

II. ANGLICAN ORDERS: A NEW CONTEXT

by

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THE achievement of this second agreed statement to be issued by the Anglican-Roman Catholic International Commission is of a different kind from that of its predecessor, the Windsor Statement on the Eucharist. The Windsor Statement succeeded in reconciling the apparently irreconcilable, by renouncing the terminology in which the disputes of four centuries had become fossilised, and stating in unpolemical terms a doctrine which did full justice to the essential eucharistic beliefs of both parties. The position of the two Churches with regard to the doctrine of the ministry was different. They both agree in accepting the three orders of bishops, presbyter and deacon; both require episcopal ordination; both hold to a ministry of word, sacrament (in which the Eucharist holds the central place) and pastoral care; both insist on the need for apostolic succession in the ministry. Consequently the Commission needed to work no miracle of reconciliation in order to show that the two Churches possess ministries which resemble one another very closely in organisation and function, and which are understood in a very similar way.

Certain qualifications, however, have to be made to this generalisation. First, the agreement on the ministry presupposes the validity of the agreement on the Eucharist; for unless there is agreement about the nature of the Eucharist, there is no agreement about the role of the minister who celebrates it. Secondly, although papal primacy and the infallibility of the Church (and of the pope within the Church) have a bearing on the doctrine of the ministry, the Commission decided to defer the discussion of these subjects to its next meetings. Thirdly, within each of the two Churches there are different views about the *necessity* of the threefold division of orders which both Churches have inherited. This is most evident in the Anglican Communion, in which voices have often been raised in defence of the orders of the non-episcopal Churches. The issue has sometimes appeared as a debate whether the episcopate is necessary for the *esse*, the *bene esse*, or the *plene esse* of the Church; it underlay the struggles over recent attempts to secure reunion between the Anglicans and the Methodists. It must be admitted, however, that nowadays similar doubts about the necessity for an episcopal pattern of orders have been voiced on the Catholic side. Fr Hans Küng's expression of these doubts has achieved most notoriety; but other Catholic theologians too, with perhaps greater circumspection, have argued that there is no evidence that in the first years of the Church a clear distinction was everywhere drawn between bishops and presbyters.¹ Fourthly, although the two Churches

¹ H. Küng, "Why Priests?", Collins Fontana, London and Glasgow, 1972. Küng's views had already appeared in a more academic form in his book "The Church". Burns and Oates, London, 1968, pp. 393-444. See also P. Fransen, "Orders and Ordination", in *Sacramentum Mundi*, vol 5.

have always had this close agreement on ministerial organisation and belief, there have been differences of emphasis. At the time of the Reformation the Catholics put the main emphasis on the sacramental ministry, the Anglicans on the ministry of the word. On the Anglican side the High Church party attempted to correct this tendency as early as the seventeenth century; and in recent years the Evangelicals too have attached increasing importance to the Eucharist. On the other side, Catholic theologians have come to allot a much more important place, both in theory and in practice, to the ministry of the word;² in fact it is now commonplace to suggest that the ministry of the sacraments is a form of ministry of the word. A legacy of this difference of emphasis has been a reluctance in some Anglican quarters to apply the word 'priest' to the ordained; to meet these fears the Canterbury Statement includes a justification of the use of the term, showing that it is not meant to imply that in the Eucharist there is a new or repeated sacrifice. (n. 13).

However, what people hoped above all that the Statement would do was to help to clear the way for Catholic recognition of Anglican orders. The Commission had no power to abrogate or modify *Apostolicae Curae*; nor would it have been proper or wise for the Commission even to advocate such a course, had it wished to do so. What the Commission has done is to claim:

The development of the thinking in our two Communion regarding the nature of the Church and of the Ordained Ministry, as represented in our Statement, has, we consider, put these issues in a new context. (n. 17) What is this new context? There are perhaps three factors involved.

(1) *The fact of agreement*

One element in the new situation is the fact of agreement on the basic theology of the ministry. It is a new element, for even if such an agreement could have been made in 1896, in fact it was not; indeed it was probably not feasible then, as eucharistic disagreements had not yet been formally resolved.³

But although, as the Statement says, "agreement on the nature of Ministry is prior to the consideration of the mutual recognition of ministries" (n. 17) doctrinal agreement by itself does not constitute sufficient grounds for recognition. This is such an important point and is so much misunderstood that it will be necessary to develop it at some length.

Much of the confusion is due to the ambiguity of the term "recognition". In ordinary speech, to recognise someone is to become aware of his

² Cf. Vatican II, *Lumen Gentium*, n. 25; *Presbyterorum Ordinis*, n. 4.

³ Space does not allow me to develop here the theology of the ministry which the Statement contains. For such a study the reader is referred to the valuable commentaries of Bishop A. Clark, the Catholic Co-chairman of the Commission (*Ministry and Ordination*, Catholic Information Office, Pinner, 1973), and Julian Charles, an Anglican member of the Commission (Grove Books, Bramcote Notts, 1973), and to an unsigned article in the *Month* of January 1974.

identity. We sometimes also say that we "recognise" someone when we mean that we make a sign to show that we are aware of someone's presence and know who he is or what he is wanting. In neither sense of the word can we recognise someone by an act of will if he is not there; it is impossible when looking at Mr Heath to recognise Mr Wilson. There is in addition a third, more technical, sense of the word according to which it means that we choose to treat a thing of doubtful status as if it really is what it claims to be; it implies a promise to accept obligations which are open to question. In this sense of the word the British Government recognised the revolutionary Chilean Government; or the Coal Board could recognise miners' bath-time as overtime that demands payment. It is the peculiarity of this third sense of the word that it *makes* the truth of what is recognised, just as a batsman is out if the umpire says so, whether the ball actually hit the bat or not. The recognition is *arbitrary*, in the sense that it depends upon the free choice of the recogniser, but not in the sense that there are no relevant criteria. Such criteria, however, are criteria of prudence; it is not self-contradictory to disregard them. We can, for example, draw up a list of criteria by which we can judge the *wisdom* of recognising a particular government; but it is not *logically impossible* to recognise another country's regime even if none of these criteria is verified. It would be a contradiction in terms to say one recognised the Prime Minister while looking at the Leader of the Opposition; but it would not be a logical impossibility, though no doubt imprudent and diplomatically ineffective, to recognise King Constantine as the head of the Greek state, or to recognise the hours that a miner spends in bed as overtime.

The traditional Catholic view is that when we speak of the recognition of ministry we are speaking in the first or second sense of the term, not the third. Orders are valid if they constitute a man a minister of Christ and endow him with ministerial powers; validity on this view is a matter of objective fact, which the Church cannot recognise if it is not objectively given. It would not therefore be open for the Church to recognise the validity of Anglican orders in the third sense of the word "recognise", simply on the grounds that official Anglican acceptance of the Canterbury Statement would show that they now had an orthodox *doctrine* of ministry. Other factors are involved. Some Catholic theologians, however, adopt a view of validity which makes the third sort of recognition appropriate. For them the orders of another communion are valid if the Catholic Church chooses so to declare them; recognition then would not be the perception of validity, it would constitute validity.

This more modern Catholic view is untenable. The notion of objective validity is indispensable; for otherwise there would be no class of human being which the Church could not simply choose to recognise as a valid candidate for ordination—babies, atheists, madmen, persons who are candidates against their will. The argument about the possibility (as opposed to the wisdom) of ordaining women would be meaningless if the Church could arbitrarily "recognise" any ordinations. Once a single case is admitted in which the Church has not the power to "recognise" orders,

the category of objective validity is admitted. Before Anglican orders can be recognised it must be asked whether they are objectively valid.⁴

(2) *Form and intention*

Although the *fact* of agreement about the nature of the ministry does not provide sufficient grounds for recognition, the *content* of that agreement does carry important implications.

According to the Canterbury Statement, "the goal of the ordained ministry is to serve" the "priesthood of all the faithful", to provide "a focus of leadership and unity", "to co-ordinate the activities of the Church's fellowship and to promote what is necessary . . . for the Church's life and mission", "to discern what is of the Spirit in the diversity of the Church's life and promote its unity" (n. 7). This definition of the purpose of the ministry makes no explicit mention of the Eucharist. Indeed, the New Testament nowhere states that only ordained ministers may celebrate the Eucharist. Nevertheless, the Commission prudently avoided an argument from silence;⁵ the New Testament does not afford evidence one way or the other. The Statement's carefully worded conclusion is that "*it is right* [my italics] that he who has oversight in the Church and is the focus of its unity should preside at the celebration of the Eucharist" (n. 12); and that "it is because the Eucharist is central in the Church's life that the essential nature of the Christian ministry, however this may be expressed, is most clearly seen in its celebration" (n. 13).

The Agreed Statement thus maintains that the essential function of the ministry is to act as a focus of unity to the community; the celebration of the Eucharist is indeed the typical and central example of this ministry, but it is not said to be a *sine qua non* among the minister's functions. Even the particular functions of the orders of bishop and presbyter are not said to be based exclusively on the Eucharist. The paragraph describing the powers of the three orders is worth quoting in full:

An essential element in the ordained ministry is its responsibility for "oversight" (*episcopé*). This responsibility involves fidelity to the apostolic faith, its embodiment in the life of the Church today, and its transmission to the Church of tomorrow. Presbyters are joined with the bishop in his oversight of the Church and in the ministry of the word and the sacraments; they are given authority to preside at the Eucharist and to pronounce absolution. Deacons, although not so empowered, are associated with bishops and presbyters in the ministry of word and sacrament, and assist in oversight (n. 9).

The view of ministry contained in *Apostolicae Curae* was very different in emphasis. For Leo XIII (quoting Trent) the power of the priesthood "is

⁴ This conclusion does not of course deny that God can use invalid orders as fruitful means of grace; it is not therefore a sound argument for an Anglican to say, "I know that my orders are valid because I experience the fruitfulness of my ministrations".

⁵ Throughout the Statement the Commission refused to draw conclusions from things that the New Testament does *not* say. It declined to conclude, for example, that the triple ministry did not exist at the beginning from the fact that it is evident only in the later books of the New Testament.

pre-eminently the power 'to consecrate and offer the true Body and Blood of the Lord' in that sacrifice which is no 'mere commemoration of the sacrifice performed on the Cross'.⁶ The Canterbury Statement's doctrine of ministry is therefore more widely based than Leo's; and if the Statement is right in this, the validity of Leo's argument against Anglican orders is seriously affected.

The argument of *Apostolicae Curae* can be stated briefly as follows. All Anglican orders depend upon the validity of the consecration of Matthew Parker and other bishops at the beginning of the reign of Elizabeth I. These consecrations were however invalid, because both the form (the essential sacramental words) chosen for use and the intention of the consecrating bishops were defective. Therefore the succession was broken, and it is not repaired even if in subsequent ordinations a valid form is used and the intention of the consecrators is sufficient. Consequently all Anglican orders are invalid.

The alleged defects of form and intention are mutually dependent. In the Edwardine ordinal, which was chosen for use at the consecration of Parker and the other bishops in 1559, the form consisted of the following words

[for the priesthood]

[at the imposition of hands] Receive the Holy Ghost: whose sins thou dost forgive, they are forgiven: and whose sins thou dost retain, they are retained: and be thou a faithful dispenser of the word of God, and of his holy Sacraments. In the name of the Father . . .

[at the tradition of instruments] Take thou authority to preach the word of God, and to minister the holy Sacraments in this congregation where thou shalt be so appointed.

[for the order of bishop]

[at the imposition of hands] Take the Holy Ghost, and remember that thou stir up the grace of God, which is in thee, by imposition of hands: for God hath not given us the spirit of fear, but of power, and love, and of soberness.⁷

[At the tradition of instruments the bishop was reminded to study and preach the word of God and to be a good shepherd of his flock.]

The fact that these words contain only a generic reference to "the holy Sacraments", and no explicit mention of the Eucharist, let alone eucharistic sacrifice, is not in itself sufficient proof of invalidity; for the early Church seems to have had no qualms about using a rite of ordination which is silent on the same points, namely that of Sarapion in fourth-century Egypt.⁸ An ambiguous form of words can gain precision from the intention of the ordainer and of the local Church he represents. In Sarapion's rite

⁶ Denzinger-Schönmetzer 3316. I quote the translation given by Dr F. Clark in "Anglican Orders and Defect of Intention", Longmans Green, London, 1956, p. 2.

⁷ "The First and Second Prayer Books of Edward VI", Dent, London, 1910 and 1960, pp. 457 and 462-3. I have modernised the spelling.

⁸ The text of Sarapion is contained in F. X. Funk, "Didascalia et Constitutiones Apostolorum", Paderborn, 1905, Vol 2, pp. 188-90.

the intention to ordain a priest with a eucharistic function is clear from the rest of the service;⁹ by contrast, the rest of the Edwardine ordinal does not provide this clarification, while the actions of the Reformers in destroying altars and removing the ceremony of the handing over of the chalice reveal the intention of excluding the Catholic interpretation of the eucharistic powers of a priest. The form, therefore, of the Edwardine ordinal gained its meaning from the intentions of its authors in 1550 and 1552, which are revealed in their actions; and conversely light is thrown on the intentions of Parker's consecrators in 1559 by the fact that they acquiesced in the reversion to the rite of 1552 in preference to the Catholic rite restored by Mary Tudor.¹⁰

Defenders of Parker's ordination point out that it is to be presumed that his consecrators intended in conferring orders on him to do what Christ intended, and that it is commonly agreed by theologians that such an intention is sufficient for the validity of a sacrament. To this argument Dr F. Clark replied that their intention to exclude eucharistic sacrifice contradicted and nullified whatever intention they had to do what Christ intended.¹¹

If the Commission's definition of ministry is accepted, however, Dr Clark's contention loses its force. For if the basic function of the ministry is to be conceived in terms of uniting the community and not explicitly in eucharistic terms, the intention to exclude the Catholic Mass is not totally incompatible with the intention of doing what Christ intended in founding the ministry. This is all the more evident because neither in 1552 nor 1559 was it the intention to exclude from the priesthood the power to celebrate the Eucharist altogether; this power remained the prerogative of priests. What was excluded was the Catholic understanding of the sacrifice of the Mass. The Commission's definition of ministry, therefore, can justly be said to provide a new context for the reassessment of the argument from defects of form and intention.

(3) *Apostolic Succession*

Let us suppose, however, for the sake of argument that in the Anglican ordinations under Elizabeth I the form and intention were basically defective. If the Commission is right in maintaining that the two Churches are now as one in their basic theology of ministry, it cannot be maintained that Anglican ordinations *today* are defective in form and intention. Nevertheless, in the view of Leo XIII, Anglican orders would still be invalid, because the apostolic succession was broken in the sixteenth century. Thus, in connection with the seventeenth century addition of the words "for the office and work of a priest" to the phrase "receive the Holy Ghost", Leo states:

⁹ *Ibid*, chap 13, sec 11-13.

¹⁰ My conclusions here differ from those of Francis Clark (*op. cit.*), who maintains that form and intention constitute two separate issues.

¹¹ *Ibid*, chap 6-8. Dr Clark takes due notice of the fact that the Church's individual decisions about the validity of sacraments in specific instances have always acknowledged that unorthodox *doctrine* alone does not invalidate a sacrament, unless it implies an *intention* of not doing what Christ intended.

Even if this addition could have lent the form a legitimate signification, it was made too late, when a century had already elapsed since the adoption of the Edwardine ordinal and when, consequently, with *the hierarchy now extinct*, the power of ordaining no longer existed.¹²

This line of reasoning presupposes what is described by its opponents as the "pipe-line" theory of apostolic succession: orders must be handed down from the apostles along an unbroken chain of validly ordained bishops. The theory is sometimes attacked as if it maintained that the ordaining power was passed on physically by the imposition of the ordaining bishop's hands on the candidate's head, and that the essential element in an ordination is the extension of this physical contact stretching back to the apostles like an uninterrupted electric circuit. This extreme and materialistic view would be incompatible with the medieval belief that the essential rite of ordination was not the imposition of hands but the tradition of instruments, and in fact Leo lends no support to it. The teaching of *Apostolicae Curae* on apostolic succession cannot be simply laughed out of court.

The Canterbury Statement, however, puts forward a doctrine of apostolic succession that is different from the "pipe-line" view on which the case of *Apostolicae Curae* is based. The Catholic Co-chairman interprets this part of the Statement as follows:

The chain of succession is to be seen not in a series of persons who have sacramentally received the office of bishop, or in the "handing on" of the sacramental gift already possessed by the ordaining prelates, but in an unbroken "communion" of local Churches, *focussed in the person of their bishops*, with each and every other local Church and their bishops.

Ordination is indeed a sacramental act in which the specific powers of the episcopal office are conferred, but the doctrine of Apostolic Succession concerns the communion of a local *Church* with the total communion which is the Church.¹³

Bishop Clark does not attempt to show how this understanding of apostolic succession is relevant to the assessment of the validity of Anglican orders. He pleads that to do so would be "outside the scope of so simple a commentary".¹⁴ But though perhaps it would have been improper for the Co-chairman of the Commission to be more explicit than the Commission itself, an ordinary member of the Commission may be allowed on no authority but his own to explore further. If the apostolic succession resides primarily in the local Churches, and the bishops are only the focus of this communal succession, it seems to follow that the succession can be maintained even over a gap in which the local Church has no bishop. This gap in the succession of bishops is normally closed when a new bishop is consecrated for it by the bishop of another Church; this procedure is

¹² DS 3316; trans. F. Clark, *op. cit.*, pp. 2-3. The italics are mine.

¹³ A. Clark, "Ministry and Ordination", p. 36.

¹⁴ *Ibid.*, p. 37.

mandatory in Church law, and is of the highest importance as a symbol of the unity of the Church. But if the succession is maintained by the local Church even without its focus of a bishop, it seems that consecration of a bishop by another bishop is not a condition *sine qua non* for the validity of his order. There is indeed some evidence that in the Middle Ages ordinations were performed by someone who was not a bishop (e.g. an abbot or a presbyter), and were considered valid.¹⁵

If this wider interpretation of apostolic succession proposed by the Canterbury Statement is accepted, and if its implications are as I have suggested, the whole argument of *Apostolicae Curae* is open to question. For even if it is conceded that defects of form and intention invalidated the consecrations of Parker and his contemporaries, it would not follow that "with the hierarchy now extinct, the power of ordaining no longer existed." If a subsequent generation returned to a sound form and intention, subsequent orders would be valid on the presupposition that the Church was in the apostolic succession even though its bishop had himself not been validly consecrated.

Prospects

These then are the new "contextual" elements which seem to justify the reopening of the case which had appeared to be settled once for all in 1896. Admittedly, in asking for the case to be reopened one is asking for a lot. One is seeking more than a decision to the effect that, though Leo XIII may have been correct in saying that Anglican orders were invalid in 1896, changed circumstances have made these orders valid by 1974. For if the principles laid down by *Apostolicae Curae* are correct, Anglican orders are still invalid, because the hierarchy is still "extinct". What is sought therefore is nothing less than the admission that the condemnation of 1896 was mistaken. One can soften the request by suggesting that, granted the theology of ministry that was current at the end of the last century, no other verdict was possible, but that a broader theology of ministry and apostolic succession shows the inadequacy of these premises. But one is still asking Rome to admit a crucial mistake in a papal decision made in as solemn terms as are to be found outside an *ex cathedra* definition.¹⁶

How long would it take for the ground to be cleared for such an unprecedented step? In principle, as *Apostolicae Curae* is not regarded as an infallible pronouncement, a later pope could revoke what an earlier pope has declared. But Rome's advances are generally more circuitous; it would perhaps be unrealistic to hope for a direct repudiation, even though such an admission of error by Rome would have a shattering effect on the ecumenical situation. Besides, it would be totally wrong of the Pope to accept the Commission's interpretation of ministry and apostolic

¹⁵ Cf P. Fransen, *op. cit.*, p. 316; "Catholic Dictionary of Theology" I, "Abbot, Ordination By" (note by Dom Alban Baer).

¹⁶ On the question whether Leo XIII's Bull constitutes an infallible definition, see E. Echlin's article in this number of THE AMPLEFORTH JOURNAL.

succession without the fullest consultation of the whole Roman Catholic Church. Another General Council might even be thought necessary.

Can we afford to wait so long? Already there are pressures in some quarters for intercommunion, and one can hardly practise intercommunion with a Church whose orders one's own Church regards as invalid. These pressures indeed appear to be increasing, and are progressively undermining the authority of Rome and the bishops, as more and more people take the law into their own hands. Perhaps after all we must cut through the knot of *Apostolicae Curae* by finding a more acceptable way of ordaining Anglican clergy *sub conditione*. It will, of course, be hard to find a way of doing this which, without having recourse to ambiguities, such as some people claimed to detect in the proposed Anglican-Methodist service of reunion, avoids submitting our Anglican brother-ministers to the indignity of coming before Roman Catholic bishops virtually as laymen seeking ordination. Perhaps the much-criticised Anglican-Methodist service of reconciliation can after all point to a solution which is both considerate and honest. Signs could be exchanged (either individually, corporately or by representation) by which the clergy of each Church would signify their desire to receive from the other Church whatever was lacking to its orders, and to confer on the other Church whatever was lacking to *its* orders. That something was lacking all should readily admit—at least the jurisdiction to minister to the other side. There would be no dishonesty involved in such a sign, as the position of each side is a matter of public knowledge. Roman Catholics would not need to repudiate their official position that Anglican orders require validation; Anglicans would not need to deny their belief in the validity of their orders. The essential condition would be that each side should subordinate its convictions to the overriding intention to give and receive whatever was lacking for the fulfilment of God's will through their ministry.¹⁷

There are many possible ways in which the sign could be exchanged, by a mutual laying on of hands, for example, or perhaps by a concelebration of the Eucharist. But what has to be done must be done quickly. Time is not on our side.

¹⁷ Concerning possible ways in which a defective ministry can be validated, cf. L. B. Guillot, "Ministry in Ecumenical Perspective", Catholic Book Agency, Rome 1969, pp. 100-105. (This work is an extract from a doctoral thesis submitted to the Pontifical Gregorian University, Rome.)