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THE ORDINATION OF WOMEN AND THE UNITY OF THE CHURCH

Noel Cox

Introduction

The recent votes in the General Synod of the Church of England on the election, ordination and consecration of women as bishops has brought to the forefront of popular discourse the question of the place of women, not just in the episcopate but also in ordained ministry of the church. However, aside from the commonly misinformed comments of the mass media, there was little popular reflection on this question, or indeed of the related question of how the church makes decisions. This is both unsurprising and unfortunate.

This article will consider the question of the ordination of women, both as priests and as bishops, from the perspective of the broader issue of the unity of the church. In particular this will address the vexed issue of the nature of Holy Orders, and through this, the nature of the universal church.

Ecclesiological Perspectives

The ecclesiological distance between the Roman Catholic Church and the Anglican Communion is over more than just what may be seen as a technical question of the validity and recognition of Holy Orders. Differing attitudes to the ordination of women—whether concerned with the role of the priest as acting *in persona Christi capitis*, or other questions of theological tradition or theology—are resolved by appeal to revelation. The differences reflect a different attitude to tradition. But it is arguably the understanding of tradition and the meaning of catholicity that causes the question of the validity of Holy Orders to remain of vital importance in and to the Anglican Church, and which leads to a different approach to the ordination of women to the presbyterate and the episcopate.

The differing understanding and use of tradition between the churches—typified by Richard Hooker's classification of Anglicanism—has led to a divergence from Roman Catholic and Orthodox ministerial models. Moreover, it will be argued, the ordination of women (and especially as bishops) is a departure from the church universal which may be a step too far.

Validity of ordination derives from the nature of Holy Orders, and not merely from jurisdictional questions, thus implying a theology of Holy Orders. Jurisdictional questions are a matter of authority, the

nature of which also affects theology. This has been emphasised by the Orthodox Church.¹ The church may have the jurisdiction and the authority to determine who can be ordained, and what manner and form must be followed. It may also choose how to exercise that authority, using traditional and Scripture to guide the church decision-making processes. The nature of the church is reflected in its theology and ecclesiology, and both are affected by attitudes to tradition. The Roman Catholic Church has also raised the inadmissibility of women for ordination to doctrinal status, thus making it more clearly a theological issue.² In the Anglican Communion it remains an ecclesiological if not a theological issue—and contemporary public discourse renders it a social issue also.

Lack of jurisdictional authority does not necessarily invalidate Holy Orders. These may be valid even if irregular in nature. The issue is whether their nature had changed, and thus, for Anglican Holy Orders, whether they remain valid despite the break with Rome—and whether the ordination of women as priests and bishops changes this. Apostolic succession means that bishops can, in principle, transmit Holy Orders (a theological matter, and not one primarily of jurisdiction). The key questions thus became whether the nature of Anglican Holy Orders was different from the nature of those of the pre-Reformation Roman Catholic Church, and further whether women can be ordained as priests and bishops. The former could be seen in a review of the ordinals, and also in the prayer book and other liturgical texts; the latter can only be resolved by recourse to tradition, scripture and the teaching of the church.

Anglican theologians such as Thomas Cranmer (Archbishop of Canterbury 1533–56) would assert that post-Reformation Anglican Holy Orders were valid despite being different to those of the Roman Catholic Church, as the pre-Reformation church had itself departed from true catholicity. In their view, Anglican Holy Orders reflected a return to a purer form of Holy Orders; the jurisdictional question (the lack of papal authority) did not invalidate the Holy Orders. The Roman Catholic Church, in *Apostolicae Curae*,³ asserted that Anglican Holy Orders were

¹ Decree of the Orthodox Conference in Moscow in 1948 against Papism [sic] (9th–18th July 1948).

² Congregation for the Doctrine of the Faith, *Inter insigniores* (Rome: Congregation for the Doctrine of the Faith, 15th October 1976); *The Code of Canon Law* (London: Collins Liturgical Publications, 1983), Canon 1024; Pope John Paul II, Apostolic Letter, *Ordinatio Sacerdotalis* (Rome, 22nd May 1994). See also Ida Raming, *The exclusion of women from the priesthood* (Netuchen, Scarecrow Press, 1976). Ordination to the diaconate is not doctrinal, see Commentary by the Sacred Congregation for the Doctrine of the Faith, on the Declaration *Inter Insigniores*, October 15, 1976 (Rome: Sacred Congregation for the Doctrine of the Faith, 1976).

³ Pope Leo XIII, *Letters Apostolic of His Holiness Leo XIII ... concerning Anglican Orders dated: September 13, 1896* (London: Burns & Oates, 1896).

regardless ‘absolutely null and utterly void’ (‘actas irritas prorsus fuisse et esse omninoque nullas’);⁴ they were not even valid and irregular. But this was primarily on a technical historical evaluation of Holy Orders, one which would have benefitted from modern historical research. The question of the ordination of women was quite another question, as the eligibility criteria for Anglican and Roman Catholic ordinands, and bishops, were generally consistent—the eligibility of women for ordination to sacred ministry was clearly inconsistent with pre-Reformation theology and ecclesiology.

In the sixteenth century there was a considerable body of literature on the subject of the validity of Holy Orders. This widened into a flood in the seventeenth and eighteenth centuries.⁵ The papal bull *Apostolicae Curae*,⁶ in which in 1896 the Holy See rejected the validity of Anglican Holy Orders, stimulated more debate in the late nineteenth century.⁷ But, as Hughes has shown, examination of the underlying basis of the debate was rarer.⁸ Certainly, at that time, there was no consideration given to the possibility of the ordination of (practising) homosexual men, let alone of women—though this was to be considered in later years.

While today the Holy Orders of the Anglican Communion are partially recognised by the Eastern Orthodox Churches, recognition by the Roman Catholic Church remains elusive. Arguments based on differing theologies have so far failed to draw the churches to union or even to a unified position on this point. It must be stressed again that validity and recognition are distinct questions. The search for ‘recognition’ is motivated by a sincere desire (of those in the Anglican Communion who

⁴ Pope Leo XIII, *Letters Apostolic of His Holiness Leo XIII*.

⁵ For a review of some of this, see John Jay Hughes, *Absolutely Null and Utterly Void* (London: Sheed & Ward, 1968); John Jay Hughes, *Stewards of the Lord* (London: Sheed & Ward, 1970), p. 126.

⁶ Pope Leo XIII, *Letters Apostolic of His Holiness Leo XIII*.

⁷ On 29th September 1850, by the Bull *Universalis Ecclesiae* of Pope Pius IX; See Bernard Pawley & Margaret Pawley, ‘A Roman Catholic hierarchy is established’ in Bernard Pawley & Margaret Pawley, *Rome and Canterbury through four centuries* (London: Mowbray, 1981), pp. 137–56. The Ecclesiastical Titles Act 1871 (34 & 35 Vict. c. 53) (U.K.) prescribes the Roman Catholic Church’s hierarchy and government, and its enjoyment of coercive jurisdiction are not rendered lawful by the terms of that statute but depend for their legality upon royal approval; Preamble and s. 1, repealing the Ecclesiastical Titles Act 1851 (14 & 15 Vict. c. 60) (U.K.); *Thirty-Nine Articles of Religion* (1562, confirmed 1571 by the Subscription (Thirty-Nine Articles) Act 1571 (13 Eliz. I c. 12) (Eng.)), Art. 37: ‘The Bishop of Rome hath no jurisdiction in this Realm of England.’

For the process of re-introduction up to 1850, see Edward Norman, *Roman Catholicism in England* (Oxford: Oxford University Press, 1985), John Bossy, *The English Catholic Community* (London: Oxford University Press, 1975).

⁸ Hughes, *Absolutely Null and Utterly Void*, p. i.

regard this as a goal worth pursuing) to be recognised as a part of the universal church.

The Anglican Communion officially sees itself as catholic, as a part of the Church of Christ. Just as the historic ministry of three Holy Orders remains central to Roman Catholic ecclesiology, so the preservation and perpetuation of the historic Holy Orders remain important in the Anglican Communion.⁹ Despite this, contemporary notions of gender equality, modernist and post-modernist biblical interpretation, and liberal churchmanship, mean that since the 1970s the Anglican Communion has ordained women in many provinces, initially as deacons, latterly as priests, and (in some instances) as bishops.

Modern Challenges and the Theology of Holy Orders

The nature of Holy Orders, and potentially their catholicity, both in the Anglican Communion and also (and to a much lesser extent) in the Roman Catholic Church, has been challenged by new social and religious viewpoints, reflected, primarily, in the ordination of women priests. Ordination within the Roman Catholic Church since the Second Vatican Council (Vatican II), 1962–65 (outlined in the ‘Introduction to the Rite of Ordination,’ 1973, and the Apostolic Letter given *Motu Proprio*, *Ministeria quaedam* 1972¹⁰) also differs somewhat in nature from that prior to Vatican II. Were the test applied to Anglican Holy Orders in *Apostolicae Curae*¹¹ applied to Roman Catholic Holy Orders a similar outcome might be possible, at a purely technical level. But we must return to Cardinal Newman’s observation that ‘Anglicans believe that they belong to the true church because their Holy Orders are valid, while Catholics believe their Holy Orders are valid because they belong to the true church.’¹² Conversely, however, Anglican Holy Orders might be valid if irregular; Roman Catholic Holy Orders might occasionally also be irregular. Both were part of the universal church, even if they are now schismatic or otherwise in impaired communion.¹³ The situation has,

⁹ See the 1888 Lambeth Quadrilateral; Lambeth Conference (hereafter ‘L.C.’) 1888, Res. 11.

¹⁰ Pope Paul VI, *Apostolic Letter given Motu Proprio, Ministeria quaedam*, 15 August 1972 (On first tonsure, minor orders, and the subdiaconate) (the Latin text was published in (1972) 64 *Acta Apostolicae Sedis* 529–534. The English translation is from *Documents on the Liturgy 1963–1979* (Minnesota: Liturgical Press, 1982), pp. 908–911).

¹¹ Pope Leo XIII, *Letters Apostolic of His Holiness Leo XIII*.

¹² John Henry Newman, *Essays and Sketches*, ed. Charles Frederick Harrold (New York: Longman Green, 1948).

¹³ Though the Roman Catholic Church does not see the Anglican Communion as in communion at all, but rather as an ecclesial community outside the church.

however, changed markedly with the ordination of women as priests in the Anglican Communion, and more seriously, given their teaching and leadership role, as bishops.

To understand more of the broader issue of Holy Orders we have to take a step back in time. The nature of Holy Orders was one of the most important defining elements of the Reformation. The Reformation in England was accompanied by revolutionary changes which were constrained within, and guided by, this external structure of Holy Orders, as well as by the historical hierarchy of the Church. The Anglican Church was purportedly, and also actually, the Church in England (today the Church in Wales deliberately chose that style)—a separate Roman Catholic hierarchy was not established in England until the mid-nineteenth century, and even then its legal position rested, it would seem, on the basis of a tacit concordat with the Crown.¹⁴

The pre-Reformation hierarchy, and almost all the personnel of that era, survived to become part of the new Church of England—so it inherited a profoundly important legacy from the medieval Church (which was strongly episcopal in nature).¹⁵

The Holy Orders were thus not seen as inherently different to those of the ancient church—though the sacrificial element was later downplayed, or outright denied, in some liturgical or doctrinal texts, such as the *Thirty-nine Articles of Religion*.¹⁶ For this reason it was, in claim and in actuality, both catholic and reformed.

The medieval church contributed to the form and nature of ordained ministry in the universal church. The Middle Ages added flesh to the bare bones of revelation, the Bible and the witness of the early, apostolic, church.¹⁷ The middle ages were a time of growing legalism, and this was to have a profound effect upon the church, both on the Roman Catholic Church itself and on the post-Reformation Anglican Communion.¹⁸ The canon law, and the broader ecclesiastical law, and the relationship between Church and State, reflected in, for instance, the interaction of the

¹⁴ Most of the legal disabilities suffered by Roman Catholics as a result of the Reformation have disappeared, see especially the Roman Catholic Relief Act 1791 (31 Geo. III c. 32) (G.B.) and the Roman Catholic Relief Act 1829 (10 Geo. IV c. 7) (U.K.); St. John A. Robilliard, *Religion and the Law: Religious Liberty in Modern English Law* (Manchester, Manchester University Press, 1984), pp. 199–203.

¹⁵ James Spalding, *The Reformation of the Ecclesiastical Laws of England, 1552* (Kirksville: The Sixteenth Century Journal Publications, 1992), pp. 1–57.

¹⁶ *Thirty-Nine Articles of Religion* (1562, confirmed 1571 by the Subscription (Thirty-Nine Articles) Act 1571 (13 Eliz. I c. 12) (Eng.)).

¹⁷ Indeed, tradition is always necessary to add to Holy Scripture, and it is the relationship between tradition and Scripture which presents one of the major differences between Anglicanism and Roman Catholicism (and Orthodoxy). Less weight is placed on tradition in Anglicanism.

¹⁸ Pawley & Pawley, *Rome and Canterbury through four centuries*.

Church courts and the secular legal system,¹⁹ were all consequences of the nature of the medieval church.

Anglican Legalism

Ironically perhaps, Anglican Church thinking with respect to Holy Orders was largely influenced by legalism—which also had major implications for the Anglican Church at the Reformation. It was influenced by liturgical traditions, including the prayer book, finalised in the 1662 *Book of Common Prayer*,²⁰ which emphasised continuity with the historic pre-Reformation Holy Orders.²¹

The Anglican Communion grew out of a deliberate rejection of a Church which had—in some eyes at least—become too legalistic,²² and too materialistic. The civil law-inspired canon law was certainly quite different in many respects to the more pragmatic, less principled, common law. However, it can be argued that the nature of Holy Orders was substantively unchanged, despite the jurisdictional changes and changes to the ordinal, at least until the modern period, and the introduction in many provinces of woman deacons, priests and now bishops.²³

The validity of Holy Orders is as much a legal question as it is a theological and ecclesiological one. The desire to prove validity was influenced by a desire to show continuity of a legal heritage as much as a need to emphasise a Christian one. Ironically, although the common law, and common lawyers—many of whom were influential during the Reformation—were opposed to the rigidity of the canon law, the common law's strong attachment to precedent and form helped to ensure that the legal form and intention of Holy Orders were subject to little change,

¹⁹ See Noel Cox, 'The Influence of the Common Law and the Decline of the Ecclesiastical Courts of the Church of England,' *Rutgers Journal of Law and Religion* 3(1) (2001–2002): 1–45.

²⁰ *The Book of Common Prayer ... The Book of 1662 with additions and deviations approved in 1927* (London: Church of England National Assembly, 1928).

²¹ Henry Chadwick, 'The Discussion about Anglican Orders in Modern Anglican Theology,' in Hans Küng (ed.), *Apostolic Succession* (New York: Paulist Press, 1968), pp. 141–9.

²² In this respect it was appropriate that the Reformation in England was sparked by King Henry VIII's matrimonial cause. See Spalding, *The Reformation of the Ecclesiastical Laws of England, 1552*, pp. 1–57.

²³ Canon law requirements for ordination are generally consistent.

something which was settled when the *Book of Common Prayer* was finalised in 1662²⁴ (despite the 1550²⁵ and 1552 ordinals).²⁶

Recent scholarship has established that the new Anglican view of the priesthood was influenced by the legalism prevalent in contemporary English society and government.²⁷ While the Anglican Church lacked the richness of the juridical structure of the See of Rome, her legal heritage remained important—initially at least only the top tier of the Church hierarchy was restructured, though the rest was later to be partially reformed, largely in an ad hoc manner (such as through the abolition of the monasteries, and the establishment of new sees).²⁸

While the Reformation in England was juridical in nature, it was not, initially at least, inherently revolutionary except in its removal or repudiation of a higher tier of authority. The lower-level hierarchy remained—in many cases with relatively little immediate change.²⁹

Theology of Priesthood

Doctrine, ecclesiology and liturgy were only gradually reformed, particularly from the time of Cranmer, the Archbishop of Canterbury. In the sixteenth century, the catholicity of Holy Orders was important to

²⁴ *The Book of Common Prayer ... The Book of 1662 with additions and deviations approved in 1927.*

²⁵ The ordinal had not originally been part of the *Prayer Book*. The ordinal had been separately authorised and compiled in 1550, a year after the appearance of the first *Prayer Book* in 1549. Minor changes were made in 1552 when the second *Prayer Book* was authorised by Parliament. The ordinal was generally considered to be part of the *Prayer Book*, though the Act of Uniformity 1559 (1 Eliz. I c. 2) (Eng.) was silent as to the ordinal, and its legal effect was therefore uncertain; Hughes, *Absolutely Null and Utterly Void*, pp. 13–4. The 1662 *Prayer Book* was authorised, in full, in the Act of Uniformity 1662 (14 Chas. II c. 4) (Eng.).

²⁶ Francis Aidan Gasquet, *Edward VI and the Book of common prayer* (2nd ed., London: J. Hodges, 1891); Chadwick, 'The Discussion about Anglican Orders in Modern Anglican Theology,' pp. 141–9.

²⁷ Legalism influenced the new Anglican view of priesthood, by the formal certainty of the law acting as a partial substitute for theological speculation. See, for instance, Leigh Axton Williams, 'Apologia for the Canon Law,' *Anglican Theological Review* 85(1) (2003): 119–126.

²⁸ Generally, see Owen Chadwick, *The Reformation* (Harmondsworth: Penguin, 1968); Sir Geoffrey Elton (ed.), *The Reformation, 1520–1599* (2nd ed.; Cambridge: Cambridge University Press, 1990). One way in which this change in attitudes and practices was reflected was in the oaths and covenants taken during the late sixteenth to the late seventeenth century; see Edward Vallance, *Revolutionary England and the national covenant* (Woodbridge: Boydell Press, 2005).

²⁹ For the longer-term effects of the Reformation on the ecclesiastical laws see Cox, 'The Influence of the Common Law,' pp. 1–45.

the new Anglican Church because the Church purported to be a lawful continuation of the Catholic Church in England. It did not want the authority of its Holy Orders impugned, nor did it desire its hierarchical and jurisdictional authority to be doubted. Both of these were protected by an institutional and legal emphasis upon continuity. Anglicanism was not based upon the theology of a Calvin or Luther, nor was it a systematic rejection of pre-Reformation theology or ecclesiology. Changes did occur, but were scarcely systematic—despite the best efforts of Cranmer to introduce Calvinist theology and ecclesiology (from 1549), and the subsequent introduction of Zwinglian expressions into the *Thirty-nine Articles of Religion* (from 1562).³⁰

While the outward form remained that of the historic ministry the inner spirit was less sure during the period of the Reformation.³¹ While trying to keep a catholic form, in many respects the Church became overtly and spiritually protestant,³² and this included its conception of Holy Orders. ‘Protestants’ could however claim to possess catholicity also—as indeed many did, though their understanding of catholicity differed markedly from that of the Roman Catholic Church. The strength of Protestantism, especially in the sixteenth century, meant that the Reformation in England was to become more than simply a ‘break with Rome’ (a jurisdictional matter),³³ whatever it may have been on the Continent of Europe.

The question remained as to whether the ministry remained truly catholic, as judged by the criteria of the Roman Catholic Church, the Anglican Church, or the church universal—if this indeed differed from the former. Although the sacrifice of the Mass was deliberately abolished during the Reformation, the nature of Holy Orders was ostensibly unchanged. But the narrower legalist approach overshadowed sacramental and sacrificial aspects of Holy Orders, and this tended to obscure theological questions which were largely left unanswered. Transubstantiation was abolished as a formal doctrine—but the nature

³⁰ *Thirty-Nine Articles of Religion* (1562, confirmed 1571 by the Subscription (Thirty-Nine Articles) Act 1571 (13 Eliz. I c. 12) (Eng.)). As Leutpriestertum (people’s priest) of the Grossmünster, Zürich, Huldrych Zwingli was one of the leaders of the Swiss-German reformation.

³¹ Queen Mary I for a short time restored the Roman authority to the Church in England. See Thomas Mayer, *Cardinal Pole in European context* (Aldershot: Ashgate, 2000).

³² Diarmaid MacCulloch, *The Later Reformation in England* (London: Macmillan, 2000); Colin Pendrill, *The English Reformation* (Oxford: Heinemann, 2000). This was especially so under King Edward VI (and particularly in the ordinals of 1550 and 1552); Gasquet, *Edward VI and the Book of common prayer*.

³³ As instituted by the Restraint of Appeals Act 1532 (24 Hen. VIII c. 12) (Eng.) and later legislation.

of the consecrated bread and wine in the Eucharistic sacrament was left deliberately vague and uncertain.

Some protestant divines argued for a new theology of priesthood (especially one which was influenced by the belief that the one essential element was Christ³⁴), and the Edward VI Ordinal reflected some aspects of a protestant liturgical form. However, subsequent changes to the Ordinal, finalised in the 1662 *Book of Common Prayer*,³⁵ emphasised continuity with the historic pre-Reformation Holy Orders.³⁶ The intention was to maintain continuity, and the outward form of the church (as reflecting an implicit theology³⁷), without opening a 'window into men's souls'; indeed the *Book of Common Prayer*³⁸ was a main source of Anglican doctrine and ecclesiology, which were not expressed in canon law.³⁹

Implicit theology is that which the contemporary interpreter shows is present in implicit form in action, theology, law, and which he or she then makes explicit to the contemporary mind. The *Book of Common Prayer*,⁴⁰ however, also gave the Church a *lex orandi* ('*Lex orandi statuat legem credendi*,' the rule or shape of the Church's worship, which is the primary and fundamental and most important articulation and expression of the Church's teaching and doctrine) in which its *lex credendi* has been expressed in a liturgical phraseology.⁴¹

Validity remained important, for the Church was the church of Christ, not a mere creation of mankind. But because of the origin of Anglicanism this validity remained a legal formalism masking an implicit theology of Holy Orders. But this theology was not necessarily dissimilar to the pre-Reformation theology, if indeed any agreed theology existed.

³⁴ Thomas Manson, *The Church's Ministry* (Philadelphia: Westminster Press, 1948), p. 33.

³⁵ *The Book of Common Prayer ... The Book of 1662 with additions and deviations approved in 1927.*

³⁶ Chadwick, 'The Discussion about Anglican Orders in Modern Anglican Theology,' pp. 141–9.

³⁷ Prosper of Aquitaine noted that '*Lex orandi statuat legem credendi*' (the rule or shape of the Church's worship is the primary and fundamental and most important articulation and expression of the Church's teaching and doctrine). Aidan Kavanagh views the liturgy as *theologia prima* and all other theological expressions as *theologia secunda*; Aidan Kavanagh, *On Liturgical Theology* (New York: Pueblo, 1984).

³⁸ *The Book of Common Prayer ... The Book of 1662 with additions and deviations approved in 1927.*

³⁹ John Howe, *Highways and Hedges* (London: Anglican Consultative Council, 1985), p. 35.

⁴⁰ *The Book of Common Prayer ... The Book of 1662 with additions and deviations approved in 1927.*

⁴¹ Emmanuel Amand de Mendieta, *Anglican Vision* (London: S.P.C.K.. 1971), p. 58.

England was not a centre of systematic reformed theology. The bishops of King Henry VIII's House of Lords were no more uniform in their views than were the members of the laity—or the lower clergy. One unifying element was, however, the rejection of papal authority in favour of the royal supremacy imposed by Parliament. This was therefore legally unquestionable (at least in civil law), however theologically uncertain. But the King seems to have had no wish to place himself in the position of making religious judgments.⁴²

Partly for these reasons the preservation of legal form and formal continuity was especially important. The validity of Holy Orders thus depended, for the fledgling Anglican Church, upon strict compliance with legal form,⁴³ especially in the preservation of apostolic succession. Validity in law meant adherence to legal form.⁴⁴

One might ask whether this means the victory of Erastianism, where the State has superiority in ecclesiastical affairs and makes use of religion to further State policy.⁴⁵ Perhaps it does, in a limited sense, in the absence of any other clear source of authority. But this did not necessarily affect the nature of Holy Orders.

In Hooker's view, ordination conveyed a definite gift of the Holy Spirit for a definite purpose; and it conferred on the recipient an indelible character of priestly nature. This was consistent with the general view of the medieval and scholastic theologians from Peter Lombard onwards. It was no mere form prescribed by decency and long tradition—though that played a role—but the living instrument by which the living Christ still endured his ministers 'with power from on high;' and still proclaimed to them 'As my Father hath sent me, even so send I you.'

⁴² King Henry VIII exercised the ecclesiastical jurisdiction conferred by the Act of Supremacy 1534 (26 Hen. VIII c. 1) (Eng.) through his vicegerent, Thomas Cromwell; 'From Edmund Bonner's commission as bishop of London, 1538,' reprinted in Sir Geoffrey Elton, *The Tudor Constitution* (2nd ed, London: Cambridge University Press, 1982), pp. 367–8. King Edward VI exercised it through a Commission of Delegates (the Court of Delegates), established under the Act of Submission of the Clergy 1533 (25 Hen. VIII c. 19) (Eng.). Subsequently ecclesiastical causes were heard by the Judicial Committee of the Privy Council, and now by the Court of Ecclesiastical Causes Reserved.

⁴³ This use of the term is to be distinguished from 'form' as understood in Roman Catholic sacramental theology. 'Form' referred to the actual rite (words used, gestures etc), rather than the matter. Implicit in the form was a sacramental theology. The form was legally prescribed, but Roman Catholics would not identify form as firstly a legal form. Preservation of episcopal succession involved both matter and form, and could not be simply identified with the form of the rite as a legally-based form.

⁴⁴ The selection, election, consecration and installation of an Archbishop of Canterbury is remarkable for its strongly legalistic aspects.

⁴⁵ Leo Pfeffer, *Church, State and Freedom* (Boston: Beacon Press, 1953), pp. 28–62.

The vocation of Holy Orders was the perpetuation on earth—in a much humbler fashion—of the Messianic office of the ascended Lord. These doctrinal elements were to continue to be reflected in the ordinal for the ordination of priests.

The *Book of Common Prayer* (which dates in most essential respects from 1559) claims, or rather assumes as a matter of course, the continuity of the Church of England with the (pre-Reformation) past, and also her unity in all that is essential with the universal church. The 13th Canon of 1604 states, in the most definite manner, that the purpose of Reformation was not to divide, or separate from the unity of the church:

So far was it from the purpose of the Church of England to forsake and reject the Churches of Italy, France, Spain, Germany, or any such like Churches, in all things which they held and practised, that...it doth with reverence retain those ceremonies which doth neither endanger the Church of God, nor offend the minds of sober men; and only departed from them in those particular points wherein they were fallen both from themselves in their ancient integrity and from the Apostolic Churches, which were their first founders.

A more fully developed theological justification for Anglican distinctiveness was begun by Cranmer, the Archbishop of Canterbury, and continued by others such as Hooker and Andrewes.

During the short reign of King Edward VI, Henry VIII's son, Cranmer was able to move the Church of England significantly towards a more Calvinist position, though not necessarily in a manner which had permanent effect. The first *Book of Common Prayer* dates from this period (1549).

This reform was reversed abruptly in the subsequent reign of Queen Mary (1553–58). Only under Queen Elizabeth I was the English Church established as a reformed catholic church—and even then the 1570 excommunication of the Queen by the Pope was not necessarily predicated upon any doubts as to the contemporary validity of Anglican Holy Orders; though as we will see doubts were indeed expressed by Rome, then and subsequently.

Attempts were long made to reclaim England, not merely through political intrigue, or proselytising, but also through the recovery of the Church of England, by submission, voluntary or otherwise, to the papacy. Elizabethan bishops were summoned to the Council of Trent (1545–63), suggesting that the papacy did not then have insurmountable doubts about the validity of the orders of the bishops, some of whom were consecrated according to the Cranmer ritual. Their views with respect to the recognition of their appointments (or of the orthodoxy of their doctrine), was a different matter.

Recovery of the Church to the papal jurisdiction was long sought. However doubts were not necessarily confined to the papacy; Cranmer's largely Calvinist understanding of the role of priests (especially in a rejection of a sacrificial aspect) was opposed by many within the Church of England. Cranmer's reforms were brought to an end by the rise of the catholic party under Queen Mary I. There was considerable popular support for the restoration of catholicism—and not simply among the so-called lower orders. The recent extension of Calvinist influence over the Church of England had alienated many church and lay people alike. However it is difficult to determine exactly how much support there was for the revival of catholicism in Mary's reign. It is probably safest to concede that what support there was had a mixed character. However catholicism continued to influence the Church of England, especially during the following century.

The Anglican theology of Holy Orders, as expressed in the ordinal and the *Thirty-nine Articles of Religion*, saw the mandate for Holy Orders being found principally in the Bible. But as a reformed yet catholic Church, the Anglican Church sought to emphasise both biblical authority and historic precedent.

The sacramental priesthood, and episcopal leadership, were formed in the early centuries of the church, and were retained by the national Church of England. The Church differed in some respects from the Roman Catholic Church in its latitude towards the ministries of protestant denominations. This included the later (nineteenth century) limited acceptance of non-episcopal ministries in other national and particular churches and elsewhere, though not in its own communion.

While the Anglican doctrinal position was that episcopal ministry was essential to its own catholic view of the church, it did not maintain that this was necessarily a universal requirement, and that denominations might preserve a valid ministry even if episcopal succession were broken—provided priestly ordination was episcopal.

Subsequently, developments in the Church of England did little to alter the received understanding of Holy Orders, particularly after the 1662 *Book of Common Prayer*.⁴⁶ Just because the church had authority and jurisdiction to regulate ordination, that did not mean that mean that it was free to change the inherent nature of Holy Orders.

Sacramental theology of Holy Orders

Later, in the nineteenth century, the catholicity of Holy Orders was important to the Church, the nature of the formal legal establishment

⁴⁶ *The Book of Common Prayer ... The Book of 1662 with additions and deviations approved in 1927.*

of the Church aside, because of the Anglo-Catholic Tractarian influence upon Church ecclesiology, and a revived interest in the institutional identity of the Church. The influence of the Calvinist and Zwinglian protestantism of the mid-sixteenth century had also declined, and the catholicism of the seventeenth century Laudian divines had become more accepted as part of the mainstream of the Church. Together with a revived interest in ecclesiology, and a renewed attention to ecclesiastical law, the Church now saw Holy Orders as essential to the unity and identity of the Church. The nature of the church, and the nature of Holy Orders, could not be separated.

By the twentieth century a major additional factor had become the new and fashionable ecumenism, which saw apostolic succession or universal ministry as an avenue (or several related avenues) to the unity of the church. Despite—or perhaps because of—the disunity of the universal church, and because of a revived historical awareness, global interest in peace and international co-operation, and a less dogmatic approach from the papacy (and protestantism,⁴⁷ including improved relations between adherents of the established Church of England and Roman Catholics⁴⁸), ecumenism saw considerable advances.

⁴⁷ It was in this era that changes to the Sovereign's accession declaration were implemented. The new Sovereign had to read out a declaration in which he asserted his own orthodoxy, and condemned the doctrine of transubstantiation. They also proclaimed from the throne that 'the Invocation or Adoration of the Virgin Mary or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous.'

In 1910 a revised declaration, introduced by the Accession Declaration Act 1910 (10 Edw. VII & Geo. V c. 29) (U.K.) allowed the king to merely affirm that he was a faithful member of 'the Protestant Reformed Church by law established in England.'

There was opposition even to this modest declaration, and a final revision, enacted 3rd August 1910, simply said that 'I declare that I am a faithful Protestant and will uphold the Protestant succession'; Hon Sir Harold Nicolson, *King George the Fifth His Life and Reign* (London: Constable, 1952) pp. 162–3.

⁴⁸ Upon succeeding to the throne the new Sovereign must also take the coronation oath in the form provided by statute; Act of Settlement 1700 (12 & 13 Will. III c. 2) (Eng.), s. 2. In terms of this provision the form of the oath is provided by the Coronation Oath Act 1688 (1 Will. & Mary sess. 4 c. 6) (Eng.), s. 3, and must be administered by the Archbishop of Canterbury or York, or any other bishop of the realm appointed by the Sovereign for that purpose, in the presence of all persons attending, assisting or otherwise present at the coronation: s. 4.

The law of the United Kingdom has not however been amended in this respect, and there is now a significant divergence between law and practice.

The form of the oath as at present administered differs from that provided by the Act, owing to the dis-establishment of the Irish Church (by the Irish Church Act 1869 (32 & 33 Vict. c. 42) (U.K.)), and by the provisions of the Union with Scotland Act 1706 (6 Ann c. 11) (Eng.) art. xxv.

Internally, within the Anglican Communion, and externally, in its relationships with other Churches, Anglicanism sought to strengthen its own position, and promote unity, through an emphasis upon its own Holy Orders, and the preservation of the historic episcopate. In the twenty-first century we see an institutional focus tending to fracture, as differing theological and ecclesiological understandings of Holy Orders coalesced and diverged within Anglicanism, though the official position remained unchanged,⁴⁹ and thus arguably divorced from the reality of the situation.

To evangelicals the focus may tend to be on (external) unity—the apostolic fellowship;⁵⁰ to Anglo-Catholics on (internal) continuity—the divinely constituted church.⁵¹ But in liberalism, particularly as practised in North America, the nature of Holy Orders was less constrained by church tradition. It was thus more amenable to influence by contemporary social and political ideas.

As noted above, Anglicanism was not based upon the theology of a Calvin or Luther, nor was it a systematic rejection of pre-Reformation theology or ecclesiology. In the years prior to the Reformation, English theologians could not afford to question the biblical origins of Holy Orders, for fear of undermining the Scriptural basis of Church authority. Even in later years they did not do so as freely as could those of the Roman Catholic Church, because the latter might always rely upon the over-arching authority of the magisterium—though the authority of the latter was also subject to scrutiny. The Anglican Communion could merely rely on received knowledge and long Church tradition—though synods could, and did, make some changes. Radical changes would not only be surprising but might also be dangerous, and raise doubts about the authority of the Church.

Biblical authority was of fundamental importance to the Anglican Communion, but it was not enough alone and unguided. This authority had to be read in accordance with tradition, just as it was taught in the Roman Catholic Church. To this extent the criteria of the validity of Holy Orders of the Anglican Communion and the Roman Catholic Church were consistent. It was in the degree to which tradition, and the teaching of the church, affects our understanding of Holy Scripture, and the weight to be placed on traditions, that they began to differ.

⁴⁹ As on the ordination of women.

⁵⁰ Manson, *The Church's Ministry*, p. 5.

⁵¹ Manson, *The Church's Ministry*, p. 5.

Conclusion

The recognition of Anglican Holy Orders by the Roman Catholic Church must perhaps remain elusive while Anglicans experiment with the ordination of women and latterly of practising (or celibate) homosexuals. This will be at least until the Roman Catholic Church itself allows the ordination of women,⁵² if it ever does so, or at the very least, acceptance of the validity of such ordinations (and consecrations). The limited recognition of Anglican Holy Orders by the Eastern Orthodox Church is of uncertain value.⁵³ But Roman recognition remains a key goal, as part of a wider search for self-definition within Anglicanism. Although the Anglican Communion sees itself as equally a part of the universal church, it should not and indeed does not ignore the question of the centrality of the authority and history of the See of Rome—and the latter's contemporary view of Anglican Holy Orders—especially as it too has undergone a series of reforms since the sixteenth century.⁵⁴

While not acknowledging the jurisdictional supremacy of the papacy, the Anglican Communion did recognise the importance of the senior patriarchy, and the spiritual leadership of the Roman Catholic Church. Perhaps more importantly, the Anglican Communion cannot ignore the influence of protestant thought and practice on its own liturgy and ecclesiology since the sixteenth century, and the effect this may have had on the nature of its Holy Orders. This may not have had the effect of invalidating Anglican Holy Orders, however, as the nature of these orders may be consistent with the ancient form and practice.

But it does mean that any changes to Holy Orders, including the ordination of women, is only possible if consistent with the accepted view of the church universal. Although the Roman Catholic Church has concluded that the ordination of women is not inherently proscribed in scripture,⁵⁵ it is also clear that it must comply with the teaching and practice of the church. For the Anglican Communion to ordain women as priests, even if scripturally not prohibited, raises additional barriers to the unity of the church. To ordain women as bishops is even more problematic, due to the pastoral, leadership, teaching and collegial role of the bishop. It may not be illegal, but whether it is wise, given that it

⁵² Generally, see William Franklin (ed.), *Anglican Orders* (London: Mowbray, 1996).

⁵³ As, for example, the requirement for the re-ordination of former Anglican priests received into the Orthodox Church.

⁵⁴ This is especially true since the reforms of the Roman Catholic Church which followed Vatican II.

⁵⁵ Biblical Commission Report, 'Can women be priests?' <https://www.womenpriests.org/classic/append2.asp>; and Commentary by the Sacred Congregation for the Doctrine of the Faith, on the Declaration *Inter Insigniores*, October 15, 1976.

is motivated by secular concepts of gender equality (which are made to prevail over the tradition of the church), is unclear.

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