The Flexibility of Church Structures: A Protestant View

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Abstract:
This contribution presents some reflections on Protestant attitudes toward the institutional aspects of church life, including church law and church polity. First, it describes 'Protestantism' from an historical and a terminological perspective. This part concludes with some observations on the visible and the invisible aspects of the church, as a background to the views of Rudolf Sohm. In a next part, it focuses on the Reformed tradition, with special attention to the ideas of John Calvin and Karl Barth.

Key-words: *institution, Protestantism, visible and invisible church, Reformed*

1. Introduction

A few years ago, the Faith and Order Commission published an important study report. The Commission is a body within the World Council of Churches with full participation of the Roman Catholic Church. Its report, *The Church: towards a Common Vision* (from here: CTCV),[1] is meant to assist the ecumenical movement in dealing with the main ecclesiological issues.

One of the issues at stake regards the theological appreciation of ecclesial institutions. I quote:

> While it is a common affirmation that the Church is a meeting place between the divine and the human, churches nonetheless have different sensitivities or even contrasting convictions concerning the way in which the Holy Spirit's activity in the Church is related to institutional structures or ministerial order. Some see certain essential aspects of the Church's order as willed and instituted by Christ himself for all time; therefore, in faithfulness to the gospel, Christians would have no authority fundamentally to alter this divinely instituted structure. Some affirm that the ordering of the Church according to God's calling can take more than one form while others affirm that no single institutional order can be attributed to the will of God. Some hold that faithfulness to the gospel may at times require a break in institutional continuity, while others insist that such faithfulness can be maintained by resolving difficulties without breaks which lead to separation.[2]

It is not difficult to recognize the dominant Roman Catholic and Orthodox approach in the first position described here: "some see certain essential aspects of the Church's order as willed and instituted by Christ himself for all time." It is an approach that is shared by the Anglican tradition and by Nordic Lutheranism (i.e. in Scandinavia and the Baltic countries).

The variety of other Protestant positions is reflected in the second part of this statement. In terms of its appreciation of institutional aspects of the church, Protestantism is first of all characterized by hesitation regarding any connection between institutional structures and the will of God. It exists in a plurality of institutional forms, it is relatively open to change, and in principle it recognizes the theological possibility of a need to break away from existing ecclesial structures. The core issue in this respect is, of course, the appreciation of historic episcopate. Here, we see dividing lines parallel to those above. CTCV describes this as follows:

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[1] *The Church: Towards a Common Vision*, Faith and Order Paper No. 214 (Geneva: World Council of Churches, 2013).
[2] CTCV, § 24.

> Churches remain divided (...) as to whether or not the 'historic episcopate' (meaning bishops ordained in apostolic succession back to the earliest generations of the Church), or the apostolic succession of ordained ministry more generally, is something intended by Christ for his community. Some believe that the threefold ministry of bishop, presbyter and deacon is a sign of continuing faithfulness to the gospel and is vital to the apostolic continuity of the Church as a whole. In contrast, others do not view faithfulness to the gospel as closely bound to succession in ministry, and some are wary of the historic episcopate because they see it as vulnerable to abuse and thus potentially harmful to the wellbeing of the community.[3]

In this contribution, I intend to present some reflections on Protestant attitudes toward the institutional aspects of church life, and particularly toward church law, the Protestant equivalent of Roman Catholic canon law. First, we need some clarity about what exactly is meant with 'Protestantism', against a historical background. In this part, I will also reflect on the distinction between visible and invisible aspects of the church, as a background to the views of Rudolf Sohm, whose name always pops up in discussions like this one. In a next part, I will focus on that stream within Protestantism to which I belong myself, i.e. the Reformed tradition, with special attention to the ideas of John Calvin and Karl Barth. I conclude with an ecumenical perspective.

2. Protestantism

2.1. A history of institutional fragmentation

This year, 2017, Western Christianity commemorates 500 years of Reformation. What is supposed to have started with the memorable action of Martin Luther in Wittenberg, on 31 October, 1517, resulted in a process of institutional fragmentation of the church. In some European countries churches broke away from papacy, but they intended to maintain the historic episcopate. In other countries, historic episcopate was abolished as well, and alternative church structures were developed. Theological disputes, political interests and cultural diversity played a role in what happened in the 16th century, and have continued to shape Western Christianity – and Protestantism in particular – over the last five centuries. One could easily conclude that Protestants are not characterized by a high esteem of ecclesial institutions, including the regulatory instruments they apply.

Indeed, Protestants have a complicated relation to church law. Particularly nowadays, many Protestants tend to distrust the institutional manifestations of the church as reflected in constitutions, church orders, manuals, or other means of ecclesial legislation. Partly, this is due to our present cultural climate, characterized by a wide-spread aversion against institutions anyhow. It is not only churches, but also political parties, trade unions and other traditional institutions that must deal with this trend. Partly, this distrust might have its roots in the history of Protestantism itself. Protestant churches, either originating directly from the Reformation in the 16th century or the result of later splits within such churches, were usually born from a crisis in which they experienced the abuse of power by 'the other party', be it the Roman Catholic Church or, for instance, a synod of a Protestant church. Theologians or spiritual leaders, often representing legitimate criticism of existing ecclesial practices, were condemned, suspended, expelled, excommunicated, or at least: felt forced to leave a church that left no room for them.

At the same time, Protestant churches cannot do without legislation, in any form. This is self-evident. Every organization needs a certain institutional framework to be able to survive and to work towards

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[3] CTCV, § 47.

its goals. Some Protestant churches, like the Religious Society of Friends (Quakers), make it an issue to minimize such rules as much as possible – but at least they need some mutual agreements about meetings, representation and such. Other churches have over time developed a vast *corpus* of ecclesial legislation, sometimes with a close connection to civil legislation, like it is the case in the main Protestant church in Germany, the Evangelical Church of Germany. And, however that may be, in most churches we can see formalism and bureaucracy flourishing from time to time: Protestant communities are not different from other organizations in this respect.

2.2. Terminology

How to define 'Protestantism'?[4] In its broadest meaning it is equivalent with all Christian traditions apart from Catholicism (including the Old Catholic tradition) and Orthodoxy (in its Eastern and Oriental forms). In contexts in which Orthodoxy is hardly present, Protestantism is usually understood as 'non-Catholic'.[5] Protestantism is a collective noun for several traditions. In his comparative study of ten church polity traditions, Anglican canon lawyer Norman Doe counts no less than seven of them as Protestant: Lutherans, Methodists, Reformed and Presbyterians, Congregationalists, United Churches, and Baptist.[6] The other three traditions he analyzes are: Roman-Catholic, Orthodox, and Anglican. In terms of its theological views, particularly regarding soteriology, Anglicanism could also be regarded as Protestant, but it rather sees itself as a tradition that bridges Catholicism and Protestantism, because the Church of England maintained canon law after the Reformation. Doe restricts himself to comparing what we usually call 'historic churches', leaving out of consideration faith communities born in the twentieth century, like Pentecostals, Evangelicals and African Instituted Churches. Most of these churches, representing the fastest growing strand of Christianity today, can be regarded as part of Protestantism as well.

Worldwide only very few churches use the term 'Protestant' in their proper name. Among them are three European churches that after a unification include both the Reformed and the Lutheran tradition, i.e. the United Protestant Church in Belgium (*Verenigde Protestantse Kerk in België / Église Protestante Unie de Belgique*, united in 1979), the Protestant Church in the Netherlands (*Protestantse Kerk in Nederland*, 2004) and the United Protestant Church of France (*Église Protestante Unie de France*, 2012).[7] In summary, in a continental European context 'Protestant' seems to be an adequate term for what particularly connects the Reformed and the Lutheran tradition. From this perspective, it makes sense that the most inclusive ecumenical organization of Reformation churches in Europe includes this term in its proper name, the Community of Protestant Churches in Europa.[8] The CPCE was born from the *Leuenberg Agreement*, a document that first of all made full communion between Reformed and Lutheran churches a reality. Pre-Reformation churches like the Waldensians were involved from the very beginning; later, also Methodists joined the CPCE. At present, it counts more than one hundred signatory churches.

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[4] It might be helpful to understand the historic background of the term 'Protestant'. The Latin term 'protestari' suggests 'public witness', rather than 'opposition'. It is first used by those who pleaded in favour of religious freedom at the Diet ('Reichstag') at Speyer (1529). These princes and representatives of cities presented a 'Protestation'.

[5] However, Protestants might feel offended by this interpretation. They would claim to belong to the Catholic Church, the *una sancta*, themselves, and would rather see themselves as 'non-*Roman*-Catholic'.

[6] Cf. Norman Doe, *Christian Law: Contemporary Principles* (Cambridge: University Press, 2013), 4f.

[7] Outside of Europe we find some explicitly 'Protestant' churches in Algeria, Benin, Curaçao, Cameroun, Indonesia, and Malaysia.

[8] French: *Communion d'Églises Protestantes en Europe*; Dutch: *Gemeenschap van Protestantse Kerken in Europa*. However, in German: *Gemeinschaft Evangelischer Kirchen in Europa*. See: www.leuenberg.eu.

2.3. Invisible and visible aspects of the Church

Protestantism has a long tradition of structuring ecclesiology from the perspective of a distinction between invisible and visible aspects of the church.[9] Invisible is the church as '*ecclesia credita*', as the Church we believe, the Church (with capital C) of the Creeds.[10] It is the Church as founded on the Word of God, or as '*creatura Verbi*' as Protestant theology puts it. Therefore, the invisible nature of the Church is: communion of the saints (*communio sanctorum*) – to refer to another well-known expression in Protestant ecclesiology. As to the visible aspects, Protestantism focuses on the 'marks' of the Church. How can we be sure that in a specific church we meet 'the Church' (with capital C)? The Reformation developed two such 'marks': the pure proclamation of the Word of God, and the pure and scriptural administration of the sacraments. Calvinism added a third mark: the exercise of church discipline. The visible aspect of the church includes the whole positive dynamics of history, society, and institution.[11]

As such, a distinction between invisible and visible aspects of the Church can be helpful. CTCV, however, is reluctant in this respect: "others maintain that Christ's church is invisible and cannot be adequately identified during this earthly pilgrimage," (CTCV, § 10) without identifying with this position. Its focus is rather to prevent a separation of both aspects:

> Some New Testament passages use the term *mystery* (*mysterion*) to speak both of God's design of salvation in Christ (cf. Eph. 1:9; 3:4-6) and of the intimate relation between Christ and the Church (cf. Eph. 5:32; Col. 1:24-28). This suggests that the Church enjoys a spiritual, transcendent quality which cannot be grasped by simply looking at its visible appearance. *The earthly and spiritual dimensions of the Church cannot be separated*. The organizational structures of the Christian community need to be seen and evaluated, for good or ill, in the light of God's gifts of salvation in Christ, celebrated in the liturgy. The Church, embodying in its own life the mystery of salvation and the transfiguration of humanity, participates in the mission of Christ to reconcile all things to God and to one another through Christ (cf. 2 Cor. 5:18-21; Rom. 8:18-25).[12]

From a Protestant perspective, this issue of the visible versus the invisible church cannot be separated from the issue of the sinfulness versus the holiness of the church. From that perspective, "it is appropriate to refer to the Church as sinning, since sin may become systemic so as to affect the institution of the Church itself and, although sin is in contradiction to the true identity of the Church, it is nonetheless real."[13] Evidently, it is the experiences of the 16th century that have shaped this view.

2.4. Rudolph Sohm

The distinction between the visible and the invisible aspects of the church became fundamental in the views of the German church law expert Rudolph Sohm.[14] Whoever goes deeply into the subject of church polity from a Protestant theological perspective, will probably soon meet his name and his

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[9] Cf. Koffeman, *In Order*, 18ff.

[10] "[T]he Church enjoys a spiritual, transcendent quality which cannot be grasped simply looking at its visible appearance. The earthly and spiritual dimensions of the Church cannot be separated," CTCV, 26.

[11] Cf. Roger Haight SJ & James Nieman, "On the Dynamic Relation between Ecclesiology and Congregational Studies", *Theological Studies* 70(2009), 577-599, 582f.

[12] CTCV, § 26, emphasis mine, cf. CTCV, § 34, 44.

[13] The Protestant position as reflected in: CTCV, § 35

[14] Cf. for my interpretation of Sohm: Leo J. Koffeman, *In Order to Serve: An Ecumenical Introduction to Church Polity* (Zürich: LIT Verlag, 2014), 70-80.

influential book *Kirchenrecht* (*Church Law*).[15] Sohm, a Lutheran church lawyer trained at the faculty of law, intensively studied the history of church law, and so with a special interest in Luther's views. In his opinion the church of the New Testament had no formal juridical organization at all. It was a 'church of the Spirit' or a 'church of love' (German: *Geistkirche, Liebeskirche*). Only from the end of the 1st century a 'church of law' (*Rechtskirche*) developed, ending up in the medieval impressive church structures, which, however, in his view hardly left room for the work of the Holy Spirit. According to Sohm it was Luther who, in his early years, restored the original freedom of the believers. At the same time, he left the organization of the church in the hands of the worldly authorities. This understanding of church history determines Sohm's view of church law, as expressed on the first pages of his book, in two well-known theses, saying: (1) Law is at odds with the nature of the church, because (2) the nature of the church is spiritual, but the nature of law is worldly. For him, the church as the community of the Lord is a purely spiritual reality, comparable with the community of people who admire a great musician, come together for a concert and then leave again: their bonds with the maestro and with each other are no more than spiritual in nature. So, from a *theological* perspective, Sohm fully rejected the church in its organizational structures: it has no theological relevance at all. Therefore, it could easily be left in the hands of the civil authorities.

Sohm's views have had a decisive influence on 20th century discussions on church law, especially within Protestantism on the European continent.[16] They were welcomed by some, and they were rejected by others, but they challenged all who, mainly in Germany, played a role in the discipline of church polity. Sohm's approach is clearly positivistic: for him 'law' is equal to written rules that claim authority. He has a very formal view of 'law', relating it exclusively to worldly powers, coercion etc. The problem of this view became manifest in Nazi Germany. In the nineteen thirties, German national law turned out to be at odds with the Gospel. In 1933 the German Evangelical Church was formed, as a natural ally of the national-socialist regime. In protest, in May 1934, the 'Confessional Synod of the German Evangelical Church', including members of Lutheran, Reformed, and United Churches, met in Barmen, to oppose – as the *Barmen Theological Declaration*[17] says – Nazi attempts to establish the unity of the German Evangelical Church by means of false doctrine, and by the use of force and insincere practices. Unfortunately, however, Sohm's intuition that church polity has no theological relevance at all is still very much alive in Protestantism.

3. Reformed

3.1. Different systems of ecclesial structures

As I mentioned before, some Protestant churches do recognize historic episcopate as something intended by Christ for his community; they basically accept an episcopal system of church polity. Those who don't agree with that position opt for either a presbyterial-synodical or a congregationalist system. Both approaches are to be found within the wide Reformed family. The World Communion of Reformed Churches distinguishes Congregationalist, Reformed, Presbyterian, United and Uniting and Waldensian churches among its membership.[18]

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[15] Rudolph Sohm, *Kirchenrecht, I: Die geschichtlichen Grundlagen* (Leipzig: Duncker & Humblott, 1892).

[16] cf. also: Emil Brunner, *Das Missverständnis der Kirche* (Stuttgart: Evangelisches Verlagswerk, 1952).

[17] Full text in English translation in: Arthur C. Cochrane, *The Church's Confession under Hitler* (Philadelphia: Westminster Press, 1962), 237-242.

[18] See: www.wcrc.ch. Accessed December 20, 2016.

Congregationalists are characterized by a strong suspicion regarding any form of hierarchy. As the term suggests, power resides within the *congregatio*, the congregation or the local body of believers. Strict Congregationalists do not recognize any power beyond local church level. Some of them even don't maintain any formal connections with similar groups beyond their own location (usually others would call them 'independentist'). Most Congregationalists, however, may have a system of representation in regional and/or national meetings in order to have mutual conversations, but such bodies are supposed to have no more than an advisory capacity: they cannot make any binding decision regarding the local communities. Congregationalism in this sense has been part and parcel of the early Reformation, particularly in its radical, Anabaptist form. However, it found a particular shape in the Anglo-Saxon world in the 17th century, in opposition against both ecclesial hierarchy in the Church of England and its links with state power. Most churches that nowadays use the term 'Congregationalist' in their proper name share this historical background.[19] Finally, the same emphasis on local autonomy is widely spread among Pentecostal, evangelical and charismatic communities, particularly in the Southern hemisphere.

For this study, I want to focus on the alternative that was developed during the Reformation era, i.e. the presbyterial-synodical system, as it is applied by most Reformed and Presbyterian churches. It is rooted in the Reformation of John Calvin in Geneva. Again, the terminology may be a bit disturbing for those who are not too familiar with Protestantism. The term 'Presbyterian' refers to those Calvinist churches that have their roots in the Anglo-Saxon branch of the Calvinist family, with the Church of Scotland as one of its focal points. Is was John Knox who had a major influence on this part of the family. On the European continent, several other movements co-existed, in France, Switzerland, Hungary, and the Netherlands. Usually, the churches resulting from these movements are called 'Reformed', a term that also can be used as an overarching indication of all traditions rooted in Calvin's Reformation.

The core of the presbyterial-synodical system is in its principle that the local 'church' (the term mostly used for the parish) is the point of departure of the system. Further, personal powers are distrusted; therefore, authority in the church should always be in the hands of assemblies. On the local level this is the *presbyterium* (that can have different names in different churches, like church council, or consistory, or session): it consists of the sum total of all local office-bearers, usually one or more ministers, elders and (not always) deacons. Each church council sends one or more delegates to a regional *synodus* (for which again different names can apply, like classis, classical assembly, or presbytery). In a similar way, these assemblies are represented in a general synod (or general assembly). In some churches, depending on their size, there are even four levels: church council, classis, particular or regional synod, and general synod. Terminology can be different, the principle is always the same: powers in the church are vested in assemblies, and the structure of the church is based on a bottom-up approach, in which delegates participate in assemblies on the next level, the 'major assembly'.[20] Powers on the different levels are allocated in a church order. Subsidiarity is characteristic of the system: what can be decided on at a 'lower' level, should be left to that level. Many church orders will include a provision like this: "A major assembly shall deal only with those matters which concern its churches in common or which could not be finished in the minor

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[19] Cf. Allan P.F. Sell, *Saints: Visible, Orderly and Catholic. The Congregational Idea of the Church* (Geneva: World Alliance of Reformed Churches – Allison Park: Pickwick Publications, 1986).
[20] Usually, one speaks of 'major assemblies' (representing a larger number of local churches) versus 'minor assemblies'. 'Higher' and 'lower' is not seen as adequate terminology, as it suggests hierarchy.

assemblies,"[21] All tendencies toward hierarchy are rejected: "No church shall in any way lord it over another church, and no officebearer shall lord it over another officebearer."[22]

3.2. Calvin

There can be no doubt that the institutional aspects of church life are not simply depreciated here. Calvin – who was a lawyer himself! – and his followers were well aware of the importance of church structures. In its fourth and final book, on "the external means or aids by which God invites us into the society of Christ and holds us therein," Calvin's main work, the *Institutes*, deals extensively with the Church. It contains a lengthy paragraph on "the condition of the ancient church, and the kind of government in use before the papacy." Calvin writes:

> For although the bishops of those times published many canons, in which they seemed to express more than is expressed by the sacred volume [i.e. the Bible], yet they were so cautious in framing all their economy on the word of God, the only standard, that it is easy to see that they scarcely in any respect departed from it. Even if something may be wanting in these enactments, still, as they were sincerely desirous to preserve the divine institution, and have not strayed far from it, it will be of great benefit here briefly to explain what their observance was.[23]

In this positive appreciation of the ancient church, Calvin refers time and again to church fathers like Jerome, Gregory, Ambrose and Cyprian. In his view, as the next paragraph expounds, this ancient form of government had been "utterly corrupted by the tyranny of the papacy."[24] It is obvious that Calvin is very negative about the Roman Catholic Church of his time, characterizing it by 'tyranny': human institutions were presented as divine law, oppressing free conscience. Let me include a longer quote:

> But as in external discipline and ceremonies, he [God] has not been pleased to prescribe every particular that we ought to observe, (he foresaw that this depended on the nature of the times, and that one form would not suit all ages,) in them we must have recourse to the general rules which he has given, employing them to test whatever the necessity of the Church may require to be enjoined for order and decency. Lastly, as he has not delivered any express command, because things of this nature are not necessary to salvation, and, for the edification of the Church, should be accommodated to the varying circumstances of each age and nation, it will be proper, as the interest of the Church may require, to change and abrogate the old, as well as to introduce new forms. I confess, indeed, that we are not to innovate rashly or incessantly, or for trivial causes. Charity is the best judge of what tends to hurt or to edify: if we allow her to be guide, all things will be safe.[25]

This being said, Calvin immediately rejects any neglect of ecclesial regulations as much as he rejects tyranny:

> Things which have been appointed according to this rule, it is the duty of the Christian people to observe with a free conscience indeed, and without superstition, but also with a pious and

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21 *Church Order of the Christian Reformed Church in North America*, Art. 28.b, see: https://www.crcna.org/sites/default/files/church_order_2015.pdf. Accessed December 20, 2016.

22 *Church Order*, Art. 85

23 John Calvin, *Institutes of the Christian Religion* (1559), trans. Henry Beveridge (Peabody, Mass.: Hendrickson Publishers, 2008), IV.IV.1.

24 Calvin, *Institutes,* IV.V.1.

25 Calvin, *Institutes,* IV.V.30; the wording 'order and decency' contains an implicit reference to 1 Cor 14.40, a key text in Reformed church polity; cf. Koffeman, *In Order*, 15

ready inclination to obey. They are not to hold them in contempt, nor pass them by with careless indifference, far less openly to violate them in pride and contumacy.[26]

In summary, for Calvin, Holy Scripture is the only standard for church polity. In his view, this makes it possible to speak of a divine institution, but at the same time he is fully aware of the risks involved in such wordings. Flexibility is key: obedience to Holy Scripture can imply the need to abrogate the old and to introduce new forms, but this all depends on 'the nature of the times': charity is the final criterion.

3.3. Barth

Both Calvin's view of ancient church history and his conviction that the alternative church structures he presents can be derived directly from Holy Scripture, cannot stand the test of modern historiography and biblical hermeneutics. Most Reformed scholars will agree on that without reserve. A more complicated question nowadays is the issue of divine law.[27] Churches like the Roman Catholic Church and the Orthodox churches characterize certain canon laws as divine law. Other churches would rather say that "law should reflect the revealed will of God."[28] The verb 'reflect' prevents the identification of human law and divine will, and the focus on 'revealed' recognizes the role of hermeneutics in this respect. In this respect, the position of the leading Reformed theologian of the 20th century, Karl Barth – who was directly involved in conceiving the aforementioned *Barmen Theological Declaration* – is exemplary for the Reformed tradition. He characterizes the church as a 'christocratic brotherhood': as the body of Christ it is the earthly-historical form of existence of its Head, Jesus Christ.[29] As living law, according to Barth, church law has always to be ready to respond anew to changing circumstances: it is dynamic, human, it is never 'done', always in a process from worse to better, because church law is a matter of ongoing obedience to Christ. So, fundamentally, church law is *ius humanum* and never *ius divinum*. It is only the 'christocratic principle' itself that that can be called 'divine law': the church "must always remember that the *ius divinum* of Christocracy is not only its origin but also its limit, and thus understand itself in all strictness as *ius humanum*."[30] This indicates exactly the limitations of church polity as such: church law is essentially provisional. Change and renewal are always possible, in obedience to Christ, and therefore under the guidance of the Holy Spirit: "[T]he fact that we leave it to the Holy Ghost does not mean that we leave it to the rash and willful, but that we ask ourselves unitedly and conscientiously, and in the light of Holy Scripture, what obedience means in this matter."[31] So, eventually, the classical Roman Catholic distinction

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[26] Calvin, *Institutes,* IV.V.31.

[27] Cf. for the following also: Leo J Koffeman, "The Ecumenical Potential of Church Polity", *Ecclesiastical Law Journal*, 17 (2015)/2, 182-93, doi.org/10.1017/S0956618X15000058. Accessed December 20, 2016.

[28] As it is formulated in: *The Principles of Canon Law Common to the Churches of the Anglican Communion,* ed. Canon John Rees (London: The Anglican Communion Office, 2008), 19.

[29] See: Karl Barth, *Church Dogmatics, Volume IV, The Doctrine of Reconciliation. Part 2*. Trans. Geoffrey W. Bromiley & Thomas F. Torrance (Edinburgh: Clark, 1958), 633, 653.

[30] Barth, *Church Dogmatics*, 713ff. The church order of the Protestant Church in the Netherlands, for instance, largely reflects this Barthian position. It does not use the term 'divine law' as such. The most pertinent phrase in this respect is this: "To focus the congregation on salvation and to keep it to its call in the world the public office of Word and Sacrament was given *on the part of Christ*" (*Church Order of the Protestant Church in the Netherlands*, art. V-1; emphasis added). But, in principle, even this sentence could be reshaped or withdrawn by the general synod.

[31] Barth, *Church Dogmatics*, 710; Cf. Pieter Coertzen, *'Decently and in Order': A Theological Reflection on the Order for, and the Order in, the Church* (Leuven: Peeters, 2004), 203.

between 'divine law' (including both *ius divinum positivum* and *ius divinum naturale*) and 'mere ecclesiastical law' (*ius mere ecclesiasticum*) is not recognized.[32]

Calvin's emphasis on the need to accommodate church polity to 'the varying circumstances of each age and nation' has deeply influenced the Reformed ethos regarding ecclesial institutions. In principle, they are temporal in character, flexible. This is expressed in a famous Reformed rallying cry: *ecclesia reformata semper reformanda secundum verbum Dei*.[33] It is again Barth who seeks a balance in this respect:

> *Semper reformari* (…) does not mean always to go with the time, to let the current spirit of the age be the judge of what is true and false, but in every age, and in controversy with the spirit of the age, to ask concerning the form and doctrine and order and ministry which is in accordance with the unalterable essence of the Church. (…) It means never to grow tired of returning not to the origin in time, but to the origin in substance of the community.[34]

On the other hand,

> [t]he Church stands in the fire of the criticism of its Lord. It is also exposed to the criticism of the world and this criticism has never been altogether false and unjust. It has always needed, and it always will need, *self*-examination and self-correction. It cannot exist except as *ecclesia semper reformanda* – if only it had always understood itself in this light and acted accordingly![35]

4. An ecumenical perspective

As this contribution shows, Protestantism appreciates the flexibility of church structures. In principle, it is open to change. That might imply that a common ecumenical avenue is possible after all. As CTCV says, in a challenging comment:

> Through their patient encounter, in a spirit of mutual respect and attention, many churches have come to a deeper understanding of these differing sensitivities and convictions regarding continuity and change in the Church. In that deeper understanding, it becomes clear that the same intent – to obey God's will for the ordering of the Church – may, in some, inspire commitment to continuity and, in others, commitment to change. We invite the churches to recognize and honour each other's commitment to seeking the will of God in the ordering of the Church. We further invite them to reflect together about the criteria which are employed in different churches for considering issues about continuity and change. How

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[32] German Roman Catholic canon lawyer Pree pleads in favour of making use of biblical hermeneutics in canon law: "The traditional doctrine of immutability and indispensability of the norms of Ius divinum must be revised and completely rethought," Helmuth Pree, "The Divine and the Human of the Ius Divinum", in: *In Diversitate Unitas. Monsignor W Onclin Chair 1997*, ed. Rik Torfs (Leuven: Peeters, 1997), 23-41, 40.

[33] Cf. Leo J. Koffeman, "'Ecclesia reformata semper reformanda': Church renewal from a Reformed perspective", in*: HTS Theological Studies*, 71 (2015)/3. Accessed December 20, 2016. doi:10.4102/hts.v71i3.2875. The Second Vatican Council of the Roman Catholic Church recognized the core of this Reformed phrase, when it spoke of the *ecclesia sancta simul et semper purificanda*, "at the same time holy and always in need of being purified" (Lumen Gentium, § 8).

[34] Karl Barth, *Church Dogmatics, Volume IV, The Doctrine of Reconciliation. Part 1*, trans. Geoffrey W. Bromiley & Thomas F. Torrance, (Edinburgh: Clark, 1956), 705

[35] Barth, *Church Dogmatics,* 690.

far are such criteria open to development in the light of the urgent call of Christ to reconciliation (cf. Matt. 5:23-24). Could this be the time for a new approach?[36]

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[36] CTCV, § 24 comm.