

OBSTACLES IN THE WAY OF THE RECOGNITION OF MINISTRIES

Edward Yarnold, S.J.

For obvious reasons I shall consider only those obstacles which stand in the way of the recognition of Anglican orders by the R.C. Church. In most cases I shall refer to ways that have been proposed for the removal of these obstacles. I have been considerably helped by a paper entitled 'The Recognition of Ministry' which George Tavard wrote for ARCIC-I. The main obstacles stem from two distinct causes:

- I. the condemnation of Anglican orders by Leo XIII in 1896 in the Bull Apostolicae Curae (AC).
- II. the ordination of women to the priesthood in some provinces of the Anglican Communion.

The purpose of this paper is not to provide a complete study of the issues involved, but to set out, as it were, a map of the question, in the hope that it may help ARCIC to recognise blind alleys, and to plot the most expeditious course to the mutual recognition of ministries envisaged by the present Pope and Archbishop of Canterbury in their Common Declaration of 1982.

I. Apostolicae Curae

Logically there seem to be three lines of procedure open to the Commission in an attempt to remove the obstacle to recognition of ministries which is constituted by AC. (A) It could attempt to show that the Bull's verdict of 'absolutely null and utterly void' was mistaken. (B) It could attempt to show that, whether the verdict of 1896 was correct or not, changed circumstances have made the Bull no longer applicable today. (C) It could decline the attempt of proving either A or B, and seek an acceptable form for the conditional or absolute (re)ordination of Anglican clergy.

It would not be right to condemn the Bull out of hand as an unwarrantable interference of one Church in the affairs of another. The initiative was not Leo's. The Pope was stating the simple truth when he explained that he had 'decided to accede to the request for a re-examination of the question' (AC § 4 - CTS edition). The request had apparently originated with the Abbé Portal, who persuaded Lord Halifax, against the latter's better judgment, that the process would promote unity between the two Churches.

(A) Was AC mistaken?

The argument of AC is set out in outline very early in the document:

It has been the common theological opinion - and one confirmed on several occasions by the pronouncements of the Church and by her consistent practice - that the true sacrament of Order as Christ instituted it, and therewith the hierarchical succession, lapsed in England because, shortly after her secession from the centre of Christian unity, an entirely new rite for the conferring of sacred orders was publicly introduced in the reign of King Edward VI (AC 3).

As the argument unfolds, however, it becomes clear that the orders are considered to have lapsed, not just because the Edwardine rite was entirely new, but because in its new form it was essentially defective in two particulars: the words used failed to express the essential meaning of the sacrament (defect of form), and the intention of the ordaining bishops in the sixteenth century was not sufficient for the valid administration of the sacrament (defect of intention). It will be seen that the reasoning depends on several interrelated arguments. Many attempts have been made to show that the whole case fails because one or more essential links in the chain of reasoning are unsound.

(a) The argument from tradition. From the 16th century Rome regarded orders conferred according to the Edwardine Ordinal (reintroduced for the ordination of Matthew Parker in 1559) as invalid. The Bull attaches great importance to this argument, devoting to it about 10 sections in the CTS edition, as compared with the theological considerations, which are accorded about 11 sections. One is reminded of the decisive weight that tradition apparently carried in the mind of Paul VI in his decision concerning contraception.

Some writers, however, such as Gregory Dix (The Question of Anglican Orders, 1944), have called in question the uniformity of the R.C.Church's reasons for dissatisfaction with Anglican orders, concluding that they were condemned at different times for different reasons (e.g. for the removal of the tradition of instruments, which the Council of Florence considered to be an essential part of the sacramental act - an argument not to be found in AC). The Bull itself states that as early as the Gordon case of 1704 the decisive considerations were the same as those which carried weight in 1896, namely the defect of form and intention (AC 20).

(b) The argument from defect of form in the Edwardine Ordinal (EO). According to AC, the words used in the EO for the ordination of a priest, 'Receive the Holy Ghost', 'do not signify definitely the order of the priesthood (sacerdotium) or its grace and power, which

is pre-eminently the power "to consecrate and offer the true body and blood of the Lord" in that sacrament which is no "mere commemoration of the sacrifice performed on the Cross" (AC 26, quoting the Council of Trent, On the Sacrament of Order, canon 1). The Bull concludes that the form for the consecration of a bishop was equally defective, because 'the episcopate ... is the priesthood in the highest degree', and because the bishop has as a 'chief function' that of 'ordaining ministers for the Holy Eucharist and for sacrifice' (AC 29).

One cannot refute this argument simply by pointing out that in some rites of ordination recognised in Catholic tradition the form has been no more precise than the words 'Receive the Holy Ghost'. Vague formulas can gain a more precise meaning from their context within the rite and within the life of the Church as a whole. By this token, however, the Edwardine form must be related to the 'native character and spirit' of the Ordinal, which is that of a 'new rite' which 'has been introduced denying or corrupting the sacrament of Order and repudiating any notion whatsoever of consecration and sacrifice' (AC 31).

The argument from defect of form has on several occasions been subjected to criticism. (i) It has been pointed out that the theology of Vatican II and of ARCIC I have moved away from so exclusive an identification of the essence of priesthood with the priest's eucharistic function, especially when that function is expressed solely in terms of an individual's power to offer sacrifice and to consecrate. (ii) Moreover, AC concentrates so much on the words 'Receive the Holy Ghost' that it ignores the words that follow, in which the powers conferred on the ordinand are defined as those of forgiving sin, and dispensing the word of God and his sacraments. It is arguable that the EO expresses here quite a full understanding of sacerdotium. (iii) AC, in considering the native character and spirit of the EO, also fails to take into account the preface to the 1552 Ordinal, which expresses the purpose of continuing in the Church of England the orders of bishops, priests and deacons, as they have existed from the time of the Apostles. (I have treated points b and c more fully in Anglican Orders - a Way Forward? (1977)).

(c) The argument from defect of intention. AC allows little space to this argument. Interpretations of the argument have differed, but it is probable that Leo is concerned with the intention of the bishops who performed ordinations according to the Edwardine rite in the sixteenth century. The argument then is that the intention of these bishops must be judged according to their outward actions, above all their use of a new rite 'repudiating that which the Church does and which is something that by Christ's institution belongs to the nature of the sacrament', i.e. the ordination of a sacrificing priest. AC acknowledges that in RC theology an error about the effect of a sacrament does not in itself prove an insufficient intention: the minimum intention needed

is that of doing what the Church does. Leo's argument is that the sixteenth-century Anglican bishops were not only in error about the effect of the sacrament: they had also formed an intention incompatible with the intention of doing what the Church does.

The validity of this argument has been called in question on several grounds:

(i) What Francis Clark calls the 'principle of positive exclusion' (Anglican Orders and Defect of Intention, 1956) has been subjected to criticism, e. g. by J.J. Hughes (Stewards of the Lord, 1970). Before AC many discussions of sacramental intention assumed that if there were two contradictory intentions, the stronger intention prevailed; on this premise one could argue that the intention to perform the rite of ordination according to the mind of Christ must have been for the Anglican bishops a stronger intention than any intention of excluding a sacrificing priesthood, for without the first intention the whole process would be a piece of play-acting. The Bull, however, argues that the positive intention of excluding the priesthood nullified the intention of doing what the Church does. Is this principle of positive exclusion well founded?

(ii) In the nineteenth century the Roman Holy Office decided that baptisms performed by certain Protestant missionaries were to be treated as valid, even though the missionaries meant the baptisms to be only initiation-ceremonies and not means of forgiving sins. Why is the principle of positive exclusion held to apply in the case of Anglican orders, and not that of the Protestant baptisms?

(iii) As we have seen, the preface of the EO expressed the intention of continuing the orders of bishops, priests and deacons which had existed since apostolic times. Is not that sufficient evidence to justify the presumption that the bishops intended to do what the Church does, rather than the presumption, based on the alleged anti-sacrificial tone of the EO, that the bishops were rejecting what Christ intended?

(iv) The reasons underlying the R.C. Church's insistence on the intention of doing what the Church does are significant. Reasons for this insistence can be found in St Thomas (ST 3.64.8 and 9): such an intention is necessary in order to distinguish a sacramental act (e.g. baptizing a baby) from a similar act (e.g. bathing a baby). It is also necessary since the minister is called to be a human instrument of grace, acting with human knowledge and freedom, and not an automaton. In other words, a sacramental rite is Christ's action through his Church; for it to be the Church's action the minister must intend it to be such; no other intention on the part of the minister is essential. Can it be proved that the sixteenth-century Anglican bishops did not have this

intention? To deny them this intention is to attribute to them the purpose of not ordaining sacrificing priests, even if it was what Christ intended as an essential element of ordination.

(v) The argument of AO needs to be examined in the light of work done recently on the understanding of intention by such philosophers as E. Anscombe and E. D'Arcy. J.T. Noonan (Power to Dissolve, 1972) has usefully compared the intention required for valid ordination with that required for valid marriage.

(d) The breach in the apostolic succession. According to AC even if it were conceded that the defect of form was healed in the seventeenth century by the addition of the phrase 'for the office and work of a priest' after the words 'Receive the Holy Ghost', the addition 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 (AC 26).

This view of the apostolic succession is frequently derided today as the 'pipe-line' theory; but to give a theory a comic name is not to refute it. To conceive apostolic succession in this way does not necessarily involve placing overriding importance on a physical chain of hand-layings; at the heart of the theory lies the truth that ordination is not the delegation of authority by the people of God, but is the imparting of authority from Christ through the Church that is founded on the apostles (cf. ARCIC, Final Report, pp. 37-38).

AC's understanding of apostolic succession, however, has been criticised recently on two other counts. First it cannot be proved that before the Reformation ordinations were always performed by bishops; indeed, there is some evidence to the contrary. Secondly, it is suggested that while episcopal ordination is the full and normal sign of apostolic succession, it is not the only expression of that succession (e.g. Dombes Group, Agreed Statement on Ministry). Even if the historic chain of ordination is broken, there is some degree of apostolic succession in a community's conformity to Christ in mind, heart and life - a conformity which must be the fruit of the Holy Spirit whom Christ promised to his Church. It is suggested, therefore, that in some cases, including that of the Anglican Church, even if there were defects in the performance of ordinations, participation in the apostolic succession would be present to the extent that the Church was faithful to the apostolic teaching. In other words, this second type of apostolic succession can provide what H. Küng called 'an extraordinary route to ecclesiastical office'.

(e) The Bull's concept of validity has also been called in question.

It is suggested, for example, that no Church has the evidence by which to judge that the orders of another Church are not true orders in the mind of God. It has been suggested too that validity means no more than the fact of being recognised by the Church, so that validity is the result of recognition, rather than that recognition is conditional upon validity (cf. J. Coventry, in Church Membership and Intercommunion, ed. J. Kent and R. Murray, 1973).

(f) Recently some radical attempts have been made to cut through

AC's Gordian logic by considering the link between Baptism, Eucharist, the Church and Ministry. To be baptized is to be a member of Christ's body; to be a member of his body is to have the right of receiving his eucharistic body. Valid baptism, therefore, implies that the Church into which one is baptized is a real Church with a real Eucharist and therefore a real ministry.

(g) G. Tavard (art. cit., p.8) applies to Anglican orders the principle that 'sacraments are not necessarily given to their fullest

qualitative effect, but may admit of degrees'. If this is correct, the judgment of AC is invalidated by the assumption, perhaps inevitable in the nineteenth century, that orders are either totally present or totally absent. Consequently, even if sixteenth-century Anglican eucharistic faith and intention were seriously defective, it would not follow that there could be in that Church no ordained ministry according to the mind of Christ, or that the apostolic succession was totally lost.

(h) Leo XIII stated that his verdict was to be 'now and for ever

in the future valid and in force' (AC 40). Indeed for a while it was not uncommon for RC theologians to attribute infallibility to it. Nowadays few, if any, would go to such lengths. Therefore, despite Leo's attempt to shut the door on any future modification of his verdict, it is not theologically impossible for the R.C. Church to admit that, because of the state of theological and ecumenical understanding in 1896, Leo was simply mistaken in his judgment. It might help to prepare the way for this reassessment if it could be shown that inadequacies existed in the process which led up to the decision of 1896. The Pope cannot be convicted of packing the commission of periti exclusively with people prejudiced against Anglican orders. But it would be useful to know in what form the very varied vota of these periti were put before the Cardinals of the Holy Office, with the result that, though the commission itself was divided, the Cardinals voted unanimously for invalidity. Were the vota presented to the Cardinals without distortion or prejudice? Was there a failure to consider important evidence?

(B) It should appear from the foregoing observations that it would be no easy task to prove that the wrong verdict was reached in 1896. ARCIC will not have achieved much if, while proving that the judgment of 'certain invalidity' was unjustified, it cannot provide grounds for a more favourable verdict than that of 'doubtful validity'. It has therefore been suggested that one might more fruitfully attempt to establish that, even if the verdict of 1896 was correct, it no longer applies because circumstances have changed. Thus it can be urged that the argument from defect of form no longer applies because of changes made in the Ordinal in 1662 and later; again, if the Anglican Communion endorses the ARCIC statements on Eucharist and Ministry, there will be a case for concluding that the argument from defect of intention no longer applies. Moreover, it is often asserted that the participation of Old Catholic bishops, whose orders Rome does not question, in the consecration of some Anglican bishops, has repaired, or at least is in the process of repairing, the breach in the apostolic succession by the injection, as it were, of a spreading stream of validity within the Anglican Communion.

This reliance upon Old Catholic co-consecrators, however, is itself open to objection. It has been thought to attach too much importance to a succession of bishops considered as individuals rather than as representatives of their churches. Nevertheless one must distinguish sharply between ordination received from an episcopus vagans and that received from a bishop of a church with which one's own church is in communion. In the second case, of which Old Catholic participation in Anglican ordinations is an example, the presence of the participating bishop does not simply attach the Anglican ordinand to a chain of individual bishops reaching back to the apostles; he brings the ordinand into that part of the apostolic succession that exists in the Old Catholic Church, a church with which the Church of England is in communion.

All the same, many members of both the Anglican and Roman Catholic communions feel that if Anglican orders could be recognised only on these grounds, there would be such a lessening of the 'legitimate prestige' of the Anglican Church as was deprecated by Pope Paul VI (quoted in Final Report, p. 91).

(C) In view of the difficulties involved in trying to establish the fact that AC was either mistaken or is no longer applicable, the Commission may think it more profitable to attempt to find a way in which, to put it bluntly, Anglican clergy could be ordained, at least sub conditione, by RC bishops, without loss of integrity or self-respect. The first Lambeth Conference to be held after World War I passed a resolution expressing willingness to accept such conditional ordination if it would help to bring about reunion. Moreover, Anglicans themselves

felt obliged to make a not dissimilar request of members of the non-episcopal churches in the recent English proposals for a Covenant, namely in the requirement that the free churches should present leaders for episcopal ordination at the hands of Anglican bishops, and in the inclusion of a ceremony which was interpreted by some Anglicans as a conditional ordination of all the free church clergy.

Many ways have been suggested in which such a conditional ordination could take place without implying the denial of Anglican identity. Some are discussed in G. Tavard's article quoted above; some in L. Guillot, Ministry in Ecumenical Perspective, 1969.

- (a) An act of reconciliation between the two Churches could involve a mutual laying-on of hands, as a sign of reconciliation, which would also repair the defect of catholicity which the ministries of each of the two churches suffer from the very fact that they are not in communion with one another. The sign could also be explicitly a sacramental sign repairing any defect of apostolicity, so that by means of it each church supplied as far as it was able whatever was lacking to the orders of the other church in the eyes of God.
- (b) The possibility that a corporate act performed by representatives might have the effect envisaged under (a) might be worth exploring. Marriages have been performed by proxy. Could not conditional ordination also be performed without the physical involvement of all concerned? If so, a representative action, performed solely by the primates of the two churches, or by Anglican and RC bishops in neighbouring dioceses, could be perhaps the sacramental sign by which whatever was lacking to the orders of all the clergy of the other church was supplied. Perhaps the rite need not involve the laying-on of hands, but could consist simply in the concelebration of the Eucharist.
- (c) The term sanatio in radice, taken from the canon law of marriage, is sometimes applied to the matter in question. The cases, however, are not parallel. In marriage, at least according to RC theology, the partners are themselves the ministers of the sacrament. Consequently, to validate an invalid marriage it is not always necessary to repeat the ceremony, if the couple have already performed the sacramental sign, which was invalidated by other factors. With regard to Anglican orders, however, the point at issue is precisely whether the sacramental sign was duly performed, and in particular whether it was performed by a competent minister. It seems therefore that, on these considerations, Anglican orders could not be validated without a new sacramental sign.
- (d) Some writers have suggested other ways of supplying whatever may be lacking to another church's orders. G. Tavard (art. cit.), referring to Y. Congar, 'Quelques problèmes touchant les minis-

tères' (Nouvelle Revue Théologique, Oct. 1971, pp. 797-799), discusses the relevance of the principle Ecclesia supplet, a pastoral principle which appeals to the salvific nature of the Church for the supplying of what may be lacking in the administration of a sacrament. Theologically one could justify this principle on the grounds that even an invalid sacrament will be the means by which Christ brings grace and salvation through the Church, provided that it is received with the right dispositions. In Orthodox theology the principle of economy plays a similar role. Congar suggests that, if the R.C. Church and another Church decide on mutual reconciliation on the basis of unity in faith,

the recognition of ministries would take place by way of 'reception'. In our opinion, this reception would involve the use of economy on the Catholic side.

(e) Mention must be made of the view of those who hold that validity of orders is proved by the charismatic effectiveness of a church's ministry. All that a church would need to do would be to recognise that the ministry of the other church was used by God as a means of grace. I take it that this view underlay some of the thinking that went into the English covenant scheme. It would involve, of course, a revolution in RC sacramental theology, according to which it is possible for invalid sacraments to be a means of grace, because 'God is not bound to the sacraments'.

II. The ordination of women

In the last ten years two Vatican bodies have written reports on the ordination of women. The Biblical Commission stated that scripture did not justify the conclusion that women could not be ordained as priests. The Sacred Congregation for the Doctrine of the Faith affirmed, with arguments drawn partly from scripture, that it was a matter of faith that women could not be ordained as priests. ARCIC must decide whether it would be likely to serve the cause of unity by entering into this arena.

Whether the answer to that question is yes or no, another related field on inquiry seems important: To what extent are (a) ecclesial communion and (b) mutual recognition of ministries possible between a church which ordains women and one which regards it as a matter of faith that women should not be ordained? Anglicans, who experience this question as an internal theological and pastoral problem, can give advice here. Nevertheless the domestic relations of the Anglican Communion and the relations between RC's and Anglicans with regard to the ordination of women are not in all respects parallel. The Churches of the Anglican

Communion have never questioned one another's ministries. The R.C. Church is faced with the problem of finding a way of recognising Anglican orders in general, without prejudice to its own reservations about the ordination of women. The difficulties seem to be of two kinds. (i) The first kind is theological: since orders are not an individual possession, but ecclesial and collegial, can a Church recognise the orders of only some individuals (viz. the males) within another Church without recognising the orders of all? To put it another way, can one say that one is in communion with a Church in whose Eucharist, if celebrated by a woman, one is bound in faith not to participate? (ii) The second kind is pastoral and practical. What would be the attitude of Anglicans if the R.C. Church recognised the orders of Anglican men, while maintaining its view that the orders of women are invalid? What practical pastoral problems would we be creating for ourselves?

.....

As requested, I have set out what seem to me to be the mountains and the chasms that await us on the road to the recognition of ministries. Clearly, it would be unnecessary as well as unwise for ARCIC to try to climb every mountain. Before beginning the work, the Commission needs to plan the route which is most likely to bring us to our destination. In doing this we need to think politically as well as theologically. We would not be likely to succeed if we chose a route that would involve one or other church in a theological revolution.

One final word. The warning is given by some of the authors quoted here that recognition of ministries is only to be envisaged between churches which can accept one another as sharing the same essential faith. Perhaps ARCIC should try to define the degree of unity in faith which is needed for the restoration of communion and the recognition of ministries.

(Aug. 1983)