

ANGLICAN/ROMAN CATHOLIC INTERNATIONAL COMMISSION

The Recognition of Ministry

by Georges Tavard

In this survey I intend to examine briefly the solutions that have been proposed to the problem of recognizing the ministry of "other Churches." I will begin with solutions of a "liturgical" type, and continue with solutions of a "declaratory" type. I will then examine more particularly the question of Anglican Orders.

I

1° Reordination.

The typical case is that of ordination performed by simoniac bishops in the 10th and 11th centuries. The canons of the time did not deny the validity of an ordination that had been bought, though it negated its liceity. Several papal and conciliar decrees specify that, as a result of this illiciteity, the simoniac bishop lies under an impedimentum which nullifies the ordinations he would venture to perform. The invalid Orders are therefore those which have been received from a simoniac bishop, not his own Orders. (Cf. several papal documents included in Gratian's Decree, Causa I, questio 2). The remedy to this impediment is a reordination, the simoniac ordination being incapable of conferring the rem sacramenti.

When the simoniac crisis is over, the great scholastics adopt another theology. Bonaventure (Commentary on the Sentences, bk. IV, dist. XXV, art. 1, q. 4, corpus and ad 1-2, ad 4) and Thomas Aquinas (Summa Theol., II II, q. 100, a. 6, ad 1) admit the validity of simoniac ordinations, although simony entails immediate suspension of the ordinand. In this case, there can be no reordination, but the lawful authority may lift the suspension.

During the Reformation of the 16th century, a similar problem emerged when protestant ministers wished to be reconciled with the Catholic Church. The problem was particularly acute when Cardinal Pole, as papal legate, officially reconciled England with the Holy See: how was he to admit to the Catholic ministry the ministers ordained according to the Ordinals of 1550 and 1552? The principle adopted by popes Julius II (Si ullo unquam tempore, August 5, 1553, and Dudum cum charissima, March 8, 1554) and Paul IV (Praeclara charissimi, June 21, 1555, Regimini universalis ecclesiae, October 30, 1555) was that of reordination, although the details of application were left to the good judgment of the legate.

One should acknowledge that there was a major difference between the reordination of priests ordained by a simoniac bishop, and that of protestant or anglican ministers. For the notion of canonical jurisdiction changed between the 11th and the 16th century. Before the beginning of the 14th century, jurisdiction was identified with the determination, by ecclesiastical authority, of the subjects over whom the minister will exercise his powers. In the course of the 14th century, largely under the influence of Hervé de Nédellec (d. 1323) (De potestate papae; De jurisdictione), jurisdiction became intrinsic to the ministerial powers.⁽¹⁾ Hence a radical difference between the simoniac crisis and the 16th century crisis. In the former case, ecclesiastical authority withdrew all jurisdiction from simoniac bishops, who were thus unable, for lack of subjects, to exercise their Orders. In the latter, the ordination or consecration of protestant ministers and anglican bishops was itself deemed incapable of transmitting Orders: the problem was not that of a power that had been bound, but of one that was non-existent.

With this change in the canonical conception of jurisdiction, the validity of Orders becomes closely tied to the lawfulness of their reception: Orders received in conditions that deprive them of jurisdiction are, thereby, null

and void. This was the case considered at the 23rd session of the Council of Trent (Decree on the Sacrament of Orders, ch. 4 (D.S., 1769 and Canon 7 D.S., 1777:

... quin potius decernit, eos, qui tantummodo a populo aut saeculari potestate ac magistratu vocati et instituti ad haec ministeria exercenda ascendunt, et qui ea propria temeritate sibi assumunt, omnes non Ecclesiae ministros, sed fures et latrones, per ostium non ingressus, habendos esse. (D.S., 1769)

In the perspective of the Council, the minister who enters ministry otherwise than through the hierarchy of the Church (who "comes from elsewhere," in Canon 7) is not a minister of the Church. Therefore he has no spiritual powers and cannot function validly.⁽²⁾

2° Conditional ordination.

This way of reconciling ministers ordained elsewhere has never been followed systematically, although it has been used for ordinations performed in the Catholic Church which, for some reason or another, were believed to be doubtful. A recent conditional ordination is that of John Jay Hughes, who was ordained deacon and priest sub conditione by Joseph Hüffner, bishop of Münster, on January 27, 1968. John Jay Hughes explains the reason for such a procedure: he had formerly been ordained in the Anglican Communion by a bishop whose episcopal pedigree could claim the ancestry of some Old Catholic bishops.⁽³⁾ I will consider this problem further below, under III, 2, a.

3° Service of reconciliation of ministries.

In ecumenical circles it is frequently held that a mutual imposition of hands at the time when two or more Churches are uniting is the best method of reconciliation. Thus, the Plan of Union proposed by the Consultation on Church Union in the USA includes an inaugural service, in the course of which all ministers present would impose hands on one another.⁽⁴⁾ It is not usually noticed that such a method belongs to the same generic type as reordination and conditional ordination. In all three cases, the assumption is made that something is missing in the ministries or Orders to be reconciled, and that an additional ceremony can supply to this want. Each side is supposed to confer something on the other sides, so that one would have, if not a reordination, at least an additional supplementary ordination, the effect of which is comparable to what presbyteral ordination adds to diaconal ordination, and to what episcopal ordination adds to presbyteral ordination. This is called "ritual validation" by Kilian McDonnell ("Ways of Validating Ministry," *Journal of Ecumenical Studies*, VII/2, 1970, pp. 209-265).

4° Service of restoration of communion.

Another interpretation of the "service of reconciliation" is adopted by Jean Budillon (Le principe de communion et les services de réconciliation. Un point de vue catholique, *Istina*, vol. 15, 1970, p. 7-16). For him, where "communion" is properly understood as implying unity in faith, unity in the sacraments and unity of the bishops in one college, a service of reconciliation does not amount to a reordination. It is the concrete restoration of communion. In this perspective, however, recognition of validity of ministry is dependent upon restoration of communion, rather than the other way round.

II

In the ecumenical context, the restoration of Christian unity is no longer identified with the conversion of all Churches to one of them. It appears to be a spiritual, theological and doctrinal convergence. In this new perspective, reordination and conditional ordination are not adequate methods of recognition of ministries. One should therefore seek for another

way, which will be in harmony with ecumenical requirements, yet will safeguard the chief intention of the older ways. This may be reduced to the following: one should guarantee the apostolicity of ministry, by connecting it, historically and functionally, to the Apostles to whom Christ had entrusted the care of the Churches. The search for an ecumenical way of recognizing and reconciling ministries has given rise to several suggestions, of unequal value.

1° Simple recognition.

The suggestion is made that a Church can officially declare the ministry of another Church to be valid, even without special guarantees that formal apostolicity has been preserved. This principle has already been accepted by most Protestant Churches and even in the Anglican Communion, since all recognize the validity of all others, even when, as is the case with Anglicanism, episcopal ordination is deemed to be better, more proper, and even of the esse of the Church. The way is thus open to unions which, as was the case with the Church of South India in 1948, do not include a mutual imposition of hands.

The problem is now to ascertain whether a simple recognition of ministry in the separated Churches is compatible with the Catholic conception of episcopal succession. For such a recognition minimizes the strictly episcopal dimension in the transmission of apostolic succession, the chief stress affecting other aspects of apostolic succession, such as succession in doctrine, in preaching the Word, in administering the sacraments, in service. The ecumenical implications of the ecclesiology of Hans Küng points to this direction (The Church, New York, 1968, pp. 388-480).

Different arguments have been put forward in support of this proposal:

a) For Hans Küng, the problem is to see that Protestant communities have preserved or restored the charismatic structure of the Pauline Churches in the New Testament, whereas Catholicism and Orthodoxy would have preserved and developed the institutional structure of the Churches of Palestine. This corresponds to the "charismatic validation" listed by Kilian McDonnell.

b) Other authors have suggested that the use of the word Ecclesiae by Vatican II in reference to "Churches and ecclesial communities" issued from the Reformation, has implicitly solved the problem. To call a community a Church is to admit that it possesses all the constitutive elements of ecclesiality, among which one must count an apostolic and valid ministry (Cf. Robert Adolfs: "Rome and Anglican Order," in New Christian, May 4, 1967, pp. 11-12; Edward Schillebeeckx: "The Catholic Understanding of Office in the Church," in Theological Studies, 1969/4, pp. 575-576). However, the word Ecclesiae in the Decree on Ecumenism is not patient of such an interpretation. An adequate demonstration of this has been made by Jerome Hamer: "La terminologie de Vatican II et les ministères protestants," in Documentation Catholique, 1971, n. 1589, p. 625-628.

c) Others would justify the simple recognition of ministry in the Churches issued from the Reformation by the notion of "extraordinary minister" of the sacrament of Orders. (Cf. Edgar Bruns: "The Unity of the Church and its Ministry," in The Ecumenist, vol. 3, 1964-65, pp. 21-23; Franz Joseph Van Beeck: "Toward an Ecumenical Understanding of the Sacraments," in Journal of Ecumenical Studies, vol. 4, 1966, pp. 57-112; Daniel O'Hanlon: "A New Approach to the Validity of Church Orders," in Reconsiderations. Roman Catholic-Presbyterian and Reformed Theological Conversations, New York, 1967, pp. 139-156). However, an "extraordinary minister" of a sacrament is, by definition, supposed to function only in extraordinary cases, whereas Protestant ministers and the members of their ordination now function normatively in their own communities. Thus the notion of extraordinary minister is insufficient.

d) Some would seem to base a recognition of ministry simply on the universal priesthood of all believers, the priestly or special ministry adding nothing essential to what all the baptized already possess. Such a theology

may be found in some of the "underground churches." It is not compatible with the traditional Catholic teaching on the sacraments and should therefore be ruled out from the outset.

e) The assertion has been made that, within the Roman Catholic Church, there are "charismatic ministers" directly ordained by the Holy Spirit. Any group of the faithful might be able to discern which among them has received the charismatic priesthood and is therefore enabled to perform the ministry of the sacraments. (John W. Glaser, S.J.: "The Anonymous Priesthood," in The Commonweal, December 11, 1970, pp. 271-274). According to Rosemary Reuther, "a ministry is an exercise of a direct charisma or spiritual gift. It is not an objective office. It is not transferable through institutional channels, i.e., through ordination" (The Church Against Itself, New York, 1967, pp. 127-128). Were these principles acceptable, there would be no reason to deny such charisms to any Church. Protestant ministries could be appreciated in their charismatic dimension. By the same token, however, one would be led to deny the institutionalization of these charismatic ministries as it has taken place in all Churches. However, the basic principle of this solution is absurd. By definition, the authorization of ministry by the Spirit must be as visible as the ministry itself. It can therefore be channeled only through institutions. The present view derives from a confusion of the priestly and the prophetic functions.

2° Conditional recognition.

This expression designates here the idea that the Church has power to discern and, thereby, to authenticate, the ministry of all ecclesial institutions, under certain conditions regarding faith, especially in matters of sacraments and of apostolicity. Here again several trends may be distinguished, all of them corresponding to what Kilian McDonnell calls "ecclesiological validation."

(a) The principle of "economy" has been evoked here. Never systematically developed among Catholics, this principle has been accepted among Orthodox, especially in Greek Orthodoxy. As a result of the presence and action of the Spirit, the Church would be able to authenticate sacraments which do not fulfill all the normal conditions of authenticity. The Spirit then supplies to what is wanting in the historical embodiment and continuity of the order of salvation. The power of the keys would be enabled by the Spirit to decide the conditions and applications of this pneumatical action. This idea comes close enough to the Western canonical notions of Ecclesia supplet and sanatio in radice to acquire standing in Catholic thought. The Catholic Church now has to draw the consequences of this⁽⁵⁾ for the validation of ministry among the heirs of the Reformation. The basis for such a recognition of ministry lies in pneumatology no less than in ecclesiology. (Cf. Maurice Villain: "Can there be Apostolic Succession outside the chain of imposition of hands?", in Concilium, American ed., vol. 34, pp. 87-104.)

(b) I have myself adopted the position that recognition by the Catholic Church of the ministry of the Churches issued from the Reformation can only flow from the conviction that the faith of the differing Churches is, beyond divergencies in formulation, identical as concerns the eucharist and the ministry. Without forsaking the nodal function of the episcopate in the Church's structure, and without formulating a full theory of the relationships between Apostleship and priesthood, one may think that as soon as the essential structures of faith and doctrine are established in a Church, the remaining deficiencies of its spiritual structure are supplied to by the Lord. A full elaboration of this would need to assess what Vatican Council II calls "the hierarchy of truths": the truths that refer to the social structure of the Church (ministry, magisterium, hierarchy) are secondary in relation to those which concern God, Christ, and the Spirit. One should also deepen the theology of apostolic succession in order to answer the question: granted that apostolic succession cannot be reduced to episcopal succession, in what measure can it survive when episcopal succession ends? (Cf. Tavard: "The

Function of the Minister in the Eucharistic Celebration," in Journal of Ecumenical Studies, IV/4; 1967, pp. 629-649; "Does the Protestant Ministry Have Sacramental Significance?" on Continuum, VI/2, 1968, pp. 260-269; "Roman Catholic Theology and Recognition of Ministry," in Lutherans and Catholics in Dialogue, IV: Eucharist and Ministry, New York-Washington, 1970, pp. 301-305; "Hierarchia Veritatum. A Preliminary Investigation," in Theological Studies, vol. 32/2, June 1971, pp. 278-289.)

(c) The joint statement of the Lutheran-Catholic dialogue in the USA on "Eucharist and Ministry" (Lutherans and Catholics in Dialogue, IV) should be understood in this perspective. It proposes a new approach toward an eventual recognition of Lutheran ministry and Orders by the Roman Catholic Church. Several points ought to be noted:

1. This statement does not consider the advisability of a unilateral decision by the Roman Catholic Church. It holds rather that two decisions are necessary. On the one hand, Lutheran Churches would officially recognize that the Roman Catholic Church is today an authentic Church of Jesus Christ, in which the Word is preached and the sacraments administered. On the other hand, the Catholic Church would acknowledge and authenticate, insofar as it has the power to do so, the ministry of Lutheran Churches, especially their eucharistic ministry.

2. The statement does not select one reason as sufficient for such a gesture on the part of the Catholic Church. Rather, it lists a number of arguments, going from historical considerations (v.gr., concerning the origin of monarchical episcopate, the presbyterian ordinations that were recorded in the Middle Ages, the consecration of the archbishops of Alexandria in patristic times...) to exegetical considerations (the nature of apostleship, the distinction between the Twelve and the missionary apostles, the identification of the Apostles whose successors the bishops are said to be,⁽⁶⁾ the diversities of structure in the early Churches described in the New Testament) to doctrinal considerations (the judgment of the Council of Trent on Lutheranism, the ecclesiological status of Lutheran communities, the Lutheran critique of the sacrament of Orders, the Lutheran teaching on ministry and its practise). Thus a convergence is established, the cumulative effect of which justifies the conclusion.

3. Several precisions follow the recommendation made by the Catholic participants. They are particularly important, as they limit the scope of the position adopted by this colloquium. Thus, a certain number of projects are ruled out. The dialogue does not intend:

- to take sides on the Lutheran ministry in the 16th century: only the present situation is judged;

- to allow all and sundry to act on their own in such an issue: the request is for a judgment made by the Church, and primarily by its magisterium;

- to throw doubt or to obscure the nodal place of the episcopate in the Catholic conception of apostolicity: the authors only want to take account of the fact that a certain continuity of apostolicity has been preserved, even without traditional episcopacy, in Lutheranism;

- to authenticate thereby all the ministries of all the Churches issued from the Reformation: a new study and a reciprocal gesture are required in each and every case;

- to approve the notion or the practise of intercommunion: this is another problem, whose solution does not depend only on the acknowledgment of validity of Orders.

(d) In a critical appraisal of Lutherans and Catholics in Dialogue, IV, Yves Congar adopts a position which remains close to its proposed solution, yet modifies it considerably. He states his own acceptance of Protestant ministries "as what they consider themselves to be" (Quelques problèmes touchant les ministères, in Nouvelle Revue Théologique, October 1971, pp. 785-800, esp.

pp. 797-799). He thinks that the solution proposed in Lutherans and Catholics in Dialogue, IV does not suffice to judge the protestant ministry today "according to Catholic criteria." What is still missing, however, is not clear. In any case, once the proper convergence in faith and spiritual life has taken place, the Churches will achieve their mutual reconciliation and, at that moment, but not before, should recognize and reconcile their hitherto separate ministries. They can do so on the basis of a common profession of faith, recognizing ministry "by way of reception," thanks to the principle of economy.

I see a discrepancy here in that, in several Churches, ministries are equated with what Catholic priests hold themselves to be. I also fail to see why the gesture of recognition could not be made by the Catholic Church in anticipation of and preparation for the desired reunion, as soon as this reunion seems, on the basis of a substantial identity of faith, to enter the realm of possibilities.

III

The question of a recognition of Anglican Orders by the Roman Catholic Church is made especially difficult by the encyclical of Leo XIII, Apostolicae curae (September 13, 1896), in which the Pope declared:

Adhering entirely to the decrees of the pontiffs, our predecessors, on this subject, and fully ratifying them by our authority, on our own initiative and with certain knowledge, we pronounce and declare that ordinations performed according to the Anglican rite have been and are completely null and void.

Furthermore, Leo XIII repudiated in advance any future attempt to reverse his decision:

We decree that the present letter and the whole of its contents shall not be liable at any time to be attacked or impugned on the ground of obreption, subreption, or defect in our intention, or any defect whatsoever; but that it shall be now and for ever in the future valid and in force, and that it is to be inviolably observed both judicially and extrajudicially by all persons of whatsoever degree or preeminence; and we declare null and void any attempt to the contrary which may be made wittingly or unwittingly concerning the same by any person, by any authority, or under any pretext whatsoever, all things to the contrary notwithstanding.

In spite of the announced finality of Leo XIII's decision, the present ecumenical circumstances necessarily raise again the question of the recognition of Anglican Orders. The suggestions made about Lutheran or Protestant ministries unavoidably imply the advisability of considering Anglican Orders again, since, prima facie, these present a better case for recognition: the Anglican Communion, like the Church of England from which it derives, has faithfully preserved the episcopal structure of the Church, a liturgy focused on the eucharist, and, in the theology of many of its members, a Catholic conception of the sacraments and especially of the eucharist and the priesthood.

In these conditions, one may foresee a future recognition of Anglican Orders. Several possibilities may be considered:

1° A reversal of the decision of Leo XIII, which was a disciplinary (therefore non-infallible) decision. The warnings of the encyclical against future divergences from its ruling need not stand in the way, for they aim at individuals acting on their own, not against the Church itself acting through its supreme magisterium. Such a reversal of Pope Leo's decision may be based on diverse grounds:

a) on a study of the circumstances surrounding Apostolicae curae. According to the investigation made by John Jay Hughes (Absolutely Null and

Utterly Void: an Account of the 1896 Papal Condemnation of Anglican Orders, Washington, 1968), the opposite conclusion could have been reached on the basis of the evidence alleged, had not considerable pressure been brought to bear on the pope against a positive reply.

b) on a critique of the theological argumentation of the encyclical. Major faults in the presentation and interpretation of the evidence or in the selection and use of criteria for theological judgment would justify a new decision. Such an investigation has also been attempted by John Jay Hughes: Stewards of the Lord: a Reappraisal of Anglican Orders, London, 1970.

c) on a new appreciation of the intention of Anglican bishops and on the meaning of the Ordinal, based on evidence that was not available before Apostolicae curae, namely, the Response of the Anglican Archbishops to Leo XIII, and more recent documentation, such as the reports of the Lambeth Conferences, the revisions of Anglican liturgies, the report on Doctrine in the Church of England (1922), the report on Catholicity (1947), the projected Ordinal for Methodist-Anglican unity (1968), and several theological studies, such as G. Tavard: The Quest for Catholicity, London, 1963; J.M.R. Tillard "Catholiques romains et anglicans: l'eucharistie" (Nouvelle Revue Théologique, June-July 1971, pp. 602-656).

(d) on a new study of the historical evidence concerning the transmission of Orders in the 16th century, and especially the consecration of Matthew Parker in 1559. On this basis, several Anglican authors have tried to refute Leo XIII's position (v.gr. Gregory Dix: The Question of Anglican Orders, London, 1956), whereas several Catholic authors have, after re-examining the evidence, concluded in Leo XIII's favor (v.gr. Francis Clark: Anglican Orders and Defect of Intention, London, 1956; Anthony A. Stephenson: Anglican Orders, London, 1955). For this line of enquiry to be fruitful, however, one would have to ascertain that new evidence is now available which may tip the balance of theological judgment. Such, in my opinion, is not the case.

2^o Without passing judgment on Leo XIII's encyclical, it is still possible to envision other models for a recognition of Anglican Orders:

a) Such a recognition might be based on the fact that Anglican bishops are frequently consecrated by bishops in the Old Catholic succession acting as co-consecrators, to the extent at least that they take part in the imposition of hands, which belongs to the "form" of consecration. Even the Catholic Archbishop of Santa Fe, James Davis, participated in the same way in an Anglican consecration in 1971. This line of thought would assume that valid Orders can be inserted as it were from the outside into an otherwise invalid succession. Such a contention, it seems to me, would be extremely difficult to maintain. For it would imply (a) a 'pipe-line' conception of episcopal succession, such a conception being hardly tenable, (b) the assumption that (in the case of the Archbishop of Santa Fe, though not in the case of Old Catholics) a bishop can act validly against the explicit intention of his Church and his own episcopal College, which is, in this case, still officially expressed in Apostolicae curae. Both these points (the nature of episcopal succession and that of episcopal power) have to fit in the context of ecclesial consensus or collegiality: it is the Church as a whole, acting through its bishops, which transmits Orders, and this context determines the value of the sacramental act of imposition of hands. In view of this, the mere fact of participation of non-Anglican bishops in Anglican consecrations cannot of itself lift all prudential doubt as to the validity of these.

b) A revision of Leo XIII's decision on Anglican orders might be based on contemporary theological conceptions that were not operative in 1896. Several suggestions may be made here.

(i) In the area of ecclesiology, one can wonder if the doctrines of Vatican II do not open the door to such a recognition. Undoubtedly, the Council argued from the evidence of valid eucharist to recognition of a community as Church, rather than vice versa. This point is definitively made by Jérôme

Hamer in the above-mentioned essay. The appellation, "Churches and ecclesial communities of the West", was introduced explicitly to make room for the Old Catholic Church, whereas Anglicanism was still placed implicitly by the Decree on Ecumenism among the "ecclesial communities", along with other communities issued from the Reformation. Notwithstanding, the language of Lumen Gentium, n.8, on the Church of Christ which "subsists in the Catholic Church" raises a question: are there not degrees of subsistence of the Church of Christ in other communities? The suggestion that the Church of Christ admits of a hierarchy of degrees of subsistence under diverse ecclesial institutions may be related to the notion of revealed truth and its degrees (cf. Vatican II, Decree Unitatis redintegratio, n. 11, and G. Tavard: Hierarchia Veritatum, a preliminary investigation, in Theological Studies, June 1971, pp. 278-389) and to that of typoi of the Church, presented by Cardinal Willebrands at Cambridge on January 18, 1970 (cf. Documentation Catholique, n. 1559, pp. 265-269). An affirmative answer would require the possible recognition, in these communities, of degrees of all the sacraments or at least degrees of those that are constitutive of the Church: baptism, confirmation, and the eucharist. The problem would then amount to the following: what degree of the sacrament of Orders may be recognized by the Roman Catholic Church in the Anglican Communion? (7) Once we admit that sacraments are not necessarily given to their fullest qualitative extent, but may admit of degrees, the answer to such a question can only be that a given Communion preserves the degree of the sacrament of Orders commensurate to its ecclesial life. Now one may adopt two ways of assessing this life in the Anglican communion: by an analysis of the ecclesial elements in Anglicanism, and by an assessment of the involvement of Roman Catholicism itself, provisionally taken as a standard of ecclesiality, in that life. The former would yield a rich crop of evidence in favor of a high degree of ecclesial participation. The latter would seek for the implications of several recent events, such as the official visit of the Archbishop of Canterbury to Rome in March, 1966, and especially of the service of prayer led jointly by Pope Paul VI and Archbishop Ramsey at St. Paul-outside-the-Walls on the 24th of March; or the official visit of the Cardinal-Archbishop of Paris to the Archbishop of Canterbury (February 17-20, 1970).

(ii) In the area of sacramentology, one may wonder if the corporate understanding of ministerial intention which is favored by several authors (v.gr. E. Schillebeeckx: Christ, the Sacrament of the Encounter with God, New York, 1963; ch.3, n.2; Karl Rahner: The Church and the Sacraments, New York, 1963) does not bring new light to bear on the transmission of Orders in the 16th century. Did the whole Church at the time, as the bearer of God's absolute salvific will, which wills the permanence of the sacramental experience in the community of faith, really and unequivocally refuse to transmit the sacramental grace through the intention, however defective it may have been in relation to the total analogy of faith, of the English bishops who consecrated Matthew Parker with a doubtful rite? Should we not rather think that the whole Church, as the bearer of God's absolute mercy, supplied to what may have been wanting in the rite and intention of the consecrating bishops, as well as in the intention of Matthew Parker as the recipient of the sacrament?

c) The convergence of these lines of approach suggests that their cumulative effect raises a dubium on the applicability of the decisions of Apostolicae curae to the current situation. At the end of the 19th century, there dwelt in the mind of Catholic theologians a dubium on the transmission of valid order in the English Reformation. This dubium was lifted by a canonical decision based on history and on sacramental theology. The situation has now shifted: there exists a dubium on the continued relevance of the canonical decision then made by Leo XIII. This is at least a dubium de facto: without questioning the theological argumentation of Apostolicae curae, one doubts that the facts concerning Anglican succession actually correspond to the situation described in the encyclical. One may even go further and raise a dubium de jure bearing, not indeed on the logic of the conclusion reached by Leo XIII on the basis of the argumentation of the encyclical, but on the validity of this argumentation itself, thereby questioning the theological value of the decision based upon it. This, as we have seen, would correspond to the orientation of John Jay Hughes's researches. At any rate, the existence

of such a dubium, whether de facto or de jure, necessarily entails the advisability of another decision to remove the doubt. This decision could take the form of a simple disciplinary recognition of Anglican Orders today, motivated by the canonical principle that Odiosa sunt restringenda, and justified by the convergence of theological argumentation in favor of their validity. A new historical investigation of the English Reformation would not be required for this.

d) Finally, a short cut might avoid a discussion of the historical continuity of the Anglican episcopate with the pre-Reformation Catholic episcopate of England. This would simply apply to the Anglican Communion the principles adovated by the Lutheran-Roman Catholic Statement on "Eucharist and Ministry" (Lutherans and Catholics in Dialogue, IV) regarding Lutheran Orders. It would amount to a recognition of Orders, given adequate guarantees of doctrine concerning the sacraments of the eucharist and of Orders. It would rest on the assumption that, whatever one may think of Anglican episcopal succession, valid Orders may be transmitted by a broader apostolic succession, recognizable by continuity of ministry, doctrine, and faith. The obvious drawback of this line of reasoning is that it would logically lead to a recognition of Anglican Eucharist and Orders without necessarily implying a recognition of Anglican episcopacy. Accordingly, although this way is, to my mind, theoretically possible, it is practically ruled out by the fact that Anglican theology sees close ties between its eucharist, its presbyterium, and its historica episcopate. Roman Catholic theology cannot solve the problem of Anglican Orders without facing the ecumenical ineluctability of recognizing at the same time the Anglican episcopate. In other words, a recognition of Anglican Orders made on this basis would have lead to a conclusion not contained in the premises.⁽⁸⁾

Whatever line of approach one considers the most theologically acceptable, the most canonically feasible, and the most ecumenically fruitful, several remarks are now in order.

1° The evolution of ecumenical dialogues brings the problem of ministry to the fore, inasmuch as most bi-lateral conversations at this time find their focus in this question. For instance, in the USA, the dialogues of Catholics with Lutherans, Episcopalians,⁽⁹⁾ Presbyterians,⁽¹⁰⁾ and Methodists⁽¹¹⁾ have been dealing with problems connected with the ministry. At the international level, the Faith and Order meeting of Louvain, in the summer of 1971, had the question on its agenda.⁽¹²⁾ The International Theological Commission of the Congregation for the Doctrine of the Faith, at its meeting of autumn 1971, received a report on Lutherans and Catholics in Dialogue, IV from one of its sub-commissions. In fact, the report, which has remained unpublished, is quite negative; but a negative judgment at this moment cannot stop the momentum acquired by an unavoidable ecumenical discussion.

2° The Roman Catholic Church must clearly avoid taking shelter in a purely static position, which would only provoke some groups and individuals to unwarranted conclusions and actions. Several of the methods listed above sufficiently show that this field lies wide open to romantic suggestions, whose generosity equals their shallowness.

3° Yet the Roman Catholic Church should unequivocally refuse the ground on which some solutions of the problems are proposed. From several essays we gather the impression that the study of ministry and the recognition of ministry should aim primarily at hastening universal intercommunion. Thus intercommunion becomes, in the eyes of some, a primary goal of ecumenical dialogues. I am convinced, however, that intercommunion posits ecclesiological problems which are not solved simply by a recognition of valid eucharists and ministries. The correlation of eucharistic communion and ecclesial communion should not be forgotten. The context of the Ecclesia

needs much deeper study, and there must be much more theological convergence between Churches before we can honestly reach the conclusion that we have one eucharistic communion because we are also prepared to be one ecclesial communion.

4^o No solution to the problem of ministries can be found on the basis of the New Testament alone. The current situation is so different from that of the primitive Churches of Corinth and Palestine that, pace Kung, little light can be gathered from St. Paul's dealings with the Corinthian problems. Yet the tradition of the Eastern and Western Churches is rich enough to provide several models for a solution of the problem. Once a satisfactory model has been constructed, we should work toward the convergence in faith and doctrine which will hasten its application.

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NOTES

- (1) See Yves Congar: L'Eglise, de saint Augustin à l'Epoque Moderne, Paris, 1970, p. 277.
- (2) In two studies included in Lutherans and Catholics in Dialogue, IV ("The Roman Catholic Doctrine of the Competent Minister of the Eucharist in Ecumenical Perspective," l.c., pp. 120-137; "Trent and the Question: Can Protestant Ministers Consecrate the Eucharist?", l.c. p. 283-299), Harry McSorley tries to show that the Council of Trent considered "irregular", but not "invalid", the Orders received in the Protestant Churches. The demonstration remains weak.
- (3) John Jay Hughes: Stewards of the Lord. A Reappraisal of Anglican Orders, London, 1970, p.9, n.1 and p. 343-344. In this book, as also in Absolutely Null and Utterly Void. An Account of the 1896 Papal Condemnation of Anglican Orders, Washington, 1968, Hughes tries to show that the encyclical Apostolicae curae ended on an historical error, itself deriving from several theological mistakes. He suggests that a new ad hoc commission should officially repudiate the conclusion of Leo XIII. See my critique of Hughes's position: "Anglican Orders - Again! in One in Christ, 1971/1, p. 46-53.
- (4) A Plan of Union, Princeton, New Jersey, 1970, App. I, p. 86-89.
- (5) See the critical remarks of Yves Congar: L'Eglise, Une, Sainte, Catholique, Apostolique, Paris, 1970, p. 205-206.
- (6) See Raymond Brown: Priest and Bishop. Biblical Reflections, New York, 1970.
- (7) On the notion of "degrees of the Eucharist," see Yves Congar: Quelques problèmes touchant les ministères, in Nouvelle Revue Théologique, n.8, October 1971, p. 785-800.
- (8) This does not contradict the conclusion of my article: Anglican Orders - Again! This article affirms the possibility of a positive decision on Orders which would not be grounded in a recognition of episcopal succession in 1559. I now insist, first, that, for ecumenical reasons, such a decision must imply a recognition of the Anglican episcopate today, although, second, this would extend beyond the strictly logical basis of the decision.
- (9) See Laurence Guillot: Ministry in Ecumenical Perspective. The Ministry of Priests and Priesthood as a Problem in Ecumenical Relations for Anglicans and Roman Catholics, Rome, 1969. Guillot's somewhat unclear solution (p. 29-32) would seem to advocate a joint study of ministry; "then, conscious of their unity in the Holy Spirit, they might draw on the principle of religious liberty and comprehensiveness to recognize a legitimate variety of models and understandings of priesthood within the unity of a single faith." (p. 31).
- (10) See Reconsiderations. Roman Catholic - Presbyterian and Reformed Theological Conversations, 1966-1967, New York, 1967. Daniel O'Hanlon's solution is not clear. It seems to be similar to that of Van Beeck; but it also wishes to broaden the notion of "ministry as diaconia," in such a way that it would allow for diversities of forms and services.
- (11) The first meeting of a new series of Methodist-Catholic conversations took place at Cincinnati, February 25-26, 1972. The general topic for this series is "the Ministry, chiefly in its relation to the Church's holiness".
- (12) Faith and Order. Louvain 1971 (Faith and Order Papers, n. 59).