

Church Laws as a Means of Ecumenical Dialogue

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Through the comparative study of the various juridical instruments of the Churches ... it is possible to explore critically the extent to which different Christian traditions share common principles in their canons and other instruments of internal governance.

—His All Holiness Bartholomew I, Archbishop of Constantinople,
Ecumenical Patriarch



John Witte, a Canadian by birth and a Calvinist by nurture, has wandered somewhat from his nation and denomination in his scholarly and spiritual life. His academic output is marked by the catholicity of his interests, and the breadth and depth of his research. Both personally and through the center he has led with such distinction at Emory University, he has taught and published on every conceivable area where religion and law converge, hence the richness of this Festschrift. For pedestrian scholars, such as myself, with more limited horizons and less exotic habitats, a single subject must suffice. This chapter therefore has a narrower topic and a shorter reach. It considers the significance of the law and polity of different Christian traditions and draws on the work of the Colloquium of Anglican and Roman Catholic Canon Lawyers, supplemented more recently by the activities of the Panel of Experts in Christian Law. The cumulative effect of this study has identified certain universal principles of Christian law which can be deployed to deepen and to give greater traction to the current ecumenical endeavor, something now recognized at the highest level in the World Council of Churches.¹

The purpose of the law for Christian communities is much the same today as it was in the days of the early church: to regulate the functioning of the

1 See, in particular, Norman Doe, “The Ecumenical Value of Comparative Church Law: Towards the Category of Christian Law,” *Ecclesiastical Law Journal* 17 (2015): 135–69. See also Norman Doe, ed., *Church Laws and Ecumenism: A New Path for Christian Unity* (London: Routledge, 2021).

community of faith and the conduct of its component members by a combination of commands, prohibitions, and permissions. The law may appear only to be concerned with order and discipline,² but in truth it touches upon spiritual, theological, pastoral, and evangelistic concerns at the heart of the Christian faith. In a speech to mark the fiftieth anniversary of the Society for the Law of the Eastern Churches, Pope Francis stated:

Many of the theological dialogues pursued by the Catholic Church, especially with the Orthodox Church and the Oriental Churches, are of an ecclesiological nature. They have a canonical dimension too, since ecclesiology finds expression in the institutions and the law of the Churches. It is clear, therefore, that canon law is not only an aid to ecumenical dialogue, but also an essential dimension. Then too it is clear that ecumenical dialogue also enriches canon law.³

Law ought not to be seen as a negative and oppressive legalistic instrument: as applied ecclesiology, it contributes to sustaining and expressing the freedom of all God's children.⁴ The integrity of a church, or indeed any secular institution, depends upon certain beliefs and behavior being common to all its members.⁵ Christ himself instructed his apostles to bind and to loose, and thus the apostles began a process of lawmaking for the Christian church.⁶

1 *Common Vision*

The World Council of Churches' Faith and Order Commission paper, *The Church: Towards a Common Vision* (2013), which was twenty years in

2 See, by way of example, Mark Hill, "Due Process as a Principle of Anglican Canon Law," in *The Right to Due Process in the Church: A Comparative Ecclesiastical Approach*, ed. Rik Torfs (Leuven: Peeters, 2014), 15.

3 "Udienza ai partecipanti al Convegno promosso dalla Società per il Diritto delle Chiese Orientali," Sep. 19, 2019, <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2019/09/19/0714/01466.html>.

4 Robert Ombres, OP, "Why Then the Law?" *New Blackfriars* 55 (1974): 296–304. See also Norman Doe, "Towards a Critique of the Role of Theology in English Ecclesiastical and Canon Law," *Ecclesiastical Law Journal* 2 (1992): 328–46.

5 For a discussion of the theology of canon law, see Robert Ombres, OP, "Faith, Doctrine and Roman Catholic Canon Law," *Ecclesiastical Law Journal* 1, no. 4 (1989): 33–41.

6 See, by way of example, the rules relating to the conduct of worship prescribed by Saint Paul in his first epistle to the Corinthians.

preparation, represented an extraordinary ecumenical achievement in ecclesiology.⁷ However, it did not explicitly consider church law, whether as a help to ecumenism or as a hindrance. The Christian church has no single humanly created system of Christian law.⁸ Rather, each institutional church has its own regulatory system of law, order, or polity⁹ dealing typically with ministry, governance, doctrine, worship, ritual, property, and finance. Each regulatory system is the servant of that church. It facilitates and orders its life, mission, and witness and binds the faithful in duties and rights for the maintenance of ecclesial communion. It translates the church's theological self-understanding into norms of conduct.

Common Vision was intended to encourage further reflection in the church for discerning the next steps toward visible unity: "agreement on ecclesiology has long been identified as the most elemental theological objective in the quest for Christian unity."¹⁰ Similarly, a key pursuit of comparative church law must be the systematic search for visible juridical unity through exposure of similarities between the regulatory systems of churches, and their articulation as shared principles of law. This juridical unity, and the common action it stimulates, is an elemental aspect of ecumenism. Juridical convergence is, to borrow from *Common Vision*, one of the "aspects of ecclesial life and understanding which has been neglected or forgotten." Church law is the product of theological reflection; it translates theology into practical norms of action; and its pastoral quality is evident in its service of the community of the faithful seeking to enable and order life in witness to Christ.¹¹ That *Common Vision* does not refer explicitly to, or consider, church regulatory systems and their place in ecumenism is perhaps related to the historical position of the Faith and Order Commission that church law is about difference, not similarity.¹² This emphasis is misplaced: law and its ecumenical study is fertile ground for convergence. The absence of any explicit discussion in *Common Vision* of the

7 World Council of Churches, *The Church: Towards a Common Vision*, Paper No. 214 (Geneva: WCC Publications, 2013), preface, VIII. This paper is referred to hereafter as *Common Vision*.

8 For a magisterial study of the subject, see Norman Doe, *Christian Law* (Cambridge: Cambridge University Press, 2012).

9 Hereafter the term "law" is adopted as a convenient shorthand incorporating also the terms "order" and "polity" adopted by some denominations to describe their regulatory instruments.

10 *Common Vision*, foreword, and preface.

11 See Norman Doe, "Juridical Ecumenism," *Ecclesiastical Law Journal* 14 (2012): 195–234.

12 "The Ecumenical Movement and Church Law," Document IV.8 (1974); see Doe, *Christian Law*, 1–2.

role of church law impoverished its treatment of normativity in church life. Regulatory instruments seek to order and facilitate ecclesial life. The value of law can only be fully understood, and its potential realized, when it is properly perceived as facilitative and shorn of the myth that it exists, not to serve the church, but to constrain and inhibit.

2 The Sources, Forms, and Purposes of Church Law

For *Common Vision*, the church has a threefold mission: to proclaim the Gospel, administer the sacraments and worship, and give pastoral service. The regulatory instruments of churches echo this theological standpoint. They provide that each institutional church is an autonomous community that exists to preach the Gospel, to administer sacraments and worship, and to provide pastoral service.¹³ In the Protestant tradition, a Lutheran church is a national or local assembly of the faithful shaped by authoritative Reformation texts and its “biblical foundations”; as “part of the whole Church of Christ,” its objects include to “declare the teachings of the prophets and apostles and seek to confess in our time the faith” and to engage in “worship and Christian service.”¹⁴ For *Common Vision*, all Christians share the conviction that scripture is normative: church laws similarly indicate the importance of holy scripture and tradition operating with other regulatory entities which also shape church life normatively.¹⁵ For instance, the Roman Catholic Church has a Code of Canon Law (1983) which recognizes custom and often presents canons themselves as derived from divine law.¹⁶

While *Common Vision* uses words importing juridical concepts, it does not explain those terms as juridical in form and theological in context. Anglican laws contain “principles, norms, standards, policies, directions, rules, precepts, prohibitions, powers, freedoms, discretions, rights, entitlements, duties, obligations, privileges and other juridical concepts.”¹⁷ For some Lutheran churches, a precondition to membership is acceptance of the constitution and bylaws.¹⁸

13 Doe, *Christian Law*, chap. 1.

14 The Reformation texts include the Augsburg Confession (1530) and Formula of Concord (1577).

15 See Doe, *Christian Law*, chap. 1.

16 Code of Canon Law 1983 of the Latin Church, cc. 24, 207, 331, 1249.

17 *The Principles of Canon Law Common to the Churches of the Anglican Communion*, 2nd ed. (2022; hereafter, *Principles of Canon Law*), Principle 4.5.

18 Lutheran Church of Great Britain, *Rules and Regulations*, Congregations, 1.

3 The Faithful and Lay Officers

For *Common Vision*, the church universal consists of Christ's followers (the people of God), with obligations of responsibility. Each institutional church has its own membership, for which faith in Christ is essential.¹⁹ The faithful share communion (*koinonia*), a key concept in ecumenism embracing participation, fellowship, and sharing. The juridical norms of churches reflect these propositions. Juridical systems seek to facilitate and order the communion of the faithful associated together in a church. Each church has a membership in which there is a fundamental equality, but with a distinction between the laity and the ordained. The Roman Catholic faithful constitute the "people of God," and each one "participates in their own way in the priestly, prophetic and kingly office of Christ" in order "to exercise the mission which God entrusted to the Church to fulfil in the world"; but "by divine institution, among Christ's faithful there are ... sacred ministers [and] others called lay people"; but all enjoy "a genuine equality of dignity and action."²⁰ Christian churches regulate admission to membership. Churches have elaborate norms on the functions of the faithful. For instance, Orthodox must "uphold Christian values and conduct" and "respect" the clergy; they are "obliged to take part in the divine services, make confession and take holy communion regularly," "observe the canons," "carry out deeds of faith", "strive for religious and moral perfection," and be "an effective witness" to the faith; their rights include participation in, for example, the parish meeting, if in "good standing."²¹

4 Ordained Ministers

Common Vision has a detailed discussion of ordained ministry: patterns of ministry; authority and ministry; and the principle of oversight. Juridical analysis is valuable as it discloses convergence in terms of principle and action. The triple function of the ministry (word, sacrament, guidance), is given by Christ to the church to be carried out by some of its members for the good of all.²² Juridical analysis yields extensive consensus in principle and practice. Suitable, qualified persons may be called to and ordained or otherwise "set apart" for ministry, which is understood across the traditions to be of divine institution.

19 *Common Vision*, paras. 7, 12, 14, 16, 18, 19, 21, 23, 27.

20 Code of Canon Law, cc. 205, 207, 208.

21 Russian Orthodox Church, *Statutes*, XI.3; GOAA, *Regulations*, Art. 18.

22 *Common Vision*, para. 20.

Ordination itself is the process by which the vocation of individuals to serve as ministers is recognized and by which they are set apart for ministry.

For *Common Vision*, ministers assemble and build up the Body of Christ by proclaiming and teaching the Word of God, by celebrating the sacraments, and by guiding the community in its worship, its mission, and its caring ministry.²³ All authority in the church comes from its head, Jesus Christ, who shared his authority with the apostles and their successors.²⁴ The norms of Christian churches reflect the authority, functions, and lifestyle of ordained ministers as envisaged in *Common Vision*. Ministers are accountable for the exercise of their ministry to competent authority as prescribed by law.²⁵ Clerical oversight is addressed in the laws of Christian churches, and is exercised principally by an ordained minister, usually in collaboration with others.

5 Institutional Ecclesiastical Governance

For *Common Vision*, Christ is the source of authority in the church. However, churches differ about who is competent to make final decisions. Regulatory instruments provide concrete evidence of the commitment of churches to these ideas and of different approaches to the location of authority (subsidiarity). A church may have an episcopal, presbyterian, congregational, or other form of government as required or permitted by its conception of divine law, with Christ as the head of the church universal in all its manifestations. Governance is exercised through a hierarchical system of international, national, regional, and local institutions. The authority which an institution has at each level varies between the traditions and their doctrinal position. In the Catholic and Orthodox churches the highest authority is an international institution: the pope and/or college of bishops, or a patriarch and holy synod. Authority descends to national, regional, and local institutions (such as a diocesan synod or a parish council). In the Congregational and the Baptist traditions, authority resides primarily in the local church (and is shared by laity and ministers) and ascends (for limited purposes of common action) to regional, national, and international institutions.

Churches generally organize themselves on the basis of regional and local territorial units. Catholics, Orthodox, and Anglicans have dioceses (each led by a bishop). In the Protestant tradition, Lutheran churches have dioceses or synods and, within these, districts or circuits. Roman Catholic, Orthodox, and

23 Ibid., para. 19.

24 Ibid., para. 48.

25 Doe, *Christian Law*, 93–101.

Anglican dioceses are divided into parishes. In the Reformed, Presbyterian, Congregational, and Baptist models, regions and districts are typically composed of circuits, congregations, and local churches. In turn, each local unit has its own assembly for governance. A Methodist circuit meeting is the focal point of the working fellowship of the churches in the circuit, overseeing their pastoral, teaching, and evangelistic work.²⁶ Among Christian traditions, the local church may be subject to the control or direction of regional and national institutions but nevertheless enjoy autonomy within its own sphere.

Common Vision recognizes that when the church comes together to take counsel and make important decisions, there is need for someone to summon and preside over the gathering for good order and to facilitate the process of promoting, discerning, and articulating consensus.²⁷ Christian traditions provide for international oversight and leadership, with varying degrees of authority attached to it, in juridical norms applicable to global ecclesial communities which either constitute or are constituted by an institutional church. In the Roman Catholic Church, with the pontiff, the College of Bishops exercises power over the universal church, and its decrees, if confirmed by the pope, are to be observed by all the faithful.²⁸ However, at the international level the institutions of the Anglican Communion (for example, the Lambeth Conference), Lutheran World Federation (Assembly, Council, and Secretariat), World Methodist Council, World Communion of Reformed Churches (General Council), and Baptist World Alliance (Congress), exercise no coercive jurisdiction over their autonomous member churches.

6 Church Discipline and Conflict Resolution

Christian churches acknowledge the fact of sin among believers, its often-grievous impact, and the need for self-examination, penitence, conversion, reconciliation, and renewal. Whatever the theological position of churches, the juridical instruments recognize the capacity of the faithful to engage in wrongdoing, and each church has norms to address such conduct, to resolve internal disputes, and to maintain church discipline. Christian churches share basic ideas about the nature and purpose of ecclesiastical discipline. Typically discipline in the church is an exercise of that spiritual authority which Jesus has appointed in his church. The ends contemplated by discipline are the

26 Methodist Church of Great Britain, *Constitutional Practice and Discipline*, Deed of Union 1(III) and so 61.

27 *Common Vision*, paras. 54–57.

28 Code of Canon Law, cc. 336–48, 360–61 and 754.

maintenance of the purity of the church, the spiritual benefit of the members, and the honor of Christ. All members and ministers of a church are subject to its government and discipline, and are under the jurisdiction and care of the appropriate church courts in all matters of doctrine, worship, discipline, and order in accordance with the rules and regulations from time to time applying. Discipline is to correct the offender and to protect the reputation and resources of the church. It is not considered to be punitive. The instruments of churches commonly provide for the settlement of disputes by means of procedure short of formal judicial process.²⁹ Every effort must be made by the faithful to settle disputes amicably, and recourse to church courts and tribunals is a last resort.

Most churches have a system of courts or tribunals for the enforcement of discipline and formal and judicial resolution of ecclesiastical disputes at international, national, regional, and/or local levels. They are established by competent authority, administered by qualified personnel, and tiered as to original and appellate jurisdiction, and they exercise such authority over members as is conferred on them by law.³⁰ Judicial process may be composed of informal resolution, investigation, or a formal hearing, as may be prescribed by law, including an appeal. Disciplinary procedures at trial must secure fair, impartial, and due process on the basis of natural justice. The parties, particularly the accused, have the right to notice, to be heard, to question evidence, to silence, to an unbiased hearing, and, if appropriate, to appeal.³¹ Christian churches assert their inherent right to impose spiritual and other lawful censures, penalties, and sanctions upon the faithful, provided a breach of discipline is established objectively. Sanctions must be lawful, and just churches may enable removal of sanctions on the basis of forgiveness, leading to the restoration of the full benefits of ecclesial association.³²

7 Doctrine and Worship

Common Vision proposes that proclamation of the faith is an integral action of the church, as is unity in and protection of the apostolic faith.³³ Churches

29 See, by way of example, Mark Hill, "Mediation: An Untapped Resource for the Church of England?" *Ecclesiastical Law Journal* 13 (2011): 57–77.

30 Doe, *Christian Law*, 164–71.

31 Mark Hill, "Due Process as a Principle of Anglican Canon Law," 15.

32 Doe, *Christian Law*, 182–86.

33 *Common Vision*, para. 37.

consider doctrine as the teaching of the church on matters of faith and practice. Various norms have developed. The doctrine of a church is rooted in the revelation of God as recorded in holy scripture, summed up in the historical creeds, and expounded in instruments, texts, and pronouncements issued by ecclesiastical persons and institutions with lawful authority to teach. Doctrinal instruments include catechisms, articles of religion, confessions of faith, and other statements of belief.³⁴ The doctrines of a church may be interpreted and developed afresh by those persons or institutions within it with competence to do so, to the extent and in the manner prescribed by the law of that church. For all Christian traditions, proclamation of the Word of God is a fundamental action of the church and a divine imperative incumbent on all the faithful for the evangelization of the world. Each church has a right to enforce its own doctrinal standards and discipline, and the faithful should not publicly manifest, in word or deed, a position contrary to church doctrine; those who do so may be subject to correction by means of disciplinary process.³⁵

Christian churches may develop liturgical texts or other forms of service for the public worship of God, provided these are consistent with the Word of God and church doctrine. The forms of service for worship may be found in a book of rites or liturgy (Catholic and Orthodox),³⁶ a book of common prayer (for example, Anglican),³⁷ orders of worship (Lutheran), a directory of worship (for example, Presbyterian), and other service books lawfully authorized for use. The faithful must engage in regular attendance at divine worship, and the administration of worship is subject to supervision by designated church authorities.³⁸

8 Rites of Passage

Common Vision identifies several ecumenical challenges with regard to ritual: who may be baptized; the presence of Christ in the Eucharist and its relation to his sacrifice on the cross; chrismation or confirmation; and those who do not affirm baptism and Eucharist but do affirm that they share in the church's sacramental life.³⁹ The legal evidence substantiates the differences in approaches

34 Doe, *Christian Law*, 188–94.

35 *Principles of Canon Law*, Principle 53.

36 Code of Canon Law, cc. 2, 455, 826, 838: the pope has authority over the formulation of liturgical texts.

37 *Principles of Canon Law*, principles 54–55.

38 Doe, *Christian Law*, 224–32.

39 *Common Vision*, para. 40.

among the traditions in terms of the classification of some rites as sacraments. Most churches have norms on marriage, and some on confession and funerals. *Common Vision* recognizes growing convergence among churches about baptism as “the introduction to and celebration of new life in Christ and of participation in his baptism, life, death and resurrection.”⁴⁰ Juridical instruments echo these theological propositions. In Catholic law, baptism (infant or adult) is the gate to the sacraments and constitutes a rebirth as children of God configured to Christ.

According to *Common Vision*, a dynamic and profound relation exists between baptism and the Eucharist. The juridical unity among Christian churches may be articulated in a number of principles. The Eucharist, Holy Communion, or Lord’s Supper, instituted by Christ, is central to ecclesial life, and the faithful should participate in it regularly. It is administered by ordained persons or those otherwise lawfully deputed, normally in a public church service or, exceptionally, at home, such as to the sick. A church by due process may exclude from admission to the sacrament those whom it judges unworthy to receive it. These norms are found in the Catholic, Orthodox, and Anglican churches as well as the Lutheran, Methodist, Presbyterian, and Baptist traditions. Other rites which *Common Vision* does not deal with include marriage. Churches have complex norms on marriage, which is defined typically as a lifelong union between one man and one woman, instituted by God for the mutual affection and support of the parties.⁴¹ To be married validly in church, the parties must satisfy the conditions prescribed by church law and must have been instructed in the nature and obligations of marriage.⁴²

9 Ecumenical Relations

Common Vision invites leaders, theologians, and faithful of all churches to seek the unity for which Jesus prayed.⁴³ Currently, some denominations identify the church of Christ exclusively within their own community; some see in others

40 *Common Vision*, para. 41.

41 Code of Canon Law, c. 1055; Evangelical Lutheran Church of South Africa, *Guidelines*, 7.2–7.8.

42 Code of Canon Law, cc. 1057–64; *Principles of Canon Law*, Principle 71. When the *Principles* were revised in 2022, in consequence of the approval of same-sex marriage in several provinces of the Anglican Communion, it proved impossible to find a common principle as to who may marry whom: see the preamble to the text of the previous iteration of principle 70.

43 *Common Vision*, para. 8, citing John 17:21.

a real but incomplete presence of the church; some have joined covenant relationships; some believe the church to be located in all communities that present a convincing claim to be Christian; others maintain that Christ's church is invisible and cannot be adequately identified.⁴⁴ Juridical instruments inform both members and the public more generally about a church's commitment to and participation in ecumenism. Some churches have well-developed ecumenical norms; others less so. While the church is divided denominationally, each denomination teaches that there is one, holy, catholic, and apostolic church, and that the denomination is a portion, member or branch of it, or else that the church universal subsists in it. Ecumenism seeks the restoration of visible Christian unity—a divine imperative—and its goal is full ecclesial communion. A church must promote ecumenism through dialogue and cooperation, protect the marks of the church universal, and define what ecclesial communion is possible. Ecumenical activity is generally in the keeping of a central authority, but ecumenical duties may be given to the local church and to ordained ministers. Ecumenical norms may enable interchange of ministers, the sharing of the sacraments, mixed marriages, and sharing of property. But such norms are usually in the nature of exceptions to general rules, which confine such facilities to the enjoyment of the faithful within the ecclesiastical tradition which created those norms. Norms may also enable church members to share in spiritual activities, such as common prayer, spiritual exercises, and funerals, and in mission and social justice initiatives.⁴⁵

10 Church Property and Finance

In its discussion of the church and society, *Common Vision* makes no mention of the temporal assets of the churches—their property and finances—and the uses of these. This too is a fertile ground to identify juridical unity among the separated churches. Christian churches commonly assert their right to acquire, own, administer, and dispose of property (which may be held at the international, national, regional, or local level, depending on the church in question).⁴⁶ Places of worship should be dedicated to the purposes of God, and the activities carried out in relation to sacred property should not be inconsistent with the spiritual purposes which attach to that property. Oversight of the administration of property vests in a competent church authority, and a periodic

44 *Common Vision*, para. 10.

45 Doe, *Christian Law*, 304–08.

46 *Ibid.*, 310–19.

appraisal of its condition may be the object of a lawful visitation. A church has the right to make rules for the administration of its finances. The civil law on financial accountability should be complied with, and each ecclesiastical unit, through designated bodies, should prepare an annual budget for approval by its assembly. The faithful must contribute financially to church work, and church officers should encourage the faithful in this. A church should insure its property against loss, remunerate ministry, and make financial provision for ordained ministers who are in ill health and who retire.

11 Church, State, and Society

Christian churches have norms on the authority of the state in its own secular sphere of governance, the institutional separation of the church from the state, the requirement on the church to comply with state law, the involvement of its members in political activity, the promotion of human rights, and the engagement with society in charitable, welfare, educational, and other activity. These juridical facts find a direct echo in theological propositions found in *Common Vision*, which observes that it is appropriate for believers to play a positive role in civic life, but not to collude with secular authorities in sinful and unjust activities. Church laws provide that the state is instituted by God to promote and protect the temporal and common good of civil society—functions fundamentally different from those of the church. There should be a basic separation between a church and the state, but a church should cooperate with the state in matters of common concern. Churches (or entities within them) may negotiate the enactment of state laws specifically devoted to them, and enter agreements with the state and civil authorities to regulate matters of common concern.⁴⁷ The faithful may participate in politics to the extent permitted by church law—clergy in some churches cannot hold office involving the exercise of civil power. The faithful should comply with state law, but disobedience by the faithful to unjust laws may be permitted. Also, the faithful should not resort to state courts unless all ecclesiastical process is exhausted.

Common Vision sees religious freedom as one of the fundamental dimensions of human dignity, and Christians should seek to respect that dignity and to dialogue with others to share the Christian faith.⁴⁸ The exercise of religious freedom is particularly important in so far as the advance of a global secular culture provides challenges for the church, as does a radical decline in

47 Norman Doe, *Law and Religion in Europe* (Oxford: Oxford University Press, 2011), esp. chap. 4.

48 *Common Vision*, para. 60.

membership and concomitant perceptions of irrelevance. Church law has the potential to convert promotion of human rights and religious freedom into norms of action for the faithful. Also, the state should recognize, promote, and protect the religious freedom of churches corporately and of the faithful individually, as well as freedom of conscience. *Common Vision* proposes that the first attitude of God to all creation is love. So, as God intends the church to transform the world, a constitutive aspect of evangelization is the promotion of justice and peace.⁴⁹ Church regulatory systems are invaluable in translating exhortations such as these into action. Each church recognizes for itself a responsibility to promote social justice and engage in charitable activity in wider society. Churches present engagement in social responsibility as a function of faith and law.

12 Developing Principles of Christian Law

Assessing the ecclesiological content of *Common Vision* from the standpoint of church law, as summarized above, emphasized the importance of identifying clear principles of Christian law. Ecumenical Patriarch Bartholomew⁵⁰ commended the work of the Panel of Experts in Christian Law,⁵¹ comparing the legal systems of different ecclesial traditions and inducing from them common principles of law. The panel's *Statement of Principles of Christian Law*, issued in 2016, corrected the historic deficit in the ecumenical enterprise, which had previously neglected the potential of church law as a unifying force for global Christianity. Canonical principles are an integral part of the legal thought of Patriarch Bartholomew, and in his address he reiterated that the ancient canons contain the guiding and fundamental principles on which all legislative work of the church, created by changing ecclesiastical circumstances, must be based. His remarks are equally applicable beyond the Eastern Churches to all other Christian ecclesial traditions, past and present, which see church laws as applying or containing principles which themselves are foundational, theological in content, and reflective of a church's self-understanding.⁵²

49 *Common Vision*, para. 59.

50 In his keynote address to the 24th International Congress of the Society for the Law of the Eastern Churches, Rome, September 2019.

51 See Mark Hill, "Christian Law: An Ecumenical Initiative," *Ecclesiastical Law Journal* 16 (2014): 215–16.

52 For a detailed exposition of the historic development of principles in legal history, see Norman Doe, "The Evolution of Principles of Christian Law," in Doe, ed., *Church Laws and Ecumenism: A New Path for Christian Unity* (London: Routledge, 2021), chap. 1.

The methodology for the formulation of the principle of Christian law replicated two earlier ventures. In a bilateral ecumenical context, the Colloquium of Anglican and Roman Catholic Canon Lawyers used the category of principles of law in its work. Established in 1999, the colloquium seeks to compare the respective legal systems of the two communions, meets annually, publishes its proceedings,⁵³ and has addressed such topics as clerical discipline, initiation into the church, authority in the church, ecumenical cooperation, orders and primacy, ministry, marriage, bishops, and liturgy.⁵⁴ The impetus for this bilateral colloquium came in large part from the deployment of the concept of principles of canon law to enhance unity between the member churches of the Anglican Communion. Based on a comparative study of the laws of each autonomous Anglican church,⁵⁵ the Anglican Communion Legal Advisors Network published at the Lambeth Conference in 2008 a document titled *The Principles of Canon Law Common to the Churches of the Anglican Communion*.⁵⁶ In 2009, the Anglican Consultative Council commended the *Principles* for study in all provinces, and encouraged provinces to use the network as a central resource in dealing with legal issues in those provinces.⁵⁷ A second edition of the *Principles*⁵⁸ was launched at the Lambeth Conference in 2022, the result of a collaboration between the Centre for Law and Religion at Cardiff University, the Ecclesiastical Law Society, and the Anglican Consultative Council. Reading groups, held online across the globe, suggested revisions in the light of intervening developments. The principles were redrafted, and examined by a committee, which then consulted globally with legal experts from various provinces. The second edition was launched at the Lambeth Conference in August 2022.⁵⁹

53 Norman Doe, ed., *The Formation and Ordination of Clergy in Anglican and Roman Catholic Canon Law* (Cardiff: Centre for Law and Religion, 2009), 155.

54 See Mark Hill, "A Decade of Ecumenical Dialogue on Canon Law: Report on the Proceedings of the Colloquium of Anglican and Roman Catholic Canon Lawyers 1999–2009," *Ecclesiastical Law Journal* 11 (2009): 284–38.

55 Norman Doe, *Canon Law in the Anglican Communion* (Oxford: Oxford University Press, 1998).

56 Published by the Anglican Communion Office, London, 2008. It had one hundred macroprinciples and about six hundred microprinciples in eight parts: church order; Anglican Communion; government; ministry; doctrine and liturgy; rites; church property; and ecumenism.

57 ACC-14, Resolution 14.20.

58 <https://ecclawsoc.org.uk/principles-resources/>.

59 In February 2023, the Anglican Consultative Council met in Accra, Ghana, and passed a resolution which "commends the *Principles* to the Churches of the Anglican Communion

In November 2013, an invited panel of experts met in Rome, at my invitation as convenor. Participants attended in their personal capacities, not as representatives of their denominations, and on the basis of their expertise in the church law, church order, or church polity of particular Christian churches: Anglican, Baptist, Catholic, Lutheran, Methodist, Orthodox, Presbyterian, and Reformed. Its aim was to explore how these churches share common principles in their regulatory instruments, and how these principles contribute creatively to ecumenism. The panel coalesced around the following propositions: (1) there are principles of church law and order common to the churches studied, and their existence can be factually established by empirical observation and comparison; (2) the churches contribute through their laws to this store of principles; (3) the principles have a strong theological content and are fundamental to the self-understanding of Christianity; (4) they have a living force and contain within themselves the possibility of development and articulation; and (5) they demonstrate a degree of unity among churches, stimulate common Christian actions, and should be fed into the global ecumenical enterprise to enhance fuller visible unity. The panel concluded that a consideration of church law may provide a new medium for the ecumenical enterprise: namely, that law (an element of the self-understanding of churches) should be conceived as an instrument for global ecumenism. Thus, in 2014 the panel set about drafting a formal response to *Common Vision*,⁶⁰ and began a process leading in 2016 to an agreed-upon *Statement of Principles of Christian Law Common to the Component Churches*. The statement has ten sections: churches and their laws; the faithful; ordained ministry; church governance; church discipline; doctrine and worship; rites; ecumenism; church property; and church and state relations.⁶¹ In November 2017, in Geneva, the panel presented Dr. Odair Mateus, director of the World Council of Churches Faith and Order Commission, with a copy of the *Statement of Principles*.⁶² Subsequently, panel members road-tested the statement at ecumenical events in Uppsala, Cardiff, and Amsterdam in 2018, and in London, Melbourne, Sydney, and Oslo in 2019. At a private audience in the Apostolic Palace, Rome, on September 19, 2019,

for study and use" and encourages all the member churches to keep their canons under review in the light of them: ACC-18, Resolution 3(d).

60 *Common Vision*.

61 For the full statement of principles, see Doe, *Church Laws and Ecumenism*, Appendix II.

62 Mark Hill and Norman Doe, "Principles of Christian Law," *Ecclesiastical Law Journal* 19 (2017): 138–55. Dr. Mateus then proposed an ongoing consultative partnership between the Panel and the Commission: see Doe, *Church Laws and Ecumenism*, 24.

Pope Francis pronounced, for the first time in papal history, that church law is not only an aid to ecumenical dialogue but also an essential dimension of it.⁶³

On September 2, 2022, at Karlsruhe, Germany, at the 11th Assembly of the World Council of Churches, a workshop was held on the *Statement of Principles*, chaired by Professor Norman Doe, at which I spoke together with Fr. Aetios (Dimitrios Nikiforos), Grand Ecclesiarch at the Ecumenical Patriarchate of Constantinople. Participants then discussed its value, sharing their reaction to and experiences of using the statement, from as far afield as India, Australia, the United States, the Netherlands, Germany, Luxembourg, and Switzerland. The proposal, adopting words of the ecumenical patriarch, was agreed *nem con* that this “World Council of Churches workshop commends the *Statement of Principles of Christian Law* for study and use as an essential element of the ecumenical movement.”

13 Conclusion

The routine and mundane exercise of comparing the legal frameworks of different Christian churches reveals that there are profound similarities among the basic elements of the normative regimes of governance across various ecclesiastical traditions. This is not altogether surprising: juridical unity is often based on the practice of churches in adopting a common source for shaping their laws (chiefly scripture). From these similarities, by simple scientific method, may be induced common principles of Christian law. Regulatory systems of churches shape and are shaped by ecclesiology. These systems also tell us much about convergence in action, based on common norms of conduct, as well as the commitment of churches to ecumenism. While dogmas may divide churches, the widespread similarities among their norms of conduct produce regulatory convergence. This reveals that the juridical norms of the faithful, whatever their various denominational affiliations, link Christians through their encouragement of common forms of action. As laws converge, so does behavior. These similarities among the norms of conduct of different Christian churches indicate that their faithful engage in the visible world in much the same way. Comparing church law-order-polity systems (themselves forms of applied ecclesiology) enables the articulation of principles of law-order-polity common to the churches. Laws link Christians in common action and, as

63 “Udienza ai partecipanti al Convegno promosso dalla Società per il Diritto delle Chiese Orientali.”

Common Vision itself states, “common action” is “intrinsic to the life and being of the Church.”⁶⁴

The study of church law brings a new vibrancy to ecclesiological and ecumenical scholarship. Professor John Witte, Jr. has written clearly in this vein. As he put in a recent tribute to our mutual friend and colleague Professor Norman Doe:

Law is at the backbone of Christian ecclesiology and ecumenism. Despite the deep theological differences that have long divided Christian churches and denominations—over the Bible, the Trinity, the sacraments, justification by faith, clerical celibacy, women’s ordination, natural law, and so much more—the church universal has always been united in its devotion to and need for church law. From the earliest instructions of St. Paul and the *Didache* for the new churches to the elaborate codes of canon law and books of church discipline in place today, the Christian church has been structured as a legal entity. The church depends upon rules, regulations, and procedures to maintain its order, organization, and orthodoxy; its clergy, polity, and property; its worship, liturgy, and sacraments; its discipline, missions, and diaconal work; its charity, education, and catechesis; its publications, foundations, and religious life; its property, governance, and interactions with the state and other social institutions. Still today, every church, whether an individual congregation or a global denomination, has law at its backbone, balancing its spiritual and structural dimensions, and keeping it straight and strong especially in times of crisis.

The church laws themselves, of course, vary greatly in form and function over time and across the denominations and regions of the world. Some church laws are written, others are customary. Some are codified, others more loosely collected. Some are mandatory, others probative or facilitative. Some are universal canons, others are local and variant. Some are drawn from the Bible, others go back to ancient Roman law and the Talmud. Some church laws deal with the essentials of the faith, others with the adiaphora. Some are internally created by the church’s own government, others are externally imposed or induced by the state. Some church laws are declared by ecclesiastical hierarchies, others are democratically selected. Some churches maintain elaborate tribunals and formal procedures, others use informal and conversational methods of enforcement. But, for all this variety, church law is a common and

64 *Common Vision*, para. 61.

necessary feature of church life, and an essential dimension of ecclesiology and theology.⁶⁵

With the combined endorsement of the World Council of Churches and Professor John Witte, Jr., juridical ecumenism has at last found an honored place in the comparative study of church laws.

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65 John Witte, Jr., "Law at the Backbone: The Christian Legal Ecumenism of Norman Doe," *Ecclesiastical Law Journal* 24 (2022): 194–208. See also id., "Norman Doe, Master Comparativist in the Field of Law and Religion," in *The Confluence of Law and Religion: Interdisciplinary Reflections on the Work of Norman Doe*, ed. Frank Cranmer et al. (Cambridge: Cambridge University Press, 2016), 247–61.