

ANGLICAN ORDERS.

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The years since the Second Vatican Council have seen considerable discussion among Roman Catholic theologians concerning the ministries and orders of the Reformation churches. Most of these have not been concerned with Anglican orders specifically, and when they have been, have, for the most part, discussed them in terms that would explicitly apply to the other Reformation churches as well. The exception here is Fr. J.J. Hughes, himself formerly an Episcopalian priest, who was appointed to the Roman Catholic priesthood in January 1968 through a conditional ordination at the hands of the bishop of Münster. The condition was made, as the bishop stated at the time, because of uncertainty as to whether Fr. Hughes' Anglican orders were the Anglican orders declared invalid by Pope Leo XIII, since his original ordaining bishop stood both in the Anglican and in the Old Catholic succession. (1) Fr. Hughes has since published a study of the papal condemnation of Anglican orders in 1896 and a second volume dealing with the wider historical setting and with the theological issues involved. (2)

In the first and longer portion of this paper I shall discuss Fr. Hughes' opinions on Anglican orders: this will involve an examination of Fr. Francis Clark's judgments in the matter also, since Fr. Hughes' work, especially in the second book, constitutes a sweeping attack on Fr. Clark. The second part will present a brief summary of the other work which has been done on the subject of Reformation ministries, both for the sake of completeness and to show a second, positive alternative for those who judge, as I do not, that Fr. Hughes has failed in his main endeavour to bring forth solid arguments to show the validity of Anglican orders. (3)

This may seem, at first sight, simply an attempt to have it both ways. It may be thought that an approach in terms of matter, form and intention, on the one hand, and an approach through the concept of reception in voto (Küng), of extraordinary ministers (van Beeck), of a wider understanding of apostolic succession and an application of the principle of Ecclesia supplet along the lines of the Orthodox "economy" (Villain, Tavard), on the other, are simply speaking exclusive of one another. (4) Matter and form are, of course, used analogically in the sacramental context, but we shall surely continue to need some way of referring to the material elements and to the ritual gestures and formulae involved; and intention is necessarily involved in the meaningful and morally responsible celebration of sacraments. And the very language of the more recent discussion points to the continuing necessity of some way of speaking of the integrity of sacraments: one does not invoke reception: in voto unless there is some doubt as to whether the integral sacrament has in fact been conferred, extraordinary ministers are spoken of in relation to ordinary ones, one does not bring in the idea of the church supplying defects or the related idea of the "economy" unless there is a possibility that there is something lacking to the integrity of the sacrament. This question of sacramental integrity would surely have to be spelt out in terms of the integrity of rite, intention and ministry in the appropriate ecclesiological setting. It does not seem, therefore, that the two approaches are mutually exclusive, any more than a wide-angled shot and a close-up exclude one another in film-making: each has its uses and the craftsman makes appropriate use of both.

A more pertinent analogy is to be found in the way in which Vatican II speaks of the separated Churches of the East, on the one hand, and of the separated Churches and ecclesial Communities of the West on the other. Of the Eastern Churches we read: "Although these Churches are separated from us, they possess true sacraments, above all - by apostolic succession - the priesthood and the Eucharist, whereby they are still joined to us in a very close relationship." But of the Western Churches and Communities we read: "The ecclesial Communities separated from us lack that fullness of unity with us which should flow from baptism, and we believe that especially because of the lack of the sacrament of

orders they have not preserved the genuine and total reality of the Eucharistic mystery." (5) The whole point of the new work on Reformation orders is to try and find a way of showing, through a more dynamic ecclesiology, a wider concept of apostolic succession and a more functional view of the sacrament of order, that there is no absolute lack of the sacrament in the Reformation Churches. But there is no reason to suppose that this would invalidate the earlier, traditional and positive belief concerning the validity of the orders of the Eastern Churches, nor of the terms in which this has been expressed. An appreciation of the apostolic succession of the church as a whole, and of the apostolic succession of teaching emphasized by the early Fathers and by Reformation theologians, in no way excludes a recognition of an apostolic succession of ministers sacramentally ordained. This apostolic and episcopal succession is surely implicit in what Vatican II has to say about apostolic succession, priesthood and Eucharist in the passage just quoted referring to the Eastern Churches.

Given this difference of approach to the Eastern Churches and to the Churches and ecclesial Communities of the West, which surely still persists in the new theological explorations of church and ministry, at least as a presupposition, the question raised by Fr. Hughes' two books may be expressed in this form: Are we to think of Anglican orders as analogous to the orders of the Eastern Churches, or are we to think of them as analogous to the ministries of the other Western Churches and Communities of the Reformation?

A further point concerning the method of theological enquiry follows immediately from this. The positive view taken of the orders of the Eastern Churches by the Roman Catholic Church depends upon viewing those orders as analogous to her own. Eastern orders are reckoned to be valid on the same principles that would be applied to orders within the Roman Catholic Church concerning which some doubt had arisen as to their validity. This is what Fr. Hughes has done with Anglican orders, he has asked once again the traditional questions regarding the forms of the Ordinal and the intentions of Anglican ordainers. Any judgment made on his work will have to proceed first of all in the light of the traditional principles, however freshly these are seen. This we can see already happening: both Fr. Tavard, who judges Fr. Hughes' attempt a failure, and Fr. Lash, who judges it to be in the main convincing though old-fashioned in its categories, do in fact make these judgments on traditional grounds. (6) The first part of this paper will therefore be primarily concerned with Anglican orders as they appear in the light of these traditional theological principles, as these now stand in the context of a renewed ecclesiology and recent work on priesthood and sacraments.

Fr. Hughes has succeeded, I think, in showing, in his first volume, that the circumstances surrounding the decision of the Holy Office on Anglican Orders in 1896 and the declaration of it in the Bull Apostolicae Curae left much to be desired. There is some evidence that the preparatory commission of the theologians had to wind up its work in a hurry. (7) This commission was advisory only, but the votes cast in it are hardly reflected in the subsequent and firmly negative decision of the Holy Office. There were four members of the theological commission who voted against validity, two or three who voted for validity, one or two who voted for doubtful validity of Anglican Orders. (8) Nothing is known of what went on at the special, solemn session of the Holy Office presided over by the Pope in person beyond the content of the two questions considered in the session and the answers given to them. The questions ran:

"1. whether the question of the validity of Anglican Orders had been previously submitted properly to the Holy See, and fully determined:

2. whether the recent enquiry had shown that the previous decision was just and wise, or whether it called for revision." (9)

The response of the Cardinals was affirmative to both questions. It is clear from the form of the questions that precedent weighed very heavily in arriving at this judgment. The principal precedent involved here is that of the Gordon case which came before the Holy Office in 1704. Fr. Hughes reports that there are a number

of obscurities involved in the case. Gordon had been ordained and consecrated bishop in Scotland, and it is impossible to be certain what rite of consecration was used. On becoming a Catholic the possibility of a benefice came up and Gordon therefore petitioned that his orders might be declared illegitimate and null. Though there is some doubt about the precise wording of the decree, the Cardinals of the Holy Office decreed that Gordon should be reordained absolutely, not conditionally. (10) The meeting was presided over by the Pope personally, and the decree issued in his name. (11) Now it seems that there were influential people in Rome in 1896 who believed that the Pope himself could not reverse a decision of the Holy Office taken under the personal presidency of the Pope. (12) Beyond the obscurities of the Gordon case itself, it is important to take note of just how far the Cardinals of the Holy Office, meeting in 1896 under the presidency of Pope Leo XIII, would have considered themselves bound by the earlier decision.

When Apostolicae Curae itself comes to speak of this matter of precedents, it draws the conclusion that anyone who knows the history of Anglican Orders cannot doubt that the controversy had been settled long before by the judgment of the Apostolic See. The decision of the Holy Office of 1896 has the character, therefore, of a confirmation of an earlier judgment: and Apostolicae Curae is not a report upon a completely fresh and open historical investigation, but rather the report of a judicial review. It seems, further, that the drafting of Apostolicae Curae was entrusted to Cardinal Merry Del Val, who in his turn relied heavily on Dom Aidan Gasquet, no great theologian and a somewhat uncertain historian, for help. The published Bull apparently corresponds to all the particulars of Gasquet's summary of the draft sent him by Merry Del Val for his comments. (13) It is, of course, normal practice for documents to be prepared for the Pope, as indeed for Presidents and Prime Ministers, by persons with a special competence in the particular subject. This does not imply that Apostolicae Curae has the authoritative standing only of a decision of Cardinal Merry Del Val, much less of Dom Aidan Gasquet. It does provide an extra reason for examining the detailed historical and theological arguments of the Bull with special care.

It has been suggested above that the decision of the Holy Office of 1896 was profoundly influenced by the earlier decision taken in the Gordon case in 1704. In the Gordon case itself reference was made to an earlier Holy Office judgment on the case of an unnamed French Calvinist in Anglican priest's orders, given in 1684. In that case the president of the enquiry, Cardinal Casanata, had appealed to the precedent set by the custom, going back to the time of Elizabeth, at least, of receiving former Anglican clergymen as simple laymen. (14) Fr. Hughes remarks of this appeal to custom: "A precedent which is itself arrived at in part by an appeal to the precedent of the Church's existing practice is clearly not worth very much." (15) This is an unfortunate example of Fr. Hughes at his polemical worst. But clearly the earlier decisions did influence later decisions in this matter of Anglican Orders right down to Apostolicae Curae itself. Apostolicae Curae makes reference not only to the Gordon case and the French Calvinist's case but also to the work of Cardinal Pole in the reign of Mary Tudor and the rule of more than three centuries' standing that Edwardine orders should be regarded as ineffective and null. But before reporting briefly on Fr. Hughes' findings concerning the Pole documents and the three centuries old rule, there is another element in the 1684 and 1704 cases that must be mentioned: the celebrated "Nag's Head Fable."

The "Nag's Head Fable" exists in a number of versions, one of them contained in the Gordon petition of 1704. (16) Another was reported by Cardinal Casanata in his Relazione for the 1684 case. (17) The story runs that Matthew Parker was "consecrated" Archbishop at a dinner in the Nag's Head tavern in Cheapside by the Edwardine bishop Scory (and by others in some versions) through a mere handclasp and the declaration that he was Archbishop, or through laying a Bible on his head with the words "Take thou authority to preach the word of God sincerely", or words of that kind. (18) It seems likely that the origin of this story is a garbled account of the dinner following the confirmation of Archbishop Parker's election

at which a discussion or rehearsal of the ceremony took place. (19) It is the custom of the Holy Office to examine reports and documents prepared for it but to make decisions absolutely without giving reasons. (20) Therefore Fr. Hughes is, no doubt, formally correct in saying: "It is impossible to say with certainty why the decisions in these two cases were taken. Quite apart from the lack of complete documentation mentioned above, there can be no certainty that the decisions were based upon the reasons mentioned in such documents as have been published."

(21) It is known, however, that both Mgr. Genetti, who was a member of the 1684 commission, and Cardinal Casanata, who was its president, recommended that the decision be not based upon the confused history of the changes in England but upon defect of intention, as also of form. (22) Mgr. Genetti was consulted in the Gordon case also, in which not only Gordon himself as petitioner but also some of the consultors brought up the Nag's Head story. (23) Fr. Clark regards the two defects of form and intention as fundamental in the Relazione submitted by Mgr. Genetti in 1704, and seems to consider them decisive in the judgment itself. (24) In the circumstances it seems probable that he is right.

This leaves two major historical points about which something must be said: Cardinal Pole's attitude to Edwardine orders, and the consecration of Archbishop Parker.

Unfortunately it is not easy to determine what did happen in the matter of Anglican orders in Mary's reign. The papal documents granting and defining Cardinal Pole's Legatine faculties caused difficulty at the time and the Brief Regimini universalis was specifically written to clear up doubts caused by or remaining after reception of the earlier Bulls and Briefs. (25) The members of the papal commission of 1896 were divided in their interpretation of these documents, and J.J. Hughes argues that all of them were enabling documents that left the final judgment to Pole. (26) Nor are the historical actions taken free from ambiguity. Queen Mary's injunctions to the bishops for the restoration of good order in the church, issued with the knowledge of Cardinal Pole who had not yet reached England, prescribed the supplying of that which was lacking in clergy "not ordered in very deed". Fr. Hughes maintains that it is impossible to determine what this meant, and suggests that what was to be supplied was some supplementary ceremony in a manner analogous to the supplying of ceremonies after baptism in a case of emergency. (27) The more common Roman Catholic interpretation, upheld not only by English writers such as E.C. Messenger but also by L. Marchal in his article in the Dictionnaire de théologie Catholique, is that what was supplied was ordination itself, in order to remedy a basic default in the Edwardine rite. (28) It is certain that some clergy were re-ordained, some thirteen or fifteen have been counted. (29) J.J. Hughes accepts the possibility of G. Dix's suggestion that these re-ordinations were prompted by conscientious scruples on the part of the ordinands, and adds the further possibility that they wanted to make a show of loyalty to the Marian regime. (30) This reads like unfounded speculation: it would surely have been necessary to show in any such petition for re-ordination some objective grave cause. J.J. Hughes admits that Bonner, Mary's restored Bishop of London, taught that Edwardine orders were no orders. (31) He seems to have missed evidence that Pole shared this same belief. Philip Hughes, in his The Reformation in England, quotes extensively from a sermon of Pole's delivered in London in 1557, in which Pole reviewed the recent history: "the foundation of the commonwealth (to be) undermined and cast up: which was a-doing, when priesthood, when the old laws of the church, and the sacrament, were cast away, and trodden under foot." "And so you, at last, as though you had not been of the number of the people of God, as you showed to be, keeping the external form of the sacraments; you also cast them away, having before cast away the law of the church and authority of priesthood, which were signified by the table of the testament, and the rod of Aaron, whereby at last you cast away the celestial food, signified by manna, which all were kept in the ark." (32) The language is homiletical, not legal nor dogmatic, but it seems clear that Pole believed that neither Edwardine orders nor

the Edwardine Holy Communion were valid Catholic sacraments. It is difficult to accept that Pole did not act upon his belief. The weight of the evidence here seems to decline against the interpretations of G. Dix and of J.J. Hughes and in favour of Apostolicae curae on this question of the Marian re-ordinations.

The more basic question is to determine whether Julius III, Paul IV and Cardinal Pole, if they did indeed condemn Edwardine orders, were right in doing so, and whether Apostolicae curae, which did undoubtedly condemn them and all Anglican orders, was correct in so doing. The Bull condemned Anglican orders on the twin grounds of defect of intention and defect of form, grounds explicitly urged by the Jesuit Henry Fitzsimon in his Britannomachia ministrorum as early as 1614, and which have been the constant grounds of rejection ever since. (33) Defect of intention in the sense intended by Apostolicae curae has been carefully examined by Fr. F. Clark, and he has shown conclusively, and Fr. J.J. Hughes is inclined to accept his demonstration, that the internal intention of the minister in the strict theological sense is what is meant, and in particular that of the consecrators of Matthew Parker in 1559. (34) The internal intention was shown outwardly, Clark maintains, following Apostolicae curae, in the use of a rite which had been deliberately changed in order to express a heretical mind and purpose of excluding sacerdotal orders as the Catholic Church had understood them. Anglican critics of the Bull have objected here on two grounds: the intention of Anglican ordainers is declared in the Preface to the Ordinal and is irreproachable, and secondly, sacerdotal orders were wrongly understood and lived in the late mediaeval church.

To take this second point first, criticism of the later mediaeval theology of orders has centred upon the allegedly defective theology of the Mass and the practical Mass system of that time. Fr. F. Clark has examined the late mediaeval theology and the charges brought against it, especially by Anglican authors, in his Eucharistic sacrifice and the Reformation. (35) Fr. J.J. Hughes praised the book for its "wealth of original source material" but pointed to criticism of its conclusions towards the end of his own first volume; the first half of his second volume is given over to a re-examination of the evidence and a critique of Fr. Clark's book. (36)

The related questions of eucharistic doctrine and eucharistic practice in the later mediaeval period have been discussed again and again, polemically or more objectively and historically, but nearly always with a strong emotional commitment one way or the other. While it is true that "Fr. Clark has put historical and theological scholarship in his debt by checking irresponsible and loose talk about 'late medieval errors' concerning eucharistic sacrifice." (37), his book has by no means ended the discussion so that it had to be revived afresh by Fr. Hughes. Those who have read the second edition of E.L. Mascall's Corpus Christi will hardly have been surprised by Dr. Mascall's very appreciative review of Stewards of the Lord. (38) And Fr. Hughes has been able to draw very tellingly on the work of two Roman Catholic scholars, E. Iserloh and H.B. Meyer, some of it written since the publication of Eucharistic sacrifice and the Reformation that is much more critical of late mediaeval eucharistic doctrine and more sympathetic towards the concerns of the Reformers than Fr. Clark or earlier Roman Catholic writers generally. In view of the scale and complexity of the question it would be safer to leave it to the historians and students of the history of theology who have made a special study of it. Unfortunately something must be said here about it, since Fr. Hughes has made it such an important element in his presentation: "It is the argument of this book that both the view of the Reformation as well as the theology of ministerial priesthood which underlie Apostolicae curae have been rendered untenable by new evidence which has become generally available in recent decades." (39)

There is a very real sense in which J.J. Hughes is attempting to prove too much here. We shall have to examine some of the complexities of sacramental intention later. For the moment it is enough to take note that there is a certain

link between the Reformers' treatment of eucharistic sacrifice and their sacramental intention (or defect of intention) in ordaining Anglican eucharistic ministers. Fr. Hughes wishes to maintain not only that "concomitant heresy in the intellect can never invalidate the general intention of doing what the church does", but also that "the Reformers' ideas about the ministry were neither so erroneous, nor those of their contemporary catholic opponents so sound, as is generally supposed by opponents of Anglican orders." (40) There is no doubt that the Reformers' rejected the language of "eucharistic sacrifice". Fr. Hughes wishes to question whether they can rightly be said to have rejected the reality ("the thing") itself. (41) From this it would be no great step (though Fr. Hughes does not make it explicitly) to affirming that the Reformers not only intended to do what the church does, which is the minimum requirement, but even intended to ordain ministers who would not only be "messengers, watchmen, and stewards of the Lord" but also offerers of the eucharistic sacrifice in the sense in which the Fathers of the church understood it, and in the sense in which the contemporary Roman Catholic Church is coming to rediscover it. It is not easy to see how this amounts to anything less than a justification of the Reformation and a condemnation of the Catholic Church of that time. A rather paradoxical conclusion for a Roman Catholic theologian to come to!

It is presumably this attempt to prove too much, from a Roman Catholic point of view, that has led Fr. G. Tavard to say: "A statement that Leo XIII made a mistake would not only reverse a position adopted by a pontifical Commission in the nineteenth century: this would be theoretically acceptable to me and I would feel no qualms of conscience there. Yet it would do something which I would find more unpalatable. It would proclaim to the whole Church that our Fathers in the sixteenth century were not only morally deficient but also doctrinally wrong, and that the Reformation was therefore fundamentally justified in spite of its excesses." (42) To swallow Fr. Hughes' position whole is to come to such a conclusion. But there is surely a middle way. Our Fathers were undoubtedly morally deficient: so are we, though not in quite the same way. But they may, from a Roman Catholic point of view, have been fundamentally right in their eucharistic doctrine, on the one hand, and have made an excessively severe and negative practical judgment concerning Anglican orders, on the other. The decision on orders was immediately a juridical one, though involving doctrinal and theological considerations; the revision of the juridical decision on grounds similar to those urged by Fr. Hughes in the rest of his argument would not involve such a doctrinal justification of the Reformation.

Fr. Hughes' assessment of the eucharistic doctrine of the period immediately before, during and immediately after the Reformation, "the school theology of the day", may be given in his own words: "little more than a subsequent justification of an implicitly sub-christian mass system". (43) Fr. Clark had taken as his two representative theologians teaching about the eucharist at the beginning of the sixteenth century Gabriel Biel and Cardinal Cajetan: though he noted certain lesser defects in Biel's teaching Fr. Clark found a fundamental agreement and a solid orthodoxy in the eucharistic teaching of the two theologians. (44) Fr. Hughes grants him the solid orthodoxy of Cajetan, but claims that Cajetan was a most unrepresentative theologian, and one without influence in this area. (45) Gabriel Biel, on the other hand, produced a eucharistic theology that was technically, palely and bloodlessly orthodox, but which was, nevertheless unsound and unhealthy, and even possessed of an innate tendency towards heresy. (46)

The basic criticism that Fr. Hughes makes is that Biel separates the sacrifice of the mass from the sacrifice of the cross. This is linked with his acceptance of the Scotist teaching that the merit or worth of the offering of Christ in the sacrifice of the mass is far less than that of the cross, since at the cross Christ offered himself directly, but in the mass mediately through his ministers. This teaching is to be viewed, says Fr. Hughes, in the context of the practical mass system then prevailing: "trying to explain to people what they got for their money when they paid to have masses said...." (47)

Leaving aside the last unfortunate crudity, which Roman Catholics of any age would have found shocking, it must be noted that Fr. Hughes has been led to misrepresent Biel here. He asserts that it is only in a single passage of his Exposition of the Canon that Biel shows that he knows the "Thomist doctrine (later adopted at Trent)" that Christ is the principal priest of the mass. The doctrine is not, of course, a distinctively Thomist doctrine, but is the teaching of the 4th Council of the Lateran in a passage that is quoted by Biel. (48) Fr. Clark had already noted the use of this passage by Biel: this indicates that Fr. Hughes has not only had difficulty in interpreting Biel, but has not read Fr. Clark with the close attention that is called for. (49) Further, this doctrine is not distinctively mediaeval either, it is found already in the Fathers, with all possible clarity in Ambrose, sufficiently clearly in Augustine, and equivalently in John Chrysostom. (50) In the prologue to the Exposition Biel quotes a passage from Augustine which speaks of the Church as the universal sacrifice offered to God through the high priest who offered himself for us in his passion. Augustine had gone on to make the connection with the eucharist, Biel is speaking about the eucharist from the beginning as he goes on to speak of Christ the high priest. (51) For him Christ is the high priest of the eucharist, it is Christ who acts through the ministry of the priest; (52) and if elsewhere he speaks of the church as the principal offerer, that is spoken in relation to the individual celebrant; it constitutes no denial that Christ is still more principally the offerer of the eucharist. That is presupposed from the beginning. (One might compare the themes, and the language, of Christ the primordial sacrament and the Church as the primordial sacrament in Roman Catholic theology today.) When therefore in the 26th lectio, of which Fr. Hughes complains, with some justification, Biel speaks of Christ as the one who instituted the mass, we need to bear in mind that it was as high priest that Christ instituted it. It is to be regretted that Biel did not bring this out explicitly, as it may be regretted that he followed Scotus in his theory of the limited efficacy of the sacrifice of the mass in itself. But when one remembers that all theologians agree that the efficacy of the eucharistic sacrifice, in any one particular celebration, is limited in its actual application to those for whom and by whom it is offered, it is difficult to maintain that we are faced here with any innate tendency towards heresy. (53)

Fr. Hughes has three chapters directly upon Roman Catholic eucharistic theology at the time of the Reformation: "The school theology of eucharistic sacrifice on the eve of the Reformation", which contains the very negative judgment upon Biel we have just examined, "The catholic apologetic for the mass in England". The chapter on the Continental catholic apologetic is given over to a summary of E. Iserloh's findings in his The battle for the mass. (54) Of the seven apologists examined Iserloh, and Hughes following him, makes an exception for Kaspar Schatzgever the only one "to offer a really adequate presentation of catholic doctrine." (55) There is no room for Fr. Hughes to report the evidence, only the concluding judgments: It is no great surprise, therefore, to learn that other judgments are possible. Iserloh has decided that Johannes Cochlaeus, one of the seven, was no theologian: G. Tavad, reviewing J.J. Hughes, wryly quotes his own earlier judgment of Cochlaeus: "a good, if not ourstanding, theologian". (56)

The third chapter mentioned, on the catholic apologetic in England, has some fun with the variations in the assessment of Cuthbert Tunstall from E.C. Messenger to Philip Hughes to F. Clark. Fr. Clark should not, however, be burdened with the opinions of others. Further, the report of Tunstall's teaching is given in a translation based upon that given by Fr. Clark; it seems to have escaped J.J. Hughes attention that Fr. Clark quoted not one passage but two. The second is more explicit than the first in finding an application of the text in Mal. I,II (Vulgate), about making sacrifice in every place and offering a clean oblation, precisely to Christ in the mass. Fr. Hughes finds Fr. Clark inconsistent in citing Tunstall favourably and yet wishing to maintain that "Catholic theology always insists that what is offered, first and above all, is the body and blood of Jesus Christ really present... Tunstall seems to have maintained just that. (57)

With that we can leave the question of the precise state of eucharistic doctrine about the time of the Reformation to those better qualified than J. J. Hughes or the present writer to offer useful assessments. We can now turn to the basic questions of the alleged defects of form and intention in the Ordinal and its use. We noted above that there is a certain possible link between the eucharistic beliefs and doctrines of the users (and framers) of the Ordinal and their (sacramental) intention. Whether or no this link is a necessary one, and therefore whether the whole discussion about the past state of eucharistic doctrine is necessary, will emerge from the discussion of intention.

The alleged defect of form is stated by Fr. Clark to be the more important of the two; it is certainly treated first, and at greater length, in Apostolicae curae. (58) Fr. Clark devoted his book to the defect of intention, and therefore treats of that first, but has included a useful chapter on defect of form, in which he set out what the Bull said and did not say. (59) He lists ten points that the Bull has been supposed to say and did not say: the most important of these is that it did not say that the words Accipe Spiritum Sanctum could in no possible circumstances be a valid form for the sacrament of Order. (60) Not only so, he also lists a series of theologians who "had held, still held at the time of the Bull (and some even continued to hold until the Apostolic Constitution, Sacramentum Ordinis of 1947), that in the Roman rite itself the sacramental form for episcopal consecration was Accipe Spiritum Sanctum." (61) From this Fr. Clark deduces that a comparison of the Anglican Ordinal with other Ordinals ancient and modern is not to the point. The question is rather: how has the Ordinal been changed in relation to its predecessor the Sarum Pontifical, and what is the effect of such changes? The defect of form is said to lie in the fact that all trace of sacrifice, of consecration, of priesthood, of the power to consecrate and offer sacrifice has been removed. Leo XIII did not intend, therefore, to make a ruling against the opinion that the form for episcopal order was Accipe Spiritum Sanctum, but "the Pope did say that the forms of the Ordinal could not be sufficient, because of what was significantly suppressed in them." (62)

This is misleading, and goes beyond the statements of Apostolicae curae, for nothing was suppressed in the sacramental form, in the precise and narrower sense, of episcopal consecration as that was understood by many in 1896. Fr. Clark's other formulation is better: "Franzelin showed how the ritual context destroyed the sacramental validity of the formula 'Receive the Holy Spirit'. Leo XIII adopted the same reasoning and then went on to make a wider application of it, to show how the ritual context destroyed the sacramental validity of all formulae found in the Ordinal." (63) In terms, then, of Thomas Aquinas' classical discussion of defect of form, the argument now runs that the Ordinal added something to the form for episcopal consecration that rendered that form invalid because of that which was missing in that which was added. (64) In this formulation the argument is much less plausible, and it is not clear that it is in keeping with general Catholic teaching and traditional practice concerning defect of form. A. Aubry has collected some examples of the acceptance of quite extraordinary versions of the form of baptism, e.g. "In the Name of the Father, and of the Son and of Montanus." (65)

There is also the question of the Methodist baptisms in Oceania, to which Anglican writers have appealed in order to show an inconsistency in the Roman Catholic treatment of sacramental rites performed outside the Roman Catholic Church. Two questions were put to the Holy Office concerning these baptisms in 1872. The question turned on the problem of sacramental intention, but they show that the Vicar Apostolic of Central Oceania believed that the Methodist ministers preached the doctrine that baptism has no effect upon the soul, and that possibly such declarations had been made as part of the ceremony of baptism and immediately before the baptism itself. The reply of the Holy Office turned solely upon the question of intention: despite the error concerning the effect of baptism the intention of doing what the Church does was not excluded. The preface to the two questions had explicitly stated that the appropriate matter and form of the sacrament had been used, and the Holy Office raised no question with regard to the form, despite the addition concerning the lack of effect upon the soul. (67) No inconsistency arises in terms of the questions

asked, and the replies given to them, in the context of traditional teaching and practice concerning intention. If, however, these baptisms and their treatment are examined under the aspect of sacramental form and additions to form, there is a quite apparent inconsistency with the treatment of Anglican orders. This point was raised by F. L. Cirlot and considered by Fr. Clark. Fr. Clark replies only with regard to the question of intention. He notes that Cirlot was dealing with defect of form but makes no reply to this point. (68) This is a case in which the elements that were added to the bare essential rite, the matter and form in the narrower sense, were not held to have rendered it invalid, though they were clearly heretical. If these elements are considered as pertaining to the form, as Cirlot cogently argued that they should, it is difficult to see how this case differs in essentials from that of the Anglican rite of consecration through the laying on of episcopal hands and the words Accipe Spiritum Sanctum, considered by many theologians in 1896 to constitute the essential matter and form of episcopal consecration, except for the fact that the Methodist addition contains heresy by commission, while the Anglican Ordinal is said to be heretical by omission ("rejection", "removal", "obliteration") in the elements that were added.

The Anglican Ordinal itself does not point to a particular set of words as constituting the "form" in the narrower sense. But the laying on of hands is twice referred to, in the prayer "Brethren it is written in the gospel..." and in the Archbishop's address to the candidate "Brother, forasmuch as holy scripture....", as also in the formula that accompanies the laying on of hands, beginning with the form, as many theologians believed it to be in 1896, "Take the holy ghost". It is clear that the laying on of hands and the saying of this formula correspond to the matter and form, in the narrower sense, of the Roman rite. The formula is completed, in all versions of the Ordinal, with a quotation from II Tim I,6-7: "Take the holy ghost, and remember that thou stir up the grace of god, which is in thee, by imposition of hands: for god has not given us the spirit of fear, but of power, and love, and of soberness." Later there was inserted between "ghost" and "and remember" the words "for the office and work of a bishop in the Church of God, now committed unto thee by the imposition of our hands: in the name of the Father, and of the Son, and of the Holy Ghost. Amen." While it is true that this formula, whether in the shorter or the longer version, contains "no clear mention of sacrifice, of consecration, of priesthood, of the power to consecrate and offer sacrifice", in the words of Apostolicae curae, the words added do not destroy the force and meaning of "Take the holy ghost" in any way. Furthermore, the words quoted from II Tim were formerly taken to refer to St. Timothy's episcopal consecration; a more sophisticated modern interpretation will still see in this ordination as "apostolic disciple or apostolic delegate". (69) The formula clearly expresses the desire mentioned in the preface to the Ordinal that the order of bishop, which has been in Christ's church since the apostles' time, should be continued. It is worth noting, since Fr. Tavad has referred to this point, that though the rite of the Ordinal was abbreviated at the consecration of Matthew Parker the consecrating bishops duly laid on their hands and pronounced the formula given above, in the shorter version. This is explicitly reported in the Lambeth Register. (70)

A similar, though weaker, argument may be constructed in favour of the form of priestly ordination in the Ordinal. The formula accompanying the laying on of hands runs: "Receive the holy Ghost (for the Office and Work of a Priest in the Church of God, now committed unto thee by the Imposition of our hands.) 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, and of the Son, and of the Holy Ghost. Amen." The words in the bracket were added later. Omitting these words, the first part of the formula: "Receive the holy Ghost, whose sins thou dost forgive, they are forgiven; and whose sins thou dost retain, they are retained" form part of the rite of ordination of priests in the old Pontifical. In most of the Pontificals it occurred after the

communion of the ordination mass. Even occurring in this position it was held by a number of theologians to be the effective sacramental form for conferring the priestly power of forgiveness of sins. (71) In some mediaeval Pontificals this formula accompanied the first laying on of hands, and Fr. Clark considered it likely that "those who favoured this conjunction looked upon the formula in question as an essential form of presbyteral ordination." (72) Furthermore, a catechism drawn up at the request of a provincial Council at Mainz in 1549 seems to regard this formula as the essential form of priestly ordination. Fr. Clark suggests that the authors of the catechism had a Pontifical before them in which this formula accompanied the first laying on of hands. (73) Thus there would seem to have been some mediaeval Pontificals, and some theological interpretation of these, in which the essential form of priestly ordination is identical with that of the Edwardine Ordinal. If sacramental form is taken in the narrower sense, as it always had been in discussions about validity of baptism, it is difficult to see how it can be maintained that the form of priestly ordination in the Anglican Ordinal is defective. The words that are added to the mediaeval formula contain, once again, "no clear mention of sacrifice of consecration.... of the power to consecrate and offer sacrifice", while the phrase "for the office and work of a priest in the Church of God" was only added later. On the other hand, the words added do not deny or exclude anything of the force of the words of the older formula; and they bear clear witness, constituting as they do not only a quotation from the Pontifical but also a citation of Jn 20, 22-23, to the desire expressed in the preface to the Ordinal that the order of priest, which has been in Christ's church since the apostles' time, should be continued.

These arguments from the relationship between the forms of the Ordinal and those of the Pontifical have been drawn from the evidence presented, with admirable objectivity, by Fr. Clark himself. Fr. Hughes has argued rather from the acceptability of the forms of the Ordinal in themselves, while noting that the formula "Take the Holy Ghost" was believed by many scholastic theologians to be the essential form for conferring orders. Unfortunately his description of what the Reformers did summarizes his one-sided view of the times: "...the English Reformers cut through the confusions of contemporary controversy by dropping all references to 'the power of sacrifice', which were inseparably linked with a popular mass system and a theology the implications of which were sub-christian, by simply pointing to the ministry which could be found in the New Testament and the apostolic age." (74) Leaving aside the disputable verdict upon late mediaeval eucharistic theology, what is claimed here is that the forms of the Ordinal are acceptable in themselves since they point unmistakably to the essential nature of the ministry as it existed in the New Testament and apostolic age, and as it had come down, despite accretions that Fr. Hughes regards as sub-christian, to the time of the Reformers. Fr. Hughes cheerfully acknowledges that the Reformers created new rites. Fr. Clark argues that these new rites suffered from a fundamental defect of form because of what was significantly suppressed in them, while acknowledging that the Pope "did not say that Accipe Spiritum Sanctum could in no possible circumstances be a valid form for the sacrament of Order". (75) It is worth recalling that Thomas Aquinas, when discussing defect of form, first distinguishes between two ways of looking at the matter: from the side of the one who introduces the changes, and from the aspect of the meaning of the words themselves. He observes that where the intention is to introduce, through the change of wording, a rite that is not accepted by the church, then it seems that the sacrament is not celebrated, and that because of defect of intention. His examination of the changes in the meaning of the words themselves is concerned with the sacramental forms of baptism and eucharist, which are taken to be given in Scripture itself, and discusses subtractions from and additions to these. An example of a corruptive addition is given: I baptize you in the name of the greater Father and of the lesser Son, "as the Arians baptized". (76) We have seen that the forms of the Ordinal can only with difficulty be faulted in terms of addition or subtraction. If they are regarded simply as new rites then the defect, if defect there be, is to be sought rather from the side of defect of intention.

One fundamental point leaps to the eye in the discussion of defect of intention arising out of the introduction of a new rite: the rite is "new" or "other" because it is not received by the church. (77) This judgment is clearly based upon an older ecclesiology in which a group of "heretics", however large, could not be thought of as constituting a church. Here the teaching of Vatican II, with its references to the separated churches and ecclesial communities of the West, has introduced quite new perspectives. In so far as ecclesial communities are ecclesial they are able to draw up rites which are ecclesial and which spring from an ecclesial intention. Whether such rites are in fact acceptable as valid sacramental rites will have to be established in each individual instance. What cannot any longer be presumed from the beginning is that they are invalid because of a defect of intention shown in the simple fact that new rites have been adopted.

The whole discussion of sacramental intention has, in fact, become immensely more complicated since St. Thomas' time. But before going on to discuss the relevant parts of the complications, something may be said about intention in Anglican ordainers.

Anglican writers, from the Anglican Archbishops in 1897 onwards, have commonly appealed to the preface to the Ordinal, as also to the public formularies and definite pronouncements of the Anglican Church generally, when confronted with the question of intention. Fr. Clark examined no less than seven different interpretations of defect of intention spoken of in *Apostolicae curae*, that have been offered since by various writers, before going on to examine "the intention in the mind of the minister of the sacrament", which he claims, surely rightly, to be the meaning of the Bull. This is the second of the seven interpretations given. The seventh is "the objective intention of the rite in itself", which Fr. Clark refers to the question of sacramental form. (78) This is technically correct, but it would betray an impossible compartmentalism to suppose that the preface to the Ordinal is simply irrelevant to the question of intention. We can surely suppose that the original ordainers of Matthew Parker, and all Anglican ordainers unless the contrary is shown, intended to do what the preface stated the rite was meant to do: they intended, therefore to continue the orders which had existed in Christ's church since the apostolic time. (79)

Fr. Tavard has suggested that the intention of the consecrators of Matthew Parker may, though not without hazard, be taken to have been modelled upon that of Thomas Cranmer, the principal framer of the Ordinal. There is indeed every reason to suppose that the intention of the four consecrators, who took up the Ordinal once again, was essentially identical with that of Cranmer in so far as his intention is shown externally in the formulations of the Ordinal. Since the Ordinal provides for ordination by bishops it is irrelevant to point out that Cranmer believed that appointment by the King would suffice for "ordination". Fr. Tavard also points to the change in the wording of the preface from 1550 to 1661, stating that the original preface "omitted a crucial sentence on the meaning of ordination". (80) The changes made affect phrases only, not the adding of a new sentence, and do not make any crucial alteration to the meaning of ordination. The original preface laid down the use of the Ordinal for ordination but made a necessary exception for those already bishops, priests or deacons. The 1661 preface, modified with an eye to Presbyterian ideas about the essential equality of bishops and priests, spells it out that previous consecration or ordination must be episcopal. Exclusion of consecration or ordination carried out by presbyters in 1661 constitutes no proof that the 1550 preface was intended to admit such ordination by presbyters. Even if it did, it is not clear why this should be crucial to the meaning of ordination, which must, where the Ordinal is used, be carried out by bishops.

The real force of Fr. Clark's argument about defect of intention lies in his "principle of positive exclusion". He acknowledges that Anglican ordainers, including the consecrators of Matthew Parker, have the sacramental intention of acting as Christian ministers, as ministers of Christ. But he asserts that they also had a

positive contrary intention of excluding from the sacrament that which is essential to it: the power to consecrate and offer sacrifice. Fr. Clark sets out the teaching of a whole series of theologians from Cardinal De Lugo in 1636 onwards, to show that they accepted the principle that where two simultaneous contrary intentions are positively and equally willed, as for example to consecrate the eucharist and not to offer sacrifice, then there is no sacrament. He also cites in support of this thesis a series of decisions by the Roman Congregations and courts. (81)

Here Fr. Hughes has made a quite crucial contribution to the whole debate. He has been able to show that the decisions of the Roman Congregations and courts cited are in fact irrelevant since they all refer, as Fr. Clark himself clearly acknowledged to decisions taken with regard to marriage. Now marriage is not only a sacrament, it is also a contract, and it is therefore necessary to treat marriage from a narrow, legal point of view. The sacrament of Order is not contractual in this sense and therefore the analogy does not hold. (82) Furthermore, the authorities quoted by Fr. Clark from De Lugo in the 17th century to E. F. Regatillo in 1949 to support his interpretation of what happens in the case of contrary intentions positively willed, "the principle of positive exclusion", do not support him in a simple and straightforward manner. Though six of them, following and including De Lugo, suggest that equally willed contrary intentions cancel one another out so that no sacrament is given, and they are quoted in this sense by Fr. Clark, these authors also say that where one intention is held to more absolutely than the other then the more absolute intention prevails. The more absolute intention is generally said to be that which the minister would choose if he knew the two intentions were incompatible. (83)

Fr. Hughes states rightly that Fr. Clark cannot simply presume that the contrary intentions of Matthew Parker's consecrators were in fact equal and therefore in fact cancelled one another out. He further states that Fr. Clark has nowhere offered such a proof. (84) This is untrue; though the proof offered is theological, not historical. Fr. Clark urges that while the two contrary intentions were actually willed, and neither explicitly subordinated to the other, the question as to which of the two the minister would choose if he knew of the incompatibility is interpretative, and suffices only to establish an interpretative intention, which is insufficient. Therefore in all such cases there is a real contrariety of intentions simultaneously and equally willed. (85) This is at first sight plausible, but Fr. Clark's authorities do not, for the most part, and with the exception of Gasparri, not one of the six mentioned above, support him. And the intention to act as a minister of Christ is a real intention, not merely an "interpretative" one - that is, one that you might have had but never in fact have had. (86) Fr. Hughes is able to point works published as late as 1965 that calmly apply the interpretative test to the real intention: "the intention which the minister would choose if he knew that his intentions were incompatible is to be deemed prevalent." (87)

Unfortunately Fr. Hughes has tried to improve on his refutation by urging that since Matthew Parker's consecrators did not believe that the power to offer the sacrifice of the mass existed they could not possibly have intended to exclude it from their action. (88) This is a nice logical conundrum but rather less than convincing. Blasphemy, as an insult that really touches God, is an impossibility that is nevertheless reprehensible in the attempt. For the Reformers the power to offer the sacrifices of masses, however non-existent, was a monstrous blasphemy that they were determined to have nothing to do with. In plain English that constitutes an intention to exclude it from your actions. Fr. Clark's argument is not vulnerable on this score. Fr. Hughes' other point, that there is no evidence, supposing for the moment that Parker's consecrators did have two intentions, that they would not at once have abandoned the alleged second (restrictive) intention if they had known that it was contrary to Christ's will, is well taken. (89) Once the presumption from the introduction of a new rite to a defect of sacramental intention is dropped, it becomes impossible, in terms of the general Roman Catholic teaching on the subject, to maintain a defect of intention in Anglican ordainers.

I have dwelt at perhaps excessive length upon the difficulties that arise with regard to the traditional Roman Catholic arguments against the validity of Anglican orders. Many of these difficulties, and other more subtle but less central ones, have been urged by Fr. Hughes in his two volumes. I have dwelt on these partly because not all Anglicans who hope for one would be satisfied with a recognition of the validity of Anglican orders based upon theological principles that would apply equally well to the Lutheran ministry. But above all there is the question of truth here. If in the light of the transformation in attitude towards the churches of the Reformation the different character and status of the Anglican church can be seen to have implications for the validity of her orders, then that fact, if it be a fact, must be clearly acknowledged. It is my belief that this fundamental difference in the way we look upon the Anglican church since Vatican II provides the necessary and sufficient basis for the development of doctrine regarding the theological assumptions (the proper requirements concerning sacramental form and intention) that lie behind Apostolicae curae, and that was asked for in the conclusion of the recent document of the Anglican/Roman Catholic International Commission. (90) But now, in conclusion, it is time to report briefly on a fundamentally different theological approach to the question of the validity of Reformation ministries that bypasses completely the old questions and requirements.

H. Kung has suggested that the concept of receiving a sacrament in voto, which is well established for baptism, might be extended analogically to the sacrament of orders. He points out that reception of baptism in voto only assumed its full importance after the discovery of the new world, and suggests that we are now confronted with a kind of discovery, in the ecumenical movement, of the Reformation churches. He put this suggestion forward originally in response to an essay by the Lutheran theologian E. Schlink, and remarked that it was only an indication of theological work that remained to be done. He has since returned briefly to the topic, and suggested that any such reconsideration would also have to examine the possible modes of apostolic succession. (91)

F. J. Van Beeck took up this idea of an extension of the votum sacramenti to orders and suggested that it should be understood and developed in terms of "extraordinary ministers" of the sacraments. He applies this first to the other sacraments administered in the Reformation churches and then proceeds to apply it to the ministry itself, in the context of a re-examination of the concept of apostolic succession. He is then able to draw some tentative conclusion, the third being: "When a church in good faith 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." (92)

Several theologians have applied the old notion of the church supplying the defect in the celebration of a sacrament to the possibility, through a convergence of doctrine, of the Roman Catholic church recognizing the orders of the Reformation churches on this principle. An analogy is found in the Orthodox practice of the "economy". Thus M. Villain, in the conclusion of an article on apostolic succession, states: "The day will come, we hope, when, with the help of adequate guarantees of the traditional doctrine of the mysterium fidei and all opposition to the apostolic succession having ceased, the proper consistency of the Eucharist among our Protestant brethren will be recognized - in virtue of the principle of Ecclesia supplet or of "economy" in Orthodox terminology, even if the principle would have to be extended where it has as yet never been applied." (93)

G. Tavard has also made use of the principle of Ecclesia supplet in the context of an enlarged concept of apostolic succession. This also is to be considered "to be transmitted in and by ecclesial consensus, whether this is expressed by an episcopal college, by a presbyterium or by the locally gathered People of God". (94) Fr. Tavard suggests that the principle begins to apply already in and through the work of ecumenical theological dialogue, even in advance of a formal decision on the part

of the Catholic magisterium, where the Protestant church community has a liturgy, confession of faith, and a theology that stand within the limits of Catholic tradition and faith. He believes that the principle of Ecclesia supplet is already at work with regard to the Lutheran churches of the U.S.A. after the Catholic-Lutheran Colloquium of 1968 in St. Louis. Presumably the same will hold of the Anglican-Roman Catholic Commission if the basic unity of faith and practice is found. (95)

H. J. McSorley has made a special study of the teaching of councils and Popes about the legitimacy of ministers of the eucharist from Innocent III to Vatican II. He concludes that the various decisions about the illegitimacy of orders outside the Roman Catholic church do not exclude the possibility of the existence of validly ordained extraordinary ministers of the eucharist in other, even non-episcopal, churches. He believes that it is within the Roman Catholic church's power of the keys to declare valid and legitimate ministries she has formerly called invalid or illegitimate. (96)

E. P. Echlin has stressed the importance of the convergence of theological opinion between Anglicans and Roman Catholics on the nature of the eucharistic sacrifice. He looks back at late mediaeval eucharistic teaching and is doubtful of its true orthodoxy, particularly in the case of Gabriel Biel. He relies especially on the Lutheran Heiko Oberman's evaluation of Biel. We have seen that it may be necessary to take another look at Biel. Meanwhile we can agree with Fr. Echlin on the fundamental importance of a present convergence of doctrine on the nature of the eucharistic sacrifice and of its implications for Anglican orders. (97)

Kilian McDonnell has reviewed the various new approaches to the question of Reformation orders. He favours an understanding of Reformation ministries as a set of charismatic ministries standing in a different way in the apostolic succession alongside episcopal orders, and believes that they should be acknowledged by the Roman Catholic church on the principle of Ecclesia supplet and the working of the "economy". (98)

John Coventry has also touched on the question of ministerial succession and the validity of Anglican orders in his review article on Stewards of the Lord and in his comment upon Fr. Hughes' reply. He judges that Fr. Hughes has won the argument that he set out to win, but has reservations about Fr. Hughes' understanding of "validity". He therefore asks: is it the right argument? He urges that "validity" should, on the one hand, mean "recognized by the (Roman Catholic) Church", and, on the other, "strength, authenticity, full value". He fails to state what relationship there is between the two; on most older accounts the second meaning could be actualized in the absence, at least for a time, of the first. And clearly Fr. Tvard's understanding of the working of Ecclesia supplet would allow for a certain precedence of the second over the first. Fr. Coventry's point that to withhold recognition is merely to withhold a guarantee, not to declare a guarantee of ineffectiveness, is well taken.

Fr. Coventry's most basic point, his positive statement of what the right argument would be, is more questionable, indeed, I think, ultimately unacceptable. It does, however, usefully bring out a possible consequence of this whole line of argument from Kung onwards. Fr. Coventry states that he "would like to see orders recognized as orders in so far as a Church is recognized as Church, and not vice versa." (99) This is a much stronger assertion than simply to say that ordination must be in and for a church community and must be a true ecclesiastical action for the sacrament to be valid. (100) Fr. Coventry himself expresses some hesitation; he acknowledges an interaction and that ministry is a constitutive element in the church. Is it not true that a church is church partly through the possession of a valid ministry, while a ministry is valid only in and for a church? Both arguments are relevant and necessary, both approaches make their own contribution to a solution of the problem. To adopt Fr. Coventry's principle wholeheartedly would involve abandoning a theological tradition with regard to orders established since

mediaeval times and taught already by St. Augustine. (101) Augustine recognized that validity of Donatist orders; in what sense could he have recognized the Donatists as church? In terms of the new argument, presumably only when time had softened the hard edges of heresy and the Donatists had come to accept that Christ is the principal minister in the sacraments and the holiness of the minister not a pre-requisite for validity. Fr. Coventry rightly remarks that this whole subject needs further study.

In conclusion, it is evident how much the new argument, in all its versions, depends upon the renewal of theology taking place under the stimulus of Vatican II in the Roman Catholic church. The co-inherence of ministry, church, and eucharist is now seen in better perspective and in greater depth; so, too, is the co-inherence of word and sacrament. There has been also a radical transformation of attitude towards the churches stemming from the Reformation. The co-inherence of church and sacrament is no longer to be understood in a way that makes church character ("ecclesiality") and the sacraments a possession of the Roman Catholic church that must be jealously guarded and kept to herself alone. It must rather be ever her desire and her prayer that all the gifts that Christ the Lord willed his church to have may be found as fully as possible in the other churches and church communities.

- (1) Letter of Fr. J. J. Hughes to the editor of The Tablet, London, 28/2/1970.
- (2) Absolutely null and utterly void, London, 1968: Stewards of the Lord, London, 1970.
- (3) The most negative review that I have seen is that contained in the article "Anglican orders-again?", in One in Christ, 1971 no.1 p.46-53, by George Tavard. He finds Fr. Hughes' work grossly over-simplified, and says of it: "To add to the literature of the subject without adding to our knowledge of it is a peculiar exercise indeed. This, however, is what I think J. J. Hughes has done." p.46.
- (4) H. Kling, Structures of the church, Eng. trans. London, 1965, p.184-185.
 F. J. Van Beeck, "Towards an ecumenical understanding of the sacraments", in Doctrinal development and christian unity, ed. N. Lash, London, 1967.
 M. Villain, "Can there be apostolic succession outside the continuity of the laying on of hands?", in Concilium vol. 4 no. 4 p. 45-53.
 G. Tavard, "Roman Catholic theology and 'recognition of ministry'", in Journal of Ecumenical Studies vol 6 no. 4 p. 623-628.
- (5) "Decree on ecumenism" in The documents of Vatican II, ed. W. M. Abbott, London 1966, p. 341-366. The quotations are from n. 15 (p. 359) and n. 22 (p. 364).
- (6) G. Tavard, "Anglican orders..." p. 48 "Cranmer's intention was, in my opinion, clear and clearly defective." p.49: "Nor can we forget the canonical problem unwittingly raised by the Register where Parker's consecration is described: the ceremony was in fact shortened and some prayers were not said, so that the rite was more Protestant than that of the Ordinal itself.: Fr. Tavard concludes that the problem of Anglican orders approached historically is insoluble. p.51. N. Lash, review of SL in The Downside Review, January 1971 p.98-99: "...I should wish to express my agreement with the broad outlines of Hughes' rejection of Clark's carefully constructed case against the validity of Anglican Orders.", "...the case for the possibility of the recognition of Anglican Orders can, I believe, most persuasively be argued from within rather different theological perspectives."
- (7) ANUV p. 160-161.
- (8) ANUV p. 162.
- (9) ANUV p. 191.
- (10) ANUV p. 280-283.
- (11) S.M. Brandi, La condanna delle ordinazioni Anglicane, Rome 1897 p. 38: ANUV p.283.
- (12) ANUV p. 166-167.
- (13) ANUV p. 192-198.
- (14) ANUV p. 280. E. C. Messenger, The Reformation, the Mass and the priesthood vol. 2, London 1937, p.479. Cardinal Casanata referred to the evidence of the Elizabethan Richard Bristow.
- (15) ANUV p.280.

- (16) P. Gasparri, De la valeur des ordinations Anglicanes, Paris 1895 p. 16 n. 1, where he gives the Latin text of the petition. ANUV p. 282.
- (17) Messenger, RMP 2 p.475.
- (18) The first version is given in the Gordon petition, the second is reported in ANUV p. 19 and in RMP 2 p. 374.
- (19) RMP 2 p.377; ANUV p. 19.
- (20) ANUV p. 282-283.
- (21) ANUV p. 283.
- (22) F. Clark, Anglican orders and defect of intention, London 1956 p. 97; Messenger RMP p. 475; Brandi COA p. 40.
- (23) Messenger, RMP p. 484.
- (24) Clark, AODI p. 97.
- (25) ANUV p.261.
- (26) ANUV p. 271-275.
- (27) ANUV p. 255.
- (28) Messenger, RMP p. 48-49 L. Marchal, "Ordinations Anglicanes", in Dictionnaire de theologie catholique vol. II col. II68.
- (29) Messenger, RMP 2 p. 46-48. 128-129; ANUV p. 253.
- (30) ANUV p. 254.
- (31) ANUV p. 255-258.
- (32) Philip Hughes, The Reformation in England vol. 2, London 1961 p. 247-248.
- (33) AODI p. 43.
- (34) ANUV p. 286.
- (35) London, 1960. Second edition with a new preface reviewing reactions to the book, London, 1967.
- (36) ANUV p. 288-292; SL p.31-192.
- (37) ANUV p. 290.
- (38) "Anglican orders after Vatican II", in The Tablet, 23rd January 1971, p. 78-80. Corpus Christi, 2nd ed. London 1965.
- (39) SL p. 2.
- (40) SL p. 285.

- (41) J. J. Hughes, "Anglican orders" the growing consensus", in New Blackfriars June 1971 p. 274-279. Fr. J. Coventry, the original reviewer of SL in New Blackfriars ("Anglican orders" reassessing the debate", January 1971 p. 36-40) pertinently remarks in his "comment" in the June number: "I wonder if it is possible to reject every idea of eucharistic sacrifice known at the time, and not reject the thing." p. 279.
- (42) G. Tavard, "Anglican orders - again?", p. 51-52.
- (43) SL p. 239.
- (44) ESR p. 81-90.
- (45) SL p.93-99.
- (46) SL p. 84-93; the assessment is taken from p. 91.
- (47) SL p. 92.
- (48) SL p. 90. G. Biel, Sacri canonis misse expositio, ed. H. A. Oberman and W. J. Courtenay, Wiesbaden 1963-1967, vol. 2 p. 98-99 lect. 40 A: "Nunc autem ipsa (ecclesia) tenet et determinavit panem transubstantiari in corpus christi et vinum in sanguinem ut habetur DE SUMMA TRINITATE ET FIDE, cap Firmiter, ubi sic dicitur: Ipse iesus christus sacerdos est et sacrificium cuius corpus et sanguis in sacramento altaris sub speciebus panis et vini veraciter continentur. Et secuitur: Transubstantiatis pane in corpus et vino in sanguinem potestate divina. This text comes from the first dogmatic chapter of the Council and may be found in, e.g. Enchiridion Symbolorum, ed. H. Denzinger and A. Schönmetzer, ed. 32 Freiburg 1963 no. 802 p. 260.
- (49) ESR p. 332.
- (50) Ambrose, Enarrationes in 12 Psalmos davidicos, Ps 38,25: "...ipse offerre manifestatur in nobis cuius sermo sanctificat sacrificium quod offertur." quoted in Enchiridion Patristicum, ed. M.J. Rouet de Journel, Freiburg ed. 17 1951, no. 1260.
Augustine, De civitate dei, 10, c 6 and 20. Cf. J. Pintard, Le sacerdoce selon saint Augustin, Paris 1960 p. 265-266, 387.
John Chrysostom, De proditiōne Judae homiliae, I,6, EP no. 1157; In epistulam II ad Timotheum homiliae, 2,4, EP no 1207.
- (51) Prologus, OC I p.7: "Est denique sacramentum illud communio, qua inter se membra cum capite christo communicant. Nam in hoc sacrificio tota ista redempta civitas, hoc est congregatio, societasque sanctorum, universale sacrificium offertur deo per sacerdotem magnum, qui etiam seipsum obtulit in passione pro nobis, ut tanti capitis corpus essemus secundum formam servi. Hanc enim obtulit, in hac oblatus est, quia secundum hanc mediator est, in hac sacerdos, in hac sacrificium. De civitate dei 10 c 6.
- (52) OC 4 p. 103 lect. 85 H: "...offertur a nostro pontifice eiusdem patris unigenito. Huius magni pontificis et sacerdotis nostri pontifices et sacerdotes vicarii sunt in quorum verbis pronuntiatis verbum increatum operatur oblationem secundum illus ESA lxi: Vos autem sacerdotes vocabimini, ministri dei nostri... Invisibilis autem et principalis adest sacerdos christus, qui panem et vinum in sui corporis et sanguinis substantiam convertit. Hic ergo sacerdos patri, cui offertur, non potest non esse acceptus."

For the three-fold relationship Christ-church-priest see OC I p. 46 lect. 6 C: "Hoc ergo intendit ecclesia ut fiat conversio et cetera a christo per sacerdotis ministerium. et hoc est quod intendere debet sacerdos cuius intentio referri debet ad intentionem ecclesie cuius est minister." Contrast SL p. 91.

- (53) SL p. 91.
- (54) SL p. 101-105.
- (55) SL p. 105, J. J. Hughes quoting from E. Iserloh, Der Kampf um die Messe, Münster 1952 p. 59.
- (56) G. Tavard, "Anglican orders..." p. 50-51.
- (57) SL p. 137-140. The statement of Fr. Clark about Catholic theology is in ESR p.520 quoted SL p. 140. Fr. Clark's quotations from Tunstall, i.e. from Henry VIII's answer to the German Lutheran ambassadors, is in ESR p. 536-537: Fr. Hughes' version of the first in SL p. 137. The original of the text on Malachy runs in the Latin: "Malachias etiam Propheta inquit; Ab ortu solis usa; ad occasum, magnum est nomen meum in gentibus, et in omni loco Sacrificatur, et offertur nomini meo oblatio (sic!) munda, quia magnum est nomen meum in gentibus, dicit Dominus exercituum. At quae alia oblatio munda in omni loco inter gentes, nisi solus Christus, aut quod aliud Sacrificium Christianorum, nisi Missa, ubi Commemoratio mortis Christi agitur? Nam aut aliquod inter gentes oportet esse Sacrificium, aut mentitus est Propheta quatenam quaeso est oblatio munda, nisi solus Christus hostia nostra, qui in sacramento altaris est sub Panis et Vini speciebus?" Quoted from G. Burnet, The history of the Reformation of the Church of England, 4 vols. London 1841, vol. 4 p. 192.
- (58) AODI p. xvii. J. J. Hughes treats of defect of form in SL p. 13-234: and of defect of intention in SL p. 235-286.
- (59) AODI p. 168-191.
- (60) AODI p. 189.
- (61) AODI p. 169-170. Sacramentum ordinis itself states that it is not retro-active in any way. See AODI p. 173 n. 2: "It is by no means certain even now that Accipe Spiritum Sanctum was not at that time a sufficient sacramental form for episcopal consecration in the Roman rite. The Constitution Sacramentum Ordinis of 1947 (A.A.S. vol. 40 pp. 5-7-) expressly stated that its provisions were not retroactive."
- (62) AODI p. 189.
- (63) AODI p. 188. The reference to Franzelin is to his votum written for the Holy Office in 1875, a copy of which, made by Gasquet, is in the Westminster archives, AODI p. 33.
- (64) Thomas Aquinas, Summa theologiae IIa, 60,8 c. St. Thomas's examples, as usually with those who follow him, are taken from changes in the form of baptism, which is thought to have been laid down in Mt 28. A less strict approach would seem to be called for in relation to those sacraments which have no such fixed form. Cf SL p. 227.

- (65) A. Aubry, "Faut-il re-baptiser?", Nouvelle Revue Theologique 89 no. 2 p. 183-201. Cf J. M. Tillard, "Sacramental questions: the intentions of minister and recipient", Concilium vol. I no. 4 p. 59-67. Tillard refers to Aubry on p. 61.
- (66) AODI p. 102 and 109, with reference to the Episcopalian F. L. Cirlot.
- (67) AODI p. 18-19, 102-103.
- (68) F. L. Cirlot, Apostolic succession and Anglicanism, Lexington 1946 p. 349-351. AODI p. 109 and n. 2.
- (69) For the older interpretation see SL p. 231 which refers to Aquinas, S.th.II-IIae, 184, 5 c; for the modern see R. E. Brown, Priest and bishop, London 1971 p. 63 n. 42.
- (70) Fr. Tavad refers to J. F. Harmon, Heraldic evidence concerning the Anglican historic succession, 1967, a book I have been unable to trace. Lest any doubt remain let me quote the relevant passage from the Register: "Quibus finitis post questiones aliquot Archiepiscopo per Cicestremsen electum propositas et post orationes et Suffragia quaedam juxta formam libri auctoritate Parliamenti editi apud Deum habita, Cicestremsis Herefordensis Suffraganeus Redfordensis et Milo Coverdallus manibus Archiepiscopo impositis dixerunt Anglice videlicet. "Take the Holie gost and remember that thou stirre vpp the grace of God, which ys in the by Imposicion of Handes, for God hath not given vs the Spirite of Feare, But of Power and Love and Sobreness." His dictis, Biblia Sacra illi in manibus tradiderunt, hujusmodi apud eum verba habentes. "Gyve hede vnto thy readinge, exhortacion and Doctrine, thinke yppon these thinges, conteyned in thys Booke, be diligent in them that the Increase cominge therbye may be manifest vnto all men. Take hede vnto thy Self, and unto Thy Teachinge, and be diligent in Doinge them, for by doinge thys thou shalt save thy self and them that hear thee through Jesus Christe our Lord." Postquam hec dixissent ad reliqua communionis solemnia pergit Cicestremsis, nullum Archiepiscopo tradens pastorale Bacculum; cum quo communicabant Archiepiscopus et quatuor illi episcopi supra nominati, cumm allis etiam non nullis." Registrum Matthei Parker Diocesis Cantuariensis, The Canterbury and York Society, vol. 35, Oxford University Press 1928 London, Register I p. 32-33. Cf. V. J. K. Brook, A life of Archbishop Parker, Oxford 1962 p.85-86.
- (71) AODI p. 171.
- (72) AODI p. 172.
- (73) AODI p. 172. On p. 171 n.3 he gives a quotation from the catechism which includes the words: "Traditurus enim (episcopus) ordinem sacerdotalem, 'Accipe', inquit, ' Spiritum Sanctum, quorum remisieris peccata remittuntur eis: et quorum retinueris retenta sunt."
- (74) SL p. 232. Cf A. A. Stephenson, review of SL in Ampleforth Journal vol. 76 part I p. 98-100, who stresses the analogy with legal appointment, where an office is designated but its powers undefined, and stresses the descriptive elements in the NT texts used in the forms.
- (75) AODI p. 189.
- (76) S.th IIIa, 60,8 c.

- (77) "...si intendat per hujusmodi additionem vel diminutionem alium ritum inducere qui non sit ab Ecclesia receptus, non videtur perfici sacramentum...", S.th IIIa, 60, 8 c. There is no discussion of the suitability of such forms in themselves.
- (78) AODI p. 71-78: 180-181.
- (79) SL p. 257-258.
- (80) "Anglican orders..." p. 49; see also p. 48 and 50.
- (81) AODI p. 120-153.
- (82) SL p. 279-282. ANUV p. 138-139.
- (83) SL p. 372-379. Also, J. J. Hughes, "Ministerial intention in the administration of the sacraments", Clergy Review October 1966 p. 763-776. Cf J. M. Tillard, "Sacramental questions..." In his quotation from A. J. J. F. Haine Fr. Clark has omitted a vital but as he no doubt thinks irrelevant, passage in the middle without omission marks. In his article Fr. Hughes seems to hint that this was a deliberate mutilation. In the book he is content to register the bare fact of mutilation. Any doubt of Fr. Clark's good faith is gratuitous and objectionable.
- (84) SL p. 279.
- (85) AODI p. 121-122. Fr. Hughes has taken up and refuted this argument earlier, in SL p. 271-272.
- (86) Fr. Clark quotes from Regatillo and Zalba: "Neque sufficit interpretativa, quia neque nunc elicitor, neque unquam elicita fuit.", AODI p. 121 n. I. SL p. 271-272.
- (87) SL p. 279, quoting the Dictionarium morale et canonicum, ed P. Palzzini and F. Galea, Rome 1965, from the article "intentio".
- (88) SL p. 283-285; "Ministerial intention..." p. 775-776.
- (89) SL p. 285.
- (90) Clergy Review, February 1971 p. 143.
- (91) H. Küng, Structures of the church, Eng. trans. London 1965 p. 184-185; The church, Eng. trans. London 1967 p. 443-444.
- (92) F. J. Van Beeck, "Towards an ecumenical understanding of the sacraments", in Doctrinal development and christian unity, ed. N. Lash, London 1967; the quotation is from p. 211-212.
- (93) M. Villain, "Can there be apostolic succession outside the continuity of the laying on of hands?", Concilium vol. 4 no. 4 p. 45-53. The quotation is from p. 52.
- (94) "Anglican orders..."; the quotation is from p. 53; "Roman Catholic theology and 'recognition of ministry'", Journal of Ecumenical Studies vol. 6 no. 4 p. 623-628; "The function of the minister in the eucharistic celebration", JES vol. 4 no. 4 p. 629-649.

- (95) "Roman Catholic theology..." p. 627.
- (96) H. J. McSorley, "The Roman Catholic doctrine of the competent minister of the eucharist in ecumenical perspective", One in Christ vol. 5 no. 4 p. 405-422.
- (97) E. P. Echlin, "The validity of Anglican orders", JES 1970 p. 266-281.
- (98) K. McDonnell, "Ways of validating ministry", JES 1970 p. 209-265.
- (99) "Comment", New Blackfriars June 1971 p. 279.
- (100) B. Leeming, "Are they really bishops?", The Heythrop Journal July 1964 p. 259-267.
- (101) See H. E. J. Cowdrey, "The dissemination of St. Augustine's doctrine of Holy Orders during the later patristic age", Journal of Theological Studies, new series vol. 20 part 2 p. 448-481.