

<b>Institution:</b> Cardiff University		
<b>Unit of Assessment:</b> Law (18)		
<b>Title of case study:</b> Forging greater Christian unity through Church law		
<b>Period when the underpinning research was undertaken:</b> August 2013- December 2016		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Norman Doe	Professor	01/10/1985 - present
<b>Period when the claimed impact occurred:</b> August 2013-July 2020		
<b>Is this case study continued from a case study submitted in 2014?</b> No		
<b>1. Summary of the impact</b> (indicative maximum 100 words)		
<p>The ecumenical movement exists to bring greater unity between 2 billion Christians worldwide, traditionally by seeking theological common ground. Until Doe's research, differences in Christian legal approaches had been considered to hinder ecumenism. Doe proposed 250 principles of law common across the legal systems of ten major church traditions worldwide, so identifying the unifying potential of church law. An international ecumenical panel, started as a result of Doe's research, adopted Doe's principles as a focus for unity in publishing its Statement of Principles of Christian Law. These principles changed the approach of the World Council of Churches, influenced leaders of churches worldwide (including Pope Francis) to focus on greater unification through legal similarities, and changed ecumenical practice in England and Norway.</p>		
<b>2. Underpinning research</b> (indicative maximum 500 words)		
<p>Christianity is the largest religion in the world, with over 2 billion followers. Global ecumenism, the movement towards greater unity between different Christian denominations, plays a key role in enhancing cohesion between Christian groups and within wider society. The World Council of Churches (WCC), the pre-eminent global ecumenical body, brings together churches, denominations and church fellowships in more than 110 countries and territories throughout the world, representing over 500 million Christians. Traditionally, ecumenism focussed on theology and the WCC even considered Christian law to inhibit ecumenism due to differences between church legal systems (<i>World Council of Churches, Faith and Order Commission, 'The Ecumenical Movement and Church Law', Document IV.8 (1974)</i>).</p> <p>In 2013, for the first time, Doe's research overturned this perspective by identifying similarities between laws across major world churches. His work proposes that significant commonality between principles of law exists, which provides a practical route for Christian communities to find mutual understanding and overcome theological divides <b>[3.1]</b>.</p>		
<b>2.1 Identifying the common principles</b>		
<p>Doe studied regulatory instruments of 100 churches globally in 10 traditions (Catholic, Orthodox, Anglican, Lutheran, Methodist, Reformed, Presbyterian, United, Congregational, and Baptist) and found profound similarities between them regarding: the sources and purposes of church law; the faithful; church governance; discipline; doctrine; worship; ritual; property; ecumenical relations; and church-state relations <b>[3.1]</b>. From the study of these similarities (and the reconciliation of differences) Doe induced common principles of Christian law (Appendix of <b>[3.1]</b>). These include:</p>		
<ul style="list-style-type: none"> <li>• 'All the faithful are equal in dignity. The basis of their equality is their creation in the image of God' (6(2) and (3)).</li> <li>• 'A church should serve, in appropriate ways, all who seek its ministry regardless of membership' (7(1)).</li> <li>• 'There should be a basic institutional separation between a church and the State but a church should co-operate with the State in matters of common concern' (46(2)).</li> </ul>		
<p>Highlighting that laws link Christians by stimulating common actions, Doe was a lone voice arguing that the untapped unifying potential of church law should be fed into global ecumenism through</p>		

the work of the World Council of Churches (WCC) [3.1]. A report produced that same year (2013) by the WCC's Faith and Order Commission, outlining their common vision, neglected to consider, however, the role that Christian law could play in ecumenism.

## 2.2 Research co-produced with the Christian Law Panel of Experts

In late 2013, Mark Hill QC convened the Christian Law Panel of Experts to explore the ways in which Doe's principles could contribute to ecumenism. They commissioned further research from Doe, including:

- a paper on the principles of Christian law for a panel meeting in Rome in 2014 (later published as [3.2]);
- a paper on juridical aspects of the understandings of 'the church' (or ecclesiology) presented in the WCC report. It found that the report did not explicitly consider church law or its role and unifying potential in ecumenism [3.3];
- drafting of candidate principles (refining principles set out in the Appendix of the original monograph [3.1]) for the Panel to test in Rome in 2015 and 2016.

Doe reiterated the potential of Christian law for ecumenism in further published work including a version of the Panel's *Statement of Principles of Christian Law* with an accompanying commentary (see impact section), co-produced with Hill [3.4]. Doe also wrote a critical appraisal of the Panel's Principles of Christian Law project [3.5], which explained the methods used by the Panel between 2013-16 and highlighted the challenges the Panel faced in finding legal agreement and reconciling legal differences. Additionally, Doe, with collaborators representing ten Christian traditions, subsequently produced an edited book that critically evaluated the Statement against the laws of the ten individual ecclesiastical communities [3.6].

In summary, Doe's research highlighted the untapped potential of church law in driving forward ecumenism. The significance of this approach was highlighted in an edited book by Cambridge University Press, *The Confluence of Law and Religion: Interdisciplinary Reflections on the Work of Norman Doe* (2016), which paid "tribute to Professor Doe's achievements so far...upon the interdisciplinary development of law and religion" (Cranmer, Hill, Kenny and Sandberg, 2016).

## 3. References to the research (indicative maximum of six references)

[3.1] Doe, N (2013), *Christian Law: Contemporary Principles*, Cambridge University Press. Available from HEI on request.

[3.2] Doe, N (2015a), 'The Ecumenical Value of Comparative Church Law: Towards the Category of Christian Law', *17 Ecclesiastical Law Journal*, 135-169 DOI: 10.1017/S0956618X15000034

[3.3] Doe, N (2015b), Discussion Paper, 'Beyond theology: the ecumenical value of comparative church law' (pp.6-25), included as an Appendix to 'Christian Law Panel of Experts: Response to the World Council of Church Faith and Order Commission Paper', *The Church: Towards a Common Vision* (2013) (Rome, December 2015). Available from HEI on request.

[3.4] Hill, M & Doe, N (2017), 'Principles of Christian Law', *19 Ecclesiastical Law Journal*, 138-155 DOI: 10.1017/S0956618X17000035

[3.5] Doe, N (2017), 'The Principles of Christian Law Project in Context', *Quaderni Di Diritto e Politica Ecclesiastica*, 3-25. Available from HEI on request.

[3.6] Doe, N (Ed.) (2020), *Church Laws and Ecumenism: A New Path for Christian Unity*, Routledge. Available from HEI on request.

## 4. Details of the impact (indicative maximum 750 words)

Doe's research identified common principles of Christian law [3.1]. Their adoption by an international Christian Law panel led to: the World Council of Churches changing their ecumenical practice; church leaders recognising the importance of law in facilitating ecumenism; and churches and church organisations in Norway and England changing practice on law and ecumenism.

#### 4.1 The International Christian Law Panel

##### a. Responding to the WCC's report

The WCC's Faith and Order Commission's 2013 report - *The Church: Towards a Common Vision* - disregarded the unifying potential of Christian law. As noted in section 2, Mark Hill QC subsequently convened a Christian Law Panel of Experts in Rome to explore the ways in which Doe's common principles could contribute creatively to ecumenism. The Panel of Experts (comprised of church leaders, theologians and lawyers from eight traditions: Catholic, Orthodox, Anglican, Lutheran, Methodist, Presbyterian, Reformed, Baptist) was the first formal collaboration of churches worldwide to consider the potential of Christian law as an ecumenical focus since the 1970s (when it was first discounted by the WCC).

Nigel Baker, the then British Ambassador to the Holy See (Pope and Vatican), stated that Doe's "*critical insight...drove forward the Panel discussions*", helping the broad range of representatives ("*whose theological differences...do not often lead them to share an ecumenical space*") to see the unifying potential of Christian Law [5.1]. This is reflected in the Panel's 2014 response to the WCC report [5.2], which was underpinned by Doe's research and emphasises that law can be used as a practical tool for advancing global ecumenism. The response was formulated following consideration of Doe's principles, his paper [3.3] was appended, and it also included the Panel's own agreed principles based around 'discipline' and 'property', which were derived from Doe's findings [3.1] and his draft principles [5.2]. Overall, the Panel's response showed a broad agreement amongst these church leaders regarding Doe's finding that there are principles of church law common to different Christian traditions, which have strong theological components and are "*fundamental to the self-understanding of Christianity*" [5.2].

Nigel Baker said, following an event he hosted to support the Panel in its work, "*There has been a flowering of international focus on practical ecumenism through Christian law and governance since the publication of [Doe's] Christian Law...*" (i.e. [3.1]) [5.1].

##### b. Adoption of the Christian law principles

In 2015 and 2016, Doe's 250 principles of Christian law [3.1] were tested by the Christian Law Panel of Experts. Panel members compared each in turn against the laws of their own church to verify or refute the terms of the principle. The Panel accepted 230 of these principles (with revisions) as consistent across all Churches, and they were subsequently published as *Statement of Principles of Christian Law* (Rome 2016) (available in [3.4]). This was the first ecumenical achievement of its type addressing legal principles. According to Archbishop Sir David Moxon, the Archbishop of Canterbury's Representative to the Holy See,

*"the benefit to the participants and...stakeholders was quite remarkable. For the first time in Christian history a group [was] able to reach a high degree of consensus on the way in which principles of Christian law are held in common and...might develop together"* [5.3].

As a result, Revd Tony Curren of the Vatican Pontifical Council for the Promotion of Christian Unity asserted that "*the publication of Principles of Christian Law by Norman Doe and [the] international ecumenical panel have resourced ecumenists with an invaluable reference point*" [5.4].

#### 4.2 Changing ecumenical practice of the World Council of Churches

Doe's research subsequently changed practice at the highest levels of ecumenism through the World Council of Churches (WCC). Instead of focussing solely on theology, the WCC changed its approach and is now addressing law as a potential unifying force. Ani Drissi, Commission Secretary of the WCC Faith and Order Commission, confirmed that the Panel's work is seen by the Commission as "*unique*", "*profound*" and a "*valuable approach*" [5.2]. As a result, the Commission and the Expert Panel formed a partnership in 2017, to work together using the *Statement of Principles of Christian Law*. This partnership was strengthened when a Commission member joined the Panel, and its Moderator, Susan Durber, participated in the Panel in 2018. Durber stated that Doe "*pioneered a way of doing ecumenism that asks church lawyers to state more clearly and positively what they have in common...*" [5.5]. Leo Koffeman, a former

Commission member, confirmed that “*reactions from...the Faith and Order Commission (the most outstanding authority in this area) are unequivocally positive, and rightly so*” [5.5].

The significance of the shift in the WCC’s strategy and practice regarding church law is evident when compared to the Commission’s previous view. The WCC had considered the established law systems of different churches to be an active hinderance to worldwide Church unity. Nigel Baker, British Ambassador to the Holy See (2011-2016), states that Doe reawakened “...*a debate at the WCC that had appeared sterile back in the 1970s, but since [then] the Panel has opened new veins of ecumenical opportunity, even when theological discussion appeared to be struggling...*” [5.2].

#### 4.3 Changing perceptions among church leaders resulting in changed practice

Doe’s work motivated unique and positive dialogue with, and between, church leaders, offering common ground upon which traditionally divided groups are now able to build relationships.

Doe and Hill presented the *Statement* to Pope Francis at a meeting (10 April 2019) organised by the Pontifical Council for Promoting Christian Unity. In a Papal Address in Rome on 19 September 2019, the Pope stated for the first time that “*canon law is not only an aid to ecumenical dialogue, but also an essential dimension*” [5.6]. [Text redacted] [5.7]. His All Holiness Bartholomew, Ecumenical Patriarch and global leader of over 200 million Eastern Orthodox followers worldwide, explicitly citing Doe’s book [3.1], spoke of the “*important Statement, which is a means of unity and collaboration between Christians of different traditions*” and that it is “*designed to fill the historical juridical deficit in the ecumenical enterprise*” in a Patriarchal Address in Rome on 16 September 2019 [5.8].

At Oslo (June 2019), Doe presented the *Statement* to the Most Revd Helga Haugland Byfuglien, Presiding Bishop of the (Lutheran) Church of Norway, of which approximately 69% of Norwegians are members. Doe also addressed a meeting of leading ecumenists on the subject of Christian law, and met the Legal Section of the Church which used the *Statement* to discuss current developments in Norwegian church-state relations. Andreas Aarflot, Deputy Head of the Legal Section of the Church of Norway, stated that the *Statement* “*has had a positive impact on the work of the Church of Norway’s Legal Section*” [5.9]. Aarflot confirmed that Doe’s visit “*inspired the Legal Section to explore comparative church law as a matter of course when preparing reports and decisions and drafting legislation to be laid before the General Synod of the Church of Norway*” [5.9]. This is significant because the General Synod is the primary legislative body for the Church of Norway, following a decision in the Norwegian Parliament to separate the Church and State. The Legal Section has now used comparative church law when considering topics such as: church governance and elections, financial support for groups participating in the General Synod elections, and legislation on the requirements for ministerial office [5.9].

Events that have brought ecumenical groupings together to discuss how the Principles can bring unity within and between churches have been held in Uppsala, Cardiff, Amsterdam, Sydney, Melbourne (2018), London and Rome (2019). Paul Goodliff, General Secretary of Churches Together in England, who organised the London event, stated that the principles in the *Statement* were “*warmly welcomed as an important new tool in ecumenical work*” and that the *Statement* enabled “*the work of uniting the churches in vision and purpose*” [5.10]. For example, Churches Together in England created a ‘Flexible Framework for Local Unity in Mission’, which is a practical ecumenical document, that enables local churches and congregations to work more closely together [5.10]. The Framework provides forms of written agreement to meet the needs of the rich diversity of ecumenical cooperation, e.g. working / partnership / constitutional agreements.

Goodliff confirms the importance of Doe’s work: “*As one who leads a national ecumenical body, as well as a participant in the formulation of the Principles of Christian Law, I am certain that this whole new dimension of ecumenical working has become a vital new means of enabling churches to respond together to the challenges that they face in serving the wider world*” [5.10].

#### 5. Sources to corroborate the impact (indicative maximum of 10 references)

[5.1] Testimonial: Nigel Baker, British Ambassador to the Holy See (2011-2016), 29 April 2018

**[5.2] a.** Christian Law Panel of Experts: Response to the World Council of Church Faith and Order Commission Paper, *The Church: Towards a Common Vision* (2013) (Rome, December 2015) **b.** Christian Law Panel, Fifth Meeting, 23-24 November 2017, The John Knox Centre, Geneva, Minutes, 30 November 2017.

**[5.3]** Testimonial: Sir David Moxon, former Archbishop of Canterbury's Representative to the Holy See, 7 June 2018

**[5.4]** Testimonial: Tony Curren, Vatican Pontifical Council for the Promotion of Christian Unity, 14 November 2018

**[5.5]** Testimonials: WCC Faith and Order Commission: Susan Durber, member of WCC Faith and Order Commission, 7 December 2018, and Leo Koffeman, former member WCC Faith and Order Commission, 27 April 2018

**[5.6]** Papal address of 19 September 2019

**[5.7]** [Text redacted]

**[5.8]** Keynote address by His All-Holiness Ecumenical Patriarch Bartholomew at the 24<sup>th</sup> International Congress of the Society for the Law of the Eastern Churches, Rome, Pontifical Oriental Institute, September 16, 2019, p.7

**[5.9]** Testimonial: Andreas Henriksen Aarflot, Legal Section, National Council, Church of Norway, 11 August 2020

**[5.10]** Testimonial: Paul Goodliff, General Secretary, Churches Together in England, 12 August 2020