, from a comparative study of these juridical instruments, and the profound similarities between them, it is possible to induce common principles of Christian law and Church order on ecumenism: the restoration of Christian unity is a requirement of divine law; each Church has a duty to engage in the ecumenical enterprise; ecumenism involves dialogue and co-operation towards greater visible communion; each Church should protect the marks within it of the Church Universal; and each Church should have institutional structures for the promotion of ecumenism – its central assemblies, commissions, congregations, ministers and laity should all promote ecumenism.

Third, the juridical instruments define what ecclesial communion and reciprocity is possible between the divided Churches: they tell us about the conditions that must be satisfied before one church recognises the ecclesiality

241 Ibid: Anglicans, Lutherans, Greek Orthodox and Roman Catholics, for example, are party to this.
242 Ibid: for example, the Romanian Orthodox Church is not party to this, but the Anglicans, Lutherans and Roman Catholics are.
243 Ibid: Anglicans, Lutherans, Greek Orthodox and Roman Catholics, for example, are party.
244 Ibid: Churches of Christ in Australia with Uniting Church in Australia.
245 Ibid: Anglican with Lutheran; Anglican with Uniting Church; Churches of Christ with Uniting Church; Lutheran with Uniting Church.
246 Ibid, Part C: The Future Pledge.
247 Ibid, Affirmation of Commitment.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press

and ministry of another; they tell us about the spiritual communion between all baptised Christians; and they tell us about the limits of mutual hospitality in the administration of the sacraments, worship and the sharing of property.

Interestingly, however, ecumenical norms on the administration of baptism, the Eucharist, mixed marriages and sharing property most usually occur in the nature of exceptions to general rules, which confine such facilities to the enjoyment of the faithful within the tradition; such norms do not reflect ecumenism as a priority. All of these unilaterally established norms may be contrasted with ecumenical covenants that represent a clear quasi-juridic form of joint ecumenical norm-making.

Needless to say, a more extensive survey of legal texts beyond the 50 or so Churches examined here may reveal not only very different juridical patterns in the fields studied but also other areas for exploration. Further work is also needed to determine how the norms discussed here relate to the method and practice of ecumenism today – whether they reflect accurately the current methodological principles developed in ecumenical theology and practice. Equally, empirical work needs to be done on how the juridical norms studied here are actually used in practice, whether they are effective or problematic. In any event, what seems to emerge is that the juridical implementation of ecumenism by Churches is essential for the translation of ecumenical commitment into practical norms of action. In this respect, juridical ecumenism – the study and practical deployment of laws and other regulatory instruments of churches on ecumenism – offers both a theoretical and a practical framework to complement but not to replace the current (and dominant) doctrinal and theological focus in contemporary ecumenical method and practice.

https://doi.org/10.1017/S0956618X12000038 Published online by Cambridge University Press