

# **Roman Catholic Views on the Holy Orders in the non-Roman Catholic movements**

Research Paper collated by ++ John Kersey OCR RSStS

Validity of orders in the eyes of Rome has a great importance for many Catholics not in communion with the present-day Holy See whose position is traditionalist or who see their communities as being in a position of reaction to the errors of Rome. For others, it is a matter of interest and value, but has no direct bearing on the life of their community or their perception of its validity. It must be stressed that the Roman Catholic Church is not some kind of universal arbiter on independent movement churches. Many such communities would strongly reject any such suggestion just as they reject the authority of Rome in order to assert their independence. Their freedom means that they do not have to do what Rome tells them, and that they can accept or reject aspects of their Roman heritage as they see fit.

Nevertheless, there are some important points to consider here. Probably the most important is that of the mission of non-Roman Catholics who have received the Apostolic Succession to minister to Roman Catholics in the event that a Roman Catholic priest is not available. As Cardinal Heenan is reported to have told an independent bishop, if a Roman Catholic is knocked down in the street and an independent priest or bishop is witness to the event, it is that clergyman's responsibility to administer the last rites. This is a mission that cannot and should not lightly be laid aside purely from considerations of a desired independence from Roman polity. The reference in Roman Catholic canon law is as follows:

"Canon 844 §2 Whenever necessity requires or a genuine spiritual advantage commends it, and provided the danger of error or in differentism is avoided, Christ's faithful for whom it is physically or morally impossible to approach a catholic minister, may lawfully receive the sacraments of penance, the Eucharist and anointing of the sick from non-catholic ministers in whose Churches these sacraments are valid."

Nor is it the case that references in the sources below to "Old Catholics" could be interpreted purely in terms of those who are members of the Utrecht Union (which has after all since 1931 entered into intercommunion with the Anglicans, who are not recognised by Rome as having valid orders in any case). According to normative Roman Catholic ecclesiastical theology, the status of a bishop is independent of the size and nature of his church body, but instead depends on valid consecration by a bishop who has himself been consecrated in Apostolic Succession, even if this consecration is outside the boundaries and against the wishes of the Roman Catholic community. This gives rise to the phenomenon of bishops whose orders are regarded as valid but who have no organisational connexion to any historic communion. By this definition, (male) Independent Catholic bishops are regarded as fully valid bishops by Rome, but their orders are illicit, that is to say bestowed outside the canon law of the Roman Catholic Church. On occasion, the orders of Old Catholic priests and bishops have been accepted without re-ordination when they have sought reconciliation with Rome, but more usually Rome seeks to forbid them from exercising ordained ministry as a punishment, irrespective of issues of validity.

As direct Apostolic descendants of the Old Catholics of the Utrecht Union, many non-Roman bishops have just as much of a claim to the Utrecht succession as the bishops of Utrecht did to that of the Roman Catholic Church. That they are no longer members of the Utrecht Union is neither here nor there, just as the validity of the bishops of Utrecht was acknowledged, even though for a time they were automatically excommunicated by Rome. Moreover, additional descent through those Orthodox churches in communion with Rome establishes the Apostolic link in the non-Roman Catholic movement still further. It is effectively not possible to say that a given bishop possesses the Apostolic Succession without the following statements on validity applying directly to him. The only exception is in the case of women bishops or those whose orders derive from them, because Rome, unlike some communities in the independent sacramental movement, continues not to recognise the ordination of women.

The official document "DOMINUS IESUS" is worded carefully so that it includes both churches and communities, the latter term presumably applicable to those bodies that do not meet the definition of a church. Many independent sacramental bodies would fall into this latter category. Dominus Iesus was issued during the reign of Pope John Paul II, June 16, 2000, and signed by Joseph Cardinal Ratzinger, Prefect of the Congregation for the Doctrine of the Faith (now Pope Benedict XVI), August 6, 2000. It contains in Section IV: Article 17 foll.:

"Therefore, there exists a single Church of Christ, which subsists in the [Roman] Catholic Church, governed by the Successor of Peter and by the Bishops in communion with him. The Churches which, while not existing in perfect communion with the [Roman] Catholic Church, remain united to her by means of the closest bonds, that is, by apostolic succession and a valid Eucharist, are true particular Churches. Therefore, the Church of Christ is present and operative also in these Churches, even though they lack full communion with the [Roman] Catholic Church, since they do not accept the [Roman] Catholic doctrine of the Primacy, which, according to the will of God, the Bishop of Rome objectively has and exercises over the entire Church

The Christian faithful are therefore not permitted to imagine that the Church of Christ is nothing more than a collection — divided, yet in some way one — of Churches and ecclesial communities; nor are they free to hold that today the Church of Christ nowhere really exists, and must be considered only as a goal which all Churches and ecclesial communities must strive to reach”. In fact, “the elements of this already-given Church exist, joined together in their fullness in the [Roman] Catholic Church and, without this fullness, in the other communities”. “Therefore, these separated Churches and communities as such, though we believe they suffer from defects, have by no means been deprived of significance and importance in the mystery of salvation. For the spirit of Christ has not refrained from using them as means of salvation which derive their efficacy from the very fullness of grace and truth entrusted to the [Roman] Catholic Church”.

The lack of unity among Christians is certainly a wound for the Church; not in the sense that she is deprived of her unity, but “in that it hinders the complete fulfilment of her universality in history”.

Until fairly recently, the Congregation for the Doctrine of the Faith was prepared to investigate and publicly declare the validity of the Holy Orders of particular bishops not directly subject to Rome, and as a result several Old Catholics today hold documentation of their validity from the Vatican itself.

The Canon Law Society of Great Britain and Ireland published *The Canon Law: Letter and Spirit* in 1995 (The Liturgical Press, Collegeville, Minnesota, USA). In the section on sacraments is contained (our underlining):

"As regards the Eastern Orthodox Churches not in communion with Rome, their sacraments are recognised as valid and their priests are validly ordained. The same would be true of some of the 'Old Catholics' in Holland and elsewhere."

Other Roman Catholic sources on the matter include the following (information by courtesy of the Wexford Jurisdiction), each published under the imprimatur and nihil obstat of Roman Catholic bishops:

"The ordinary minister is every consecrated bishop and no one else [Council of Trent, sess. 23, c.7.]. Therefore even a schismatic bishop or one who has been degraded or one who has been declared irregular, etc. may ordain validly, provided that his own consecration was valid and that he uses the essential matter and form." *Handbook of Moral Theology*, by Dominic M. Prummer, O.P., page 383, *The Minister of Valid Ordination*.

"When a Catholic sacred minister is unavailable and there is urgent spiritual necessity, Catholics may receive the Eucharist, penance, or anointing from sacred ministers of non-Catholic denomination whose holy orders are considered valid by the Catholic Church. This includes all Eastern Orthodox priests, as well as priests of the Old Catholic or Polish National Church." Rights and Responsibilities, A Catholic's Guide to the New Code of Canon Law, Thomas P. Doyle, O.P., page 44.

"A validly consecrated bishop can validly confer all orders from the minor orders to the episcopate inclusively ... For this reason the ordinations performed by the bishops of the Old Catholics are considered valid." A Practical Commentary on the Code of Canon Law, revised and enlarged edition, by Rev. Stanislaw Woywod, OFM, LLB. Vol. 1, Sec. 881 P. 558.

"They [Old Catholics] have received valid orders." Roman Catholic Dictionary, by Addison Arnold.

"The Old Catholic Church has received valid episcopal consecration", Christian Denominations, by Rev. Konrad Algemissen. "Their [Old Catholic] Orders and Sacraments are valid." A Catholic Dictionary, by Donald Attwater.

The Far East Magazine of June, 1928, published by the Saint Columban Fathers of St. Columbans, Nebraska, in reply to an inquiry about the Old Catholic Church, published the reply that: "These [Old Catholics] Orders are valid." "The Roman Church recognizes the validity of Old Catholic Orders and other Sacraments." 1974 Catholic Almanac, by Felician A. Roy, OFM, page 368. "Our Sunday Visitor."

"We have no reason to doubt that the Old Catholic Orders are valid. The Apostolic Succession does not depend on obedience to the See of Peter but rather on the objective line of succession from Apostolic sources, the proper matter and form, and the proper intention ... likewise Old Catholic bishops are bishops in Apostolic Succession ... The Old Catholics, like the Orthodox, possess a valid priesthood." Separated Brethren, William J. Whalen, pp. 204, 248. "Every validly consecrated bishop, including heretical, schismatic, simonistic or excommunicated bishops, can validly dispense the Sacrament of Order, provided that he has the requisite intention, and follows the essential external rite (set. Certa). Cf. D 855, 860; CIC 2372." 1952 Fundamentals of Catholic Dogma by Dr. Ludwig Ott, pp. 456.

By contrast, the Roman Catholic Church considers Anglican orders to be invalid (*Apostolicae Curae*, bull of Pope Leo XIII, 1896.) The Anglican response to this, *Saepius Officio*, illustrates the common conclusion of such disagreements, regrettably not confined to Romans and Anglicans, and continuing even in our own age, "Thus in overthrowing our orders, he overthrows all his own, and pronounces sentence on his own Church."

Archbishop James Bostwick of the Old Catholic Church of America sums up the position,

“When an Archbishop, Bishop, or other ranking officer of the church has been suspended, the validity of his consecration is in no way affected. Once a Bishop, no power on earth can invalidate that act. Furthermore, any consecrations which that Bishop may perform in the future, as long as such consecrations are performed with Material, Form and Ritual of the Church, are valid and binding.”

Final thoughts are offered by Fr. Donald J. Sanborn:

Church law provides that, when Holy Orders is conferred in a given case, only three people can dispute its validity: the recipient, his ordinary, and the ordinary of the diocese where the order was conferred. All others lack the right to accuse. *The Thuc Consecrations: A Postscript*

To accuse a priest or bishop of being doubtfully or invalidly ordained or consecrated, without sufficient reason, is objectively a mortal sin of injustice. *Sacerdotium* vol. III p.3