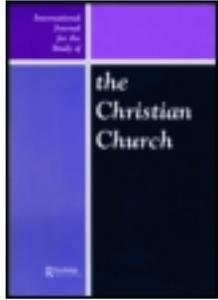


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### The Old Catholic churches of the Union of Utrecht

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# The Old Catholic Churches of the Union of Utrecht

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JAN VISSER

*Abstract*

The Old Catholic Churches of the Union of Utrecht have different historical backgrounds. The Dutch Church has her roots in the Catholic Counter-Reformation, the German-speaking Churches in the protest-movements against Vatican I, and the Polish Churches in the problems of emigrants to USA. However, they adhere in common to the conciliar and synodical tradition of the Catholic Church. They lay stress on the relative autonomy of the local church, the episcopal apostolic succession, and the Eucharist as the manifestation of the Church. The autonomy of the local church is not seen as detached from the universal Church or the responsibility to stay in or to restore Church unity. This leads to an ecumenical engagement which has resulted in full communion with the Anglican Churches and a doctrinal consensus with the Orthodox Churches. Reference back to the undivided Church is a key feature of Old Catholic ecclesiology, though this does not lead to uncomplicated ecumenical solutions.

SOME years before the Old Catholic Churches came into being, the designation 'Old Catholic' was used by August Beck, a judge of the district court of Baden-Württemberg. He protested against *Syllabus Errorum*, the list of errors attached to the encyclical *Quanta Cura*, issued by Pope Pius IX in December 1864, and in which the Pope condemned the modern movements of rationalism, liberalism and socialism, in short the movements which determined the cultural and political climate of the nineteenth century. As an educated Roman Catholic intellectual, Beck could not accept the papal pronouncement. He belonged to that group of Roman Catholics who maintained that the Catholic faith was ripe for modern development, and he saw the increasing ultramontaniam of the time, with its emphasis on absolute authority, as a novelty. His use of the term 'Old Catholic' was in the sense of 'original and traditional

Catholic'. This use of words was in accord with a tendency within Roman Catholicism at the time, on the one hand indicating a wish to be open to modern thinking, on the other referring back to the 'old' or original Church, and fostering as an ideal the notion of the '*ecclesia primitiva*', by which was meant the undivided Church, not the Church fragmented into different confessions.

In the eyes of Beck and others like him, the undivided Church was the right model for the necessary restoration and reformation of contemporary Church structure and liturgy. It is not surprising that, inspired by this ideal, they also hoped for a reunion of all Christians. As educated people they were open to the new social and political liberal movements to which they tried to find a positive response from within their Roman Catholic tradition. This approach was well received, especially in the German areas, in the circles of educated lay people who held prominent positions in society. Many of them supported the Old Catholic movement after 1870, the date of origin of the Old Catholic Churches. Thus it could be argued that the Old Catholic Churches have their roots in Roman Catholic renewal movements, which through political development within the Roman Catholic Church moved the Church into new forms of ecclesial life.<sup>1</sup>

Having taken the designation 'Old Catholic' from the nineteenth century, the new communions after 1870 took their episcopal structure from a Dutch 'Mother Church', the so-called Church of Utrecht, which since 1723 had been an autonomous communion not subject to papal authority. Despite the difference of historical context between the Dutch and German Churches, they both shared the ideal of reformation and confirmation of the Church according to the model of the '*ecclesia primitiva*'. The relationship between the Churches in Holland, Germany, Switzerland and Austria was confirmed in 1889 by the first convention of bishops in Utrecht, in the *Declaration of Utrecht*. The 1889 Declaration is the foundational document of the Union of Utrecht, the *Magna Carta* of all the Old Catholic Churches.

### The Church of Utrecht

The Church of Utrecht is accepted as the Mother Church of the Old Catholic ecclesial communion. Her history is connected with the introduction of the Protestant Reformation into the Dutch Republic of the

<sup>1</sup> Angela Berlis convincingly describes this development in her dissertation, *Frauen im Prozess der Kirchwerden: eine historische-theologische Studie zur Anfangsphase des deutschen Altkatholizismus, 1850–1890* (Frankfurt am Main: Peter Lang, 1998).

United Provinces of the Netherlands. Unlike the surrounding countries, the Republic had a comparatively tolerant ecclesiastical climate. In that climate, although the Roman Catholic Church had been deprived of her properties at the beginning of the Reformation period, in the absence of a clear episcopal administration, Catholics could continue their existence by accommodating to the new political situation. This was how most of the secular clergy saw it. However, the regular clergy, especially the Jesuits, who had been brought in to give pastoral assistance, held another view. They considered that the Roman Catholic Church in the Netherlands had been destroyed and that the territory of the Republic was equivalent to a mission area from which the normal episcopal structure had disappeared. Behind this difference of opinion lies a deeper divergence, in particular a fundamentally different view of ecclesiastical authority. Where the one party stressed the maintenance of the old ecclesiastical structures in which authority was more or less shared, the other fostered a more modern view of authority strongly centralised in Rome. Furthermore there were differences of opinion in morality and spirituality. The secular party preferred a sober and a strict lifestyle, whereas adherents of the other party were inclined to popular devotions and moral rules adapted to circumstances. There were also differences in theological views: the secular clergy were inclined to stick to the views and methods of the Jansenists; the regulars were not so inclined.

Moreover the position of the bishops who were appointed after the Reformation was controversial. Should the bishop be seen as an apostolic vicar entirely dependent on the Pope or could he be seen as perpetuating the former ecclesiastical structures within the new situation? In the long term, under the influence of Jansenist theologians who had taken refuge in the Netherlands, these differences led to an unbridgeable gap between the two parties. This became clear when in 1702 the Pope dismissed Petrus Codde, the apostolic vicar of the time, because of his Jansenist sympathies. In the following years there was no agreement about episcopal candidates. Candidates recommended by the Chapter found no favour in the eyes of Rome: the Chapter succeeded in keeping Roman candidates out with the support of the States. This stalemate lasted for twenty years. Then, with the support of van Espen, canonist of Louvain, the Chapter decided to elect a new bishop without the consent of Rome. A French missionary bishop who, on his way to the missions, sympathised with the rebellious Dutch clergy in Amsterdam, ordained him. He was suspended by Rome and returned to Holland. The schism between Rome and Utrecht was a fact. For more than a century attempts were made to overcome the schism, but without result: Rome required total subjection.

## The Nineteenth Century

In the nineteenth century, changing political relations in Europe caused a revival of ultramontanist. Rome lost any interest in reconciliation with the small Church of Utrecht. Most of the Dutch Catholics had chosen the Roman side. Moreover the Utrecht clergy fostered ideas which were regarded as contrary to what was necessary for the Church at that time.<sup>2</sup>

The weakening Church of Utrecht came to play a historical part, when German Catholics who disagreed with the decisions of Vatican I asked the Archbishop of Utrecht of the time to help them with sacramental administration. This made it necessary to ordain the first bishop for the German Old Catholics, who had regarded their decision to continue the Catholic tradition in an ecclesiastical association of their own, as a kind of emergency bishopric. Their first bishop was ordained in 1875 in Rotterdam. However, there soon arose a difference of opinion which threatened to undermine their unity.

## The Old Catholic Churches in Germany, Switzerland and Austria

In Germany the protest against the Dogmas of 1870 resulted in an extensive movement. Several university professors, among whom the church historian Ignaz von Döllinger was the most famous, supported it. From the beginning well-educated lay people played an important role. At first, as noted above, they hoped to stay within the Roman Catholic Church as a protest group, according to the very popular nineteenth century model of an association. This was manifest in congresses held at national level, at which people not only protested against the new dogmas, but also argued for renewal according to the undivided Church of the first centuries. Ex-communication and other countermeasures taken by the bishops, made it clear that the movement was not to be tolerated in the Roman Catholic Church. It was therefore decided at the third Congress, in Cologne in 1873, to found an 'Old Catholic' national (emergency) diocese for those Roman Catholics who in conscience could not accept the Vatican decisions. Wishing to stay within the Catholic tradition, the participants preferred an episcopal structure for their community, and, as the first bishop of the German Old Catholics, they chose Professor J. H. Reinkens, who was consecrated in 1875 in Rotterdam by the Dutch Bishop Heykamp of Deventer.

The reforms that the 'Old Catholics' desired within the Roman Catholic Church were implemented: a synodical type of administration in which

<sup>2</sup> For example, Gallicanism, a movement with which the Utrecht clergy sympathised, and which Rome wished to eliminate by the final definition of papal infallibility in 1870.

lay people had the right to vote, the introduction of the vernacular in the liturgy, both desires which had their roots in Enlightenment Catholicism, and the abolition of (at least) compulsory celibacy.

At the same time an analogous movement arose in Switzerland, mainly supported by lay people and with a strong political character. Liberal Catholics thought that the new papal prerogatives could harm the Swiss constitutional state with her character of a people's democracy. The protest ended in a conflict between several cantonal administrations and the Church on juridical powers. Thanks to Walter Munzinger, Professor of Law in Berne, and Edward Herzog, Professor of New Testament in Lucerne and the first Swiss Old Catholic bishop, this movement of liberal Catholics did not get caught up in juridical quarrels. Both argued for ecclesiastical structures and a church-community. In renewal and ecclesiastical reform the Swiss were more decisive and even more radical than the Germans. In particular, the influence acquired by lay people in church administration was considerable. The traditional functions of the bishop were restricted.

Unlike Germany and Switzerland, where the States were inclined to support the Old Catholics, in Austria the government prevented the establishment of an Old Catholic diocese. Nevertheless Old Catholic parishes grew up in Vienna and around Warnsdorf. It was only after the fall of the Habsburg Empire that regular Church foundations became possible and Old Catholic dioceses came into existence in Austria, the Czech Republic, Slovakia and, later, after the Second World War, even in Croatia.

### The Union of Utrecht

Although the 'old' Church of Utrecht and the 'young' Old Catholic Churches were in agreement with one another on the question of papal authority, their different historical contexts led to differences of opinion. The Dutch bishops maintained the tradition of keeping differences with Rome to the minimum. Hence they stood aloof from the renewals and changes in the German and Swiss Churches. Not all the clergy held the same opinion: some parish priests recognised that in the Netherlands also new ways would have to be adopted. The threat of a separation between Utrecht and the new dioceses was averted in 1889, when the bishops assembled for the first time in Utrecht and founded the Utrecht Convention, publishing the agreement, thereafter known as the Bishops' Declaration of 1889, which laid down what they held in common and formulated criteria on how they should conduct their relations with one another. They also drew up a constitution for the Union of Utrecht, making it in principle an assembly of bishops who would inform one another about

the different developments in their dioceses and, according to the constitutional guidelines, discuss contacts with other ecclesiastical communities. If a bishop of a regular Church wished to be admitted to the Union, he had to accept the Bishops' Declaration. The foundation of the Old Catholic Churches is the undivided Church of the first ten centuries. On this basis the dogma of papal infallibility and the Pope's universal jurisdiction were rejected. The Pope was however recognised as '*primus inter pares*'. The importance of the Holy Eucharist for the church was stressed. Contact with dissidents and theologians of other confessions was to begin from what was held in common and not from differences, which were nevertheless to be carefully and truthfully dealt with. The Declaration ended with a paragraph strongly Christological in tone, on the increasing contemporary indifference to the faith.

The Declaration became the foundation for the growing together that increasingly took place on the basis of shared principles, whilst each Church retained her relative autonomy. The decision that none of the bishops should contact other churches without the consultation and agreement of all the members of the conference was very important. The Union not only promoted reciprocal integration and the formation of a shared identity among the Old Catholic Churches, but also proved to be of importance for Old Catholic participation in the later ecumenical movement. Furthermore it became clear that only those bishops – and the churches they represented – who were admitted to the Union could rightly call themselves 'Old Catholic'.<sup>3</sup>

### A Third 'Blood Line'

Since 1889 only two Churches, both of Polish origin, have joined and remained in the Union of Utrecht.<sup>4</sup> The first is located in the USA and has expanded into Canada, the second is in Poland. Polish immigrants to

<sup>3</sup> In the USA there are small communities directed by *episcopi vagantes*, self-styled with or without the addition of the title 'Old Catholic'. They do not belong to the Union of Utrecht and in using the title 'Old Catholic' they cause confusion, as was recently the case when one of them, described as 'Old Catholic', ordained several Roman Catholic women as priests on a ship on the Danube.

<sup>4</sup> The Polish Church of the Mariavites, with her strong spiritual and social character, is not mentioned here. It was the offspring of a reform movement in the Polish Roman Catholic Church, which joined the Union of Utrecht in 1912. Later abuses in her communion in the beginning of the 1920s led to the rupture of communion with the Mariavites. In 1985 the Bishops' Conference decided that every diocese in the Union was free to decide on intercommunion with a reformed part of the Mariavite Church. Currently the Union knows nine national, local Churches respectively in the Netherlands, Germany, Switzerland, Austria, the Czech Republic, Slovakia, the USA and Canada, Poland and Croatia.

North America, who founded their own parishes and built churches, came into conflict with their non-Polish bishops. They wanted to have their own priests and bishops and to have control of the church properties which they had built. Their demands were refused by Rome. Subsequently a group of Polish parishes joined together around Chicago and Scranton; they declared themselves independent from Rome. Both groups united in 1907 in the Polish National Catholic Church (PNCC) led by their priest, Hodur, who was in the same year ordained as their bishop in Utrecht. When after 1918 Poland became a newly independent state, emigrants returned to their homeland and some of them formed a new diocese. At the beginning this diocese was dependent on the mother church in the USA but after the Second World War the political changes and the wishes of the communist government led it to declare itself independent from the USA. The Polish churches distinguish themselves from the other Old Catholic churches by their involvement in characteristically Polish Catholic spirituality expressed in Marian and sacramental devotions. This did not hinder Bishop Hodur from fostering theological ideas that were in some ways rather enlightened, such as the ordination of women, but which are nowadays rejected by the PNCC.

It may be concluded that the geographical spread<sup>5</sup> of the Old Catholics is due to accidental factors. It can also be stated that the Churches in Western Europe, in view of their common historical background, have more affinities with one another than with the churches of Polish origin. There is however a common ground, based on ecclesiological views which belong to the Western Catholic tradition. It is also clear that the Old Catholic Churches are strongly involved in ecumenical development. Finally, the Old Catholic Churches represent genuine aspects of the Western Catholic tradition, though on a small scale.

### **Ecclesiological Principles**

The remarkable geographical spread of the Old Catholic Churches raises the question of what these Churches have in common. Historical differences are obvious: Jansenist views from the eighteenth century, Enlight-

<sup>5</sup> At the beginning of the protest the number of Old Catholics was quite high. In Germany, for example, it was about 70,000. Through the years the numbers have stabilised. The Polish Churches have the highest numbers; in the USA and Canada about 100,000 believers spread over five dioceses and in Poland 23,000 believers in three dioceses. The Church in the Netherlands counts 80,00 believers in two dioceses. The other churches only have one diocese with the following numbers of believers: in Germany and Slovakia about 4,500. In Bosnia and Croatia there are several small parishes or groups just as in France (Paris) and Italy (Bozen).

enment Catholicism from the nineteenth century and the national interests of emigrants from Europe in the twentieth century. Despite these differences, they all have in common that they met and resisted centralised Roman authority in their maintenance of local church and communities, as the Bishops' declaration of 1889 demonstrates. Not only the Dogmas of 1870, but earlier condemnations such as those of Quesnel in 1713, the decisions of the Synod of Pistoia in 1786, and the *Syllabus Errorum* of 1864 are rejected. Every bishop who signs the Declaration also subscribes to the historical protest of the Church of Utrecht. This is not unimportant. The protest did not involve dogmatic matters: it concerned the interventions of Rome in a local church, underestimating the rights of that community (or church). However, as recent research reveals, this protest was well founded in mediaeval canonical traditions. It was based on the views of canonists and theologians such as Marsilius of Padua, Jean Gerson, Nicholas of Cusa, Juan de Segovia and Alonso 'El Tostado'.<sup>6</sup> They all saw the ecclesiastical community as the holder of authority, the exercise of which was committed to chosen office-holders. The church community is thereby not totally dependent on the authority from above represented by the clergy, but bears this authority in itself. Such a community cannot therefore be lost however deficient the office-holders are. In such a situation the rights of higher authority, such as that of a bishop, return automatically to the lower authorities, such as chapters and so on. They preferred an ascending authority to a descending authority.<sup>7</sup>

Consequently the Church seen as a whole is more important than one of her parts, even though that part be the Pope. Essentially the Church is not dependent on his authority. The Churches and their bishops do not owe their existence to the Patriarch or Pope, but are autonomous parts united with one another in a whole. Their views are important and their voices should be heard in synods and councils, on questions which affect the whole community. Thus the Church as a whole gets a voice in the ecumenical council. Thus is it stressed that the Church is primarily a communion. The ordained ministry is subservient to the communion, not vice versa. These views, which were popular in the Middle Ages and even widespread in the Catholic Church after the Reformation, form the basic constitutional elements of Old Catholic ecclesiological understanding. Old

<sup>6</sup> See J. J. Hallebeek, *The Origin of the Jurisdiction* (Amersfoort, 1992) and Alonso El Tostado, *His Doctrine on Jurisdiction and his Influence on the Church of Utrecht* (Amersfoort, 1997).

<sup>7</sup> See also the important studies of Brian Tierney, *Foundations of Conciliar Theory* (Cambridge: Cambridge University Press, 1955/1968); *Religion, Law and the Growth of Constitutional Thought, 1150–1650* (Cambridge: Cambridge University Press, 1982), and Anthony Black, *Council and Commune* (London: Burns & Oates, 1979).

Catholic communities share this tradition within their different historical contexts. Their context influences the way in which the tradition is implemented in new ecclesiastical constitutions. In Germany the protest against Vatican I was rooted in the conviction that, by the new dogmas, the authority of a bishop and his co-responsibility in church government and doctrinal authority was diminished. Influenced, however, by the rising new democratic institutions of the nineteenth century, lay people are given a special vote in the new church government in another way than was possible in the Middle Ages or the Early Church. However, essentially they shared the same tradition and its basic assumptions.

### **Ecclesiology: A More Theological View**

In 1889 the bishops formulated an agreement with rules and regulations for practical co-operation based on their Declaration. Over time, this agreement has been adjusted to meet new ecclesiastical and ecumenical developments. The most recent revision was in 2000. The result was a new statute with a preamble describing the ecclesiological foundation of the Old Catholic Churches. It reflects the evolution of Old Catholic ecclesiology during the last century.

Two main themes are obvious: the Church is seen as a catholic communion, and this catholic character involves an ecumenical commission. Primarily the Church is seen as the communion of people who are saved by Jesus Christ and reconciled with God and one another. The Holy Eucharist presided over by a bishop is central to their life. Such a communion, in which clergy and lay people co-operate in synodical structures to spread and maintain the unity of faith, is identical with the Church as confessed in the Creeds as one, holy, catholic and apostolic. This local community, however important for the building up of communion on an observable scale, cannot of itself, in isolation, be called 'catholic'. Participating in the salvation by Christ represented in sacramental life, every 'church' is catholic in the full sense, but this salvation is not limited to her geographical territory. The community of faith is wider than her borders and it belongs to her catholic essence to be connected with the other local churches in which she recognises identical catholic character. Even though it can be said of the communion of local churches that she is one, holy, catholic and apostolic, this does not mean that this communion manifests itself in an institution that transcends all local churches. In the Church there cannot be a supra-regional or universal institution to which the several local churches and her bishops submit absolutely. Every church is responsible for her own spiritual life, but this does not necessarily lead to self-centredness. It belongs to the catholic character of the church

to be in communion with other local churches. Where this communion is disrupted, it is the task of every church to work for the restoration of communion. In this way, the catholicity of the Church manifests itself in a network of local communities or churches spread over the whole globe.

Catholicity also involves a covenant in space as well as in essence. That means that every local church contains in herself the fullness of God's salvation, in which she is not dependent on a transcending institution. Particularity of the presence of salvation on a local scale and an all-embracing universality go in this sense side by side. The institutions which express the reciprocal relationship are regional, national or international synods, culminating in the General Council, in which the bishops assemble as representatives of their churches.

### Apostolic Succession

Besides being catholic, in terms of communion in space, one of the marks of the Church is its apostolicity, in terms of connectedness in time. In Old Catholic belief this mark is guaranteed by the apostolic succession. Old Catholics understand by this not only the uninterrupted laying-on of hands by bishops – as if the succession were merely dependent on consecration – but they also see the apostolic succession as involving the continuation of the whole life of the church community by word and sacrament through the years and ages. Thus the apostolic succession is seen as the process of transmission of belief, in which the whole Church is involved. In this process the ordained ministry has a special responsibility and task, caring for the continuation in time of the mission of Jesus Christ and his Apostles.

What really matters is seen in the election and consecration of a new bishop for a widowed Church. In her own autonomy the communion elects a new candidate without interference from a so-called higher authority. However, it is impossible to consecrate the candidate without the assistance of the sister churches. They are asked to consecrate the elected candidate as bishop, and the consecration takes place after the elected candidate has accepted the obligation, in connection with all the other bishops, to maintain the catholic faith and the responsibility for the progress of the Gospel. In this sense episcopal ministry is an eminently ecumenical charge. It supports the unity of the local community and also represents on a local level the worldwide communion of the Church. This aspect of apostolicity manifests itself within the Old Catholic Communion in the Bishops' Conferences. By this convention, the Old Catholic bishops commit themselves to maintain catholicity and apostolicity, and in pursuance of that, they have to inform one another about the spiritual, liturgical and sacramental life of their dioceses, take a stand on how to deal with questions

which arise in the progression of the tradition of faith, and decide how to relate to other Churches and denominations. Here emerges the ecumenical task to which Old Catholics see themselves committed.

### Church as Eucharistic Communion

With its particular understanding of the Church, Old Catholic theology joins those theologians who see the Eucharist as the core of being Church. From that point the church communion is seen as the reciprocal connectedness of local churches. It implies that in the question of unity and plurality, unity comes first as a top-down criterion for defining the separate parts, but in plurality, unity arises from the bottom-up.<sup>8</sup> As the heart of the apostolic succession manifests itself in the election and consecration of a bishop, so the nature of the Church is reflected in the celebration of the Eucharist. In this celebration the surrender of life by Jesus Christ, through which he defeated the source and consequences of sin, is presented. Sin may be seen as the power which divides life in all its dimensions: the defeat of sin consists in bringing together what was divided. Discrepancies between people are reconciled, what was dispersed brought together. As communion belongs to the core of human life, so we can see in the relation of Jesus with all men and women the restoration of human community. Thus the Eucharist as a manifestation of the Church can be seen as an eschatological symbol which prefigures the total restoration of all humankind and creation in a new covenant with God.

The essence of the Church is reconciliation as the restoration of broken relations between God and humankind, and human beings with one another. It leads to a new communion in which the old differences and discriminations between people are removed. Distinction in position and place is there to manifest unity in the midst of difference and to reflect in that way the being of the triune God. Communion is not uniformity, but unity in diversity. Communion aims at personal human being, so that, reciprocally, individual persons enrich the community. All are in essence equal, so that fundamental subordination or its opposite is out of the question. Opposition in relations achieves its aim when each of the partners becomes a real Self, and when justice is done to each individual. Unity does not precede plurality; unity is not based on a ministry which everybody has to obey. It is rather the opposite: the highest ministry in the Church

<sup>8</sup> A concise summary of this ecclesiological view is given by John Zizioulas in 'Diversity and Unity in the Church', *IKZ* 91 (2001), pp. 44–59. See also his *Being as Communion* (London: Darton, Longman & Todd, 1985). Aldenhoven deals with the same issue in 'Trinitarische Analogien und Ortskirchenekklesiologie', *IKZ* 92 (2002), pp. 65–75.

should be the expression of the plurality. The One reflects the Many as can be said of the episcopal office. The *episkopos* should be in the Church the man with whom everybody feels at ease, and who is at ease with everybody.

Such ecclesiological views, which can be referred back to Orthodox theologians and to the Church fathers have recently featured more and more in the work of Old Catholic theologians as the special mark of Old Catholic ecclesiology.<sup>9</sup>

### The Pursuit of Church Union

Immediately after the schism with Rome in 1870, Old Catholic theologians dedicated themselves to a reunion of the Christian Churches. The Conferences of Reunion in Bonn in 1874 and 1875 are well known. They were called by von Döllinger, who was the source of inspiration and the guide of the Old Catholic Movement. Representatives of the Orthodox, Anglican and Lutheran Churches were invited. The aim was to discuss denominational differences and to seek a theological consensus as the ground for restoring ecclesial communion. The participants chose another way than that chosen by Rome to restore the communion of the Catholic Church, and this influenced the general climate. The Conferences did not have an immediate effect, but nevertheless they set the course for later Old Catholic involvement in ecumenical affairs.

The following principles were the basic assumptions for participation: the acceptance of the Christological dogma of Nicaea and Chalcedon; Christ's foundation of the Church; the Holy Bible; the doctrine of the undivided Church and the Church fathers of the first ten centuries as the genuine sources of belief, and, as criterion, the famous canon of Vincent of Lérins: '*id teneamus, quod ubique, semper et ab omnibus creditum est*'. Historical research was the preferred method. Reunion of the Churches had to be based on a re-actualisation of the decisions of faith made by the undivided Church. It may be concluded that this option implies a hermeneutical theological approach by which the fundamental decisions of the Ecumenical Councils and the structure of the Early Church are accepted as determinative for the contemporary situation. In that way the original unity of the Church could be made visible again. According to these principles the later bishops and theologians of the Old Catholic Churches stayed in contact with (Russian) Orthodox and Anglican representatives in order to restore Church union. These contacts ended in 1931 in the Bonn

<sup>9</sup> E.g. Kurt Stalder (1912–1998), Herwig Aldenhoven (1933–2002), and Urs von Arx (1943–present).

Agreement between Old Catholics and Anglicans by which both Church communities came to full communion. The Bonn Agreement does not include an extensive description of theological issues on which both Churches agree. It describes a concise consensus by which each Church accepts the catholicity and autonomy of the other and will maintain both. It is the foundation for full communion which will not imply that each has to share all the other's doctrines, spiritual and sacramental practices, but rests on the assumption that each Church maintains the essentials of the faith. This full communion with the Anglican Communion has held until now. The Bonn Agreement also formed the basis for the restoration in 1965 of equal relations with the Independent Philippine Church and two small Churches on the Iberian Peninsula, both of which originated in protest against the Dogmas of 1870. The Anglican Communion has supported these small groups in Spain and Portugal.<sup>10</sup>

Connections with the Orthodox Churches proceeded in a different way. Until 1914 dialogue continued mainly with Russian Orthodox theologians, but after 1918 conversations were resumed with theologians in the Russian diaspora and Greeks who joined the emergent ecumenical movement. They lasted until 1975 when an official dialogue began, with the consent of the Patriarch of Constantinople and the Archbishop of Utrecht, resulting in 1987 in a theological consensus.<sup>11</sup> The differences between the Bonn Agreement and the *Koinonia*-document are striking; even their implementation differs. In the first case, the signatories restricted themselves to an unspecified agreement about the catholic character of both Churches and advanced to a full Church communion. In the second case, there is a very detailed theological consensus in which the confessed catholicity is thoroughly described, but this does not lead to the restoration of Church communion. This raises the question whether the Old Catholics should follow a decisive course in their ecumenical relations or whether they should change their policy, accommodating themselves to their different dialogue partners.<sup>12</sup> However, another more fundamental problem arises, 'What does it methodologically mean to overcome historical schisms in the Church, using the Early Church as a basis?' A historically based consensus, if it is possible

<sup>10</sup> The Spanish Reformed Episcopal Church and the Lusitanian Church (Portuguese Episcopal Church), which since 1980 have been extra-provincial dioceses under the metropolitan authority of the Archbishop of Canterbury.

<sup>11</sup> *Koinonia auf altkirchlicher Basis. Deutsche Gesamtausgabe der gemeinsamen Texte des orthodox-alkatholischen Dialogs (1975–1987) mit französischen und englischer Übersetzung*, edited by Urs von Arn (Bern: Stämpfli & Cie, 1989).

<sup>12</sup> See Harald Rein, *Kirchengemeinschaft: Die anglikanisch-alkatholisch-orthodoxen Beziehungen von 1870 bis 1990 und ihre ökumenische Relevanz* (Bern: Peter Lang, 1994).

to reach one, seems not to be sufficient: a hermeneutical approach is required, in which the contemporary situation is addressed and tradition is not only seen as a means of looking back, but also as a progression into the future.

Yet another problem rises: it is possible to conclude that the ecclesiological principle of the local Church leads to a restoration of the ecclesial community on a locally observable level. This is however thwarted by confessional divisions and differences. This situation in turn demands the restoration of communion in the sense of reconciliation of differences rather than in the sense of reciprocal recognition of catholicity as in the Orthodox–Old Catholic Dialogue. These questions impel Old Catholic theologians to evaluate the ecumenical course they are following and to review the principles formulated by von Döllinger in the light of the actual situation.

### Dialogue with Rome

Following the rejection of the dogmas of papal infallibility and universal jurisdiction a *rapprochement* with the Roman Catholic Church seemed impossible for Old Catholics. Hence, the Anglo-Catholic scholar E. B. Pusey criticised the Bonn Conferences of 1874/75, because they were motivated by protest against the Roman Catholic Church. The controversy escalated in the practical problems caused for Old Catholics by Roman Catholic counteractions to their foundation of parishes and acquisition of church buildings. As the ecumenical movement developed, Old Catholics concentrated more on contacts with Anglicans, Orthodox and Protestants, who were all ecumenically involved, rather than with Roman Catholics, who stood aloof. This situation changed radically with the announcement of Vatican II by Pope John XXIII, who wished to give the new council an ecumenical stance. The Dutch theologian, later Cardinal Willebrands played an important role in preparations for the Council, and it was he who visited the Old Catholic Archbishop of Utrecht to invite Old Catholic observers to attend. As a result of this *rapprochement*, on the national local level, both Churches entered into new relations. In the Netherlands, Germany and Switzerland dialogues were started not only aiming at theological consensus but also at practical co-operation on parochial level in a restricted kind of communion. Soon a consensus on several theological issues came to light; the only great point of difference was the position of the Pope and the exercise of authority in the Church. The participants in dialogue wished to legitimise the growing practical pastoral co-operation by an ecumenical agreement and pastoral rules. For the implementation of this in the local churches, the Roman Catholic

partners needed the consent of Rome. Unfortunately this consent, when requested, was not given.<sup>13</sup>

During the Pontificate of Pope John Paul II the dialogues in Western Europe have made no progress, in contrast to the overture from the USA. In 1994 the PNCC and Rome declared that in special situations and under strict conditions a *communio in sacris* between the two churches was possible according to the new Codex of Canon Law.<sup>14</sup> On the international level the contact between the Old Catholic Bishops' Conference and the Vatican remains. As a result of this contact it was decided this year to resume and to continue theological dialogue on an international level. A preparatory committee has been appointed. In formal and informal contacts it has become clear that there are fewer differences in theological and pastoral issues between recent Roman Catholic and Old Catholic theologians. The question of authority in the Church is still the main point at issue, culminating in the position of the Pope.

### A Way to Church Unity

For Old Catholics, the fundamental point of departure for Church unity and the restoration of communion is that of the Church not fragmented into confessional denominations, namely the Church of the first ten centuries, with her structures for maintaining unity and communion. As noted above, the canon of Vincent of Lérins remains a guiding principle, a principle that does not merely imply imitation of the Early Church or a return to historical forms that are seen as unchangeable. Rather, what is meant is the form of life characteristic of the undivided Church, seen as a point of reference to uphold communion and Church unity. That form of life encompasses special structures to serve the Church community such as the Eucharist and the episcopal ministry, functioning on different synodical and conciliar levels to uphold Church unity. It also involves the results of the synodical processes, as the decisions of faith, and certain theological basic assumptions, especially the Trinitarian and Christological dogmas and the canon of Scripture. This does not mean the pure conservation of invariable elements, but rather the way in which the Early Church succeeded in maintaining unity in plurality and in handing on the tradition

<sup>13</sup> In Rome the conversion of former Roman Catholic priests to the Old Catholic Church was seen as a virtually intractable problem. Especially in Germany the Old Catholic clergy included many former Roman Catholics. Later Rome saw in the *rapprochement* of the German Old Catholic Church with the Lutherans an important hindrance to a restricted *communio in sacris*.

<sup>14</sup> Based on the famous canon 844.

of faith.<sup>15</sup> On this foundation the restoration of Church communion which in course of time was split into denominations should be possible. Küry called this way 'the ancient Church Ecumenism'. Confirmation that these fundamentals are shared may be exhaustively argued, as is the case in the Old Catholic–Orthodox dialogue or a concise declaration may be sufficient, as is the case of the full communion with the Anglicans. This confirmation however deals more with a shared view on the past in the light of the actual situation and does not provide guidelines about how to continue the shared Tradition of faith. This may cause special pressures, as is seen in the Anglican–Old Catholic relationship, where the Anglicans are inclined to relate to other Churches on the basis of a more liberal interpretation of the shared fundamentals, as in the case of the Porvoo discussions with the Lutherans, with its ultimate consequence of full communion such as now exists between the Evangelical Lutheran Church of America (ELCA) and the Episcopal Church of the USA (ECUSA). This does not only happen in the external relations of the Old Catholics with other Churches. It can happen even within the Union of Utrecht and bring new divisions. A fundamental difference of opinion came to light between the PNCC in the USA and the Old Catholic Churches of Western Europe as a result of the question of women's ordination. When the German and Austrian Church, after consultation within the Union, ordained women to the priesthood, the PNCC reduced the existing full communion to a conditional eucharistic hospitality.<sup>16</sup> Thus it seems necessary and important to agree on criteria about how to co-operate in the progress of the catholic tradition. Urgent as this is within the Union of Utrecht, it is more urgent for relations with Churches outside the Union. Institutions to inform one another and to discuss issues on this point are necessary. For a long time such consultations have not regularly been held. If the restoration of communion on a local level is to be achieved – which should be the practical consequence of the 'local church' ecclesiology shared by the Old Catholics – and where this meshes with the inclination of many lay people

<sup>15</sup> See Urs von Arx, 'Identität und Differenz. Elemente einer christkatholischen Ekklesiologie und Einheitsvision' in Helmut Hoping (ed), *Konfessionelle Identität und Kirchengemeinschaft* (Münster, 2000) and J. Visser, 'Die alte Kirche als hermeneutisches Prinzip', *IKZ* 66 (1996), pp. 45–64.

<sup>16</sup> The PNCC has not left the Union, so there exists nowadays no full ecclesiastical communion between the member churches of the Union. The Union can be seen as injured. The Bishops' Conference has decided to endure this situation until 2003. In that year the question will be discussed at the Synod of the PNCC that assembles every five years. On the decision of the PNCC Synod will depend its future relations with the Union.

to cross ecclesiastical borders, the same questions arise.<sup>17</sup> How to overcome confessional diversity in restoring Church communion is a question which still has no practical pastoral solution in ecclesiology, not even in the Old Catholic principle of the local church. Experience with the practice of 'full communion' may be a guide for a further realisation of Church unity. In short, the confirmation of shared ecclesiastical identity does not suffice to solve the question of how to establish the recovered community within the context of denominational plurality as it has developed historically. According to Old Catholic principles, which operate by returning to origins to find the right solutions, the renovation of the catholic *episkopé* in its original intentions should be a way out of this stalemate. The restoration and actual renovation of episcopal structures together with the finding of competent persons who are able to actualise the ancient ideal of a bishop could bring a solution to this situation.<sup>18</sup> In short the internal and external ecumenical duty of the Old Catholic Community is to give a response to the question not only how communion can be restored, but also can be continued in the tension of unity in plurality without inclining towards models of uniformity. Reference back to the Early Church has to be completed with an actualisation of synodical and conciliar structures to continue the tradition of faith. In that way the Old Catholics want not only to restore communion but also even prefer ancient structures for the progression of the faith in our days.

<sup>17</sup> There is not space to elaborate here on the ecumenical and pastoral development at the grass roots where Church people are inclined not to bother about confessional borders and participate in the eucharistic life of those churches where they feel 'at home'.

<sup>18</sup> The reunion of the Church of South India is a case in point. Initially the Old Catholic Bishops objected to the Union scheme because of the way in which ministries were to be recognised. In the event, this recognition produced some striking results, not least in the very competent ministers who were ordained as bishops.