

# THE PRINCIPLES OF CANON LAW COMMON TO THE CHURCHES OF THE ANGLICAN COMMUNION

This is Exhibit <sup>68</sup> referred to in  
the affidavit of George Cadman  
sworn before me at the City of Vancouver  
this 15<sup>th</sup> day of May 2009

LB Hunt

A Commissioner for taking Affidavits  
in and for the Province of British Columbia



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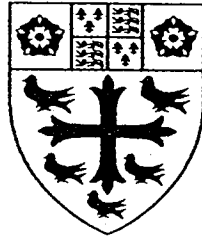
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**THE PRINCIPLES OF CANON LAW  
COMMON TO THE CHURCHES OF  
THE ANGLICAN COMMUNION**

## Contents

	Paragraphs	Page
Foreword, by His Grace the Archbishop of Canterbury .....		11
Preface, by the Convener of the Anglican Communion Legal Advisers' Network .....		13
<b>Principles</b>		
<b>Part I: Church Order</b>		
Principle 1: Law in ecclesial society .....	1-3	19
Principle 2: Law as servant .....	1-5	19
Principle 3: The limits of law .....	1-6	19
Principle 4: The sources and forms of law .....	1-5	19
Principle 5: The rule of law .....	1-6	20
Principle 6: The requirement of authority .....	1-3	20
Principle 7: The applicability of law .....	1-6	20
Principle 8: The interpretation of law .....	1-4	21
Principle 9: Juridical presumptions .....	1-3	21
<b>Part II: The Anglican Communion</b>		
Principle 10: The fellowship of the Anglican Communion .....	1-4	25
Principle 11: The instruments of communion .....	1-5	25
Principle 12: Autonomy and interdependence .....	1-7	26
Principle 13: Mutual respect .....	1-5	26
Principle 14: Mutual hospitality .....	1-7	27
<b>Part III: Ecclesiastical Government</b>		
Principle 15: Ecclesiastical polity .....	1-14	31
Principle 16: Leadership and authority .....	1-6	32
Principle 17: Administration .....	1-4	32
Principle 18: Representative government .....	1-6	32
Principle 19: Legislative competence and subsidiarity .....	1-3	33
Principle 20: The diocese and diocesan legislation .....	1-6	33
Principle 21: The parish and parochial administration .....	1-7	34
Principle 22: Lay participation in government .....	1-5	34
Principle 23: Visitation .....	1-4	35
Principle 24: Due judicial process .....	1-15	35
<b>Part IV: Ministry</b>		
Principle 25: The laity .....	1-4	39
Principle 26: Fundamental rights and duties of the faithful .....	1-11	39
Principle 27: Church membership .....	1-8	40
Principle 28: Service in public ministry .....	1-5	41

Principle 29: Ecclesiastical office .....	1-7	41
Principle 30: Lay ministry and offices .....	1-16	42
Principle 31: Threefold ordained ministry .....	1-8	44
Principle 32: Ordination: the holy orders of priests and deacons.....	1-15	44
Principle 33: The ministry of deacons and priests.....	1-6	45
Principle 34: Parish and other ministry.....	1-3	46
Principle 35: Admission to the order of bishops.....	1-6	46
Principle 36: Admission to the office of diocesan bishop .....	1-5	47
Principle 37: Diocesan episcopal ministry.....	1-8	47
Principle 38: Episcopal assistance .....	1-5	48
Principle 39: Archiepiscopal and metropolitanical authority .....	1-6	48
Principle 40: Primacy: the office of primate.....	1-6	49
Principle 41: Clerical discipleship .....	1-8	49
Principle 42: Authorised public ministry .....	1-7	50
Principle 43: The professional ethic of public ministry.....	1-8	51
Principle 44: Pastoral care.....	1-3	52
Principle 45: Professional and personal relationships .....	1-7	52
Principle 46: Confidentiality .....	1-4	53
Principle 47: Termination of clerical ministry .....	1-5	53

## Part V: Doctrine and Liturgy

Principle 48: The presentation of doctrine.....	1-9	57
Principle 49: The sources of doctrine .....	1-5	57
Principle 50: The development of doctrinal formularies .....	1-6	58
Principle 51: Preaching, teaching and outreach.....	1-4	58
Principle 52: Legitimate theological diversity.....	1-3	59
Principle 53: Doctrinal discipline .....	1-10	59
Principle 54: Liturgy and public worship .....	1-14	60
Principle 55: Liturgical revision: the forms of service .....	1-10	61
Principle 56: Liturgical administration .....	1-9	62
Principle 57: The provision of public worship .....	1-4	63
Principle 58: Liturgical choice: alternative forms of service.....	1-3	63
Principle 59: Responsible public worship.....	1-4	64
Principle 60: Liturgical discipline.....	1-6	64

## Part VI: Ecclesiastical Rites

Principle 61: Baptism: nature and administration.....	1-10	67
Principle 62: Sponsorship and baptismal instruction.....	1-7	67
Principle 63: Baptismal discipline: admission and exclusion.....	1-8	68
Principle 64: Conditional baptism.....	1-4	69
Principle 65: Confirmation.....	1-10	69
Principle 66: Holy Communion: nature and celebration .....	1-9	70
Principle 67: Reservation of the sacrament .....	1-2	70
Principle 68: Admission to Holy Communion.....	1-2	71
Principle 69: Exclusion from Holy Communion .....	1-9	71
Principle 70: Marriage: nature, purposes and responsibilities.....	1-3	72

Principle 71: Requirements for ecclesiastical marriage.....	1-8	72
Principle 72: Preliminaries for ecclesiastical marriage.....	1-6	73
Principle 73: Solemnisation of marriage.....	1-6	74
Principle 74: Nullity of marriage.....	1-3	74
Principle 75: Divorce and remarriage in church.....	1-10	74
Principle 76: Confession and absolution.....	1-6	75
Principle 77: The seal of the confessional.....	1-9	76
Principle 78: Deliverance or exorcism.....	1-3	77
Principle 79: Death and burial rites.....	1-7	77

## Part VII: Church Property

Principle 80: Ownership and administration of church property.....	1-11	81
Principle 81: Consecration and care of places of worship.....	1-10	82
Principle 82: Residential accommodation for clergy.....	1-4	82
Principle 83: Ecclesiastical registers and records.....	1-6	83
Principle 84: Financial stewardship.....	1-4	83
Principle 85: Financial propriety in ministry.....	1-5	84
Principle 86: Financial regulation.....	1-6	84
Principle 87: Church offerings.....	1-5	85
Principle 88: Diocesan and parish shares.....	1-3	85
Principle 89: Responsible investment.....	1-4	85
Principle 90: Insurance and risk.....	1-4	86
Principle 91: Maintenance of ministry: stipends.....	1-6	86
Principle 92: Care in retirement: clergy pensions.....	1-8	86

## Part VIII: Ecumenical Relations

Principle 93: Ecumenical responsibility.....	1-3	91
Principle 94: Ecclesial communion.....	1-5	91
Principle 95: Ecumenical freedom.....	1-3	91
Principle 96: Ecclesial recognition.....	1-3	92
Principle 97: Ecumenical agreements.....	1-3	92
Principle 98: Ecumenical collaboration.....	1-5	92
Principle 99: Reception.....	1-4	93
Principle 100: Eucharistic hospitality.....	1-3	93

Definitions.....	95
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## The Contribution of Common Principles of Canon Law to Ecclesial Communion in Anglicanism.

An Essay by Professor Norman Doe.....	97
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Endnotes.....	113
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## FOREWORD

by the Most Revd and Rt Hon Dr Rowan Williams  
 Lord Archbishop of Canterbury

Although lawyers are the victims of almost as many unkind jokes as clergy, the truth is that law, properly understood, is not an alien imposition on a grumbling public but a way of securing two things for the common good. The first is consistency: law promises that we shall be treated with equity, not according to someone's arbitrary feelings or according to our own individual status and power. It gives to all of us the assurance that we can be heard. The second is clarity about responsibility: we need ways of knowing who is supposed to do this or that and who is entitled to do this or that, so that we can act economically and purposefully, instead of being frustrated by a chaotic variety of expectations and recriminations.

Law in the life of the Church is no different. Canon Law begins from that basic affirmation of equity which is the fact of membership in the Body of Christ - a status deeper and stronger than any civil contract or philosophical argument. And it seeks clarity about who may do what and who is answerable to whom, because every Christian has to know how to work out their responsibility to God within the context of the various relationships and obligations they are involved in. Understanding and knowing how to work with Canon Law is a necessary aspect of exercising authority and holding responsibility in the Church; and the Anglican Communion is well served by many distinguished lawyers who understand so well the convergence of law in this sense with discipleship.

As the Preface warns, this survey of the principles of Anglican Canon Law will not solve our contemporary problems overnight, and there will be aspects of its formulations that will not escape controversy. But the excellent quality of what is here presented, the clear and thoughtful analysis of how we do our business in the Communion, gives us a unique resource for thinking more carefully about the sort of unity and coherence we should aspire to in our fellowship of churches. I hope and pray that it will be widely read and gratefully valued as it deserves.

+ *Rowan Cantuar:*  
 Lambeth Palace, London.

## PREFACE

If you are looking for a quick fix to the problems currently besetting the Anglican Communion of churches, this is not it. If you like your Anglican issues served up frenzied and mercurial, you will be disappointed: the tone of this volume is measured and its style is forensic. If you are looking for a more detailed working out of the ideas encapsulated in the Anglican Covenant, again, this is not it. This is an entirely separate enterprise, setting out simply to *describe* general patterns of church life to be found in many (though not necessarily all) churches across the Communion; its purpose is not to *prescribe* the form that Anglican church life *must* take in any particular church. Its aim is to inform, not to oblige.

It originated in a series of conversations between the then Archbishop of Canterbury George Carey, Professor Norman Doe, myself, and others in 2000 and 2001, each prompted by different concerns relating to canon law in the Anglican Communion. Following the warm reception of his book *Canon Law in the Anglican Communion*<sup>1</sup> at the time of the Lambeth Conference in 1998, Norman Doe had been considering whether it might be possible to distil the material he had gathered in that volume into a body of more general principles.

The purpose of that exercise was educational, to assist church leaders to clear their minds about the structures within which we seek to live out our Christian discipleship within an Anglican perception of faith and order. Meanwhile, Archbishop Carey was struggling with the significance of the consecrations of several priests in the Episcopal Church in the United States, by the Archbishops of Rwanda and South East Asia, and I was receiving increasing numbers of requests for advice from ecclesiastical lawyers in other parts of the Communion, seeking answers to questions about which their own constitutions were either silent or unhelpful.

Professor Doe broached the idea of identifying an Anglican ‘common law’ at a meeting of the Primates of the Communion in 2001<sup>2</sup>, and Archbishop Carey asked me to convene a first meeting of Anglican canon lawyers in Canterbury the following year. All the Primates of the Communion were asked to nominate a senior legal adviser who could attend. Most did so, and 30 lawyers took part, representing 17 provinces or churches of the Communion<sup>3</sup>. Norman Doe’s initial idea had by then developed into a body of 50 or so general principles, which were discussed extensively by those present. What emerged was a remarkable degree of convergence when these principles began to be bench-tested against the practical reality experienced by these lawyers from all over the globe.

A smaller drafting group then met in Canada, and again in the West Indies, at which a great deal of further discussion and revision took place. Those taking part were drawn from each of the different regions of the Communion, and each brought penetrating insights which challenged and sharpened the drafting undertaken during the intervening period by Norman and his colleagues at Cardiff University. We are indebted not only to Norman and his colleagues for the immense amount of research and drafting they had undertaken, but to those who took part in those discussions (not all could be present all the time, due to other professional commitments, but all participated as fully as they could, and some are the authors of the short notes which introduce each of the sections set out in the body of the text). For the record, they are:

**Miss Philippa Amable,**

Chancellor of the Diocese of Ho, Province of Ghana

**Mr David Booth Beers,**

Chancellor to the Presiding Bishop, Episcopal Church, United States

**Mr Robert Falby,**

Chancellor of the Diocese of Toronto, Anglican Church of Canada

**Mr Bernard Georges,**

Chancellor of the Province of the Indian Ocean

**Mrs Rubie Nottage,**

Chancellor of the West Indies

**Canon John Rees,**

Registrar of the Province of Canterbury, Church of England

**Miss Fung-Yi Wong,**

Provincial Registrar of the Province of Hong Kong

**Canon Dr Gregory Cameron,** as Secretary to the Network, brought felicitous turns of phrase to difficult points of drafting, and alerted members to potential difficulties with up-to-date references to sensitive issues in many parts of the Communion, garnered from his role as Deputy Secretary-General to the Anglican Consultative Council.

But this work is still far from being set in stone: these Principles are by their nature organic and open to development and refinement. Members of the drafting group would be the first to say that this is simply what we have been able to do so far, given the resources that can be found and the limited time available to us outside our other professional commitments; and as anyone who has had any dealing with lawyers will know, “even if you laid all the

lawyers in the world end to end, you would still not be able to get them to agree!”

Without doubt, there will be many people reading these formulations who will disagree with points of detail, and many who will disagree with points of emphasis; some, perhaps, would disagree with the basis on which the selection of these Principles has been made, and would have chosen differently; and there may be some who would regard the whole enterprise as misconceived.

To all such, I would respond that the whole purpose of this exercise is to stimulate reflection on what it is to be a Communion of *ordered* churches, seeking to live out the Anglican tradition in a world of intensely rapid communication. If we are going to be able to continue to work together in response to God’s call and for the good of God’s world (as those who have taken part in these deliberations passionately hope), then we need to keep faith with our Anglican heritage, doctrinally, liturgically, and structurally. These Principles are an attempt to map out what that the main legal themes of that inheritance might look like, when some of the peripheral local detail is stripped away.

A final word of warning. You will not find many, if any, of the Principles set out here appearing word-for-word in any particular formulation in your own constitution or canons, in law books or in other legal instruments. These are *principles*, not *laws*, and if you try to rely on them in court as binding upon your own church, you are likely to come unstuck. You may find that you can quote them as having “persuasive authority” at some time, but that is another matter - and you should take careful legal advice before you do so.

One of the delights of this project has been to be in touch with so many distinguished lawyers from all around the Anglican Communion, who believe God has called our Communion to hold and proclaim a distinctive position in world Christianity, and who share a common commitment to see the Communion flourish in its response to that call. As you might expect, our discussions have been at all times robust and uncompromising, but they have also been undergirded by courtesy and growing affection.

So we invite you to offer your own comments towards this ongoing work in the same spirit, with the prayer that Christ will lift our vision away from “the letter that kills”, to enable us to engage together with “the Spirit that gives life”.

**Canon John Rees**

Convener, Anglican Communion  
Legal Advisers’ Network

## PART I CHURCH ORDER

*In this section, the Principles are introduced by reference to their wider context, considering the nature of, and necessity for, law in a world made by a God who has embedded concepts of justice in His creation, and who has made Himself known in His Son Jesus Christ. God calls the Christian church to bear witness to this revelation of His creating and redeeming love, and empowers it by His loving Spirit.*

*The scope, authority, and limits of the laws which govern the churches are set out, and their sources are considered. These laws seek to be a reflection of the will of God, providing a framework for the ongoing life of the church as a human institution. They are never the last word in determining the will of God, though they will often encapsulate the accumulated wisdom and discernment of people living within a certain Christian tradition during the church's long history.*

*The laws of particular Anglican churches can be factually established; from these can be deduced a body of underlying principles, to which each church contributes through its own legal system. These principles have a living force, and contain in themselves the possibility for further development; and the existence of these principles both demonstrates unity and may serve to promote unity within the Anglican Communion.*

### ***Principle 1: Law in ecclesial society***

- Law exists to assist a church in its mission and witness to Jesus Christ.
2. A church needs within it laws to order, and so facilitate, its public life and to regulate its own affairs for the common good.
  3. Law is not an end in itself.

### ***Principle 2: Law as servant***

1. Law is the servant of the church.
2. Law should reflect the revealed will of God.
3. Law has a historical basis and a theological foundation, rationale and end.
4. Law is intended to express publicly the theological self-understanding and practical policies of a church.
5. Law in a church exists to uphold the integrity of the faith, sacraments and mission, to provide good order, to support communion amongst the faithful, to put into action Christian values, and to prevent and resolve conflict.

### ***Principle 3: The limits of law***

1. Laws should reflect but cannot change Christian truths.
2. Laws cannot encompass all facets of ecclesial life.
3. Laws cannot prescribe the fullness of ecclesial life, ministry and mission.
4. Laws function predominantly in the public sphere of church life.
5. The principal subjects with which laws deal are ecclesiastical government, ministry, discipline, doctrine, liturgy, rites, property, and ecumenical relations.
6. Some laws articulate immutable truths and values.

### ***Principle 4: The sources and forms of law***

1. Scripture, tradition and reason are fundamental authoritative sources of law.

The laws of churches exist in a variety of formal sources which should be identifiable, including constitutions, canons, rules, regulations, and other instruments.

3. Historical sources recognised as such in the canonical tradition, including custom, have such status within a church as may be prescribed by its law.
4. Laws contain principles, norms, standards, policies, directions, rules, precepts, prohibitions, powers, freedoms, discretions, rights, entitlements, duties, obligations, privileges and other juridical concepts.
5. Laws should be short, clear and simple to the extent that is consistent with their purpose, meaning and comprehensiveness.

### ***Principle 5: The rule of law***

1. The law binds the bishops, clergy and lay officers.
2. The law may bind lay people who do not hold office.
3. No-one shall be above the law. All institutions and persons in positions of authority or office, ordained and lay, shall act in accordance with law.
4. Laws, rights and duties are enforceable within a church by its own ecclesiastical authorities through executive action or by judicial process.
5. Any person or body injured by a violation of law should be able to obtain a remedy before a competent ecclesiastical authority in accordance with the law.
6. A voluntary declaration, or other form of assent prescribed by law, to comply with ecclesiastical jurisdiction, binds the person who makes that declaration.

### ***Principle 6: The requirement of authority***

1. Ecclesiastical persons and bodies require authority to act.
2. Acts performed by those in ecclesiastical office and by ecclesiastical institutions carry the authority explicitly or implicitly conferred by the law.
3. Lay persons who do not hold ecclesiastical office are free, subject to their own consciences, to perform any act not prohibited by the law.

### ***Principle 7: The applicability of law***

1. Later laws abrogate earlier laws.
2. Laws are prospective and should not be retrospective in effect unless this is clearly provided for in the laws themselves.

3. Laws cannot oblige a person to do the impossible.
4. Persons cannot give what they do not have.
5. Laws should be applied in the service of truth, justice and equity.
6. Laws may be dispensed with in their application to particular cases on the basis of legitimate necessity provided authority to dispense is clearly given by the law.

### ***Principle 8: The interpretation of law***

1. Laws should be interpreted by reference to their text and context.
2. Laws are to be understood according to the proper meaning of their words.
3. Authoritative interpretations of law may be issued by church courts or tribunals, or by commissions or other bodies designated to interpret the law, in such cases, in such manner and with such effect as may be prescribed by the law.
4. If in a church the meaning of laws remains in doubt recourse may be had to analogous texts, the purposes and circumstances of the law, the mind of the legislator, the jurisprudence of church courts and tribunals, the opinion of jurists, the principles of canon law and theology, the common good, and the practice and tradition of that church and of the church universal.

### ***Principle 9: Juridical presumptions***

1. Validity is acquired by full conformity to the will of God and is presumed by conformity to law.
2. Ordained ministries, validly conferred according to the gospel, the catholic tradition and the law of a church, are given by God as instruments of grace and possess not only the inward call of the Spirit, but also the commission of Christ through his body, the church universal.
3. Episcopal ministry, personal and collegial, is maintained, embodied and exercised in a variety of forms, under the law, in continuity of apostolic life and mission.



## PART II THE ANGLICAN COMMUNION

*The Anglican Communion is famously held together by 'Bonds of Affection', in the absence of any central juridical authority. But there is a legal underpinning, highly dispersed and diverse, which constitutes a remarkably resilient web of relationships reinforcing the relationships between the churches that are linked historically with the ministry of the Archbishop of Canterbury.*

*This legal underpinning finds expression notably in mutual recognition of ministry and orders within the churches of the Communion, and in mutual eucharistic hospitality between the members of the constituent churches. In each case, such matters are governed by the legal and constitutional provisions in each church.*

*The strict legal autonomy of each church is seen not as being an end in itself, but as a means to provide "the greatest possible liberty to order its life and affairs, appropriate to its people in their geographical, cultural and historical context" in living in interdependence with other Anglican churches who share the same historic identity and calling.*

*The Archbishop of Canterbury remains the focus of unity within this interdependent Communion of churches, assisted by its "instruments of communion", the Lambeth Conference, the Anglican Consultative Council and the Primates' Meeting. Each of these enjoys the degree of binding authority (if any) given to them by each of the churches.*

### ***Principle 10: The fellowship of the Anglican Communion***

- ( The Anglican Communion is a fellowship of churches within the One, Holy, Catholic and Apostolic Church, characterised by their historic relationship of communion with the See of Canterbury.
2. The churches of the Anglican Communion are duly constituted national, regional, provincial churches and dioceses, and uphold and propagate the historic faith and order as typified in the Book of Common Prayer 1662 and its derivatives authorised in the several churches of the Communion.
  4. The relationship of ecclesial communion within the Anglican Communion is based on the communion of a church with one or more of the following: (a) the See of Canterbury; (b) the Church of England; (c) all the churches of the Anglican Communion; (d) all churches in communion with the See of Canterbury; or (e) all churches which profess the apostolic faith as received within the Anglican tradition.

### ***Principle 11: The instruments of communion***

- ( 1. Each church acknowledges its adherence to Holy Scripture as containing all things necessary to salvation, the Apostles' and Nicene Creeds, the sacraments of baptism and eucharist, the historic episcopate, the threefold ministry of bishops, priests and deacons, and common patterns of worship.
2. Each church recognises that the churches of the Anglican Communion are bound together, not juridically by a central legislative, executive, or judicial authority, but by mutual loyalty maintained through the instruments of Anglican unity as an expression of that communion.
  3. The relationship between member churches is governed morally by the conventions of the Anglican Communion and juridically by the law of each church.
  4. The Archbishop of Canterbury is the focus of unity in the Anglican Communion, and the Primates' Meeting, the Lambeth Conference, and the Anglican Consultative Council are its instruments of communion.
  5. The instruments of communion enjoy such binding authority within a church as may be prescribed by the law of that church.

***Principle 12: Autonomy and interdependence***

1. Each church is autonomous in respect of its freedom of self-government.
2. Each autonomous church is free to order and regulate its affairs through its own system of government and law.
3. The validity within a church of any ecclesiastical act is governed by the law of that church in which the act is performed.
4. The exercise within a church of any ecclesiastical function is governed by the law of that church in which the function is exercised.
5. No church is legally bound by a decision of any ecclesiastical body external to itself, unless that decision is authorised under or incorporated into its own law.
6. A church may impose by its own law restraints on the exercise of its freedom of self-governance.
7. Each autonomous church has the greatest possible liberty to order its life and affairs, appropriate to its people in their geographical, cultural and historical context, compatible with its belonging to and interdependence with the church universal.

***Principle 13: Mutual respect***

1. A church shall respect the autonomy of each church in the Anglican Communion.
2. Each church and its individual members should respect a legislative, executive, judicial or other decision or action duly authorised under the law of another church.
3. No church, or any authority or person within it, shall intervene in the internal affairs of another church without the consent of that other church given in such manner as may be prescribed by its own law.
4. It is within the jurisdiction of the central assembly of a church to regulate relationships between that church and other churches of the Anglican Communion.
5. In each church the Word of God is authentically preached, and the sacraments of baptism and eucharist are duly administered.

***Principle 14: Mutual hospitality***

Each church in the Anglican Communion welcomes members of all other churches in the Communion to share in the spiritual benefits available in the host church.

2. Each church should provide pastoral care and ministrations to a visiting member of a fellow church in the Communion.
3. Each church should admit to Holy Communion a visiting member of a fellow church in the Communion to the extent authorised by the law of the host church.
4. Each church should welcome the participation in its public worship of a visiting member of a fellow church in accordance with the law of the host church.
5. Each church recognises as between the churches of the Anglican Communion the interchangeability of ministers ordained in a fellow church in the Communion to the extent authorised by the law of the host church.
6. Interchangeability of ordained ministers excludes re-ordination.
7. Ministerial interchangeability enables a minister of one church to exercise ministry in another, and its enjoyment requires the minister to obtain prior permission of the competent authorities of both churches and to comply with the law of the host church.

### PART III ECCLESIASTICAL GOVERNMENT

*This section of the Principles not only addresses the institutional organisation to be found in churches of the Anglican Communion, but it also sets out some of the just legal principles which the Communion recognises as applicable in governance by them.*

*The Old Testament reminds us that counsel and sound judgement come from God and that laws that are just flow from that source (Proverbs 8, 14-15). The traditional organisation of the churches of the Communion is included in this Part. Parishes, dioceses and provinces are recognised by this section as the common institutions of each church.*

*The Principles confirm that the exercise of ecclesiastical governance is to be characterised by Christian virtues, transparency and the rule of law, which is to be applied with justice and equity within the institutions of a church and by those persons exercising authority.*

*These include accountability, appropriate representation, legislative authority, natural justice, due process and the appropriate participation of each of the orders of bishops, clergy and laity.*

### *Principle 15: Ecclesiastical polity*

1. A church is an autonomous territorial unit of ecclesiastical jurisdiction.
2. A church may be a national, regional, provincial or extra-provincial unit.
3. A national or a regional church may consist of more than one province. A province consists of dioceses. A diocese may consist of parishes or other localised ecclesiastical units.
4. A province within a national or regional church enjoys such status within it as may be provided by the general law of that church.
5. An extra-provincial church is organised on a diocesan basis and is not part of a province but may come under metropolitanical jurisdiction in another church.
6. Each church, province, and diocese has an assembly, namely a synod, council or other body, the function of which is to govern. A parish also has an assembly.
7. The relationship between a church and the ecclesiastical units within it is regulated by the general law of that church.
8. The relationship between the central assembly of a church and the assemblies of the ecclesiastical units within it is regulated by the general law of that church.
9. Bishops, clergy and laity of a church share authority in synodical government.
10. Episcopal leadership is fundamental to the polity of a church.
11. Collegiality amongst bishops is fundamental to ecclesiastical polity.
12. The exercise of ecclesiastical governance should be characterised by the Christian virtues, transparency, and the rule of law applied with justice and equity.
13. Laws should set out clearly the composition of, powers of, and limitations on the exercise of powers by, ecclesiastical institutions, their relationship one to another, and the rights and duties of those who hold office and of the faithful generally.
14. The transaction of business in any church assembly must be in accordance with such standing orders or other procedures as are lawfully established for that assembly.

***Principle 16: Leadership and authority***

1. Leadership and authority are gifts of God, their exercise mediated through a church.
2. Jurisdiction may be exercised by ecclesiastical persons or institutions.
3. Persons who have jurisdiction, or an office or other position in church government, ordained and lay, exercise leadership and authority on behalf of a church.
4. Leadership and authority should be exercised in an accountable manner, within the episcopal and synodical structures of a church, with respect for others in authority, and with regard for the common good and the dignity, rights, needs and gifts of all.
5. Persons who exercise ecclesiastical governance should work in a collaborative and co-operative manner with those whom they encounter in their ministry and must not act arbitrarily but give, as appropriate, reasons for their decisions.
6. Persons who exercise ecclesiastical governance, as agents of healing and reconciliation, are to be a visible sign of unity and should not jeopardise that unity or be the cause or focus of division and strife by the exercise of their leadership.

***Principle 17: Administration***

1. Efficient administration prepares the ground for effective ministry.
2. Ecclesiastical institutions and persons must ensure that their administrative practices are lawful, competent and courteous.
3. Vision and preparation, decision and action, and communication, consultation and co-operation are key elements of good ecclesiastical administration.
4. Bodies which or persons who exercise ecclesiastical functions may delegate to others only such functions as they are not required to perform themselves provided the delegation is carried out with care, with the consent of those to whom the function is delegated, and in the manner and to the extent prescribed by law.

***Principle 18: Representative government***

1. Representative government is fundamental to church polity, and in matters which touch all, all should have a voice.

2. The central assembly of a church, and the assembly of a province or diocese, consists of representative bishops, clergy and laity.
3. Central, provincial and diocesan assemblies consist of houses, orders or other cameral systems which represent their episcopal, clerical and lay character.
4. A person must be qualified for, and elected or admitted to, membership of a church assembly in accordance with the law applicable to the ecclesiastical unit in which the assembly is located.
5. Diocesan bishops are members of church assemblies by virtue of their office, and other bishops should be represented in such assemblies as prescribed by law.
6. An episcopal synod or college, or other assembly of bishops, enjoys such authority as is recognised by law.

***Principle 19: Legislative competence and subsidiarity***

1. The power to legislate is vested in the representative assemblies of a church.
2. The central assembly of a church may have a general authority to legislate for the whole of that church within its territorial boundaries. In national or regional churches, legislative authority may be found in the central assembly, assemblies of internal provinces, or diocesan assemblies as the law provides.
3. An assembly of a church may introduce, amend, or repeal law subject to the substantive and procedural limitations set by law.

***Principle 20: The diocese and diocesan legislation***

1. A diocese consists of the faithful in a particular territory overseen by a bishop.
2. Dioceses are to associate in provinces in accord with ancient usages of the church.
3. Formation, alteration or suppression of a diocese is in the keeping of the central church assembly and may be effected in such cases and manner as are allowed by law.
4. A see becomes vacant on the death, resignation, retirement or removal of its bishop.



5. The diocesan assembly, namely synod, council or other such body, may have authority to legislate for the diocese.
6. A diocesan bishop may give or withhold consent to proposed diocesan legislation to such extent as is provided by law, but may not legislate unilaterally.

***Principle 21: The parish and parochial administration***

1. The most local unit of a diocese is the parish or other similar ecclesiastical entity.
2. The formation, alteration or dissolution of a parish is in the keeping of the diocesan assembly, subject to provisions applicable under the general law of a church.
3. A parish is committed by the bishop to the spiritual care of an ordained minister.
4. A parish has a representative assembly which consists of clergy and lay persons.
5. Lay members of a parish assembly are selected or appointed by way of election or other lawful process from such classes of qualified persons as are prescribed by law.
6. The parish assembly has such functions as are prescribed by law to promote the whole mission of the church, pastoral, evangelistic, social, and ecumenical.
7. A parish assembly or its officers may be required to report annually to the diocesan authorities on matters affecting that parish.

***Principle 22: Lay participation in government***

1. Lay people are entitled to participate in the governance of a church.
2. A church must enable lay participation in governance by provision for lawful admission to membership of its assemblies and other institutions of government.
3. Lay participation in church government is subject to the conditions prescribed in the law of a church as to eligibility, membership, selection and admission.
4. Communicant status is a normal requirement of eligibility for admission to the institutions and assemblies of government in a church.

5. Duly qualified lay persons may be chosen as representatives of laity for assemblies of government at all levels of a church in the manner prescribed by law.

### ***Principle 23: Visitation***

1. Visitation enables the exercise of a supervisory jurisdiction or a pastoral ministry, including enquiry into and assessment of the condition of an ecclesiastical entity.
2. Visitation may be exercised by the primate, archbishop, bishop or other ecclesiastical person to the extent authorised by the law.
3. Only those ecclesiastical entities may be visited which are prescribed by law.
4. Visitations may be held at such intervals, in such form and with such consequences as may be prescribed under the law.

### ***Principle 24: Due judicial process***

1. Ordinary jurisdiction in matters of discipline rests either with the bishop or with such other ecclesiastical person, court or tribunal as may be prescribed by law.
2. Church disputes must be resolved equitably, and, in the first instance, the parties should seek to resolve their differences amicably.
3. Church courts and tribunals are to be available as necessary to resolve disputes.
4. The relationship between courts or tribunals of original and appellate jurisdiction in the judicial hierarchy is to be clearly prescribed by law.
5. The subject-matter jurisdiction of church courts and tribunals in disciplinary and other matters is to be clearly set out in the law.
6. Church courts or tribunals exercise jurisdiction in relation to and are to be accessible to such of the faithful, ordained or lay, as may be prescribed by law.
7. Judicial and other members of church courts and tribunals are to be duly qualified, selected and appointed by a designated ecclesiastical authority in accordance with a prescribed procedure, and are to exercise their office impartially, without fear or favour.
8. Church courts and tribunals are to enjoy independence from external interference and uphold the rule of law in the church.

9. In disciplinary cases, ecclesiastical offences and defences to them are to be clearly defined and set out in writing.
10. In disciplinary and other cases in church courts or tribunals, the procedure is at all times to be fair and just, and is to protect rights of the parties to notice of proceedings, to adequate time for preparation of defence, to a presumption of innocence, to be heard within a reasonable time, to question evidence, to representation and to appeal in appropriate cases on a matter of fact or law.
11. Penalties or other forms of censure which may be imposed following proceedings in church courts or tribunals are to be clearly set out in the written law of a church.
12. Church courts and tribunals must give their decisions, and the reasons for them, in writing, and both decisions and reasons must be based on fact and law.
13. The decision of a church court or tribunal in a case binds the parties in that case.
14. The decision of a church court or tribunal has such binding or persuasive authority for other church courts or tribunals as may be provided for in the law.
15. Customary censures include deposition, deprivation, suspension, inhibition, admonition and rebuke.

## PART IV MINISTRY

*This section sets out the scope and substance of the ministry of Anglican Christians in engaging, enabling and enlisting human resources in service of their mission to the world, promotion of fellowship of the faithful and witness to the gospel. All members are reminded of the call and cost of discipleship of Jesus Christ.*

*As indicated in previous sections, there are well-defined structures of governance, authority and responsibilities for the different roles and functions of its members, lay and ordained. These are contained in constitutions, canons and other legal instruments in different provinces and dioceses of the Communion, but all exist for the purpose of furthering God's mission in the world.*

*In spite of the diversity in culture and language in different parts in the Communion, there is a shared commitment of clergy and laity alike, to support public and individual ministry, through ordained officials and lay members, the threefold ordained ministry of bishops, priests and deacons, and archiepiscopal and metropolitanical authority. There are underlying principles of pastoral care, issues of professional and personal relationships, issues of confidentiality, and above all, recognition that all who minister should do so "with respect and compassion".*

### ***Principle 25: The laity***

1. All the faithful, in a manner appropriate to their state, participate in the tasks of teaching, governing and sanctifying.
2. The *laos* is the whole people of God, but for the purposes of law, a lay person is a person who is not in holy orders.
3. Lay persons exercise authority in church life and governance according to law.
4. The laity are subject to discipline to the extent and in the manner prescribed by law.

### ***Principle 26: Fundamental rights and duties of the faithful***

1. All persons are equal in dignity before God.
2. All persons have inherent rights and duties inseparable from their dignity as human beings created in the image and likeness of God and called to salvation through Jesus Christ.
3. Baptism is the foundation of Christian rights and duties.
4. A church should respect rights and duties founded on the dignity of the human person and on baptism as well as those afforded by ecclesiastical authority.
5. The church is concerned with the welfare of people in all its aspects, physical, mental and spiritual, and should as far as possible respond to the needs of all.
6. All the faithful, lay and ordained, by virtue of baptism, are responsible for church life and witness in the places where they live, and should: (a) regularly attend public worship, especially at Holy Communion; (b) practise daily devotion, private prayer, Bible reading, and self-discipline; (c) bring the teaching and example of Christ into every-day life; (d) uphold Christian values; (e) be of personal service to church and community; and (f) assist the church financially in its work and mission.
7. All the faithful, ordained and lay, enjoy in a church such rights to government, ministry, teaching, worship, sacraments, rites, and property as may flow from their human dignity, baptism, the duties of others, and the law of that church.
8. In a church there is to be no unlawful denial of equal rights, status or access to the life, membership, government, ministry, worship, rites and

property of that church on grounds of race, colour, ethnic, tribal or national origin, marital status, sex, sexual orientation, disability or age.

9. The faithful may freely associate in a religious order or other society which enjoys autonomy to establish and administer for its life in community its own rule, statutes or other constitution. The relationship between an order or society and a church is governed by the mutual acceptance of their respective regulatory systems.
10. All the faithful should recognise the unique status and needs of children and young people as a particularly vulnerable group, and a church should make such provision as is necessary to ensure their special protection. Mistreatment of children, especially their sexual abuse, offends their humanity and the teaching of Christ.
11. A church should provide for the affirmation and development of the ministry of all the baptized and should have, at the appropriate level, a commission or other body to promote these, the composition and functions of which may be prescribed by law.

### ***Principle 27: Church membership***

1. A church should serve, in appropriate ways, all who seek its ministry, regardless of membership.
2. Membership in a church, for the purposes of participation in its governance, may be based, as the case may be under its law, on any or all of these: baptism; or baptism and confirmation; or baptism, confirmation and communicant status; or regular attendance at public worship.
3. A church may receive into its membership any person who qualifies under its law.
4. A communicant member is a person who has received Holy Communion at such frequency and on such occasions as may be prescribed by law.
5. A communicant in good standing is a communicant who for a prescribed period has been faithful in worship and has supported the work and mission of the church.
6. Names of persons may be entered on a parish roll or other register of membership, subject to such conditions as may be prescribed by law, enabling eligibility for selection to participate in governance and other ecclesiastical functions and offices.

7. Names may be removed from a parish roll or other register of eligible voters in accordance with the law and observing the principles of justice and equity.
8. Membership of a church implicitly involves profession of the faith, acceptance of the doctrines of a church, submission to its government and law, and the enjoyment of the fundamental and other rights and duties of the faithful.

### ***Principle 28: Service in public ministry***

1. Ministry is a gift of God exercised by persons, called by God and recognised as such by lawful authority, to serve the church in its mission and witness to the gospel.
2. Public ministry, ordained and lay, is the fulfilment of a function assigned formally in a church to an office or other position exercised under episcopal authority on behalf of that church in the service of its mission and in witness to the gospel.
3. Public ministry, lived out in its various forms, is exercised in a church as a structured community and institution, with organisation and standards, to promote the communion of the faithful and the mission of the church to the world.
4. Public ministry must be duly authorised in a church, to sanctify, teach and oversee the community of faith, through its bodies and officers, and is exercised on behalf of that church in a representative capacity. People are entrusted with ministry.
5. Ministers have an accountable and professional role, calling for special competence and care, as defined in responsibilities and relationships by ordination, or other admission to office, and by a polity which exists to serve the integrity of the church.

### ***Principle 29: Ecclesiastical office***

1. Ecclesiastical offices include the offices of primate, archbishop, bishop, dean, archdeacon, parish priest, chancellor, registrar, and warden.
2. An ecclesiastical office is a stable substantive position constituted by law, exists independently of the person who occupies it, enables the discharge of functions of the particular public ministry attaching to it, and may be held in succession by its holders.

3. Ecclesiastical offices may be held by persons with such qualifications as are prescribed by the law which may reserve some offices to ordained persons and provide that others may be held either by lay persons only or by ordained or lay persons, depending on the public ministry attaching to the office.
4. Admission to ecclesiastical office must be with the free consent of the candidate, by competent ecclesiastical authority and in accord with such process of conferral, installation, election or other form of appointment as is prescribed by law.
5. The jurisdiction or other authority which attaches to an office is determined by the ecclesiastical authority which established it, by the character of the office, and by the law; authority attaching to an office may be delegated to the extent provided by law.
6. The exercise of ecclesiastical office is regulated by law, the requirements of leadership and authority, and the professional ethic of public ministry.
7. The authority to exercise ecclesiastical office is lost by lawful dissolution of the office, expiration of the stated term of office, attainment of the prescribed age limit, or the death, resignation, transfer, retirement or removal of the office holder.

### ***Principle 30: Lay ministry and offices***

1. The law should prescribe: the qualifications necessary for a person to be authorised to exercise lay ministry or office; the procedure for, body giving, and form of such authorisation; the functions and the manner in which they may be performed; and a fair process and authority competent to review, renew or terminate the exercise of such ministry or office.
2. To be eligible for admission to lay ministry or office, a person must satisfy such qualifications and other requirements as may be prescribed by the law.
3. Appointment to lay ministry or office is by lawful selective process, not as of right.
4. Lay ministers and officers are called to a public and representative ministry within and on behalf of a church with such functions as may be prescribed under its law.



5. Authority to minister may be limited by any or all of the following: the nature of the functions authorised to be performed; the person or body at whose request or by whose authority the functions may be performed; and the place at which and the period during which the functions may be performed.
6. The tenure of a lay ministry or office terminates on expiry of its term, the death, resignation, retirement, or removal of, or withdrawal of authority from, the person, or as otherwise prescribed by law.
7. The authority to discipline, dismiss or reappoint a lay minister or officer is dependent on, and its exercise must comply with, the law.
8. Eligible lay persons may be admitted to such national, regional, provincial and diocesan offices as chairperson, chancellor, secretary, registrar or treasurer.
9. Eligible lay persons in a parish may be admitted to such ministries or offices as warden, steward, secretary, treasurer, reader, evangelist, eucharistic assistant, catechist, lector, pastoral assistant or other worker.
10. A warden or steward is selected in the parish, is admitted by due process, represents the laity, provides the necessities for and keeps order at public worship, and assists in the mission and ministry of the parish and in the administration and management of church property.
11. A lay communicant may be authorised by the bishop to exercise ministry as a reader, evangelist, eucharistic assistant, catechist, pastoral assistant, or worker, under the direction of the relevant designated local clergy.
12. A reader is a lay person authorised to: assist at public worship by reading, preaching, receiving and presenting the offerings of the people; lead regularly public worship, distribute the Holy Communion, conduct funerals, visit the sick, undertake pastoral and educational work; and otherwise support clergy as the bishop may direct.
13. A lay eucharistic assistant is a lay person authorised to distribute the Holy Communion in church and, in the absence of sufficient clergy, to the sick.
14. A catechist is a lay person authorised to prepare persons for baptism, confirmation, reception and the reaffirmation of baptismal vows.
15. A lector is a lay person authorised by a member of the clergy in charge of a congregation to read the Word of God and to lead prayers.

16. A register of lay ministers and officers should be kept and maintained by the appropriate ecclesiastical authority.

### ***Principle 31: Threefold ordained ministry***

1. Ordained ministry is exercised by a person in holy orders.
2. The orders are bishops, priests and deacons.
3. Threefold ordained ministry accords with the practice and tradition of the church.
4. No person may be accepted in a church as a lawful bishop, priest or deacon, or allowed to perform any function belonging to these orders, unless ordained according to the appropriate rite authorised by or recognised under the law of that church.
5. A bishop has oversight to govern, teach and minister, a priest shares with and assists the bishop in the care of souls, and a deacon assists these; all are called to fulfil a ministry appropriate to their particular order.
6. Those in holy orders shall conduct their ministries in accord with the values enshrined in the law of their church and the practice of the church universal.
7. Bishops, priests and deacons are subject to the disciplinary jurisdiction of the courts or tribunals of a church.
8. The efficacy of a sacrament is not affected by the worthiness of its minister.

### ***Principle 32: Ordination: the holy orders of priests and deacons***

1. No person shall be admitted to holy orders unless called, tried, examined and admitted according to the rite of ordination.
2. The diocesan bishop has a special responsibility, with assistance from the faithful, to provide sufficient priests and deacons and to foster vocations to ordained ministry.
3. There is no right to ordination.
4. Baptism and confirmation are necessary qualifications for admission to holy orders.

5. The authority to determine suitability of a candidate for ordination as priest or deacon rests with the bishop subject to such limitations as may be prescribed by law.
6. The bishop must be satisfied that a candidate has the spiritual, moral, physical and mental qualities necessary for ordination and the exercise of ordained ministry.
7. The law determines the requirements for eligibility and qualifications of candidates for ordination, but such requirements may be dispensed with by the archbishop or other designated authority to the extent permitted by law.
8. Both men and women may be ordained to the extent permitted by law.
9. Progression from the diaconate to the priesthood is not automatic.
10. A church may provide for a permanent diaconate.
11. Prior to ordination, a candidate must submit to the diocesan bishop such evidence of eligibility and qualification as are required by law.
12. An ordination candidate must assent to church doctrine, and undertake to use only lawful forms of service, to obey the lawful and honest directions of the bishop, and to comply with the law.
13. Ordination must take place in accordance with the ordinal or other authorised form of service for ordination as prescribed by law.
14. Ordination is administered episcopally under the authority of the diocesan bishop.
15. Valid ordination consists in fulfilment of what the church universal intends with the free consent of the candidate through the imposition of hands by a validly consecrated bishop with the invocation of the Holy Spirit to give grace for the work of a priest or deacon, whichever particular order is bestowed.
16. An ordination cannot be repeated; orders are indelible.

***Principle 33: The ministry of deacons and priests***

1. A deacon has special responsibilities to care for people in need, and to assist the priest in proclamation of the gospel, in administration of public worship, and in such other functions as are prescribed under the law.

2. When serving as an assistant in a parish, a deacon must act in accordance with the lawful directions of the person responsible for the care of souls therein.
3. A deacon must not exercise functions reserved to the order of priests.
4. A priest has a special responsibility, working with the bishop as servant and shepherd, to proclaim the gospel through preaching, teaching, administration of the sacraments and pastoral care.
5. The functions of priests include delivering sermons, presiding at the eucharist, pronouncing the absolution, visiting those within their charge, providing opportunities for spiritual consultation and advice, preparing candidates for baptism, confirmation and reception, and instructing the children within their care in the Christian faith. Priests must provide such other ministrations as may be prescribed by law.
6. A priest may be admitted to such ecclesiastical office, if provided by law, as vicar general, archdeacon or dean, to which particular ministries attach.

#### ***Principle 34: Parish and other ministry***

1. An ordained minister who has charge of a parish or other local ecclesiastical unit has the primary authority and responsibility for the care of souls therein.
2. An ordained minister may be authorised to assist in a parish or to function as a chaplain or in some other form of non-parochial ministry.
3. A minister exercises ministry under the general authority, oversight and pastoral direction of the diocesan bishop.

#### ***Principle 35: Admission to the order of bishops***

1. Candidature for admission to the episcopate is reserved to priests who satisfy such requirements as to age, eligibility, suitability, learning, soundness of mind, good morals and such other prerequisites for the proper exercise of episcopal ministry as are prescribed by law.
2. A priest is admitted to the order of bishops by means of lawful consecration.
3. Consecration of a bishop-elect shall not take place unless and until the appointment is confirmed by competent lawful authority.

4. Episcopal consecration shall not occur without the prior consent of the candidate.
5. Order is taken for episcopal consecration by the archbishop or principal bishop.
6. Consecration of a person as a bishop, consisting in the fulfilment of what the church universal intends, is effected, with the consent of the candidate, in accordance with the prescribed liturgical form through the laying on of hands by three validly consecrated bishops, the recital of the words of consecration, and the invocation of the Holy Spirit to give grace for the work of a bishop.

***Principle 36: Admission to the office of diocesan bishop***

1. Election to the office of diocesan bishop is carried out by an electoral college or other such body which consists of representatives of the episcopate, clergy and laity.
  2. An episcopal election may be challenged on substantive and procedural grounds by such persons, in such manner and to such extent as is provided by law.
- The authority to confirm or reject the election of a bishop vests in an archbishop, episcopal assembly or other competent lawful authority.
4. Episcopal consecration is followed by inauguration of ministry in the diocese.
  5. Enthronement or other installation in the diocese may follow confirmation in the case of a person already in episcopal orders.

***Principle 37: Diocesan episcopal ministry***

1. The diocesan bishop has a special responsibility and authority as the chief pastor, minister and teacher of the diocese, a governor and guardian of discipline in the diocese, and exercises ministry in accordance with law.
2. The bishop as chief pastor must foster the spiritual welfare and unity of the diocese.
3. The bishop is the principal minister of the word and sacraments, with authority to ensure the worthiness of public worship, and has the right to preside at the eucharist, administer the sacraments, celebrate the rites of ordination and confirmation, preach the word, and perform such other liturgical functions as are prescribed by law.

4. The bishop must teach, uphold and safeguard the faith and doctrine of the church.
5. The bishop has a role of leadership in the governance of the diocese, is president of the diocesan synod, council or equivalent assembly, and performs such other governmental functions as may be prescribed by law.
6. The bishop has a primary responsibility to maintain ecclesiastical discipline in the diocese amongst clergy and laity in the manner and to the extent prescribed by law.
7. The bishop must reside in the diocese as required by law.
8. The ministry of a diocesan bishop terminates on vacancy of the see by the death, retirement, resignation or removal of that bishop in accordance with the law.

***Principle 38: Episcopal assistance***

1. A designated ecclesiastical authority may appoint a coadjutor bishop to the diocese, with a right of succession on vacancy, in such manner and to such extent as is authorised by law.
2. A diocesan bishop may have an assistant bishop, with no right of succession on a vacancy, with the approval of the authority designated by law for this purpose and subject to the satisfaction of such conditions as may be prescribed by law.
3. An assistant bishop may be commissioned or otherwise authorised by the diocesan bishop to undertake such ministry and perform such episcopal acts as may be lawfully required or permitted by that diocesan bishop.
4. An assistant bishop is subject to the ordinary jurisdiction of the diocesan bishop.
5. Special provision may be made for parishes which in all conscience cannot accept the ministry of their own bishop for elements of episcopal ministry to be provided by another bishop as agreed from time to time with the diocesan bishop concerned.

***Principle 39: Archiepiscopal and metropolitan authority***

1. The principal episcopal office in a province is that of archbishop, presiding bishop or moderator, an office to which metropolitan authority customarily attaches.

2. A person is assigned in a church to the principal episcopal office by election or other lawful process which involves the representative participation of that church.
3. The principal bishop holds office for such term as may be prescribed by law.
4. Vacancy in the principal episcopal office occurs on death, resignation, completion of the term of office, retirement or removal as prescribed by law.
5. During the incapacity of a principal bishop, the functions of that office are to be carried out by such authority as is determined by law.
6. A principal bishop, in the manner and to the extent prescribed by law: exercises authority and leadership over the province; convenes and presides at its legislative and episcopal assemblies; oversees the episcopacy; exercises visitatorial and judicial functions assigned to that office; and represents the province in its external relations.
7. A principal bishop enjoys precedence over the bishops of the province.

***Principle 40: Primacy: the office of primate***

- An archbishop or bishop may be assigned to the office of primate or other such presiding episcopal office in a national, regional, provincial or other church.
2. A bishop is assigned in a church to the office of primate by election or other lawful process which involves the representative participation of that church.
  3. A primate is responsible for general leadership in initiating, developing and implementing the policy and strategy of a church.
  4. A primate represents a church in its dealings with other churches, national and international bodies and has such other functions as are prescribed by law.
  5. A primate exercises such jurisdiction as may be prescribed by law.
  6. A primate is to hold office for such term as is prescribed by law.

***Principle 41: Clerical discipleship***

1. Clergy should fashion their ministry after the example of Jesus Christ.

2. Clergy should not act in any way or engage in any occupations, habits or recreations inconsistent with their sacred calling but should lead a disciplined way of life appropriate to their clerical state and office.
3. Clergy must be diligent in liturgical life, particularly in the celebration of the eucharist, apply themselves to personal prayer, self-examination and study, especially of holy scripture and other matters pertaining to ministerial duties.
4. Clergy must not engage in any secular employment or other occupation outside their ministry without consultation with, or as the case may be permission from, the diocesan bishop or other relevant church authority.
5. Clergy must reside within the territorial boundaries of or near the ecclesiastical unit to which they are assigned; absence is permitted only with the consent of the diocesan bishop or other designated authority.
6. Clergy of the diocese are subject to the jurisdiction of the diocesan bishop to the extent provided under the law.
7. Clergy must comply with the lawful and honest directions of their diocesan bishop.
8. Clergy should dress in such manner (a) as is suitable to the performance of their ministry; and (b) as may be a sign and mark of their calling both to those within their charge and to society at large.

#### ***Principle 42: Authorised public ministry***

1. Prior authorisation to exercise public ministry as an ordained or a lay person within a diocese must be obtained from the diocesan bishop or other designated authority.
2. The bishop may confer upon an ordained or a lay person the authority to minister publicly by means of appointment to a particular office or public ministry, by licence, by written permission, or by such other process as may be prescribed by law.
3. The laity, or their representatives, participate in the appointment of clergy to an office or other public ministry in such manner, and to such extent, as may be prescribed by law.
4. Episcopal or other authorisation to exercise public ministry in a diocese may be refused only on those grounds which are provided for in the law.
5. No bishop, priest or deacon coming from another diocese, which includes a diocese in another church of the Anglican Communion, shall



exercise public ministry in the host diocese without the prior permission of the host diocesan bishop.

6. Before they may be permitted by the bishop to minister in the diocese, clergy from another diocese, which includes a diocese in another church of the Anglican Communion, must produce to the host bishop such satisfactory evidence of ordination and good standing as may be lawfully required.
7. The withdrawal or termination of episcopal authority for any ordained or lay person to exercise public ministry in a diocese must be carried out in accordance with the grounds and procedures prescribed by law.

### ***Principle 43: The professional ethic of public ministry***

1. In all professional matters, ministers are to maintain practices that (a) give glory to God; (b) advance the goals, peace and unity of the church; (c) nurture and strengthen the welfare of fellow ministers, the faithful and the public; (d) demonstrate honest, fair and sincere motives; and (e) share faith, hope and love with all people.
2. Ministers should (a) recognise, affirm and protect the uniqueness and dignity of those to whom they minister irrespective of race, colour, ethnic or national origin, marital status, sex, sexual orientation, disability or age; and (b) respect the autonomy of those to whom they minister including their ultimate freedom to act contrary to the beliefs, practices and opinions of the minister.
3. Ministers are to act in such a manner as to (a) uphold and enhance the honour, integrity, morality, dignity, reputation and sacramentality of the ministry; and (b) maintain professional competency throughout their calling and limit their ministries to those activities and responsibilities for which they are duly qualified.
4. Ministers must ensure that no action or omission on their part or within their sphere of responsibility is detrimental to the well-being of another, and must not use their positions to further their own private interests or benefit.
5. Ministers must (a) behave at all times so as to deserve, retain and justify the trust and confidence of the church and of the public; and (b) deal with the affairs of the faithful and public sympathetically, effectively, promptly, rationally, and without bias.

6. Ministers are accountable to their church and must not act arbitrarily but must give reasons for their decisions to those affected by them. They must be as open as possible in their dealings with fellow ministers, the faithful and the public, refusing to give information only when this is required by an obligation of confidentiality.
7. Ministers must give accurate and truthful information at all times correcting any inadvertent error at the earliest opportunity. They must not knowingly mislead any church authority, or any member of the faithful or of the public; nor should they seek to frustrate or otherwise obstruct synodical or any other lawful church process.
8. Ministry should be exercised in a nutritive and integrative way, never to exploit, manipulate, or compete, but cultivating Christian virtues and fruits of the spirit: love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control.

#### ***Principle 44: Pastoral care***

1. Ministers offer their pastoral ministry, with respect and compassion, and without unlawful discrimination, not only to members of the congregation but to all people as witness to the example of Jesus the Good Shepherd.
2. Ministers, at all times and within reason, are (a) to be accessible and available for pastoral care; (b) to welcome those who visit them for pastoral care or other ministry and receive them as they would receive Christ; and (c) to act on requests from any person for a pastoral visit as promptly as is practicably possible.
3. Ministers should (a) encourage and enable the involvement of lay people in pastoral work; and (b) acknowledge and act upon their own personal needs to receive ministry.

#### ***Principle 45: Professional and personal relationships***

1. Ministers should (a) affirm and encourage the discipleship and ministry of all the faithful; (b) respect legitimate diversity of opinion and custom amongst the faithful; (c) promote collaborative ministry across church life and activity; and (d) foster vocations assisting people to discern and fulfil their own vocations.
2. Ministers must maintain appropriate professional boundaries at all times within the relationships encountered in the lawful exercise of ministry, including physical, sexual, emotional and psychological boundaries.

3. Ministers should be aware of and avoid possible risks of dependency, manipulation, competitiveness and collusion in professional relationships.
4. Ministers must display professional courtesy towards ministerial colleagues, must not initiate or engage in malicious talk about them, and must respect confidences.
5. Ministers must be willing to serve with colleagues regardless of personal or theological differences unless otherwise permitted by lawful authority.
6. Ministers should respect the integrity of the ministry entrusted to others, in accordance with lawful authority.
7. Ministers should be understanding of the shortcomings of colleagues and seek to give support and help to them when needed. If ministers become aware of any inadequacy in themselves or in a colleague, the help of the wider church should be sought. Ministers, in the context of their own knowledge and experience, should assist fellow ministers to develop their own ministerial competence.

#### ***Principle 46: Confidentiality***

- ( All the faithful should respect confidences entrusted to them.
2. The acquisition, holding, processing and disclosure of confidential information within a church may be subject to rules of civil law.
3. Confidential information must not normally be disclosed unless this is required by civil law, consented to by the confider, or necessary to prevent harm.
4. A person in ministry or office who engages in impermissible disclosure of confidential information received even outside sacramental confession may be subject to disciplinary process in the manner and to the extent provided by church law.

#### ***Principle 47: Termination of clerical ministry***

1. Clergy may tender a resignation to the bishop but must resign or may be removed if their incapacity or unfitness to discharge ministry is lawfully established.
2. Clergy must retire from the offices they hold at such age as is fixed by law but may continue in public ministry with the approval of the bishop

or other competent authority in the manner and to the extent prescribed by law.

3. A person may voluntarily relinquish the exercise of holy orders. Relinquishment may be reversed in such circumstances as may be allowed under the law.
4. A person may be deposed from holy orders by lawful pronouncement of a competent ecclesiastical authority.
5. Deposition disables the exercise of holy orders, either irreversibly or reversibly, as the case may be, according to the law.

## PART V DOCTRINE AND LITURGY

*This section addresses the issues of doctrine and liturgy. In the Anglican tradition, neither doctrine nor liturgy is “free-floating”. Each is bound by authority, doctrine being derived from Scripture and affirmed by the Catholic creeds and historic Anglican formularies; and liturgy has Scripture and the historic deposit of the Book of Common Prayer 1662 as its touchstones.*

*In each case, there are particular, but overlapping roles for bishops, clergy and laity. All are called in their distinctive roles, to guard, teach, proclaim and live out this faith, in ways which are loyal to all that has been received from the past but which do justice to “local circumstances, practices and needs”.*

*Through it all runs the certainty that in Christ, God’s revelation is made known, controlling the Church’s faith, commanding the worship of the faithful, and energising the whole body “to illuminate, challenge and transform cultures, structures, thinking and doing”.*

### *Principle 48: The presentation of doctrine*

Doctrine is the teaching of the church on any matter of faith which a church receives, believes and represents afresh from generation to generation by virtue of its belonging to the One, Holy, Catholic and Apostolic Church.

2. The faithful have a responsibility to proclaim the Word of God revealed in Christ.
3. Bishops have a special responsibility to teach the faith, to state publicly the doctrine of the church, and expound their application to the people and issues of the age.
4. Priests and deacons have a responsibility to preach sermons and provide other forms of instruction in the faith for those entrusted to their charge.
5. Sermons may be preached, and instruction in the faith provided, by such lay persons as have received lawful authority to exercise a teaching ministry.
6. In sermons or other forms of teaching a minister must endeavour with care and sincerity to expound the word of truth according to Holy Scripture, to the glory of God and to the edification of the people.
  - .. A sermon should be preached on Sundays and on the major festivals.
8. Clergy must take care that those in their care, especially children and young persons, are instructed in the doctrine, sacraments and discipline of Christ, as the Lord has commanded and as found in Holy Scripture, and in the teaching and catechism of a church.
9. A church may have commissions, boards, councils or other such bodies to lead, advise on, and carry out the work of evangelism, mission and teaching at the appropriate levels of and in a manner prescribed by that church.

### *Principle 49: The sources of doctrine*

1. The faith of Our Lord Jesus Christ is taught in the Holy Scriptures, summed up in the Creeds, and affirmed by the ancient Fathers and undisputed General Councils.
2. The Holy Scriptures of the Old and New Testaments contain all things necessary to salvation and are the rule and ultimate standard of faith.

3. The Apostles' Creed represents the Baptismal Symbol; and the Nicene Creed is recognised as the sufficient statement of the Christian faith.
4. The Thirty-Nine Articles of Religion, the Book of Common Prayer and the Ordinal 1662 are grounded in the Holy Scriptures, and in such teachings of the ancient Fathers and Councils of the Church as are agreeable to the Holy Scriptures.
5. The Thirty-Nine Articles of Religion, the Book of Common Prayer and the Ordinal 1662 represent the historic sources of lawful doctrine for a church.

### ***Principle 50: The development of doctrinal formularies***

1. A church must maintain the Faith, Doctrine, Sacraments and Discipline of the One, Holy, Catholic and Apostolic Church, and its own doctrinal formularies shall be compatible with the faith revealed in Holy Scripture, summed up in the Creeds, and received, practised and held by the church universal in the light of tradition and reason.
2. A church may draw up its own formularies of faith set out in terms that it considers suitable to the present day and to the needs of its people and circumstances so that the faith may be presented loyally and intelligibly from generation to generation.
3. Such competence as there may be to develop, reformulate or alter doctrinal formulae vests only in national, regional or provincial assemblies within a church according to its law.
4. The development of doctrinal formulae by a church assembly may be subject to such substantive limitations and special procedural requirements as may be prescribed by the law of a church to ensure the protection of the faith of the church universal.
5. No new doctrinal formulae may be approved by a central church assembly without the consent of the House of Bishops or equivalent collegial episcopal body.
6. A church may have a doctrinal commission or similar body to advise on and propose doctrinal development to the extent and in the manner prescribed by law.

### ***Principle 51: Preaching, teaching and outreach***

1. Ministry involves the proclamation of the gospel and instruction of the people in the faith. Ministers should lead people to greater exploration

and fuller understanding of the gospel and its challenge to contemporary life within the tradition of faith.

2. Ministers are to ensure that biblical texts are treated respectfully and coherently, building on tradition and scholarship, so that scriptural revelation may continue to illuminate, challenge and transform cultures, structures, thinking and doing.
3. Ministers should bring new insights and knowledge to the interpretation and application of scripture, so that the gospel can be proclaimed to this age as the good news that it has been to ages past.
4. Responsibility for mission in any place belongs primarily to a church in that place.

### ***Principle 52: Legitimate theological diversity***

1. Ministers are called to work together and remain in fellowship so that visible communion is maintained even if theological or other disagreements occur.
2. The right to deny the authenticity of the ministry of anyone duly authorised by a church belongs only to the competent ecclesiastical authority as designated by law.
3. A minister enjoys such rights of conscientious objection with impunity as are permitted by law.

### ***Principle 53: Doctrinal discipline***

1. The church has authority in controversies of faith.
2. At ordination and consecration candidates must subscribe, assent or otherwise affirm publicly their belief in or loyalty to the doctrine of their church.
3. Ordained ministers may be required to subscribe to the doctrine of their church on admission to an office or other appointment.
4. Lay ministers or lay officers may be required to subscribe to the doctrine of their church to the extent prescribed by law.
5. The width of permissible theological opinion in a church is determined (a) legislatively, by its central assembly; (b) executively, by its bishops, individually or collectively; and (c) judicially, by its courts and tribunals.



6. The bishop has a special responsibility to guard and uphold sound and wholesome doctrine.
7. Ministers must not teach, preach, publish or profess doctrine or belief incompatible with that of their own church.
8. A person who engages in unlawful doctrinal dissent may be subject to disciplinary process in church courts or tribunals in the manner and to the extent provided by law.
9. The courts and tribunals of a church do not declare true doctrine or create new doctrine but only state what the law is with regard to doctrine.
10. The interpretation of the standards and formularies of, and all questions of faith and doctrine arising in, a church shall be determined within that church save to the extent that its law permits reference for the purpose of consultation or determination of such matters to a body external to that church.

#### ***Principle 54: Liturgy and public worship***

1. The worship of God is a fundamental action and responsibility of the church.
2. Worship involves praise, adoration, confession, prayer and thanksgiving.
3. Liturgy is the work of the faithful through corporate public worship in accordance with the lawful forms of service of a church.
4. A balance should be struck between preservation of the liturgical inheritance and adaptations to local use and the needs of the people and the age.
5. Rubrics and other norms in a service book provide for order and decorum in liturgy, enable the community to participate fully in the act of worship, and ensure adaptability to meet local circumstances, practices and needs.
6. All the faithful should attend regularly at corporate public worship.
7. All the faithful should celebrate and keep the Lord's Day, commonly called Sunday, by regular participation in corporate public worship, by hearing the Word of God read and taught, by acts of devotion and of charity, using all godly and sober conversation, and by abstention from all unnecessary labour and business.

8. Forms of service must be in a language understood by the people.  
Local customs may be followed in the matter of posture, whether of standing, kneeling or sitting, at the time of public worship.
10. All persons present should pay reverent attention at the time of divine worship, give due reverence to the name of the Lord Jesus, and stand at the Creed and the reading of the Gospel at the Holy Communion.
11. The officiating minister is responsible for music at public worship, should collaborate in this matter with the congregation, organist, choirmaster or other director of music, and take account of local custom.
12. Chants, hymns, anthems, and other settings must be appropriate, both in words and music, to the acts of worship and prayer as well as to the congregation, and must not be contrary to church doctrine but glorify God and help the people in worship.
13. Disagreements about music may be referred to the bishop for resolution.
14. Ministers should wear at the time of divine service such vesture as is the customary ecclesiastical apparel of their order or office and questions of vesture, its introduction or disuse, should be determined by the bishop according to law.

*Principle 55: Liturgical revision: the forms of service*

1. The Book of Common Prayer 1662 is the normative standard for liturgy.
2. A church may make such revisions, adaptations and innovations in the forms of service, lectionary and calendar as are desirable to adapt to particular needs and circumstances.
3. A church may have a commission or other body to prepare, advise on, and recommend liturgical adaptation and innovation.
4. It belongs to the central church assembly to approve, amend, continue or discontinue forms of service to the extent and in the manner prescribed by law.
5. A form of service must be such as is neither contrary to, nor indicative of a departure from, the doctrine of the church in any essential matter.
6. Liturgical adaptation and innovation must not be inconsistent with the Word of God and with the spirit and teaching of the Book of Common Prayer 1662.

7. It is for the central church assembly, or other ecclesiastical body authorised by it, to approve, in such manner and to such extent as is provided by law, new forms of service for experimental use, during such period and subject to such conditions as may be prescribed by law, which use in a diocese may be authorised by its bishop.
8. The bishop may authorise for a diocese variations, adjustments, or substitutes for or additions to any part of a liturgical text under trial use to the extent permitted by law.
9. If permitted by law, a bishop or other ecclesiastical body may authorise services for use in a diocese, for which no provision already exists, subject to such limits as are imposed by law, and provided such services are not inconsistent with church doctrine.
10. No minister in a parish or other local unit may formulate or use a form of service for which no provision exists in authorised service books without lawful authority.

### ***Principle 56: Liturgical administration***

1. A minister must use in public worship only those forms of service authorised or otherwise permitted by lawful authority.
2. A church may require uniformity of a single liturgical use throughout that church or conformity with a number of alternative services.
3. Liturgical life should be characterised by flexibility to the extent authorised by law.
4. Appropriate patterns of worship may vary from place to place, and time to time, and if authorised to do so, ministers may use their own sensitivity and discretion to conduct worship so the faithful may participate with sincerity and understanding.
5. A minister may make and use variations in an authorised form of service in the manner and to the extent prescribed by law, and such variations must be reverent and seemly and not be contrary to or a departure from the doctrine of the church.
6. Rubrics or other liturgical directions are to be interpreted and applied flexibly so as to enable adaptation to meet local circumstances, practices and needs.
7. The diocesan bishop has a special responsibility and authority to oversee and control liturgical practice in the diocese in accordance with law.

8. Questions concerning liturgical variation by a minister may be referred to the bishop who may give such permission or pastoral guidance, advice or direction as deemed appropriate in such manner and to such extent as is prescribed by law.
9. Failure by a minister to use the authorised forms of service or otherwise to conduct public worship in accordance with the law may result in disciplinary action.

***Principle 57: The provision of public worship***

1. In each parish there should be a place of worship in which the clergy duly appointed regularly conduct public worship, administer the sacraments, and perform other ecclesiastical rites and ceremonies with the participation of the laity.
2. Clergy should make provision for public worship, and lead the worship of the congregations committed to their charge, unless hindered by sickness or other reasonable cause approved by lawful authority.
3. Public worship may be dispensed with in times of necessity for reasonable cause on an occasional or a regular basis if so authorised by the minister, parish assembly, bishop or other lawful authority to the extent permitted by law.
4. A minister should prepare services of worship thoughtfully, carefully, and collaboratively, with consideration for the needs of the locality and people, especially those of disabled or disadvantaged members of the congregation.

***Principle 58: Liturgical choice: alternative forms of service***

1. The choice between any alternative authorised forms of service rests, as the case may be, either with the minister alone or acting in collaboration with the parish assembly, or with such other authority as is designated by law.
2. The choice of forms of service for occasional offices, such as baptisms, marriages and funerals, lies with the officiating minister on consulting the parties concerned.
3. Disagreements over the choice of alternative forms of service, including those for occasional offices, should be referred to the bishop for advice or determination.

***Principle 59: Responsible public worship***

1. Clergy should share liturgical functions with those authorised to perform them, encourage the faithful to participate fully and in roles of leadership in liturgy, and provide for training and preparation as necessary to support them.
2. The right to supervise the conduct of public worship in a parish or other local unit vests in the member of clergy or other authorised person responsible for that parish.
3. No minister, lay or ordained, from another parish or diocese may officiate or conduct divine services publicly in whole or in part within a parish or other local unit without the prior consent of its member of clergy or other person authorised by law.
4. The oversight of public worship in the diocese is subject to the general direction of the bishop or other designated lawful authority.

***Principle 60: Liturgical discipline***

1. The bishop has authority to order liturgy and public worship within the diocese.
2. The bishop or other designated authority is competent to restrain or prohibit in the conduct of liturgy and public worship any significant practice or grave irregularity not provided for in service books or permitted by other lawful authority.
3. Church members should submit themselves in all matters ritual and ceremonial, to the authoritative judgements of their church.
4. Ministers must in the administration of liturgy and public worship comply with church discipline and observe the forms of service authorised for use in their church, so as to ensure a reverent, regular and careful ordering of divine worship.
5. Disputes concerning liturgy and public worship shall be determined within a church save to the extent that its law permits reference for the purpose of consultation or determination of such matters to a body external to that church.
6. Any minister who fails to provide public worship, to administer the sacraments, or to use lawful liturgical ritual or ceremonial, according to the order and use of a church, may be the subject of disciplinary proceedings in its courts or tribunals.

## PART VI ECCLESIASTICAL RITES

*This section deals with the two key dominical sacraments of baptism and the eucharist, and goes on to cover marriage issues, confession and absolution, exorcism, and funeral rites.*

*Perhaps unsurprisingly within a worldwide Communion whose liturgical life was essentially shaped by the Church of England Book of Common Prayer (1662), there has been widespread agreement over matters of form, including agreement about the principles of liturgical revision in individual churches. At the same time, historic tensions between the Catholic and Protestant emphases within Anglicanism are never far from the surface.*

*From the lawyer's point of view, marriage law presents a particularly interesting study in the overlap between church law and the law of the state. The interplay between the exercise of civil legal rights in relation to divorce and remarriage, and the teaching of the churches, has resulted in the development of very diverse approaches to these issues within the churches of the Anglican Communion.*

### ***Principle 61: Baptism: nature and administration***

The sacrament of baptism, instituted by Christ, is a sign of regeneration or new birth by which those who receive it are incorporated into the Church of Christ.

2. A valid baptism is administered with water, by way of pouring, sprinkling, immersion, submersion or other similar means, simultaneously with the form of words 'I baptise you in the name of the Father and of the Son and of the Holy Spirit'.
3. All baptised persons belong to the church universal.
4. Baptism alone may not effect institutional membership of a church save to the extent provided by its law.
5. Baptism by ordained ministers is the norm. If present, the bishop may be the minister of baptism. If a bishop or priest is unavailable baptism may be administered by a deacon.
6. Baptism may be administered by a lay person in cases of emergency such as danger of death.
7. Baptism should be administered publicly in the presence of the congregation at the regular church services.
8. Baptism may be administered privately to the extent permitted by law.
9. Baptisms must be recorded in a register maintained especially for this purpose.
10. Valid baptism is indelible and cannot be repeated.

### ***Principle 62: Sponsorship and baptismal instruction***

1. The number of godparents or other sponsors for baptismal candidates is customarily two or such other number as may be prescribed by law.
2. At least one godparent or other sponsor should be of the same sex as the candidate, and godparents or other sponsors shall be of such age as may be prescribed by law.
3. Parents or guardians of a candidate may function as sponsors, and the law may recommend that one of the sponsors be a parent of that candidate.
4. Subject to such dispensations as may be permitted by law, godparents or other sponsors must be baptised persons and should be communicants.

5. Godparents or other sponsors have the responsibility to help the baptised person grow in the knowledge and love of God and in the fellowship of the church, and support such person by prayer and example of Christian living.
6. Parents, guardians, godparents or other sponsors of infant candidates are to receive instruction or other preparation prior to the baptism, by persons lawfully designated, as to the sacrament itself and the Christian life entered by it.
7. Prior to baptism the minister is to instruct and prepare, or cause to be instructed and prepared, any adult, or other candidate able to answer for themselves, in the Christian faith, the meaning and significance of baptism and the Christian life entered by it.

***Principle 63: Baptismal discipline: admission and exclusion***

1. Parents or guardians are expected to bring their children to baptism.
2. No minister may without lawful cause refuse or unduly delay baptism of a child in their cure whose parents or guardians desire baptism for the child.
3. In the exercise of pastoral and moral responsibility, a minister may, after due notice, postpone baptism until the parents or guardians and godparents or other sponsors have been instructed and are in the opinion of that minister in a position to undertake the spiritual, moral and educational obligations required of them.
4. A minister should not baptise a child without the consent of its parents or guardians.
5. Adult candidates for baptism must satisfy the requirements of faith, repentance and such other conditions as may be prescribed under the law.
6. When adults are to be baptised, they should be presented to the bishop for confirmation either at the same time or as soon as possible thereafter.
7. If a minister refuses or unduly delays to baptise any child, the parents or guardians may apply to the bishop, who shall, after consultation with the minister, give such directions as are deemed appropriate.
8. A minister who refuses to baptise without lawful cause may be subject to disciplinary process for neglect of duty in accordance with law.



***Principle 64: Conditional baptism***

- ( Due to the indelibility of baptism, the minister of baptism must be satisfied that a candidate for baptism has not previously been baptised.
2. If there is uncertainty or other reasonable doubt as to whether a candidate has been baptised previously, such person may be baptised conditionally.
  3. Conditional baptism must be administered as no mere formality but with the solemnity proper to a rite of Christian initiation.
  4. The absence of a baptismal certificate or other record is not in itself sufficient reason for conditional baptism.

***Principle 65: Confirmation***

1. Only a baptised person who has attained the age of discretion may be confirmed.
  2. Confirmation is a rite in which a person makes a profession of the faith and a mature expression or reaffirmation of the commitment to Christ made at baptism.
- ( The minister of confirmation is the bishop.
4. Confirmation is effected by episcopal laying on of hands and invocation of the Holy Spirit to strengthen the candidate in the Christian life.
  5. Confirmation should be administered at a celebration of the eucharist.
  6. The duty to encourage a person to be confirmed rests upon the baptismal sponsors and sometimes with or in collaboration with the parents or guardians.
  7. A special duty to seek out candidates for confirmation may be placed on clergy.
  8. An ordained minister presents candidates to the bishop for confirmation which should be witnessed and recorded in a certificate or other document.
  9. All confirmation candidates must receive instruction, from an ordained minister or other authorised person, in the Christian faith, which may include the Lord's Prayer, the Creed, the Ten Commandments and church catechism, so that candidates may render an account of their faith and the bishop may be assured by the presenting minister of their faith, repentance, and resolve to live the Christian life.

10. In cases of the baptism of adults and of children able to answer for themselves, baptism and confirmation should be administered as a single rite failing which confirmation should follow baptism as soon as is convenient.

***Principle 66: Holy Communion: nature and celebration***

1. Holy Communion, the Eucharist or the Lord's Supper, is a sacrament instituted by Christ, the central act of worship and an act of the whole church, and shall be maintained and duly administered by each church.
2. Every confirmed person should receive Holy Communion frequently and regularly.
3. Holy Communion should be administered in a church building or other place of worship, except for the communion of the sick or the housebound, or in other cases with the consent of the bishop.
4. The authorised forms of service must be used to celebrate Holy Communion.
5. The elements to be consecrated for Holy Communion are bread and wine.
6. The giving of Holy Communion in both kinds is the normal practice, according to the example and precept of our Lord.
7. Presidency at the Holy Communion is reserved to a bishop or priest.
8. It is the prerogative of the bishop, when present, to be the principal celebrant at the Holy Communion.
9. A deacon, or a lay minister specially authorised by the bishop as a eucharistic assistant, may assist in the distribution of the Holy Communion.

***Principle 67: Reservation of the Sacrament***

1. The sacrament may be reserved for the sick and housebound, those dying or in special need, and for devotional services, with the lawful permission of the bishop.
2. The reserved sacrament must be kept in a safe and fitting place in church.

***Principle 68: Admission to Holy Communion***

1. To receive Holy Communion, a person must be baptised and, where required by the law of a church, confirmed or ready and desirous of being confirmed.
2. Where confirmation remains a requirement for admission to Holy Communion, a bishop may authorise such admission of baptised and unconfirmed persons to the extent lawfully permitted.

***Principle 69: Exclusion from Holy Communion***

1. No minister shall without lawful cause deny Holy Communion to any baptised Christian who devoutly and humbly desires it.
2. A person, in the absence of repentance and amendment of life, may be denied Holy Communion, for living openly in grievous sin or contention, causing scandal to the congregation, bringing the church into disrepute, or similar causes prescribed by law.
3. A priest may summarily exclude a person from Holy Communion to prevent immediate scandal in church but must report the matter to the bishop who after due investigation must issue appropriate directions with which the priest shall comply.
4. In cases other than summary exclusion, if a priest is empowered by law to exclude a person from Holy Communion, such priest must first warn the person not to receive and may exclude only if there is no repentance and amendment of life.
5. In cases other than summary exclusion, if a priest is not empowered by law to exclude a person from Holy Communion, such priest must first warn the person not to receive without repentance and amendment of life, and, if the warning is unheeded, the priest must refer the matter to the bishop who may exclude.
6. A person excluded from Holy Communion may appeal (a) against exclusion by a priest, to the bishop; or (b) if provided by law, against exclusion by or a direction of the bishop, to an episcopal assembly, court or other competent authority.
7. In appeals against exclusion from Holy Communion the competent authority must after due investigation issue appropriate directions which shall be complied with.

8. Restoration to admission to Holy Communion is reserved to the bishop or priest, as the case may be under church law, or in cases of appeal to the competent authority.
9. The effects of excommunication are such as may be prescribed by law.

***Principle 70: Marriage: nature, purposes and responsibilities***

1. Marriage, an honourable estate instituted by God, is an exclusive life-long union, signifying the mystical union that is between Christ and his Church, effected on the free exchange of consents between one man and one woman joined together by God as husband and wife and lasting until the death of one spouse.
2. Marriage is a creative relationship between a husband and a wife to share life together in the spirit of Jesus Christ for the development of their personalities, for the procreation and nurture of children, to direct the right use of the natural instincts and affections, and for the mutual society, help and comfort which the one ought to have for the other, both in prosperity and adversity, and for the establishment of a home and family life.
3. All members of a church share according to their circumstances in the obligation to uphold Christian standards of marriage in human society especially by care for their own families and by neighbourly care for the families of others.

***Principle 71: Requirements for ecclesiastical marriage***

1. Ministers must comply with civil law as to the formation of marriage and with church law as to the solemnisation of marriage according to ecclesiastical rites.
2. The parties to a marriage must satisfy the civil and ecclesiastical requirements for a valid marriage. Otherwise the minister should refuse solemnisation.
3. An ecclesiastical marriage is presumed valid if: (a) the parties have a right under civil law to contract a marriage; (b) both parties freely and knowingly consent to marry, without fraud, coercion, or mistake as to the identity of a partner or the mental condition of the other party; (c) the parties do not fall within the prohibited degrees of relationship; (d) the parties have attained the required age for marriage, and (e) where required in the case of minors, their parents or guardians have consented to it.

4. A church is free to impose for spiritual purposes such conditions for admission to ecclesiastical marriage as are prescribed by its law.  
( While a Christian marriage is one between baptised persons, the law may provide for marriage where the normal requirement of baptism is not met.
6. A church may relax baptismal requirements for marriage by way of dispensation or permission of a bishop or other competent authority to the extent prescribed by law.
7. A person, being a member of, associated with, or resident in a parish of, a church, is entitled to solemnisation of marriage in accordance with the rites of that church in the manner and to the extent provided by its law.
8. A minister may refuse to solemnise a marriage for such cause, which may include conscientious objection, as is provided by the law.

***Principle 72: Preliminaries for ecclesiastical marriage***

1. A minister should instruct prospective spouses in the nature, significance, purpose and responsibilities of marriage in a manner consistent with church doctrine.  
( The precise content of marriage preparation and its duration may be determined by the minister, the bishop or other competent ecclesiastical authority.
3. Such notice of the proposed date of the marriage as may be prescribed by law must be given to the relevant minister, unless dispensed with for lawful cause.
4. A marriage may be solemnised following publication of banns, episcopal licence or other lawful permission issued by a competent ecclesiastical authority.
5. Before marriage is solemnised a minister must establish by enquiry that no impediment obstructs its valid celebration under canon law and civil law.
6. If any impediment is alleged, marriage should be deferred until the truth is established.

***Principle 73: Solemnisation of marriage***

1. The ordinary minister of holy matrimony is a priest or bishop, but the man and the woman may also be understood as both the recipients and the ministers of marriage.
2. If a priest is not available to conduct the marriage service, a deacon may do so subject to such rules as may be provided in the law of a church.
3. The choice of marriage service, if alternatives are provided by a church, belongs to the minister who conducts the service in consultation with the parties concerned.
4. A marriage is created by the free, competent and open consent of the parties who contract it, in the presence of witnesses and of an authorised minister.
5. A marriage must be witnessed by at least two persons and recorded in registers or other books provided and maintained in the church for this purpose.
6. A civil marriage may be followed by a blessing of that marriage in church.

***Principle 74: Nullity of marriage***

1. A church may provide that any person whose marriage has been terminated by divorce or annulment under civil law may apply, in the manner prescribed by church law, to the bishop or other competent ecclesiastical authority for a judgement which may declare the nullity of the marriage for ecclesiastical purposes.
2. Grounds for an ecclesiastical declaration of nullity may include: absence of consent freely given and received, or of an intention to be married until death; lack of the required age to marry; or being within the prohibited degrees of relationship.
3. Marriage in church may follow an ecclesiastical or a civil declaration of nullity.

***Principle 75: Divorce and remarriage in church***

1. The matrimonial bond is intended to be dissolved only by the death of one spouse.
2. When a marriage is dissolved by the death of one of the parties, the surviving spouse is free to marry in church.

3. When marital unity is imperilled, before recourse to civil law, the spouses are to approach the church which should labour that the parties may be reconciled.
4. If the situation between spouses has become such that a harmonious or even tolerable relationship has in fact ceased to exist, a church may hold that while divorce is undesirable it may be preferable to the continuance of a destructive relationship.
5. Following the civil dissolution of a marriage, a church may permit a person whose former spouse is still alive to be married according to the rites of that church, and may stipulate conditions required for the solemnisation of such a marriage in church which it judges necessary to safeguard the holiness of marriage and the respect due to it.
6. An ordained minister may refuse for reasons of conscience or other lawful cause to solemnise the marriage of a divorced person whose former spouse is still alive.
7. A church may provide that the decision to solemnise the marriage of a divorced person whose former spouse still lives is to be made by a member of the clergy, as the case may be, either alone, or in consultation with the bishop, or with the consent of the bishop or such other competent authority prescribed by law.
8. A person who has obtained a civil divorce should not by virtue of that fact alone be excluded from Holy Communion.
9. Persons who re-marry during the lifetime of a former spouse and those married to them may receive Holy Communion subject to conditions operative under the law.
10. Lack of parity of religion is not of itself a reason for seeking divorce.

### ***Principle 76: Confession and absolution***

1. Only a priest or bishop may pronounce absolution.
2. Priests and bishops may exercise the ministry of general confession and absolution at a public service, and private confession and absolution to an individual person.
3. Priests should instruct the faithful in the use of private confession.
4. A person who, unable to quiet his conscience by general confession or otherwise to find the assurance of the forgiveness of God, repents of his

sinful past and intends amendment of life, may offer private confession to God in the presence of a priest.

5. At a private confession the priest may give advice and must pronounce absolution except for good reason.
6. The ministry of absolution may not be exercised without the permission of the minister having cure of souls of the parish in which it is performed, except in cases of danger of death.

### ***Principle 77: The seal of the confessional***

1. The seal of the confessional is inviolable.
2. The secrecy of confession is morally absolute for the confessor, an historic obligation, a solemn bond and a sacred trust so that the penitent is able to confess in the assurance that the priest will not disclose or refer again to the matter confessed.
3. The seal of the confessional is not abrogated on the death of the penitent.
4. A priest may disclose information received in confession with the consent or at the request of the penitent who at any time may withdraw such permission, to the extent provided by the law of a church.
5. The extent to which the seal of the confessional is protected and priest-penitent communications are privileged in civil courts is a matter of civil law.
6. Any obligation to give evidence under compulsion of a civil court of law or other authorised body is enforceable in secular law, but priests compelled to testify must always have in mind the historic obligation of the seal of the confessional.
7. If a priest is required by a civil court to breach the seal of the confessional, the priest should seek permission to consult the bishop for advice and direction.
8. A priest who violates the seal of the confessional may be subject to judicial or other disciplinary proceedings carried out in accordance with church law.
9. In ecclesiastical disciplinary proceedings as to the seal of the confessional, no communication privileged under civil law shall be required to be disclosed.



***Principle 78: Deliverance or exorcism***

1. The ministry of deliverance is reserved to the bishop or those appointed by him.
2. All persons who exercise the ministry of deliverance should do so with great care to ensure that they act only with the knowledge and authority of the bishop.
3. The ministry of deliverance should be followed by appropriate pastoral care.

***Principle 79: Death and burial rites***

1. To prepare a person for death a church may offer anointing or imposition of hands.
2. Disposal of a body may be either by burial or by cremation.
3. No minister may without lawful cause refuse or delay disposal, in accordance with the funeral rites of a church, of the remains of any person brought to the designated place.
4. The administration of funeral rites for the unbaptised, suicides and excommunicates may be subject to direction from the diocesan bishop.
5. The minister of funeral rites is normally a bishop or priest or, if neither is available, a deacon. Lay ministers also may conduct funerals to the extent authorised by law.
6. The choice of funeral rites, if alternatives are authorised, belongs to the officiating minister in consultation with the family or friends of the deceased.
7. The remains of a Christian should be disposed of in a consecrated place or, if the place is not consecrated, in a place which has been blessed.

## PART VII CHURCH PROPERTY

*This section addresses a wide variety of issues relating to the ownership, use, and care of church property, real and personal, by ecclesiastical authorities at all levels of a church. The recurrent theme is the church's interest in ensuring that property be set aside, used, and maintained with reverence and integrity to further the mission of the church. These responsibilities apply equally to space consecrated for worship, land used for church programs, parish furnishings and records, and monetary and other contributions made to support the clergy and otherwise carry out church functions.*

*While day-to-day management of church property should be left to appropriate local church entities, their responsibilities may be prescribed by law adopted at other levels of authority, so that persons entrusted with the care of church property are held accountable for preserving it "for the mission of a church and the use of its members from generation to generation in accordance with the law of that church."*

*Stewardship responsibilities regarding church property include provision for support of the parish through offerings from its members, contributions to the work of the diocese and the national assembly, and protection of church property through diligent maintenance, sound investment, and adequate insurance.*

*Provision should be made by the law of a church for the use of church funds to support the clergy and their families through stipends, provision for housing, and medical, disability, and retirement plans.*

*The highest standards of integrity in handling church funds is required of both clergy and laity*

***Principle 80: Ownership and administration of church property***

1. Churches should satisfy those requirements of civil law which apply to the acquisition, ownership, administration and alienation of church property, both real and personal.
2. Property is held by those authorities within a church which enjoy legal personality as trustees or other entities of a fiduciary nature under civil law and competence under church law.
3. Ecclesiastical authorities are the stewards of church property.
4. Ecclesiastical authorities must hold and administer church property to advance the mission of a church, and for the benefit and use of its members, from generation to generation, in accordance with the law of that church.
5. Church property is held in trust for a church and should not be alienated or encumbered without such consents as may be prescribed by law.
6. Ecclesiastical trustees may sell, purchase and exchange property in the manner and to the extent authorised by law.
7. The central assembly of a church, or other designated assembly, may frame laws for the management and use of property held in trust for that church.
8. Commissions, boards and other bodies may be appointed to advise church trustees on the development and administration of any property held by those trustees.
9. The management and day-to-day administration of church property at the local level are vested in parish assemblies or other legal entities and are subject to such prerogatives of the clergy as may be provided by law.
10. National, regional, provincial, diocesan, parish or other church trustees must perform their functions under the order and control of the appropriate assembly to which the law of a church renders them accountable.
11. No-one shall deny or obstruct access to any ecclesiastical person or body lawfully entitled to enter or use church property.

***Principle 81: Consecration and care of places of worship***

1. Buildings may be designated by lawful authority as places of public worship.
2. Places of public worship and for Christian burial may be set aside for the purposes of God by consecration or dedication.
3. The consecration, dedication or other act which sets aside property for the purposes of God is customarily performed by a bishop.
4. Effects of consecration or dedication of property may be removed by a bishop or other ecclesiastical authority in the manner and to the extent permitted by law.
5. Consecrated or dedicated church property may not be used for purposes inconsistent with the uses of God for which it is set aside.
6. Wardens or other stewards must not allow churches to be profaned by any temporal use inconsistent with the sanctity of the place and sound doctrine.
7. The day-to-day control, direction and administration of places of worship vests in the parish council or other local assembly which, subject to the jurisdiction of national, provincial or diocesan bodies, shall cause all proper and reasonable care to be taken of them, and their furniture and ornaments, and endeavour to keep them decent, clean and in good repair.
8. Episcopal or other lawful consent, whether executive or judicial, must be obtained for any alteration or addition to or removal of property from places of worship to such extent and in such manner, and subject to such appeals, as may be prescribed by law.
9. An inventory should be kept of the contents of places of worship, and may be subject to inspection at prescribed times by a competent ecclesiastical authority.
10. A competent ecclesiastical authority should inspect places of worship and their contents at such regular intervals as may be prescribed by law.

***Principle 82: Residential accommodation for clergy***

1. Provision is to be made for clergy in full-time ministry to have appropriate accommodation.

2. Where a residence is provided by a church, responsibility for care and maintenance of that residence is shared by occupying clergy and that church in the manner and to the extent fixed by law.
3. Where a residence is provided by a church, the diocese should carry out periodic inspections of that residence in the manner and to the extent provided by church law.
4. Where a residence is provided by a church, the occupation of that residence may be terminated or otherwise restricted only in the manner and to the extent provided by law.

### ***Principle 83: Ecclesiastical registers and records***

1. In each parish or other local unit there must be kept such registers and records of services, baptisms, confirmations, marriages, burials and funerals, communicants, and church members as may be required by law.
2. The safe custody of ecclesiastical registers and records is the duty of the minister and wardens acting individually, or jointly, or together with the local parish assembly.
3. To ensure they are up-dated and maintained, registers and records should be inspected regularly by competent ecclesiastical authority.
4. Ecclesiastical registers and records should be subject to reasonable access.
5. A church should provide for the collection, maintenance and preservation of ecclesiastical documents of permanent value.
6. Each church must administer its archives, ensure ready access, and encourage diocesan authorities to have a proper care for diocesan and parochial archives either in secure conditions within their own offices, or in recognised regional archival repositories available for historical research and other purposes.

### ***Principle 84: Financial stewardship***

1. A church should be financially independent and self-supporting.
2. Each unit within a church should be entrusted with a share in the responsibilities for, and control and direction of, the finances in that church.

3. An ecclesiastical organisation must comply with such financial procedures and controls as are prescribed by law.
4. An ecclesiastical organisation must keep financial accounts and submit an annual report with the audited accounts to the appropriate church assembly in order for that assembly to review the financial management and affairs of that organisation.

### ***Principle 85: Financial propriety in ministry***

1. A minister should ensure the highest standards, of honesty, integrity, openness and care, in both professional and personal financial activities.
2. A minister must keep separate church and personal finances to avoid any possibility of suspicion or impropriety, fraud or deception.
3. Ministers should not inappropriately or unlawfully ask for or make use of the money, possessions or other property of any person to whom they minister.
4. Financial remuneration is not the object of ministry, and ministers must (a) not receive any unauthorised advantage from the exercise of ministry; (b) refuse any gift, favour or hospitality that might be interpreted, now or in the future, as an attempt to obtain preferential consideration or treatment; and (c) not require or solicit fees for ministry other than as provided by law.
5. Clergy may have control of a discretionary fund, not otherwise specifically designated or under the control of an assembly, which they may apply as they see fit to lawful and pious causes.

### ***Principle 86: Financial regulation***

1. Regulation of finance in a church is set out in its general law.
2. Oversight of finance in an ecclesiastical unit in a church resides in its assembly.
3. Day-to-day administration of funds by a lawfully constituted financial executive is under the general direction and control of the relevant assembly.
4. The bishop has no unilateral general control over finance within the diocese.
5. Funds must be used according to the terms of any gift by which they are acquired.

6. Investigation of complaints of financial mismanagement should be carried out by an independent body with an appeal lying to an appropriate ecclesiastical authority.

### ***Principle 87: Church offerings***

1. Ministers must instruct the faithful in their responsibilities towards the missionary work of the church, and give suitable opportunity for offerings to maintain that work.
2. The faithful should make financial offerings according to their means.
3. The duty to collect offerings at the time of public worship vests in wardens.
4. The disposal of income from offerings is to be determined by a church assembly or other lawful authority.
5. Fees payable on the performance of such ecclesiastical ministrations as marriage and burials may be levied to the extent and in the manner prescribed by church law.

### ***Principle 88: Diocesan and parish shares***

1. A diocese should make a financial contribution to the national, regional or provincial church to fund activities undertaken at these levels.
2. A parish should contribute, through its assembly, a parish share or other such payment towards the finances of the diocese.
3. A church may make legal provision as to the diocesan and parish share for: the duty to pay; the assessment of the sum due which should be fair and equitable; the timing of payment; appeals against the assessment; and sanctions for non-payment.

### ***Principle 89: Responsible investment***

1. Church trustees may make such financial investments as are authorised by law.
2. Investments should be not only financially prudent but morally sound.
3. Powers of investment enjoyed by trustees at all levels of a church are to be exercised subject to the direction and control of an ecclesiastical assembly.

4. Trustees are not liable personally for any financial loss resulting from an investment unless such loss is due to their own wilful default or culpable negligence.

***Principle 90: Insurance and risk***

1. Church assemblies, officers and other church bodies should be aware of the risks associated with their activities.
2. Church property, real and personal, and its occupation and usage, and individual church officers and activities, should be insured as appropriate against loss, damage and injury.
3. A church should identify the ecclesiastical bodies or persons with a duty to insure, use insurers of proven competence, and specify the extent of the insurance required.
4. Insurance policies should be regularly reviewed.

***Principle 91: Maintenance of ministry: stipends***

1. A church should provide for the financial maintenance of ministry, both lay and ordained.
2. Ministers in full-time ministry have a legitimate expectation to a stipend or other remuneration payable by virtue of the office or other position held by them.
3. Stipend funds may be held and administered at a national, regional, provincial, diocesan or other level provided by law.
4. Stipend rates may be determined by a national, regional, provincial, diocesan or parish assembly as provided by law.
5. Provision for non-stipendiary ordained ministry may be made within a church.
6. A church should make provision for the recurrent expenses of ministers.

***Principle 92: Care in retirement: pensions***

1. A church should provide financial support for clergy during their retirement.
2. Ministers in receipt of a stipend are entitled to a pension upon their retirement on the basis of contributions made to and their membership of a clergy pension fund.



3. A clergy pension fund should be set up at national, regional or provincial level.

A clergy pension fund should provide for pensions on retirement, maintenance for spouses and dependants, and awards during periods of disability or illness.

5. A clergy pension fund is administered by trustees accountable to a church.
6. Trustees of a clergy pension fund must keep audited accounts and make an annual report on the administration of the fund to the appropriate ecclesiastical assembly.
7. Trustees are not personally liable for losses to a clergy pension fund unless such losses are the result of their own wilful default or culpable negligence.
8. A proper actuarial relationship should be maintained between contributions made, levied and collected for, and the several benefits paid from, a clergy pension fund.

## PART VIII ECUMENICAL RELATIONS

*The modern ecumenical movement - oriented towards the re-establishment of the visible unity of all Christian people in the One Church - developed in the course of the late nineteenth and twentieth centuries. Early on, the Anglican commitment to ecumenism was articulated by the 1888 Lambeth Conference (Resolution 11):*

*“That, in the opinion of this Conference, the following articles supply a basis on which approach may be by God’s blessing made towards Home Reunion:*

*The Holy Scriptures of the Old and New Testaments, as “containing all things necessary to salvation,” and as being the rule and ultimate standard of faith.*

*The Apostles’ Creed, as the baptismal symbol; and the Nicene Creed, as the sufficient statement of the Christian faith.*

*The two sacraments ordained by Christ himself - Baptism and the Supper of the Lord - ministered with unfailing use of Christ’s words of institution, and of the elements ordained by him.*

*The historic episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the unity of his Church.”*

*The Anglican Communion has never seen itself as a complete and self-sufficient entity, but as an expression of Communion within the One Holy Catholic and Apostolic Church which takes seriously its vocation to reach out beyond its own life to the greater unity of the Church.*

*The course of the twentieth century saw this vision applied in real initiatives for ecumenical co-operation, including schemes of shared mission and unity. This in turn stimulated the growth of a body of*

*legal instruments in the Churches which sought to facilitate and order ecumenical engagement and commitment. In part giving expression to the various ecumenical agreements and covenants, and in part seeking to enable and equip Anglicans for ecumenical endeavour, canon law concentrates on the application of the theology of (communion), which undergirds much of the ecumenical movement, and addresses in the main issues of ecclesial communion and reciprocal membership and participation.*

### ***Principle 93: Ecumenical responsibility***

1. The church universal is indivisible and it is the will of God that separated churches should share a more visible communion than exists one with another.
2. The mission of a church is part of the wider mission of all Christians.
3. A church should promote mutual understanding, foster reciprocal fellowship, seek ecumenical co-operation, and strive for visible unity amongst the separated churches.

### ***Principle 94: Ecclesial communion***

1. Ecclesial communion between two or more churches exists when a relationship is established in which each church believes the other to hold the essentials of the Christian faith and recognises the apostolicity of the other.
  2. Full communion involves the recognition of unity in faith, sacramental sharing, the mutual recognition and interchangeability of ministries, and the reciprocal enjoyment of shared spiritual, pastoral, liturgical and collegial resources.
- Inter-communion is an ecclesial relationship in which at least one but not all of the elements of full communion is present.
4. Churches in communion become interdependent but remain autonomous.
  5. The relationship of communion does not require the acceptance of all theological opinion, sacramental devotion or liturgical practice characteristic of another church.

### ***Principle 95: Ecumenical freedom***

1. A church is free to establish relations of ecclesial communion with churches not in the Anglican Communion as permitted by the discipline of each ecumenical partner.
2. It is for a church in agreement with its ecumenical partner to determine when dialogue reaches a stage which allows establishment of ecclesial communion.
3. If a member church of the Anglican Communion enters a relation of ecclesial communion with a non-member church, this effects a relationship between such non-member church and other member

churches of the Anglican Communion only to the extent provided in their own laws and the regulatory instruments of the non-member church.

### ***Principle 96: Ecclesial recognition***

1. Ecumenical relations may be authorised centrally and administered locally.
2. The authority in a member church of the Anglican Communion to recognise a non-member church, in order to establish ecumenical relations, vests in its central assembly or other lawfully designated body, and such authority shall be exercised in such manner as may be prescribed by the law of that church.
3. A church should establish commissions with such membership and functions as may be prescribed under its law to enable ecumenism by stages or other process.

### ***Principle 97: Ecumenical agreements***

1. The extent and terms of ecclesial communion or other relationship, between a church and a church not in the Anglican Communion, may be set out in a constitutional union, concordat, covenant or other instrument agreed between the participant churches.
2. A church may incorporate in its own law an ecumenical instrument to which it is party in order to implement the terms of ministerial, liturgical or sacramental communion or other form of reciprocity as agreed by the participant churches.
3. A parish may enter a local ecumenical project to provide for shared ministerial, liturgical or sacramental communion or other form of reciprocity agreed by the participant churches, in the manner and to the extent authorised by law.

### ***Principle 98: Ecumenical collaboration***

1. For the visible unity to which Christ calls all the faithful, ministers should seek to foster and participate in ecumenical partnership with faith communities of other Christian traditions, especially those with which their church already has formal relations, to the extent permitted by the discipline of each church involved.
2. Ministers should in ecumenical affairs collaborate, co-operate and where appropriate consult with ministers of other faith communities and

in all dealings with them act courteously and with respect for their corporate traditions.

Ministers (a) should minister to members of other faith communities if authorised by the discipline of their own church and of the other community; and (b) should not solicit membership of their own church from a member of another faith community.

4. If called upon to provide ministry, such as pastoral care or at a baptism, wedding, or funeral, for persons belonging to another faith community, ministers should as appropriate (a) suggest they approach a minister of that other community; (b) consult with a minister of that community for advice; and (c) consult within their own church.
5. Ministers may approach colleagues in another faith community to minister to a member of their own church only in exceptional cases at the request of that member.

### ***Principle 99: Reception***

1. Baptism is a basic requirement for reception into a church.
2. When a baptised person from another church not in the Anglican Communion, but holding the apostolic faith, desires communicant membership, a priest, if assured of such desire, should after due preparation present that person to the bishop for reception at the time of confirmation or some other convenient time.
3. A person may be received into membership of a church by the rite of confirmation or by such other means as may be authorised for this purpose according to the law of that church.
4. The reception of a person should be recorded in the registers of a church.

### ***Principle 100: Eucharistic hospitality***

1. Communicant members of a church may receive Holy Communion in a church not in the Anglican Communion, which subscribes to the doctrine of the Holy Trinity and upholds the apostolic faith, in such circumstances as are permitted by the discipline both of their own church and of the host church.
2. There may be admitted to the Holy Communion in a church, to the extent permitted by its discipline, baptised persons who are communicant members of good standing in a church not in the Anglican

Communion which upholds the apostolic faith and subscribes to the doctrine of the Holy Trinity.

3. The normal requirements for church membership should be presented before any person who regularly receives Holy Communion over a long period likely to continue indefinitely when such person is from a church not in the Anglican Communion but which upholds the apostolic faith and subscribes to the doctrine of the Holy Trinity.

## *Definitions:*

- “A church” means an autonomous member church, national, regional, provincial, or extra-provincial, of the Anglican Communion.
- Unless the context suggests otherwise, “the church” means the church universal.
- The expression “church universal” means the One, Holy, Catholic and Apostolic Church.
- “Assembly” means a representative assembly in a church, being a synod, council, convention or other assembly, which consists at national, regional or provincial level of bishops, clergy and laity, at diocesan level of the bishop, clergy and laity, and at parochial or other local level of clergy and laity.
- The expression “central church assembly” means the highest representative and legislative authority within a church, which may have the title General Synod, General Convention, Provincial Council or other style.
- “Clergy” means bishops, priests and deacons, unless the context suggests otherwise (such as when a principle distinguishes bishops and other clergy), in which case “clergy” means priests and deacons.
- An “ecclesiastical authority” is an ecclesiastical person who or institution which exercises jurisdiction or other binding decision-making function recognised by law within a church.
- The expression “general law of a church” means the law of that body which has competent jurisdiction over that church, as distinct from laws of units within a church such as a diocese.
- “Law” signifies “church law”, a binding public instrument created within a church by a duly constituted lawful authority of that church, that is, a species of human law as distinct from the will or law of God.
- The word “parish” signifies a parish, pastorate, incumbency or other similar entity which represents the most localised ecclesiastical unit in a diocese.
- The expression “parish priest” means incumbent, rector, vicar or other ordained minister having charge of the care of souls in the parish.
- A “principle of canon law” is a foundational proposition or maxim of general applicability which has a strong dimension of weight, is induced



from the similarities of the legal systems of churches, derives from the canonical tradition or other practices of the church, expresses a basic theological truth or ethical value, and is about, is implicit in, or underlies canon law.

- Unless the context suggests otherwise, “the bishop” means the diocesan bishop.

## THE CONTRIBUTION OF COMMON PRINCIPLES OF CANON LAW TO ECCLESIAL COMMUNION IN ANGLICANISM

Although the forty-four member churches of the Anglican Communion are in communion with the See of Canterbury, each church is autonomous, free to govern itself according to its own legal system.<sup>4</sup> Within each institutional church, general law (typically provincial) is created by a synod or other assembly representative of bishops, clergy and laity, and laws made at more localised levels (such as diocesan law created by the diocesan synod of bishop, clergy and laity) must be consistent with the general law.<sup>5</sup> Some churches have a code of canons only.<sup>6</sup> Most have a constitution, canons, and other regulatory instruments,<sup>7</sup> including: rules and regulations,<sup>8</sup> ordinances,<sup>9</sup> resolutions,<sup>10</sup> and liturgical rubrics found in the service books.<sup>11</sup> Alongside written laws are less formal and sometimes unwritten sources: customs or tradition,<sup>12</sup> the decisions of church courts,<sup>13</sup> the English Canons Ecclesiastical 1603,<sup>14</sup> or pre-Reformation Roman canon law.<sup>15</sup> Whereas offices and institutions exist at the global level of the Anglican Communion, namely, the instruments of unity and communion (Archbishop of Canterbury, Lambeth Conference, Primates' Meeting and Anglican Consultative Council), there is no body at this level competent to make decisions binding on individual churches.<sup>16</sup> There is no body of global law in Anglicanism: the decisions of the institutional instruments of unity have persuasive moral authority not enforceable juridical authority, unless incorporated in the laws of member churches. Rather, ecclesial communion in Anglicanism is maintained by non-judicial "bonds of affection".<sup>17</sup> However, recent tensions the Communion have stimulated discussion of the meaning and limits of the bonds of affection. This has led to exploration of ways in which the laws of churches may contribute to more visible global ecclesial communion in Anglicanism.<sup>18</sup>

### *I. Background*

In March 2001, at Kanuga, North Carolina, USA, on the basis of a paper discussed at the event,<sup>19</sup> the Primates' Meeting decided to explore whether there is an unwritten common law shared by the member churches of the Communion. A Legal Advisers Consultation met in Canterbury, March 2002, to test the hypothesis. The Consultation formulated six conclusions: (1) There are principles of canon law common to the churches of the Anglican Communion; (2) Their existence can be factually established; (3) Each province or church contributes through its own legal system to the principles of canon law common within the Communion; (4) These principles have strong persuasive authority and are fundamental to the self-understanding of

each of the member churches; (5) These principles have a living force, and contain within themselves the possibility for further development; and (6) The existence of the principles both demonstrates and promotes unity in the Communion.<sup>20</sup>

At Canterbury in April 2002, the Primates' Meeting discussed a report on the Consultation and concluded: 'The Primates recognized that the unwritten law common to the Churches of the Communion and expressed as shared principles of canon law may be understood to constitute a fifth "instrument of unity"'. The Meeting also endorsed the suggestion to establish a network of lawyers to work on a draft statement of the principles. Subsequently, at Hong Kong in September 2002 the Anglican Consultative Council welcomed the establishment of a Network of Anglican Legal Advisers to: (a) produce a statement of principles of Canon Law common within the Communion; (b) examine shared legal problems and possible solutions; and (c) provide reports to the Joint Standing Committee of the Primates' Meeting and the Anglican Consultative Council as the work progresses. In October 2003, the Primates' Meeting urged completion of the work, as did the Lambeth Commission in its *Windsor Report* (2004).<sup>21</sup> A drafting group of the Legal Advisers Network met in Toronto (October 2005) and Nassau (April 2006) to work on drafts of the statement, and the text was circulated to the full Network (in early 2008) in order to finalise the statement (prior to the Lambeth Conference in 2008).

The Legal Advisers Consultation, at Canterbury 2002, examined forty-four candidate principles formulated prior to the event, of which it agreed forty-three;<sup>22</sup> the exercise was to determine whether these principles surface explicitly or implicitly in the laws of the churches. What follows is an explanation of each of its six conclusions.

*There are principles of canon law common to the churches within the Anglican Communion*

The category "the principles of canon law" is already formally recognised by at least four Anglican churches: the Provinces of the West Indies,<sup>23</sup> Southern Africa,<sup>24</sup> Central Africa,<sup>25</sup> and Nigeria.<sup>26</sup> It is also recognised by other traditions.<sup>27</sup> Many churches in the Communion explicitly appeal to principles in their own legal systems,<sup>28</sup> as the foundation for more detailed rules, giving the latter shape, coherence, meaning and purpose. Principles of canon law tend to be in the nature of general propositions or maxims which express fundamental ecclesial values; some are descriptive,<sup>29</sup> others prescriptive.<sup>30</sup> Principles differ from *rules* (which apply to specific circumstances) and enjoy 'a dimension of weight'.<sup>31</sup> They may also articulate theological

values.<sup>32</sup> But some principles may have no obvious theological dimension, and may indeed be shared with secular legal systems, such as the principle that individuals should not be inflicted with penalties except in accordance with law.<sup>33</sup> Many are rooted in the inherited canonical tradition,<sup>34</sup> in its various forms.<sup>35</sup>

*The existence of the principles can be factually established*

The principles of canon law common to the churches are induced from the factual coincidences of actual laws of each church. Their recognition is a scientific task. There are, as a matter of fact, profound similarities between the laws of churches in the Communion: identifying the similarities is merely an exercise in careful observation based on a comparison of legal texts, juxtaposing one with another. Often legal similarities are generated by the churches using a common historical source, such as a Lambeth Conference resolution,<sup>36</sup> or rubrics of the Book of Common Prayer 1662.<sup>37</sup> From these similarities emerge shared general principles. For instance: from similar rules on 'excommunication', 'suspension', 'exclusion', or 'repulsion' from holy communion, may be induced the principle that eucharistic discipline is ultimately in the keeping of the bishop.<sup>38</sup> The theological basis for exclusion may be found in scripture,<sup>39</sup> and doctrine;<sup>40</sup> and the historical antecedents of the principle are rooted in the canonical tradition.<sup>41</sup> The similarities of texts on excommunication produce a general proposition, which underscores a fundamental ecclesial value.<sup>42</sup>

*Each church contributes through its own legal system to the principles of canon law common within the Communion*

The Anglican *ius commune*, as the collective effect of similarities between legal systems, is not imposed from above. The immanence of common principles in actual legal similarities means that each church in the Communion is the legislator of the *ius commune*. Whenever a church legislates, it contributes to the *ius commune* and its law may function as a precedent for other churches. Whilst churches are autonomous, as a matter of practice they often adopt or adapt provisions in the legal systems of fellow churches.<sup>43</sup> The adoption of the same rule by other churches adds to the store of similarities, and, in turn, these similarities generate a common principle. For example: Canon 21 of the Fourth Lateran Council 1215 forbids priests to breach the seal of the confessional; this general principle is repeated by the Church of England in Canon 113 of the 1603 Canons; and it is adopted by the Province of Southern Africa in its Prayer Book 1989. Successive unilateral legislative adoptions by churches might themselves augment the authority of the principle.

*The principles have a strong persuasive authority and are fundamental to the self-understanding of each church in the Communion*

The principles common to the churches of the Communion have the appearance of laws (they may be preceptive, prohibitive, or permissive), but they are not themselves laws: they are principles of law.<sup>44</sup> “Laws” are found in the enforceable instruments (constitutions etc) of each institutional church; the principles of canon law are derived from laws and are not binding locally unless the laws of that church permit this.<sup>45</sup> Laws which enable, for instance, participation of the laity in government tell us a great deal about the Anglican understanding of representative ecclesiastical polity (as compared eg with Roman Catholicism).<sup>46</sup> Often, laws of churches themselves portray a principle as having a deeper authority, beyond that of the formal law in which it appears, through its antiquity or its underlying spiritual origin (eg): the law of the former Church of India, Pakistan, Burma and Ceylon provides that the church ‘has received the principles and customs set out in the...Declarations from the Holy Catholic Church of ages past’; moreover, the church ‘believes that it was by the guidance of the Holy Spirit that those principles came to be recognised and those customs adopted’.<sup>47</sup>

*The principles have a living force, and contain in themselves the possibility of further development*

The idea here is that each church through its own legislative activity may contribute to or subtract from the store of principles, particularly when such developments are replicated around the Communion. For example: churches are increasingly legislating to forbid racial discrimination in the membership and government of the church;<sup>48</sup> also, churches are developing rules on the admission of the unconfirmed to Holy Communion, particularly children.<sup>49</sup> Such examples may indicate the evolutionary character of the *ius commune* of the Anglican Communion.<sup>50</sup> Moreover, differences, and arguably conflicts, between the details of laws are in the nature of conditions under which shared principles are applied. The principles are shared; differences exist with regard to their detailed application in each church.<sup>51</sup> For example: laws vary as to the grounds for exclusion from Holy Communion; these include: ‘living in grievous sin’ (England); ‘malice and hatred’ (Canada); ‘bringing the church into disrepute’ (Wales) and ‘indictable offences’ (West Indies). The laws of all churches spell out the grounds for exclusion. Whilst the grounds vary, the principle of exclusion from communion is common to all churches.

*The existence of the principles both demonstrates unity and promotes unity within the Anglican Communion*

The Anglican *ius commune* might be perceived by some as a threat to the autonomy of the member churches, or that it could contribute to global divisions.<sup>52</sup> However, the *ius commune* is itself a product of the exercise of the autonomy of churches and of their promotion of communion through their contributions to it. Their autonomy, which may be understood as manifested in the principles they have generated, is unaffected: churches remain free juridically to depart from them. Indeed, that legal systems converge in shared principles of canon law common to the churches is a concrete expression of the very character of Anglicanism and its understanding of church. The collective effect of the similarities between individual canonical systems is a major contribution both to Anglican identity and cohesion. The principles indicate concretely the unity Anglicans share at global level and their elucidation affirms the integrity of the values reflected in them. Moreover, recognition that individual churches contribute to the *ius commune* underscores their own individual responsibility for the shape and maintenance of Anglican identity. An understanding of first principles may also be a useful resource for churches seeking to reform and develop their own legal systems.<sup>53</sup>

*1. The Drafting Process and Text*

The Legal Advisers Consultation 2002 agreed broadly (but was not overly exercised by the issue) that a number of tests may be formulated to establish whether a principle of canon law is one common to the churches:

1. *The Unanimity Test*: Does the principle appear in the laws of all Anglican churches? For example: in all churches, candidates for admission to the office of diocesan bishop must be elected to that office.<sup>54</sup> And/or:
2. *The Majority Test*: Does the principle appear in the laws of a majority of Anglican churches? For example: a minister duly ordained as priest or deacon may officiate in a diocese after receiving authority to do so from the diocesan bishop.<sup>55</sup> And/or:
3. *The Face Validity Test*: Is the principle accepted by most Anglican churches though it is not expressly found in their laws? For example: later laws abrogate earlier laws. And/or:
4. *The Reversal Test*: If the principle was reversed would that reversed proposition be accepted as not being part of the Anglican *ius commune*?

For example: the unacceptability of the proposition that 'assistant bishops are not subordinate to the overriding jurisdiction of the diocesan bishop' would suggest that the proposition 'assistant bishops are subject to their commissioning bishop' is a principle of Anglican common law.<sup>56</sup> And/or:

5. *The Common Source Test*: Can the principle be traced back to a common, historical source even when some legal systems may be silent on the matter? For example: clergy must obey the lawful commands of their bishops.<sup>57</sup> And/or:
6. *The Canonical Tradition Test*: Can the principle be traced back to or does it equate with a principle of the canonical tradition? For example: priests and deacons must not engage in any occupations or habits which are inconsistent with their sacred calling.<sup>58</sup> And/or:
7. *The Fundamental Ecclesial Value Test*: Is the principle a general, foundational proposition expressing a basic ecclesial value, even if it does not appear in the formal laws of all churches? For example: a priest must not disclose information received in the confessional.<sup>59</sup> And/or:
8. *The Theological Dimension Test*: If the principle has explicitly or implicitly a distinctive theological dimension, then it may be part of the common law. For example: confirmation is validly administered by the episcopal laying on of hands. And/or:
9. *The Perception Test*: Is the principle understood as one held in common with fellow churches of the Communion? For example: there should be no discrimination in the membership and government of a church.<sup>60</sup> And/or:
10. *The Reconciliation Test*: Are the differences or conflicts between the rules of a minority of churches reconcilable? For example: in some churches, such as the Church in Wales, deposition from holy orders is reversible but in others, such as the Church of Nigeria, it is not; yet all churches operate the principle that clergy may be lawfully deposed in appropriate cases. And/or:
11. *The Global Consensus Test*: Would the breach of the principle result in a substantial risk of serious division at the global level of the Communion?

An initial draft text of one hundred principles was placed on the website of the Anglican Communion Network of Legal Advisers in the summer of 2005. The draft text was considered by the Network group in Toronto (2005) and

Nassau (2006).<sup>61</sup> Today, the Statement provides: 'A "principle of canon law" is a foundational proposition or maxim of general applicability which has a strong dimension of weight, is induced from the similarities of the legal systems of churches, derives from the canonical tradition or other practices of the church, expresses a basic theological truth or ethical value, and is about, is implicit in, or underlies canon law'.<sup>62</sup>

The hundred principles of the Statement are arranged in the under eight Parts; each of the hundred macro-principles consists of micro-principles, of which there are approximately six-hundred and fifty. Part I, 'Order in the Church', deals with the necessity for law in ecclesial society, the role of law as the servant of the church, the conditional nature of church law, the sources and forms of church law, the rule of law in the church, the requirement of authority, the effect, application and interpretation of law, and juridical presumptions.<sup>63</sup> Part II is concerned with 'The Anglican Communion' and includes principles relating to the nature of the Communion, the Instruments of Communion, the freedom of self governance of each church, mutual respect between churches, and the mutual availability of ministrations.<sup>64</sup> Principles of 'Ecclesiastical Government' in Part III are on: polity, leadership and authority, administration, delegation, representative church government, legislative competence and subsidiarity, the diocese and diocesan legislation, the parish and parochial administration, lay participation in church government, visitations of a supervisory jurisdiction or a pastoral ministry, and judicial process in courts and tribunals.<sup>65</sup>

Part IV consists of principles of 'Ministry'. It opens with treatment of the whole people of God, with principles on the laity, the fundamental rights and duties of the faithful, church membership, service in public ministry, ecclesiastical office, and lay ministries and offices. It then deals with the threefold ordained ministry, with principles on ordination (the holy orders of priests and deacons), the ministry of deacons and priests, and parish and other ministry. There follow principles on admission to the order of bishops, admission to the office of diocesan bishop, diocesan episcopal ministry, episcopal assistance, archiepiscopal and metropolitanical authority, and primacy (the office of primate). Part IV ends with the principles of clerical discipleship, authorised public ministry, the professional ethic of public ministry, pastoral care, professional and personal relationships, confidentiality, and termination of clerical ministry.<sup>66</sup> 'Doctrine and Liturgy' are treated in Part V, including principles on the presentation of doctrine, the sources of doctrine, the development of doctrinal formularies, preaching, teaching and outreach, legitimate theological diversity, and doctrinal discipline. The remainder of Part V mirrors this scheme in relation to liturgy;



there are principles on liturgy and public worship, liturgical revision (the forms of service), liturgical administration, the provision of public worship, liturgical choice (alternative forms of service), responsible public worship, and liturgical discipline.<sup>67</sup>

Principles on the major rites of passage (baptism, confirmation, marriage and burial) as well as those concerning Holy Communion, confession and exorcism can be found in Part VI, 'The Rites of the Church'.<sup>68</sup> Part VII contains principles relating to 'Church Property' including ownership and administration of church property, consecration and care of places of worship, residential accommodation for clergy, and ecclesiastical registers and records. Then follow principles on finance: financial stewardship[, financial propriety in ministry, financial regulation, church offerings, diocesan and parish shares, responsible investment, insurance and risk, maintenance of ministry (stipends) and care in retirement (pensions).<sup>69</sup> The final section, Part VIII on 'Ecumenical Relations', features principles relating to ecumenical responsibility, ecclesial communion, ecumenical freedom, ecclesial recognition, ecumenical agreements, ecumenical collaboration, reception and Eucharistic hospitality.<sup>70</sup>

Other than the sections on church order,<sup>71</sup> and the Anglican Communion,<sup>72</sup> the grouping of principles into the eight Parts is conditioned by the systematisation of laws employed by the member churches, treating as they do ecclesiastical governance, ministry, doctrine and liturgy, ecclesiastical rites, church property and, increasingly, ecumenical relations.<sup>73</sup> The draft statement of principles is not exhaustive. It omits, for example: civil law principles which are often incorporated into church laws, such as the doctrine of consensual compact as the basis upon which ecclesiastical jurisdiction is founded and exercised in most secular legal systems;<sup>74</sup> the detailed procedures of church assemblies;<sup>75</sup> or specialist ministries.<sup>76</sup> However, it would be possible to formulate principles on such subjects.

A variety of sources is employed from which the principles are derived. Most are from church constitutions and canons,<sup>77</sup> many from service books (which themselves enjoy canonical authority), and their liturgical norms.<sup>78</sup> A great number come from historical sources (the authority of which may be canonically recognised or adopted by the laws of churches), such as the Book of Common Prayer 1662,<sup>79</sup> the canonical tradition,<sup>80</sup> or from divine law,<sup>81</sup> or the practice of the church universal.<sup>82</sup> Others are rooted in a theological idea expressed in laws,<sup>83</sup> or are derived from guidance issued by ecclesiastical authorities to supplement and explain church law.<sup>84</sup> Whilst the vast majority of the principles derive from similarities between the written laws of churches, some are based on unwritten assumptions, general propositions

implicit in church laws.<sup>85</sup> The juridical values of clarity, conciseness and consistency govern the form of the principles, which themselves are cast in a variety of different juridical formulae: most are permissions (“may”),<sup>86</sup> many are precepts (“shall”, “must”),<sup>87</sup> some are prohibitions (“shall not”, “non-one shall”);<sup>88</sup> many are exhortations (“should”), expressing aspirational norms,<sup>89</sup> and some in the form of maxims (“is”).<sup>90</sup>

### *III. The Anglican Statement in Context*

It is instructive to compare this Anglican Statement with the approaches of other international ecclesial communities to global ecclesiastical order. The following does so in relation to five matters: nature (and form); subject-matter; purpose; theological basis; and enforceability. Whilst no other global ecclesial community has engaged in a project similar to that of the Anglican *ius commune* (articulating principles induced from the similarities of the laws of their member churches), their instruments fall into three basic categories: codes of canon law (Roman Catholic and Eastern Catholic); customs (Orthodox, canonical tradition); and constitutions (Lutheran, Reformed, Methodist and Baptist) and statutes (Old Catholics in the Union of Utrecht).<sup>91</sup>

#### *Nature and Form*

The Anglican *ius commune*, as a collection of principles, is similar to the code of the Latin or Roman Catholic Church, but different insofar as the former is generated from the grass roots by the legislative activity of the member churches of the Communion, whereas the latter is derived from a central authority, the papacy. The Latin Code of Canon Law 1983 was promulgated by Pope John Paul II after a revision process following the Second Vatican Council. As “universal law”, the code (along with papal decrees, and authentic interpretations of a legislator - judicial decisions do not generate law),<sup>92</sup> applies to the Latin Church in all parts of the world. The Anglican Statement seems to resemble a little more the Code of Canons of the Eastern Churches, the twenty-one oriental churches reunited with and acknowledging the supremacy of the Roman Pontiff. Promulgated by Pope John Paul II in 1990,<sup>93</sup> the code, in which ‘the ancient law of the Eastern Churches has been mostly received or adapted’, represents their “common law”: it embraces ‘the laws and legitimate customs’ of the entire Church and those common to all the Eastern Churches.<sup>94</sup>

Like the Anglican Communion, the Orthodox Church is a family of self-governing churches with no centralised organisation.<sup>95</sup> It has no universal code. The “law of the church” globally is, rather, “her canonical tradition”, an outgrowth of the holy canons’.<sup>96</sup> The holy canons stem from three main

sources: ecumenical synods (representing the universal church), local synods (subsequently ratified by the ecumenical synods as representing the tradition of the universal church), and the Fathers of the church. These are contained in several collections; the most widely-used today in Greek-speaking Orthodox churches is the *Pedalion*.<sup>97</sup> Nevertheless, some Orthodox churches may at the inter-church level organise themselves on the basis of a *constitution*, such as that of the Standing Conference of Canonical Orthodox Bishops in the Americas.<sup>98</sup> No attempt has been to articulate what such instruments share, though whether Orthodox law should be codified is the subject of debate.<sup>99</sup> Unlike the Anglican *ius commune*, the *constitutions* of other global ecclesial communities are not an articulation of principles induced in ascending fashion from similarities between the regulatory instruments of their member churches. They are, rather, instruments *de novo* enabling worldwide collaboration in matters of common concern,<sup>100</sup> whilst preserving the autonomy of member churches: the Lutheran World Federation is “organized under” its constitution (and supplementary bylaws) as an ‘instrument of its autonomous member churches’;<sup>101</sup> the World Alliance of Reformed Churches adopted its present Constitution in 1970;<sup>102</sup> the World Methodist Council has a constitution but the Council has no legislative authority over member churches;<sup>103</sup> and the Baptist World Alliance has a constitution which ‘recognizes the traditional autonomy and interdependence of Baptist churches and member bodies’.<sup>104</sup>

### *Subject-Matter*

There is considerable but not exact convergence between global ecclesial communities as to the subjects treated by their regulatory instruments. The Latin code is comprehensive and treats: general norms; the people of God; the teaching office; the sanctifying office (the sacraments); temporal goods; sanctions; and processes.<sup>105</sup> Whilst the canonical tradition in Orthodoxy has a comprehensive compass, Orthodox inter-church instruments have a more limited focus: the constitution of the Standing Conference of Orthodox Bishops in the Americas (eg) deals only with membership, objectives, authority and structure, committees and meetings.<sup>106</sup> The statute of the Old Catholic Bishops of the Union of Utrecht is similar.<sup>107</sup> A minimalist approach is employed in the constitutions of the Lutheran World Federation,<sup>108</sup> World Alliance of Reformed Churches,<sup>109</sup> and Baptist World Alliance.<sup>110</sup> The subject-matter of the Anglican *ius commune*, on church order, communion relationships, government, ministry, doctrine, liturgy, rites, property and ecumenism, most resembles the approaches of the Orthodox and Latin churches.

### *Purpose*

Unlike the Anglican Statement of common canonical principles, a key function of the instruments of other global ecclesial communities is to organise the global entity institutionally.<sup>111</sup> However, like the Anglican *ius commune*, the notion that shared principles demonstrate and promote identity and inter-church unity is commonplace in the instruments of other global ecclesial communities, but in different ways. The Old Catholics statute seeks ‘to promote and to realize’ communion; it requires the churches (eg) to ‘maintain the catholicity, doctrine, and worship in apostolic succession’.<sup>112</sup> The constitution of the Standing Conference of Canonical Orthodox Bishops in the Americas enables the churches through the conference ‘to actualize...unity in all those fields in which a common effort is required’.<sup>113</sup> One strategic goal of the constitution of the Lutheran World Federation is to unite the churches, strengthen them, and help them ‘to act jointly in common tasks’.<sup>114</sup> Similar goals appear in the constitutions of the World Alliance of Reformed Churches,<sup>115</sup> World Methodist Council,<sup>116</sup> and Baptist World Alliance.<sup>117</sup> The Latin Code ‘facilitates...an orderly development in the life of both the ecclesial society and of the individual persons who belong to it’; laws do not replace faith, grace, and charity;<sup>118</sup> the supreme law is the salvation of souls.<sup>119</sup> Roman canonists stress the spiritual, pastoral, educative, protective, unifying, and ecclesiological purposes of canon law.<sup>120</sup> Similarly, in the Orthodox tradition, canon law is ‘at the service of the Church...to guide her members on the way to salvation’; its main function is ‘the spiritual growth of the faithful’.<sup>121</sup> The Anglican project seeks, in a statement of *principles of law*, to contribute to elements of these purposes on the global level of the Communion.

### *Theological Basis*

The notion underlying the Anglican *ius commune*, that juridical principles often articulate theological ideas, is also commonplace in the instruments of other global ecclesial communities. For Roman Catholic canonists, theology is a direct (material) source for canon law.<sup>122</sup> Theology concerns judgement based on knowledge obtained through revelation and canon law imposes a decision based on that judgement: ‘every single piece of law in the church must be in the service of values either defined or at least controlled by theological reflection’.<sup>123</sup> Others see canon law as *ordinatio fidei*.<sup>124</sup> While some Orthodox separate theology and canon law,<sup>125</sup> in the Lutheran and Reformed tradition: ‘the external juridical order of the church should be at the service of the proclamation of the word’; thus, ‘the external order must be renewed ever anew by the confession of faith, and on no level of legal church

life can juridical questions be solved without relation to the church's confession';<sup>126</sup> church law is not a "constitutive", but a "consecutive" and "regulative" element of a church.<sup>127</sup> The Anglican Statement of canonical principles seeks to translate similar assumptions to the global level of the Communion, but as principles of law rather than as law itself.

### *Enforceability*

A key difference between the Anglican *ius commune* and instruments of other global ecclesial communities concerns enforceability. Whereas the Anglican entity does not bind internationally but is persuasive, the Latin Code binds all the faithful directly in the particular churches, bishops, clergy and laity alike.<sup>128</sup> The Eastern catholic code is similar.<sup>129</sup> In Orthodoxy there is a lively debate as to whether the canonical tradition binds in the sense of letter or spirit.<sup>130</sup> "Acceptance" of its constitution is required for membership of the Lutheran World Federation.<sup>131</sup> At this point, it is worth noting that the Anglican *ius commune* project is separate from, but related to, the process underway for adoption of an Anglican Covenant. The Lambeth Commission, in its *Windsor Report* (2004), proposed a juridical adoption of a covenant, with each church enacting a brief law, a "communion law",<sup>132</sup> authorising entry to the covenant.<sup>133</sup> The Covenant Design Group proposes adoption through formal synodical processes in each church.<sup>134</sup> The Windsor draft covenant itself proposed "respect" by each church for the principles of canon law common to the churches of the Communion.<sup>135</sup> The St Andrew's draft covenant proposes that the churches commit themselves to seek a common mind about essential matters "consistent with...the canon law of our churches";<sup>136</sup> the Primates 2007 also considered that 'Canon Law should reflect and promote global Communion'.<sup>137</sup> The bottom line, however, is that the Anglican Statement of canonical principles binds only within a church of the Communion in so far as that church incorporates the principle in its own legal system.

## *IV. The Ecumenical Significance of the Anglican Ius Commune*

Importantly, acknowledgement of an Anglican *ius commune* provides an aid for ecumenical partners seeking a global understanding of Anglicanism, not least those non-Anglican churches which also participate in the canonical tradition.<sup>138</sup> The recognition by Anglican churches of "the principles of canon law" suggests that canon law itself is perceived as a generic phenomenon, having an existence independent of the legal systems of particular churches and communions. Canon law and its principles overarch individual church

legal systems.<sup>139</sup> By way of analogy, canon law may be postulated as an entity in the same way as, in the secular world, civil law or common law. In the secular world, the common law or the civil law are often understood as having an existence independent of the States which operate them. The common law or the civil law is particularised in an individual secular State. As such, people talk of a 'common law system' or a 'civil law system'.<sup>140</sup> Similarly, Anglican legal systems (like Roman Catholic or Orthodox) are 'canon law systems'. Furthermore, the canonical tradition underpinning such systems links churches one to another. These churches live out, in their juridical orders, the canonical tradition. Whether they are conscious of the fact or not, Anglican churches participate in, or belong to, the canon law tradition by perpetuating it through their own legal systems.

In turn, it is possible that the Anglican Statement of canonical principles might offer a model for the wider ecumenical enterprise itself. Of the member churches of the global ecclesial communities discussed in Section III, each institutional church has its own regulatory system. In the Latin Church, "particular laws" apply to a specific territory (a particular church,<sup>141</sup> such as a diocese) or a group of people (such as a religious community).<sup>142</sup> Each Eastern Catholic church is *sui juris* (not a concession of the Latin Church) with its own juridical system operative within the common law of the Code of 1990.<sup>143</sup> In Orthodoxy, each local church is either autocephalous (one which elects its own primate) or autonomous (one which elects its primate with the participation of the primate of an autocephalous church), in communion with its sister churches. The Greek Orthodox Archdiocese of America, for example, an eparchy under the canonical jurisdiction of the Ecumenical Patriarchate of Constantinople, is regulated by a Charter, the Holy Scriptures, the Holy Canons, and the regulations promulgated by it; and, as to canonical and ecclesiastical matters not provided therein, by the decisions thereon of the Holy Synod of the Ecumenical Patriarchate.<sup>144</sup> Lutheran churches generally employ constitutions and bylaws: the Lutheran Church of Australia (eg) has a central constitution, bylaws, rules and regulations (which may be amended by its General Synod representative of congregations and pastors), and it recognises custom.<sup>145</sup> In turn, each district of the church, and each congregation within a district, has its own constitution and bylaws which must be consistent with the central constitution and bylaws.<sup>146</sup> By way of contrast, Presbyterian churches employ systems of "law",<sup>147</sup> or of "church order".<sup>148</sup> Other churches employ a plethora of regulatory instruments: in Britain (eg), the Methodist Church has its Constitutional Practice and Discipline expressing 'Methodist Law and Polity';<sup>149</sup> the United Reformed Church has its Scheme of Union and Manual.<sup>150</sup>

An examination of these laws reveals a wealth of substantive similarities (and not surprisingly differences) between the churches. Some examples may be offered. In *government*, the principle that authority in the church is legislative, executive and judicial (though churches differ in the distribution of such functions) surfaces in the laws of the Roman Catholic,<sup>151</sup> Old Catholic,<sup>152</sup> Orthodox,<sup>153</sup> Anglican,<sup>154</sup> Lutheran,<sup>155</sup> Presbyterian,<sup>156</sup> and United Reformed churches.<sup>157</sup> In *ministry*, the principle that no minister may be disciplined except by due process (though disciplinary powers are assigned to different institutions) appears in the laws of the Roman Catholic,<sup>158</sup> Old Catholic,<sup>159</sup> Orthodox,<sup>160</sup> Anglican,<sup>161</sup> Lutheran,<sup>162</sup> and Presbyterian churches.<sup>163</sup> In *doctrine*, the principle that the faithful must not publicly dissent from the ecclesiastical doctrine (though laws differ as to which members of the faithful are subject to this) is shared by the Roman Catholic,<sup>164</sup> Orthodox,<sup>165</sup> Anglican,<sup>166</sup> Lutheran,<sup>167</sup> and Presbyterian churches.<sup>168</sup> In *worship*, that the faithful must gather for worship regularly appears in the laws of the Roman Catholic,<sup>169</sup> Anglican,<sup>170</sup> Lutheran,<sup>171</sup> and Presbyterian churches.<sup>172</sup> In relation to *rites*, that baptism (to which rights and duties attach) effects incorporation into the church universal appears in the instruments of the Roman Catholic,<sup>173</sup> Orthodox,<sup>174</sup> Anglican,<sup>175</sup> Lutheran,<sup>176</sup> Presbyterian,<sup>177</sup> and Methodist churches.<sup>178</sup> What the Anglican *ius commune* project shows is that a comparative approach to laws and other regulatory instruments can be deployed imaginatively in ecumenism, through the induction of common principles, to determine in practical ways (despite differences in doctrine) both the scope for and concrete limits on greater visible unity.<sup>179</sup>

## Conclusions

This essay is not an exhaustive study of the emergent Anglican *ius commune*. Nor does it provide a theological evaluation of the principles. The Statement has emerged at a time of great tension in the worldwide Anglican Communion, and doubtless some may see a causal connection. However, this exercise might have been undertaken, with the same results, at any time. The Anglican *ius commune* concept is not revolutionary. Its articulation merely describes legal facts. Nor is the *ius commune* a binding global legal system imposed by a central Anglican authority. It is not “a top-down” entity (like the Roman Catholic Code of Canon Law), but a “grass-roots” development: it emerges organically from the exercise by each church of its own autonomy through its own legal system. The common principles of canon law describe factually what binds Anglicans together in terms of what they share juridically. But it is also more than this. The innovative character of the Statement is that it is an expression for the first time in one document of convergent principles of Anglican canon law, and the numerous benefits of

clarity and certainty that flow from that articulation. Moreover, it indicates a collective commitment by the churches of the Communion to a particular way of being part of the church universal. In this respect, it also represents a major resource for ecumenical dialogue, and perhaps even a model for similar projects between ecumenical partners. Finally, as each local church creates for itself its own legal system, as a natural ecclesiastical function, so the *ius commune* may be understood, perhaps especially so in this era of perceived globalisation, as a natural function of the international ecclesial community of the worldwide Anglican Communion.

**Professor Norman Doe**

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## ENDNOTES

1. Oxford University Press, 1998
2. See below, page [ ]
3. Details of those taking part, and their deliberations, can be found on the website of the Anglican Communion Legal Advisers' Network, at [www.acclawnet.co.uk](http://www.acclawnet.co.uk)
4. See generally N. Doe, *Canon Law in the Anglican Communion* (Clarendon Press, Oxford, 1998).
5. National, regional or provincial churches each have their own national law, regional law or provincial law. These laws are usually located in three distinct sources: a constitution, a code of canons, and a miscellany of other regulatory instruments (such as regulations, rules, decrees, or acts). In addition, many churches have diocesan law, a constitution and a code of canons.
6. Eg Scottish Episcopal Church: the code is supplemented by resolutions of its synod.
7. Eg the Province of Southern Africa has a constitution, a code of canons, and collections of other instruments (such as *acts* of the provincial synod).
8. Wales, Const. I.1.1: the constitution consists *inter alia* of 'all rules and regulations made from time to time by or under the authority or with the consent of the Governing Body'.
9. Australia, Const. XII.74: ' "ordinance" includes any act canon constitution statute legislative measure or provision of a provincial or diocesan synod'.
10. Central Africa, Const., Definitions: "resolution" is 'any expression of the judgment or opinion of Synod, which is intended to have an appreciative, hortatory or advisory and not a mandatory effect'.
11. Following the general model of the rubrics of the Book of Common Prayer 1662.
12. Canada, Book of Alternative Services (1985): 'For the rest of the service local custom may be established and followed'; Scotland, Can. 1.1: episcopal ordination takes place in accordance with 'the law and custom of the ancient church'; South East Asia, Const, Preamble: that dioceses are associated as a province is 'in accordance with the accepted traditions and usages of the Anglican Communion'.
13. M. Hill, *Ecclesiastical Law* (3rd edn., Oxford University Press, Oxford, 2007) para. 1.33.
14. Australia, Can. 11 1992, 4: this lists canons of 1603 which have 'no operation or effect in a diocese which adopts this canon'; but a diocese may adopt them if it so wishes.

15. England, Submission of the Clergy Act 1533.
16. N. Doe, *Canon Law in the Anglican Communion* (Clarendon Press, Oxford, 1998) 343ff.
17. See eg Lambeth Commission on Communion, *Windsor Report* (2004) p.11.
18. In this essay, the terms “Anglican common law” or “Anglican *ius commune*” are used interchangeably as titles of convenience for the phenomenon “principles of canon law common to the churches of the Anglican Communion”.
19. N. Doe, ‘Canon law and communion’ *Ecclesiastical Law Journal* 6 (2002) 241; see also N. Doe, ‘The common law of the Anglican Communion’, *Ecclesiastical Law Journal* 7 (2003) 4: these are based on N. Doe, *Canon Law in the Anglican Communion* (Clarendon Press, Oxford, 1998).
20. See the website of the Consultation: [www.acclawnet.co.uk](http://www.acclawnet.co.uk)
21. *Windsor Report* (2004) para. 114.
22. These attracted either unqualified or qualified agreement. The one rejected was the principle that no minister should refuse to baptise an infant, in spite of the presence of the principle in rubrics of the Book of Common Prayer 1662 (which is generally normative canonically in member churches).
23. Const. Art. 6.2(1)
24. Can. 50.
25. Can. 32.1
26. Const. Art. XIX.V
27. For example, the Roman Catholic Code of Canon Law 1983, c. 19 and the Code of the Eastern Catholic Churches 1990, c.1501.
28. Eg Australia, Canon 18, 1992: ‘a law...shall be read as including a reference to [*inter alia*] a principle, a practice or a tradition of the Church of England’.
29. ‘Custom is the best interpreter of laws’: Roman Catholic Code (1983) c. 27.
30. ‘It is the duty of clergy and people to do their utmost not only to avoid occasions of strife but also to seek in penitence and brotherly charity to heal such divisions’: Church of England: Can. A8.
31. R. Dworkin, ‘Is law a system of rules?’, in R. Dworkin (ed), *The Philosophy of Law* (Clarendon Press, Oxford, 1977) 38.
32. The laity ‘must strive to live according to Christ’s teachings, to preach the gospel and to realise God’s justice in society’: Korea, Cans. 42-45.
33. See, for example, Roman Catholic Code (1983) c.221.

34. See generally *The Canon Law: Letter and Spirit*, The Canon Law Society of Great Britain and Ireland (Veritas Publications, Dublin, 1995) 77: the principles of law are those which 'have been known to canonical tradition [or] the universal and fundamental principles...contained in the *Regulae Juris*' which represent 'the vast treasure house of laws and jurisprudence accumulated by the Church in the course of centuries'.
35. Some churches provide for the continuing authority of pre-Reformation canon law: England, Submission of the Clergy Act 1533; Wales, Const. IX.36; compare Australia, Can. 11 1992, 3(1): 'all canon law of the Church of England made prior to the Canons of 1603...shall have no operation or effect in a diocese'; however, 4: this lists the canons of 1603 which have no effect in a diocese but a right is reserved to a diocese to adopt them.
36. Listing attendance at worship amongst the duties of church membership in (eg) Southern Africa, Chile, Mexico, England and Korea is probably based on LC 1948, Res. 37.
37. Eg the requirement to instruct candidates before confirmation: see Melanesia, Cans. A.3-A-D; Ireland, Const. IX.28(1); see also the 1603 Canons, Can. 61.
38. See N. Doe, *Canon Law in the Anglican Communion* (Clarendon Press, 1998) 266.
39. Matt. 18:17; 1 Cor 5:1-5.  
( Thirty-Nine Articles of Religion, Art. 33.
41. See, for example, Canons Ecclesiastical 1603, Can. 26.
42. Indeed, it is sometimes possible to recast the principle as a more specific *rule*; excommunication provisions could be recast as: if an individual engages in certain proscribed forms of conduct, then that person may be excluded from Holy Communion. See, for example, Wales, Book of Common Prayer 1984: here the provision itself is cast as a rule: 'If they do not heed the warning [of a priest about their conduct], the Priest shall report the matter to the Bishop and proceed as he directs'.
43. For example, when it was founded in 1920 the Church in Wales adopted an abundance of provisions already found in the laws of the Church of Ireland and the Church of England: see N. Doe, *The Law of the Church in Wales* (University of Wales Press, Cardiff, 2002) Ch. 1.
44. It would be interesting to explore possible parallels with secular customary international law.
45. For the principles to be directly enforceable, each church would have to enact a law along the lines of eg Southern Africa, Can. 50: 'It is hereby declared that if any question should arise as to the interpretation of the Canons or Laws of this Church, or of any part thereof, the interpretation shall be governed by the general principles of Canon Law thereto applicable'; see also above nn.21-23.

46. See N. Doe, *Canon Law in the Anglican Communion* (Clarendon Press, Oxford, 1998) Ch. 2. In the Latin Church, only ordained persons possess the power of governance: Code, c. 129.
47. Constitution (1930), Declaration 11: 'Of the authority of the principles and customs set out in the preceding Declarations'.
48. See Uganda, Const. Art. 3: 'In conformity with established Christian doctrine, the Church of this Province shall proclaim and hold that all people have equal value, rights and dignity in the sight of God, and, while mindful to provide for the special needs of different people committed to its charge, shall not allow discrimination in the membership and government of the Church solely on the grounds of colour, sex, tribe or region'.
49. For developments in Scotland, New Zealand, Australia and England, see N. Doe, *Canon Law in the Anglican Communion* (Clarendon, Oxford, 1998) 264ff.
50. The idea is an old one for Anglicans: see R. Helmholz, 'Richard Hooker and the European *Ius Commune*', *Ecclesiastical Law Journal* 6 (2001) 4.
51. For the difficulties of induction and the formulation of its general principles see N. Doe, *Canon Law in the Anglican Communion* (Clarendon Press, Oxford, 1998) 374-375: sometimes there is unanimity, sometimes a majoritarian approach has to be used to induce a principle, sometimes principles are induced from the silence of laws.
52. See also G. Jones, 'Thy Grace Shall Always Prevent...', in A. Linzey and R. Kirker (eds), *Gays and the Future of Anglicanism: Responses to the Windsor Report* (O Books, Winchester, 2005) 117 at 129-133: whilst the *ius commune* is not the same thing as a juridic bond...in appearance or intention', it 'arose through the accidents of British colonial history', and if so 'it is very poor theology'; its 'origin and authority...must have...theological underpinnings'; either it exists 'accidentally, or it is the necessary expression of a deeper coherence of which the Instruments of Unity are the clearest expressions the Communion has'; it '*should* be nothing more than the elaboration of the founding principles of Anglicanism's orthodox beliefs', 'the working out of some very elementary obligations that are then placed on member churches because they elect into the Communion': any 'notion that the *ius commune* might flourish in the Communion is naïve so long as such individuals continue to pay nothing more than lip service to some of the central beliefs of the apostolic faith'.
53. The draft statement has already been used informally by the Church in Wales in its discussions about the structural reform of the constitution of that church.
54. For the evidence from actual laws, see N. Doe, *Canon Law in the Anglican Communion* (Clarendon Press, Oxford, 1998) 109f. The composition of the electing body may vary from church to church.

55. Ibid., 145.
56. Ibid., 120ff.
57. See Book of Common Prayer 1662, The Ordering of Priests: 'Will you reverently obey your Ordinary...and submitting yourselves to their godly judgments'? This is found in the vast majority of churches; see Australia, Can. 15, 1998: 'An oath or affirmation of canonical obedience shall be taken by a member of the clergy on...ordination...first licensing...consecration as an assistant bishop'.
58. See N. Doe, *Canon Law in the Anglican Communion* (Clarendon Press, Oxford, 1998) 144.
59. See England, Canons Ecclesiastical 1603, Can. 113.
60. For an example of this, see Uganda, Const. Art. 3: 'In conformity with established Christian doctrine, the Church of this Province shall proclaim and hold that all people have equal value, rights and dignity in the sight of God, and, while mindful to provide for the special needs of different people committed to its charge, shall not allow discrimination in the membership and government of the Church solely on the grounds of colour, sex, tribe or region'.
61. See: <[http://www.acclawnet.co.uk/docs/2003\\_nd.pdf](http://www.acclawnet.co.uk/docs/2003_nd.pdf)>
62. Ibid., Principles, Draft, Definitions.
63. Ibid, Principles 1 - 9.
64. Ibid, Principles 10-14.
65. Ibid, Principles 15-24.
66. Ibid, Principles 25-47.
67. Ibid, Principles 48-60.
68. Ibid, Principles 61 -79
69. Ibid, Principles 80-92.
70. Ibid, Principles 93-100.
71. The laws of churches do not contain separate treatment of this subject. However, aspects of the principles treated in Part I are scattered throughout the laws of churches. For example, Principle 5.6: 'A voluntary declaration, or other form of assent prescribed by law, to comply with ecclesiastical jurisdiction binds the person who makes that declaration' commonly appears in the laws of churches: see N. Doe, *Canon Law in the Anglican Communion* (1998, Oxford), 23f.
72. Legal materials in churches dealing with the Anglican Communion are usually very brief and normally appear in constitutional provisions which treat the

- identity of the individual church (typically as a member church of the Anglican Communion and the general consequences flowing from this): see N. Doe, 'Canon law and Communion', *Ecclesiastical Law Journal* 6 (2002) 241.
73. See N. Doe, *Canon Law in the Anglican Communion* (Clarendon Press, Oxford, 1998).
  74. See eg Southern Africa, Const., Preamble: 'it is expedient that the members of a Church, not by law established, should...formally set forth the terms of the compact under which it is associated'.
  75. See N. Doe, *Canon Law in the Anglican Communion* (Clarendon Press, Oxford, 1998) Ch. 1.
  76. See eg Australia, Defence Force Ministry, Canon 1985.
  77. Typically, Principles 15 and 19 on legislative competence (normally treated in constitutions).
  78. Eg Principle 70 on the nature of marriage.
  79. Eg Principle 65.10: on baptism and confirmation of mature persons.
  80. Eg Principle 24.7: *nemo iudex in sua causa* (an aspect of judicial impartiality).
  81. Eg Principle 48.2: the duty to proclaim the Gospel.
  82. Eg Principle 61.1: baptism effects incorporation into the church of Christ.
  83. Eg Principle 54.1: worship as a fundamental action of the church.
  84. Eg Principle 28. For the use of guidance (eg) in the Church of England see N. Doe, 'Ecclesiastical quasi-legislation', in N. Doe, M. Hill, and R. Ombres (eds), *English Canon Law* (University of Wales Press, Cardiff, 1998) 93-103.
  85. Such as the principle of the separation of powers (shared with many secular legal systems): for instance, the law of the Province of the West Indies provides that the Provincial Synod may determine matters 'concerning the common life of the Church...save and except...such matters as lie within the jurisdiction of the Ecclesiastical Courts': Const. Arts. 3,4.
  86. Eg Principle 19.1: jurisdiction may be exercised by groups or individuals.
  87. Eg Principle 83.1: registers of baptisms must be kept.
  88. Eg Principle 36.5: no bishop, priest or deacon coming from another diocese shall minister in the host diocese without the permission of the host diocesan bishop.
  89. Eg Principle 44.6: the faithful should attend public worship regularly.
  90. Eg Principle 11: each church is autonomous.

91. See generally N. Doe, 'Modern church law' in J. Witte and F.S. Alexander (eds), *The Cambridge Companion to Law and Christianity* (Cambridge University Press, Cambridge, 2008) 271.
92. Code, cc.12,16,29.
93. A code is 'comprehensive and systematic arrangement' of laws: G. Nedungatt (ed), *A Guide to the Eastern Code* (Pontificio Istituto Orientale, Rome, 2002) 49.
94. CCEO, c. 1, 1493; D. Motiuk, 'The code of canons of the Eastern Churches: some ten years later', *Studia Canonica* 36 (2002) 189 at 196.
95. T. Ware, *The Orthodox Church* (Penguin Books, London, 1963, reprinted 1991) 15.
96. Patsavos, L., 'The canonical tradition of the Orthodox Church', in F.K. Litsas (ed), *A Companion to the Greek Orthodox Church* (Greek Orthodox Archdiocese of North and South America, New York, 1984) 145.
97. The Rudder (first edition 1800), from the metaphor of the church as a ship: 'the members of the Church [are] guided on their voyage through life by means of the holy canons' (Patsavos).
98. Hereafter SCOBA, Const., Art. II; the churches are: Greek, Antiochian, Serbian, Romanian, Bulgarian, Carpatho Russian, Ukrainian, Albanian.  
( Metropolitan Bartholomaios, 'A common code for the Orthodox churches', *Kanon* I (1973) 45-53.
100. It would be interesting to explore, however, the degree to which each translates the principles of local church polity onto the international ecclesial plane.
101. Const. Arts. I-IV.
102. Const. Art. IV: 'None of these provisions shall limit the autonomy of any member church'.
103. See Constitutional Practice and Discipline of the Methodist Church (Britain), 782-3.
104. Const., Art. II.
105. Liturgical law is located outside the Code: Code, c.2.
106. The constitution is organised in 7 Articles.
107. It deals with the ecclesiological foundations of the union (eg the duties of communion and the right of autonomy) and the international bishops' conference (composition, functions, and discipline). The statute is organised on the basis of Preamble, Order, and Rules.
8. This deals with: doctrinal basis; nature and functions; scope of authority; membership and affiliation; organisation; the assembly; the council; national



- committees; officers and secretariat; finance; and amendments and bylaws. It has 14 Articles; the bylaws treat equivalent subjects.
- It covers membership, purposes, general council, executive committee, officers, departments, organisation of areas, and amendments. It has 12 articles; the bylaws deal with associated subjects.
110. It covers: objective; method of operations; membership; Baptist World Congress; General Council; executive committee; officers; departments; regional fellowships; amendments (as do its bylaws).
111. See above in the footnotes on subject-matter.
112. B.Order, Art. 1.
113. Preamble, Arts. I and V.1.
114. Arts. I-III,V.
115. Arts. I.3 and III (1-9): they include: to unite the member churches in common service wherever needed and practicable; and to aid member churches which may be weak, oppressed or persecuted; and to contribute to the ecumenical movement.
116. For the Constitution, see *Constitutional Practice and Discipline of the Methodist Church (Britain)* pp.782-3.
- Bylaws of the General Council (2002).
118. *Sacrae Disclipinae Leges*, Apostolic Constitution (25 Jan. 1983), promulgating the Code (1983).
119. Latin Code, c. 1752.
120. J.P. Beal, J.A. Coriden and T.J. Green (eds), *New Commentary on the Code of Canon Law* (Paulist Press, New York, 2000) 1-8.
121. Patsavos, L., 'The canonical tradition of the Orthodox Church', in F.K. Litsas (ed), *A Companion to the Greek Orthodox Church* (Greek Orthodox Archdiocese of North and South America, New York, 1984) 145.
122. T. Urresti, 'Canon law and theology: two different sciences', *Concilium* 8 (1967) 10.
123. L. rsy, *Theology and Canon Law* (Liturgical Press, Collegeville, MN, 1992) 137,165: theology 'contains a body of organised knowledge obtained through revelation and reflection of what was revealed; [canon law] consists of a system of norms of action issued by an ecclesiastical authority'; this study also reviews other schools of thought.
124. E. Corecco, *The Theology of Canon Law* (Duquesne University Press, Pittsburgh, 1992).

125. Patsavos, L., 'The canonical tradition of the Orthodox Church', in F.K. Litsas (ed), *A Companion to the Greek Orthodox Church* (Greek Orthodox Archdiocese of North and South America, New York, 1984) 145.
126. Statement made at the Barmen Synod 31 May 1934 on the German Evangelical Church: quoted by M. Reuver, *Faith and Law: Juridical Perspectives for the Ecumenical Movement* (World Council of Churches, Geneva, 2000) 4.
127. *Ibid.*, 3.
128. Code, c.1; c.11: merely ecclesiastical laws bind those baptised in the Catholic church or received into it; universal laws are binding everywhere on all those for whom they were enacted.
129. CCEO, cc.1489-1491.
130. J.H. Erickson, *The Challenge of Our Past* (St Valdimir's Seminary Press, Crestwood, New York, 1991) Ch. 1.
131. Const., Art. V.
132. That is a law dealing with ecclesial communion (*ius communionis*).
133. Suggested form of law: 'The Governing Body of the Church in Wales authorises the Archbishop of Wales to enter on behalf of this church the Anglican Covenant and commits the Church in Wales to comply and act in a manner compatible with the Covenant so entered': *Windsor Report* (2004) para. 118, n.61.
134. Report, Anglican Communion News Service (ACNS) (19-2-2007) para. 8.
135. *Ibid.*, Appendix II, Proposed Anglican Covenant, Art. 17.1.
136. Clause 3.2.4.
137. Points raised in Discussion of the Draft Text for an Anglican Covenant.
138. The elucidation of common principles has been particularly helpful, for instance, in the work of the Colloquium of Anglican and Roman Catholic Canon Lawyers, established in Rome in 1999.
139. See N. Doe, 'The principles of canon law: a focus of legal unity in Anglican and Roman Catholic relations', *Ecclesiastical Law Journal* 5 (1998) 221.
140. See D. Walker, *Oxford Companion to Law* (Oxford University Press, Oxford, 1980) 253, 'Common Law Systems' (eg UK, USA).
141. Code, 373; bishops govern dioceses as vicars of Christ not 'as vicars of the Roman Pontiff for they exercise power...in their own right': *Lumen Gentium*, 27.
142. Code, cc.13,20,23-26: custom is law if it is: approved by the relevant legislator; not contrary to divine law; reasonable; observed by a community

capable of receiving a law; observed with the intention of introducing a law; and observed for continuous years.

43. Particular churches include patriarchal churches (c.25), major archiepiscopal churches (c.151) and metropolitan churches (c.155). The episcopal synod of a patriarchal church may legislate for that church: (c.1101).
144. Greek Orthodox Archdiocese of America (hereafter GOAA), Charter (2003), Art. 1.
145. Lutheran Church of Australia (hereafter LCA), Const., Arts. VI-IX; III.(k): one of the objects of LCA is to cultivate uniformity in customs.
146. LCA, Bylaws, Art. IV.1: amendments to a congregation constitution must be approved by the District Church Council; congregations must accept the LCA Confession, constitution and bylaws.
147. J.L. Weatherhead (ed), *The Constitution and Laws of the Church of Scotland* (Board of Practice and Procedure, Church of Scotland, Edinburgh, 1997).
148. Presbyterian Church in America (hereafter PCA), Book of Church Order (hereafter BCO), I.26: the constitution of the Presbyterian Church in America consists of its doctrinal standards set out in the Westminster Confession of Faith, the Larger and Short Catechisms, and its Book of Church Order. Amendment of the Book of Church Order is effected by the General Assembly with the consent of two-thirds of the Presbyteries; and of the Confession of Faith and Larger and Shorter Catechisms by a three-quarters vote of the General Assembly with the consent of three-quarters of the Presbyteries.
149. Constitutional Practice and Discipline (2002) para. 338.
150. They are accumulated in the URC Manual (2000).
151. Code, c. 135.1: 'The power of governance is distinguished as legislative, executive and judicial'.
152. Eg Polish National Church (USA), Const., Art.. VI.1: 'The authority of this Church is vested in three branches, namely: legislative, executive and judicial'.
153. GOAA, Charter: law-making vests in the eparchial synod (Art. 10); adjudication, in the spiritual courts (Art. 9); the administration of monasteries, in the local hierarch (Art. 21).
154. Eg Church of England: law-making vests in the General Synod (Synodical Government Measure 1969); administration of a parish, in the Parochial Church Council (Parochial Church Councils (Powers) Measure 1956); and adjudication, in the courts (Ecclesiastical Jurisdiction Measure 1963).
155. Evangelical Lutheran Church in Canada (hereafter ELCIC), Const: the Convention is 'the highest legislative authority' (Art. X.1); the episcopal president of the National Church Council is 'the chief executive officer' (Art. XII.5); and judicial functions vest in the Court of Adjudication (Art. XVIII).

156. Legislative, administrative and judicial functions vest in the court of General Assembly.
- ( . United Reformed Church (Britain), Manual, B: General Assembly is required to: make regulations; appoint moderators of synods; and ‘determine when rights of personal conviction are asserted to the injury of the unity and peace’ of the URC.
158. Code, c.221: the faithful have the right not to be punished except in accord with the norm of law.
159. Polish National Church, Const. XXII.
160. GOAA, Charter, 9: a hierarch who judged a case at first instance cannot hear an appeal.
161. N. Doe, *Canon Law in the Anglican Communion* (Clarendon Press, Oxford, 1998) 86ff.
162. LCA, Const., X: the judicial system of the church must uphold the ‘rules of natural justice’.
163. J.L. Weatherhead (ed), *The Constitution and Laws of the Church of Scotland* (Board of Practice and Procedure, Church of Scotland, Edinburgh, 1997). 42ff.
164. Code, cc. 747-755.
- ( 165. Archdiocese of Thyateira and Great Britain, Instructions: Apostasy and Restoration.
166. Church in Wales, Const., XI.18 (clergy and laity are subject to the Disciplinary Tribunal for ‘teaching, preaching, publishing or professing doctrine or belief incompatible with that of the Church in Wales’; in the Church of England lay people are not subject to doctrinal discipline in church courts.
167. ELCIC, Approved Model Constitution for Congregations, Art. IV.6-9.
168. PCA, BCO, Preface, II.3; I.1.1.
169. Code, c.214 (right to worship); c. 920 (the duty to receive holy communion).
170. Church of England, Canon B15: the duty of confirmed persons to receive holy communion.
171. ELCIC, Approved Model Constitution for Congregations, Art. III.a.
172. PCA, BCO, III.47.
173. Code, c. 849.
174. Greek Orthodox Archdiocese of Australia, Handbook, Baptisms.
175. Church of England, Can. B21.

176. Evangelical Lutheran Church in South Africa (Natal-Transvaal), Guidelines, 1.10.
177. PCA, BCO, III.56: baptism is not to be delayed.
178. Constitutional Practice and Discipline of the Methodist Church (Britain), Deed of Union, 6; Standing Orders, 010A.
179. In 1974 the Faith and Order Commission of the World Council of Churches adopted an Outline for the study of "The Ecumenical Movement and Church Law"; it was not pursued: see M. Reuver, *Faith and Law: Juridical Perspectives for the Ecumenical Movement* (World Council of Churches, Geneva, 2000) 5.

## Note on Contributors

**Norman Doe** is Professor of Law and Director of the Centre for Law and Religion at the Law School, Cardiff University, Wales. He studied law at Cardiff, for his doctorate at Cambridge, and theology at Oxford, is a Barrister and holds the degree of Doctor of Civil Law (Lambeth). He is a member of the Colloquium of Anglican and Roman Catholic Canon Lawyers, European Consortium for Church and State Research, and convenor of the Interfaith Legal Advisers Network (UK). He is author of *Fundamental Authority in Late Medieval English Law* (Cambridge, 1990), *The Legal Framework of the Church of England* (Oxford, 1996), *Canon Law in the Anglican Communion* (Oxford, 1998), *The Law of the Church in Wales* (Cardiff, 2002) and *An Anglican Covenant: Theological and Legal Considerations for a Global Debate* (Canterbury Press, 2008). He was a member of the Lambeth Commission (2003-4) and has acted as a consultant on canon law to the Primates of the Anglican Communion. He is also an associate professor at the University of Paris.

**John Rees** is a practising solicitor and Provincial Registrar to the Archbishop of Canterbury. He has advised successive Archbishops in relation to their role in relation to the Anglican Communion for over twenty years. He has been Legal Adviser to the Anglican Consultative Council since 1995, and convenor of the Anglican Communion Legal Advisers' Network since its inception in 2001. He served as Legal Consultant to the Lambeth Commission in 2003-04. He is an ordained priest in the Church of England, and an Honorary Canon of Canterbury Cathedral; and his direct experience of the laws of the Anglican Communion include a period spent working in Multan, Pakistan in the 1970s, and several years teaching theology and ethics in Sierra Leone, West Africa in the early 1980s. Since 2001 he has been Vice-Chairman of the Legal Advisory Commission of the Church of England.