

ANGELICAN-ROMAN CATHOLIC JOINT PREPARATORY COMMISSION

Report on approaching the problem of Anglican Orders

Your sub-committee was given no precise terms of reference, but accepts the following definition (subsequently offered) of its task: "to make a preliminary report on the question of the advisability and/or procedure to be followed in reconsideration of the problem of orders."

Bishop McAdoo's paper anticipates us to a considerable degree, Bishop Butler's less so: the former devotes the best part of two pages to the question, and it seems to us therefore orderly and economical to make his order of treatment the basis of our own, commenting on Bishop Butler's briefer remarks where appropriate.

Both writers envisage the confronting of our problem as part of their stage 2 - as a problem of "external communion" (McAdoo p.10) We would certainly agree with and emphasise the point that the question of Anglican Orders is better studied, if at all, against the background of a broader discussion and (we may hope) a broad measure of agreement on the Church, the essential ministry, sacraments in relation to these. (McAdoo p.10)

Some on the Roman Catholic side would welcome this on the ground that "Agreement in faith is basic to the unity of the church, much more basic even than valid orders. Emphasis on valid orders apart from this emphasis on faith can only proceed from or lead to more or less vaguely magical conceptions - the result of which has been the stupendous multiplication of episcopi vagantes in recent times." Anglicans would emphasise that this approach would allow the dynamic elements in current theological and liturgical thinking (on both sides?) and the lessening emphasis on the juridical, and the static to come into play.

If we may take it that there is agreement about the value of converging on the question from this background, there are differences of opinion about what should happen when the question is finally broached. We take our departure from McAdoo, p.11: He writes:

Two courses suggest themselves, and they ought not necessarily to be regarded as alternatives but rather as supplementing each other:

1. A joint re-examination of Apostolicae Curae in the light of a revised sacramental theology.
2. A joint examination of the position in the light of the Lambeth Appeal of 1920 and on the analogy of other Reunion schemes.

One could not, of course, at this stage forecast what attitude the Churches of the Anglican Communion would take to these two proposals, taken singly or together. It is a complex situation, with Apostolicae Curae on the one hand and, on the other, the complete absence of any doubt about their Orders on the part of Anglicans." (McAdoo p.11)

The paper adds that this complexity calls for candour, charity and respect for conscience - and we would add (a gloss of Bishop McAdoo's own) "willingness to pursue investigation as far as possible and to be led wheresoever fact and evidence and compelling argument lead." We should hope that this at least would be an element which could be "forecast at this stage" in the attitude of both our churches. As the Bishop of Bristol has well said, "Unity must come by a process in which we all expect God to do radical things to ourselves as well as others." (A Time for Unity. p.100)

To turn now to the question of Apostolicae Curae. This document has been the object of fairly frequent criticism since the Anglican bishops produced a Latin reply to it some six months after its appearance. Roman attempts to vindicate it have been much fewer, though not wholly lacking. The Anglican criticism, considering its volume and time span, has been surprisingly consistent, and it would be an idle game to search for minor inconsistencies in it. Bicknell gives a good recent summary of it. It concentrated chiefly on the deficiencies of liturgical scholarship which the bull revealed in condemning the 'form' and 'intention' of the ordinal, for not containing elements which many acknowledged ordinals, including Roman ones, had not contained. Bicknell rightly points out that the argument of defective intention is hardly met by pointing to acknowledged forms which have no mention of the sacrificial function of priesthood. "It is not at all the same thing never to have had any explicit mention of the sacrificing power of priesthood, as it is to have cut it out after such mention had been once inserted". He goes on however to point out that the motive for this change in the ordinal was not that alleged in the Bull but simply a desire to return to antiquity and eliminate medieval perversions.<sup>(1)</sup> Bicknell adds an interesting point of his own - that the real trouble is the assumptions behind the arguments of the bull - the Roman claim to infallibility and to universal obedience and concludes "the real centre of our controversy with Rome has always been one of repudiation of the papal jurisdiction." (Introduction to the Thirty-Nine Articles).

Recently Apostolicae Curae has been attacked from new standpoints, notably by the former American Episcopalian priest, J.J. Hughes, now a Roman Catholic working in Munster university. The tone and language of his articles<sup>(2)</sup> is rather more post-Tridentine than post-Vatican II, but what concerns us here is the standpoint from which he writes. He has been able to examine the brief which was supplied from the English Roman Catholic side for the enquiry preceding Apostolicae Curae, and with all allowance for his extravagances he seems to establish that this was a tendentious compilation, a lawyer's brief. Though limited direct use of it was made in the bull itself (the lengthy arguments it adduced from Reformation history were largely left aside) it must have had considerable influence on the minds of those of the commission who were unequipped to assess its bias. Hughes' strictures, then, concern the 'One-sided procedure' adopted in 1896. He wrongly, I think, blames Cardinal Vaughan for this, but the fact cannot be argued. Gasquet himself wrote in his diary "Have these Frenchmen acting on behalf of the Anglicans nothing more to say than has been so far brought up and discussed in our eight meetings?" and before the enquiry began Dom. C. Butler had written:

"I do hope nothing will be decided until the Anglicans have been given a full opportunity of presenting their own case themselves. A decision in which one of the parties has not been heard for himself will never be satisfactory. I should like a commission to be appointed to sit in England wherein three Catholics could confer and discuss the question with three Anglicans, and then each side send in a report to Rome."

At the present time the phrasing of Bishop McAdoo's paper "A joint re-examination of Apostolicae Curae in the light of a revised sacramental theology" echoes this, and points to a third type of criticism of the bull - as based on an antiquated theology. Of this more later. Apart from arguments, Anglicans have commonly made no secret of their feelings about the bull; as Hughes sums it up, they have considered it "unjust and wounding," This seems to bear on our question of method.

(1) Fr. F. Clarke has of course written at length on this in "The Eucharistic Sacrifice and the Reformation. The book has been much criticised but has also had much influence, and would have to be assessed.

(2) Subsequently incorporated in the book "Absolutely Null and Utterly"

The meaning obviously is that the bull wounded because it was unjust, not that it was unjust because it wounded. A new joint enquiry might be thought an obvious way of healing the wound by repairing the injustice, even though the outcome of the enquiry could not be foreseen in advance. Some Catholics however have taken the view that "any re-opening of a much-vexing controversy could only create new difficulties and a fresh amount of embittered feelings on both sides." Father Clarke takes the same view, adding more explicitly that "any new investigation could only result in a confirmation of the previous verdict of certain invalidity, and this would be 'an ecumenical tragedy'. Hughes describes this as a "strategic retreat" to an 'adroitly' chosen position, offering "those who took it the singular advantage, so seldom available in a fallen world, of being able to eat their cake and have it too."

Without being quite so rude, we may fairly ask

- a) whether any retracing of the ground covered by Apostolicae Curiae need be a "re-opening of a much-vexing controversy". If done from entrenched positions it might well be; if done jointly according to the principles outlined by Bishop McAdoo it need not be.
- b) whether this view does not rest on the assumption that a new enquiry could only lead to the same result.
- c) whether it is altogether fair to Anglicans to assume that they would be more hurt by the (hypothetically unfavourable) result of a properly conducted enquiry in which they had participated than by what amounted (or so it may seem) to a badly-conducted trial in which they were condemned unheard? (I say 'or so it may seem' because without fuller evidence, which would require access to Vatican archives, we could hardly convince anybody of this.)

Mention of the Vatican of course, raises the question of its likely attitude to any 're-opening' of the question. We have unfortunately been unable to discover what the current official view on the matter is, though we have reason to believe that one has recently been privately expressed. But it may be asked, need the enquiry, in order to be of value, have a papal utterance as an immediate terminus ad quem?

Hughes points out (Article 1, p.18) that the Holy See has always been guided by English Catholic opinion in its attitude to Anglican Orders and adds "There is no sign that (their judgement) will cease to be decisive with regard to the practical policy of the Holy See in the future." Whether this is true or not (and it probably isn't) Hughes himself quotes Cardinal Heenan as saying:

"Speaking for myself, I have a very open mind on the issue; and if it would give any comfort or consolation of any kind, we would be perfectly willing to have a commission composed of historians, to re-examine the problem, not necessarily drawn exclusively from members of our own communion."

The Cardinal has recently touched on the subject again in the book written together with Mrs Haughton and though the passage is somewhat confused in the Catholic Herald abridgement which is all we have been able to see, it adds an interesting new reference to "the English bishops...assuring Pope Paul that there would be no objection from Catholics if the whole question were to be re-examined. Much has happened since Leo XIII".

The more important thing here is to insist that if the question is re-opened, we are, to quote Bishop McAdoo once more, "very careful in deciding just what it is that is re-opened." Apostolicae Curiae may be thought wrong on its own terms, or it may be thought that, right or wrong, its terms have ceased to be relevant.

If it is to be examined on its own terms we can hardly put aside history. Father Clarke, who is not to be dismissed quite so airily as Hughes dismisses him, points out that the central argument about intention in the bull is determinatio ex adjunctis. This is a matter of history, and one might say in passing that for example, Professor O. Chadwick (The Reformation) is one example of an Anglican historian who is a good deal more candid about the distinctively Protestant elements in the 16th century ordinals than Hughes is. But if history cannot be avoided altogether, we can agree on seeing no point in citations and counter-citations from the 16th or any other century. No institution of any age is proof against this sort of thing and no institution is ever likely to be confounded by it.

It is another question whether the argument ex adjunctis (if it is indeed what Apostolicae Curae boils down to) exhausts the matter. It is often said that there are aspects of the question that the bull did not touch upon and that this might justify a verdict (to put it crudely) "not so much wrong as irrelevant." But about those aspects too the right questions would have to be asked, and other considerations of prudence would enter in.

"A joint re-examination of Apostolicae Curae in the light of a revised Sacramental Theology" is Bishop McAdoo's commendation. Bishop Butler echoes this rather more cautiously: "It appears possible that a common deepening of our sacramental theology might be useful," but he does not link it with Apostolicae Curae except perhaps rather obliquely by a previous remark "We think that, for better mutual understanding, the notion of validity deserves fresh examination or elucidation." But while it is not easy to see what specifically 'theological evaluation' Hughes makes as part of his case for re-examination, (the brief paragraphs he gives under this head, "Theological Arguments" are more concerned with liturgical history while those under "Evaluation" are merely a summing up of his case for "one-sidedness") it seems unnecessary to stress that a joint enquiry closely linked to a study of Vatican II documents and related material would be the right and fruitful approach.

A greater difficulty perhaps arises in connection with certain more recent specifically theological approaches to the problem. Our attention has for instance been earnestly directed to the article in "Worship" of Aug-Sept last by Fr. D. O'Hanlon S.J. called "A New Approach to the Validity of Church Orders." Now Fr. O'Hanlon goes out of his way to circumscribe the purpose of his article. Having excluded several purposes, he says (p.407) "It will be, quite frankly, an effort to find grounds in Catholic teaching for acceptance by the Catholic Church of the ministry and orders of the Protestant Churches." (Italics mine)

I am not sure whether the American usage of the word "Protestant" is exactly the same as our English one, but in any case Fr. O'Hanlon recognises (bottom of p.413) the distinction between 'Anglican' and 'Protestant'. His article does hardly more than simplify and apply a much longer, more densely argued and difficult piece by his fellow Jesuit, Franz Josef van Beeck.

This is based on three lectures given at Cuddesdon in May 1964. It is very radical, and hence it is a paradox that quite early on (p.60) it gives a trenchant summary of Apostolicae Curae which he says is "in our view definitive". "The Roman Catholic Church has unambiguously pronounced the hard verdict of 'invalidum' on the post-baptismal sacramental ministry of the Reformation." Anglican orders are thus apparently lumped together with Protestant ones. He goes on to ask "If these sacraments are 'not nothing' what are they?" and after a remarkable piece of argumentation he formulates the hypothesis: "in view of the extraordinary situation, the bona fides and the authenticity of the diakonia supported by the faith and the ecclesial character

1) cf. Fr. M. Bevenot's comment, "A Rescue for Anglican Orders?".

of the community, the ministry of the (Word and) sacraments as exercised by Protestant ministers may in terms of the Roman Catholic Church order be qualified as recognizable as an extraordinary ministry." (p.90) The "extraordinary situation" which he qualifies as 'protracted' means of course the situation since the Reformation. He makes clear that 'it would be poor comfort indeed' to Protestant ministers to see themselves recognized as extraordinary ministers and therefore as laymen' and emphasises that the question he is raising is "can the Sacrament of Order be said to be present in Protestant Churches?" His "tentative hypothetical conclusions" are summed up thus:-

1. 'The competence of the minister is not a separate, "extrinsic" condition for the celebration of a sacrament, even though we did, for the sake of an easy start, use this formula in the beginning of the third part of this essay. It is the Church that celebrates the sacraments per ministerium ministrorum Ecclesiae, whose Church membership gets a special direction and point by their having been ordained. To express the same in sacramental terms: The Sacrament of Order, like all the post-baptismal sacraments, is an intensification and specification of the Sacrament of Baptism, and as such it is also a sacramentum fidei et Ecclesiae; cooptation into the Ordo means being "ordained up".

2. The bona fide extraordinary celebration of a sacrament does not change the sacrament; in extraordinary celebrations, therefore, the same sacraments are celebrated as in the ordinary ones. In both cases it is the Church that in faith celebrates and realizes its salvation.

3. If and when a Church in good faith, i.e. not antithetically, celebrates its sacraments through the ministry of a body of ministers as specified by the church order, then - provided the church order meets the requirements of the episcopal structure of the ministry - not only the sacraments thus celebrated, but also the ministry itself is recognizable as sacramental, i.e. as the Sacrament of Order.

Note. This last conclusion is not against Apostolicae Curae. That document is based on the supposition that the Anglican Ordinal was used as a ritual to ordain "anti-priests". The argument for the invalidity of Anglican Orders in Apostolicae Curae is not that the chain of Apostolic Succession was broken at a certain point in history (whether in the case of Parker or whoever else), but that the rite and the intention as borne out by the rite are insufficient. The question may be asked whether this is still so. Would it not be possible for the Anglican Ordinal (especially the 1662 version) to be only insufficient if and when used as a rejection of the Catholic ritual, and not in itself? The question may also be asked whether the Ordinal was used in that way in 1896, but this is a matter for historians."

Journal of Ecum. Studies, No. 1, Winter 1966  
pp. 57-111.

The arresting thing about this view is that it would extend the sacrament of Order to all protestant communities - though the parenthesis about 'episcopal structure,' if not absolutely clear, seems especially if taken in conjunction with the note to be restrictive to episcopal churches. However this may be, it would be interesting to know how far this approach would commend itself to Anglicans whose 'complete absence of any doubt about their orders' derives from certainty about unbroken apostolic succession and a valid formula of consecration continually maintained. (McAdoo p.11)

Van Beeck's lectures were given before the final version of De Ecumenismo, and McSorley has argued (The Ecumenist, July/Aug 1967) that No. 22 of that decree, interpreted in the light of the handling of the modi, intends "to affirm that the Protestant churches have

in their celebration of the Lord's Supper something of the reality of Eucharistic mystery, even when the sacrament of orders is lacking." (The word 'lacking' is in fact a translation of defectus - a word which Father Stransky tells me was deliberately chosen to avoid implying any judgement on validity of orders. It is van Beeck's contention that the sacrament is not 'lacking'.) In a recent essay on the decree, Professor Root has expressed the view that "the drafters of these paragraphs were obviously faced with an insuperable problem: to find words which would state the received Roman Catholic position without giving offence to other churches....." McSorley's contention, supported by Secretariat members such as e.g. Professor Feiner in a recent scholarly commentary on the Latin text, is that the drafters had something much more positive in mind. Professor Root continues "It is at this point that a great many Anglicans will feel the greatest difficulty in the whole decree. For they know that so long as Leo XIII's Apostolicae Curae remains in force, Roman Catholics must hold Anglican orders to be null and void and Anglican eucharistic celebrations to be no true eucharists at all."

It is a mere matter of fact, however one evaluates it, that van Beeck is only one of several Roman Catholics who do not feel the 'must' at all. But whether, if this line were pursued the problem of Anglican orders would remain, to quote Professor Root again, "not an Anglican problem at all but only a Roman one" is I think an interesting question for the commission to consider.

Gregory Baum has recently suggested that "Acknowledging other churches (as we have done in Vatican II) demands that we ask ourselves how God is nourishing his people. Can we restrict the action of God to the proclamations of the Word and the sacramental actions which we regard as valid? Also that once you recognise a Church its several elements, doctrines and sacraments cannot be isolated from one another. (One in Christ, 1967, 4, p.427) Perhaps some such simple direct approach as this offers hope, but Baum adds that these themes need to be elaborated and gain the allegiance of the Catholic theological community. Professor Root, too, properly says (p.143) "It is one thing to recognize that a particular theological mode is no longer adequate and quite another to replace it overnight by some different mode or modes."

This raises the question of time. "the evolution of general world history makes Christian unity not only imperative but urgent." (Butler) While urgency is no warrant for sliding over difficulties, we ask whether the sort of developments likely to bring a mutually satisfactory outcome of Bishop McAdoo's "alternative No.1" could be expected to take place within an acceptable time. It seems likely that alternative No.2, especially if it were understood as not excluding No.1 would yield quicker results.

We may recall that Archbishop Ramsey has said to Convocation

"If we are convinced that certain things have been given to us in orthodoxy or in sacrament or in order, which we must hold in trust inviolably, we do so in utter humility, for all is of God and nothing is of ourselves."

In the same speech he quoted William Temple on the ministry:

"It is our duty to safeguard it, and to commend it, both to preserve it for ourselves and our children, and to make easy the way of participation into it, provided only that in making our treasure available we do not dissipate or squander it."

Both churches would subscribe to this. The Lambeth Conference appeal forty-one years earlier had declared:

"We believe that for all the truly equitable approach to union is by the way of mutual deference to one another's consciences. To this end, we who send forth this appeal would say that if the authorities of other Communion should so desire, we are persuaded that, terms of union having been otherwise satisfactorily adjusted, Bishops and clergy of our Communion would willingly accept from these authorities a form of commission or recognition which would commend our ministry to their congregations, as having its place in the one family life. It is not in our power to know how far this suggestion may be acceptable to those to whom we offer it. We can only say that we offer it in all sincerity as a token of our longing that all ministries of grace, theirs and ours, shall be available for the service of our Lord in a united Church."

It would presumably be for the commission to work out the terms of this 'commission' or 'recognition' in the light of doctrinal agreements reached.

Finally we may recall some words of Paul VI to the observers at Vatican II in October 1963. He said that after our mutual confession of guilt for our separations "others" will have to concern themselves with the past; the Churches will from now on have to live towards the future. This would seem to imply that our two alternatives might be concurrent. We cannot repudiate the past - we cannot be its slaves, or allow it to hold us back indefinitely.

We would suggest as a practical measure that the commission recommend that pairs of scholars be assigned to joint study. If two are to work together effectively they must be reasonably accessible to each other; yet the enterprise should not be confined to one country or even to one continent. There will be work enough for several pairs. We would draw particular attention to Professor Atkinson's suggestion, made at Gazzada, that qualified men should be given sabbatical leave.

At the same time, in view of Bishop McAdoo's remarks under B (p.3) a parallel process of re-education should be going on at the level of the Church's life. It is there that the stages would be lived, there that the changes, the unfamiliarities involved would be seen and felt. The recent directives of the Roman Catholic bishops in England, sanctioning membership of councils of churches, exchanges of pulpits, attendance at non-Roman services as a way of learning and understanding, offers new scope here. There seems no reason why the work of our scholars (however little formal publicity is deemed prudent) should await its completion at the Greek Kalends before its effects are felt by the People of God.

It is suggested finally that, however the present commission survives or is reconstituted, work being done should be freely circulated among its members, and perhaps among others agreed upon, for comment and discussion, without waiting for formal meetings at which things can too easily be presented and discussed without adequate preparation.

Nothing has been said here about the bearing on our question of Anglican Methodist conversations; we presume Canon Kemp will wish to report on this; nor about the bearing of the question on Orthodox relations: recent articles by Voronov on the Russian attitude to Anglican orders, and by Pierre Dumont (in *Criente Cristiana*) on that of the Greek church, would offer useful pointers here.

SUMMARY

Against a background of theological study and agreement in the field of Church, sacraments, ministry - and not therefore in isolation - the question of Anglican Orders may be approached in two ways (McAdoo p.11)

Alternative 1 Apostolicae Curae and /or the process leading to it has been impugned on three counts as:

- a) deficient in liturgical scholarship
- b) one-sided
- c) based on antiquated theology

Joint enquiry might

- a) investigate these criticisms
- b) consider what aspects of the problem were ignored in Apostolicae Curae

More historical citation and counter-citation is valueless. The theological questions would need to be carefully chosen and posed. Some current approaches to the problem might not be entirely welcome to either side.

Passages in Lumen Gentium and De Ecumenismo might offer the best starting points for revaluation in the light of some simple common-sense questions about how God works in a situation of division.

There seems to be no prohibitive arguments against or obstacles to this enquiry but

Considerations of urgency may suggest that, without excluding alternative 1, we concentrate on

Alternative 2: investigating the possibility of and formulae for a commission or recognition (Lambeth 1920) This is likely to produce quicker results.

Methods of Working. Pairs of scholars working -  
with adequate leisure  
accessible to each other but  
geographically distributed  
keeping in regular touch with the commission  
and other consultants.

A parallel process of re-education at parish level.