

THE CHURCH AND ECCLESIAL COMMUNION

Report of the International Roman Catholic-Old Catholic Dialogue Commission

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Preface

The call by the Second Vatican Council for the re-establishment of the unity of Christians has led to a differentiated re-evaluation of the ecclesial status of non-Roman Catholic churches and ecclesial communities on the part of the Roman Catholic Church (cf. UR 3; 15). The transformation of the inter-church climate resulting from the Second Vatican Council has prepared the ground for a new assessment of the basis and the extent of the separation between the Roman Catholic Church and the Old Catholic churches of the Union of Utrecht. Since the 1870s, the latter have set themselves the goal within their theological program of promoting the establishment of church unity, with an orientation towards the faith and the constitution of the ancient church, and have therefore entered into dialogue with the Orthodox and the Anglican Churches in a special way. This specific focus has however often been linked with a clear anti-Roman emphasis.

As a consequence of the Second Vatican Council, from 1966 an official dialogue was conducted by various national bilateral dialogue commissions and then at a coordinated international level (1972/3), aimed primarily at an agreement on pastoral support. For various reasons this aim was not achieved. Nevertheless, the dialogue produced a series of shared insights into what the churches have in common today as in the past; these insights were able to serve as the starting point for a further phase of dialogue.

Following extensive preceding contacts between the International Old Catholic Bishops' Conference (IBC) and the Pontifical Council for the Promotion of Christian Unity, a new – and in this instance international – Roman Catholic-Old Catholic Dialogue Commission – was proposed, at a meeting between the Archbishop of Utrecht, Antonius Jan Glazemaker, and the Pontifical Ecumenical Council in Rome on the occasion of the ecumenical celebrations in the Jubilee Year 2000. Subsequently a concrete initiative was taken up by the new president of the Council, Cardinal Walter Kasper. After a session with a small preparatory group from 13-15 March 2003 in the Conference Centre at Hohenheim in Stuttgart, the members nominated in the meantime by their churches took up their task in May 2004 in Bern. The Commission concluded its work with the present document in May 2009 after a total of 11 sessions.

As had been the case already in the previous dialogue process, the Dialogue Commission established anew that the Old Catholic Churches and the Roman Catholic Church are united in their joint confession of the Holy Scriptures and the Nicene-Constantinopolitan Symbol of Faith as well as the dogmatic decrees of the Ecumenical Councils recognised in both the East and the West, and that for both churches the episcopal office in apostolic succession, within which the whole church stands, together with the seven sacraments form the ecclesiological pillars of their endeavours for ecclesial communion.

This insight into a wide-ranging common foundation in the faith has been reinforced on another level beyond that of theological reflection, insofar as the session days have in each instance opened and closed with the celebration of the eucharist and vespers according to the rite of both churches, so that participants were able to experience their mutual affinity in doxology and prayer. Within such a context the hermeneutic of trust, the indispensable prerequisite of ecumenism, was also able to grow and bring forth fruit in the form of the present document.

The major grounds for the separation of our churches consisted in differences regarding the relationship of the local church and papal primacy (1723) and the dogmas of the First Vatican Council on the infallibility and the jurisdictional primacy of the pope (1870). The Old Catholic churches have however never questioned the special position of the pope in the church as a whole.

Since then, the intensified ecclesiological reflection on both sides concerning the ministry of the pope for the communion of all local churches has revealed that in this regard here are no longer any unbridgeable gaps. More precise detail can be found in the present text, which owes much to a joint consideration of this ministry as called for by Pope John Paul II in 1995 in *Ut unum sint* (95-96). Our *joint* text – which can incidentally be considered a first official Old Catholic response to that call – proceeds from the view that the so-called papal question cannot be examined in isolation, but only within a comprehensive reflection on the church as a communion of local churches in which the one holy catholic and apostolic church, which we confess in the above-mentioned Symbol of Faith, exists.

In the course of its work the Dialogue Commission has been led to set its text on the church within the horizon of a possible ecclesial communion. The Commission could of course not overlook the fact that that even on the basis of the established shared Catholic faith, different developments have taken place in both our churches in individual doctrinal questions as well as in church discipline. These were worked through and presented by means of the method of “differentiated consensus”. It is the judgment of the Commission that some of these divergences represent limitations to the possible realisation of ecclesial communion.

The Dialogue Commission considers that it has at this stage completed the task entrusted to it by the Pontifical Council for the Promotion of Christian Unity and the International Old Catholic Bishops' Conference, and presents its text to the commissioning church leadership bodies for assessment. It is conscious of the fact that some of its reflections require further dialogue. It confidently awaits a reception process at all levels, without which the envisaged goal cannot be achieved.

Salzburg, 12 May 2009

Bishop emeritus Paul-Werner Scheele

Bishop emeritus Fritz-Rene Müller

The **pre-history** of the current phase of dialogue between the Roman Catholic and the Old Catholic Churches can be gleaned from the following contributions by both Old Catholic and Roman Catholic authors: Jan Visser, 'Die Beziehungen zwischen dem Vatikan und der Utrechter Union aus altkatholischer Sicht', in: Hans Gerny u.a. (eds.), *Die Wurzel aller Theologie: Sentire cum Ecclesia. Festschrift Urs von Arx* (Bern: Stämpfli, 2003), pp. 309-325; Werner Pelz, 'Der Dialog zwischen der Alt-Katholischen und der Römisch-Katholischen Kirche in Deutschland in den Jahren 1968-1973', in: *IKZ* 74 (1984), pp. 85-128; Urs von Arx, 'Römisch-katholische und Christkatholische Kirche - Reflexionen eines Christkatholiken zu ihrem Verhältnis gestern, heute und morgen', in: Roger Liggenstorfer / Brigitte Muth-Oelschner (eds.), *(K)Ein Koch-Buch. Anleitungen und Rezepte für eine Kirche der Hoffnung. Festschrift Bischof Kurt Koch* (Freiburg Schweiz: Kanisius, 2000), pp. 356-375.

Active participants in this earlier dialogue on the part of the Old Catholics were the churches of the Netherlands, Germany and Switzerland, while in Austria no Old Catholic bilateral dialogue commission was established. Thanks to a Roman Catholic initiative the inter-church conversation was taken up again in the Netherlands at a "lower" level in 1997; cf. the bilaterally produced text "'Das gemeinsame Erbe freudig miteinander teilen". Empfehlung an den Vorstand der "Katholischen Vereinigung für Ökumene" zum Verhältnis zwischen der Altkatholischen und der Römisch-katholischen Kirche in den Niederlanden', in: *IKZ* 94 (2004), pp. 249-276 (Dutch original on: www.okkn.nl/fman/147.doc).

Among others, the Polish National Catholic Church (PNCC) in North America and the Polish-Catholic Church (PKK) in Europe did not participate. Since 1984 the Polish National Church has conducted its own dialogue with Rome, in the course of which in 1993 a pastoral agreement was concluded on the basis of can. 844 § 2 CIC; cf. *Journeying Together in Christ. The Report of the Polish National Catholic-Roman Catholic Dialogue (1984-1989)*. Ed. by Stanislaus J. Brzana / Anthony M. Rysz (Huntington I: Our Sunday Visitor, 1990); *Journeying Together in Christ: The Journey Continues. The Report of the Polish National Catholic Roman Catholic Dialogue (1989-2002)*. Ed. by Most Rev. Robert M. Nemkovich / Most Rev. James C. Timlin (Huntington IN: Our Sunday Visitor, 2003); cf. also: *IKZ* 87 (1997), pp. 98-101. The PNCC seceded in 2003 from the Union of Utrecht.

Since 1998 the Polish Catholic Church has likewise conducted its own dialogue with the Roman Catholic Church in Poland; cf. Zdzislaw J. Kijas, 'Der Dialog zwischen der Polnisch-katholischen Kirche und der Römisch-katholischen Kirche in Polen. Die Arbeit der Gemeinsamen Kommission in den Jahren 1998-2003', in: *IKZ* 94 (2004), pp. 217-248. On both sides there is a desire that this dialogue be integrated into the next phase of the new international Roman Catholic - Old Catholic dialogue.

In view of the "wide-ranging common foundation in the faith" mentioned above, reference may also be made to the so-called Zurich Nota (*Zürcher Nota*), a text establishing guidelines for future dialogue ratified in October 1968 in Zurich at a consultation of the Roman Catholic members of the national dialogue commissions (NL, D, CH), which cites in the second paragraph from a *Relatio* on the draft of the Decree on Ecumenism *Unitatis Redintegratio*, in which the Old Catholics were accorded the status of a church, not (only) an ecclesial community, in a similar way to the Orthodox. The entire text of the second paragraph of the *Zurich Nota* reads:

The Old Catholic churches demand special consideration insofar as already at II. Vatican Council the expression *Ecclesiae* and *Communitates ecclesiales*, with which the Decree *Unitatis Redintegratio* denotes the separated brethren in the West, was justified on the basis of the following *Relatio*: "Notandum insuper est inter communitates (occidentales) seiunctas esse quasdam communitates, scilicet Veterum Catholicorum, quae propter sacramentum validum Ordinis et validam Eucharistiam, quibus gaudent secundum solidam doctrinam theologicam ab omnibus catholicis acceptam, similiter ac communitates orthodoxae nominandae sunt Ecclesiae" [Relatio circa rationem qua schema (De Oecumenismo) elaboratum est, 1964, pag. 56]. On the same basis it can be said that in them 'true sacraments have been preserved, in particular - by virtue of apostolic succession - ordination and the eucharist' [De Oecumenismo, 15]. Likewise "a very close communion" exists between the Old Catholic churches and the Roman Catholic Church "in matters of faith" [Directorium Oecumenicum (1967), 40].

[Translation of the Latin citation: Beyond that, it is to be noted that among the separated (western) communities there are some communities, namely the Old Catholics, which on the grounds of the valid sacrament of ordination and the valid eucharist which they enjoy according to the well-founded theological doctrine accepted by all Catholics, are, like the Orthodox communities, to be designated as churches.]

In addition, reference is to be made to the individual case decision of the Congregation for the Doctrine of the Faith of 3 January 1987, which states: "Among the churches which are in the same situation as the oriental churches named in can. 844 § 3 we include the Old Catholic churches in Europe and the Polish National Church in the United States of America" (Prot. no. 795/68). This statement however also points out that it does not "carry official weight in the sense that it is to be understood as a normative judgment of the Apostolic See".

1. Preamble

(1) Like every other inter-church dialogue, the dialogue between the Roman Catholic Church and the Union of Utrecht of Old Catholic Churches stands under the pledge and the claim of Jesus Christ, who prayed for his disciples “that they may all be one, just as you, Father, are in me and I in you, that they also may be in us, so that the world may believe that you have sent me” (John 17:21).

(2) Over and above that, this dialogue is however defined by a shared insight that the alienation and separation between Roman Catholics and Old Catholics resulting from – in the case of the Church of Utrecht intensified by – the First Vatican Council, represents an *inner-Catholic problem*. The orientation towards a *communio* ecclesiology, which the Second Vatican Council repeatedly affirmed in the relevant texts on the mission and structure of the church, forms the basis not only for this insight but also for the present attempt to work through this problem and seek a common basis for healing the separation. A dialogue with this in view seems promising now, at a time when the ecclesiological principles of the common tradition of the ancient church in both East and West have become the accepted criterion.

(3) The resulting text on the church is also the first outcome of a process of purification of memory, insofar as the reciprocal emotive polemics and hurtful denigration of the past have given way to a future-oriented hermeneutic of trust. This process can already be documented in the so-called *Zurich Nota* of 1968, when on the part of the Roman Catholics it was established with reference to the Old Catholic churches that “they possess true sacraments, above all – by virtue of apostolic succession – the priesthood and the eucharist. Likewise a very close communion exists between the Old Catholic churches and the Roman Catholic church in matters of faith” (ZN 2).

(4) The hermeneutic of trust referred to above has also led the Dialogue Commission in the course of its work to outline in the present text a possible path to ecclesial communion. This path is in the first instance directed towards the specific relationship between the Old Catholic and the Roman Catholic churches. But over and above that, the Dialogue Commission nurtures the hope that the reflections presented here could also in the case of other endeavours towards unity serve as a model of an ecclesial communion with Rome which does not imply a “return-ecumenism”: to that extent this text ventures onto new ground. The Dialogue Commission repeatedly took pains to give due consideration also to the texts of those dialogues which the respective churches have each conducted with other churches, in order to reinforce their integration and reception.

2. The church – trinitarian and soteriological foundations

(5) The one and sole foundation of the church is God’s work of salvation in Jesus Christ. Christ’s entire work is determined and permeated by the mystery of the trinity. It proceeds constantly in obedience to the father who has sent him, and is at the same time filled with the authority and power of the Holy Spirit, who from his baptism to his resurrection designated him as the Son of God. As a doxology for the work of salvation accomplished once and for all, the trinitarian confession of faith is thus already foreshadowed in its primal form of the confession of Christ (L-RC/Church 12).

(6) The church is founded and anchored on the entire Christ event upheld by the Holy Spirit.

- The Church is communion *through* Jesus Christ. This is demonstrated in the historical life and work of Jesus Christ, particularly in his proclamation, in his gathering and commissioning of his disciples, in the institution of the celebration of the Lord’s Supper, in his cross, his resurrection and his ascension to the father, and in the outpouring and work of the Holy Spirit.
- The church is communion *with* Jesus Christ. The life of Christians in the body of Christ is Spirit-given participation in Christ’s journey from death to resurrection, grounded in baptism and celebrated again and again in the Lord’s Supper with a view to its consummation in the glory of the father.
- The church is communion *in* Jesus Christ. It is on the one hand the realm of salvation and life created by Jesus Christ, and on the other hand also the mediating instrument of salvation, in the power of the Holy Spirit (KiWuS 1-4).

(7) The church as the communion of the faithful, called into life by the triune God, is a divinely-created human reality, and in its essence a mystery. The fact that it is anchored in the life of the triune God does not mean that its human dimension is thereby denied. But it does indeed mean that any understanding of the church which tends to see it solely or primarily as a social phenomenon on the part of mankind is precluded. God allows the church to participate in his three-fold life: it is his own people, the body of the resurrected Christ, the temple of the Holy Spirit, its unity shares in and reflects the unity of the triune God (L-RC/Church 49). Thus the church is a given foundation, and in the power of the Holy Spirit an ever-renewed event, and as such the dawn of the renewed creation on the journey to its consummation (KiWuS 6).

(8) The form of the church’s life is thus determined throughout all ages by communion with the Father through Jesus Christ in the power of the Holy Spirit, which effects its inner vitality. This one spirit awakens in it also those powers

which serve the individual local churches and the church as a whole in a special way for their edification (CS 17-18).

(9) According to the will of the father, the church lives from the word of God and the sacraments in the power of the Holy Spirit through Jesus Christ. Just as Jesus Christ throughout his life worked on behalf of mankind in word and deed, he continues to work through his word and sacraments. The church draws its life from them and is at the same time placed in their service.

(10) The original testimony of the word of God is the Old and New Testament. "Together we call Holy Scripture *God's word* because in it the witness of the prophets and the apostles, whom God entrusted with his word, is validly brought together. According to the faith of all Christendom, Holy Scripture in all its parts, in law, prophecy and in the praise of the Psalms, as in the gospel message of the apostles, is about Jesus Christ, the word of God for the salvation of the world" (KiWuS 12; CS 46). God's revelation and self-communication testified in holy scripture is transmitted by the church as the ground and source from which it lives. For this transmission, scripture forms the criterion of truth (OC-O/Revelation 5).

(11) Through the *sacraments* the faithful are united in a mysterious but real way with Christ who has suffered and been glorified. Through baptism they are incorporated into Christ, with the breaking of the eucharistic bread they receive a real share in the body of the Lord and are elevated into communion with him and with one another (UR 3; LG 7). There are five further sacraments linked with these two primary and fundamental sacraments: confirmation, penance, unction of the sick, ordination and marriage (cf. LG 11; OC-O/Sacraments). In each of these sacraments the Catholic faith sees the Lord at work mediating grace and establishing unity. Each involves not only the individual recipient but always also the church which is itself understood as the "sacrament of unity" (SC 26; cf. L-RC/Ways 18).

(12) On individual sacraments we can state the following:

- Through *baptism* an individual becomes a member of the church of Christ, in that he or she is through participation in the mystery of the divine work of salvation freed from the dominance of sin and reborn as a new creature in Christ (OC-O/Baptism). Infant baptism is practised in our churches (Protokoll, session 1, no. 1). The rightful administrators of baptism are bishops, priests and deacons. In an emergency the un-ordained can also administer baptism; they must thereby intend to do that which the church does in baptism, and speak the trinitarian baptismal formula during the immersion or affusion with water of the recipient.
- *Confirmation* grants the faithful the gifts of the Holy Spirit to strengthen them in what they have obtained in baptism. It is administered by the bishop or an authorised priest. As the result of a reform both churches enact the sacramental initiation of adults (baptism, confirmation and first communion) in the course of one single worship service led by a priest. Further to this, the Old Catholic Church of Switzerland also has the sacramental initiation of infants begin with baptism and confirmation in one similar, single, service led by a priest.
- The sacrament of the holy *eucharist* is the focal point of the whole life of the church. In this sacrament Christ is really and essentially present and communicates with the faithful in the constantly renewed real re-presentation of his sacrifice on the cross, offered once and for all. Both churches consider the eucharist as thanksgiving and doxology to the Father, as the commemoration of the sacrifice of Christ and as the presence of Christ in the power of the Holy Spirit (OC-O/Eucharist; CCC 1358). Only the bishop and the priest preside at the eucharist. A meticulous examination of the statements of the Council of Trent (Sessio XII de ss. eucharistia und Sessio XXII de ss. missae sacrificio: COD II, pp. 693-698 and 732-736) and the Utrecht Declaration of 24 September 1889 (UD 6) was able to establish their essential agreement in doctrine and liturgy. In addition, the misgivings occasionally expressed on the part of the Old Catholics in regard to the word "transubstantiation" do not represent a rejection of the statement intended thereby on the part of the Tridentinum in conjunction with the entire tradition of the ancient Church, namely "*conversio*" or "*metabole*" (Protocol, session 1, no. 1).
- In the sacrament of *penance*, the sins committed by the faithful after their baptism are forgiven when they sincerely repent and confess them before a priest (OC-O/Penance). Grievous sins which not only contravene God's commandments but also harm the communion of the church also require sacramental absolution after sincere repentance and renewed conversion to God. In absolution God grants forgiveness, and reconciliation with the church is effected (Protocol, session 1, no.3; LG 11). The bishop and the priest administer the sacrament of penance. In the Old Catholic tradition both deprecative and indicative absolution formulae are used. Besides individual confession both churches also conduct confession services. For the forgiveness of grievous sins private confession is prescribed in the Roman Catholic Church while in the Old Catholic Church it is encouraged.
- The Lord combined the proclamation of the Kingdom of God with the healing of individuals suffering physical or spiritual infirmity, and he also commissioned his disciples to do the same. Following the example of the Lord and the apostles, and with reference to the New Testament testimony (James 5:14-16), the church enacts the sacrament of *unction*, in which the faithful are anointed with oil, accompanied by prayer (OC-O/Uncion). Therewith the church commends the sick to the suffering and glorified Lord, that he may uplift and rescue them

(cf. Rom 8:17; 2 Tim 2:11-12; 1 Pet 4:13; also LG 11). The bishop and the priest are authorised to administer unction.

- The sacrament of *ordination* (ordo) has its origin and abiding foundation in the calling and sending of the apostles by the Risen Lord, who communicated the Holy Spirit to them for the fulfilment of their task. Through the sacrament of ordination the mission which Christ entrusted to his apostles is continued in the church until the end of time. The transmission of the apostolic ministry to their successors is enacted as authorised by the church through the imposition of hands and prayer. The office transmitted in this way is threefold: episcopate, presbyterate and diaconate. Bishops who stand in the apostolic succession of the church are the valid administrators of the sacrament of ordination (OC-O/Ordination; CCC 1536; 1576). As a college they represent the communion of local churches and bear the prime responsibility for their unity and maintenance in the truth. Both churches consider ordination (like baptism and confirmation) unrepeatable sacramental signs which in the terminology of Western theology grant an “indelible imprint”.
- Regarding the sacrament of *marriage* there is a consensus between the Old Catholic and the Roman Catholic Church on the sacramentality and indissolubility of monogamous marriage. Constitutive of the marriage contract is the consent of the bridal couple. The sacramentality of marriage between a man and a woman according to Roman Catholic understanding is accomplished through the consent of a baptised bridal couple as it is ascertained and received by an authorised office-bearer in the name of the church; in Old Catholic understanding through the blessing by an ordained office-bearer. In their doctrine both churches hold fast to the indissolubility of marriage, with reference to God’s creative will according to Matt 19,3-9. Thus there can strictly speaking be no dissolution of a marriage except through the death of a spouse. On the basis of pastoral considerations the Old Catholic Church like the Orthodox Church takes into account other reasons for the dissolution of marriage besides the physical death of a spouse (OC-O/Marriage). Therefore in specific cases divorced persons may be married and admitted to the sacraments on the basis of pastoral considerations.

3. Local, regional and universal dimensions of the church

(13) The fundamental expressions [Grundvollzüge] of the church as the realm of life and salvation opened up by God in sending Jesus Christ and the Holy Spirit are *martyria*, *leitourgia* and *diakonia*. These in turn are centred in the celebration of the eucharist, in which God again and again unites the baptised in renewed communion and sends them out into service of mankind. This communion is structured by a multiplicity of offices and ministries, among which the office of the bishop, with his prime responsibility for the fundamental expressions of the church, is entrusted with a special duty indispensable for the unity of the communion.

(14) The church constituted to this extent is in every instance bound to a given place, insofar as the baptised living in that given place are incorporated into the realm of life and salvation and fulfil their tasks as a church autonomously. This place is more precisely defined by the assignment of the members of the church to a single bishop who ultimately presides at the celebration of the eucharist and bears the personal episkope for the maintenance of the local church in the truth (cf. 20-26 below).

(15) The *martyria*, *leitourgia* and *diakonia* of the local church (i.e. the church gathered around the bishop) are realised in the first instance in the parish communities. There the presbyters (priests) preside at the celebration of the eucharist as the representatives of the bishop, and deacons and other baptised and commissioned members exercise their ministry to God’s gospel.

(16) Each *local church* is a representation of the one holy catholic and apostolic church of which the Nicene-Constantinopolitan Symbol of Faith speaks. It is catholic because on the one hand it participates sacramentally in the whole reality of salvation and truth that comprises God and mankind, heaven and earth, and finds therein its unity, and because, on the other hand, it is linked in unity and communion with other local churches in which it recognizes and acknowledges its own nature, grounded in God’s loving care (cf. IBC/Statute, Preamble 3.1-2; WCC-RC/Church 13-14). The local churches which are bound to one another in this way recognise and acknowledge in the other, beyond all individual local and cultural particularities, the same reality of the mystery of the church. The distinguishing marks of this identity are the common apostolic faith, the common fundamental forms of sacramental-liturgical life and the common fundamental principles of church order with the three-fold office (cf. AC-O/Unity [21-24] 2-5; O-RC/Mystery III 3b).

(17) The unity and communion of the local churches in their diverse supra-local dimensions, extending as far as the universal dimension, is also in each instance a representation of the *Una Sancta*, in fact a communion of local churches, be it a *communio ecclesiarum* or *communio communionum ecclesiarum*. At the same time each local church in this communion of local churches possesses full catholicity in the same way. Therefore the individual local churches also bear responsibility for the supra-local and universal communion. For the local church is wholly church but not the whole church. (WCC-RC/Church 36).

(18) The responsibility for the communions of local churches and their joint witness is exercised primarily by the bishops in their synodical consultations, and given expression in the common celebration of the eucharist.

(19) The local church is in regard to its essential nature and its sacramentality not a deficient part of the universal church, nor is the universal church the sum of the local churches, but rather both are a representation of the one holy catholic and apostolic church which will find its consummation in the future incorporation of all creation into heavenly *doxa*, when God is all in all. The local and universal dimension of the church are complementary, they mutually define [bedingen] one another and are indispensable for the vitality and dynamism of the church (LUDK 14; 54).

The expressions used here, “One holy catholic and apostolic church” from the Symbol of Faith and “universal church”, which are each placed in relationship to “local church”, are in part used in different ways in our respective churches in ecclesiological discourse. The “Una Sancta of the Symbol of Faith” is for both churches the term for the reality of God’s communion with his creation, encompassing all past and future generations of the baptised (and the just living without knowledge of the gospel). The term “universal church” (or “catholic church”) can be used in the same sense.

The term “universal church” however is also used in Roman Catholic theology in another way. According to Roman Catholic conviction the universal church is realised in the visible church (*his in terris, hoc in mundo*) which is led by the pope as its shepherd and as the head of the episcopal college (eg. LG 22; 23; can. 330-331 CIC = can. 42-43 CCEO); of it is said for example that the particular churches (that is, the local churches with their appointed bishops), in which and of which the one and only catholic church consists (LG 23; cf. also LG 8) are fashioned after its model. This perspective and terminology are alien to the Old Catholic tradition.

4. Personal, collegial and communal responsibility for the unity of the church and its maintenance in the truth

(20) Among the gifts which God has given the church on its journey through the ages for the maintenance of its integrity as the realm of life and salvation created in Jesus Christ and in the Holy Spirit, there are a variety of offices and ministries. It is part of their mission to give expression to and preserve the unity of the church and its maintenance in the one truth in a constant process of world-wide mission and inculturation of the gospel. These particular duties are exercised in personal, collegial and communal responsibility (episkopé), both in the local church and in the supra-local (regional and universal) communion of local churches (cf. A-RC/ Authority III 35-40; NMC 67; 90-98).

(21) In the local church the bishop is the bearer of the personal episkopé, who exercises his ministry of leadership in association with the other participants in the apostolic office (presbyterial college, diaconate) and with the witness to the faith of all the baptised.

(22) In the supra-local (extending up to the universal) communion of local churches the bearers of the episkopé are in the first instance the bishops, who represent the local churches at synodical gatherings and where applicable undertake together with other members of the people of God the task of seeking, finding, and proclaiming the truth.

In this situation both primacy (the ministry of leadership) and synodality (joint responsibility) are required in equal measure. It is the duty of one bishop to ensure that the *many* bishops in a synodical process exercise the responsibility entrusted to them (cf. A-RC/ Authority I 19-23; NMC 99-104).

In the course of the history of the church there have been various terms and formations of the primatial function according to the extent of the supra-local communion of local churches which have to face the tasks confronting them of maintaining the unity of the church and attesting the truth. In the case of the universal church this primacy is vested in the pope.

It should be noted that in the above paragraph the expression “primacy” is applied to all spheres of supra-local communion of local churches up to and including the earthly-universal communion of communions of local church, not solely for the last-mentioned.

(23) Wherever the duty of preserving the communion of the church and its maintenance in the truth is exercised in personal, collegial and communal episkopé, all depends on the *mutual interaction of the witnessing authorities* [Bezeugungsinstanzen]. That term is understood as encompassing the various articulations of the faith which contribute to the discernment and determination of the faith. These are: Holy Scripture, tradition, the understanding of faith of the faithful, the teaching authority of the church and theology. They manifest themselves in different ways in the liturgical tradition, in the symbols and dogmatic decisions of the ecumenical synods, in the unanimous teaching authority of the bishops, in the common consciousness of the faith of the faithful and in the insights of academic theology. They all have their focus in Holy Scripture as testimony to the revelation of the Triune God and his will to salvation, as it is received and passed on in the communion of the church in ways initiated by the Holy Spirit. The historical path which the church is to take towards fulfilment in the kingdom of God leads to multifaceted inculturations of the faith. Therefore in each case the interaction of the witnessing authorities mentioned above unconditionally demands both a creative continuity of the teaching and the spiritual experience of the fathers and mothers in the faith, and an openness for the existential questions of mankind in any specific age. (OC-O/Revelation [5] 4; OC-O/ Authority; CS 72-73).

Regarding the witnessing authorities a differentiation can be made between those which in the first instance exist as authoritative texts (e.g. Holy Scripture and the symbols of faith) and those in which actual persons (the faithful, holders of the teaching ministry, theologians) refer to the former and bring them to bear in a given situation

through their interpretative activity.

(24) In these processes of witness to and discernment of the faith, the apostolicity of the church is validated by the fact that the fundamental expressions of the church in word and sacrament, in doctrine and in ministry are derived in space and time from the sending of Jesus Christ and the apostles, and are answerable to it. The transmission of the apostolic ministry through prayer and the imposition of hands is an essential aspect of the apostolic succession in which the church is to stand in all the essential expressions of its life (IBC/Statute 3.4).

(25) The testimony of synodical decisions in the service of the unity of the church and its maintenance in the truth of the apostolic faith is affirmed by its factual reception by the church as being impelled by the Spirit of God and in accordance with God's will.

(26) This joint view expands and extends the consensus established in 1974 in Germany between the Old Catholic and Roman Catholic church, according to which both churches recognise "with gratitude their extensive communion in the confession and understanding of the traditional catholic faith" and rejoice in "their consensus in regard to divine revelation and its mediation through sacred scripture and the church, the seven sacraments and ecclesial ministry which is exercised in apostolic succession" (VPH).

5. The ministry of the pope for the unity of the church and its maintenance in the truth

(27) All previous official *Old Catholic* statements and declarations on the primacy of the bishop of Rome (see Appendix) have always recognised a factual primacy of the pope as it accords with the common tradition of the church of the East and the West. What has been rejected is the definition of the universal primacy and the doctrinal infallibility of the pope as presented in the constitution *Pastor aeternus* of the First Vatican Council and confirmed in the constitution *Lumen gentium* (Chapter 3) of the Second Vatican Council, though within a far broader ecclesiological context, and as it has entered in different ways into the prevailing legal codifications of the CIC 1983 and the CCEO 1990. In these Old Catholic statements, however one also finds references to the theological arguments for papal primacy, to its position within the apostolic ministry of the church, and to its function.

(28) As far as the *theological rationale* is concerned, on the one hand reference is made to the recognition of a primacy of honour of the Roman bishop by Ecumenical Councils on the basis of his see in the capital of the Roman Empire (anno 325, can. 6; anno 381, can. 3; cf. anno 451, can. 28: COD I, pp. 8-9; 32; 99-100), or through the tradition of the Church Fathers on the basis of the so-to-speak double apostolicity of Rome on account of the graves of Peter and Paul. On the other hand, the New Testament testimony of Peter's special position within the pre-Easter circle of disciples and in the early post-Easter period of the church is also taken into consideration. In this sense the more recent terms "Petrine office" or "Petrine ministry" have been taken up and a new task envisaged thereby which is - despite the uniqueness of the historical Peter - of abiding significance for the church, even though a direct succession does not seem to have a place within Old Catholic understanding.

(29) In regard to the *position* of the pope as the bearer of a universal primacy, the constantly recurring expression *primus inter pares* makes it clear that the primacy must work within the sphere of synodality and collegiality of the local churches and their bishops; more precisely, it is seen in the light of a local church theology, or of the "patriarchal constitution" of the ancient Church, so that the pope in fact exercises the primacy as the first among the patriarchs.

(30) Statements on the *function* of papal primacy are directed in the first instance to the fact that the holder of that ministry acts primarily as a personal sign of the universal unity of the local churches, and then, in situations where the communion of local churches is faced with decisions which endanger its unity and its maintenance in the truth, leads the local churches by taking initiatives and coordinates joint decision-making processes, and finally in certain instances responds to appeals. However his functions may be defined in detail according to rights and duties, according to Old Catholic understanding that does not entail jurisdiction in the sense that he is empowered to intervene in local churches at any time directly and without express request, or to make decisions in isolation regarding the maintenance of the communion of local churches in truth and love.

(31) It must be noted that according to *Roman Catholic* doctrine since the First Vatican Council at the latest, jurisdictional and doctrinal primacy is an integral and indispensable component of the Petrine ministry in its essence, though not in all its concrete manifestations (CS 154). This doctrine implies that the Petrine ministry is exercised in the direct succession of the Apostle Peter. "The statements in the New Testament about Peter show that the early church combined with the figure of Peter the functions of a teaching and pastoral ministry that relate to all congregations and that particularly facilitate their unity" (CS 163, cf. CS 158-163).

(32) From this follows, according to Roman Catholic doctrine:

- The core of the office of responsibility for the universal church "... is realized historically in the person and calling of the bishop of Rome, that is, the Roman pope" (CS 193).
- "To the core of this office belong all the functions and actions that are necessary to fulfil and ensure its task in the universal church. This includes above all the binding competence in leadership and teaching without which the office-bearer could not effectively exercise the care entrusted to him for the unity of the church in the truth of the

gospel" (CS 193).

(33) In contemporary ecumenical dialogue, the Roman Catholic side acknowledges the legitimacy of some misgivings regarding this doctrine, and makes the point that jurisdictional primacy can at all times only have a place within the *communio* structure of the church. "In addition, it is convinced that papal infallibility can be exercised solely in absolute loyalty to the apostolic faith (*Holy Scripture*), so that a pope who does not maintain this loyalty has by that fact forfeited his office" (CS 198, cf. 67-68; A-RC/ Authority III 46-48).

In addition, as a consequence of the differentiated re-evaluation of the ecclesial status of the non-Roman Catholic churches and ecclesial communities by the Second Vatican Council (cf. UR 3; 15), the obligatory force of purely ecclesial laws in CIC 1983 is limited to Roman Catholic Christians (in contrast to CIC 1917, which in can.12 bound all the baptised to the laws of the Roman Catholic Church).

6. The way towards full ecclesial communion

6.1 On the method of differentiated consensus

(34) The wide-ranging consensus in the understanding and confession of the traditional catholic faith established here (cf. 26 above) was worked through methodologically according to the more recent principles of ecumenical hermeneutics. These principles are founded on the recognition that the sought-for unity in the faith does not mean uniformity, but rather a diversity in which any remaining differences beyond the fundamental consensus are not accorded church-dividing force. Accordingly the goal of dialogue is not doctrinal consensus in the form of congruence, but a differentiated consensus consisting of two components which are to be differentiated from one another:

- A clear statement on the consensus reached in the fundamental and essential content of a previously controversial doctrine.
- A declaration that and why the remaining doctrinal differences, which are also to be clearly named, can be considered admissible and thus do not call into question the consensus in the fundamentals and essentials.

(35) This method of "differentiated consensus" has proved to be fruitful in more recent inter-church dialogues, although only where it has been supported by a hermeneutic of mutual trust. Methodologically this means that any mistrust regarding the common understanding must be cleared away, that the parties must offer each other reciprocal trust, and that both do in fact desire to reach agreement.

The method of "differentiated consensus" was applied to good effect by the German "Ecumenical Working Group of Protestant and Catholic Theologians" in the study *Lehrverurteilungen – kirchentrennend?* (1986-1994), also in the texts *Church and Justification* (1994) and *Joint Declaration on the Doctrine of Justification* (1999); cf. the article 'Methodologie, ökumenische' in: Wolfgang Thönissen (ed.), *Lexikon der Ökumene und Konfessionskunde* (Freiburg i.Br.: Herder, 2008), pp. 871-873.

6.2 Fundamental points of agreement

(36) Consensus has been established in the fundamental understanding of the church (cf. 5-26 above). It is a community called into life by God in sending Jesus Christ and the Holy Spirit, in which the faithful sacramentally receive a share in the communion of the triune God, and are called and empowered to proclaim the gospel. As the realm of life and salvation created and perpetually reinvigorated by God, it is despite all its human failings the dawn of the Kingdom of God, the renewed divine creation on the journey to the destination where God is all in all.

(37) The church as an earthly community is structured by offices and ministries which bear the responsibility for the church's exercise of its fundamental expressions in *martyria*, *leitourgia* und *diakonia*, which have their focus in the celebration of the eucharist. Concretely, this takes place in the local church. Each local church is a representation of the one holy catholic and apostolic church of the symbol of faith through the power of the participation in the dimension of life and salvation opened up by God, and the unity and communion with the other local churches which is implied thereby. This unity and communion becomes manifest in varying geographical extents as an ultimately universal communion of communions of local churches (*communio communionum ecclesiarum*).

(38) The responsibility for the unity of the church and its maintenance in the truth is exercised both in the local church and also in the regional and universal communion of local churches in personal, collegial and communal responsibility (episkopé). For the supra-local dimension the primary bearers of the episkopé are the bishops, in whose synodical gatherings in each instance a bishop holds a leadership function (primacy); for the universal dimension this synodically situated primacy is accorded to the pope. Therein the various witnessing authorities concerning the faith (cf. 23 above), which are based on the Holy Scripture as the testimony of revelation given to the church, play an indispensable role in the task of proclaiming God's salvific will for mankind.

(39) This consensus suggests that the doctrine of the primacy of the pope formulated at the First Vatican Council need

no longer carry the force of a church-dividing difference, if thereby the pope is not dissociated from the communion structure.

6.3 Remaining open questions

(40) The remaining open questions are of a varied nature. They relate to ecclesiology, the two dogmas regarding Mary, women's ordination as well as canon law problem areas.

6.3.1 Open questions on ecclesiology

(41) As is evident from 27-33 (and surely also from the note to 19), the open questions in this regard relate on the one hand to the ecclesiological (and then in canon law concretely developed) placing of the pope within the process of the life and testimony of the church in its various spatial dimensions, and on the other hand to the repercussions of this placing on the understanding of the church as a universal communion of local churches or of communions of local churches.

(42) The questions are most immediately evident in texts of the Second Vatican Council, which frequently open up new perspectives and give prominence to the significance of local churches "in which and of which the one and only catholic church consists" (LG 23), while at the same time the doctrine of the jurisdictional and doctrinal primacy as formulated at the First Vatican Council is received (e.g. LG 18; 22; cf. also the *Nota explicativa praevia*).

(43) That this must not necessarily be the last word on this subject is suggested by the request made by John Paul II in his encyclical *Ut unum sint* (95-96), to seek together with him in "patient fraternal dialogue" an accepted exercise of the universal primacy in the universal communion of local churches extending beyond the Roman Catholic Church.

In this context we should also note the statement made by the current pope Benedict XVI in 1976 in Graz: "...Rome must not require more from the East with respect to the doctrine of primacy than had been formulated and was lived in the first millennium." Cf. Joseph Ratzinger, "The Ecumenical Situation - Orthodoxy, Catholicism and Protestantism, in: *Principles of Catholic Theology: Building Stones for a Fundamental Theology* (San Francisco: Ignatius Press, 1987), pp. 193-203, here 199.

(44) The open questions in doctrine and praxis therefore require further investigation in the spirit of "differentiated consensus". They involve on the one hand the relationship between the rightful autonomy of a local church or a communion of local churches in the exercise of their mission (cf. 13-15 above) and in the election of their bishops, and on the other hand the primacy of the pope, which in this regard according to Roman Catholic understanding encompasses "the full, supreme and universal authority over the Church" (LG 22).

(45) The tension between Roman Catholic and Old Catholic understanding of papal primacy as expressed in the concepts "primacy in jurisdiction and doctrine" and "*primus inter pares*" (which both require interpretation) is also to be seen within the horizon of the various perspectives in which the universal ecclesial communion is discussed (cf. the note to 19 above): The universal church or the church as a whole (*ecclesia universalis*), which consists in and of the local churches, possesses in its description in LG 23 for example a clear institutional character, while the all-embracing communion of local churches in its permanent institutional constitution (where applicable) appears more vague in Old Catholic texts (cf. IBC/Statute, Preamble 3; OC-O/Unity [25] 6).

Cf. LG 23: "This collegial union is apparent also in the mutual relations of the individual bishops with particular churches and with the universal church. The Roman Pontiff, as the successor of Peter, is the perpetual and visible source and foundation of the unity of the bishops and of the multitude of the faithful. The individual bishop, however, is the visible principle and foundation of unity in his particular church, fashioned after the model of the universal church. In and from such individual churches there comes into being the one and only Catholic Church...." Cf. also LG 8; can. 369 CIC.

(46) Another related topic for discussion which is not directly addressed in the present text but likewise requires consideration within the whole complex of questions addressed here, concerns the understanding of the discourse regarding the collegiality of the bishops. Thus in LG 19-24 for example the communion of bishops is related to the pope as the successor of Peter, the head of the college of apostles and therewith presumably to the entity "universal church" (together with its bishops' conferences) in a way which is alien to the Old Catholic perspective.

LG 19 sees prefigured in the circle of the twelve the subsequent bishops' college with the pope as its head and the visible principle and foundation of the unity of the universal church. What is called the apostles' college with Peter as its head is to a certain extent the nuclear cell of the universal church as it has spread out from Jerusalem across the whole earth since Pentecost. Following on from this universal church perspective, it is then stated that the college of bishops with the pope as its head continues the task of shepherd exercised by the apostles' college with Peter as its head (LG 20; 22). Finally, the statement that the individual churches are "fashioned after the model of

the universal church" (LG 23; cf. 45 above) as well as the subsequent statement that the supreme power in the church is exercised by the pope with or without the formal collaboration of the bishops' college (LG 22) is also to be understood against the background of this view. By contrast, from the Old Catholic perspective the college of bishops – if this expression is adopted – is primarily an expression of the synodality of the local churches with one another, in which the bishops are the primary presiders at eucharistic gatherings, and witnesses and teachers of the faith. This manifests the primarily local church approach of Old Catholic ecclesiology as it has always been.

(47) With regard to the meaning of the expression "Petrine office" or "Petrine ministry", the Old Catholic churches have difficulty with the concept that it is to signify an office which is necessarily derived from the New Testament model, to be exercised by a single person ("*singulariter*") and to be handed down in personal succession, and of which one must claim that it is of "divine right" or – to formulate it another way – which according to the Lord's will forms part of the essence and mission of the church. If by "Petrine office" one means a ministry, exercised in a universal perspective by the pope, in service of the unity, mission and synodality of the local churches led and represented by their bishops, then Old Catholic theology, too, might factually assent to what is meant by the (to them alien) term "divine right" in the sense suggested above (cf. also A-RC/Authority II, 10-15).

6.3.2 Open questions on the Marian dogmas of 1854 and 1950

(48) Another point of difference in dogma consists in the Old Catholic rejection of the papally-defined dogmas of the Immaculate Conception of Mary (1854) and the Assumption of Mary into heaven (1950). This rejection was last affirmed in the joint text of the Orthodox – Old Catholic Theological Commission on *The Mother of God* (1977) (cf. OC-O/Mother).

6.3.2.1 Old Catholic Statements

(49) The Old Catholic rejection argues in the first instance that a doctrine which is not sufficiently testified in Holy Scripture and the tradition of the ancient church cannot be defined by the pope as a binding truth of the faith, revealed by God and necessary for salvation. This rejection is also to be comprehended from its historical context, since for the Old Catholics both dogmas, but especially that proclaimed by Pius IX, connote a Catholicism that did not correspond to their understanding of the church and has remained alien to them.

(50) The rejection of the two Marian dogmas (UE 3; IBC/1950) as well as the partial distancing from certain modern Roman Catholic forms of Marian devotion does not mean a denial of the "faith of the ancient church as formulated in the ecumenical symbols and in the universally accepted dogmatic decisions of the ecumenical synods" (UD 1).

(51) Old Catholic liturgical orders and other more recent texts touching on the Virgin Mary Mother of God reveal that she has a firm place in the doxology of the church with regard to the mystery of God becoming man. As blessed by God in being chosen to give the Redeemer to the world, and in affirming and opening herself to the divine plan of salvation, she is considered the first of the saints for whose intercession for the faithful on their journey to God the church pleads. To the extent that her entire path into the eschatological glory of God is transparent for the communion of the baptised, she is also seen as a type of the church and a model for the believers in Christ who have been granted the spirit of God. In liturgy and the practice of piety there is clearly an endeavour to preserve carefully the link to God and to Christ, as well as the poetic and doxological character of the praise of Mary.

6.3.2.2 The Roman Catholic doctrine

(52) On the part of the Roman Catholic Church it must be remembered that the Second Vatican Council in its Dogmatic Constitution on the Church earnestly exhorted theologians and preachers of the divine word "that in treating of the unique dignity of the mother of God, they carefully and equally avoid the falsity of exaggeration on the one hand, and the excess of narrow-mindedness on the other. Pursuing the study of Sacred Scripture, the holy fathers, the doctors and liturgies of the church and under the guidance of the church's teaching authority, let them rightly explain the offices and privileges of the Blessed Virgin which are always related to Christ, the source of all truth, sanctity and piety. Let them painstakingly guard against any word or deed which could lead separated brethren or anyone else into error regarding the true doctrine of the church" (LG 67).

(53) Accordingly it has been possible within the bilateral dialogue of the Roman Catholic Church and the United Evangelical Lutheran Church in Germany for the Roman Catholic side to establish:

- "The proposition of the *Immaculate conception of Mary* is based in the believing knowledge of the faithfulness of God, who works all things 'together for good for those who ... are called according to his purpose' (Rom 8:28). It asserts that, from the moment of her conception by her parents, the mother of Jesus was freed from that guilt in which all people stand. For her, however, as for all people, Jesus' word still applies: 'Apart from me you can do nothing' (John 15:5). She also has been redeemed by the justifying grace of God in Christ. In view of his coming redemptive death, however, this occurred already in the first moment of her existence, whereas for the rest of

humanity it occurs later (for Christians in baptism). The dogma thus illustrates the power of the grace of God, who in sovereign freedom calls whom he wills and how he wills. It is at the same time a promise that God wills to draw us totally into his favour" (CS 259).

- "The statement of the *Assumption of Mary into Heaven* has its roots in the already cited reflection from the Letter to the Romans: 'Those whom he (i.e. God) justified he also glorified' (Rom 8:30). That means: when God once promises his election and grace to persons, and when they accept in faith that grace and live accordingly, then God grants them wholly (body and soul) blessed communion with him (heaven). What we confess in the last sentence of the Creed as a hope for us, this dogma confesses about the mother of the Lord in the past tense: she has reached what we are still moving toward – the resurrection of the dead and the life everlasting as fruit of the justifying favour of God" (CS 260).

6.3.2.3 Further Perspectives

(54) An intensified discussion must reveal whether such an interpretation of the two Marian dogmas can prompt the Old Catholic side to reconsider their rejection of these Marian dogmas. This seems in any case to be considerably easier for the content of the definition of 1950 than for that of 1854.

(55) The existing divergences in teaching and practice are to be taken seriously. They represent an obligation to conduct a clarifying dialogue from which an *explicit* differentiated consensus may be expected. Regardless of the autonomy and individuality of each church, the question remains whether a common doctrine may not be possible. The mother of the Lord is to be seen within the context of salvation history, as fundamentally testified by the ancient church. It is also important to distinguish between dogma and dogmatisation: in the doctrine of the faith a wide-ranging consensus can exist even if the fact of dogmatisation is evaluated differently. In addition, the anthropological significance of Mary is to be considered; Mary can reveal particularly to contemporary individuals how they are graced by God and what they may hope for.

6.3.3 The question of the ordination of women to priestly ministry

(56) A further point of difference is the practice, exercised by the majority of the Old Catholic churches of the Union of Utrecht, of the ordination of women to priestly ministry, which represents an innovation in their otherwise ancient church orientation in church discipline. This point of difference is however located on a different plane from those previously mentioned. For both the Old Catholic and the Roman Catholic Church share in essence the same understanding of the three-fold sacramental ordo of the church whereby its centre, the episcopal office – understood in the light of the above exposition of the episkopé (cf. 13-15; 20-26) – is grounded in the mission to which Jesus Christ in the power of the Holy Spirit commissioned and empowered the apostles (cf. in general OC-O/Ordination; O-RC/Order).

6.3.3.1 The Roman Catholic position

(57) On the question of women's ordination the Roman Catholic Church – like the Orthodox Church – upholds the centuries-old practice according to which only a baptized male can validly receive consecration as a priest (can.1024 CIC). In doing so it refers back to the example of Jesus and the tradition which until the second half of the 19th century formed part of the common heritage of all Christian churches.

(58) Although Jesus was, within the sociological context of his times, favourably disposed towards women, he did not call a single woman into the circle of the twelve which constituted the church, not even his mother. This example of Jesus has always been respected and considered binding within the church. Women were not admitted to ordination to the priesthood.

(59) In this the symbolic nature of the office also plays a role. The sacrament of ordination is a sign for the relationship of Christ as the head and bridegroom of the church and the church as his body and his bride. This symbolic significance demands that a male represent Christ in ordained office.

(60) When the question of women's ordination arose in the Anglican Church, Pope Paul VI presented the standpoint of the Roman Catholic Church unambiguously in a letter to the Archbishop of Canterbury on 30 November 1975. "She holds that it is not admissible to ordain women to the priesthood for very fundamental reasons. These reasons include the example recorded in Sacred Scripture of Christ choosing his apostles only from among men, the constant practice of the Church, which has imitated Christ in choosing only men, and her living teaching authority which has consistently held that the exclusion of women from the priesthood is in accordance with God's plan for his Church."

(61) Accordingly the declaration of the Congregation of the Faith *Inter insigniores* (1976) states: "The church in fidelity to the example of the Lord does not consider herself authorized to admit women to priestly ordination".

(62) Finally, Pope John Paul II reaffirmed in his apostolic letter *Ordinatio sacerdotalis* (1994) "that the Church has no authority whatsoever to confer priestly ordination on women and that this judgment is to be definitively held by all the Church's faithful".

6.3.3.2 The Old Catholic position

(63) Towards the end of the previous century the major part of the Old Catholic Church introduced the practice of appointing women also to the three-fold apostolic office, including ordination to priestly ministry. This new practice must confront objections which are located on various levels.

(64) Firstly, there is the fact of the previous practice of the Catholic Church which did not know women's ordination. To what extent that represents an authentic tradition in the sense of a witnessing authority concerning the faith (cf. 23 above) or "only" an historical fact, albeit a long-lasting one, is a matter of debate within ecumenism.

(65) Old Catholic theology has in the majority come to the view that the non-ordination of women is in the first instance the consequence of the patriarchal and androcentric civilization of the ancient world, in which the biblical tradition too found its expression, and in which women are on principle subordinated to men and were therefore considered unfit for public leadership roles. In any case, in most of the not so frequent testimonies and justifications for the non-ordination of women throughout the centuries, it is possible to find over and over again arguments which presuppose an image of women which is no longer upheld by a Christian anthropology: women are in principle seen as fundamentally equal to men "before God" as far as their soul or spirit is concerned, but with regard to their concrete physical existence by which they live within the social frames of reference of this world, they are treated as inferior or subordinate to "the" male.

(66) In order to justify continuing the previous praxis of non-ordination of women to priestly ministry – and without recourse to presuppositions of such a kind – at the present time reference is made in the first place to the example of Jesus, who only called men into the circle of the twelve. Old Catholic theology is not convinced that the choice of the twelve and their sending to the people of Israel cogently proclaims an implicit binding will of Jesus in the sense of an ordinance signifying that ecclesial office must be reserved for men only even within altered cultural and salvation-historical contexts. No words of Jesus can be found in relation to this to show irrefutably that his act of choice must be understood in this sense.

(67) Secondly, there is the argumentation based on a sponsal metaphor in the light of which the spiritual relationship between Jesus Christ and his church ought to be seen and represented. The dynamics of the love between Christ and his church, most profoundly comparable to that of a bridegroom and bride, husband and wife, would thus require a *natural representational* depiction in the central act of the celebration of the eucharist, according to which the male priest refers to Christ and the concelebrating congregation is to understand itself in a metaphorical sense as female, receiving grace (and thus "Marian").

(68) Old Catholic theology cannot comprehend the dominance of this metaphor in theological reasoning or the logic of such gender-based symbolism, which emphasizes the masculinity of the God-human Redeemer Jesus Christ to an unaccustomed degree; instead it is oriented in this regard towards the fundamental conviction of the ancient church: "Only what is accepted and united with God is saved". It is the entire human nature, common to male and female that the Lord has assumed.

(69) Old Catholic theology also points out that while the bishop does indeed represent Jesus Christ as he presides at

the celebration of the eucharist in his ministry of sanctification and leadership of the ecclesial communion assigned to him (thus manifesting the priority of the divine initiative in the salvation granted to mankind), he at the same time – as implied in the eucharistic liturgy by the so-called presidential prayers directed towards God – represents the church, constituted and vivified by the Holy Spirit.

(70) Those Old Catholic churches which have, following a lengthy struggle, introduced the ordination of women to priestly ministry, do not wish to call into question or alter the essential nature of either the apostolicity of the church in its orientation towards Scripture and tradition, nor the sacramentality of ordination-bound ecclesial office. In view of the cultural transformation which has among other things brought about a situation in which women now in every respect assume the same leadership responsibilities as men, they believe that they owe it to the gospel and the transmission of the faith to take the corresponding step – just as the church in earlier times again and again believed it could recognize the *kairos* for a responsible inculturation of the message of Christ to which it above all wishes to be faithful.

(71) Within the Union of Utrecht as it stands at present (in 2003 the Polish National Church in North America seceded from the Union of Utrecht because of this issue), the divergent practices of ordination or non-ordination of women to priestly ministry and their respective grounds carry no church-dividing weight.

(72) For the Old Catholic side the question arises whether this divergence in practice and its theological grounds involves an aspect of the Christian faith which makes ecclesial communion either impossible or admissible (cf. 80-81 below).

(73) Reference should be made to the evaluation of the International Anglican-Orthodox Theological Commission “The Church of the Triune God. The Cyprus Agreed Statement 2006”: “Whether or not such ordination [i.e. the ordination of women to the priesthood and to the episcopate] contradicts the dogmatic teaching of the Church already transmitted and received, and so is heretical, can remain open to discussion and to an open process of reception” (A-O/Church IX 29).

Cf. also the “Common Considerations” of an Orthodox – Old Catholic consultation (at a semi-official level only) on the position of women in the church and on women’s ordination as an ecumenical problem in Leviaia (Greece) and Konstancin (Poland) 1996, in Urs von Arn / Anastasios Kallis (eds.), ‘Bild Christi und Geschlecht’, in: IKZ 88 (1998), pp. 67-348, here 81-82. Cf. the English translation as: ‘Gender and the Image of Christ’, in: *The Anglican Theological Review* 84 (2002) pp. 489-755, here 504-506.

6.3.4 Open questions involving canon law from a Roman Catholic perspective

(74) Several important problems requiring resolution arise from the perspective of Roman Catholic canon law. In the following paragraphs these problems are described, and at the same time possible solutions are put forward for further discussion.

6.3.4.1 Married bishops and priests

(75) Although the Roman Catholic Church has held fast to the centuries-old tradition of celibacy, that is the unmarried life of its priests and bishops, though this form of life is categorized as belonging to church discipline rather than an established dogma, it has always recognized other pathways of other churches and traditions.

(76) These traditions do not stand in the way of ecclesial communion, as the practice of the eastern church united with Rome indicates. The Roman Catholic Church is, however, together with the united as well as the separated eastern churches, aware that already the early councils spoke out against the consecration to the episcopate of a married priest, and it holds fast to this practice without however casting doubt on the validity of the consecration to the episcopate of a married priest.

6.3.4.2 Formerly Roman Catholic clergy

(77) While the many formerly Roman Catholic clergy (priests and deacons) in the Old Catholic Church are of great significance for the pastoral ministry of these churches, they do impede the path to ecclesial communion because of the residual jurisdictional bond with the Roman Catholic Church (can. 11 CIC). The sanctions to which they continue to be subject in the Roman Catholic Church are excommunication for heresy and schism (can. 1364 CIC) and suspension in the case of marriage (can. 1394 § 1 CIC). Both censures deny the priest the exercise of his ordination and his jurisdictional powers (can. 1331 § 1, 1333 § 1 CIC). On the basis of suspension because of marriage they are by law relieved of their ecclesial office in the Roman Catholic Church (can. 194 § 1 no. 3 CIC).

(78) To solve the question of excommunication for heresy and schism, paragraphs 5-33 of the present text contain points of agreement in the sense of a “differentiated consensus” which may be productive in the question of heresy. For its part, the ecclesial communion sought here aims to overcome the schism, so that these infringements in future may be groundless. In face of the core question of an essential consensus in questions of faith and doctrinal content, suspension as a part of church disciplinary law is seen as a different matter.

(79) That means that in regard to sanctions still in force, the following canon law options are to be taken into consideration in a differentiated procedural manner:

For those formerly Roman Catholic clergy who are at this time in office in the Old Catholic Church, a unique act of dismissal from the jurisdiction of the Roman Catholic Church (dispensation from can. 11 CIC) could effect an exemption from excommunication and suspension.

This act “de praesenti”, performed for example within the framework of the signing of an agreement, would have to be followed by a multi-layered process “de futuro”. The Old Catholic Churches will make every effort to recruit future clergy solely from within their own ranks. The required training institutions and modalities have to a large extent already been available for a long time. Despite these efforts individual cases of the pastoral appointment of clergy who have defected from the Roman Catholic Church will continue to occur. The small number of new recruits from their own ranks at this time will not permit a general renunciation of this practice. Thus future defections cannot be excluded, and ways of dealing with these are still to be agreed upon.

6.3.4.3 Formerly Roman Catholic faithful

(80) The Old Catholic faithful who have formerly belonged to the Roman Catholic Church have by their defection incurred the punishment due for the offences of heresy and schism (c. 1364 § 1 CIC), and what has been said about these sanctions in 77-79 and applies to them also.

What has been said in 77-79 and 80 applies exclusively to Old Catholic clergy and faithful who have left the Roman Catholic Church but not to those who were baptized in the Old Catholic Church or have joined the Old Catholic Church from any other than the Roman Catholic Church.

6.3.4.4 The ordination of women to the priesthood

(81) One of the open questions mentioned in the present text concerns the ordination of women, practiced in some Old Catholic churches for some time. According to Roman Catholic understanding only a baptized man can validly receive ordination to the priesthood (can. 1024 CIC). In his Apostolic Letter *Ordinatio sacerdotalis* of 22 May 1994 Pope John Paul II presented this doctrine as requiring to be held definitively (AAS 86, 1994, 548). Contraventions are placed under sanctions for Roman Catholic Christians (can. 750 § 2 CIC in conjunction with can. 1371 § 1 CIC), even if these are not those for heresy [1].

(82) For this reason, in any agreement on “*communicatio in sacris*” the administration of those sacraments to Roman Catholic faithful by female priests of the Old Catholic Church would have to be excluded, because their administration is reserved for men according to Roman Catholic understanding.

6.4 Old Catholic conceptions of the form of a possible ecclesial communion

(83) For the Union of Utrecht ecclesial communion with the Roman Catholic Church and with the bishop of Rome would mean that it continues to exist as a church with its own liturgical and canonical structure and the ecumenical obligations which it has entered into with other churches, but stands in communion with the pope as the sign of the universal communion of local churches.

These ecumenical obligations concern the Bonn agreement of 1931 in regard to the Anglican Communion and its 1965 application to the Iglesia Filipina Independiente, as well as the declared aims of the Orthodox-Old Catholic dialogue of 1975-1987 as approved by the synods of the churches of the Union of Utrecht.

The phase of two denominationally distinguishable church bodies, which would presumably be of longer duration on pragmatic grounds, would be seen as a first step in the healing of the division as mentioned in the preamble of the present text.

(84) Communion with the bishop of Rome would include

- That he is commemorated in the eucharist celebration in Old Catholic churches as a sign of existing ecclesial communion (as would incidentally be the case with the Archbishop of Canterbury as the primate of the Anglican Communion);
- That the election of bishops of the Union of Utrecht is communicated to him, whereby the upholding of the existing ecclesial communion is manifested through the communication of their election and their welcome by the pope;

- That he is advised of the statements and decisions of the International Old Catholic Bishops' Conference (IBC);
- That in the case of statements and decisions of the International Bishops' Conference which infringe the existing ecclesial communion in faith and in love he is entitled to draw attention to the facts of the matter and suggest how the ecclesial communion can be preserved;
- That in the case of conflicts within the Union of Utrecht an appeal can be made to him on the part of the Old Catholics in the sense that when the options of the International Bishops' Conference have been exhausted, he is entitled to initiate a process of re-evaluation of a controversial matter.

(85) In addition, it remains to be discussed how regular contact between the International Old Catholic Bishops' Conference and the pope, or between individual Old Catholic bishops and Roman Catholic bishops in the same country can be organised, so that a process is set in train which eventually leads to a jointly exercised episcopé (cf. A-RC/Authority III 58-59; L-RC/Unity 117-145).

(86) Communion with the pope would not entail submission of the churches and bishops of the Union of Utrecht to his jurisdiction as this is outlined and regulated in detail in the existing legal codices of the Roman Catholic Church (above all in CIC 1983 but also in CCEO 1990). Rather it would be necessary to find and agree upon a model for the manner in which the bishop of Rome exercises his ministry in service of the universal unity of the church in view of the communion sought with the Union of Utrecht, a model which gives concrete expression to the view (as outlined above) of his primacy in the tension between reciprocal obligation for the communion and the principle of subsidiarity.

6.5 On the way towards reconciliation and healing

(87) The churches and ecclesial communities which are aware of their obligation to the understanding that the church as the gift of God is the one which they confess in the Symbol of Faith and that they are therefore called upon to live this one church as local church and as communion of local churches in the tension between unity and diversity, have to seek ways of reconciliation and healing in view of the divisions and alienations which have occurred in the past. That is particularly true of the special relationship between the Roman Catholic and the Old Catholic Church, particularly as this is determined not only by historical and doctrinally-related facts but also by emotionally and often biographically conditioned components, so that the relationship clearly also bears the traits of a family feud.

(88) A pathway into a common future – into which analogous paths with other churches obviously also merge – can only eventuate if at the same time that which has led to alienation and hurt in the more recent but also in the more remote past is worked through conjointly. To approach this with the requisite openness and sensitivity without losing sight of the goal could become a task for bilateral working groups to be constituted at a national level.

(89) The measure of agreement between our two churches demonstrated in the present text fills us with the hope that they will with God's guidance find the way to visible unity.

ABBREVIATIONS

AAS	<i>Acta Apostolicae Sedis</i> , Città del Vaticano 1909ff.
A-O/Church	<i>The Church of the Triune God. The Cyprus Agreed Statement of the International Commission for Anglican – Orthodox Theological Dialogue</i> , London: Anglican Communion Office, 2006.
A-RC/Authority I	Authority in the Church I. Venice 1976, in: Anglican – Roman Catholic International Commission, <i>The Final Report</i> (London: CTS/SPCK, 1982), pp. 49-78; also in: GiA I, pp. 88-105. Cf. DwÜ I, pp. 159-177
A-RC/Authority II	Authority in the Church II. Windsor 1981, in: Anglican – Roman Catholic International Commission, <i>The Final Report</i> (London: CTS/SPCK, 1982), pp. 81-98; also in: GiA I, pp. 106-115 Cf. DwÜ I, pp. 177-188
A-RC/Authority III	<i>The Gift of Authority. Authority in the Church III. An Agreed Statement by the Anglican – Roman Catholic International Commission</i> (London: CTS, 1999); also in: GiA III, 60-81. Cf. DwÜ III, pp. 262-289
CCC	<i>Catechism of the Catholic Church</i> (1997)
CCEO	<i>Codex Canonum Ecclesiarum Orientalium</i> (1990)
CIC	<i>Codex Iuris Canonici</i> (1983)
COD	Conciliorum oecumenicorum decreta, in: N.P. Tanner (ed.), <i>Decrees of the Ecumenical Councils</i> . Original text established by G. Alberigo et alii. Vol. I: Nicaea I to Lateran V; vol. II: Trient to Vatican II, London: Sheed & Ward/Washington DC: Georgetown University Press, 1990
CS	<i>Communio Sanctorum. The Church as the Communion of Saints</i> . Bilateral Working Group of the German National Bishops' Conference and the Church Leadership of the United Evangelical Lutheran Church of Germany, Collegeville MN: Liturgical Press, 2004. Cf. Bilaterale

- Arbeitsgruppe der Deutschen Bischofskonferenz und der Kirchenleitung der Vereinigten Evangelisch-Lutherischen Kirche Deutschlands, *Communio Sanctorum. Die Kirche als Gemeinschaft der Heiligen*, Paderborn; Bonifatius/Frankfurt a.M.: Lembeck, 2000
- DwÜ *Dokumente wachsender Übereinstimmung. Sämtliche Berichte und Konsenstexte interkonfessioneller Gespräche auf Weltebene*. Vol. I: 1931-1982; vol. II: 1982-1990; vol. III: 1990-2001. Ed. by H. Meyer, D. Papandreou, H.J. Urban, L. Vischer, Paderborn: Bonifatius/Frankfurt a.M.: Lembeck, 1983/21991, 1992, 2003
- GiA I *Growth in Agreement. Reports and Agreed Statements of Ecumenical Conversations on a World Level*. Ed. by Harding Meyer, Lukas Vischer, New York: Paulist/Geneva: WCC, 1984
- GiA II *Growth in Agreement II. Reports and Agreed Statements of Ecumenical Conversations on a World Level, 1982-1998*. Ed. by J. Gros, H. Meyer, W.G. Rusch, Geneva: WCC/Grand Rapids MI: Eerdmans, 2000
- GiA III *Growth in Agreement III. International Dialogue. Texts and Agreed Statements, 1998-2005*. Ed. by J. Gros, Th.F. Best, L.F. Fuchs, Geneva: WCC/Grand Rapids MI: Eerdmans, 2007
- IBC/1950 Erklärung der Internationalen Altkatholischen Bischofskonferenz zum Mariendogma vom 1. November 1950 [Statement of the International Old Catholic Bishops' Conference on the Marian Dogma of 1 November 1950], in: IKZ 41 (1951), pp. 1-2; also in: Urs Küry, *Die Altkatholische Kirche. Ihre Geschichte, ihre Lehre, ihr Anliegen*. Third edition (Stuttgart: EVW, 1982), pp. 456-457
- IBC/Statute Statute of the Old Catholic Bishops United in the Union of Utrecht, in: *Statut der Internationalen Altkatholischen Bischofskonferenz (IBK). Offizielle Ausgabe in fünf Sprachen*. Ed. by U. von Arx, M. Weyermann (Bern: Stämpfli, 2001), pp. 28-42 (Supplement to IKZ 91, 2001)
- IKZ *Internationale Kirchliche Zeitschrift. Neue Folge der Revue internationale de Théologie*, Bern 1911ff. (resp. 1893ff.)
- KiWuS Kirchengemeinschaft in Wort und Sakrament [Church Communion in Word and Sacrament]. *Bilaterale Arbeitsgruppe der Deutschen Bischofskonferenz und der Kirchenleitung der Vereinigten Evangelisch-Lutherischen Kirche Deutschlands*, Paderborn: Bonifatius/Hannover: LVH, 1984
- Koinonia Urs von Arx (ed.), *Koinonia auf altkirchlicher Basis. Deutsche Gesamtausgabe der gemeinsamen Texte des orthodox - altkatholischen Dialogs 1975-1987 mit französischer und englischer Übersetzung*, Bern: Staempfli, 1989, 229 pp. (Supplement to IKZ 79, 1989)
- LG Dogmatic Constitution on the Church *Lumen Gentium* (1964)
- L-RC/Church *Church and Justification* (1993). *Understanding the Church in the Light of the Doctrine of Justification. Lutheran - Roman Catholic Joint Commission*, Geneva: LWF, 1994 or Pontifical Council for Promoting Christian Unity, Information Service 86 (1994), pp. 128-181; also in: GiA II, pp. 485-565. Cf. DwÜ III, pp. 317-419
- L-RC/Unity *Facing Unity. Models, Forms and Phases of Catholic - Lutheran Church Fellowship* (1984). Roman Catholic - Lutheran Joint Commission, Geneva: LWF, 1985; also in: GiA II, pp. 443-484. Cf. DwÜ II, pp. 451-506
- L-RC/Ways *Ways to Community* (1980). Roman Catholic - Lutheran Joint Commission, Geneva: LWF, 1981; also in: GiA I, pp. 215-240. Cf. DwÜ I, pp. 296-322
- LUDC The Local and the Universal Dimensions of the Church. Reformation-Catholic Dialogue Commission. A Report Offered to the Leadership of the Uniting Protestant Churches in the Netherlands, the Old Catholic Church and the Roman Catholic Church in the Netherlands, Utrecht 2003, in: *Exchange* 37 (2008), pp. 396-44. Cf. De lokale en de universele dimensie van de Kerk. Rapport aangeboden aan de leiding van de Samen op Weg-kerken, de Oud-Katholieke Kerk en de Rooms-Katholieke Kerk in Nederland, hg. von der Commissie Dialoog Reformatie - Catholica, Utrecht 2003
- NMC *The Nature and Mission of the Church. A Stage on the Way to a Common Statement*, Geneva: WCC, 2005 (Faith and Order Paper 198)
- O-RC/Mystery *The Mystery of the Church and of the Eucharist in the Light of the Mystery of the Holy Trinity*. Munich 1982. Joint International Commission for the Theological Dialogue between the Roman Catholic Church and the Orthodox Church, in: GiA II, pp. 652-659. Cf. DwÜ II, pp. 531-541
- O-RC/Order *The Sacrament of Order in the Sacramental Structure of the Church with Particular Reference to the Importance of Apostolic Succession. New Valamo 1988*. Joint International Commission for the Theological Dialogue between the Roman Catholic Church and the Orthodox Church, in: GiA II, pp. 671-679. Cf. DwÜ II, pp. 556-567
- OC-O/Revelation Divine Revelation and its Transmission. Agreed Statement of the Joint Orthodox - Old Catholic Theological Commission, in: *Koinonia*, pp. 174-175; another translation in: GiA I, pp. 391-393. Cf. DwÜ I, pp. 24-26
- OC-O/Authority The Authority of the Church and in the Church. Agreed Statement of the Joint Orthodox - Old Catholic Theological Commission, in: *Koinonia*, pp. 193-196; another translation in: GiA I, pp. 412-414. Cf. DwÜ I, pp. 44-47

OC-O/Baptism	Baptism. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission, in: <i>Koinonia</i> , pp. 212-213; also in: GiA II, pp. 255-256. Cf. DwÜ II, pp. 32-33
OC-O/Eucharist	Holy Eucharist. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission, in: <i>Koinonia</i> , pp. 215-217; also in: GiA II, pp. 257-259. Cf. DwÜ II, pp. 34-36
OC-O/Marriage	Marriage. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission, in: <i>Koinonia</i> , pp. 221-223; also in: GiA II, pp. 262-263. Cf. DwÜ II, pp. 42-43
OC-O/Mother	The Mother of God. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission, in: <i>Koinonia</i> , pp. 183-185; another translation in: GiA I, pp. 399-401. Cf. DwÜ I, pp. 33-35
OC-O/Ordination	Ordination. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission, in: <i>Koinonia</i> , pp. 220-221; also in: GiA II, pp. 261-262. Cf. DwÜ II, pp. 40-41
OC-O/Penance	Penance. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission, in: <i>Koinonia</i> , pp. 217-218; also in: GiA II, pp. 259-260. Cf. DwÜ II, pp. 38-39
OC-O/Sacraments	Doctrine of Sacraments. Agreed Statement of the Joint Orthodox – Old Catholic Theological
OC-O/Unction	Unction. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission, in: <i>Koinonia</i> , pp. 219; also in: GiA II, pp. 260-261. Cf. DwÜ II, pp. 39-40
OC-O/Unity	The Unity of the Church and the Local Churches. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission, in: <i>Koinonia</i> , pp. 189-191; another translation in: GiA I, pp. 404-406. Cf. DwÜ I, pp. 40-43
Protocol	Protokolle über die (drei ersten) Kontaktgespräche der offiziellen altkatholisch – römisch-katholischen Kommission, 1968 (Minutes of the three first conversations between the official Old Catholic – Roman Catholic Commission), in: Wolfgang Krahl, <i>Ökumenischer Katholizismus</i> (Bonn: St. Cyprian, 1970), pp. 171-172
SC	Constitution on the Sacred Liturgy <i>Sacrosanctum Concilium</i> (1963)
UD	The Declaration of Utrecht (1889), in: <i>Statut der Internationalen Altkatholischen Bischofskonferenz (IBK). Offizielle Ausgabe in fünf Sprachen</i> . Ed. by U. von Arx, M. Weyermann (Bern: Stämpfli, 2001), pp. 40-42 (Supplement to IKZ 91, 2001)
UR	Decree on Ecumenism <i>Unitatis redintegratio</i> (1964)
VPH	Vereinbarung über pastorale Hilfen zwischen der alt-katholischen und der römisch-katholischen Kirche in Deutschland (Agreement on Pastoral Help between the Old Catholic and the Roman Catholic Church in Germany), in: <i>Kirchliches Amtsblatt für die Diözese Münster</i> , Nr. 8, vom 1. April 1975, pp. 67-68. Cf. also the detailed statements in the document “Hinweise zum Verständnis und zur Durchführung der zwischen der alt-katholischen und der römisch-katholischen Kirche in Deutschland getroffenen Vereinbarung über pastorale Hilfen”, according to which there is “a wide-ranging communion of faith in confession, proclamation, understanding and liturgy”, <i>ibid.</i> , pp. 69-73, here 71. The cited texts are also found in: IKZ 74 (1984), pp. 121-127, and in: <i>Beilage zum Amtlichen Kirchenblatt des Katholischen Bistums der Alt-Katholiken in Deutschland</i> , 1987, Nr. 1
WCC-RC/Church	The Church: Local and Universal. A Study Document Commissioned and Received by the Joint Working Group between the Roman Catholic Church and the World Council of Churches, 1990, in: GiA II, pp. 862-875. Cf. DwÜ II, pp. 732-750
ZN	Zürcher Nota (1968). Nota über das Verhältnis zwischen den alt-katholischen Kirchen und der römisch-katholischen Kirche (Zurich Nota on the Relationship between the Old Catholic Churches and the Roman Catholic Church), in: <i>Kirchliches Amtsblatt für die Diözese Münster</i> , Nr. 8, vom 1. April 1975, pp. 68-69; IKZ 74 (1984), pp. 122-123

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Drs. Peter-Ben Smit, MA; Bern CH (3rd and 4th session)
Pfr. Drs. Harald Münch, Egmond aan Zee NL (5th session)
Pfr. Mag. Martin Eisenbraun, Salzburg A (6th – 11th sessions)

Sessions:

1. 10 – 12. 05. 2004 Bern CH (Christkatholisches Kirchgemeindehaus)
2. 02. – 03.12. 2004 Bern CH (Christkatholisches Kirchgemeindehaus)
3. 22. – 24. 05. 2005 Würzburg D (St. Burkardus-Haus)
4. 23. – 25. 10. 2005 Würzburg D (Schönstattzentrum Marienhöhe)
5. 07. – 09. 05. 2006 Elspeet NL (Mennorode Conferentiecentrum)
6. 24. – 26. 09. 2006 Würzburg D (Exerzitienhaus Himmelspforten)
7. 06. – 08. 05. 2007 Bonn D (Alt-Katholisches Gemeindezentrum St. Cyprian)
8. 14. – 16. 10. 2007 Würzburg D (St. Burkardus-Haus)
9. 01. – 03. 06. 2008 Bern CH (Christkatholisches Kirchgemeindehaus)
10. 19. – 21. 10. 2008 Würzburg D (St. Burkardus-Haus)
11. 10. – 12. 05. 2009 Salzburg A (Johannes Schlössl der Pallottiner)

APPENDIX

Official Old Catholic Statements on the Primacy of the Bishop of Rome

Text no. 1

Programme of the [Old] Catholic Congress, Munich, September 22-24, 1871 (excerpt)

- II. We hold fast to the ancient constitution of the Church. We protest against every attempt to thrust out the bishops from the immediate and independent direction of the separate Churches. We repudiate, as in conflict with the Tridentine canon, according to which there exists a God-appointed hierarchy of bishops, priests, and deacons, the doctrine embodied in the Vatican decrees, that the Pope is the sole God-appointed depositary of all ecclesiastical authority and power. We acknowledge the primacy of the Roman bishop as it was received, on authority of Scripture, by the Fathers and Councils in the old undivided Christian Church (Cf. Theodorus [alias James B. Mullinger], *The New Reformation* [London: Longmans, Green, 1875], p. 127 [modified]).

Text no. 2

The Declaration of Utrecht, September 24, 1889 (excerpt)

- (2) We therefore reject as contradicting the faith of the ancient Church and destroying her constitution, the Vatican decrees, promulgated July 18, 1870, concerning the infallibility and the universal episcopate or ecclesiastical plenitude of power of the Roman Pope. This, however, does not prevent us from acknowledging the historic primacy which several ecumenical councils and the Fathers of the ancient Church with the assent of the whole Church of the first millennium have attributed to the Bishop of Rome by recognizing him as the *primus inter pares* [first among equals] (Cf. *Statut der Internationalen Altkatholischen Bischofskonferenz [IBK]. Offizielle Ausgabe in fünf Sprachen*. Ed. by Urs von Arx, Maja Weyermann [Bern: Stämpfli, 2001], pp. 40-42, here 40 [Supplement to IKZ 91, 2001]).

Text no. 3

Declaration of the Old Catholic Bishops assembled at Utrecht, April 28-29, 1920 (excerpt)

- II. In April 1923 two whole centuries will have passed since the Old Church of Utrecht saw itself compelled, in order to preserve its dignity and its rights, to elect an archbishop according to the previously prevailing canonical order and to proceed to his consecration by a Catholic bishop, although the papal curia had previously for many years prevented such a reinstatement of the archiepiscopal see, and did not approve of it at this time. As was to be foreseen, approval was denied the elected archbishop, and excommunication was imposed upon him and his church. With God's help the Church of Utrecht has, despite its long isolation and under constant challenge, succeeded in maintaining its existence throughout the storms of time, while continuing to hold fast rigorously to Catholic doctrine and ecclesial polity. When therefore a half century ago the dogmatization of the plenitude of powers and the magisterial infallibility of the Roman pontiff obliged those Catholics who were informed of both the falsehood and the consequences of the new dogmas to rebel in all conscience against the new order, and to facilitate continued participation in the blessings of Catholic divine worship through the organisation of independent congregations, the Dutch church was in a position to provide for these congregations and assist them to maintain Catholic priesthood and Catholic rites through the mediation of the Catholic episcopate. As fifty years have now passed since the majority of the bishops assembled at the Vatican Council promulgated the disastrous decrees despite all objections, protests and warnings, we have now been able with humble gratitude to praise God for his grace in saving the Dutch church from all impending dangers during the two centuries which lie behind us. At the same time we feel compelled to testify once more to the whole world our abiding resolve that we will not under any circumstances be forced to cede Catholic ground but will also in future follow the example of past generations of Old Catholic witnesses to the faith in striving with all our might to avert the Jesuitical refashioning of Catholicism. We have given expression to this determination with the following resolution:

Bearing in mind

1. that according to the ancient Catholic rule of faith only that which is revealed in Holy Scripture and has been believed "always, everywhere and by all" possesses the validity of obligatory doctrine in the Church of Christ;
2. that the resolutions of the fourth session of the Vatican Council stand in the sharpest contradiction to the ancient Catholic rule of faith, as is evident from the following facts
 - (a) a considerable number of respected fathers of the Vatican Council, who both in number and in learning represent significant sectors of Catholic Christendom, have at the appropriate time raised objections against

the doctrines dogmatised at the fourth session of the Council, thus demonstrating irrefutably the impossibility of making these doctrines binding dogma;

- (b) the subsequent submission of these Council fathers to the resolutions adopted by the majority did not invalidate the objections raised by them;
- (c) since 18 July 1870 the contradiction between the decrees of the fourth session of the Vatican Council and the teachings of Holy Scripture and ecclesial tradition has been proven countless times in an incalculable number of exegetical, historical and canonical writings.

Further mindful

- 3. that these decrees form a deep and bewildering offence to the consciences of the educated Catholics who remain under papal jurisdiction, while on the other hand for the Christian churches independent of Rome they represent an insurmountable obstacle to ecclesial understanding and unification;
- 4. that now that the new Codex juris canonici solemnly promulgated by Benedict XV at Pentecost 1917 has circumscribed in all imaginable detail and formulated as binding laws the “full plenitude” of “ordinary and immediate” jurisdictional powers accorded by the Vatican Council to the Roman pontiff relating to all matters of faith, morals, church discipline and church polity and extending without right of appeal to “all churches and all shepherds and all the faithful”, can therefore from now on be actually applied in its entirety;
- 5. that with this reorganisation, which stands in contradiction to the individuality and autonomy of Christian nations, derived from divine providence and governance of the world and never challenged in the undivided Christian church, the church – insofar as it submits to the Roman pontiff – becomes an absolute monarchy, and with total disregard for the instruction given by the Lord, “But it shall not be so among you” (Mark 10:43), namely as in the world where the princes and the powerful exercise force and coercion over their subjects, the obligation is now however inflicted upon all Catholics to acknowledge a sovereign ruling over the whole Christian church with absolute powers, who allegedly receives his powers immediately from God, and in the exercise of these powers is subject to no error as far as faith and morals are concerned.

The undersigned Catholic bishops in the name of the Catholic churches they represent in the 50th year after the Vatican Council once more raise their solemn protest against the resolutions proclaimed in the fourth session of that assembly and therewith the attempted definitive sanctioning of the papal system based in essence on the falsification of ancient canon law, the medieval misappropriation of power and the principles of the modern Jesuit Order.

At the same time they express their wish that educated Catholics who while perceiving and appreciating the error and even the enormous consequences of the Vatican decree nevertheless remain under the jurisdiction of the Roman pontiff – mindful of the rule still cited as self-evident by St Augustine, If a Council errs, the following Council is to correct the error (*De bapt. contra Donat.* 1. II, n. 4) – may earnestly and unceasingly demand that the synod not concluded but simply adjourned on 20 October 1870 may take up its task once more and declare the resolutions adopted on 18 July 1870 to be invalid (German text in: IKZ 10, 1920, pp. 89-96, here 91-94).

Text no. 4

Theses on the Primacy. Statement of the 12th International Old Catholic Theologians’ Conference, Bonn, September 8-13, 1969

- 1. The Utrecht Declaration of 1889 speaks in Article 2 of the “acknowledgment of the historic primacy of the Bishop of Rome”, without touching on the questions involved. Therefore we need, in view of the current ecumenical situation, to give an account of how we understand this formulation.
- 2. Above all it is to be asserted that New Testament testimony contains a Petrine tradition according to which Peter, as the first confessor, as one of the foundational witnesses of the resurrection and as a leading figure in the Jerusalem congregation, held a clearly pre-eminent initiative in the process of making fundamental decisions in the church.
- 3. Although the foundation of specific jurisdictional competence cannot be derived from this pre-eminence, and although the uniqueness of Peter’s position as an apostle precludes any thought of a successor in the strict sense, we believe that Peter’s special position is accorded significant meaning for the church.

4. Since the church lives only in heeding the commission testified in Holy Scripture, the tasks assigned to Peter must also today find manifest expression in the structure of the church.
5. Without touching on the area of dogmatic conclusions, it can be ascertained that the function which accrued to Rome in the course of the history of the church is to be seen as an acceptance of this commission. This assessment retains its significance for the entire history of the Roman primacy, even if it has at times been greatly obscured.
6. In spite of the numerous fatal developments of the past which led to various schisms including that of Utrecht, at the First Vatican Council an understanding of authority derived from an axiomatic pre-conception was dogmatised which cannot be justified on the basis of Scripture and Tradition. Only in the most recent developments facilitated by Vatican II is Roman Catholic theology also in search of a circumscription of the primatial function in a way that really is of service to the church.
7. To conform with the function which Peter fulfilled according to the testimony of scripture, a Petrine office would have to consist in the task of leading in all critical situations with an initiative which would enable and compel the church to arrive at a joint decision, to express its faith and to visibly manifest its unity. As pure service to Christ, his church and the world, this function would be understood as an obligation rather than a legal competence. In view of the ecumenical developments reflecting the world's desire for unity, the fulfilment of this service would be accorded comprehensive significance (German text in : IKZ 59, 1969, pp. 294-295; also in: Heinrich Stirnimann and Lukas Vischer (eds.), *Papsttum und Petrusdienst* (Frankfurt a.M.: Lembeck/Knecht, 1975), pp. 144-145).

Text no. 5

The Primacy in the Church. Declaration of the International Old Catholic Bishops' Conference, June 29, 1970

With reference to the publication on the 18th July 1870 of the decisions of the first Vatican Council regarding the universal primacy of jurisdiction and the infallibility of the Bishop of Rome, the Bishops of the Old Catholic Churches united in the Utrecht Union make the following declaration with regard to the present ecumenical position:

1. In agreement with the basic declaration of the first Old Catholic Congress held in Munich in 1871 "we acknowledge the primacy of the Roman Bishop as it was recognized by the Fathers on the basis of the Scriptures and Councils in the ancient undivided Church". For this reason we hold fast to the "Utrecht Declaration of Faith of the Old Catholic Bishops' Conference of 1889" in which after rejection of the "Decree on the Infallibility and the Universal episcopate of the Roman Pope", it is expressly stated: "this does not prevent us from acknowledging the historic primacy which several Ecumenical Councils and the Fathers of the ancient Church with the assent of the whole Church of the first millennium have attributed to the Bishop of Rome by recognizing him as the *primus inter pares* [first among equals]". We are conscious that these expressions need extension and development for a fuller understanding of the primacy in the Church.
2. We acknowledge the witness of Scripture that Peter amongst the Apostles who were given the same tasks and powers as the first confessor of the divine Sonship of Christ, as one of the main witnesses of the Resurrection and as a leading figure in the primitive community in basic decisive situations, clearly stood out as "First among Equals". Peter who according to Matthew 16:16-17 was first to confess the divine Sonship of Jesus is called "Rock" by him. The fact that the others came to his side proved him to be this Rock. According to Luke 22:32, he received the charge to strengthen the faith of his brothers and according to John 21:17 he was specially invested with the pastoral care of all. As this Apostolate is the once for all special task given to Peter, he has an enduring importance as example and guide: he is the "Rock" upon which the Churches' unity is founded.
3. In agreement with the ancient Church we are convinced that the one and entire Church is truly present in each local Church. Led by its Bishops, Metropolitans and Patriarchs this Church possesses in the Bishops as a whole its representative pastors amongst whom pre-eminence was given to the Bishop of Rome, a pre-eminence which developed into a sign of unity. Historically, the Roman community with its Bishop came early to the forefront in the communal life of the whole Church, to which the reverence for the martyr apostles Peter and Paul and the premier position of the capital of the Empire, contributed. Only later was the connection made between this position of honour for the Roman bishop and the special position of Peter and the Petrine reference in the New Testament. This reference to Scripture, as witnessing to divine revelation precisely commits the Church to an office understood as an abiding task with a special role of service to all Bishops and Churches. Therefore we can only acknowledge the fulfilment of the will of Christ in the exercise of the Primacy to the extent that it serves to maintain the whole Church in truth and love, whereby in accordance with the words of Pope Gregory I the

bearer of the Primacy is not to be “Universal Bishop” over all but only the “servant of the servants of God” for all.

4. This has its importance for the whole history of the Roman Primacy and puts it under an obligation to be an office for the service of unity. To the extent that this obligation was not fulfilled there arose not only divisions in the Church but also a one-sided legalistic understanding of the primacy to the detriment of its original task of service. This view was dogmatically confirmed by Vatican I to the disadvantage of the ecumenical unity of the Church.
5. We therefore declare that the objection in the Church to this assertion was right. Owing to the absence of the participation of all Churches and especially the Eastern Churches, we cannot consider the first Vatican Council as an Ecumenical Council. We also cannot recognise it because in the Church of the time there was an absence of the necessary open discussion. Thus in the Vatican I doctrine of primacy, the testimony of Scripture and Tradition was not sufficiently brought out. We therefore see ourselves also obliged today to testify by our very existence as Old Catholics to the essential episcopal and conciliar character of the Church.
6. With joy and great thankfulness to the Lord of the Church we must now recognise that a beginning has been made towards the recovery of conciliar and collegial leadership in the Church. We see with joy that a new attentiveness to Holy Scripture and Tradition has come about which has already led at the Second Vatican Council to a new meeting of the Roman Church with the separated Churches and not least to the Churches committed to our care. We regret however that the new Council has again confirmed the decrees of Vatican I without sufficient regard for Scripture and Tradition and that therefore the great disadvantages of authoritarianism created by Vatican I have still not been overcome. Nonetheless we firmly hope that the development towards the conciliar communion of all the Churches will go further – a communion in which the original Petrine service of the primacy will find a new fulfilment. Therefore we ask all Christians and especially all Bishops and responsible leaders of the Churches to become more and more conscious of their joint responsibility for the possibility of a new truly universal Council which can speak and take decisions for all Christians.

On the Feast of the Holy Apostles Peter and Paul, 29th June 1970, in the name of the Bishops of the Old Catholic Churches of Holland, Germany, Switzerland, Austria, Czechoslovakia, Croatia and of the Polish National Church in America.

✠ Andres Rinkel, Archbishop of Utrecht

✠ Urs Küry, Bishop, Bern

Anonymous and unpublished translation prepared for the Anglican – Old Catholic Theological Conference at Trier, April 14-18, 1980.

Text no. 6

The Head of the Church. Statement Agreed by the Joint Orthodox – Old Catholic Theological Commission, Chambésy/Geneva, October 7, 1983

The Head of the Church is Christ, the First-born of all creation through whom and for whom all things were created and through whom God decided to reconcile all things to himself by making peace by the blood of his cross (cf. Col. 1:15-20). Out of the fullness of the life of the Head, Christ, the members of the Body have new life in Christ through the Holy Spirit (cf. Rom. 6:11; 2 Cor. 5:17; Col. 2:9f). “And God has put all things under his feet and has made him the head over all things for the church which is his body, the fullness of him who fills all in all” (Eph. 1:22f). Christ is in fact the “one Lord” (Eph. 4:5), the only Head of the Body, the Church, from whom “the entire body, nourished and knit together through its joints and ligaments, grows with a growth that is from God” (Col. 2:19; cf. Eph. 4:15). Therefore Christ cannot be thought of without the Church, the Head not without the Body and vice versa, because Christ and the Church are joined with one another and abide in absolute, inseparable and eternal union. The faithful, justified by the blood of Jesus Christ, are saved by him, have peace with God and boast of the hope of the glory of God. This hope cannot be destroyed because the love of God has been poured into their hearts by the Holy Spirit who has been given to them (cf. Rom. 5:1-5). So the Church as the Body of Christ is joined with its Head by the Holy Spirit and together with him is the whole Christ (cf. Eph. 1:22f). In him the members have new life and grow through the Holy Spirit towards perfection in divine grace in the firm hope that they shall be like him for they shall see him as he is (1 Jn. 3:2).

The focus of the new life is the Holy Eucharist in which the inner form of the bond between the Body and the Head shows itself. The bishop who celebrates the Eucharist presides in the place of Christ, and by bringing to God in this manner the sacrifice which has been wrought by Christ once and for all he represents Christ as the Head of the Church

assembled around him in whose name he celebrates.

The bishops, as the successors of the Apostles who carry on the apostolic ministry, are faithful guarantors of the catholicity and apostolicity of the Church. According to divine law, the bishops among themselves are of the same rank because they all have received the same episcopal grace by the lawful sacramental laying on of hands and stand in the apostolic succession. They take part in the same way without quantitative or qualitative difference in one and the same episcopal authority. They are bishops among bishops, servants of Christ and the Church. They, too, are members of the Body, i.e. the Church, holding a special position in it.

Even though the bishops are equal to one another in episcopal authority, the life of the Church during the first three centuries evidenced a differentiation in the positions of honour granted to the various episcopal sees. The bishops of certain local Churches, who had gained greater authority for various reasons, held a special position of honour and exercised a greater influence in ecclesiastical matters. The position of honour of the bishops of these sees was unfolded in Ecumenical Synods since the 4th Century to a presidency of honour (*presbeia timēs*) in the Church (3rd canon of the 2nd Ecumenical Synod – Mansi 3,560). The Bishop of Rome enjoyed such an honorary position because the see of Rome took the first place in the order of episcopal sees: Rome was the capital of the empire and its Church preserved the apostolic tradition – still without any innovations; it brought the Gospel of salvation to peoples and nations who had not yet heard of Christ and it was rich in Church life and works of love. So the Bishop of Rome possesses the presidency of honour in the Church. But with regard to episcopal authority, he does not differ whatsoever from his brother bishops. The same is valid for the other bishops who hold honorary rank in the Church.

According to the teaching of the Orthodox and the Old Catholic Church, all the decrees of later dates therefore, which ascribe a monocratic and absolute authority over the whole Church to the Bishop of Rome and which regard him as infallible when he defines doctrine in the exercise of his office “as shepherd and teacher of all Christians” (*ex cathedra*), are regarded as unacceptable. With their unwavering striving for unity, both Churches hope that the existing difficulties and divisions will be overcome by the Head and Lord of the Church, so that according to his word those who believe in him may all be one and thus the world may come to faith (cf. Jn. 17:20f).

In the view of the Joint Orthodox – Old Catholic Theological Commission, the above text on “The Head of the Church” represents the teaching of the Orthodox and Old Catholic Churches.

Chambésy/Geneva, October 7, 1983

Signatures

Cf. Urs von Arx (ed.), *Koinonia auf altkirchlicher Basis. Deutsche Gesamtausgabe der gemeinsamen Texte des orthodox – altkatholischen Dialogs 1975-1987 mit französischer und englischer Übersetzung* (Bern: Stämpfli, 1989), pp. 202-204 (Supplement to IKZ 79, 1989). Another translation in: GiA II, pp. 248-249.

Text no. 7

Authority and Primacy in the Church. Statement Agreed by the Anglican – Old Catholic Theological Conference, Chichester, August 6-10, 1985

1. The created universe is the product of God’s love and the purpose of its existence is to glorify God by enjoying and responding to that love. Because of human rejection of God’s love God the Father sent his Son Jesus Christ into the world to reconcile us to himself and to gather together in one flock the company of the redeemed which is the Church of Christ. At Pentecost the Holy Spirit was sent upon the Church to inspire and to sanctify. In the power of the Spirit the Church was sent out to bring the healing of Christ to the nations.
2. The risen and ascended Lord has made his people ‘a chosen race, a royal priesthood, a holy nation’ (1 Peter 2:9). All the baptized are members of his body, consecrated to his service. They exercise their priesthood by prayer and thanksgiving, joining together in the celebration of the Eucharist and by their witness of life and word, in all of which they show forth the gospel of salvation. Their calling is to proclaim God to the world, to serve human need in all its forms, and to lead the world to worship and serve God.
3. Within the Church every member has a vocation and ministry. The ministry of the head continues to and through the members of his body, so that mutual service in love is to be understood as Christ’s own authentic life in his members. Spiritual gifts are capacities to serve others in such a way that what is said or done expresses and communicates the grace of Christ, so building up both the person ministering and the whole body. In this sense the Church is a charismatic community in which all serve by the power of the Holy Spirit.

4. Within the Church there is a distinctive ministry of the word and sacraments which exists to serve the Church, and through it the whole human community in worship, in mission, in teaching, in pastoral care and promotion of fellowship and unity. Though this ministry is rooted in the local church (diocese) it is potentially universal, since it is responsible for witnessing to and maintaining the catholicity, apostolicity and unity of all the local churches as well as its own. Both our churches believe this ministry to derive from the commission given by Christ to his apostles and, within the period covered by the New Testament, to have taken the form of the threefold order of bishop, presbyter and deacon. It is for us, along with the Canon of Scripture, the Creeds and the Sacraments, part of the givenness of the Church.
5. Authority exists within the Church as a service. Christ has been given by the Father the supreme authority. He gives to the world the full truth about God and his will for humanity. This authority is not in the form of earthly power but is shown in service, in laying down his life. He does not compel faith, but asks for a response of faith which involves repentance, understanding and obedience. Under the guidance of the Holy Spirit the Christian community receives the Bible as the unique and authoritative record of God's revelation fulfilled in Christ, and itself witnesses to the living Christ.
6. Authority in the Church, like other gifts, exists 'to equip the saints for the work of Christian service, to build up the Body of Christ' (Ephesians 4:12). This must include the maintenance of the truth and guiding the Church in growing understanding of it, and also the kind of administrative and disciplinary authority which is necessary to enable any community to live and work together. It must always be remembered that the Gospel teaches us that authority is to be exercised in the spirit of service and not of domination.
7. We agree with the statement that as regards the exercise of authority within the Church 'theology justifies and history demonstrates that the ultimate authority and right of collective action lie with the whole body, the Church, and that the co-operation of Clergy and Laity in Church Government and discipline belongs to the true ideal of the Church'. The divisions of Christendom put grave difficulties in the way of the Church taking decisions on important questions of doctrine and practice. They hinder the proper exchange of experience and views between the various local churches and impair the sacramental relationship which should exist between them. Yet the authority of Christ still exists in the divided churches and each day decisions have to be taken in his name. In the more important matters, however, a local church should not act on its own without serious consultation with other churches.
8. In reaching these decisions the judgment of councils has always had a special place. This does not mean that every decision of every council is correct. By subsequent reception the Church affirms that a council has safeguarded the truth and recognizes the decrees as consonant with Scripture. Both our traditions ascribe special importance and binding authority to the dogmatic decrees of the first four ecumenical councils. The Old Catholics regard the other three ecumenical councils of the Church before the division of East and West as having the same binding authority. The Anglican position is less clear but this does not constitute a major difficulty between the Old Catholic and Anglican churches.
9. The ordained ministry has a special responsibility in the exercise of oversight in the Church and is entrusted with the authority which this responsibility requires. The bishops, in particular, as heads of the local churches and having the fullness of the ministry, are recognized in both our traditions as guardians of the faith of the Church, as teachers, shepherds and leaders, and as serving the unity of the Church. In the early Church councils were mainly councils of bishops, but this must be understood chiefly in terms of bishops as heads of local churches. Greater ease of communication and a fuller understanding of the nature of the royal priesthood have led to the creation of synods in which other clergy and the laity are represented along with the bishops. It is a question for further consideration what significance is to be seen in the voting in such assemblies and how that is to be understood in relation to the formation of a consensus of the whole Church. In the Anglican Communion as a whole there is no one organ of authority which is decisive. Authority is dispersed among the meeting of primates, the Lambeth Conference, the Anglican Consultative Council, and the synods, councils or conventions of the various Provinces. Generally speaking the last group have legal and binding authority, the other moral or advisory authority.
10. In almost all the Provinces of the Anglican Communion special responsibilities are reserved to the bishops in relation to synodical resolutions concerning doctrine. For the Old Catholics it is the International Bishops' Conference which speaks with authority on matters of faith and morals, provided that its decisions are reached in consultation with and are approved by the respective national churches.
11. In both churches diocesan bishops are regarded as in principle the equals of one another with respect to their episcopal authority. Nevertheless in both churches also there are some bishops who are acknowledged to have a

responsibility which goes beyond their own dioceses. Titles such as archbishop, metropolitan, prime bishop, presiding bishop, primate are variously used to denote them. In some cases the responsibility derives from the long distant past, in others it is recognized or granted and defined in a written constitution. Both churches are therefore familiar with the idea of a bishop who has a special relationship with other bishops and responsibilities extending beyond the bounds of his own diocese. In the growth of both our churches need seems to have been felt for a bishop who is a focus of unity and has some care for the whole. In the case of the Union of Utrecht this position is occupied by the Archbishop of Utrecht who, although regarded as 'primus inter pares', has yet responsibilities as chairman of the International Bishops' Conference for the unity and well-being of the whole Union. In the Anglican Communion the Archbishop of Canterbury occupies a somewhat similar position; but it is one which has grown greatly in influence during this century and is invested with special authority in relation to certain churches in the Communion.

12. This experience suggests that something similar may be the right focus of world-wide unity as the various separated parts of the Church come together. It is also clear that as we move towards unity with the Orthodox Churches and the Roman Catholic Church account will have to be taken of the special position of the ancient patriarchal sees of which the see of Rome is by long tradition and by definition of two ecumenical councils the first. The way by which the Roman see came to have this position is well described in the Declaration of the International Old Catholic Bishops' Conference of 1970:

Early in history the Church of Rome, with her bishops, was prominent in the community-life of the whole Church, and pre-eminent by the veneration of the martyr-apostles Peter and Paul, and because of the influential position as the capital of the world empire. Gradually, in combination with the above there emerges a special place for Peter based on the Peter passages in the New Testament, and his primacy of honour as the Bishop of Rome.

Similarly the ARCIC Authority II Statement says:

The Church at Rome, the city in which Peter and Paul taught and were martyred, came to be recognized as possessing a unique responsibility among the churches; its bishop was seen to perform a special service in relation to the unity of the churches, and in relation to fidelity to the apostolic inheritance, thus exercising among his fellow bishops functions analogous to those ascribed to Peter, whose successor the bishop of Rome claimed to be. (Para. 6)

The phrase 'to perform a special service in relation to the unity of the churches, and in relation to fidelity to the apostolic inheritance' is similar to one in the IBC Declaration: 'In so far as it serves to strengthen the whole Church in truth and love'. This, and other similarities of view already noted, seem to suggest that both churches could recognize a universal primacy in the see of Rome for the purpose of serving the unity and continuity of the whole Church in truth and love.

13. We are well aware that over the centuries the Roman primacy has developed from that simple conception into a centralised authority claiming to be of divine institution (*jure divino*), to have the power to intervene directly in every diocese and to appoint and to limit the authority of bishops (jurisdiction), and to define questions of faith to be believed by all Christian people (infallibility). Neither of our churches could accept the papal primacy as it is at present interpreted and exercised by the Roman see, although we are aware that many Roman Catholics, bishops, priests and laypeople, would like to see major changes to reduce papal power. The question is, therefore, whether it is possible to have a universal primacy in the Roman see without many of the powers which it has acquired over the centuries. It would seem that this could only come about by a carefully limited definition of the authority to be exercised by such a primate and by a constitutional arrangement that he must work within a conciliar setting and in collegiality with other bishops, bearing in mind that the highest authority lies with an ecumenical council. One sign of the willingness of the Roman Church to move in this direction would be the making of the present Synod of Bishops into something much more effective and influential in the life of the Church.
14. We recognize that for the universal primate to be not merely a sign of unity but also able to maintain unity, truth and love he must have the obligation to convene meetings of bishops and councils at certain times and in certain circumstances, and the right to do so when he deems it necessary. He may be given a well defined and limited right to receive appeals. It is probable that for the proper exercise of his duty he will need the support of a substantial office structure. This should not be modelled on the present Curia, but must have a clear structure of accountability to the wider Church. Experience suggests that a world Church cannot do without some such central structure. It could serve to ensure that the functions of the primate are kept within the agreed bounds. In relation to such a structure, however, it is important that the principle of subsidiarity be carefully observed. That means that no matters which could properly be dealt with at a lower level should be taken over at a higher one and certainly not by the primate himself.

15. The universal primate has been spoken of as existing in order to be a servant of the unity, truth and love of the whole Church. It is important that he should not be thought of as the sole agency for promoting these values. They are the responsibility of every member and every part of the Church. The primacy must be seen not only in the context of the ordained ministry but also in the context of Scripture, the creeds, the sacraments and other means of grace, all of which maintain and build up the Church.

The Church as divine reality and the first-fruits of the Kingdom of God, transcends our present finite reality. At the same time, being a human institution and organisation, it participates in all the ambiguities and frailties of the human condition. It is always in need of reform and renewal. (We) together with other Christians, have rediscovered the communal character of the Church at a time of loneliness and estrangement. The Church lives in *koinonia* and is a community in which all members, lay or ordained, contribute their gifts to the life of the whole.

NOTE. We have drawn largely on the Statement issued at the end of the Anglican-Old Catholic Theological Conference at Trier, April, 1980, and on the work of the similar Conference at Vienna in September, 1982. The time available did not allow us to discuss the subject of infallibility as the Vienna Conference had suggested.

The quotation in para. 7 sums up the conclusions of a Joint Committee of the Convocation of Canterbury appointed to consider historically and theologically the position of the laity in church government. The Committee reported in 1902 and its Report was reprinted in 1952. The quotation in para. 15 has been taken in a slightly modified form from the Anglican-Lutheran European Commission, 1983, paras. 47.48.

✠ Marinus Kok, Archbishop Emeritus of Utrecht

✠ Eric Cicestr. [Eric Kemp], Bishop of Chichester

The (original) English version of this document has not been published in full. In para. 12 it quotes from another translation of the German original of text no. 5 above.

Text no. 8

Local Church – Universal Church, Ministry and Witnessing to the Truth. Statement Agreed by the Old Catholic – Roman Catholic Dialogue Commission of Switzerland, October 1981[2]

From the communion of creation to the communion of the Church

We all live in community. We come from the community of our parents and grow into new relationships – sometimes willingly, sometimes under compulsion. If this community is endangered or diminished by death, misfortune or sin, it causes us pain and suffering. But wherever community is successful, whether it be that a flower appeals to us or a field says something to us, or human beings understand one another, we experience that as something meaningful and valid.

We want a community that loves, understands and enriches us, but also expects something of us and accepts our devotion, a community that recognises us as equals and wishes to be acknowledged by us. Such a community is constantly moving forwards, because when someone helps me, he aids my progress, just as I in turn support him through my contribution.

But what direction should this community take? Many efforts to forge community are fragile and constrained, determined more by the fear of abandonment than by the knowledge of salvation, which alone gives our lives the meaning and direction we all long for as the healing of all inner conflict, since all things find unity in community – heaven and earth, creator and creation, man and wife, parents and children, mankind and the elements, but also reason and feeling, spirit, soul and body, word and deed. We would like to be granted this oneness and considered worthy of being permitted to serve it. We would like to forge bonds with all mankind so that all, united in community, experience their lives as valid and true, since their togetherness is lived not in fear or compulsion but in freedom and love. Such communion is to be found where the Creator, the Triune God, is in our midst, since the Son is not equal with the Father in order to then elevate himself above him, but in order to honour him through the magnitude of his obedience, and since the glory of the Spirit is not less than that of the Father and the Son, nor does it diminish their glory but is in consonance with it.

All creation longs for the revelation of such communion of the sons of God with the firstborn among many brothers (cf. Rom. 8:19, 29, 35-39).

The sending (of Christ) creates communion anew

When the fullness of time was come God sent his Son into the world (Gal. 4:4). And he places us within this mission by giving us the Spirit of his Son, so that we too are not unknowing servants (John 15:15) but sons and heirs of the kingdom of the Father (Gal. 4: 6-7). So it is the same mission by which Jesus Christ our Lord has come down to us, which we also fulfil on our part.

When Christ sends out his disciples to proclaim the gospel on his behalf so that whoever hears them hears Christ (Luke 10:16), then he remains the Lord of his disciples, to whom they are responsible.

Communion recognises the truth

In the Holy Spirit Christians confess Jesus as the Lord (1 Cor. 12:3). It is he to whom they are drawn by the Father (John 6:44), who has sent the Son in the power of the Holy Spirit (cf. Luke 1:35; 3:22). And to them the Son, sent by the Father, sends from the Father the Spirit of truth, which proceeds from the Father and bears witness to the Son (John 15:26). And this truth is Christ (John 14:6), who is with them until the end of the world. They are commissioned as his witnesses (John 15:2) to lead all peoples to him (Matt. 28:19-20).

In diversity all participate in communion

Thus "being in communion with Christ" means being sent out into the world with him and by him, as well as standing face-to-face with him as the Lord and the goal. All who through the Word (cf. Rom. 10:17), baptism and confirmation have become believers and members of the body of Christ and bearers of the Holy Spirit, participate in the divine mission. In communion with one another each one has a psalm, a teaching, a revelation, a tongue, or an interpretation (1 Cor. 14:26). Each one is sent, but each one also stands face-to-face with the others, who have likewise been sent by Christ. He who is sent by Christ sees in his brother a vessel of the Holy Spirit, in which Spirit both call on the Father. And whoever has received the Spirit, serves his brother in turn as a representative of Christ who has come to serve. Thus the church lives in a multiplicity of relationships, since Christians are with one another, for one another, and stand face-to-face with one another.

Communion with the bishop

This is however not an undefined diversity, but the church is the body of the one Head which is Christ. It testifies to this by gathering around the bishop^[3] who has received his special commission through the historical process of apostolic succession from the incarnate historical Lord through the Holy Spirit.

Just as each individual has received the Word of God and baptism in the course of history from Christ, so the faithful stand as a community facing in their office-holder the one who has in the course of history become the representative of Jesus of Nazareth. In their orientation towards the bishop, the congregation gives concrete expression to its missionary nature as being Christian and at the same time communal, since the many do not stand in disorder beside one another, but gathered around the one bishop as the one sent by Christ in the power of the Holy Spirit.^[4] Under his leadership the church celebrates the Lord's Supper and all the sacraments and proclaims the death of the Lord until he comes.

When the bishop has with the «*charisma certum veritatis*» (Irenaeus, *adv. haer.* 4,26,2) received the task of watching over the confession of the apostolic faith, that does not limit the sense of faith in which all the faithful participate, rather it awakens it and gives it its orientation towards the communion of the church of Christ. Through consecration as bishop just as through ordination as priest or deacon the faithful do not become Christians of a different kind, rather they are consecrated and commissioned as emissaries sent by Christ to enable Christians, who have all received the Holy Spirit and together represent the royal priesthood, to testify and represent their belonging to the Son of God who has appeared concretely in history, not only as individuals but, united in obedience to the one who has been sent, as church.

The one Christ and the one Church

The one Christ founded the church as one. The church, the indivisible body of Christ, is not the sum of single individuals or members or any other parts. Wherever an apostle obeyed the command sending him out, and wherever as a result of his preaching the church was realised at any location, there it was the one church of Christ. And in this church, which under the leadership of its bishop assembled around the holy eucharist, there is Christ totus in *capite et in corpore*. Though our knowledge of Christ may be only partial, Christ himself is not divided up among us.

The church cannot be dismantled into component parts. Laity and clergy, bishop and eucharist, doctrine and righteous deeds cannot be separated from one another. Thus only the eucharist of the congregation with the bishop is authentic (Ignatius, Sm. 8,1). Only in the unity of all elements is each part what it is.

The Church on its journey

As is well-known, this fullness and catholicity cannot be found unbroken. Instead we need to be admonished to strive for and realise it. This state of affairs is in accordance with the essential nature of the mission. The church must constantly strive anew for its self-realisation, not only because of the human weaknesses of its members. Rather the people of God as a community are on a pilgrimage towards their eternal goal, with the members supporting one another.

The one Church at many places and times

At whichever location the church, the people of God on their pilgrimage, finds itself, there Christ is *totus in capite et in corpore* and not simply a part of him. The church at any time and place is therefore the Catholic church just as at any other place or time.

Because of this faith in the identity of the church of all times and places, Holy Scripture is highly revered, however not in isolation but together with the whole enduring tradition. And because of his faith in the identity of the church at one place with that of another place, the Apostle Paul visited Cephas again and again, so that the oneness of their faith would be proven (Gal. 1 and 2). In the same belief St Ignatius, from his insight that the church at one place, assembled around the one eucharist, is the Catholic church (Sm. 8), does not draw the conclusion that its local boundaries coincide with the boundaries of the church, but rather that he can recognise the church again at another place, and therefore allows it too to share in his admonition, also asking for its intercession just as he requests it to celebrate the identity of one local church with another local church by sending emissaries (Phil. 10).

If the church of one time were to forget the earlier times, or the church in one location not wish to acknowledge one in another location because it would like to belong to its Lord alone in its self-sufficiency, then it would be risking its own catholicity, for it is identical with the other local churches since there is only one church at all times and in all places. Therefore what it does to the church at another place it does to itself, if it does not take the other seriously it does not take itself seriously. But as a believing church it cannot do that. Rather, it takes itself seriously and therefore seeks communion with the church extended over the entire earth.[5] Just as it is the one Lord on whose mission his body has been realised in many places, so also it is the one communal trinitarian life which both binds the individual members together and also breathes life into the communion of local churches throughout the world.

Unity in the local Church and in the universal Church

The representation of unity within the local church and from local church to local church in the universal church does not occur in the same way. In the local church the bishop as the bearer of the highest ecclesial office represents the head of the church. As the representative of the head he presides over the remainder of the congregation as the body of Christ. Through communion with the bishop as the visible head of the church the congregation professes the unity of the church. Here, in the Eucharistic assembly around the bishop, is the fullness of the *totus Christus*, the one holy catholic church, whose fullness cannot be heightened.

The communication of the local churches among one another however does not so much reflect the relationship of the body with the head as does the communication of the congregation with its bishop within the local church. The communion of the local churches with one another is however indeed to be seen as trinitarian life. It is not intended thereby that certain attributes of only one of the divine persons are to be ascribed to certain congregations. Rather each individual church, wherever it is found, is identical with all others, whereby however this identity is not to suppress the uniqueness of the individual local churches. Rather, all develop the mystery of the church over and over again in new and special ways according to their spiritual and historical experiences. It may be – as is sometimes claimed – that one of the churches reflects more emphatically the properties of the Spirit, another those of the Son or the Father, nevertheless none stands above the others, even if the one is in historical terms the origin of the other. No other church can stand above a church gathered around its bishop, since the office of the bishop is the supreme ecclesial office.

In order that the local church can confess the Christ who has appeared in history, it requires the other local churches; for if it lacks a bishop, it must have its new bishop consecrated by the bishops of other churches. The orientation of the church within time, as is revealed in the apostolic succession, is therefore necessarily bound up with the spatial orientation between one local church and another.

Just as through the consecration of one bishop nothing is added to the one episcopate, so nothing is added to the ecclesial character of a local church to which a bishop is consecrated. Through the loss of its bishop the local church does not cease to be fully catholic. Rather it is affirmed as a catholic and apostolic church by the other local churches whose bishops participate in the consecration of its new bishop.

The Church testifies its universal unity

Just as one local church has need of another for the consecration of its bishop, it also needs the others in order to testify that Christ's mission is a universal one. Christ is the Saviour of the world and seeks to unite all creation under himself as its head (Eph. 1:10). How do the local churches testify to this unity? It is clear that the manner in which it was sought to give this testimony only began to take shape gradually. Before the formation of a aspect universal in the church, local churches were established, and their symbol of unity was modelled on the bishop standing in apostolic succession. The gospel can only have validity for the whole world because it has first reached the concrete individual human being in his concrete environment and has placed him within a concrete community in the place where he lives.

But because eternity has been placed within man's heart (Eccl. 3:11) and he has been formed as the head of creation (Gen. 1:26), he would not be taken fully seriously by the gospel if it did not place him within a universal communion in which they are all one, one in the Holy Trinity (cf. John 17). In order to be able to testify to the universal claim of the gospel, the local churches must seek to represent their unity.

Testimony to supra-regional unity can take the form of messages of greeting and occasional visits. But it has also developed into the formation of metropolitan and patriarchate associations in which the one congregation holds the precedence in love (Ignatius, Rom., prescript).

The primacy

It is logically consistent that eventually all other congregations in the world must see the symbol of their unity and the uniqueness of the church in one congregation with which all other congregations must be in accord because of its pre-eminence (Irenaeus, adv. haer. 3,3,2), in that they see in it the mother and rootstock of the Catholic Church (Cyprian, ep. 48 [45]).

On the manner in which the communion of local churches is to be regulated between them, the 34th (27th) apostolic canon requires that no bishop is to do anything without the approval of the primate of his imperial province (his nation), nor may the latter do anything without the agreement of the former.

But the primate of the universal church too does not hold his office in an isolated autocratic manner. Rather he stands in communion with all other bishops, above all with those who themselves exercise the primacy in a larger region, as indeed the early church sought through the pentarchy to realise this synodal unity around the primacy.

In this synodical communion of the local churches with one another, one holds the presidency and forms the *centrum unitatis*. This – and with it the laity and clergy with the bishop – serves the testimony to the unity of the church according to its spatial universality. The primate does not thereby stand above the other bishops in such a way that he is of a different order from them. He is rather the first among equals. He is after all the one in whom the other bishops recognise themselves, just as the many churches recognise themselves in the one church of the primate. The bishops can recognise themselves as such in every other bishop. But for the sake of unity they are obliged in a special way to look to the primate.

The primacy of a local church does not invalidate the full ecclesiality of the other local churches, nor does it add anything to it. Two local churches together are not more church than they are alone, just as two bishops together are not more bishop than one alone. The supreme presider at the eucharist is not the primate but the bishop. The church knows no higher commission or mission than that of the consecration of a bishop.

If St Cyprian can see each bishop as standing in the succession of the Apostle Peter (ep. 33 [27]), if according to this view each bishop could at least potentially be primate, there exists a necessity to testify actually and concretely to the spatial unity, and therefore the necessity that the individual churches in the service of this testimony recognise themselves in one specific local church in a pre-eminent manner. Just as all the apostles are to strengthen their brothers and shepherd the sheep, these tasks being specifically mentioned in the case of Peter, so one looks particularly to the primatial church when one wishes to see what the church is. Therefore all churches are especially responsible for this specific church and its bishop, just as Paul was aware of a special responsibility for Cephas (Gal.1 and 2). And likewise the primatial church bears a special responsibility towards the other churches. In order to exercise this, just as in the case of the primacy of a province, there is a need in the case of the universal primacy for appropriate rights and duties,

prior obligations in taking the initiative and in the coordination of ecclesial undertakings, the right to be heard by the others, the right to preside in the conciliar communion of the church etc. If these rights and duties are also bound to the episcopal seat of a concrete congregation in which the church acknowledges the presidency in love, nevertheless they are to be understood in such a way that they are not simply exercised by this congregation but by its bishop. This occurs in an ecclesial manner, namely in connection with the presbyterate, the entire congregation, and with the college of bishops.

In accordance with the function which Peter fulfilled according to Scripture, the primate has the task of leading with an initiative in situations where a decision must be reached, in such a way that makes it possible and necessary for the church to reach a joint decision, to express its faith and visibly demonstrate its unity. In order for this to be possible, the rights of the primacy must not lay so much weight on competences which could lead to the other members of the church not exercising their full responsibility, through not having the same competences. Rather it must be a matter of particularly prominent obligations.

Consonant with the essential nature of the church which is synodical, the primate does not conduct a monologue, nor does he simply give an address or a speech without at the same time listening, but lives in a conversation which is not cut off by his words but fostered by them. The rights and duties of the primate must not constrict the rights and duties of the other local churches and bishops. Rather the former must enable the latter to be exercised better and more comprehensively, since the primatial church is obligated in a special way to solicitude for the communal, synodal and trinitarian life which binds the local churches with one another. The primatial church itself stands entirely within this life, since it is not church in a different manner from the other churches, as though it were in itself Catholic Church without the others, but not the others without it. Instead it is true of the primatial church what Gregory the Great confesses of himself when he says: The honour of the church as a whole is my honour. The full vitality of my brothers is my honour. I am truly honoured when all individuals are accorded the honour due to them.

Testifying to the truth

Testifying the truth is among the duties of each church, and therefore also of the primatial church. Where Christ is, there is also he who calls himself the truth. Where two or three are gathered together in his name, he is there among them. It cannot be said that he is more among them 'here' in this place and less 'there' in another. Wherever he is, there is the faithful Lord whom no-one can confess other than in the Holy Spirit. Faith cannot assume it was deceived by the Holy Spirit. Though our knowledge now may be only partial, it is nevertheless not mistaken. "The Christian who has been anointed by the Holy Spirit, has all knowledge and has no need of instruction. As the anointing has taught him, it is the truth and no lie" (1 John 2:20-29, cited freely according to its sense). This does not lead to the conclusion that teachers are superfluous for Christians, but indeed that these can 'write' to them (1 John 2:21) and teach them just because they already know the truth. If faith comes from preaching, then preaching does not lose its sense when faith has been awakened. For the church is communion. The apostles taught out of love, in order to foster and to live communion, communion with us, those anointed by the Spirit, and with the Father and the Son Jesus Christ (1 John 1:1-4).

Without the binding of the faithful to the word of the apostles, of those who have seen, testified and proclaimed the life, we know no communion for eternal life. And whoever is in the communion for eternal life follows his bishop, who stands in apostolic succession. For the Lord, who has sent out the apostles, who have continued that sending through the consecration of bishops, stands in faithfulness to his sending.

We who come from God do not believe a word blindly. Rather we who all participate in the sense of faith of the church and are upheld by the power from above, are called to discern the spirits. And if we know God, we listen to the apostles (cf. 1 John 4:1-6; 1 Cor. 2:15-16 and 14:37-38; 2 Pet. 1:20), that is, to those sent by Christ, and also to those sent by them, for Christ's word "Who hears you, hears me" is not limited to the first emissaries. It would be an incomprehensible offence to faith if false doctrines were proclaimed by bishops apparently sent by Christ and preaching Christ's word in the Holy Spirit. The faithful defies such an offence and does not allow his faith to be relativised by it. In spite of it he wishes to be open to the word of Christ's emissary. He does not do this because he does not know the truth, but in order to have communion with Christ, who is the truth. And because this communion is universal he listens in particular to the word of the primate as the centrum unitatis. And since the church of the whole world as well as that in each location is synod, communion, that word of the church which emanates from the highest expression of this communion, that is the council recognised by the whole church, compels him to be open to it most of all.[6]

In the communion of Christ we know salvation

In this communion we know the salvation which is grounded in the man Jesus of Nazareth, in his life, his teaching, his deeds, his death and resurrection and ascension, and which dwells in us, who are the temple of the Holy Spirit. Through the birth of his eternal son by Mary, the temple of God, who is truly named the mother of God, God has entered into solidarity with mankind and joined him in most intimate communion. And this concrete human being Jesus called concrete human beings into his communion and sent them out, whether as wise master builders to lay the foundation which is Christ, whether to build further upon this foundation as fellow-workers with God (cf. 1 Cor. 3). In encountering a real emissary of Christ, salvation reaches them and they can themselves testify to that salvation. Wherever salvation lights up, it seeks to realise itself in connection with Christ. Only in the communion grounded in Christ is salvation. Therefore we know no salvation outside the church. Therefore every witness and confession of the truth of Christ is always ecclesial.

Christian truth is not ideological but personal

The truth of the gospel is the truth of the person of the Redeemer. The church confesses this truth and trusts the Redeemer, that he will maintain it in the truth. It lives in this faith and does not let its faith be obscured by scandalous events which contradict it.

The church confesses this truth also with words and sentences. While it does not allow these sentences to be contradicted but desires that new confessional statements correspond with earlier ones because otherwise the communion which also lives through language would be destroyed, yet it knows that the truth is not contained in the sentences themselves. Faith is not an impersonal ideology. The church, whose members are all anointed by the Spirit and know the truth and trust in it, gathers around the person of the bishop sent by Christ, in order to be fostered by one another in the truth and likewise to advance one another in the truth. By standing with him through whom it hears Christ, it confesses him who is the first and the last, in whose name every knee should bow here and at all times and in all places.

ENDNOTES

- [1] Heresy (can. 751 CIC 1983) concerns only the primary area of revelation itself (can. 750 § 1 CIC in conjunction with can. 1364 § 1 CIC). The doctrinal proclamation on the reservation of ordination to the priesthood for men only is categorised as *depositum fidei*, but in the secondary area of revelation; cf. the 'Doctrinal Commentary of the Congregation for the Doctrine of the Faith on the Concluding Formula of the *Professio fidei* of 29 June 1998', in: *Texts of the Magisterium Regarding the "Professio fidei"* (Vatican City: LEV, 1988), and the Responsum of the Congregation of the Faith of 28 October 1995 in: AAS 87 (1995), p. 1114; see also 'Erläuterungen der Deutschen Bischofskonferenz', in: *Archiv für Katholisches Kirchenrecht* 169 (2000), pp. 141-147. Additional explanatory note from December 2013: *The "Normae de gravioribus delictis"* (Libreria Editrice Vaticana 2010), Article 5 of which punishes those who convey and those who receive priestly ordination with the excommunication reserved to the Apostolic See, also change nothing in this respect. In the case of the exclusion of former Roman Catholic clergy and former Roman Catholic women from the jurisdiction of the Roman Catholic church under No.79 above (Dispensation of c.11 CIC 1983), it also remains to be clarified how the Old Catholic church will proceed in this matter.
- [2] In this text, the term "local church" always refers to the diocese, not to the parish, national church or a denomination. [Translator's note: The German word "Gemeinschaft" has been variably translated as "community" and "communion".]
- [3] The manner in which the individual Protestant churches on occasion apply the word bishop to themselves or other churches signifies little in regard to whether the reality of the episcopal office exists among them. That is indeed an open question which requires urgent ecumenical examination.
- [4] This is better manifested in the practice of the ancient church according to which the congregations testified by their election that they were willing and able to accept a specific Christian as the emissary of Christ. In the Roman Catholic Church of today only a few bishops are elected by diocesan bodies e.g. that of Rome (the cardinals represent the congregation of Rome) and of Basel. It is a desideratum of the Roman Catholic Church that the diocese be more involved in the election of bishops.
- [5] Here the question arises whether in the current state of division church can also be acknowledged even beyond the schism. This question can only be affirmed if at the same time it is stated that this acknowledgement must per se be identical with the re-establishment of communion. It is an incomprehensible and disquieting thorn to faith that beyond the acknowledged boundaries of the church catholicity is apparent without unity being attained.
- [6] When Pope Paul VI in his letter to Johannes Cardinal Willebrands (5.10.1974) in which he nominates him as his extra-ordinary delegate to the 700th anniversary celebration of the 2nd Council of Lyon does not designate this council as «ecumenical» but as «*alterum generale concilium Lugdunense*», simply as «*concilium Lugdunense*» or even as «*sextum recensetur inter generales synodos in occidentali orbe celebrata*», this must be received as a stimulus to reflect in general on the authority and the status of the so-called ecumenical councils which had only attained authority in the West.