

## THE CHURCH AND ECCLESIAL COMMUNION SUPPLEMENTS

### Second Report of the International Roman Catholic-Old Catholic Dialogue Commission 2016

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## Preface

When the First Report of the International Roman Catholic – Old Catholic Dialogue Commission was concluded in 2009 it was presented to the commissioning church leadership bodies, the International Old Catholic Bishops' Conference (IBC) and the Pontifical Council for Promoting Christian Unity, for assessment.<sup>1</sup> At a meeting of a delegation of the IBC, led by the Archbishop of Utrecht Joris Vercammen, with the President of the Ecumenical Council Kurt Cardinal Koch on 6 September 2011 in Rome, the following statement was made with regard to the Report:

“Since its publication various symposia, pastoral conferences, the International (Old Catholic) Theologians' Conference and the *Internationale Kirchliche Zeitschrift* have dealt with the document. The predominantly positive reactions also stressed that it was important to continue working on the remaining divisive questions. The ‘dialogue in truth and love’ initiated by the work of the Commission has succeeded in creating a new basis of mutual trust which is to be extended further.”<sup>2</sup>

With this in mind Cardinal Kurt Koch wrote to Archbishop Joris Vercammen on 15 September 2011:

“In conversation we reached an understanding that the question of the *relationship between the universal and the local church* represents the fundamental problem complex of the dialogue. In the report of the Commission it is above all the dimension of the universal church that is to be dealt with further and in greater depth. This should be discussed in relation to the *question of primacy*. The consensus of the ancient church: *No eucharistic communion without ecclesial communion* also deserves further attention, particularly in regard to the 1985 agreement between the Old Catholic Church and the Evangelical Church in Germany, the ‘Agreement on the reciprocal invitation to participate in the celebration of the eucharist’. ... In addition the questions of *women's ordination* and the *Marian dogmas* are to be dealt with further.”

In accordance with this mandate, the second Dialogue Commission was constituted, in part with new personnel, under the presidency of Archbishop Hans Josef Becker (Paderborn) and Bishop Matthias Ring (Bonn)<sup>3</sup> at a first working conference in December 2012 in Paderborn. Between 2012 and 2016 the Commission met for nine sessions, each of two days.<sup>4</sup> Three jointly drafted texts were adopted: “On the relationship between the universal and the local church”, “Binding teaching and infallibility” and “The open questions on the Marian dogmas of 1854 and 1950”.<sup>5</sup>

Work on the remaining mandated questions led to the adoption of two texts “On the question of the ordination of women to priestly ministry”<sup>6</sup> and “On the intrinsic bond between eucharistic and ecclesial communion”.<sup>7</sup> On the part of the Roman Catholic side nothing further was to be added to its exposition in CaEC I.<sup>8</sup> This report therefore involves texts in which the Old Catholic side explicates its perspective in this regard in greater detail.

## 1 The open questions on ecclesiology

### 1.1 On the relationship of local and universal church

(1) In their report *Church and Ecclesial Communion* published in 2009 [= CaCE I] the International Roman Catholic – Old Catholic Dialogue Commission formulated the cornerstones of a *communio ecclesiology*, with the intention of creating thereby the foundation for a deeper shared understanding of the church which would enable a future ecclesial communion to appear possible.

Within the method of differentiated consensus followed by the Commission, *communio ecclesiology* forms the crucial aspect of “the agreement reached in the fundamental and essential substance of a previously contested doctrine” (no. 34). This communal understanding of the church is also an important prerequisite for a new view of the universal primacy of the pope as it was defined at the First Vatican Council (no. 36-39).

Naturally some further “open questions on ecclesiology” remain alongside this “fundamental consensus”, not least in the light of certain statements of the Second Vatican Council's Dogmatic Constitution on the Church *Lumen Gentium*, namely on the position of the pope and his primacy in the enactment of the life and witness of the church, as well as on the understanding of the interrelated entities of the “universal church” and “episcopal collegiality” (no. 41-47). Following the method of differentiated consensus, the question arises whether differences emerging from further discussion of this issue call into question the basic consensus or “can be considered admissible” (no. 34).

(2) In the cited 3rd chapter (no. 13-19) CaEC 1 analysed what the 2011 mandate termed “the relationship of the universal and the local church”.<sup>9</sup> This section, as also in no. 20-22, not only relates the two dimensions, local and universal, of the church to one another, but refers to three dimensions (local, regional and universal). With regard to the dimensions that extend beyond the local church (*ecclesia localis*), the church is spoken of as *communio ecclesiarum* or as *communio communionum ecclesiarum [localium]*.<sup>10</sup> This terminology is cogent for an ecclesiological approach that proceeds from the fundamental expressions of the church in *martyria*, *leitourgia* and *diakonia* as they are primarily lived in the episcopal local church with its parishes and other community forms.<sup>11</sup> Every local church, gathered around a

bishop as the presider at the celebration of the eucharist or oriented to a bishop as the bearer of the personal *episkopé*,<sup>12</sup> is a "representation of the one holy catholic and apostolic church of which the Nicene-Constantinopolitan Symbol of Faith speaks." That presupposes unconditionally that a local church is bound to the other local churches "in unity

(3) What binds the local churches in their universal identity together into a *communio* – regardless of geographical, sociological, cultural and other differences – is therefore their participation in the life of the triune God as made accessible primarily through the Holy Spirit, above all in the celebration of the eucharist.<sup>13</sup> In ecclesiological reflection the Holy Spirit is thus to be deemed the primary *unifying principle*, since the Spirit binds the church together in communion and service,<sup>14</sup> and so unites mankind with God the Father in Jesus Christ.<sup>15</sup>

(4) The distinguishing marks signifying that the local churches bound together in *communio* perceive "the same reality of the mystery of the church" are "the common apostolic faith, the common fundamental forms of sacramental-liturgical life and the common fundamental principles of church order with the three-fold" ministry (CaEC I, no. 16). These are lived and confessed by the totality of the faithful.

(5) Of the three common marks of the local churches in their local, regional and universal dimensions cited here, particular notice is to be given to the "variety of offices and ministries" with the specific tasks they exercise in personal, collegial and communal *episkopé* (CaEC I, no. 20). The bearers of personal *episkopé* are bishops who exercise their primary responsibility for the unity of the church and for its continuity with and in the apostolic church, both in their respective local churches and also in supra-local (i.e. from the regional to the universal) extent of the *communio* in synodical processes (no. 21-22). The fundamental synodality of this ministry for the *communio* structure of the church demands at all supra-local levels of the *communio communionum ecclesiarum* a corresponding primatial ministry: "It is the duty of *one* bishop to ensure that the *many* bishops exercise the responsibility entrusted to them" (no. 22). To that extent synodality and primatiality are requiring and defining each other.

(6) Finally CaEC I states as a shared understanding: "For the universal dimension [of the supra local communion of local churches] this primacy is vested in the pope" (no. 22).

(7) That is as far as the joint description of the *communio* structure of the church which can be qualified as a fundamental agreement extends. In expanding upon it the still open questions are to be addressed.

The 2011 mandate operates with the concepts "local church – universal church", and the primacy question is to be situated and further clarified within their relationship to one another.<sup>16</sup>

Whether and how the ecclesiological concept "universal church" or "entire church" or "whole church" (*ecclesia universalis/universa, tota ecclesia*) with its implicit inherent connotations, is or is not identical with or implies the same ecclesiological perspective as the term *communio communionum ecclesiarum [localium]* – refined by adding "in its universal dimension" – must remain open at this stage (cf. no. 13-15 below).

(8) CaEC I speaks throughout of "local churches" which stand in ultimately universal *communio* with one another. The expression "universal church" (or "entire church") is also occasionally used in CaEC I, but it is repeatedly noted (no. 19, 45 und 46)<sup>17</sup> that it is alien to the Old Catholic tradition, especially when it is used as a sort of abbreviated formula for the church led by the pope as shepherd and head of the episcopal college, of which the "college" of the twelve with Peter as their head (from Pentecost onwards) represents to a certain extent the historical nuclear cell (no. 46). By the same token, the juxtaposition "universal church – local church" is not familiar in the Old Catholic tradition.

(9) This juxtaposition as well as the concept "universal church" are likewise absent from the ecclesiological texts of the Mixed International Commission for Theological Dialogue between the Roman Catholic and the Orthodox Church (Munich 1982; Bari 1987; Valamo 1988 and also Ravenna 2007<sup>18</sup> – these texts speak of the universal level of the communion of local churches), as well as in other bi-lateral Roman Catholic – Oriental Church texts.<sup>19</sup>

(10) This convergence suggests that the term "universal church" (or another reproduction of the "*ecclesia universalis*" or "*universa ecclesia*") requires explication, especially in connection or juxtaposition with "*ecclesia localis*" or "*ecclesia particularis*"; that follows below.<sup>20</sup> Preceding that however the use of the *communio* concept in *Lumen Gentium* (LG) is to be dealt with, as it differs from that in CaEC I.

(11) The concept *communio ecclesiarum* does not occur in LG, the nearest approach to it comes perhaps in LG 23 where the right ministry of bishops for their respective churches is effective as a part (*portio*) of the universal church for the well-being of the whole mystical body, which is also the body of the churches.<sup>21</sup> Instead, in view of the supra-local communion of individual churches, LG repeatedly speaks of the *communio hierarchica*, i.e. of the college of bishops whose head is the pope as the successor of Peter, the head of the college of the twelve. There the concept "universal church" seems ultimately to stand for the pope, who represents it as its supreme shepherd in his relationships with the bishops together with their local or particular churches.<sup>22</sup> The differing focus of the discourse of *communio* – on the one hand the local churches, each of which is in its communion with other "wholly church but not the whole church"

(CaEC I, no.17), on the other hand the college of bishops with the pope as its head in the sense of a universal church entity *sui generis* (LG) – is simply to be noticed at this point.<sup>23</sup>

The focus on the pope as the head of the college of bishops could well serve to explain the fact that LG, as distinct from CaEC I (no. 17 and 22) and the Roman Catholic–Orthodox dialogues (especially O-RC/Conséquences, no. 17ff), operates almost exclusively with the conceptual duality “universal church – local church”<sup>24</sup> while the (nuanced) *threefold* nature of the dimensions of the church is not explicitly addressed.<sup>25</sup>

(12) That the 2011 mandate speaks of “the relationship of the universal to the local church” “in relation to the question of primacy” is understood by the Dialogue Commission to mean that the primatial position of the pope, who in CaEC I, no. 22, is named and acknowledged as the bearer of the personal *episcopé* in synodical processes of the universal *communio communionum ecclesiarum*, is to be expounded in greater depth. This occurs in the perspective of CaEC I in which, as suggested above, primacy and synodality in the church are inter-related in all dimensions of the communion of local churches with one another: regional and universal.

So in what follows, aspects of the universal dimension of primacy and synodality will be discussed in greater depth, and the expression “universal church” will also be considered.

(13) The concept “universal church” (*ecclesia universalis, universa ecclesia, tota ecclesia*) is in previous documents of the Roman Catholic Church and theology, as also in the Dogmatic Constitution on the Church of the Second Vatican Council *Lumen Gentium* – to which CaEC I repeatedly refers –ambiguous.

On the one hand it denotes – alongside other expressions – the Church as such, chosen before the foundation of the world and extending from righteous Abel through the people of Israel and the outpouring of the Holy Spirit on the disciples of Jesus Christ to its fulfilment in the kingdom of God. It is grounded in God’s universal will to salvation as it has been revealed in the self disclosure of God in sending Jesus Christ and the Holy Spirit. It is therefore an entity which encompasses all generations, heavenly-earthly, invisible-visible, on the way to a consummation in God, in whom its necessary current institutional constitution will disappear.<sup>26</sup>

On the other hand the expression denotes specifically the earthly church (“*his in terris*”, “*hoc in mundo*”), invested with hierarchical organs and heavenly gifts, which represents the *Una Sancta* of the Creed (LG 8 and 26).

Between the two aspects in which LG speaks of the universal church or the church as such, it seems hardly possible to make a clear-cut distinction.

(14) But where the universal church is spoken of in relation to the local church the situation is quite different. In LG that is the case where, within the framework of the presentation of the hierarchical order of the church,<sup>27</sup> the relationship of the papal office and the episcopal office are defined more precisely.<sup>28</sup> It is in LG 23, where the expression “*ecclesia particularis*”<sup>29</sup> appears for the first time and is immediately associated with the prioritised concept “*ecclesia universalis*”: the particular churches [*Teilkirchen*] are fashioned after the model of the universal church because the unifying function of the bishops in their particular churches corresponds to the unifying function of the pope in the entire church and can indeed only be exercised at all in communion with the pope.<sup>30</sup>

(15) The configuration of the bishop-led individual local church in the image of the universal church is evident in the analogy of the unifying function of the respective bishop for his individual local church with the corresponding unifying function of the Roman pontifex for the universal church. That seems to imply that the entity “universal church” achieves concrete validity in the pope, precisely in his function as head of a college to which each bishop belongs, and apparently from a strictly ecclesiological perspective, even prior to belonging to a local church.<sup>31</sup> In this perspective of a universal-church ecclesiology, the primacy of the pope would have a different theological and also legal bearing from that within the horizon of a eucharistic local-church theology, which proceeds from an [a priori] simultaneous and reciprocal interrelationship of the local churches in the universal communion of local churches and sees the universal primacy as on principle integrated into the synodality of the *communio* of all local churches and determined by it.<sup>32</sup>

(16) The following section presents a summary and a continuation of CaEC I dealing with the points of the 2011 mandate listed in the introduction. It presupposes that the primatial function of the bishop of the church of Rome in the *communio communionum ecclesiarum [localium]*, with its structure of synodality, refers to the visible institutionalised church “*his in terris*” or “*hoc in mundo*” (cf. no.13 above and 17 below). It is the visible “*koinonia* of the churches” which is identical with the one and only, the “universal church”.<sup>33</sup>

(17) The church as *Una Sancta* of the Creed is according to CaEC I (preface; no. 16; 19: small print; 37) represented and realised in the local churches and in the supra-local communions of local churches extending as far as their universal dimension. That occurs by virtue of their participation in the communion of the triune God, which is common and identical to all the faithful of each local church and is granted to them in baptism and in the liturgy of the eucharist (embracing word and sacrament).

The spatially universal dimension of the church (“*his in terris*”, “*hoc in mundo*”) is however not simply congruent

with the *Una Sancta* of the Symbol of Faith, in that more comprehensive temporal and spatial dimensions may pertain to the *Una Sancta*, i.e. as "*ecclesia ab apostolis*" or even as "*ecclesia ab Abel*", as "*ecclesia caelestis*", as "*ecclesia triumphans*", or as the (protological and eschatological) "Jerusalem above". The two dimensions of the church for which the expression "universal church" is used are however aligned with one another, in that the former is a sign and an instrument of the latter (cf. LG 1); thus in the following their identity and their difference are to be kept in mind.

(18) When the expression "universal church" is used for both universal dimensions of the church, a *communio* ecclesiology is to be assumed for determining the relationship "universal church – local church" in the sense of CaEC I as well as of the documents of the Orthodox-Roman Catholic Dialogue, according to which the expression "universal church" is to be circumscribed as *communio communionum ecclesiarum [localium]* (CaEC I, no. 37).

If a particular visible institutional form is to be ascribed to the one local church within the multiplicity of local churches – in which the fundamental ecclesial expressions *martyria*, *leitourgia* and *diakonia* are primarily situated – then it is the synodality of the local churches. This is in the various dimensions of their regional and universal communion dependent on the inherent primatiality.

It is this context in which the unitive function of the pope as bishop of the church of Rome and as primas of the *communio communionum ecclesiarum* is to be determined (cf. no. 22 below).

(19) In continuation of the above reflections on CaEC I, LG, the documents of the Orthodox Roman Catholic Dialogue and the cited mandate of our church leadership bodies, the question arises: Where are unifying factors to be identified within the multi-dimensionality of the church as a heavenly-earthly reality? How are they to be weighted in their reciprocal relatedness? In what follows the suggestion is made to distinguish the sacramental and legal unity factors according to their constitutive and their testifying force and to place them in an internal order.

(20) The constitutive foundation of the unity of the church is the Spirit-empowered communion of the baptised – who as the local *communio fidelium*<sup>34</sup> are Christ's body – in and with Jesus Christ in the celebration of the eucharist. Therein is enacted participation in the trinitarian life of God, embracing and transcending every time and place. This participation is manifested in the *leitourgia*, *martyria* and *diakonia*, the essential expressions of the church, and makes present the eschatological paschal mystery on the way to its fulfilment.<sup>35</sup>

(21) The unity of the church is fundamentally attested and made discernible in the *three common distinguishing marks* (see no. 4 above) of the *spiritual identity of the various local churches*: in the apostolic faith, in the fundamental forms of liturgical-sacramental praxis as well as in the ecclesial order with its (threefold) ordained ministry.<sup>36</sup> These must therefore be reciprocally acknowledged as identical in their core and essence between the churches living in full communion.<sup>37</sup> The true church is recognised by these signs.

(22) This local and supra-local *communio* is primarily served and their respective unity thereby testified in a personal manner by:

- The Bishop of a local church who directly or through members of his presbyterium presides at the eucharistic assembly and exercises the episcopé entrusted to him for the unity of the church and its maintenance in the truth both inwardly and outwardly, thereby attesting the unity of the local church as its shepherd and thus its personal focus.<sup>38</sup>
- The First Bishop (*Primas/Protos*) of the synodical assembly of bishops of a specific region, who in the exercise of their responsibility for their local churches and their communion with one another, represent the corresponding *communio ecclesiarum localium* (e.g. ecclesial province, patriarchate) whose unity the first Bishop testifies in a personal manner.<sup>39</sup>
- The Bishop of Rome as the First Bishop of the communion of local churches in their universal dimension, who in an analogous manner bears responsibility for the world-wide synodical *communio communionum ecclesiarum* and its bishops, and therein attests their unity inwards and outwards in a personal manner.<sup>40</sup>

(23) These elucidations, in response to the question asked above regarding "the relationship of universal and local church" "in connection with the primacy question", extend the basic consensus established in CaEC I<sup>41</sup> and refine it. Any possible still remaining differences do not call into question that consensus.

For further joint steps by the two "family-feuding churches" in their concern to reach ecclesial communion or *pax ecclesiae*, corresponding canon law implementation is however still required.

## 1.2 Binding teaching and infallibility

(24) Within the framework of a consistently represented local church *communio* ecclesiology, CaEC I presents the view regarding the bishop of the local church of Rome that the "doctrine of the primacy of the pope formulated at the first Vatican Council no longer has the weight of a church-dividing difference, if the pope is not thereby excised from the *communio* structure" (no. 36-39, here 39).

(25) From this perspective of the position of papal primacy in *communio ecclesiology*, the subject of the infallible teaching office (*magisterium infallibile*)<sup>42</sup> of the Roman bishop as asserted in Chapter 4 of the Dogmatic Constitution "*Pastor aeternus*" of the First Vatican Council can be taken up and developed with the corresponding emphases.<sup>43</sup> Thereby the fundamental point of departure is found in the joint statement in CaEC I, no.17-18: The exercise of this office is embedded in the synodical context of the universal communion of communions of local churches (*communio communionum ecclesiarum [localium]* cf. no. 13-19). In this synodical context the bishops in their capacity as presiders in the local churches bear the "first" responsibility in "the task of seeking, finding and proclaiming the truth" (no. 22). This is true regardless of how this synodical process is shaped in detail within the universal framework.

(26) On the basis of this presumption one can say: The specific qualification *infallibile* in the framework of the *munus docendi* of the Roman bishop which he exercises in the synodical context of his primatial function does not either in principle or in the event of special cases demand a stand-alone position over against the relevant synodical entity that represents the communion of the communions of the local churches. Whatever is understood from a cognitive or linguistic perspective under *infallibilitas* of doctrinal statements articulating a divine revelation,<sup>44</sup> it is incontestable that *infallibilitas* is vested in the church as a whole, as a gift of God.<sup>45</sup> This circumstance supports once more the appropriateness of the demand that the *munus docendi* or *potestas docendi* of the Roman bishop is exercised in principle and in fact within the synodical framework of the *communio* structure of the church.<sup>46</sup>

(27) In addition, CaEC I sees the exercise of the teaching office of the church situated in yet another sphere of ecclesial action, namely in the process of the interaction of the various witnessing authorities of the faith. These are listed in detail in no.23 and are mentioned again in the summary of the fundamental agreements in no.38. There it becomes clear that none of these witnessing authorities can be isolated. Each one is indeed autonomous and fulfils irreplaceable tasks, but precisely for that reason they are necessarily interrelated with one another. They are to be understood as authorities *in* the church in service *for* the church and borne *by* the church.

(28) The fact is however also to be noted that on the basis of the historical course of the church there are manifold forms of enculturation of the faith. In the globalised world of our time that is significant not only diachronically within the horizon of maintaining the continuity of the apostolic faith, but also synchronically in the context of the ecumenical search to heal the broken visible communion of the church. This implies the abiding task of clarifying whether the catch-phrases "unity in diversity" or "reconciled diversity" signal in each instance jointly established facts with regard to certain ecclesial and theological problem areas, or simply one-sided assertions.<sup>47</sup> On the basis of ecumenically-drafted texts the individual witnessing authorities can be circumscribed as follows.

(29) "*Holy Scripture* is the original witness of the truth of the living God, which was revealed to us in fullness and clarity in Jesus Christ." Because it testifies to the word of God "it is the final norm<sup>48</sup> of the faith and enjoys the highest honor as the witnessing authority that is closest to revelation." "Due to the truth of God testified to in it, Holy Scripture has established itself from the very beginning and ever anew". It cannot however "be isolated, but always must be examined in the context of the believing and witnessing communion of the church, which must itself be measured against Holy Scripture."<sup>49</sup>

(30) In the sense of the last statement, the church as a whole is a communion of tradition. "Tradition is thus the church's faithful life within the dynamic of its history, in all statements and actions of the Christian faith." "A reduction of the tradition to theology or the magisterium would therefore be an improper abbreviation of a development of the whole church." "Therefore, Scripture and Tradition can be neither isolated from one another, nor placed over against one another." Tradition "is not a substantive addition to Holy Scripture", but is indeed indispensable for the understanding of Scripture, i.e., as Scripture interpreted in the church through history. Through the *process* of handing down the tradition, by which the word of God is comprehended not only purely theoretically but in and with the forms of thought, experiences and challenges of the respective culture, tradition is always also bound up in part with the respective spirit of the times. Therefore it must at all times be measured anew against Holy Scripture in the church.<sup>50</sup> Thus it must be maintained that Scripture precedes tradition but is inseparably bound to it in the soteriological collaboration and interaction of God's self-revelation for the salvation of mankind.

At this point Old Catholic theology stresses together with the Orthodox tradition that scripture and tradition are not different statements of divine revelation but different ways of stating one and the same apostolic tradition.<sup>51</sup> It therefore argues against a theological view according to which revelation is contained in part in Holy Scripture and in part in tradition. Revelation as the self-communication of God is not "contained" but is witnessed and handed down in different ways in Scripture and in Tradition, but is in each instance the entire revelation.

(31) That the witness of the *whole people of God* ("the sense of faith of the faithful", *sensus fidelium*) is a witnessing authority of divine truth is grounded in the fact that baptism effects participation in the priestly, prophetic and kingly office of Christ and thus establishes the common priesthood of all believers. "The body of the faithful as a whole, anointed as they are by the Holy One (1 Jn 2:20,29), cannot err in matters of belief".<sup>52</sup>

(32) In contrast to many a diminution in this regard in the course of history, it is to be upheld that the sense of the faith of the faithful cannot be reduced to mere affirmation of the other authorities of discernment and witness. It is rather an independent criterion of discernment that in interaction with other authorities of discernment and witness reflects the immediate *faith experience and life expression* of the faithful. It can in turn influence theology and the teaching office<sup>53</sup> especially today in a world of increasingly complex and differentiated insights and problem areas in which the generally recognised and fostered self-determination of citizens calls for the self-determination of Christians in a quite different form from previous times of civil subordination. All of this speaks for a sensitive and intelligent collaboration of witnessing authorities and not for hierarchical one way processes.

(33) That is especially true of the *ecclesial teaching office*, whose function of binding teaching includes the task of differentiating the sound testimony of the whole people of God from passing trends, mistaken developments and curtailments in Christian faith and life. According to the relevant determinations of church law it has the duty to establish binding conditions within the framework of communion. It can only do this however in the certainty that remaining in the truth has been promised to the church as a whole.<sup>54</sup> Thus the teaching office is bound not only to scripture and tradition, but also to theology and to the sense of faith of the faithful. The communion of faith requires an authentic teaching office. But this is in turn reliant on the reception of its pronouncements, for without that they achieve nothing.<sup>55</sup>

(34) That the teaching office is credited with the infallibility (inerrancy) that is due to the whole church as *communio*<sup>56</sup> applies also to the contested "doctrinal infallibility" of the Roman bishop. This issue was already dealt with to a certain degree in the first phase of the Dialogue, implicitly and without entering into detail, with the outcome that is recalled in no. 25 above; cf. also no. 26-27 on the integration of the *munus docendi* of the bishop of Rome into the synodical-primatial structure and its process of reaching determinations as it is sketched in CaEC I, no. 20-25.

(35) *Academic theology* has the task "by means of methodologically exact argumentation, to identify as much as possible the foundation of faith that is in itself not at our disposal, to formulate the content of the faith for contemporary life and to present it in context".<sup>57</sup> Theology is thus invested with a critical role in the church. It is not only responsible for "correct teaching" but is also placed in the service of the enculturation of the gospel, and of interdisciplinary, ecumenical and social dialogue.<sup>58</sup> In theological conflicts regarding doctrine, fundamental freedom of research and opinion must be observed. These last tasks of academic theology as a witnessing authority of divine truth in particular show how strongly it refers to and draws on the other witnessing authorities. It is the task of theology to at all times measure its testimony and that of the other witnessing authorities anew against scripture and tradition. "This needs to occur in the consciousness that theology itself works under the conditions of human fallibility, and thus has a duty to be self-critical".<sup>59</sup>

(36) With regard to the *relationship of the cited witnessing authorities to one another*, it is also of eminent importance to observe that they mutually determine one another and that furthermore there is no precedence or supremacy in the sense of a one-way process which would ultimately render the process of collaboration either superfluous (the pope as supreme teacher ultimately decides alone)<sup>60</sup> or at times impossible (what is not explicitly contained in Holy Scripture cannot and may not a priori become the subject of an article of faith of the church).

Since an orderly and practical collaboration in the joint endeavours of the 21<sup>st</sup> century in the inner-church, ecumenical or global-social context is still a work in progress, the Dialogue Commission refrains at this point in time from drafting anything like a framework of a procedural process. But it is aware that in view of a future ecclesial communion, concrete regulations of a *canonical* nature are required, going beyond the necessarily abstract *ecclesiological* statements oriented towards conceptualised principles. That enables a reduction of any potential mistrust.

(37) All binding teaching in the church articulated in the interaction of the witnessing authorities is expressed within the sphere of a comprehensive reception by the church. In the process of *reception* accompanied by the reflection and prayer of all the faithful, it ultimately becomes evident in the long term that the doctrinal decisions, which the bishops as the primary representatives of the *communio communionum ecclesiarum* in its universal dimension arrived at in synodal-primatial interaction, indeed correspond to the will of God and are initiated by the Holy Spirit. Therefore the reception process, which is not to be understood as a formal act of ratification of synodal primatial decisions, cannot be conclusively regulated procedurally.

(38) Regarding the *future structuring of the binding teaching of the church*, a sober view of the praxis of former times is required: Binding teaching – not only in the churches – was previously closely linked to the more or less naturally presumed teaching authority of institutions or teachers. The First Vatican Council's definition of primacy and infallibility can only be correctly understood within this framework of plausibility. The authority of the teachers was ranked as high as possible and rendered unquestionable, with the intention of protecting the faithful from the error and heresy which were seen to be advancing upon the church. Here the question arises today whether that goal was actually achieved.

(39) For binding teaching today the following circumstances need to be taken into account:

- The traditional deferential commitment of an individual to authority is only conditionally present today.
- Any affiliation with a pre-existing binding truth is found only in a strongly relativised form.
- Identification with ideological communities, faith communities or interest groups is of a more temporary and in each case topical nature, ties with parties or organisations are of little interest to young people.
- Sanctions such as exclusion from the community no longer have the same impact as previously.

(40) This state of affairs suggests that binding teaching today must be based less on formal authority factors and more on a credibly lived faith as inherent testimony to the truth of the revelation to be communicated. From this perspective the coordination of the witnessing authorities with regard to the binding nature of the teaching is to be structured anew. The related changes also touch on individual denominational identity, particularly when they occur in an ecumenical horizon and in parallel with other churches.

Beside intelligent maintenance of the traditional, openness for the new appears important, even where it previously formed part of the firmly guarded dogmatic or canonical line of demarcation from others.

## 2 The open questions on the Marian dogmas of 1854 and 1950

### 2.1 The task of the Commission

(41) Following the "Fundamental Agreements" (no. 34-39) drafted and formulated according to the method of differentiated consensus, the report of the International Roman Catholic – Old Catholic Dialogue Commission "Church and Ecclesial Communion" of 2009 [henceforth: CaEC I] took up under the heading of "Remaining Open Questions" such subjects as the "Marian dogmas of 1854 and 1950 (no. 48-55). With regard to the brief Old Catholic and Roman Catholic utterances on the subject (no. 49-53), on the one hand the question is raised whether the Old Catholic side still sees itself compelled to sustain its rejection of the two Marian dogmas (no. 54). On the other hand, the soteriological context of the mother of the Lord as witnessed in the ancient church, and the significance of the Mother of God as an archetype of the redeemed human person before God are cited as the starting point for a potential joint teaching in the form of an explicit differentiated consensus. A reference is also made to the distinction between dogma (content) and dogmatisation (process) (no. 55). That establishes the direction for a further jointly undertaken clarification.

(42) The question raised in no. 54 is a consequence of the potential ecclesial communion envisaged in CaEC I. On the one hand this is not to represent "return ecumenism" (no.1) but on the other hand is to presuppose a differentiated consensus also in the theological understanding of the Mother of God. Obviously there can be no ecclesial communion if the one side explicitly condemns a teaching represented by the highest authority of the other side – in the present case two doctrinal decisions commonly characterised as dogmas. The question is directed at the Old Catholic Church and theology, but its answer also depends on how the Roman Catholic Church and theology see the substance and status of the two Marian dogmas, with their definition (including the anathema) formulated in a specific constellation in the history of the church and its theology, in the context of a new ecumenical self-obligation (in the context of the so-called "*hierarchia veritatum*", cf. UR 11).

(43) The structure of the following text<sup>61</sup> and the varying length of the expositions on the two sides are a result of the specific goal of obtaining a new perspective on the evaluation of the two Marian dogmas and their condemnation on the part of the Old Catholic Church.

### 2.2 The Old Catholic point of departure

(44) The bishops who in 1889 united in ecclesial communion, called the Union of Utrecht, promulgated on that occasion a declaration directed "to the Catholic Church" (later the so-called "Utrecht Declaration") in which the dogmatisation of the Immaculate Conception of Mary is condemned "as not grounded in Holy Scripture or in the tradition of the first centuries".<sup>62</sup>

(45) Against the dogma of the bodily assumption of Mary into heaven, the International Old Catholic Bishops' Conference (IBC) in December 1950 gave expression to their rejection with an analogous justification:

"We once more reject the new doctrine according to which the bishop of Rome is competent to express infallibly, establish and prescribe as a saving truth of the church what God has revealed, and that he is able to do so even if such a doctrine is attested neither by God's word in Holy Scripture nor by the generally acknowledged faith of the church. We therefore once more reject the doctrine of the Immaculate Conception of Mary proclaimed by the bishop of Rome and today likewise the doctrine of the bodily assumption of the holy Virgin Mary into heavenly glory", defined on All Saints' Day 1950" (IKZ 41,1951, p. 1f.).



(46) In his book „*Die Altkatholische Kirche. Ihre Geschichte, ihre Lehre, ihr Anliegen*“ (KW 3, Stuttgart 1966) the former bishop and professor of systematic theology Urs Küry summarises the problem of the two Marian dogmas from an Old Catholic perspective:

“...The two dogmas have in common that they have no support in Holy Scripture or in the original apostolic tradition. Furthermore, they are not intended – as was the case in the ancient church – to counter a specific error, and therefore do not have the character of an authentic decision of the faith. Both dogmas are instead the result of theological extrapolations and commit an inadmissible transgression beyond the sphere of the merely theoretical into that of really occurring salvation events. These transgressions follow the dangerous principle that arose already in the Scholasticism of the Middle Ages: “*deciuit, potuit, fecit*” – It was fitting (for God to do it), he could do it, so he did it ...” (p. 156f).

One could also mention in this connection the motto “*De Maria numquam satis*”, which was even more important for a warm and lively Marian piety in a broad range of social classes within late medieval and early modern Catholicism (and which found therein a multiform mark of identification, which however over the course of time came to represent a confessional demarcation).

(47) Finally, the Orthodox-Old Catholic consensus text “The Mother of God” (1977) can be mentioned as a further corresponding position statement (which by the way is located in the chapter “Christology” and not in the context of ecclesiology as is the case in “*Lumen Gentium*”). There it is stated without further argumentation: “The church does not recognise the recent dogmas of an immaculate conception<sup>63</sup> and bodily assumption of the Mother of God into heaven. But it celebrates the entry of the Mother of God into eternal life and solemnly observes the festival of her dormition”<sup>64</sup> (cf. OC-O/Mary, para. 3).<sup>65</sup>

(48) In the declaration of the 40<sup>th</sup> International Old Catholic Theologians’ Conference of 2008 “On the place of Mary in the salvific work of God and on the question of an Old Catholic Marian piety”, a certain turning point in the Old Catholic attitude towards the Marian theme is established, following a consideration of the biblical and (Christologically oriented) ancient church discourse on the *Theotokos*:

“Instead of a certain reserve in the past which can be explained by the rejection of ultramontane forms of piety in the 19<sup>th</sup> century, a greater openness for texts mentioning and praising Mary becomes evident in the liturgical books of the present. [...]. This reveals a greater attunement to the prophetic words of the Magnificat: ‘All generations shall call me blessed’. At the same time the relation to God and Christ and the doxological character of the praise of Mary are carefully preserved [...]. On the basis of the demonstrated openness towards the figure of Mary and in the context of bi-lateral ecumenical dialogue it does not seem out of the question that in the case of new binding Roman Catholic interpretations of the two dogmas these condemnations could be re-thought” (IKZ 99, 2009, p. 2f.).

(49) The Old Catholic side expressed itself in a similar fashion in CaEC I (no. 51):

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

### 2.3 The Roman Catholic position with regard to the Old Catholic explanations

(50) For the Roman Catholic Church the path to the Dogma of 1854 was very long. It was the appearances of Mary and the growing devotion to Mary in the first half of the 19<sup>th</sup> century that created the environment for the dogmatisation, fostered by an increasingly concentrated devotion to the pope. These fostered a “monarchical” image and system of the church centred on the pope and the Roman Curia. The dogmatisation of 1854 is also connected with the increasing Ultramontanism which is to be understood as a reaction to the challenges of the Enlightenment and the consequences of the collapse of the old political order. The dogmatisation of 1854 can be defined as a moment of gathering together what had found expression in the previous consultation with the episcopate and in the accordance of the faithful.<sup>66</sup>

The dogmatisation of 1950 belongs to the same epoch in the history of theology which had an interest in profiling a Mariology marked by strong affectivity and tending to autonomy.<sup>67</sup>

This epoch came to an end in the Second Vatican Council in so far as conciliar statements on the Mother of God were placed in a Christological and ecclesiological perspective, and a – frequently desired – third definition in the sense of a form of co-redemptrix status of Mary has no longer been seriously discussed since then (cf. on that point CaEC I, no. 52). Furthermore, the hermeneutical principle of a "*hierarchia veritatum*", formulated in the Decree on Ecumenism (cf. UR 11), demands that the status of the two Marian dogmas be perceived in connection with the Trinitarian-Christological foundation of the faith. So consideration must be given to whether and how it could lose its "potential" to hinder ecclesial communion in a differentiated consensus.

(51) Following on from the explanation of the dogma of 1854 – stemming from the Roman Catholic side – in CaEC I, no. 53, it is to be said that the dogma of the Immaculate Conception of Mary does not represent any contradiction to the doctrine of Holy Scripture and is only to be understood in the light of Scripture, which sees all salvation grounded comprehensively in Jesus Christ and his death on the cross. Thereby the grace of God which filled Mary from the outset through her election is understood and acknowledged in view of her soteriological role as the bearer of God, and this not in the sense of an exclusion from Adamite humanity, but of an individual totally oriented toward Christ and wholly filled with his grace.

(52) It is also true of the dogma of the Assumption of Mary, body and soul, into heaven, i.e. in the completeness of her person, that it can only be understood in the light of Scripture in so far as participation in the glory of the Lord in perfection is promised to all the faithful sanctified in Christ. Mary as a sign of the hope for the whole of humanity embodies the destiny of the church

## 2.4 Continuation of Old Catholic reflections with regard to a differentiated consensus

(53) For an ecumenical rapprochement in the sense of a differentiated consensus a readiness for a *sympathetic interpretation* of the position of the other is necessary.<sup>68</sup> This is not to be understood as a willingness to compromise or a renunciation of one's own position, rather it involves reconsidering the doctrines of the other, rejected in the past, with a hermeneutic of trust and striving for an understanding of these teachings that is acceptable from the perspective of one's own confessional perspective. In extending the perspectives cited above in no. 48-49, and with critical consultation of more recent bilateral dialogues which the Roman Catholic Church has conducted on the Marian dogmas,<sup>69</sup> it is possible for the Old Catholic side to state:

(54) The Old Catholic Church acknowledges the intention of the assertion on the Mother of God expressed in the Dogma of 1950 in the sense of the joint Old Catholic-Orthodox declaration on "The Mother of God" of 1977, according to which the church "celebrates the entry of the Mother of God into eternal life and solemnly observes the festival of her dormition." The church sees expressed therein also the firm hope and conviction of faith that the goal of Mary's path is identical with the goal of the faithful of all ages, led by the Holy Spirit into communion with Jesus Christ, i.e. into the church of God: the fulfilment in the eschatological glory of God as testified in Holy Scripture (cf. simply Ro 8:29-30). When the church prays to Mary – by virtue of her fundamental attribute as *Theotokos* (bearer of God) being the first of the saints – to intercede for the baptised on their way to God, her present state of being remains concealed in the mystery of the eschatological fulfilments – not least in respect for the silence of Holy Scripture as an explicit voice of testimony, together with the closely related teaching tradition of the ancient church.

(55) If this understanding of the dogma of 1950 does not fall under the anathema ("complete apostasy from divine and Catholic faith"), then the grounds for an Old Catholic condemnation also no longer apply. Further reflections on the figure of the Mother of God in her ecclesial typological function for the communion of the church, the body of Christ, as also for every person before the word and address of God are not thereby excluded; they would however have to take place in a future broader ecumenical framework and not simply be understood as included in the formulation of 1950 (and 1854).

(56) The Old Catholic Church acknowledges the assertion implied in the dogma of 1854 to honour the Virgin Mary and Mother of God as wholly sanctified by God's grace and thereby enabled to say 'Yes' in response to the annunciation of the angel and to become the future mother of the Redeemer Jesus Christ as the first of the saints and *Panagia* (All-Holy). But it sees no support in the faith tradition of the ancient church for the special doctrine of the Mother of God being preserved from every blemish of original sin or of a pre-emptive redemption occurring in the sense of a "privilege" at her conception in the body of her mother, insofar as Mary thereby appears exempted from Adamite humanity, for whose new creation Christ took on human nature through Mary. If the question is raised of the precise point in time of her all-encompassing sanctification, this can be assumed on the basis of significant patristic voices to be in the time preceding or surrounding the scripturally attested annunciation (Lk 1:26-38), and seen as the work of the Holy Spirit (cf. Lk 1:26,35; Gregory Nazianzus, or. 45,9; Cyrill of Jerusalem, catech. 17,6; John of Damascus, f.o. 46; Andrews of Crete, or. 1).

(57) That is not intended to reject as heretical or simply inappropriate the dogma of 1854 with its soteriological and

anthropological presuppositions relating to the specifically Western-church doctrine of original sin. But with regard to the faith tradition of the ancient church it is understood as not theologically necessary and therefore not as an obligatory doctrinal conviction for the faith of the *Una Sancta*. – all the more so as its dogmatisation occurred at a time of historically determined confessional self-profiling. For the views of patristic and (also Western medieval) voices that speak differently can just as readily be understood as in accord with Scripture and tradition.

(58) If the understanding of the holiness and purity of the Mother of God suggested above does not fall under the anathema of 1854 ("shipwreck of the faith", "apostasy from the union of the church"), the reason for its rejection on the part of the Old Catholics is also called into question. Here too constructive reflection and deeper investigation as suggested above are not excluded, if in the search for a coherent understanding of the figure of Mary the Mother of God, the limitations of theological argumentation and ecclesial doctrinal determinations are maintained in self-critical reflexivity.

(59) As far as the specific question of the conformity of the Marian dogmas of 1854 and 1950 with scripture and tradition is concerned, the Old Catholic side can today state the following: In the light of the universal will to salvation of the triune God as proclaimed in the incarnation of the Son and the sending of the Holy Spirit as testified by Scripture, the Marian dogmas can indeed be understood only in the light of Scripture. While they are in fact not absolutely required by Scripture for the sake of its coherence, they do not necessarily irrefutably contradict it. This evaluation of the dogma of 1950 is easier because here the aspect of the dogma relating to the person of the Mother of God demonstrates a universal-ecclesial transparency, which in the dogma of 1854 with its singular privileging of Mary is not the case, since it is the integration of the person of Mary into the divine plan of salvation that occupies the foreground.

(60) The two dogmas are however not explicitly testified in Holy Scripture, and their explicitly claimed implicit attestation – within the framework of a fundamental theological doctrinal hermeneutic – does not belong demonstrably to the faith of the ancient church in West and East as jointly clarified in Council and publicly professed. Therefore a dogmatisation that occurs as late as in the 19<sup>th</sup>/20<sup>th</sup> century and is connected with an anathema appears to be a one-sided pre-emption of a process which in the prospect of ecclesial communion (not only between the two churches participating here) should be re-visited with the demand for a materially and formally fresh assessment of the dogmatisation. A hermeneutically sensitive historical analysis of the confessions as they have developed as regards content would be necessary for an envisaged ecclesial communion.

## 2.5 Further Roman Catholic reflections with regard to a differentiated consensus

(61) From the Roman Catholic perspective it is to be stressed that the Marian Dogmas of 1854 and 1950 are not intended to be understood as innovations as far as either their substance or their definitiveness are concerned, but as implications of the ancient church understanding of Mary as borne out especially by the *Theotokos* title of the Council of Ephesus. An ecumenical rapprochement in the sense of a differentiated consensus could be achieved if the Old Catholic Churches (and other denominations if applicable) would view the doctrinal content of the Dogmas of 1854 and 1950 as legitimate developments and interpretations of the ancient church understanding of Mary, without having to formally receive the doctrinal substance explicitly formulated in the two dogmas. If and in so far as the sympathetic interpretation of the Marian dogmas by the Old Catholic Church maintains the essential concerns of these dogmas, an Old Catholic understanding of Mary would not be condemned as heretical from a Roman Catholic perspective, although Marian piety occupies a different status in each church.

(62) It should also be recalled that the Second Vatican Council in its conciliar determinations renounced any condemnations and anathemata, although it presented decisions of the faith of high theological importance, in particular on divine inspiration and the mystery of the church. So it is advisable from a Roman Catholic point of view, particularly in the case of doctrinal content which like the Marian Dogmas of 1854 and 1950 occupy a less central rank in the "*hierarchia veritatum*", not to take immediate recourse to anathemata but to respect the sympathetic interpretation of the dogmas by other confessional traditions.<sup>70</sup> From the Roman Catholic perspective *joint* reflection on the understanding of Mary can then be the appropriate place "for this kind of fraternal rivalry to incite all to a deeper realisation and clearer expression of the unfathomable riches of Christ" (UR 11, cf. Eph 3:8).

## 2.6 Supplementary Old Catholic reflections with regard to CaEC I, no. 23, and the current work of the Commission

(63) The Old Catholic rejection of the two Marian Dogmas surely has its more profound basis in the circumstance that their dogmatisation occurred by means of an implicit (1854) or explicit (1950) recourse to the doctrinal infallibility of the Bishop of Rome dogmatised at the First Vatican Council – and also in connection with the *sensus fidelium* (proclaimed through petitions and elicited through consultations) of the church standing in communion with the pope.

A tension exists in so far as in the case of the two Marian Dogmas on the one hand the highest authority status is claimed, so that according to the definitions of "*Pastor aeternus*" of 1870 the two dogmas are vested with the predicate

"*irreformabilis*" (unalterable) and the defining instance of authority with the predicate "*infallibilis*" (infallible, or better: not leading into error), while on the other hand it is a matter of doctrinal content that does not occupy a central place in the "*hierarchia veritatum*". This tension between a high authority status and rather low theological bearing represents a special difficulty and challenge if one wishes to make progress on the way to ecclesial communion within the parameters of a differentiated consensus.

(64) As far as the formal aspects of the dogmatisation are concerned, reference is made to the witnessing authorities listed in CaEC I, 23 (Holy Scripture, tradition, the sense of faith of the faithful, the teaching office of the church, theology), whose *interaction* in the task of "maintenance of the integrity of the church and its remaining in the truth" is indispensable. Only in this way can they as diverse "articulations of the faith" "contribute to the cognition of the faith and determination of the faith". Such an interaction is not patently demonstrable in the case of the Marian dogmas. For the Dogma of 1854 the authority of the *sensus fidelium* is of particular weight (which on occasion was paraphrased as *factum ecclesiae*). That is connected with the difficult question arising in the modern era of a development of dogma which cannot simply be dismissed with a reference to the (statically understood) deposit of the faith of the church. But the sense of faith of the faithful remains – just as the teaching office of the church – united with the interaction of all witnessing authorities taking place in the manifold synodical processes (cf. the text above on "Binding teaching and Infallibility").

### 3 Specific Old Catholic clarifications

#### 3.1 On the question of the ordination of women to priestly ministry

(65) The fact mentioned in CaEC I, no.63 that the greater part of the Old Catholic Church has introduced the praxis of commissioning women too to the three-fold apostolic ministry of episcopate, presbyterate (priesthood) and diaconate, and of ordaining them accordingly, is the result of over twenty years of intensive and on occasion painful discussion.<sup>71</sup> The time span is more or less encompassed by two declarations of the International Old Catholic Bishops' Conference (IBC), the central organ of the Utrecht Union of Old Catholic Churches, which in their self-administration are autonomous.

(66) In 1976, prompted by internal and external – primarily Anglican – impulses to revise the traditional ordination praxis restricted to men, the IBC issued a declaration:

"The International Old Catholic Bishops' Conference of the Utrecht Union cannot, in accordance with the ancient undivided church, approve of a sacramental ordination of women to the catholic-apostolic office of deacon, presbyter or bishop. The Lord of the church, Jesus Christ, called twelve men to apostolic ministry through the Holy Spirit to continue his work of redemption of mankind. The Catholic churches of East and West have only called men to the sacramental catholic-apostolic ministry. The question of the ordination of women touches on the fundamental order and mystery of the church. The churches that have maintained continuity with the ancient undivided church and its sacramental order of ministry should discuss the question of women's ordination together and in so doing take into full consideration the possible consequences of unilateral decisions."

The text betrays a certain inner tension. On the one hand the principled orientation towards the common catholic tradition of the ancient church in East and West leads plainly to a total rejection of women's ordination as such. On the other hand, the wish for a discussion of this position with the other churches that also stand within this tradition – they include, according to the widespread Old Catholic view, the Orthodox and the Anglican as well as the Roman Catholic Church – also seems to somehow signal the possibility of a certain opening, though not in the sense of a unilateral process which could put at risk existing and prospective future ecclesial communion with (in the first instance) these churches.

(67) A first correction to this declaration was however made by the IBC itself from 1982 to 1985 on the basis of internal church reactions. In restoring the permanent diaconate and revising its liturgy of ordination, the IBC at the same time opened it up to women. In this process a divergence became apparent retrospectively with regard to the evaluation of the sacramental character of the ordination of a female deacon, as the Polish National Catholic Church (PNCC) in North America and the Kościół Polskokatolicki w RP [in Poland], in contrast to the other Old Catholic churches, saw in that only a non-sacramental ecclesial commissioning (still today they have no female diaconate). Female deacons were ordained for the first time in the Christian (i.e. Old) Catholic Church in Switzerland in 1987, in the Catholic Diocese of the Old Catholics in Germany [such is the official name of the German Old Catholic Church] in 1988, in the Old Catholic Church of Austria in 1991 and in the Oud-Katholieke Kerk van Nederland in 1996 – in the Starokatolická Církev v ČR [Czech Republic] only in 2003.

(68) In the meantime however it has become increasingly clear that the IBC declaration of 1976 has not been "received" by the people of the church in the four Western European churches. Instead it unleashed an internal discussion in the course of which the call for the "admission" of women to the three-fold ordination-bound ministry could not be silenced and indeed grew louder – at diocesan synods and other gatherings (e.g. the International Old Catholic Theologians' Conference 1984, the International Old Catholic Congress 1990). In response official bodies of the North American PNCC and the European Polish-Catholic Church expressed themselves against the integration of women into all ministries of the three-fold Ordo.

(69) In the summer of 1991 the IBK organised a special session in the former Provost Church of Wislikofen (Switzerland), prepared with comprehensive documentation, to which members of other churches were also invited and contributed reflections from an Anglican (Canon Joy Tetley), Orthodox (Prof. Anastasios Kallis) and Roman-Catholic perspective (Prof. Hervé Legrand OP).<sup>72</sup> The sessions covering several days did not lead to a breakthrough in either direction, but a readiness to seek a way to a joint decision process seemed to be evident in the unanimously resolved declaration:

"... Based on their work the bishops have reached the common insight that this question [of the ordination of women to the priesthood], as in this century it is posed for the first time with such urgency, concerns all local churches. They therefore wish an intensified and coordinated continuation of the study of the question and of the common debate of it in all its theological and pastoral aspects, and this in all local churches. This will render possible a common responsible decision on principle.

As the Old Catholic Church is conscious of its continuity with the one holy catholic and apostolic church, it intends to promote the clarification of this question also in dialogue with other churches, especially with those with which it shares the common ministry in apostolic succession, in order by doing so to arrive at a decision in its own responsibility. This process in dialogue within and beyond the Utrecht Union is required by the Old Catholic principle according to which the churches listen to each other and try in a synodical way to ascertain the will of God for his church."

(70) It soon became apparent, however, that the phrase "Old Catholic principle" was not really heard. The bishops did indeed agree on conducting seminars in their national local churches for clergy and laity at which more or less the same questions were to be discussed in order to set in train a coherent process of opinion formation across the entire Union, and these did actually take place between 1992 and 1997. But meanwhile an event occurred that brought to naught this goal of the IBC. The diocesan synod of the German Old Catholic Church resolved in 1994 on the introduction of unlimited ordination of women to apostolic ministry (the synod leadership had been able to prevent a resolution with the same wording in October 1991, that is, three months after the consultation in Wislikofen). While the PNCC reacted by suspending ecclesial communion with the German church when two female deacons were ordained to priestly office in 1996, the step certainly found sympathisers among the other Western European Old Catholic churches because they suspected the IBC of employing delaying tactics.

(71) The intention of initiating dialogue with the other churches was considered, but was only partially able to be realised. The 1992 resolution to introduce the ordination of women to presbyterial ministry rendered a conversation with the Church of England superfluous. A conversation with Roman Catholic theologians, already planned with the Pontifical Council for Promoting Christian Unity, was thwarted by the publication of the Apostolic Letter by Pope John Paul II "*Ordinatio sacerdotalis*" of 1994. On the other hand, a consultation between Greek Orthodox and Old Catholic theologians did take place with the blessing of Ecumenical Patriarch Bartholomaios and the Archbishop of Utrecht, Antonius Jan Glazemaker and under the patronage of Metropolitan Damaskinos (Papandreou) and Bishop Hans Gerny (Bern), with two sessions in Greece and Poland in 1996. They dealt with the subject "The role of women in the church and the ordination of women as an ecumenical issue". From the "Common Considerations" we cite the following:

"In faithfulness to the treasure of tradition, we discern tradition as a process, directed by the Spirit of God, of the dynamic contextualization of the faith for the life and the witness of the church in its ever-changing contemporary situation. This provokes questions concerning the appropriate way of dealing with tradition (the hermeneutical question).

Thus we observe that today the churches justly emphasise the dignity of the laity and especially of women, and that they appreciate the fact that these people occupy an appropriate place in the life and the mission of the church. This corresponds with the fact that the various tasks in the church are anchored in their being related to one another as members in the Body of Christ (1 Cor 12).

According to our understanding of tradition as mentioned above, we also investigated the historical data which were brought forward as a rationale for the 'male character' of the priesthood: the maleness of the incarnate Son of God, Jesus Christ's choosing of men in the circle of the twelve, the exclusive appointment of men to the priestly office of the church, as well as the corresponding argumentation with regard to typologies (e.g. Adam – Christ, Eve – Mary) and with the ideas of the priest being the image or representation of Christ.

We have reached the common conclusion that there are no compelling dogmatic-theological reasons for not

ordaining women to the priesthood. The soteriological dimension of the church and its mission is decisive for us: the salvation of humankind and of the entire creation in Jesus Christ in whom the new creation is being accomplished. We were especially guided by the conviction that was central to the ancient church: Only that which has been assumed and united with God has been saved. It is human nature common to man and woman, that has been assumed by our Lord.

With regard to the preservation of communion in each church respectively, and to the unity we seek, dogmatic-theological arguments – however important they may be – are not of sole importance when dealing with this question. So-called non-theological factors determining the pastoral action in the churches in each place also play a role. This and the responsibility of each local church for the communion of the churches also need to be borne in mind when local churches are making decisions.”<sup>73</sup>

The implicit critique of forms of argumentation such as those presented in the Inter-Orthodox Consultation on Rhodes in 1988 could not and would not of course absolve the Old Catholic church leadership of their own responsibility for their decisions, as addressed in the last paragraph.

(72) It became evident at the second special session of 1997 (once more in Wislikofen) that the IBC as a matter of fact was no longer in a position to reach a joint decision of principle, since that would have demanded the unanimity of the participating bishops. The bishops were able – in a lengthy review of the past twenty years – only to establish that in some Old Catholic Churches the ordination of women was required on the grounds of the credibility of its mission, while in others it was rejected on the same grounds, and that the churches united in the Union of Utrecht no longer stood in full communion with one another. A proposal that the IBC should place the decision on the introduction of the ordination of women to priestly ministry (episcopate, presbyterate) under the responsibility of each national local church was equally incapable of being resolved because unanimity was lacking. But that is exactly what actually occurred subsequently. Further ordinations of women to the priesthood took place in Austria in 1997, in the Netherlands in 1999 and in Switzerland in 2000. Since the PNCC in each case broke off ecclesial communion with these churches, its secession from the Utrecht Union at the end of 2003 was only logical. Of the remaining Old Catholic churches of the Utrecht Union, the Polish and the Hrvatska Starokatolička Crkve – severely decimated in the Second World War and existing without a bishop for decades – have no ordained female priests; the Starokatolícká cirkev w Českej republike has female deacons but no female priests. That these churches have remained in the Utrecht Union has factually determined that the divergent praxis, which demands reciprocal consideration of the prevailing situation, need not have and has not the weight to be church-divisive (cf. CaEC I, no. 71-72).

(73) On looking back, it becomes clear that the broadly supported demand of the faithful of Western European Old Catholic churches to commission and ordain women to ecclesial office without limitations had developed a dynamic which the IBC of the time, with its considerations on how to preserve the unity and communion of the Utrecht Union internally or its usual theological self-representation externally, was unable to withstand. That was also true of the Orthodox-Old Catholic Dialogue which had been successfully concluded in 1987 at the Commission level and whose published results had been approved in principle by the synods of the Old Catholic churches (with the exception of the German) between 1990 and 1998 (!). On the other hand, it must be remembered that – despite all the inner-Old Catholic turbulence of the last quarter of the 20<sup>th</sup> century and the resulting damage to the Utrecht Union – the introduction of the ordination of women to priestly ministry has not led to any internal division in the respective churches; there were, as far as is known, only a few who left the church. Today the priestly ministry of women is taken for granted and valued.

(74) The reflections summarised in CaEC I, no. 66-69, briefly designate the most important aspects of the argumentation against the ordination of women to priestly service presented in the interconfessional discourse of the last decades that the Old Catholic theology has grappled with.

(75) In what follows, the sponsal or nuptial metaphors, briefly touched on in no. 67, is dealt with first.<sup>74</sup> Following on from biblical statements that the relationship of God to the people of Israel or of Jesus Christ to the church is expressed in the image of love between man and woman (as for example in the prophetic tradition of the Old Testament: Hosea, Jeremiah, Ezekiel, Deutero Isaiah; cf. also Eph 5:21-33) and that the church stands in the relationship of a bride to the coming Christ (e.g. 2Cor 11:2; Rev 19:7; 21:2,9), it is sometimes demanded that this should in the first instance be visually presented in the celebration of the eucharist as the central act of the church – namely in the fact that the priest representing Christ is male. The stringency of this reflection suffers under the asymmetrical extent of the metaphor, as the concrete worshipping congregation as a rule comprises not only women but also men, quite apart from the fact that the church in other metaphors is also designated as the “body” of Christ<sup>75</sup> or as “the Christ” (e.g. 1Cor 1:13; 12:12; cf. also Gal 3:28d), and correspondingly the individuals baptised are “members” of his body (e.g. 1Cor 12:12, 27; Rom 12.4f.; Eph 4:16,25; 5:30). So Christ and his church (of baptised men and women) are also later designated as “the whole Christ” (*totus Christus*), which relativises any exalted argumentation using spousal metaphor with regard to the liturgy of the eucharist and its correlative ministries.

(76) Furthermore, the masculinity of Jesus remained as of next to no significance for the Church Fathers in their thinking on the redemption granted with the incarnation of God: what was stressed was his human nature, common to both man and woman, which the Logos of God who became human in Jesus assumed and which is renewed in him for man and woman in the same way (faith and baptismal eucharist). It therefore seems appropriate – despite the traditional interpretation of (sacramental) marriage as the union of husband and wife – that the symbolic representation of Jesus Christ is to be mediated most emphatically through the theological concept of the human person who “in Christ”, i.e. in the ecclesial context, is vested in man and woman in equal measure.

(77) The distinction male-female was of significance in the (Hellenistic) ancient Mediterranean world in which the nascent church had to assert itself in argument, also in the context of a widespread allegorisation to describe religious attitudes towards the divine, social virtues or affects. There it was often seen as “masculine” to see one’s humanity as determined by the intellect (in Greek: *nous*), while it was “feminine” to be led by affection and passions. This “masculinity” was also available to the (unmarried or widowed) woman, but physiological processes connected with (potential) motherhood bound women to the “feminine”. It was this aspect by which woman, who was indeed equal to man as an intelligent being, was distinguished from man who was under the tacit assumption the model of humanity as such. This is the inherent androcentrism of the understanding of humankind in antiquity which was connected with the (not specifically Christian) assumption of an inferiority of the natural attributes of women in comparison to men.

(78) The precedence of the “masculine” over the “feminine” is also reflected in the (pagan-Greek) models for ordered human relationships as we find them likewise in the so-called household codes of the New Testament: the man is the centre of the social network of a house community with his spouse, children and slaves (Col 3:18-4:1; Eph 5:21-6:9; 1Pe 2:18-3:7). A comparable perspective can be discerned in 1Cor 11:2-16; also 1Tim 2:11-15 and 1Cor 14:33b-36, here in the context of a corresponding interpretation of Gen 2:18-25 (Eve originates from Adam’s rib, she has been created after him) or in the recourse to Gen 3 (the role of Eve in the so-called fall into sin and her punishment: “your husband ... shall rule over you”, verse 16c).

(79) The characteristic position of woman in the cited model of ordering human relationships in subordination to or coordination with man – which “in Christ” indeed demands mutual love and respect – has never been traced back to a command by Jesus. Therefore it is also problematic to connect it with the exclusive choice of men for the circle of the twelve and to deduce from it a timelessly valid instruction from the Lord for his church by which women are rendered out of the question for apostolic ministry in the church. The implicit symbolism pointing to the twelve sons of Jacob or Israel as the renewed people of the twelve tribes explains adequately the choice of twelve Jewish men; they belong to the first apostolic generation whose ministry and testimony became the foundation of the church as it spread into the world of the peoples.

(80) Ultimately, beyond all professional discussions in terms of history of theology and society, an irrefutable question was constantly present in those years in the area of the (West European) Old Catholic churches: Can the doubts or deductions put forward *contra* dispel the impression among the members of the church that a praxis is being continued that according to contemporary perception discriminates against women – despite repeated assurances to the contrary – and thereby stands in the way of the gospel to humankind? This impression could not be convincingly eradicated; instead the insight grew stronger that the church must release the binding of apostolic ministry to one gender for the sake of the credibility of its message. If the *sensus fidelium* thereby asserts itself as a witnessing authority of the faith, then that cannot simply be ignored.

### 3.2 On the intrinsic bond between eucharistic and ecclesial communion

(81) In our bilateral dialogue it is not in itself contested that eucharistic and ecclesial communion belong together in the sense that the *communio* with Christ and with one another given and renewed in the meal of the eucharistic assembly is and can be at heart none other than the communion of the local church united around a bishop as the presider at the eucharistic assembly. To put it another way: The *koinonia* which is the church is the same *koinonia* in which the baptised are received into the eucharistic celebration (with its two focal points of “word” and “sacrament”) and are thus the body of Christ. What is true at the level of the local church is also true of the supra-local communion of local churches (and naturally also of the parish congregations within a local church). In the framework of our discussion in CaEC I, no.11 and 13, this was presumed in the context of a communion ecclesiology, shared by both dialogue partners in this point.<sup>76</sup>

(82) In more recent dialogue texts with Old Catholic participation too this fundamental principle is clearly expressed, as for example in the Orthodox-Old Catholic consensus texts “The Unity of the Church and the Local Churches”, “The Holy Eucharist” and “Ecclesial Communion: Prerequisites and Consequences”.<sup>77</sup> In the dialogue text “Utrecht and Uppsala on the way to communion” that was finalised in 2013 – the two names represent the Utrecht Union of Old Catholic Churches and the Church of Sweden – this perspective is also given expression in the section on “the marks of the church according to the Creed”.<sup>78</sup>

(83) The matter seems to be presented differently, but only at first glance, at the inception of ecclesial relations in the context of the "Bonn Agreement" of 1931, on the basis of which the Church of England (and later other provinces of the Anglican Communion) and the Utrecht Union resolved upon an "Intercommunion", as it was termed at that time. In the concise text of the Bonn Agreement and in the preceding conversations of 1930/1931<sup>79</sup> one does not yet find any corresponding statements presupposing a eucharistic ecclesiology or local-church ecclesiology as it gradually took shape in the second half of the 20<sup>th</sup> century in the inter-denominational environment of the *Ressourcement patristique* and the Liturgical Movement. But at that time it was in any case still the prevailing view – valid also in this case – that something like intercommunion or joint Lord's Supper implies ecclesial communion in the sense that an agreement in the essential aspects of the faith, of worship and ecclesial order must be perceptibly present. That can be deduced from the following sentence of the Bonn Agreement: "Intercommunion does not require from either communion the acceptance of all doctrinal opinion, sacramental devotion, or liturgical practice characteristic of the other, but implies that each believes the other to hold all the essentials of the Christian faith".<sup>80</sup>

One Old Catholic prerequisite, existing already before 1931, was the recognition of apostolic succession, in which the Anglican episcopal consecrations stand, and with that their sacramental authenticity.

(84) On the basis of the Bonn Agreement (also called the Bonn Concordat in the American Episcopal Church) the IBC resolved in 1965 on analogous forms of ecclesial communion with the Philippine Independent Church (Iglesia Filipina Independiente), the Spanish Reformed Episcopal Church (Iglesia Española Reformada Episcopal) and the Lusitanian Catholic-Apostolic Evangelical Church in Portugal (Igreja Lusitana Católica Apostólica Evangélica). Churches of the Anglican Communion had established ecclesial communion with all three churches several years earlier on the basis of the Bonn Agreement.

(85) From the middle of the 20<sup>th</sup> century Old Catholic theology begins to reflect more intensively on the church in the sense of a eucharistic ecclesiology or a local-church ecclesiology.<sup>81</sup> This is associated with a renewed orientation towards data of the ancient church and brings two aspects of being church into focus: on the one hand the celebration of the *eucharistic assembly* (with the two focal points of "proclamation of the gospel" and "sacramental meal"), on the other hand the so-called *local church* understood as the church of God constituted in union at one "place" around a *bishop* [i.e. a diocese]. It is not possible to present here even in a concise form all the systematically relevant points of view of this eucharistic local church theology with its intrinsically universal orientation, but important elements are in any case entered into the joint ecclesiological perspective in CaEC I, no. 13-25.

(86) Likewise from the middle of the 20<sup>th</sup> century – influenced by the decisive reorientation of the Roman Catholic Church towards the task of seeking and promoting the unity of Christians with other churches – the call of ecumenically engaged groups for joint Lord's Supper services became increasingly vocal. The call was also heard in the Old Catholic churches, and in time corresponding demands were raised. They implied that the previous praxis of so-called "closed communion" was called into question. On the way to a declaration in this regard by the International Old Catholic Bishops' Conference, which materialised in 1982, there were at first various official utterances in individual local churches. They amounted to the result that in individual cases and depending on the situation, administration of the Lord's Supper to individual members of other churches was not to be refused.

(87) Since recent decades a more or less comparable praxis is certainly to be expected in all Old Catholic churches, with baptised members of other denominations also explicitly<sup>82</sup> or implicitly invited or simply not refused. If one makes allowance for a certain theological grey area, which both our churches have to take into account, it can be described as a pastoral praxis.<sup>83</sup> It forms part of that broad field of praxis often known as "eucharistic hospitality".<sup>84</sup>

(88) A different category is found where an Old Catholic local church comes to an explicit agreement with another church not to exclude a member of the one church who would like to participate in the Lord's Supper in the other church. That was the case in the summer of 1984 in the ČSSR and in March 1985 in Austria where the respective Old Catholic Churches came to an understanding with the Evangelical Church of the Augsburg Confession in this regard.<sup>85</sup>

(89) Compared to this rather low-threshold form, the "Agreement on a reciprocal invitation to participation in the celebration of the eucharist"<sup>86</sup> concluded between the Evangelical Church of Germany (EKD) and the Catholic Diocese of the Old Catholics in Germany in 1985 had quite a different weight. In the first place, that derives from the fact that the agreement signed by a joint commission in Hanover 29 March 1985 and adopted by acclamation on 27 May by the diocesan synod in Offenburg for the Old Catholic side, explicitly establishes a series of "fundamental convergences" in faith, doctrine and praxis which permits the two churches to "reciprocally invite the members of the other church to participation in the celebration of the eucharist". The participating churches intend thereby to be obedient to Christ's command that his church should be one and united". With the statement of "setting a signal of this unity and taking a step towards this unity" the question of the connection between eucharistic communion and ecclesial communion is unmistakably implied.

(90) A further factor in the particular significance of the EKD-AKD agreement (as it was subsequently often called



[AKD being the acronym for the unofficial, but usual term "Altkatholische Kirche in Deutschland") involves the internal Old-Catholic ramifications, above all in the International Old Catholic Bishops' Conference (IBC), since it – sitting once a year – was only retrospectively informed of it at all. At the heart of the ensuing controversy stood the question whether the German Old Catholic Church had transgressed a condition for the bishops of the Utrecht Union that had been in force since 1885: "The bishops do not enter into any obligations with other churches without it being discussed previously in communal consultation and approved by the IBC".<sup>87</sup> That is backed by the ecclesiological conviction that the local churches (plural) united in the Utrecht Union through their bishops understand themselves as one church (singular) which has in the IBC its common organ for its inward and outward witness, without this synodal organ exercising any kind of jurisdiction over the local churches. Thus began difficult years that were unprecedented in the sphere of the Old Catholic "heartland" and were furthermore overlaid by conflicts over the process for arriving at a joint decision on principle regarding the question of the ordination of women to the priestly ministry (cf. no. 70-72 above). On the one hand the IBC decided in 1988 "not to approve"<sup>88</sup> the EKD-AKD agreement of 1985, on the other hand it was repeatedly reaffirmed by the AKD with reference to the autonomy of the local church which according to the AKD ought to have been better guaranteed in the communion regulations of the Utrecht Union, which then were in the process of being revised.<sup>89</sup>

(91) The situation calmed down a little when the AKD declared its readiness to interpret and realise the concerns of the agreement of 1985 within the framework of the principles found in the unanimously resolved declaration "Eucharistic Communion and Ecclesial Unity" which the IBC had published in 1992 on the issue of the connection between eucharistic and ecclesial communion. This represents its latest utterance of the on this subject to date.<sup>90</sup>

1. In the holy eucharist we participate in the body and blood of Christ, in the reconciliation with God and in the new life that Christ has brought us through his death and through his resurrection. Since we participate in Christ we receive in him communion with one another. In the eucharist Christ makes us one body, his church, again and again. Eucharistic communion is thus fundamentally ecclesial communion and creates that anew again and again. The eucharist has a personal and a communal aspect which can each be more prominent in any individual case but cannot be separated from one another.
2. The church extends the invitation to the eucharist in the name of its Lord Jesus Christ. He is the actual host, and he calls his church to faithful administration of his meal. Any obscuration of this unanimous conviction of the church must be avoided. Some widely used expressions today such as "eucharistic hospitality" give the impression that in the sacrament of the eucharist it is not so much the believers in Christ who are the guests of Christ, but the members of one confessional church who are the guests of another confessional church. Such thinking cannot be compatible with the faith of the church.
3. The invitation to the eucharist which the church expresses in the name of its Lord is addressed to the baptised who are prepared in faith and repentance to allow the most profound communion with Christ and in him with their brothers and sisters to be given to them and to accept the corresponding communal obligations. The Apostle Paul (1Cor 11:27-34) warns against receiving the eucharist without this prerequisite.
4. The churches of the Utrecht Union strive for the reunification of the still separated Christian churches on the basis of the faith of the ancient undivided church of East and West. Reunification consists in the making of ecclesial communion, expressed above all in the common celebration of the eucharist but also includes a shared ecclesial life.

At present ecclesial communion is unfortunately not yet possible even with several churches who share with us the faith of the ancient church in the triune God and the incarnation of God in Jesus Christ, because of persisting important differences, especially in the understanding of the church and its ministry. These questions are closely connected with faith in Jesus Christ and the triune God. We therefore call all the faithful, clergy and theologians of our church to contribute through their prayers and their work so that in ecumenical dialogue the joint answers can be found to enable the realisation of visible unity.

5. If the sacrament of the eucharist is administered to Christians of other churches who share the basis of this faith of the ancient church and believe in the real presence of Christ in the eucharist, this occurs in view of the situation of the persons involved and on their responsibility. It should be made clear in an appropriate manner that this is not a matter of institutionalising the division but of applying the principle of *oikonomia*, that is, an action intended to serve exclusively pastoral needs and spiritual assistance.

(92) For the Old Catholic Church in Germany the eucharistic agreement of 1985 is still to the fullest extent the basis for continuing bilateral conversations and for jointly published texts which involve not the EKD but the VELKD (i.e. the United Evangelical Lutheran Church of Germany).<sup>91</sup> On the occasion of the 25<sup>th</sup> jubilee of the signing of the eucharistic agreement (celebrated with a joint festive eucharistic service), after six years of dialogue the document "Reflections on the realisation of further steps on the way to visible ecclesial communion of the Old Catholic Church in Germany and the VELKD. Concluding document of the bilateral dialogue commission of the VELKD and the Catholic Diocese of the Old Catholics in Germany" was published on 3 March 2010.<sup>92</sup> That was followed two years later by the pastorally oriented "Hände-Reichung. Evangelische und alt-katholische Gemeinden unterwegs".<sup>93</sup>

An unclarified inner-Old Catholic question remains: to what extent is it compatible with the 1992 IBC declaration to

ascertain on the one hand that full visible ecclesial communion is not possible because of the present lack of a common understanding of church and ministry,<sup>94</sup> while on the other hand joint celebration of the eucharist is deemed possible?

A judgement arguably depends upon the nature of the joint worship. When it is said: "It is recommended that at joint celebrations the order of one of the two traditions be followed and the other confession appropriately integrated. The leadership rests with the ordained person in whose tradition the service is celebrated" (Hände-Reichung, no. 9), that demonstrates more clearly the character of an invitation or hospitality – if that expression is used – than a service (for instance according to the Lima liturgy) in which an inter-celebration of the participating office-bearers takes place;<sup>95</sup> to be sure, the latter goes far beyond the EKD-AKD agreement of 1985.

(93) Ecclesiologicaly connected with the issue of the intrinsic bond between eucharistic and ecclesial communion is the further problem that according to the previous "Utrecht Agreement" of 1889<sup>96</sup> as well as the valid IBC statute of 2000, the ordering of relations with other churches is ultimately a duty of the communion of bishops and therefore of the Utrecht Union, on the basis of their traditional ecclesiological self-understanding of being, as a communion of local churches, a single church.

(94) For various reasons – among them, the persistent desire for joint communion running right through all denominations in our lands, and the correlated official restraint from prohibitions or sanctions in this regard – there is little prospect anything can be altered at this time in the inner- Old Catholic difficulty that has now lasted over 30 years, but it is recognised and continues to be discussed in Old Catholic theology.<sup>97</sup> The Dialogue between the Roman Catholic Church and the Utrecht Union of Old Catholic Churches can only take cognisance of this fact.

## Postscript to the combined text [CaEC I and CaEC II] and outlook

### The mandate

In 2004 the constituting session of the "International Roman Catholic – Old Catholic Dialogue Commission" took place in Bern. As mandated by the Pontifical Council for Promoting Christian Unity and the International Old Catholic Bishops' Conference (IBK) the Commission was to take up the statements of the of previous national bilateral commissions (1966-1973) and evaluate convergences and differences in faith and praxis in the light of recent developments and thereby devote particular attention to the question of authority in the church and the associated position of the pope.

### The point of departure

The foundational starting points for the work of the Dialogue Commission comprises the insights in part drawn from the preceding dialogues mentioned above, and in part due to more recent ecumenical hermeneutics and methodology respectively. In detail, the following subjects are addressed in the Preface to the (first) report of the Dialogue Commission<sup>98</sup> promulgated in 2009 and its Preamble:

- "The alienation and division between Roman Catholics and Old Catholics represent an inner-Catholic problem".<sup>99</sup> Basic to this claim is the union "in the common confession to Holy Scripture and the Nicene-Constantinopolitan Creed as well as to the dogmatic resolutions of the Ecumenical Councils acknowledged in East and West", also a common understanding of the church which reserves a central place for the seven sacraments and the episcopal office in apostolic succession in efforts towards ecclesial communion.
- The *communio* ecclesiology of the Second Vatican Council has opened up new possibilities for an understanding between both churches.
- Thanks to new historical studies of the motives and guiding interests of the First Vatican Council the groundwork has been created for a new assessment of the reasons and the extent of the division between the two churches.
- Furthermore, the approach of "differentiated consensus"<sup>100</sup> borne by a "hermeneutic of mutual trust" and excluding any so-called "return-ecumenism" has given an important new methodology for a current re-positioning in the previously controversial questions such as above all papal primacy.

### The gains

Unequivocally the most important and fundamental result of the Dialogue is indeed a common deeper *communio* ecclesiology by which the church is understood as a communion of local churches in which the One holy catholic and apostolic church which we confess in the Symbol of Faith exists. In this communion it is possible to concretely distinguish local, regional and universal dimensions in which the *Una Sancta* is realised.<sup>101</sup> The papal primacy which had previously been discussed rather as an isolated discussion point finds its due place in this *communio* ecclesiology as service of the primate to the synodality of the universal communion of local churches or of regional communions of local churches respectively. Into this synodality the bishops are primarily integrated as leaders of the local churches who exercise their service in association with the remaining persons who participate in the apostolic office and with the witness of faith of all the baptised.

Only within such a framework is it possible furthermore – taking into account the interaction of the witnessing authorities of the faith<sup>102</sup> – to give a plausible answer today to the question of binding doctrine.

In this expanded ecclesiological perspective developed in the present second report of the Dialogue Commission,<sup>103</sup> previously unbridgeable or church-dividing contradictions should with time lose significance.<sup>104</sup>

As far as the open questions on the Marian dogmas are concerned, in the opinion and at the suggestion of the Commission the church-dividing Old Catholic rejection of the dogmatisation of the doctrinal statements on the Immaculate Conception of Mary (1854) and of the Assumption of Mary into heaven (1950) could be dispensed with if the substance of the doctrine were dissociated from the act of dogmatisation with an associated anathema. In that case the church-dividing disagreement over Mariology would no longer exist.<sup>105</sup>

On the question of the ordination of women to priestly ministry the familiar positions and correlated praxis of the two churches were presented in CaEC I without any new approaches to overcoming the disagreement resulting.<sup>106</sup> Helpful for reciprocal understanding however is certainly the detailed theological justification of the more recent developments in several Old Catholic churches of the Utrecht Union.<sup>107</sup>

The question of the intrinsic bond between eucharistic and ecclesial communion is not in fact a contentious issue between the Roman Catholic and the Old Catholic sides; it is affirmed by both. It is rather an internal Old Catholic problem since in praxis forms of eucharistic worship with official ecumenical participation occur which (more or less perceptibly) stand in a state of tension with the principle of the bond between eucharistic and ecclesial communion.

### Remaining open questions

In the course of the conversations it not only became clear again and again how much in the theology and praxis of the separated sister churches has changed over the course of history, but also how much is in a state of flux in both

churches, particularly in ethical questions.<sup>108</sup>

What has so far been achieved in dialogue is therefore only a part of the path that is to be taken in the obligation towards unity. But it is an essential part in so far as it has opened up possibilities of approaching the "family feud" effectively, since the reflections of the Dialogue Commission have led back to the source of the division and suggested concrete steps towards their healing. What is required now is of course both an active reception of the achievements and also the unabated will to work on that which both still and anew lies ahead.

Paderborn, 6 December 2016

*Archbishop Hans-Josef Becker*

*Bishop Matthias Ring*

[<http://www.christianunity.va/content/unitacristiani/en/dialoghi/sezione-occidentale/vetero-cattolici/commissione-internazionale-di-dialogo-tra-la-chiesa-cattolica-e-/dialogo/kirche-und--kirchengemeinschaft-/church-and-ecclesial-communion0.html>]

## Abbreviations

AAS	<i>Acta Apostolicae Sedis</i> , Città del Vaticano 1909ff.
A-RC/Authority I	<i>Authority in the Church I</i> . Venice 1976, in: <i>Anglican – Roman Catholic International Commission, The Final Report</i> (London: CTS/SPCK, 1982), pp. 49-78; also in: GiA I, pp. 88-105. Cf. DwÜ I, pp. 159-177.
A-RC/Authority II	<i>Authority in the Church II</i> . Windsor 1981, in: <i>Anglican – Roman Catholic International Commission, The Final Report</i> (London: CTS/SPCK, 1982), pp. 81-98; also in: GiA I, pp. 106-115. Cf. DwÜ I, pp. 177-188.
A-RC/Authority III	<i>The Gift of Authority. Authority in the Church III</i> . Palazzola 1988. <i>An Agreed Statement by the Anglican – Roman Catholic International Commission</i> (London: CTS, 1999); also in: GiA III, 60-81. Cf. DwÜ III, pp. 262-289.
A-RC/Mary	<i>Mary: Grace and Hope in Christ</i> . Seattle 2004. <i>An agreed statement by the Anglican – Roman Catholic International Commission</i> (Harrisburg PA: Morehouse 2005); also in GiA III, pp. 82-112. Cf. DwÜ IV, pp. 294-331
<i>Apostolos suos</i>	Apostolic Letter, Issued motu proprio by His Holiness, Pope John Paul II, on the Theological and Juridical Nature of Episcopal Conferences (1998)
BEM/Eucharist	<i>Baptism, Eucharist and Ministry</i> . "Lima-Report" of the Faith and Order Commission of the World Council of Churches (FOP 111), Geneva 1982, also in GiA I, pp. 465-503, here 475-482, Cf. DwÜ I, pp. 545-585, here pp. 558- 567.
CaEC I	Church and Ecclesial Communion. First Report of the International Roman Catholic – Old Catholic Dialogue Commission (2009), available at: <a href="http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/vetero_cattolici/rc_pc_chrstuni_doc_20090512_report-church-ecclesial_communion_en.html">http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/vetero_cattolici/rc_pc_chrstuni_doc_20090512_report-church-ecclesial_communion_en.html</a> ; cf. GiA IV, pp. 533-567. Cf. <i>Kirche und Kirchengemeinschaft. Erster und Zweiter Bericht der Internationalen Römisch-Katholisch – Altkatholischen Dialogkommission 2009 und 2016</i> , Paderborn: Bonifatius 2017, pp. 9-91; DwÜ IV, pp. 19-52.
CaEC II	Church and Ecclesial Communion. Second Report of the International Roman Catholic – Old Catholic Dialogue Commission (2016). Cf. <i>Kirche und Kirchengemeinschaft. Erster und Zweiter Bericht der Internationalen Römisch-Katholisch – Altkatholischen Dialogkommission 2009 und 2016</i> , Paderborn: Bonifatius 2017, pp. 93-174.
CCC	<i>Catechism of the Catholic Church</i> (1997)
<i>Christus Dominus</i>	Decree concerning the Pastoral Office of Bishops in the Church, by His Holiness, Pope Paul VI (1965).
COD	Conciliorum oecumenicorum decreta, in: N.P. Tanner (ed.), <i>Decrees of the Ecumenical Councils</i> . Original text established by G. Alberigo et alii. Vol. I: <i>Nicaea I to Lateran V</i> ; vol. II: <i>Trent to Vatican II</i> , London: Sheed & Ward/Washington DC: Georgetown University Press, 1990.
<i>Communio notio</i>	Congregation for the Doctrine of the Faith, Letter to the Bishops of the Catholic Church on Some Aspects of the Church Understood as Communion (1992)
CS	<i>Communio Sanctorum. The Church as the Communion of Saints</i> . <i>Bilateral Working Group of the German National Bishops' Conference and the Church Leadership of the United Evangelical Lutheran Church of Germany</i> , Collegeville MN: Liturgical Press, 2004. Cf. <i>Bilaterale Arbeitsgruppe der Deutschen Bischofskonferenz und der Kirchenleitung der Vereinigten Evangelisch-Lutherischen Kirche Deutschlands, Communio Sanctorum. Die Kirche als Gemeinschaft der Heiligen</i> , Paderborn; Bonifatius/Frankfurt a.M.: Lembeck, 2000.
DH	Heinrich Denzinger, <i>Enchiridion symbolorum definitionum et declarationum de rebus fidei et morum. Kompendium der Glaubensbekenntnisse und kirchlichen Lehrentscheidungen</i> , verbessert und erweitert hg. von P. Hünemann, Freiburg i. Br. <sup>44</sup> 2014
DwÜ	<i>Dokumente wachsender Übereinstimmung. Sämtliche Berichte und Konsentexte interkonfessioneller Gespräche auf Weltebene</i> . Vol. I: 1931- 1982; vol. II: 1982-1990; vol. III: 1990-2001; vol. IV 2001-2010. Ed. by H. Meyer, D. Papandreou, H.J. Urban, L. Vischer, J. Oeldemann et alii, Paderborn: Bonifatius/Frankfort: Lembeck/Leipzig: Evangelische Verlagsanstalt, 1983/2 1991, 1992, 2003, 2012.
<i>Ecclesia de eucharistia</i>	Encyclical Letter of His Holiness Pope John Paul II to the Bishops, Priests and Deacons, Men and Women in the Consecrated Life and all the Lay Faithful on the Eucharist in Its Relationship to the Church (2003)
<i>Evangelii gaudium</i>	Apostolic Exhortation of the Holy Father Francis to the Bishops, Clergy, Consecrated Persons and the Lay Faithful on the Proclamation of the Gospel on Today's World (2013)
GiA I	<i>Growth in Agreement I. Reports and Agreed Statements of Ecumenical Conversations on a</i>

GiA II	<i>World Level, 1931-1982</i> . Ed. by H. Meyer, L. Vischer, Mahwah NJ: Paulist Press, 1982. <i>Growth in Agreement II. Reports and Agreed Statements of Ecumenical Conversations on a World Level, 1982-1998</i> . Ed. by J. Gros, H. Meyer, W.G. Rusch, Geneva: WCC/Grand Rapids MI: Eerdmans, 2000.
GiA III	<i>Growth in Agreement III. International Dialogue Texts and Agreed Statements, 1998-2005</i> . Ed. by J. Gros, Th.F. Best, L.F. Fuchs, Geneva: WCC/Grand Rapids MI: Eerdmans, 2007.
GiA IV	<i>Growth in Agreement IV/1-2. International Dialogue Texts and Agreed Statements, 2004-2014</i> . Ed. by Th.F. Best, L.F. Fuchs, J. Gibaut, J. Gros, D. Prassas, Geneva: WCC 2017.
IKZ	<i>Internationale Kirchliche Zeitschrift. Neue Folge der Revue internationale de Théologie</i> , Bern 1911ff. (resp. 1893ff.)
IBC Statute	Statute of the Old Catholic Bishops United in the Union of Utrecht, in: <i>Statut der Internationalen Altkatholischen Bischofskonferenz (IBK). Offizielle Ausgabe in fünf Sprachen</i> . Ed. by U. von Arx, M. Weyermann, Bern: Staempfli 2001 (Supplement to IKZ 91, 2001), pp. 28-42 (English text, together with the "Utrecht Declaration" of 1889).
Koinonia	Urs von Arx (ed.), <i>Koinonia auf altkirchlicher Basis. Deutsche Gesamtausgabe der gemeinsamen Texte des orthodox – altkatholischen Dialogs 1975-1987 mit französischer und englischer Übersetzung</i> , Bern: Staempfli, 1989, 229 pp. (Supplement to IKZ 79, 1989).
LG	Dogmatic Constitution on the Church <i>Lumen Gentium</i> (1964)
MCS	<i>The Meissen Agreement. Texts: The Meissen Common Statement. Full Text of Paragraphs Cited in the Footnotes. The Implementation of the Meissen Declaration. Council for Christian Unity of the General Synod of the Church of England</i> , London 1992. Cf. DwÜ III, pp. 732-748.
O-RC/Mystery	<i>The Mystery of the Church and of the Eucharist in the Light of the Mystery of the Holy Trinity</i> . Munich 1982. Joint International Commission for the Theological Dialogue between the Roman Catholic Church and the Orthodox Church, in: GiA II, pp. 652-659. Cf. DwÜ II, pp. 531-541.
O-RC/Sacraments	<i>Faith, Sacraments and the Unity of the Church</i> , Bari 1987. Joint International Commission for Theological Dialogue between the Catholic Church and the Orthodox Church, in: GiA II, pp. 660-668. Cf. DwÜ II, pp. 542-553.
O-RC/Order	<i>The Sacrament of Order in the Sacramental Structure of the Church</i> , New Valamo 1988. Joint International Commission for Theological Dialogue between the Roman Catholic Church and the Orthodox Church, in GiA , pp. 671-679. Cf. DwÜ II, pp. 556-567,
O-RC/Consequences	<i>Ecclesiological and Canonical Consequences of the Sacramental Nature of the Church. Ecclesial Communion, Conciliarity and Authority</i> , Ravenna 2007. Joint International Commission for Theological Dialogue between the Roman Catholic Church and the Orthodox Church, in GiA IV/1, pp. 5-12. Cf. DwÜ IV, pp. 833-848.
O-RC/Synodality and Primacy	<i>Synodality and Primacy During the First Millennium: Towards a Common Understanding in Service to the Unity of the Church</i> , Chieti, 2016. Joint International Commission for Theological Dialogue between the Roman Catholic Church and the Orthodox Church. Cf. <a href="http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_20160921_synodality_primacy_en.html">http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_20160921_synodality_primacy_en.html</a>
OC-O/Ecclesial Communion	Ecclesial Communion: Presuppositions and Consequences Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission (1987), in: <i>Koinonia</i> , pp. 227-229; also in: GiA II, pp. 267-268. Cf. DwÜ II, pp. 46-48.
OC-O/Eucharist	Holy Eucharist. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission (1985), in: <i>Koinonia</i> , pp. 215-217; also in: GiA II, pp. 257-259. Cf. DwÜ II, pp. 34-36.
OC-O/Infallibility	The Infallibility (Unerring) of the Church. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission (1981), in: <i>Koinonia</i> , pp. 196-198; another translation in: GiA I, pp. 414-415. Cf. DwÜ I, pp. 47-48.
OC-O/Mother	The Mother of God. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission (1977), in: <i>Koinonia</i> , pp. 183-185; another translation in: GiA I, pp. 399-401. Cf. DwÜ I, pp. 33-35.
OC-O/Revelation	Divine Revelation and its Transmission. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission (1975), in: <i>Koinonia</i> , pp. 174-175; another translation in: GiA I, pp. 391-393. Cf. DwÜ I, pp. 24-26.
OC-O/Unity	The Unity of the Church and the Local Churches. Agreed Statement of the Joint Orthodox – Old Catholic Theological Commission, in (1979), in <i>Koinonia</i> , pp. 189-191; another translation in: GiA I, pp. 404-406. Cf. DwÜ I, pp. 40-43
OO-RC/Nature	Nature, Constitution and Mission of the Church. International Joint Commission for

	Theological Dialogue between the Catholic Church and the Oriental Orthodox Churches, Roma 2009, in: PCPCU <i>Information Service</i> no. 131 (2009/I-II), pp. 14-22, also in: GiA IV/1, pp. 13-24. Cf. DwÜ IV, pp. 849-868.
<i>Pastor aeternus</i>	<i>Constitutio dogmatica prima de ecclesia</i> (1870). Cf. COD II, pp. 811-816; esp. p. 812 and pp. 815-816. DH, no. 3050-3075, esp. no. 3053-3054 and no. 3065- 3075
Utrecht and Uppsala	<i>Utrecht and Uppsala on the Way to Communion. Report from the official dialogue between the Old Catholic Churches of the Union of Utrecht and the Church of Sweden</i> (2013), now – together with a German translation – in: Beiheft zu IKZ 198 (2018), pp. 69-135 and pp. 136-214 respectively.
UR	Decree on Ecumenism <i>Unitatis redintegratio</i> (1964)
<i>Verbum Domini</i>	Post-Synodal Apostolic Exhortation of the Holy Father Benedict XVI to the Bishops, Clergy, Consecrated Persons and the Lay Faithful on the Word of God in the Life and Mission of the Church (2010)

### **List of members and sessions of the Roman Catholic – Old Catholic Dialogue Commission, 2nd Mandate Period**

#### *Roman Catholic members:*

- Most Revd. Archbishop Hans-Josef Becker, Paderborn D (*Co-Chairman*)
- Rt. Revd. Dr. Hans van den Hende, Haarlem NL
- Revd. Canon Hubert Bour, Tübingen D
- Prof. em. Dr. Heinrich J. F. Reinhardt, Bochum D
- Prof. em. Dr. Hans Jörg Urban, Paderborn D
- *Secretary:* Revd. Dr. Matthias Türk, Vatican City

#### *Old Catholic members:*

- Rt. Revd. Dr. Matthias Ring, Bonn D (*Co-Chairman*)
- Revd. Drs. Wietse van der Velde, Den Haag, subsequently Hilversum, NL
- Revd. Prof. Dr. Günter Esser, Bonn D
- Revd. Prof. Dr. Angela Berlis, Bern CH
- Revd. Prof. em. Dr. Urs von Arx, Bern CH
- *Secretary:* Revd. Mag. Martin Eisenbraun, Salzburg A

#### *Sessions:*

1. 03. 12. – 06. 12. 2012 Paderborn D (Liborianum)
2. 21. 07. – 24. 07. 2013 Königswinter D (AKZ Arbeitnehmer Zentrum)
3. 09. 12. – 12. 12. 2013 Paderborn D (Liborianum)
4. 22. 06. – 25. 06. 2014 Bad Godesberg D (Haus der Begegnung, Heiderhof)
5. 30. 11. – 03. 12. 2014 Paderborn D (Liborianum)
6. 29. 06. – 02. 07. 2015 Köln D (Maternushaus)
7. 30. 11. – 03. 12. 2015 Paderborn D (Liborianum)
8. 27. 06. – 30. 06. 2016 Köln D (Maternushaus)
9. 05. 12. – 08. 12. 2016 Paderborn D (Liborianum)

## Appendix

### Presentations and position statements to the First Report of the International Roman Catholic - Old Catholic Dialogue Commission Church and Ecclesial Communion (2009)

1. *41<sup>st</sup> International Old Catholic Theologians' Conference, 24 - 28 August 2009, Neustadt a.d. Weinstrasse D*
  - 1.1 Presentation of the just-printed Commission Report by Old Catholic and Roman Catholic speakers:
    - Jan Visser, Zur Vorgeschichte und Entstehung des Berichts der Internationalen Römisch Katholisch - Altkatholischen Dialogkommission
    - Urs von Arx, Altkatholische Kehrtwende? Zum Kommissionstext „Kirche und Kirchengemeinschaft“
    - Günter Esser, Mariendogmen, Frauenordination und kirchenrechtliche Perspektiven als „offene Fragen“ im Bericht „Kirche und Kirchengemeinschaft“
    - Hans Jörg Urban, „Kirche und Kirchengemeinschaft“. Das Ergebnis des internationalen Römisch-Katholisch - Altkatholischen Dialogs und die Perspektiven in der Primatsfrage aus römisch-katholischer SichtCf. IKZ 100 (2010), pp. 6-79.
  - 1.2 Position statements on the subject of the papal office by experts from other ecclesial traditions:
    - Grigorios Larentzakis, Das Papstamt aus orthodoxer Sicht
    - Mark D. Chapman, An Anglican View of the Office of the Papacy
    - Oliver Schuegraf, Teufels Gespenst oder Diener der Einheit? Lutherische Annäherungen an das PapstamtCf. IKZ 100 (2010), pp. 80-168.
  - 1.3 Declaration of the 41<sup>st</sup> International Old Catholic Theologians' Conference, 24 - 28 August 2009, Neustadt a.d. Weinstrasse D

The International Old Catholic Theologians Conference conferred from 24 - 28 August 2009 in Neustadt/Weinstrasse (Germany) on the subject "Papal Office and Roman Catholic- Old Catholic Dialogue". It dealt with the recently published Report of the International Roman Catholic - Old Catholic Dialogue Commission "Church and Ecclesial Communion". This Commission was initiated in 2003 by the Pontifical Council for Promoting Christian Unity and the International Bishops' Conference of the Old Catholic Churches of the Utrecht Union. The report contains a joint basic understanding of the church as a communion grounded in the triune God which exercises its responsibility for unity and remaining in the truth at the level of the local church (diocese) and at the level of communions of local churches. In the supra-local context this responsibility is in the first instance vested in the bishops as presiders of the local churches, who in addition come together at synodical assemblies to confer and resolve on joint decisions. What 'primacy' means is also situated in this synodical context: it is the task of a bishop to ensure that the other bishops in a collegial process bear the responsibility accorded to them. For the aspired universal communion of local churches the Bishop of Rome exercises this primacy. The Conference welcomes the fundamental agreements in the understanding of the church which also includes a situating of the service of the pope within its *communio* structure. It also welcomes the applied method of differentiated consensus by which fundamental convergences are established and still remaining differences which are not church-dividing are named.

The Conference consequently shares the evaluation of the Commission that the demonstrated measure of agreement for the first time allows the possibility of ecclesial communion to appear thinkable without implying "return ecumenism". It affirms the Commission's view that the remaining open question named in the report require further joint theological reflection.

The Conference is aware that the ecclesial communion revealed as a possibility - as postulated in the text - presupposes a 'hermeneutic of trust' and a 'purification of memory' as essential to reconciliation. That involves among other things working through non-theological factors of varying kinds which are also manifested in fear and rejection.

The Conference requests the IBC to continue the initiated reception process at all levels, having in mind particularly the synods and pastoral conferences of the Old Catholic churches.

It wishes the open questions named in the report, above all the ecclesiological questions, to be further addressed by Old Catholic teaching institutions and other appropriate bodies. Neustadt /W, 28 August 2009 (St Augustine's Day)"

Cf. IKZ 100 (2010), p. 4f.
2. *(Roman Catholic - Old Catholic) Conference on the Report of the International Roman-Catholic - Old Catholic Dialogue Commission, 28 November 2009, St. Gertrudis, Utrecht NL*

Papers were given by Prof. H.J. Urban and Prof. U. von Arx, who presented the Commission Report translated into Dutch. Cf. Katholieke Vereniging voor Oecumene: *Perspectief. Digitaal Oecumenisch Theologisch Tijdschrift (D O T T)*, no. 7, March 2010, 2-2; retrievable at: <http://www.kerkpleinamersfoort.nl/pdf/PerspectiefKVO7maart2010.pdf> [10.03.2010].

*Translation of the report: Kerk en kerkelijke gemeenschap. Verslag van de internationale Rooms katholieke -*



Oud-katholieke dialoogcommissie, in: *Kerkelijke Documentatie* 37 (9-10/2009), pp. 21-78.  
Cf. IKZ 100 (2010), p. 2 (footnote 2).

3. *Study Day for the Clergy of the Old Catholic Church in the Czech Republic, 23 October 2009, Prague CZ*  
Cf. on the resolved "non-official" statement Petr Jan Vinš, *Zpět k Římu? [Back to Rome?]* in: *Communio* 13 (4/2009), p. 7.  
The Pastoral Conference of the Old Catholic Church in the Czech Republic dealt with this subject once more on 16 November 2012 in Prague.  
Cf. IKZ 100 (2010), p. 2 (footnote 1), communication P.J. Vinš.
4. *Conference of Clergy of the Old Catholic Church of Austria, 11 November 2009, Vienna A*  
The Conference of clergy, at which Prof. H.J. Urban presented an introductory paper, approved the Commission Report on the whole.  
Cf. IKZ 100 (2010), p. 2f. (footnote 4).
5. *Conference of Clergy of the Christian [i.e. Old Catholic] Church of Switzerland, 16 - 17 November 2009, Boldern (ZH), and 15 - 16 March 2010, Delémont (JU) CH*  
"The Pastoral Conference of the Christian Catholic Church of Switzerland at its sessions of 16/17 November 2009 in the "Evangelisches Tagungs- und Studienzentrum Boldern" and of 15/16 March 2010 in the "Centre St-François in Delsberg" took note of the Report of the International Roman-Catholic - Old Catholic Dialogue Commission "Church and Ecclesial Communion". It welcomes the Report and endorses in principle the position of the 41st International Old Catholic Theologians Conference of 24 - 28 August 2009 in Neustadt/W. "The Pastoral Conference acknowledges expressly the particular goal of the ecclesiological text. What it misses however is a clearer reference of the indispensable role of the laity in the synodal processes of the church, for according to its understanding all the baptised, women and men, laity and ordained, carry the church together. As counterparts and partners clergy and laity assist one another again and again in discerning the truth of the gospel anew, confessing it and finding the necessary resolutions. In this sense the Pastoral Conference refers to the preamble of the Constitution of the Christian Catholic Church of Switzerland.  
In addition it requests from the continuation of the dialogue process a clarification of what is actually meant by doctrinal infallibility.  
With regard to the reception of the Report in the Christian Catholic Church of Switzerland the pastoral Conference advocates a careful reading and a judicious discussion of the Report. References to a prospective ecclesial communion between the Utrecht Union and Rome can easily be misunderstood if it is interpreted - against the explicit statement of the Report - in the light of a "return ecumenism". Further, the fact that the Christian Catholic Church is involved in multiple ecumenical endeavours which have developed over years of trustful collaboration is to be taken into account."  
Cf. IKZ 100 (2010), p. 2f. (footnote 4).
6. *Provinciale Synode van de geestelijkheid (= Conference of Clergy of the Old Catholic Church of the Netherlands), 20 May 2010, Amersfoort NL*  
Communication: W. van der Velde
7. *Pastoral Conference of the Catholic Diocese of Old Catholics in Germany, 24 June 2010, Neustadt a.d. Weinstrasse D*  
"In the Encyclical 'Ut unum sint' John Paul II in 1995 called on the Christian communities to take up a fraternal patient dialogue in order to find a way of exercising the primacy which, while in no way renouncing what is essential to its mission, is nonetheless open to a new situation". We welcome the fact that with "Church and Ecclesial Communion" an official response to the papal document from the Old Catholic side has now been presented, grounded in a broad ecclesiological approach. It is particularly pleasing that this response was able to be drafted and endorsed in essential sections jointly by Roman Catholic and Old Catholic theologians. The convergences that the paper establishes are far-reaching. Ecclesiological differences remain. We welcome this result and hope that thereby further conversation processes will be set in train - all the more so as several differences that have developed on the basis of our common Catholic faith require further intensive dialogue. We see the requirement for further discussion for example on the following points:  
1. In no. 83 the Old Catholic side lists ecumenical obligations it has entered into with other denominations and would also maintain after reconciliation with Rome: the Bonn Agreement with the Anglican Communion (1931), communion with the *Iglesia Filipina Independiente* (1965) as well as the aims of the Orthodox - Old Catholic Dialogue of 1975-1987. Not mentioned is the "Agreement on a mutual invitation to participate in the celebration of the eucharist" between the Old Catholic Church in Germany and the Protestant Church in Germany [EKD], whose 25<sup>th</sup> anniversary we will celebrate this year. We maintain that ecumenical collaboration with Protestant Christians is firmly anchored in the everyday life of our congregations. At the diocesan level too there is close cooperation with Protestant 'Landeskirchen'. In further dialogue with the Roman Catholic Church we would also intend to introduce this fruit of ecumenical dialogue.

2. We recognise the blessings the calling of women to apostolic ministry has effected in our congregations. The paper however indicates that the Roman Catholic Church here too sees no room for manoeuvre for a modification or alteration of its doctrinal position.

3. Not mentioned in "Church and Ecclesial Communion" are the divergent concepts of our churches in dealing with ethical questions such as the treatment of re-married divorcees and questions of human sexuality. In our congregations and pastoral praxis these differences have considerable bearing. We request that future conversations also involve these open questions too. Without a fundamental clarification of the question of how joint church life would be possible in view of these differences we consider an ecclesial communion as outlined in 6.4 unrealistic.

Neustadt an der Weinstraße, 24 June 2010

IKZ 101 (2011), p. 51f.

8. *57<sup>th</sup> Ordinary Diocesan Synod of the Catholic Diocese of the Old Catholics in Germany, 30 September – 3 October 2010, Mainz D*

The Synod welcomes the Roman Catholic – Old Catholic dialogue paper "Church and Ecclesial Communion", and endorses the position taken by the full Pastoral Conference this year on this document. The following alterations to the position paper of the Pastoral Conference were resolved:

1. The Synod recommends that congregations and groups deal with this paper in depth and discuss it within ecumenical dialogue with Roman Catholic congregations.

2. To be added: "Beyond that, we request that the Roman Catholic Church give a response to the Old Catholic proposals on the form of a potential ecclesial communion (6.4) and put forward its own concrete conceptions".

3. To be added: "Collaboration with the Roman Catholic Church must not hinder our own church development or our ecumenical dialogues with other churches".

4. The formulation in point 1 should be "reconciliation of our churches" rather than "reconciliation with Rome".

5. The last sentence of the position paper is not supported by us and should be deleted since it is superfluous and was formulated too negatively. "

In addition, the Synod received the dialogue paper "Reflections on the realisation of further steps on the way to visible ecclesial communion of the Old Catholic Church in Germany and the VELKD" and commissioned the Synod representatives to draft a detailed position paper for the next synod. The document is to be discussed within the church; Bishop Matthias was commissioned to inform the International Bishops' Conference and request a response. The Synod desires a continuation of the Dialogue."

IKZ 101 (2011), p. 52f.

9. *Statement of the participants at the scholarly symposium of the Polish-Catholic Church on the Report of the International Roman-Catholic – Old Catholic Dialogue Commission, 06 July 2010, Warsaw PL*

Prof. U. von Arx presented the introductory paper [cf. 11 below] to the Commission Report in its Polish translation. The Symposium endorsed the declarations of the International Old Catholic Theologians' Conference and the Christian Catholic Pastoral Conference of Switzerland.

Cf. IKZ 101 (2011), p. 339f.

10. *Ecumenical Conversation on the Report of the International Roman Catholic – Old Catholic Dialogue Commission, 18 September 2010, Lucerne CH*

At the conference organised by the Ecumenical Institute of the University of Lucerne and the Christian [= Old] Catholic – Roman Catholic Dialogue Commission in Switzerland) Prof. Wolfgang Müller, Lucerne (in place of Bishop Dr. Kurt Koch who had in the interim been called to Rome), Bishop Dr. Harald Rein, Bern, and Prof. U. von Arx presented the Commission Report. Further papers were given by Pfr. Dr. Gottfried W. Locher, Bern (since 2011 President of the Protestant Church Federation of Switzerland), Prof. Ernst Christoph Suttner, Vienna A, and Prof. Leonhard Hell, Mainz D

A detailed report is given by Rolf Weibel, "Auf dem Weg. Der Dialog zwischen der katholischen Kirche und den Altkatholiken", in: *Herder-Korrespondenz* 64 (2010), pp. 583-588; and 'Einen Familienzweist austragen', in: *Schweizerische Kirchenzeitung* 178 (2010), pp. 812-815.

Cf. IKZ 101 (2011), p. 54.

A publication of the papers and additional texts is now available in: Wolfgang W. Müller (ed.), *Kirche und Kirchengemeinschaft. Die Katholizität der Altkatholiken (Christkatholiken)* (Schriften Ökumenisches Institut Luzern 10), Zürich (Edition NZN bei TVZ) 2013, 202 pages:

- Wolfgang W. Müller, Vorwort, pp. 7-11;
- Urs von Arx, Der Bericht der Internationalen Römisch-Katholisch – Altkatholischen Dialogkommission „Kirche und Kirchengemeinschaft“. Vorstellung des Textes und Ausblick auf die Chancen seiner Rezeption, pp. 13-47
- Harald Rein, Kopf und Bauch und gegenseitige Wahrnehmung. Praktisch-theologische Überlegungen zum Bericht der Internationalen Römisch-Katholisch – Altkatholischen Dialogkommission, pp. 49-57;
- Leonhard Hell, Betrachtungen zum „innerkatholischen“ Dialog aus römisch-katholischer Perspektive, pp.

59-72;

- Ernst Christoph Suttner, Die orthodoxen Kirchen und der Bericht „Kirche und Kirchengemeinschaft“ aus der Dialogkommission zwischen der Kirche von Rom und den altkatholischen Kirchen, pp. 73-104;
- Gottfried W. Locher, Zu „Kirche und Kirchengemeinschaft“. Bemerkungen aus evangelisch-reformierter Sicht zum Bericht der Internationalen Römisch-Katholisch – Altkatholischen Dialogkommission, pp. 105-127;
- Bernd Jochen Hilberath, Ein Modell für die Zukunft? Ekklesiologische Anmerkungen zum Bericht der Internationalen Römisch-Katholisch – Altkatholischen Dialogkommission, pp. 129-163;
- Matthias Pulte, Was ist Kirche – wer ist Kirche? Das Kirchenverständnis nach katholischer Lehre aus dem Blickwinkel des römisch-katholischen Kirchenrechts betrachtet, pp. 165- 199.

Cf. also the presentation of the Report text by Prof. U. von Arx in the Institute for Ecumenical Studies of the University of Fribourg on 28 May 2009 and before the Ecumenism Commission of the Swiss Bishops' Conference on 3. May 2010 in Zürich.

11. *Session of the Roman Catholic – Polish Catholic Conversation Commission, 26 – 27 September 2011, Gietrzwałd [= Dietrichswalde in Ermland-Masuria] PL*  
The Commission Report was presented by Prof. U. von Arx (Reading of the Polish translation of the paper of 6 July 2010) and Prof. Zdzisław J. Kijas OFMConv, Rome (formerly Cracow), cf. now Zdzisław J. Kijas OFMConv, 'The Dialogue between the Roman Catholic and the Old Catholic Church at international level (2004-2009)', in: *IKZ 102* (2012), pp. 180-202. Both sides would welcome the inclusion of the two Polish churches in the future course of the international Dialogue.  
Cf. *IKZ 102* (2012), p. 231.  
A Polish documentation appeared in 2013: Jacek Jezierski (ed.), *Dialog ekumeniczny: Rzym – Kościoły Unii Utrechckiej* (2009), Olsztyn (Warmińskie Wydawnictwo Diecezjalne) 2013, 95 pages:
  - Biskup Jacek Jezierski, Wprowadzenie [Introduction], pp. 7-13
  - Urs von Arx, Kościół i Wspólnota Kościelna – wprowadzenie i refleksje [Church and ecclesial communion – introduction and reflections on reception], pp. 15-29
  - Zdzisław J. Kijas, Dialog rzymskokatolicko-starokatolicki (2004-2009) na poziomie międzynarodowym [Dialogue between the Roman Catholic and the Old Catholic Church (2004-2009) at international level], pp. 31-58
  - Krzysztof Wojtkiewicz, Prymat Piotrowy jako paradoksalny znak jedności chrześcijan [The Petrine Primacy as a paradoxical sign of the unity of Christians], pp. 59-83
  - Jacek Jezierski, Uwagi do hasła 'Kościoł Polskokatolicki' w 15 tomie Encyklopedii katolickiej [Comments on the heading 'Polish-Catholic Church' in Volume 15 of the *Catholic Encyclopedia* (= *Encyklopedia Katolicka 15*, Lublin: Tow. Naukowe Katolickiego Uniw. Lubelskiego, 2011, Kol. 1327-1328)], pp. 85-89
  - Jacek Jezierski, Nekrologi, pp. 91-95.
12. *Discussion between Roman Catholic and Old Catholic representatives on the Commission Report, 11 November 2011, Utrecht NL*  
A meeting chaired by Pieter Kohnen, Speaker of the Roman Catholic Bishops' Conference of the Netherlands, was held in the office of the Secretariat of the Dutch Church Province between on the one side Auxiliary Bishop Johannes Gerardus Maria van Burgsteden, Dr. Ton van Eijk, Prof. Henk Witte, Henk van Doorn; and on the other side Archbishop Dr. Joris Vercammen, Prof. em. Jan Visser, Doz. Dr. Mattijs Ploeger and Pfr. Wietse van der Velde, for a theological discussion which revolved above all around the papal office and women's ordination.  
Cf. *IKZ 102* (2012), p. 231.
13. *Symposium of the "Katholieke Vereniging voor de Oecumene" and the "Oud-Katholiek Seminarie aan de Universiteit van Utrecht", 9 November 2012, Utrecht NL*  
In connection with this occasion in the Auditorium of the Museum Het Catharijneconvent in Utrecht a "Short version" of the Commission Report, intended for a broader public, was published:  
Geert van Dartel/Ton Scheer, *Op weg naar verzoening en genezing. Rapport van de Internationale Rooms-katholieke/Oud-katholieke Dialoogcommissie*. Uitgave van de Katholieke Vereniging voor Oecumene, Utrecht, 2012, 23 S.  
<http://www.oecumene.nl/nieuws-blogs/blogs/442-katholieken-op-weg-naar-verzoening>
14. Further Texts
  - Andreas Krebs, ‚Gemeinschaft mit, nicht unter dem Papst. Zur 41. Internationalen Altkatholischen Theologenkonferenz‘, in: *Christen heute* 53 (10/2009), pp. 2-5
  - Andreas Krebs, ‚Kirche und Kirchengemeinschaft. Zum Bericht der Internationalen Römisch-Katholisch – Altkatholischen Dialogkommission‘, in: *Materialdienst des Konfessionskundlichen Instituts Bensheim* 61 (1/2010) 009-011 (with a text extract by Paul Metzger: 012-013)

- Angela Berlis, 'Der Dialog zwischen der Römisch-Katholischen Kirche und den Alt Katholischen Kirchen der Utrechter Union', in: *Ökumenische Rundschau* 60 (2011), pp. 508-512
- Hans Jörg Urban, "'Kirche und Kirchengemeinschaft" - Der internationale Römisch Katholische/Altkatholische Dialog', in: *Catholica* 70 (2016), pp. 216-229.

### Translations of the First Report of the International Roman Catholic - Old Catholic Dialogue Commission Church and Ecclesial Communion (2009)

1. The following translations were undertaken or initiated by the Old Catholic side itself:
  - Kerk en kerkelijke gemeenschap. Verslag van de internationale Rooms-katholieke - Oud katholieke dialoogcommissie, in: *Kerkelijke Documentatie* 37 (9-10/2009), pp. 21-78
  - Kościół i Wspólnota Kościelna. Sprawozdanie Międzynarodowej Rzymskokatolicko -Starokatolickiej Komisji Dialogu, in: *Studia i Dokumenty Ekumeniczne* 37 (2011), pp. 65-105 [incl. Appendix, Text 7. A duplicated typescript of 67 pages on the other hand contains the full Appendix].
  - Église et communion ecclésiale. Rapport de la commission mixte internationale catholique romaine - vieille-catholique, in: *Istina* 57 (2012), pp. 45-102 [incl. Appendix]; cf. in addition:
    - Urs von Arx, Le rapport de la Commission mixte internationale catholique-romain - vieille-catholique «Église et communion ecclésiale». Ses chances de réception, *ibid.*, pp. 5-27
    - Hervé Legrand, Papauté et structure communionnelle de l'Église. Une question du fond dans le premier Rapport de la Commission internationale entre catholiques et vieux catholiques, *ibid.*, pp. 29-44
  - Církev a církevní společenství. Zpráva mezinárodní římskokatolicko-starokatolické komise pro dialog. Pracovní překlad s předmluvou biskupa Dušana Hejbala a Petra Jana Vinše (Studijní texty Starokatolické církve v ČR), Praha 2012 [= Church and Ecclesial Communion. Report of the International Roman Catholic - Old Catholic Dialogue Commission. A working translation with a Foreword by Bishop Dušan Hejbal and Petr Jan Vinš (Study texts of the Old Catholic Church in the Czech Republic), Prague 2012] (still forthcoming)
2. The English translation (by Dr. Lois Zweck) initiated by the Pontifical Council for Promoting Christian Unity and originally intended for publication in "*Information Service*", was, after a visit by an Old Catholic delegation under the leadership of the Archbishop of Utrecht, Dr. Joris Vercammen, with Cardinal Kurt Koch (Rome, 06.09.2011) handed over to Prof. U. von Arx to organise a publication elsewhere. It has appeared as:
  - The Church and Ecclesial Communion. Report of the International Roman Catholic - Old Catholic Dialogue Commission, in: Thomas F. Best / Lorelei F. Fuchs / John Gibaut / Jeffrey Gros / Despina Prassas (eds.), *Growth in Agreement IV/1. International Dialogue Texts and Agreed Statements, 2004-2014* (Faith and Order Paper 219), Geneva (WCC) 2017, pp. 533-567.  
Cf. also: [http://www.vatican.va/roman\\_curia/pontifical\\_councils/chrstuni/vetero\\_cattolici/](http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/vetero_cattolici/).  
[Translation by Dr. Lois Zweck, revised by Revd. Prof. Urs von Arx, 2018]

#### ENDNOTES

1. Cf. *Kirche und Kirchengemeinschaft. Bericht der Internationalen Römisch-Katholisch - Altkatholischen Dialogkommission* (Paderborn/Frankfort, 2009/<sup>2</sup>2010) p. 9; see now the updated edition *Kirche und Kirchengemeinschaft. Erster und Zweiter Bericht der Internationalen Römisch-Katholisch - Altkatholischen Dialogkommission 2009 und 2016*, (Paderborn 2017) p. 13. For an English translation of the First Report (2009) see *Church and Ecclesial Communion: Report of the International Roman Catholic - Old Catholic Dialogue Commission [= CAEC I], preface*; retrievable at: [http://www.vatican.va/roman\\_curia/pontifical\\_councils/chrstuni/vetero\\_cattolici/rc\\_pc\\_chrstuni\\_doc\\_20090512\\_report-church-ecclesial-communion\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/vetero_cattolici/rc_pc_chrstuni_doc_20090512_report-church-ecclesial-communion_en.html). Here it is stated that the Dialogue Commission was "conscious of the fact that some of its reflections require further dialogue" but especially "a reception process at all levels, without which the envisaged goal cannot be achieved."

2. Conversation at the invitation of the Pontifical Council for Promoting Christian Unity with a delegation of the Old Catholic Bishops Conference of the Utrecht Union, Rome, 6 September 2011 (unpublished). Cf. the Communiqué, retrievable at: [http://www.utrechter-union.org/seite/250/dialog\\_zwischen\\_römisch-katholis](http://www.utrechter-union.org/seite/250/dialog_zwischen_römisch-katholis) [10.11.2016].

3. See below "List of members and sessions, second mandate period".

4. *Ibid.*

5. *Kirche und Kirchengemeinschaft – Ergänzungen. Zweiter Bericht der Internationalen Römisch-Katholisch – Altkatholischen Dialogkommission (2016) / Church and Ecclesial Communion – Supplements. Second Report of the International Roman Catholic – Old Catholic Dialogue Commission* [henceforth: CaEC II], no. 1-64.
6. CaEC II, no. 65-80; cf. CaEC I, no. 63-73.
7. CaEC II, no. 81-94.
8. Cf. CaEC I, no. 57-62 and the jointly drafted no. 11 and 13.
9. Cf. no. 7-10 below.
10. Since the regional (“middle”) dimension of the church can comprise several (historically contingent) levels (e.g. a church province or an archdiocese; several church provinces or metropolitan associations in one land; a patriarchate), the expression *communio communionum ecclesiarum* must be precisely defined in each concrete application, since it also comes into consideration for the universal dimension of the church.
11. This is also the common ecclesiological starting point for the Roman Catholic – Eastern Churches dialogues mentioned in no. 9 below. This perspective is also clearly testified in the ancient common tradition; cf. for example Ernst Christoph Suttner, “Die dreigestufte Kircheneinheit”, in: *Kirche in einer zueinander rückenden Welt. Neuere Aufsätze von Ernst Christoph Suttner zu Theologie, Geschichte und Spiritualität des christlichen Ostens*. Ed. Wolfgang Nikolaus Rappert (*Das östliche Christentum* 53), Würzburg 2003, 76-99.
12. Cf. CaEC I, no. 21, in the 4<sup>th</sup> chapter “Personal, collegial and communal responsibility for the unity of the church and its maintenance in the truth” (no. 20-26) and communion”, “in which it recognises and acknowledges its own nature, grounded in God’s loving care” (no. 16).
13. Cf. also LG 4: “Sic apparet universa Ecclesia sicuti de unitate Patris et Filii et Spiritus Sancti plebs adunata. / So the church shines forth as a people made one with the unity of the Father and Son and the Holy Spirit.”
14. Cf. LG 4: “in communione et ministracione”; cf. also LG 13.
15. CaEC I, no. 6-9; cf. LG 1.
16. This seems to be characteristic of the inner-Roman Catholic discussion of recent years, but not absolutely for bilateral dialogue with other churches, particularly of the Eastern church tradition (cf. below footnotes 18 and 19).
17. See also the Preface of CaCE I.
18. Cf. O-RC/Mystery; O-RC/Sacraments; O-RC/Order; O-RC/Consequences. See now also the comparable approach in the most recent Orthodox – Roman Catholic Dialogue text: *Synodality and Primacy during the First Millennium. Towards a Common Understanding in Service to the Unity of the Church* (Chieti, 21 September 2016): O-RC/Synodality and Primacy.
19. Cf. For example the ecclesiological text of the Oriental-Orthodox – Roman Catholic Dialogue „Nature, Constitution and Mission of the Church” (OO-RC/Nature). Also worth mentioning in this regard is the text of the Comité mixte catholique-orthodoxe en France *La primauté romaine dans la communion des Eglises*, Paris 1991.
20. See no. 13-15 below.
21. „... ad bonum totius mystici corporis, quod est enim corpus ecclesiarum”. Another instance is the reference to *ecclesiae particulares* in the sense of churches sui iuris (cf. LG 21; 26).
22. Thus especially LG 22-23 (see no. 14-15 below).
23. The difference seems somewhat milder when the comparison also makes reference to the first two chapters of LG, as well as to no. 36 of the Decree of Paul VI. „Christus Dominus” (1965).

24. In LG beside the expression „ecclesia localis“ one also finds more frequently the term „ecclesia particularis“, without any consistently maintained difference in meaning being discernible. CaEC I uses only the term „local church“ [“Ortskirche“], which must of course itself be explained, but seems ecclesiologically less misleading than “particular church” [“Teilkirche“].

25. The expression *communio communionum ecclesiarum* does not occur in LG either, since apparently no comparable systematic-ecclesiological weight is given to the so-called intermediary levels between local church and universal church.

The comments of Pope Francis on the occasion of his address on the occasion of the 50<sup>th</sup> anniversary of the establishment of the Bishops Synod on 17 October 2015 head in a different direction; cf. AAS 107 (2015) 1138-1144; retrievable at:

[https://w2.vatican.va/content/francesco/de/speeches/2015/october/documents/papa-francesco\\_20151017\\_50-anniversario-sinodo.html](https://w2.vatican.va/content/francesco/de/speeches/2015/october/documents/papa-francesco_20151017_50-anniversario-sinodo.html) [15.07.2016]. He quotes St John Chrysostom’s statement that “church and synod are synonymous” [exp. in Ps 149] and accordingly sees “synodality as a constitutive element of the church”. He distinguishes there three levels of the “exercise of synodality” that “inspires all ecclesial decisions”. Beside the local and universal levels he names expressly a “second level ... of Ecclesiastical Provinces and Ecclesiastical Regions ...” and points in this connection to “aspects of the ancient ecclesial organisation”, which with a view to “reinforcement of episcopal collegiality” and “decentralisation” could perhaps provide important impulses. Cf. also footnotes 32 and 52.

26. Cf. in LG the first two chapters “The Mystery of the Church” (with all the images mentioned in art. 6 including the “Jerusalem above” as a pre-existing entity; see also the Orthodox – Roman Catholic Dialogue text “The Mystery of the Church and the Eucharist in the Light of the Mystery of the Holy Trinity” [O-RC/Mystery]) and “The People of God” as well as the seventh chapter “The Eschatological Nature of the Pilgrim Church and her Union with the Heavenly Church”, also the eighth chapter “The Role of the Blessed Virgin Mary Mother of God in the Mystery of Christ and the Church” (with Mary as archetype of the church, art. 53 and 63).

27. Cf. LG, chapter 3, “The Hierarchical Structure of the Church with Special Reference to the Episcopate”, art. 18-29.

28. This as a continuation of the Constitution “Pastor aeternus” of the First Vatican Council of 1870, which in this regard absolutely required supplementary statements on the episcopal office.

29. See footnote 22 above.

30. LG 23: „Collegialis unio etiam in mutuis relationibus singulorum Episcoporum cum particularibus Ecclesiis Ecclesiaeque universali apparet. Romanus Pontifex, ut successor Petri, est unitatis, tum Episcoporum tum fidelium multitudinis, perpetuum ac visibile principium et fundamentum Episcopi autem singuli visibile principium et fundamentum sunt unitatis in suis Ecclesiis particularibus ad imaginem Ecclesiae universalis formatis in quibus et ex quibus una et unica Ecclesia catholica existit. Quae de causa singuli Episcopi suam Ecclesiam, omnes autem simul cum Papa totam Ecclesiam repraesentant in vinculo pacis, amoris et unitatis. / This collegial union is apparent also in the mutual relations of the individual bishops with particular churches and with the universal church. The Roman Pontiff, as the successor of Peter, is the perpetual and visible principle and foundation of unity of both the bishops and of the faithful. The individual bishops, however, are the visible principle and foundation of unity in their particular churches, fashioned after the model of the universal church, in and from which churches comes into being the one and only Catholic Church. For this reason the individual bishops represent each his own church, but all of them together and with the pope represent the entire church in the bond of peace, love and unity.” It must be acknowledged that in the context of an ecclesiology still conceived from the universal church perspective, the position of the bishops is after all defined more clearly in LG 23 than in 1870.

31. Cf. the „Nota praevia explicativa“ to LG; also the “Letter from the Congregation for the Doctrine of the Faith to the Bishops of the Catholic Church on some Aspects of the Church understood as Communion” (“Communio notio”) of 1992 (where in no. 9 the statement in LG 23 “the church in and formed out of the churches” was supplemented by the reversal “the churches in and formed out of the church”); the Apostolic Letter “Apostolos suos” by Pope John Paul II, proclaimed as *Motu Proprio* on the theological and canonical nature of the Bishops Conferences” of 1998 (which states in No.12: “... Likewise the College of Bishops is not to be understood as the aggregate of the Bishops who govern the particular Churches, nor as the result of their communion; rather, as an essential element of the universal Church,

it is a reality which precedes the office of being the head of a particular Church.”) and further texts of the *Congregatio de Fide*. Accordingly, in line with this ecclesiological perspective, the ontological priority of the universal church before the individual churches is spoken of, or the interiority of the universal church in each individual church. That gives the impression that the pope as the representation of the “universal church” is, as it were, an ontic entity constituting the church as a universal communion of local churches.

32. In his address mentioned in footnote 25 Pope Francis returns again to the “necessity and urgency” of a “reorientation of the papacy” and expresses his conviction “that in a synodical church even the exercise of the Petrine primacy can be better clarified” – even if a Synod of Bishops in universal dimension acts not only *cum Petro*, but at the same time *sub Petro*.

33. Cf. also “The Mystery of the Church and the Eucharist in the Light of the Mystery of the Holy Trinity” (O RC/Mystery, III 2).

34. Cf. LG 1; 4; 13.

35. LG 3; 7; cf. also LG 11; 26; and the Encyclical of John Paul II “*Ecclesia de eucharistia*”, 2003.

36. LG 14; 23; cf. also LG 8; 25; and LG 15 in case of missing communion with Rome.

37. Cf. also O-RC/Consequences, no. 16 and 33.

38. LG 22; 23; cf. also LG 26 [!]; 28.

39. Not discussed in LG.

40. LG 8; 14; 18; 22f.; cf. CaEC I, no. 38.

41. No. 36-39; likewise no. 1 above.

42. Linguistically the translation of *infallibilis* as “infallible” is misleading, “unerring” would be better, or “not leading astray, into error”. In “*Pastor aeternus*” of 1870 *definitiones irreformabiles* is also spoken of, which is something else again.

43. The Commission is however not presenting a re-reception of its own of “*Pastor aeternus*”, chapter 4; rather it refers to the process of re-reception which is in train on the Roman Catholic side – admittedly with no conclusive outcome. Cf. the relevant works by Hermann J. Pottmeyer, Peter Hünermann, Hervé Legrand OP, Joseph A. Komonchak and others.

44. Cf. for example Karl Vorgrimler, Art. ‘Offenbarung’, in: *Neues Theologisches Wörterbuch*, Freiburg i. Br. 42005 (cf. [http://theologie\\_de.deacademic.com/548/Offenbarung](http://theologie_de.deacademic.com/548/Offenbarung) [18.06.2015]). The broader context of this subject and its clarification includes also the definition of statements made by the “infallible magisterium” as „(definitiones) irreformabiles” (cf. DH 3074).

45. On this usage cf. ecclesiological and ecumenical texts such as LG 12; A-RC/Authority I, no. 18; A-RC/Authority II, no. 23; A-RC/Authority III, no. 41-44; cf. also *Teaching Authority and Infallibility in the Church* (Lutherans and Catholics in Dialogue [USA] 6), Minneapolis MN 1980, no. 28; 47-53; Groupe des Dombes, “*Un seul Maître*” (Mt 23,8). *L'autorité doctrinale dans l'Église*, Paris 2005, no. 471-478 – English as *One Teacher: Doctrinal Authority in the Church*, Grand Rapids MI 2010; Gruppe von Farfa Sabina, *Gemeinschaft der Kirchen und Petrusamt. Lutherisch-katholische Annäherungen*, Frankfurt 2010, no. 263 – English as *Communion of Churches and Petrine Ministry: Lutheran-Catholic Convergences*, Grand Rapids MI 2015.

Thus it is made clear that any authentic teaching of the church stands in the service of this gift, to which pertains the actual authority in the church as the sacramental mystery of God. Accordingly, in the light of Mt 16:18c and Jn 16:13 it is much more fitting to speak of the God-given *indefectibilitas* of the church instead of the *infallibilitas* of the church. See no. 36 below.

46. In the age of information and communications technology other forms of dialogic communication beside synodical assembly at one location are possible; what is important are transparency and possibilities of participation requisite for synodality.

47. See the exposition of differentiated consensus in CaEC I, no. 34.

48. In denominationally bilateral discussions it can happen that the normativity of Holy Scripture is applied in such a way that nothing which is not explicitly commanded by Christ or is otherwise to be understood as an unequivocal demand by God, can be binding for all churches and is consequently deemed to be *adiaphora*, in which freedom must prevail. This interpretation does not accord with the guiding understanding of the concept of normativity here. It is to some extent similar with the catchphrase-like demand made from time to time that the gospel must stand above the church and those who bear authority in it. That is as such not contested, but when it is controversial what "the gospel says" regarding open questions, the gospel does not speak itself – detached from human beings – but through the mouth of human interpreters (mostly with professorial status ...). There we are once more referred back to the sphere of the church, where the authority of revelation and the faith – as a gift of God – prevails in a structured process of exploration of the will of God.

49. CS, no. 46-50.

50. Cf. CS, no. 51-56.

51. Cf. The text from the Old Catholic - Orthodox Dialogue "Divine Revelation and its Transmission" (OC-O/Revelation, no. 5). In the Old Catholic definition of the interrelationship of Scripture and Tradition, the „exemplary and normative significance“ of the witness of the ancient church is particularly stressed; cf. Werner Küppers, "Altkatholisches Verständnis", in: *Verbindliches Lehren der Kirche heute*. Ed. by Deutscher ökumenischer Studienausschuss (*Ökumenische Rundschau*. Beiheft 33), Frankfurt 1978, pp. 15-17, here 16. Cf. also the unpublished document of the Old Catholic – Roman Catholic Dialogue Commission of Switzerland "Die Unfehlbarkeit der Kirche" [The infallibility of the church] of 1992.

52. LG 12, cf. also 37. See also the Post-Synodal Apostolic Exhortation of Pope Benedict XVI. "Verbum Domini" (2010", no. 9 : "The *laity* are called to exercise their own prophetic role, which derives directly from their Baptism, and to bear witness to the Gospel in daily life, wherever they find themselves". Pope Francis expresses this even more clearly on 17 October 2015 on the 50<sup>th</sup> anniversary of the establishment of the Bishops' Synod (cf. footnote 25): "The world in which we live ... demands that the Church strengthen cooperation in all areas of her mission. It is precisely this path of *synodality* which God expects of the Church of the third millennium." He refers to his Apostolic Letter "Evangelii gaudium", where he ascribes the "infallible in credendo" to the whole people of God and explains this in more detail: "The *sensus fidei* prevents a rigid separation between an *Ecclesia docens* and an *Ecclesia discens*, since the flock likewise has an instinctive ability to discern the new ways that the Lord is revealing to the Church. ... The Synod process begins by listening to the people of God, which 'shares also in Christ's prophetic office' [LG 12], according to a principle dear to the church of the first millennium: '*Quod omnes tangit ab omnibus tractari debet*' [What involves all must be discussed by all]."

53. Cf. CS no. 57-69.

54. Cf. CS no. 61-62.

55. At this point the Old Catholic side attaches importance to the assertion that in the case of factual non-reception a magisterial pronouncement, the process to be followed cannot be generally regulated; see on this point Küppers, "Altkatholisches Verständnis" (cf. footnote 51).

56. LG 12. Cf. also the "Catechism of the Catholic Church" [CCC], 2003, no. 888-892. Also in the Old Catholic - Orthodox Dialogue text "The infallibility (unerring) of the church" of 1981 (OC-O/Infallibility) the integration of the teaching office into the infallibility of the church is a fundamental factor. This is pointedly formulated thus: "The Church is only infallible as a whole but not her individual members themselves, be they bishops, patriarchs, or popes, or be they clergy, people, or individual local Churches themselves. Because the Church is the communion of believers who are all taught by God (cf. Jn 6:45), infallibility uniquely applies to the whole Church. Together ordained and lay persons form as members the Body of Christ and are 'the fullness of him who fills all in all' (Eph. 1:23). It is the believers as a whole who have the 'unction of him who is holy', who rightly know the truth (cf. 1 Jn 2:20, 27) and live by it. These believers as a whole, then, do not commit an error when they profess a common faith in one accord from the bishops to the last believer of the people." The continuation requires interpretation: "Therefore the highest organ of the Church in declaring belief infallibly is only the Ecumenical Council ...." (Koinonia, p. 197). Some of the formulations that are traditional are also found in LG 12.

57. CS, no. 69.



58. Cf. the Post-Synodal Apostolic Exhortation "Verbum Domini" of Pope Benedict XVI (as in footnote 52), no. 114.

59. CS, no. 70.

60. See, however, the *unus-* and *solus-* statements in the first chapter of „Pastor aeternus“ (ch. 1: the pledges in Mt 16:16- 19 and Jn 21:15-17 are valid for Peter alone; DH 3054: only Peter was – before the other Apostles – equipped with the jurisdictional primacy) as the interpretative horizon of *primatus-*, *principatus-*, *fundamentum-* and *caput-* statements in LG and elsewhere. Embedding them in den foundational and theologically in every regard pre-eminent essential character of the church as the body of Christ and as *communio communionum ecclesiarum* in the horizon of the triune reality of God demands meticulous linguistic and institutional implementation.

Cf. in most recent times the substantial formulations of Pope Francis at the beginning of the second phase of the Extraordinary Synod on the Dialogue on the Family on 5 October 2015 on the essence and function of a Synod and thus implicitly on the binding teaching today in the church: "As we know, the Synod is a journey undertaken together in the spirit of *collegiality* and *synodality*, on which participants bravely adopt *parrhesia*, pastoral zeal and doctrinal wisdom, frankness, always keeping before our eyes the good of the Church, of families and the *suprema lex*, the *Salus animarum* (cf. can. 1752). I should mention that the Synod is neither a convention, nor a "parlour", a parliament nor senate, where people make deals and reach a consensus. The Synod is rather an *ecclesial expression*, i.e., the Church that journeys together to understand reality with the eyes of faith and with the heart of God; it is the Church that questions herself with regard to her fidelity to the *deposit of faith*, which does not represent for the Church a museum to view, nor just something to safeguard, but is a living spring from which the Church drinks, to satisfy the thirst of, and illuminate the *deposit of life ...*" Cf. AAS 107 (11/2015) 1136-1138, here 136; retrievable at: [https://w2.vatican.va/content/francesco/de/speeches/2015/october/documents/papa-francesco\\_20151005\\_padri-sinodali.html](https://w2.vatican.va/content/francesco/de/speeches/2015/october/documents/papa-francesco_20151005_padri-sinodali.html). [29.11.2018].

61. It is derived from a work completed in 2015 by the Old Catholic – Roman Catholic Dialogue Commission of Switzerland (commenced in 1966 and still active – Co-Presidium: Prof. Urs von Arx and Dr. Urban Fink), kindly put at the disposal of the International Roman Catholic – Old Catholic Dialogue Commission.

62. Cf. "The Utrecht Declaration", in: IBC Statute, p. 40-42, here 26. There are two previous positions statements on the dogmatization of the Immaculate Conception of 1854 with which the "Utrecht Declaration" is linked in an unequivocal historical connection:

- In 1889 the bishops adopted as their own the rejection by the "Roomsche Katholieke Kerk van de Oud-Bisschoppelijke Clerezie" – as the Old Catholic Church of the Netherlands can still officially be called (the "Clerezie" stands since 1723/25 in involuntary schism with Rome). Their three bishops had in a letter to Pope Pius IX (Latin and French in: L'Observateur catholique [Paris] tome II, 1856, 281-289) and in a pastoral letter addressed to their own church (French in: Actes relatifs à la prétendue définition de l'Immaculée Conception, Paris [Huet] 1857, pp. 1-30; in pp. 31-35 the French translation of the protest letter to the pope is printed once more) explained the reasons for the condemnation of the dogma as an innovation (novitas): Before the 11th century the prerogative ascribed to Mary was unknown in the common tradition of the faith in the churches in East and West; the bishops of the Catholic Church were not consulted in accordance with church order i.e. in Council, as witnesses to the faith. For the three bishops that resulted in their obligation to keep their church free of the error. For the rest, they appealed to a general Council, as they regarded the establishment by Pius IX in 1853 of an episcopal hierarchy in the Netherlands as an illegitimate act.
- At the First Bonn Union Conference in 1874 the following (tenth) Thesis found the approval of the majority of the 34 Old Catholic, Anglican and Orthodox theologians: "We condemn the new doctrine of the Immaculate Conception of the Holy Virgin as in contradiction with the tradition of the first thirteen centuries according to which Christ alone was conceived without sin". Several Anglican participants advocated in vain for a milder version: The "dogma of the Immaculate Conception" (whereby the one of the two scholastic opinions previously argued over a lengthy period in the western church was dogmatized while the other – also clearly testified by eastern and western church fathers and later western teachers – was damned and its representatives anathematized), should indeed be condemned but on the other hand no judgement should be made on the "teaching of the Immaculate Conception". Cf. Fr. Heinrich Reusch, *Bericht über die am 14., 15. und 16. September zu Bonn gehaltenen Unions-Conferenzen*. Bonn 1874, pp. 39-41; *Report of the Proceedings at the Reunion Conference held at Bonn on September 14, 15, and 16, 1874*. Translated from the German of Professor Reusch by E.M. B[roade], with a preface by H P.

63. A reasoning is offered by Anastasios Kallis, «Die Gottesgebäuerin in der orthodoxen Theologie und Frömmigkeit», in: Wolfgang Beinert / Heinrich Petri (Hg.), *Handbuch der Marienkunde*. Zweite, völlig neu bearbeitete Auflage. Band 1, Regensburg 1996, pp. 364-381, here p. 374: "When Orthodox hymnography praises the Theotokos as immaculate Virgin, it gives expression to its awe in the face of the incarnation mystery that a sinless birth is possible through a woman who has been born into sin. Without excluding her from original sin, the Orthodox Church reveres the Mother of God as the All-Holy (Panagia), since in her through the power of the Holy Spirit the Logos has dwelt. As a daughter of Adam Mary inherits original sin together with all humanity and remains within the community of sinful nature, into which the Son of God is born in order to free it from sin, without himself becoming a sinner ...".

64. Note that the word "dormition" (koimesis, dormitio, Entschlafen/passing) implies a difference from the thesis of a rapture of Mary into heaven (without dying) as asserted for other biblical figures. That is in itself compatible with the Dogma of the Assumption BMV of 1950, and this is on occasion actually placed for discussion within the horizon of a conclusion theology that argues decidedly with Holy Scripture for the dogma of 1950, as for example in the Anglican – Roman Catholic Dialogue text „Mary: Grace and Hope in Christ” (A-RC/Mary, no. 56).

65. Of all the cited position statements, the rejected formulation at the First Bonn Union Conference 1874 of a rejection of the dogmatisation of 1854 still points to a possible way of dealing with the Old Catholic (and Orthodox) condemnation of the two dogmas and the Roman Catholic anathematisation of the refusal of unlimited acceptance of them (see below).

66. Cf. Manfred Weitlauff, «Die Dogmatisierung der Immaculata Conceptio (1854) und die Stellungnahme der Münchener Theologischen Fakultät», in: Georg Schwaiger (ed.), *Papst und Konzil. FS Hermann Tüchle*, Münster i. W., 1975, pp. 433- 450; Ulrich Horst, «Das Dogma von der Unbefleckten Empfängnis Marias (1854). Vorgeschichte und Folgen», in: Manfred Weitlauff (ed.), *Kirche im 19. Jahrhundert*, Regensburg 1998, pp. 95-114; the same, *Dogma und Theologie. Dominikanertheologen in den Kontroversen um die 'Immaculata Conceptio'*, Berlin 2009.

67. On the broader context of the two dogmatisations cf. Georg Söll, *Mariologie* (Handbuch der Dogmengeschichte III/4), Freiburg i.Br. 1978, pp. 146-233. granted by God, indeed of all creation in the light of an anticipated eschatology. In this sense several Church Fathers too testify Mary's elevation into heaven.

68. Cf. Hans Jörg Urban, Art. "Methodologie, ökumenische", in: *Lexikon der Ökumene und Konfessionskunde*, ed. by Wolfgang Thönissen, Freiburg i. Br., 2007, 871-873.

69. Cf. the publications from the US-American Lutheran – Catholic Dialogue "The One Mediator, the Saints, and Mary", Minneapolis MN 1992; from the International Anglican – Roman Catholic Dialogue (ARCIC II) "Mary: Grace and Hope in Christ", Harrisburg PA 2005, (cf. A-RC/Mary); from the German Roman Catholic Bishops' Conference – United Evangelical-Lutheran Church [VELKD] Dialogue "Communio Sanctorum. The Church as the Communion of Saints, Collegeville MN 2004. Also noteworthy is the unofficial Catholic-Protestant Dialogue of the francophone GROUPE DES DOMBES „Marie dans le dessein de Dieu et la communion des saints", Paris 1997/8. Because of the close connection between the material content of the two Marian dogmas and the formal aspect of their dogmatisation through the (infallible) teaching authority of the pope, the relevant publications from the cited dialogues are also listed: "Teaching Authority and Infallibility in the Church", Minneapolis MN 1980; "The Gift of Authority. Authority in the Church", London 1999 (cf. A-RC/ Authority III); "Un seul Maître' (Mt 23,8). L'autorité doctrinale dans l'Église", Paris 2005 (cf. footnote 45 above). On the whole issue see also Giancarlo Bruni, *Mariologia Ecumenica. Approcci, Documenti, Prospettive*, Bologna 2009.

70. Cf. Heribert Mühlen, "Die Bedeutung der Differenz zwischen Zentraldogmen und Randdogmen für den ökumenischen Dialog. Zur Lehre des Zweiten Vatikanischen Konzils von der 'hierarchy veritatum'", in: Jean-Louis Leuba / Heinrich Stirnimann (eds.), *Freiheit in der Begegnung. Zwischenbilanz des ökumenischen Dialogs*. Frankfurt 1969, pp. 191-227.

71. Urs von Arx, "Die Debatte über die Frauenordination in den Altkatholischen Kirchen der Utrechter Union», in: Wolfgang Bock / Wolfgang Lienemann (eds.), *Frauenordination*. Studien zu Kirchenrecht und Theologie III (Texte und Materialien der Forschungsstätte der Evangelischen Studiengemeinschaft e.V. Reihe A Nr. 47), Heidelberg 2000, pp. 157-200; previously published in: Denise Buser / Adrian Loretan

(eds.), *Gleichstellung der Geschlechter und die Kirchen. Ein Beitrag zur menschenrechtlichen und ökumenischen Diskussion* (FVRR 3), Freiburg Schweiz, 1999, pp. 165-211. The paper includes the relevant bibliographic references. Cf. also Angela Berlis, "Frauenordination – ökumenische Konflikte und ihre Bewältigung – am Beispiel der Alt-Katholischen Kirche, in: *Ökumenische Rundschau* 55 (2006), pp. 16-25.

72. Prof. Hans-Dieter Altendorf (Evangelical-Lutheran) could only present a written statement because of illness.

73. Cf. Urs von Arx / Anastasios Kallis(eds.), "Bild Christi und Geschlecht", in: IKZ 88 (1998), pp. 65-348, here p. 82. An English translation (by Duncan Reid) "Gender and the Image of Christ" was published in: *Anglican Theological Review* 84 (2002), pp. 489-755, cf. p. 505f. Cf. also CaEC I, no. 73.

74. Cf. footnote. 71 with its literature references. Noteworthy for the presented issues is also Sarah Hinlicky-Wilson, *Woman, Women, and the Priesthood in the Trinitarian Theology of Elisabeth Behr-Sigel*, London 2013, pp. 143-165.

75. On the ecclesiological "excellence" of the expression "Body of Christ", transcending all gender issues, see the Encyclical "Mystici corporis" of Pius XII in 1943 (no. 13).

76. Cf. CaEC I passim.

77. Cf. OC-O/Unity; OC-O/Eucharist; OC-O/Ecclesial Communion. The official Dialogue with its 26 consensus text occurred in the years 1975-1987.

78. "5.1.1 The *oneness* and *unity* become manifest in the eucharistic liturgy as celebrated in the parishes and other communities of the local church (on this term see below). Here the one Christ, made present by the power of the Holy Spirit, is proclaimed in the gospel and is given in the eucharistic gifts of bread and wine (to be received as his body and blood) to each of the communicants who thereby become what they already are: a social body called the Body of Christ. The church as Body of Christ is a community (*koinonia*) of people united by what they receive: Christ through the gospel and the sacraments. Since they participate in a God-given reality, they are also sanctified and renewed in their relationship with the holy God, and thus called and empowered to show love for and unity with one another." Cf. also 5.2.1 on the ministry of the Bishop and 6.2 on the position of the Church of Sweden over against non-episcopal churches. The entire (original English) text – with the ecclesiological especially relevant Chapter 5 – is retrievable at: <https://www.utrechter-union.org/fman/258.pdf> [06.12.2018 – see now also *Beiheft zu IKZ* 108 (2018), pp. 69-135, here pp. 115, 118f., 128-130.

79. Cf. *Report of the Meeting of the Commission of the Anglican Communion and the Old Catholic Churches Held at Bonn on Thursday, July 2, 1931*, London 1931 (reprinted in: Lambeth Occasional Reports 1931-8, London 1948, pp. 1-38; abbreviated in: Urs Küry, *Die Altkatholische Kirche. Ihre Geschichte, ihre Lehre, ihr Anliegen*, Stuttgart 31982, pp. 468-478).

80. Cf. Küry, *op.cit.*, p. 477. The fact that in the context of further dialogue no clarification has ensued of the notion "all the essentials of the Christian faith" in the *Bonn Agreement*, consisting of three sentences, is one of the weaknesses of the Agreement, regardless of the processes in progress since then at various levels (parishes, bishops' gatherings, theologians' conferences) with the aim of clarifying the consequences of ecclesial communion beyond the reciprocal admission of the faithful to the sacraments and the participation of bishops of the one church in the laying-on of hands at the consecration of bishops of the other church. Cf. the report published in 2012 by the *Anglican – Old Catholic International Co-ordinating Council* (AOCICC) established in 1998: "Belonging together in Europe. A Joint Statement on Aspects of Ecclesiology and Mission", in: IKZ 102 (2012), pp. 140-158.

81. Cf. Mattijs Ploeger, *Celebrating Church. Ecumenical Contributions to a Liturgical Ecclesiology*, Groningen 2008, esp. pp. 457- 541; Peter-Ben Smit, *Old Catholic and Philippine Independent Ecclesiologies in History. The Catholic Church in Every Place*, Leiden 2011, esp. pp. 287-293.

82. A set formula is found in the "Kerkboek" of the Old Catholic Church of the Netherlands of 1993 (p. 476): „Tot de heilige communie zijn allen genodigd die gedoopt zijn, in hun kerkgemeenschap deelnemen aan de tafel van de Heer en met ons zijn tegenwoordigheid willen vieren." [To holy communion are all invited who are baptised, participate at the Lord's table in their church and want to celebrate his presence with us.]

83. That is most clearly the case with confessionally mixed couples, to whom the term "eucharistic hospitality" as coined by the Roman Catholic Bishop of Strasburg, Léon Arthur Elchinger in 1972, initially referred.

84. Cf. the documentation of rationale and praxis of the preceding three decades in: Centre d'Études Œcuméniques (Strasbourg) / Institut für Ökumenische Forschung (Tübingen) / Konfessionskundliches Institut (Bensheim), *Abendmahlsgemeinschaft ist möglich. Thesen zur eucharistischen Gastfreundschaft*, Frankfurt, 2003.

85. Cf. *Altkatholische Kirchenzeitung. Bistumszeitschrift der Altkatholischen Kirche Österreichs*, NF 20 (1985) Nr. 4/April, p. 5. Regarding Austria it reports: "In Austria the Old Catholic/Evangelical Dialogue Commission met on 13 March [1985] in the headquarters of our church administration and agreed on the following statement: 'The Old Catholic/Evangelical Dialogue Commission has discussed the question of participation as guests at the Lord's Supper. It has determined that admission to the Lord's Table in both churches stands open to anyone who approaches in faith in Christ who invites us. Therefore we do not feel justified in excluding anyone from the Lord's Supper who, compelled by his conscience, would like to take part in the Lord's Supper as a guest in the other church. His membership of his own church is not affected by this.' The participants in the conversation were on the Evangelical side Bishop Mag. Dieter Knall and Superintendent Imre Gyenge, on the Old Catholic side Bishop Nikolaus Hummel and Pastor Dr. Günter Dolezal."

An authentic document of the Czech agreement, which was accepted by both church administrations in spring 1984, seems nowhere to be found. There exists a typescript copy (linguistically subsequently revised) of a German translation with the title "Gemeinsames Verständnis über den Dienst des Wortes und des Altars zwischen der Altkatholischen Kirche in der Tschechoslowakei und der Schlesischen-Evangelischen Kirche des Augsburgers Bekenntnisses in der Tschechoslowakei" ["Joint understanding on the ministry of word and altar between the Old Catholic Church in Czechoslovakia and the Silesian Evangelical Church of the Augsburg Confession in Czechoslovakia"]. The agreement, its reflections formulated with recourse to the Hussite "Four Articles of Prague" (1420) and the "Confessio Augustana" and the "Utrecht Declaration" of 1889 respectively, remained factually meaningless (Information from ThDr Jan Petr Vinš, Prague).

86. Cf. *Ökumenische Rundschau* 34 (1985), pp. 365-367; retrievable at: <https://www.alt-katholisch.de/oekumene/evangelische-kirche.html> [07.12.2018]. by the IBC".

87. "Utrecht Agreement", art. 10,1 (of 1889), see the linguistically revised version of 1974 (cf. *IKZ* 84, 1994,p. 55). This perspective finds its continuation in the new IBC Statute of 2000.

88. This rejection was also justified on the grounds that the convergences listed in the agreement of 1985 did not form a sufficient basis for the intended goal. As was to be expected, the German bishop (alone) voted against the resolution.

89. Cf: *Materialdienst des Konfessionskundlichen Instituts Bensheim* 46 (1995) 20f.

90. *IKZ* 84 (1994), p. 62f. See on this subject also the „Declarations“ of the International Old Catholic Theologians' Conferences of 1987 (*IKZ* 77, 1987, p. 207f.) and especially of 2003 (*IKZ* 93, 2003, pp. 205-207).

91. The first conversations that led to the EKD-AKD-Agreement took place in Bavaria 1982-1984 in a Commission comprising members of the Old Catholic Decanate of Bavaria and the Evangelical-Lutheran Church in Bavaria (ELKB); they discussed the possibility of reciprocal eucharistic hospitality in the sense of the "Lima Document" of 1982 (presumably BEMucharist, no. 33). Beside the Lima-Documents, the "Meissen Common Statement", calling for closer relationship between the Church of England and the EKD of 1988 (MCS, no. 45f.) later also played a supporting and stimulating role.

92. Retrievable at:

[https://www.alt-katholisch.de/fileadmin/red\\_ak/neuheiten/Pressemitteilungen/AKD\\_VELKD\\_Kommission\\_Abschlussdokument.pdf](https://www.alt-katholisch.de/fileadmin/red_ak/neuheiten/Pressemitteilungen/AKD_VELKD_Kommission_Abschlussdokument.pdf) [07.12.2018].

93. Retrievable at: [https://www.alt-katholisch.de/fileadmin/red\\_ak/oekumene/Haende-Reichung.pdf](https://www.alt-katholisch.de/fileadmin/red_ak/oekumene/Haende-Reichung.pdf) [07.12.2018].

94. Cf. "Considerations" (as footnote 92), no. 21-29, esp. 24f. and 26f. Cf. now the Old Catholic statement on the VELKD Paper of 2006 „Ordnungsgemäss berufen" in: *Amtliches Kirchenblatt des Katholischen Bistums der Alt-Katholiken in Deutschland*, 4. 12. 2014, p. 3f.
95. As has occurred at Protestant church congresses (Kirchentage) and the like.
96. Cf. the IBC-Statute (as in footnote 87), art. 3 lit. d.
97. Cf. the text mentioned in footnote 78 above "Utrecht and Uppsala" (2013), para. 6.: "The connection between eucharistic sharing and ecclesial communion" within Chapter 6 "Themes for ongoing consideration following from the common vision".
98. Cf. CaEC I, Preface.
99. CaEC I, no. 2; no. 87 speaks of a "famiiy feud".
100. Cf. CaEC I, no. 34-35.
101. Cf. CaEC I, no. 13-22.
102. Cf. esp. CaEC I, no. 23-25.
103. Cf. CaEC II, no. 1-40.
104. Cf. already CaEC I, Preface; in more detail no. 27-39.
105. Cf. CaEC II, no. 41-60, esp. no. 54, 59f. and 61f.
106. Cf. CaEC I, no. 56-73.
107. Cf. CaEC II, no. 65-80.
108. That includes not least forms of human partnership and related issues of sacramental-theological. Cf. on this the address by Pope Francis before the International Old Catholic Bishops Conference (IBC) on their visit to Rome on 30 October 2014 (cf. Pontifical Council for Promoting Christian Unity - *Information Service* 144, 2014/II, p 15).