

LEGAL PROBLEMS OF ANGLICANISM IN GERMANY

HANNS ENGELHARDT

*Sometime Lecturer in Ecclesiastical Law at
the Universities of Bochum and Gießen*

1. CHAPLAINCIES AND CHURCHES

As in other countries on the Continent, there have been a considerable number of Anglican chaplaincies and churches in Germany. They were established—loosely speaking, not in the sense of churches as ‘by law established’—either by merchants or by people of means who toured the Continent, and settled occasionally in fashionable spas or other similar places.¹ These chaplaincies may be grouped—from a legal point of view—according to their status under German law which may be different with regard to the German system of law governing the relationships between the state and the churches.

(a) *Körperschaft des öffentlichen Rechts*

According to German law, a religious community may be a *Körperschaft des öffentlichen Rechts* (corporation under public law). This is the traditional status of the former Roman Catholic and Protestant state churches: it may be—and indeed has been—accorded by the state, more precisely by the *Länder* of which the Federal Republic of Germany consists, to other *Religionsgesellschaften* (religious communities) which can show a certain probability of continuing existence (*Gewähr der Dauer*) by virtue of their constitution and the number of their members. These communities are exempt from the provisions of civil law regarding private associations, and enjoy certain privileges under public law, foremost among them the right to levy church tax with the assistance of the state.

Among the Anglican churches in Germany only the English Church of St Thomas à Becket in Hamburg has been accorded this status. This church, which bears the official German name of *Englisch-bischöfliche Gemeinde* (English Episcopal Church), ‘continues a tradition stemming back to the establishment in 1612 by the Worshipful Company of the Merchant Adventurers of England of the first English Episcopal Church’.² Following the disruptions of the Napoleonic era the Senate of the Hanseatic City granted a new concession to this church on 17 January 1834. The status of public corporation was confirmed by the *Verordnung über die in der Freien und Hansestadt Hamburg als Körperschaften des öffentlichen Rechts bestehenden Religionsgesellschaften und Weltanschauungsvereinigungen*, dated 14 May 1974.³ Its constitution dates from 22 March 1976.⁴

Taking account of the now established practice of the German authorities,⁵ it seems to be rather improbable that any other local Anglican church may obtain the same status in the near future.

(b) *Eingetragener Verein*

Among the other Anglican churches in Germany some enjoy the status of *einge-*

¹ Paul Schniewind, in his *Anglicans in Germany* (1988), gives a comprehensive list of these chaplaincies up to World War II.

² Preamble to the Constitution.

³ *Hamburgisches Gesetz- und Verordnungsblatt* (1974) p 151.

⁴ *Ämtlicher Anzeiger* (1976) p. 1092.

⁵ For particulars see Hermann Weber, ‘Die Verleihung der Rechte einer Körperschaft des öffentlichen Rechts an Religionsgesellschaften’ [1989] 34 *Zeitschrift für evangelisches Kirchenrecht* 337.

tragener Verein (registered association). By this they have legal personality under private law: they may own property or enter into contracts under their corporate name.

Eingetragener Verein are the chaplaincies and churches of St George's in Berlin, Düsseldorf (Christ Church Community *e.V.*), Christ the King (formerly St Christopher's) in Frankfurt-am-Main, Freiburg (Breisgau), the Church of the Ascension in Munich, and St Augustine's of Canterbury in Wiesbaden. In Düsseldorf there is, besides Christ Church Community *e.V.*, a *Kirchengrundstücksgesellschaft mit beschränkter Haftung* for the administration of landed property, the share capital of which is held by the Church Society Trust in London, and the two *Geschäftsführer* of which form, together with a third member elected by the members' meeting, the *Vorstand* of Christ Church Community *e.V.* Moreover, the Church Society Trust is involved in the appointment of the chaplain.

Other chaplaincies and congregations have no legal personality themselves; but in some places there are supporting organisations (eg 'Friends of the Anglican Church') which are *eingetragene Vereine* (Bonn and Cologne, Heidelberg, Stuttgart).

2. JURISDICTIONS

The Anglican churches in Germany are not under one jurisdiction. It has been regretted time and again that there have been parallel Anglican jurisdictions on the Continent for many years now; but it has not been possible hitherto—for whatever reasons—to set up a unified English speaking Anglican jurisdiction on the Continent.⁶

(a) *The Diocese in Europe and The Convocation of American Churches in Europe*

The Diocese in Europe was set up by an amalgamation of the former Diocese of Gibraltar, an extra-provincial diocese under the metropolitical jurisdiction of the Archbishop of Canterbury, and the Jurisdiction of North and Central Europe which was exercised by the Bishop of London through the Bishop of Fulham, his suffragan. The legal basis of the Diocese in Europe is the Diocese in Europe Measure 1980 (No 2), and the Constitution of the Diocese was approved by the General Synod of the Church of England on 8 July 1995. The Diocese is deemed to be within the Province of Canterbury and is subject to the metropolitical jurisdiction of the Archbishop of Canterbury. In the diocese, canons and other ecclesiastical law of the Church of England applies, so far as the local law of any state or country permits, with such modifications or exceptions as, on the submission of the diocesan bishop after consultation with the diocesan synod, are deemed appropriate by the Archbishop of Canterbury acting with the concurrence of the Vicar-General of the Province and are specified in an instrument under the hand of the Archbishop.⁷

The Convocation of American Churches in Europe is part of the Episcopal Church in the United States of America (ECUSA). It is under the jurisdiction of the Presiding Bishop of ECUSA, who exercises his jurisdiction through a bishop-in-charge appointed by him and resident in Europe. The Convocation belongs to the Second Province of ECUSA. By virtue of its accession to the Constitution of ECUSA the Constitution and Canons of this Church apply in the Convocation together with its own Constitution and Canons.

⁶ There is no need to consider here the Lusitanian and Spanish Reformed Episcopal Churches, both of them provinces of the Anglican Communion, because they extend to the Iberian peninsula only, and have no significance in Germany.

⁷ Diocese in Europe Constitution 1995, s 22(a).

(b) *Affiliation*

(1) In general

To which jurisdiction a chaplaincy or congregation belongs depends, as far as civil law is concerned, on its *Satzung* (constitution). In ecclesiastical law, it depends on the regulations in force for the Diocese in Europe and the American Convocation.

(i) Diocese in Europe

According to paragraph 1 of the Diocese in Europe Constitution 1986, the Diocese in Europe consisted of the chaplaincies in the former Diocese of Gibraltar and the Jurisdiction of Northern and Central Europe which were listed in the Appendix to that constitution. For Germany the appendix listed St Boniface, Bonn-Bad Godesberg (with All Saints', Cologne), Christ Church, Düsseldorf, and St Thomas à Becket, Hamburg (with Kiel). According to paragraph 1 of the Diocese in Europe Constitution 1995, the diocese consists of the chaplaincies and congregations which shall be designated from time to time by the diocesan bishop. A chaplaincy is a formally constituted body, equivalent to a parish in England; a congregation is either a constituent part of a chaplaincy, or a worshipping group, under the care of a chaplain, but not yet formally constituted as a chaplaincy, similar to a conventional district in England.

According to paragraph 3 (b) of the Diocese in Europe Constitution 1995 the diocesan bishop, with the consent of the standing committee of the diocesan synod, may designate new chaplaincies for the diocese and may dissolve a chaplaincy after consultation with the standing committee of the diocese and the interested parties.

Therefore, church members in a certain place can only apply to the bishop for the designation of a new chaplaincy or congregation. The decision is in his discretion, and he may require the applicants to include appropriate provisions in the *Satzung* of an *eingetragener Verein* which shall be the form of existence of the chaplaincy or congregation in German law. On the other hand, the dissolution of a chaplaincy affects the existence of such *eingetragener Verein* only if the *Satzung* confers that power on the bishop.

At the moment, the diocesan directory shows the following chaplaincies: Berlin (St George's), Bonn (St Boniface, with All Saints', Cologne), Düsseldorf (Christ Church), Hamburg (St Thomas à Becket), Heidelberg, Leipzig, Stuttgart (St Catherine's), Freiburg, which is served from Basle (Switzerland), is represented on the Deanery Synod of Germany, and may be regarded as a congregation in Germany.

(ii) Convocation

According to Article X on 'the Admission of a Congregation into Union with the Convention' of the Constitution of the Convocation, 'any Congregation in Europe which in accordance with Title I, Canon 15, of the General Canons [of ECUSA] comes under the jurisdiction of the General Convention of this Church, shall be in union with the Convention of this Convocation'; the other provisions of this article deal only with the duties of the congregations and the consequences of their neglect. According to Title I, Canon 15, of the General Canons the desire of such congregation shall be certified and submitted to the General Convention, if it be in session, or to the Presiding Bishop at any other time (sections 5, 6); the Congregation is required, in its Constitution or Articles of Association, to recognise and accede to the Constitution, Canons, Doctrine, Discipline, and Worship of this Church (section 4). If these requirements are met, the Secretary of the House of Deputies of the General Convention, under written instruction of the Presiding Bishop, places the name of the congregation on the list of congregations in foreign lands under the direction of the General Convention. 'Direction of the General Convention' in Title I, Canon 15, section 6 of the General Canons seems to mean the same as 'jurisdiction

of the General Convention' in Article X, section 1 of the Constitution of the Convocation.

There seem to be no regulations for the secession of a congregation from the Convocation of American Churches in Europe and ECUSA. According to Article X, section 4 of the Constitution of the Convocation, whenever a congregation shall neglect (except in circumstances beyond its control) for three years in succession to make a parochial report, or shall neglect (except in circumstances beyond its control) during three successive years to employ a presbyter as its minister, such congregation, with the consent of the bishop in charge and the Council of Advice, shall be regarded as having forfeited its connection with the Convention.

At present, the Church of Christ the King in Frankfurt-am-Main and the Church of the Ascension in Munich are undoubtedly affiliated to the Convocation.

(2) A special case

A special case remains to be mentioned: the Church of St Augustine of Canterbury in Wiesbaden. It was founded in the nineteenth century as an English church. The ownership of the church building was vested in the city of Wiesbaden until 1955. Then it was transferred to *die Englische Kirche vertreten durch den Lord Bischof von London* (the English Church represented by the Lord Bishop of London); it seems that by this formula, which appears to have been used owing to lack of knowledge of English ecclesiastical law on the part of the German lawyers concerned, the ownership has been vested in the Bishop of London as a corporation sole.

However, due to a large number of American members of this church since World War II the congregation was always served by American Episcopal clergy and maintained close relationships with the American Convocation. In 1988, the Bishop of Gibraltar authorised the Right Revd Matthew Bigliardi, then Bishop in charge of the Convocation of American Churches in Europe, 'to have the Episcopal Care and Oversight of the Anglican Church of St Augustine, Wiesbaden, in West Germany for the time being, from the date of your appointment to Europe and until such time as you relinquish your present office.'⁸ It is to be noted that the authority was given only 'until such time as you relinquish your present office', i.e. *ad personam*; however, the Bishop of Gibraltar did not resume the exercise of his episcopal oversight when Bishop Bigliardi relinquished his office as Bishop in charge of the Convocation of American Churches in Europe by the end of May 1993. This may be due—in part at least—to the fact that Bishop John Satterthwaite resigned his office in the same year.

By a joint letter dated 30 November 1995 the new Bishop of Gibraltar and the new Bishop-in-charge of the Convocation of American Churches in Europe wrote to the Rector, Wardens and Vestry of the Church of St Augustine of Canterbury:

'We want to make several things clear in order that St. Augustine's may go forward unimpeded in its life and witness and may play its full part in the mission of the Anglican Church in Europe:

(1) The Church of St. Augustine of Canterbury, Wiesbaden, within the Church of England Diocese of Gibraltar in Europe, is under the jurisdiction of the Rt. Rev. John Hind, Bishop of Gibraltar in Europe.

(2) Bishop Hind hereby authorizes the Rt. Rev. Jeffery Rowthorn, Bishop in Charge of the Convocation of American Churches in Europe, to exercise episcopal care and oversight of the Church of St. Augustine of Canterbury, Wiesbaden. This is in keeping with the authorization previously extended by Bishop John Satterthwaite to Bishop Matthew Bigliardi on September 14, 1988.

⁸ Letter dated 14 September 1988.

(3) St. Augustine's is served by a priest of the Episcopal Church USA, appointed as its Rector, and is ruled and governed by the Canons and Regulations of the Convocation of American Churches in Europe. The worship of the Church is conducted according to the Book of Common Prayer 1979 of the Episcopal Church USA, and the Episcopal Hymnal 1982 is used in its services. Episcopal visitations are normally carried out by the Bishop in Charge of the Convocation.

(4) St. Augustine's shares in the life and mission of the Convocation of American Churches in Europe and this is especially demonstrated by the participation of its Rector and of its duly elected lay delegates in the Annual Convention at which the Rector and the lay delegates have both voice and vote.

(5) It is therefore expected that St. Augustine's will accept the financial responsibility attaching to participation in the sacramental life and missionary outreach of the Convocation and will pay its proportionate share of each year's Convocation budget, along with each of the congregations connected with the Convocation.

(6) It is also expected that St. Augustine's will play its full part in the Anglican Council in Germany.⁹ This Council is bringing together all the Anglican chaplaincies and Episcopal congregations in Germany. Through its participation St. Augustine's will be directly involved in a new and promising bi-jurisdictional entity which has the active support and encouragement of both Bishops.

...

The Bishop having formal jurisdiction over the parish is a Bishop of the Church of England who is also an Assisting Bishop in the Convocation. The Bishop to whom the oversight and care of the congregation are entrusted is a Bishop of the American Episcopal Church who is also an Assistant Bishop in the Diocese in Europe.'

By another letter—dated 12 September 1996—the Bishops clarified their position with regard to the status of St Augustine's in the web of Anglican jurisdictions on the Continent. According to this letter, 'St Augustine's does not have "voice or vote" in the Synod of the Archdeaconry of Scandinavia and Germany.' The search for a new Rector 'will be conducted according to the usual practice in the Episcopal Church.'

From these letters it appears that the Church of St Augustine's is regarded to be, and to remain, under the jurisdiction of the Bishop of Gibraltar in Europe, and consequently a part of the Diocese in Europe, but that for all practical purposes this church is treated as belonging to the Convocation of American Churches in Europe. This judgment is not affected by the membership of St Augustine's in the Council of Anglican Episcopal Churches in Germany. This membership has no bearing on the relationships of the members to one or the other jurisdiction: as a member of this Council St Augustine's has absolutely the same position as Frankfurt and Munich which undoubtedly belong to ECUSA, and to ECUSA alone.

It might be asked, however, if such a regulation, especially that the life of the church in question shall no longer be governed by the ecclesiastical law of the Church of England, but by the canons and constitution of the American province, had not required an instrument under the hand of the Archbishop of Canterbury as provided in paragraph 22(a) of the Diocese in Europe Constitution.

(c) *Legal Problems*

Common to churches of both jurisdictions is the problem of their being bound by

⁹ Now the Council of Anglican Episcopal Churches in Germany: *infra* 3.

the law and administrative influence of their superior communities. In the legal assessment of the problems connected therewith in the context of German law we have to start with the principles developed by jurisprudence and doctrine for *Großvereine* (large associations) and *Vereinsverbände* (associations of associations).

Vereinsverband is an association the members of which are exclusively or mostly corporate bodies which associate on a horizontal level so to speak. In the *Großvereine* the members of the subordinate associations are, as a rule, at the same time members of the comprehensive association, which structures its organisation from above downwards.

In this conceptual framework the Convocation of American Churches in Europe is to be regarded as a *Vereinsverband*. It is true its constitution does not say expressly that only the parishes are its members. This derives, however, from the totality of regulations governing the relationship of the Convocation to the congregations and their members. Thus, Article X speaks only about the admission of existing congregations (section 1) and does not envisage the founding of congregations as branch associations of the Convocation. Article X, sections 4, 5, provide sanctions against congregations only, Article X, section 7, the re-admission of a congregation which has forfeited its right of representation in the Convention. The Constitution does not speak of the neglect of duty by members of a congregation. Accordingly the clergy are employed by the local congregations.

In the Diocese in Europe the situation is different. The Diocese 'consists of the chaplaincies and congregations in that area'.¹⁰ This does not mean, however, that chaplaincies and congregations are constituent members of the Diocese. In English canon law the diocese is 'the basic unit of the Church'; it 'is divided into parishes'.¹¹ English canon law is not substantially different from Roman canon law which calls the diocese 'a portion of the people of God entrusted to a bishop'.¹² Accordingly, chaplaincies and congregations are 'designated from time to time by the Diocesan Bishop'.¹⁰ He may also dissolve a chaplaincy; for this consultation with the chaplaincy church council, but not its consent, is required.¹³ This difference in structure entails, however, no substantial differences in practice.

(1) Ecclesiastical law

The Anglican chaplaincies and churches which are *Vereine* in civil law have to face the question how they can give legal effect to the law of the jurisdictions in their community life. They may either write the regulations of the superior body into their own statutes word by word, or include a more or less general reference to them.

It is part of the autonomy of a *Verein* that it has the right and the duty to frame and bring into operation its own articles of association. Generally, it is not compatible with this autonomy if foreign *Satzungen* are referred to in total. But parts of a foreign *Satzung* may be incorporated. A *Gesamtverband* may even designate a *Satzung* for subdivisions existing in the form of a *Verein*.¹⁴

(2) Bishops' rights

In the English as well as in the American chaplaincies and congregations the bishop has substantial influence in certain areas. He is involved in the appointment of the

¹⁰ Diocese in Europe Constitution 1995, para 1.

¹¹ *Moore's Introduction to English Canon Law* (3rd ed. 1992, by Timothy Briden and Brian Hanson), p 16.

¹² CIC c. 369. Cf. Doe, *The Legal Framework of the Church of England* (1996), p 95.

¹³ Diocese in Europe Constitution 1995, para 3(b).

¹⁴ 90 BGHZ 331.

incumbent. Frequently, consent of the bishop is required for amendments to the *Satzung* and the dissolution of the congregation (the *Verein*).

In the jurisprudence of the courts regarding the law of voluntary associations a legal influence on the life of the association by persons standing outside has been regarded as permissible to a limited extent.¹⁵ The appointment of the *Vorstand* by such persons has been disallowed only if an assessment of the general character of the *Verein* leads to the conclusion that it cannot be regarded as a voluntary association of individuals any longer, but appears to be a special property of the person outside; this is the case especially if the *Verein* serves the purposes of the person outside only, and the influence of the members is practically non-existent.¹⁶ The *Satzung* may also provide that amendments shall require the consent of a non-member.¹⁷ Even the coming into force of the decision to dissolve the *Verein* may be made dependent on the consent of a non-member:¹⁸ an important argument in favour of this opinion was that the members of the *Verein* retain the possibility of terminating the *Verein* by withdrawing their membership.¹⁹

A review of the life of the Anglican churches in Germany and its order shows that the limits set by the courts to limitations of the principle of *Vereinsautonomie* (autonomy of associations) have not been transcended. In this context it has to be kept in mind that the life of the faithful in the local congregation is at the centre and focal point of the order and polity of the Church. The regional institutions serve the congregational life, not *vice versa*. It cannot be maintained, therefore, that the local congregations do not have any importance. The influence of the members of local congregations has not been 'practically removed' (*praktisch ausgeschaltet*).

3. COUNCIL OF ANGLICAN EPISCOPAL CHURCHES IN GERMANY

As the existence of parallel Anglican jurisdictions on the Continent has created some embarrassment and certain difficulties in the co-operation of the local Anglican churches, the Anglican chaplaincies and churches in Germany have decided to form a comprehensive organisation which may enable them to co-operate more closely, and especially, among other things, to become members of the *Arbeitsgemeinschaft christlicher Kirchen in Deutschland* (Council of Christian Churches in Germany). Moreover, the Deanery Synod of Germany in the Diocese in Europe has delegated all matters falling within its competence to the Council insofar as the ecclesiastical law of the Church of England permits.

Members of the Council are all parishes, chaplaincies and congregations in Germany which are under the jurisdiction either of the Bishop of Gibraltar in Europe or of the Bishop-in-charge of the Convocation of American Churches in Europe. Bodies of the Council are the General Meeting and the Standing Committee which is the *Vorstand* of the Council according to German civil law.

The members are represented in the General Meeting by all members of the Deanery Synod of Germany in the Diocese in Europe, all members of the clergy licensed for work in Germany by the Bishop-in-charge of the Convocation of American Churches in Europe, the lay representatives of the German parishes of the Convention of the Convocation of American Churches in Europe to be chosen according to the same formula as the members of the Deanery Synod of Germany, and additional representatives co-opted by the General Meeting.

The Standing Committee consists of the chairmen of the Houses of Clergy and of Laity of the Deanery Synod of Germany, one clerical and one lay member elected

¹⁵ KG [1975] MDR 140; BayObLG [1987] BayObLGZ 161, at 170.

¹⁶ LG Hildesheim [1965] NJW 2400.

¹⁷ KG [1975] MDR 140.

¹⁸ LG Aachen [1976] DVB1 914.

¹⁹ KG [1975] MDR 140.

from their own number by the clerical and lay representatives of the parishes in Germany belonging to the Convocation of American Churches in Europe, the Archdeacon of Scandinavia and Germany, a treasurer and a secretary to be elected by the General Meeting from their members. The term of office of the two members from Convocation parishes and of the treasurer and secretary is three years.

Any amendment of the articles of association requires not only a resolution of the General Meeting passed by a two-thirds majority of the members (of the General Meeting) present and voting, but also the consent of the Bishop of Gibraltar in Europe and the Bishop-in-charge of the Convocation of American Churches in Europe.

The dissolution of the Council, however, does not require such a majority, nor the consent of the bishops, but only three months' notice to them and to the rector, chaplain or priest-in-charge and the secretary of the vestry or church council, of each of the members. If the Council is dissolved, decisions concerning the future use of its assets may only be executed with the prior consent of the German tax office (*Finanzamt*).

In summary, the Council of Anglican Episcopal Churches in Germany is no part of the jurisdictional structure of either the Church of England or the Episcopal Church in the United States of America. It is, however, closely connected to these jurisdictional structures; this is shown by the regulations concerning membership in the General Meeting and the Standing Committee.

4. FUTURE PROSPECTS

The question remains whether the present state of affairs might be improved even further. Anglican churches in Germany attract comparatively small numbers of members. It has never been their aim to increase by diverting members of other churches, and this policy cannot be changed in an ecumenical age. It appears, however, that there are huge numbers of people on the Continent—as elsewhere—who are alienated from the indigenous churches. Some years ago a senior official of one of the Protestant churches tried to encourage the author to consider services in the German language saying that there were many people who had no spiritual relationship to any German church, and that German churches should be very glad to see these people attend an Anglican church instead of none at all.

The decision whether to introduce services in the German language requires, however, due consideration of the fact that, beside the two Anglican jurisdictions, there is the Old-Catholic Church in Germany which is in full communion with the Churches of the Anglican Communion. It belongs, together with Churches in the Netherlands, Austria, Switzerland, Poland, the United States of America and the Philippines, to the Union of Utrecht. These churches are independent (autocephalous) churches of different origin. While for example the Old-Catholic Church of the Netherlands derives from the Jansenist movement, and looks back to a history of several centuries of independence, the Churches of Germany, Austria and Switzerland originated after the First Vatican Council when a group of Roman Catholics rejected the doctrine of papal infallibility and universal jurisdictional primacy, and consequently were excommunicated by the Roman Church.

The *Katholisches Bistum der Alt-Katholiken in Deutschland* (Catholic Bishopric of the Old-Catholics in Germany), as its official name is, is a canonically and economically independent Church. The number of its members is estimated to be about 30,000. It is governed by a bishop and a synod. The synod consists of the bishop who chairs it, all priests who hold a permanent office in the bishopric, five representatives of the non-permanent clergy, and lay representatives of the parishes.

The bishop has authority to set up rural deaneries with the consent of the *Synodalvertretung* (standing committee of the synod). At present, the bishopric is

divided into six rural deaneries. The rural deans are elected for a six-year term of office by the clergy of the deanery and a plenary meeting of the parish councils, and appointed by the bishop with the consent of the *Synodalvertretung*.

It is conceivable without difficulty that the Council of Anglican Episcopal Churches in Germany might be integrated as an English-speaking deanery in the Old-Catholic bishopric. This would entail, of course, some special provisions. In matters of doctrine and liturgy the deanery synod of the English-speaking parishes would have to be accorded a certain independence, subject perhaps to the consent of an episcopal council consisting of the Archbishop of Canterbury as its president, the Old-Catholic bishop, the Bishop of Gibraltar in Europe and the Bishop-in-charge of the Convocation of American Churches in Europe. Episcopal care and oversight might be entrusted to an Anglican bishop suffragan, the deanery synod—or the individual parishes—having the right to make suggestions as to the person of this bishop suffragan. As for the rest, the regulations of the internal life of the parishes as in force at the time of the integration could remain in force for a transitional period, and be replaced with the approval of the episcopal council only.

The integration of two different cultures under one ecclesiastical roof would not be something new and unprecedented. We also find it for example in the Anglican Church in Aotearoa, New Zealand and Polynesia with its European and Maori *tikangas*. The regulations of the constitution of this church concerning the relationships of the two *tikangas* may provide pertinent hints for the solution of similar problems which may arise in an enlarged Old-Catholic/Anglican Church.

An integration of this kind might be a first step in the direction of a new Province of Continental Europe, including the Old-Catholic Churches; it would make the advantages of the traditional position of the Old-Catholic Church in German law²⁰ available to the Anglican Churches also. Moreover, it would make it easier to provide for Anglican and Old-Catholic services, or even joint bilingual services, in places where there are communities of both traditions which are too small for the organisation of two independent parishes.

If the Anglican Churches in Germany became part of the Old-Catholic Church, the Anglican chaplaincies in Scandinavia which at present are part of the Archdeaconry of Scandinavia and Germany would be left alone. It is well known that this large archdeaconry was formed because the number of chaplaincies in Scandinavia was deemed to be too small to form a separate archdeaconry. However, this need not be regarded as an overriding argument against the integration of the Anglican Churches in Germany into the Old-Catholic Church. In the Porvoo Declaration the Church of England and the participating Lutheran Churches have committed themselves 'to welcome *diaspora* congregations into the life of the indigenous churches'. If this is possible between Anglican and Scandinavian Lutheran Churches the existence of Anglican chaplaincies in Scandinavia would be no hindrance to the German Anglican churches joining the Old-Catholic Church.

²⁰ Cf Heinrich Hütwohl, *Das Katholische Bistum der Alt-Katholiken in Deutschland* (1964).