

## THE NEW ORDINATION RITE

**Maureen Day, formerly a nun, questions the validity of the New Ordination Rite (NOR) which has been adopted as part of the ‘modernisation’ of the Catholic Church under Vatican II. Priests entering the modernist (conciliar) church after 1968/9 are ordained under the NOR. Day argues in this letter to Bishop Fellay of the Econe Seminary (Society of Pius X), Switzerland that their validity as Roman Catholic Priests is doubtful.**

**My Lord Bishop,**

On 13 September 1996 will fall the centenary of Pope Leo III's Bull: *Apostolicae Curae* (13 September 1896). The Bull contains the following pronouncement, intended by Pope Leo to be final and irrevocable, that the Anglican Ordinal is invalid, on account of a Defect of Form. Cardinal Johannes Willebrands, in a letter sent by him on behalf of the Holy See, on 13 July 1985, to ARCIC-II, the letter made public in March 1986, however, stated that the Holy See hoped to declare at some future date, that the Defect of Form of the Anglican Ordinal had by then ceased to exist, and that the Ordinal would be capable of being validly used, from the date of the declaration of the Holy See, onwards. During the period leading up to the aforementioned centenary, debates will doubtless be conducted, as to whether or not it is possible for the Holy See's hopes ever to be realised. In his letter, Cardinal Willebrands stated that one of the factors which had encouraged the Holy See to adopt this hope, was the promulgation, by Pope Paul VI, of new Rites of Ordination. With regard to the New 1968/1989 Priestly Ordination Rite, you stated in an interview granted to the Editor of *Catholic*, the interview published in the April 1994 issue of the newspaper, that you accept the validity of the Latin version, at any rate, of this Rite. But as you know, some traditional Catholics, clergy and laity, argue for the – at best – doubtful validity of all versions, including the Latin version of this Rite, on account of a Defect of Form. May I give an outline of this argument.

In the first main section of the outline I shall discuss the manner in which Sacramental Forms acquire their signification. In the second main section, I shall list eight of the chief objections to the argument for the doubtful validity of the Rite and shall give a brief reply to each of the objections, in turn. In the third and final main section of the outline, I shall briefly discuss the theological reasons given in the *Apostolicae Curae*, with regard to the invalidity of Anglican Orders, which reasoning has such an important place, in the argument for the doubtful validity of the New 1968/89 Priestly Ordination Rite. I must ask you to please pardon me if at times I write as if I thought the person I was addressing was in ignorance of the subject matter of my letter, but I have been prompted to write in that manner, only by the difficulty I myself have, in expressing myself clearly on this complicated subject.

### **Argument for the Doubtful Validity, on account of a Defect of Form, of All Versions of the New 1968/1989 Priestly Ordination Rite**

A valid Sacramental Rite is a stable sign of the conferring of the relevant Sacrament. The valid Sacramental Sign inwardly effects that which it outwardly signifies, therefore it is essential for validity that the Sign should definitely signify that which it is meant to inwardly effect. The Matter and Form of the Rite are only two parts of the Rite, which inwardly effect the conferring of the Sacrament, that is to say, they are the only two sacramentally operative, or valid parts of the Rite. Strictly speaking, it is the use of the Matter (for example, the pouring of the water, in Baptism), only, which effects the Sacrament, but being as the Matter of a Rite is usually quite indeterminate in itself, the uttering of the Form is essential, for the supplying of Signification to the Matter. A defective Sacramental Form is one which fails to definitely signify the conferring of the relevant Sacrament. If, then, one is able to assess whether or not the new 1968/1989 Priestly Ordination Rite in all its versions (hereafter to be referred to as the NOR) is possessed of a defect of Form, and is therefore of at best doubtful validity, one must bear in mind the manner in which the Sacramental Form acquires its signification.

### **The Manner in which a Sacramental Form Acquires its Signification**

A Sacramental Form is a group of words: and it is a principle of natural logic, that all groups of words, and all individual words, derive their signification from the contexts in which they are used. The proper context of a Sacramental Form, from which context the Form derives most of its signification, is twofold, and consists of: primarily, the immediate Liturgical Context of the Form, i.e. the additional ceremonial of the Rite, and secondarily the Historical Context of the whole Rite; i.e. the historical circumstances in which the Rite with its form was drafted and developed. The individual words of a Form are able to derive some signification from each other, and therefore, the wording of the Form is governed by the aforementioned principle. For the sake of neatness of expression, it can be said that the wording of a Form constitutes a part of the Liturgical Context of the Form. The principle has become known to theologians (i.e. to those theologians who have studied its application to Ordination Forms) as the principle of *determinatio ex adjunctis*, or *significatio ex adjunctis*.

It is, then, an inescapable fact of logic, that all Forms, for all the Seven Sacraments, are governed by the principle of *determinatio ex adjunctis*: any and every Form logically derives its signification – whether this be of sacramental validity, doubtful sacramental validity, or sacramental invalidity – from its Liturgical Historical Context, its wording being held to be part of its Liturgical Context. With regard to five of the Seven Sacraments- namely, Baptism, Penance, Confirmation, Holy Matrimony and Extreme Unction – the traditional Church has ruled, for a just reason, that in each case the sacrament will be valid, even if the Matter and Form, only, are used, and not the additional ceremonial of the Rite. It is therefore clear that, in these five cases, the additional ceremonial (or in other words, the Liturgical Context of the Form, exclusive, in these cases, of the Form's wording) is definitely not required for the supplying of valid signification to the Form. But, in these five cases, the traditional Church's ruling constitutes an authoritative Historical Context, which supplies a permanent, valid signification to the Form. The principle of *determinatio ex adjunctis* therefore does apply to the forms of the five aforementioned Sacraments, no less than to the Forms of the other two Sacraments.

### **A Stable Sign**

In order to be valid, a Sacramental Form must be a stable sign of the conferring of the Sacrament: it must signify exactly the same thing today, as it signified yesterday, or a thousand years ago. In order that the Form will be valid, the Liturgical/Historical Context which supplies it with its signification must also, therefore, be in a stable condition. In practice, a valid traditional Ordination Rite retains its character of being a stable sign, by the following process: although ceremonies are, from time to time, over the centuries, added to the Rite, ceremonies which have been added to it, are *never* at any time suffered to be omitted from it. This fact is mentioned in the Letter of Vindication of the Bull *Apostolicae Curae*, addressed to the Catholic Bishops of England and Wales, to the Anglican Bishops, and dated 29 December 1897:

"The modern (pre-1968) Roman Pontifical contains all that was in the earlier Pontificals... and the later books omit nothing that was in the older. Thus the modern form of ordination differs neither in word nor in ceremony from that which was used by the ancient Fathers."

(The deliberate omission from a valid traditional Ordination Rite, of ceremonial which traditionally forms a part of that Rite, must needs be of grave significance, with regard to the supplying of determination to the Form. One might also note here, with regard to ceremonial which is added to a valid Rite for any of the Seven Sacraments, that it is possible for such added ceremonial to be, in reality, an extension of the Matter and Form, which extension could change the meaning signified by the Matter and Form.)

### **Valid Ordination Rites, in the Early Days of the Church**

The valid Ordination Rites which were actually in use, in the early days of the Church, provide an illustration of how the principle of *determinatio ex adjunctis* applies to Sacramental Forms. With regard to these early Rites: the wording of the Form usually contained virtually no expression of the conferring of the valid Christian Priesthood (to our modern understanding); and the Rite as a whole usually contained virtually no additional ceremonial. But the conformity of the Rite with the traditional liturgical practices of that time, and, if the Rite was a Catholic one, the acceptance of its validity by the Catholic Church, will have constituted an Historical Context which will have imparted the required valid signification to the Form.

### **The Abyssinian Ordination Case**

I shall conclude this discussion on the manner in which a Sacramental Form acquires its signification, with a comment on a particular, relevant case – the nineteenth century Abyssinian Ordination Case. Some time before 1704, a schismatical Abyssinian Abuna, or Archbishop, ordained some thousands of candidates to the Priesthood – during one afternoon's ceremony. The Abuna passed rapidly along the lines of ordinands, pausing in front of each man, only long enough to impose his hands upon him and to utter over him the impromptu Form, "*Accipe Spirite Sanctum.*" (The Abuna had apparently learnt this phrase from some Catholic missionaries who had been visiting his country.) In 1704, some of these Abyssinian Priests, who had by then converted to Catholicism, asked the Holy See to rule on whether or not their ordinations by the Abuna had been valid. In 1873, in England, some Anglicans heard about this case, and gained the impression that the Holy See's ruling in 1704 had been, that the Abyssinian's ordinations were valid. As it happens, all the Forms (for the Episcopate, Priesthood, and Diaconate) of the Anglican Ordinal commence with the phrase: "*Accipe Spiritum Sanctum.*" The Anglicans then began claiming that the Holy See ought to declare the Anglican Ordinal to be valid, on the same, sole grounds on which it had, these Anglicans believed, declared the Abyssinian ordinations to be valid, namely, the use of the Form "*Accipe Spiritum Sanctum.*" Cardinal H. E. Manning, Archbishop of Westminster, then asked the Holy Office, in a letter dated 24 August 1874, to give a ruling on the claim made by the Anglicans.

The Holy Office thereupon consulted its archives and ascertained that the ruling of 1704 had actually been recorded as "*Dilata ad mentem*" – i.e. case held over, and not approved by the Pope. The precise point of doubt, in 1704, had apparently been in the careless manner in which the Abuna had pronounced the new Form over the individual ordinand. The Holy Office then asked a Father Jean-Baptiste Franzelin, S.J. a Holy Office Consultor, to prepare a *Votum* (a Reply), in connection with Cardinal Manning's request. Father Franzelin delivered his prepared *Votum* to the Holy Office on 25 February 1875, and the document was favourably received. It included, in effect, this proposition: The phrase "*Accipe Spiritum Sanctum*" fails, in itself, to signify the conferring of any Holy Order; and set within the Anglican ordinal, the phrase acquires a determination, indeed, but a positively invalid one. The Holy See was to make full, favourable use of this proposition, twenty years later, when *Apostolicae Curae* was being drafted. But in 1875, the Holy Office contented itself with replying to Cardinal Manning, as follows. Cardinal C. Patrizi wrote, on behalf of the Holy Office, to Cardinal Manning, on 30 April 1875, and the letter contained the following points. Firstly, contrary to what some Anglicans were then asserting, the Holy Office had never declared, either explicitly or implicitly, that the Imposition of Hands joined to these words only, "*Accipe Spiritum Sanctum*" suffices for the validity of the Priestly Order. Secondly, with regard to the Abyssinian ordinations, if the Holy Office had, in 1704, declared these same to be valid (which it actually had not), this would have been, in principle, because the Abuna, during the afternoon's ceremony, had performed (at least once) the entire, valid Coptic (Abyssinian) Priestly Ordination Rite, and this performance imparted a valid determination to the new form, "*Accipe Spiritum Sancte*."

## Eight Objections to the Argument for the Doubtful Validity of the NOR, with Replies to the Objections

I now come to the second main section of this outline, of the argument for the doubtful validity, on account of a Defect of Form, of the NOR. This section will consist of eight of the objections which are made to the argument, with a reply to each of the eight in turn. But to begin with a summary of the argument, itself. The form of the NOR ("NOR" referring to each and every version including the Latin version, of the New 1968/1989 Priestly Ordination Rite) is possessed of at best doubtful valid signification, or determination, which same it acquires from these sources:

1. The wording of the Form (i.e. the omissions from and alterations to the pre-1968 Form;
2. The additional ceremonial of the NOR, or the immediate Liturgical Context of the Form of this Rite (i.e. all the omissions from, and alterations to, the pre-1968 additional ceremonial); and
3. The historical circumstances in which the NOR has been drafted, revised, and ratified, with particular reference to the motives – ecumenical and otherwise highly un-Catholic – of those responsible for the Rite, or the Historical Context of the NOR. (One might note, here, with regard to the celebration of this or that Rite of Mass, within which celebration, ordinations are carried out, that this celebration would constitute what might be termed a remote Liturgical Context for the relevant Ordination Form. The celebration of the particular Rite of Mass, would play its own part, in the imparting of the determination to the Ordination Form.)

**Objection 1.** The omission of the conjunction "*ut*" from the Form of the Latin version of the NOR, is too indeterminate to bring about a change in the doctrinal meaning of the Form.

**Reply.** Even if it is conceded that the relevant omission brings about no doctrinal change (and not all would concede this), the fact remains that any wilful change in the wording of a Catholic (as opposed to a non-Catholic Christian) Sacramental Form, introduces an at least practical doubt, as to the signification attached to the Form. To quote from the *Catechism of the Council of Trent*, the Chapter on the Sacraments:

"In... the Sacraments of the New Law... the Form is so definite, that any, even a casual deviation from it renders the sacrament null; and it is therefore expressed in the clearest terms, and such as exclude the possibility of doubt..."

**Objection 2.** The conjunction "*ut*" is not found in the relevant Form, in the original Latin text of the 7th century *Leonine Sacramentary*. Michael Davies, in his book *The Order of Melchisedech: A Defence of the Catholic Priesthood* published in 1993, points out (on page 238) that the omission of the "*ut*" from the Form of the NOR, constitutes a "restoration" of the Priestly Ordination Form to the condition it is in the *Leonine Sacramentary*.

**Reply.** Concerning Objection 2, the exact status of the *Leonine Sacramentary* must be examined. Mgr. L. Duchesne, in his book *Christian Worship*, published 1949, states (on pages 135-144) that the *Leonine Sacramentary* is a huge private compilation, put together in a disorderly manner, with a vast amount of superfluous matter, with mutilations in the compilation. Andrew Fortescue, in his book *The Mass* published 1955, describes the *Leonine Sacramentary* in the same way as the aforementioned author, and also comments (on page 118 of his book) that

the *Leonine Sacramentary* "is not a book drawn from liturgical use." In the *Catholic Encyclopaedia*, 1910 edition, Volume IX, in the article on Liturgical Books, page 297, it is stated that only one manuscript copy of the *Leonine Sacramentary* is known, and also that this *Sacramentary* "is not a book compiled for use at the altar – the hopeless confusion of its parts showing this." But even if it were to be established that the *Leonine Sacramentary* was in official use, in the 7th Century, that which sufficed for valid signification in the 7th century, would not necessarily thus suffice, at this our own time, because today, the intervening thirteen centuries of liturgical development have to be taken into account, with regard to valid signification. The clear purpose of the modern omission of the "ut", is that the omission is a wilful introduction of one element of de-stabilisation, into one of the two most sacred, and most strictly established (in the canonical sphere) parts of the Priestly Ordination Rite.

**Objection 3.** The *Catechism of the Council of Trent*, in the Chapter on the Sacraments, states:

"To (the Matter and Form)... are added certain ceremonies... If at any time... (these) be omitted, the Sacrament is not thereby invalidated, since the ceremonies do not pertain to its essence."

**Reply.** In order to establish the significance of the above text, in relation to the question of whether or not the NOR is valid, one must first ascertain what exactly the original drafters and authorisers of the *Catechism of the Council of Trent* intended the text to mean. One will therefore have to first view the text within the context, of that stage of doctrinal understanding and of liturgical development, which the Church had reached, in the sixteenth century, when the *Catechism* was first produced. In this connection one will need to note, that in practice, in the sixteenth century, the Church had *never* omitted additional ceremonial from Ordination Rites. One will secondly need to bear in mind, that one should seek for the true answer to any Catholic question, not by stabbing at this or that text and perhaps taking the same out of context, but by taking into account the *whole* of relevant, understood Catholic truth, and Catholic practice, and by making sure that the answer one arrives at is not in any degree opposed to these same.

**Objection 4.** Pope Pius XII's Apostolic Constitution *Sacramentum Ordinis* (30 November 1947) teaches, at least implicitly, concerning the modern pre-1968 Priestly Ordination Rite, that the additional ceremonial found in this Rite is not required to supply valid signification to the Form, and that consequently, with the exception of the first Imposition of Hands and the essential words of the Form, the omission of everything found in the Rite, although forbidden, would not result in the invalid administration of the Sacrament.

**Reply.** With regard to the modern pre-1968 Priestly Ordination Rite, Pope Pius XII, in *Sacramentum Ordinis*, did not teach, but decreed (i.e. decided), that from November 1947 onwards, at any rate, the Preface Prayer would be the sole Form, and a particular part, only, of that sole Form would be sacramentally operative (i.e. valid, essential). Concerning this Pope's intention in enacting this decree, Fr. John Bligh, S.J., in his book *Ordination to the Priesthood* published in 1955 states (on page 55):

"Its [the decree's] purpose was practical: to put an end to scruples about the validity of Orders received by priests who felt that some possibly essential (i.e. sacramentally operative) part of the long and complicated Rite had not been properly performed in their cases."

Pope Pius XII taught nothing and decreed nothing in *Sacramentum Ordinis*, concerning whether or not the additional ceremonial of the relevant Rite supplies valid signification to the Form, unless such a lesson is to be seen, in the absolute command, stated in *Sacramentum Ordinis*, that nothing in the Rite is to be omitted or neglected, even in the slightest detail. One might also note here, with regard to the modern pre-1968 Priestly Ordination Rite, that in accordance with Pope Pius XII's own decree, a particular section of the Preface Prayer is, although "non-essential", a part of the sole Sacramental Form, and that it is therefore logical to assume that this section of the prayer plays its own part in the supplying of valid signification to the essential part of the Form.

**Objection 5.** The Church has not pronounced that the *determinatio ex adjunctis* principle applies to the Sacramental Forms.

**Reply.** The truth about a proposition, which truth the Church has not pronounced on, is to be sought for in all that is implied, concerning the proposition, in all traditional doctrine and religious practice.

**Objection 6.** Concerning the condition of the NOR, the following facts have to be conceded. The additional ceremonial of the Rite fails to supply valid signification to the verbally mutilated Form, and the highly un-Catholic motives of some of the original drafters of the Rite form a historical setting, which likewise does nothing to supply valid determination. The NOR as a whole therefore fails, in itself, to signify the valid conferring of the Christian Priesthood. Furthermore, the condition of the NOR, thus far, bears a striking resemblance to the state of the Anglican Ordinal, which state forms the grounds of Pope Leo XIII's theological argument, expounded in *Apostolicae Curae*, for the invalidity of the Ordinal. But the saving feature of the NOR, with regard to valid signification, is as

follows. The unquestionably orthodox teachings of Vatican II, and of Pope Paul VI, the promulgator of the NOR, on the Sacred Ministry and the Eucharist, constitute an over-arching, authoritative Historical Context for the NOR, which context does supply the Rite with the required valid signification. The aforementioned defence of the validity of the NOR, together with the admissions concerning the deficiencies of the Rite, had been publicly promoted by a Dr. Francis Clark, an English Catholic theologian, who had been described by Michael Davies (in *The Order of Melchisedech*, page xx) as being "certainly one of the greatest of all living authorities on the Sacrament of Order." Michael Davies, himself, has also publicly promoted the aforementioned defence of the validity of the NOR.

**Reply.** To begin with, it must be remembered that the immediate Liturgical Context of a Sacramental (i.e. the additional ceremonial of the Rite) is the primary outside context of the Form, and had a prior Right, so to speak, over all other outside contexts, to determine the meaning of the Form. If the wording and the Liturgical Context of a Form impart to it a particular determination, a context which is outside the Rite (i.e. an Historical Context) logically cannot superimpose a conflicting determination on the Rite and Form. All this is a matter of natural logic. The failure of the NOR, in itself, to signify the conferring of the valid Christian Priesthood is not necessarily of a negative, as opposed to a positive, nature, only, grave enough though a negative such failure, only, would be in connection with validity. The relevant teachings of Vatican II and Pope Paul VI, assuming that they are unquestionably orthodox, constitute a relatively remote Historical Context for the NOR and its Form. The suggestion would seem to be absurd, concerning the person who holds the ultimate moral responsibility for the inventing and imposing of the NOR, that the alleged authority of this very same person, is the sole guarantee of the validity claimed for the NOR. The Catholic Church does have the last word, as to whether or not any Sacramental Rite is valid, but when the Church truly exercises her authority, in having the last word, she does not, in so doing, go against right reason, traditional religious practice, and true doctrine. With regard to Dr Francis Clark, he has, indeed, published some excellent theses on the conditions for the validity of Ordination Rites, but these works were published by him in pre-Vatican II days, at which time, he was Father Francis Clark, S.J. Since then he has, if I am not mistaken, relinquished the practise of the Priesthood and his membership of the Jesuit Order. It is perhaps hardly suprising, therefore, that with his personal status, Dr Clark should find it fitting to demand that this or that one of the New Sacramental Rites should be accepted as valid.

**Objection 7.** (a) Michael Davies, in his book *The Order of Melchisedech*, states (on pages 232-235) that: the doctrine of the Indefectibility of the Church requires the Catholic to believe that the Latin Typical Edition, at least, of the New 1968 Priestly Ordination Rite, as promulgated by Pope Paul VI is, despite its otherwise admittedly "deplorable" condition, unquestionably valid. (b) Furthermore, it is pointless to question the validity of the NOR, on the grounds that this Rite is not in conformity with the pre-1968 Rite, because the NOR is not intended to be in conformity with the pre-1968 Rite. The NOR is intended to be a brand new Rite, promulgated by the Church in the exercise of her supreme authority, and therefore beyond all doubt valid.

**Reply.** (a) The true Church (the Church being the union of all the true Faithful, under the Headship of Jesus Christ) is, indeed, indefectible, in that it is essentially immutable, in its teaching, its constitution, and its Sacred Liturgy. But the individual Pope is not indefectible. The individual Pope has a duty to preserve the Priestly Ordination Rite from any invalidating or possibly invalidating defect, and he will fulfil that duty, only by acting in the same way that the Church itself, traditionally acts, in order to thus preserve the Rite. Pope Paul VI chose not to fulfil that duty. (b) The Catholic Church does not have novel Sacramental Rites. She has never had any cause to have such. An absolutely novel Sacramental Rite would be, in any case, devoid of the stability of signification which is an essential characteristic of the valid Sacramental Rite. It is relevant to remember, here, that, as Saint Augustine of Hippo pointed out, the Catholic Church is the custodian of the Sacraments, but she does not own them – Almighty God owns them.

**Objection 8.** The following is an extract from the section of *Apostolicae Curae*, which contains the theological argument for the Defect of Form of the Anglican Ordinal.

"In the Rite for the administration of any Sacrament a distinction is justly made, between its 'ceremonial' and its 'essential' part, the latter being usually called its 'Matter' and 'Form'. Moreover it is well known that the Sacraments... must... signify the grace which they cause... Now this signification, though it must be found in the essential Rite as a whole, that is, in both Matter and Form together, belongs chiefly to the Form."

(*Apostolicae Curae*, section 24, C.T.S. edition.) This extract implies that the signification of a Form is necessarily confined strictly within the wording of the Form.

**Reply.** At the time when *Apostolicae Curae* was being drafted, in Rome, a minority of theologians who were associated with the drafting, held the opinion, that the signification of a Form is, indeed, strictly confined within the wording of the Form. But the majority of those theologians, including Cardinal Pietro Gasparri and A. Lehmkühl, held the opposing opinion, that an Ordination Form is able, in principle, to derive signification from its Liturgi-

cal/Historical Context. (As I have mentioned, earlier on in this letter, Father J. B. Franzelin, S.J. had addressed the Holy Office, on the subject of applying the *determinatio ex adjunctis* principle to Ordination Forms, in 1875, in connection with the Abyssinian Ordination Case.) Pope Leo XIII decided that the text of *Apostolicae Curae* would contain no explicit pronouncement on which of the two opposing opinions is true, but that each of the two opposing opinions would be given a fair chance, so to speak, to demonstrate its own worth, in practice within the context of *Apostolicae Curae*. The extract from the Bull given in the above Objection 8, might therefore be described as being a polite nod of the head, so to speak, in the direction of the aforementioned minority opinion. It should be noted, however, that the relevant extract does not specifically deny the possibility of implicit signification by a Form (implicit signification, as possessed by a Form, being signification supplied *ex adjunctis*). With regard to the demonstration of its own worth, given, in the text of *Apostolicae Curae*, by the aforementioned majority opinion, I shall comment on this same, in the concluding section of this letter. It might be noted, here, that during the time that *Apostolicae Curae* was being drafted, some Anglicans and even some Catholics, were actually using the *determinatio ex adjunctis* principle, to argue for the validity of the Anglican Ordinal; so there was no sense in which Pope Leo XIII could have afforded to ignore this principle, in his assessment of whether or not the Ordinal was valid.

## **The Theological Argument in *Apostolicae Curae* for the Invalidity of Anglican Orders**

I now come to the third and final main section of this outline, of the case for the doubtful validity of the NOR. This section will consist of a discussion of the theological argument presented by Pope Leo XIII in *Apostolicae Curae*, for the invalidity of Anglican Orders, being as the argument is of such great importance to the aforementioned case. According, then, to the aforementioned argument, there are two invalidating defects of Anglican Orders: a defect of Form; and a Defect of Intention. I shall first discuss the Defect of Form.

### **The Defect of Form of the Anglican Ordinal**

Of the two invalidating defects of Anglican Orders, a Defect of Form is the most important one. This defect of Form is the sole invalidating defect of the Anglican Ordinal. All the enquiries made in *Apostolicae Curae*, about the condition of the entire Ordinal, and even about the designs of the compilers of the Ordinal, have reference to the question of whether or not the Forms are valid. All the deficiencies discovered in the entire Ordinal, together with the discovered unacceptableness of the designs of the compilers, according as these same are referred to, in *Apostolicae Curae*, argue to the Defect of Form. The suggestion has been made, that the reason why the entire Ordinal is, according to *Apostolicae Curae*, involved in the Defect of Form, is that Pope Leo searched the entire text of the Ordinal, for a possible, infinite number of valid Ordination Forms. But this suggestion has been dismissed by one orthodox theologian, as being absurd. The reality of the Defect of Form of the Anglican Ordinal may be summarised under four successive points, as I shall do, below.

1. With regard to the Forms of the Ordinal, both the "official" Forms, and one or two other prayers, about which it has been suggested that they could theoretically serve as valid Forms: the wording of all these Forms fails, in itself, to signify the conferring of valid Holy Orders. 2. The Ordinal as a whole, it having been deliberately stripped of everything which, in the traditional Roman Pontifical, sets forth the conferring of valid Holy Orders, fails, in its turn, to supply the Forms with the required valid determination. Furthermore, the clearly manifested intentions of the compilers of the Ordinal – Thomas Cranmer and his associates – not to produce a valid Ordinal, have imparted a positively invalid determination to the Ordinal and its Forms. 3. The invalidity of the Ordinal is permanent, because of the invalid "native character and spirit" (*Apostolicae Curae*, section 31, C.T.S. edition) possessed by the Ordinal. This point means that the Ordinal was, so to speak, born invalid, of its very nature, and therefore could not have validity superimposed upon it, at any later date. This point is important in view of the hope expressed by the Holy See, that the Ordinal might one day be declared by the Holy See to have become valid. 4. *Apostolicae Curae* contains several references to the fact that certain prayers or phrases in the Ordinal, could possibly be held to suffice as Valid Ordination Forms, if they were set in a fitting Liturgical Historical Context. For example, it is stated that the prayer in the Ordinal, commencing 'Almighty God giver of all good things' could conceivably suffice as a valid Ordination Form, if it were set in a Catholic Rite which the Church had approved. (*Apostolicae Curae*, section 32 C.T.S. edition.) Again, it is stated that the phrase in the Ordinal, 'for the office and works of the Bishop', "must be judged otherwise than in a Catholic Rite" (*Apostolicae Curae*, section 28, C.T.S. edition). Yet again, it is stated that some words in the Ordinal "cannot bear the same sense as they have in a Catholic Rite," and that

"once a new Rite had been introduced, denying or corrupting the Sacrament of Order and repudiating any notion whatsoever of consecration and sacrifice, then the formula 'Receive the Holy Ghost'... is deprived of its force; nor have the words, 'for the office and work of a priest', or 'bishop', etc., any longer their validity, being now mere names voided of the reality which Christ instituted."

(*Apostolicae Curae*, section 31, C.T.S. edition.) This point is of the utmost importance to the case for the

doubtful validity of the NOR. (It is of interest to note, from the aforementioned quotations taken from *Apostolicae Curae*, that the inclusion of the word 'priest' in a Priestly Ordination Form by no means necessarily renders the Form valid, because there are many different types of priest in the world.)

With regard to the argument in *Apostolicae Curae* for the invalidity of the Anglican ordinal, an English theologian has commented, that although Anglicans have attempted for the last hundred years, to refute the argument, this same has remained theologically unassailable. This argument has remained theologically unassailable because it is founded upon and makes full use of the logical fact, that the principle of *determinatio ex adjunctis* applies to Sacramental Form. If the Catholic Church were to deny this logical fact, it would thereby render itself unable to demonstrate the invalidity of the Anglican Ordination Forms. Being as a non-Catholic Ordination Form need not, for validity, have the same wording as the corresponding Catholic Ordination Form, the denial of the aforementioned logical fact, would render the task of demonstrating either the validity or the invalidity of the non-Catholic Ordination Form, utterly impossible.

### **The Defect of Intention of Anglican Orders**

I now come to the second of the two invalidating defects of Anglican Orders, as pronounced upon by Pope Leo XIII in *Apostolicae Curae*: a Defect of Intention. This defect concerns the originators of the invalid Anglican Episcopal line, and in particular, the consecrators, in 1559, of Matthew Parker, the first-ever Anglican pseudo-Archbishop of Canterbury, and founder of the Anglican Succession. Pope Leo judged that these originators had had incorrect Ministerial Intentions, in starting off the Anglican episcopal line, because they had used the invalid Anglican Ordinal with which to start it off. Of the two invalidating defects of Anglican Orders – Defect of Form and Defect of Intention – the latter defect is therefore less important than the former one, because the latter depends for its existence upon the former.

Some people hold the view, that the Defect of Intention of Anglican Orders consists of the intention of Thomas Cranmer and his associates to produce an invalid ordinal, objectively expressed in the Anglican Ordinal, and which intention, thus expressed, may be termed the invalid 'objective intention of the Rite' ('Rite' here referring to the Ordinal). According to this view, the outward expression of the Ordinal, of the invalid 'objective intention of the Rite' is found in the additional ceremonial. According to this view, there are therefore two separate invalidating defects within the Anglican Ordinal – a Defect of Form; and a defective or invalid 'objective intention to the Rite', which is expressed in the additional ceremonial. This view assists those who hold it, to avoid having to admit – since they would not wish to make this admission – that there is a connection, with regard to the validity, between the Forms and the additional ceremonial of the Ordinal. To reply to this view. According to the Catholic Church, only two parts of the Sacramental Rite are capable of being sacramentally operative, or valid: the Matter and the Form. No other part of the Rite is therefore able to have any invalidating defect. With regard to all Sacramental Rites, the 'objective intention of the Rite' essentially is the Matter and Form; and the outward expression of this intention constitutes signification, which signification, regardless of where in the Rite it is located, argues to the validity or invalidity of the (Matter and) Form. With regard to that section of *Apostolicae Curae* which deals with the Defect of Intention of Anglican Orders (section 33, C.T.S. edition), the terminology used, is that which is traditionally used by the Catholic Church with reference to Ministerial Intention, and there is no actual doubt that it is Ministerial Intention which is being referred to, in this section of the Bull.

Some people might think, that the originators of the invalid Anglican episcopal line, were the same persons as the producers of the invalid Anglican Ordinal. These people might go on to think, that *Apostolicae Curae* is stating, that the additional ceremonial of the Ordinal, with all its indications of invalidity, is accounted for as being the result of, and an outward expression of, the incorrect Ministerial Intentions of the aforementioned originators, and that there is therefore no need to accept that there is any connection between the additional ceremonial and the Forms, in respect of validity. This view would be entirely false. Even if the originators of the Anglican episcopal line had produced the Anglican Ordinal, and even if they had invented it, while they were in the very act of originating the Anglican episcopal line, it would still be necessary, in principle, to distinguish between the intention to produce an invalid ordinal, which is outwardly expressed in the Anglican Ordinal, itself (and particularly in the additional ceremonial) and which argues to the Defect of Form, and the Ministerial Intentions to invalidly consecrate Bishops and thus originate the invalid Anglican episcopal line, which Intentions are indicated in the use, made by the originators, of the invalid Anglican Ordinal.

The terminology used in *Apostolicae Curae* to describe the two invalidating defects of Anglican Orders, is not extremely easy to follow, and this and one or two other factors cause some Catholics to mix up the two defects and so misunderstand both. Among the published works which provide corroboration, of the explanation of the two defects which I have given above, are the following: *The Anglican Ministry*, by A. W. Hutton, Preface by Cardinal Newman, published 1879; *The Reformation, the Mass and the Priesthood*, Volume 2, by Fr. E. C. Messenger, Ph.D. (Louvain), published 1936; *Anglican Orders*, by Fr. A. A. Stephenson, S.J., published by Fr. F. Clark, S.J.,

Rome, 1958; and *The New Ordination Rite: Purging the Priesthood in the Conciliar Church*, by Fr. W. Jenkins, published 1981.

## Conclusion

I have now reached the end of my outline of the argument for the, at best, doubtful validity on account of a Defect of Form, of the NOR. I therefore now come to the conclusion of this letter. May I begin my conclusion to referring, again, to the interview you gave, which was published in the April 1994 issue of *Catholic*. You stated in the interview that there are numerous cases in which all the Seven Sacraments are certainly invalid, when conferred with the new Rites; and your words implied, if I have understood them correctly, that in every one of these cases the invalidity is caused solely by an incorrect Ministerial Intention, this same being indicated, in every case, by the use of by the minister of what you termed "fantasy", during the ceremony. When asked by the interviewer specifically what one should look for, in modern ordination cases, in respect of validity or invalidity, you stated: "The intention (i.e. the Ministerial Intention) is objectively expressed in the way the ceremony is performed; so where there is fantasy, you may seriously question the validity (i.e. of the Sacrament as opposed to the Rite)." To comment on these statements. With regard to the conferring of any of the Seven Sacraments, one must establish what is the correct relationship between the Ministerial Intention, and the Rite, itself. The use, by the minister, of a certain prayer or ceremony, on a particular occasion, gives some indication of what the Ministerial Intention probably is, but the prayer or ceremony, in itself, logically forms a part of the Rite, and therefore helps to determine the meaning of the Form, and argues to the sacramental effectiveness or defectiveness of the Form. In accordance with the logical principle of *determinatio ex adjunctis*, a Fantasy Ordination Rite would be, in itself, a doubtfully valid Rite, even if the wording of the Form were faultless. The factor of Ministerial Intention in particular cases is of relatively minor importance, and should not be allowed to obscure the major question of whether or not the NOR and other New Sacramental Rites are definitely valid. The latter question is no less grave and no less public an issue, as are the issues of Religious Liberty, multi-faithism, and the inversion of the true primary and secondary ends of marriage.

May I now refer, again, to the Letter of Cardinal Willebrands, expressing the hope now held by the Holy See, that is – the Holy see – might one day be able to declare that the Anglican Ordinal had become valid. According to the Willebrands Letter, the factor which would possibly bring about this validation, would be a formal statement by the Anglican Communion, to the effect that it held the same beliefs, concerning the Eucharist and the ordained ministry, as are held by the Catholic Church. What is here implied, is that a formal statement of the aforementioned nature by the Anglican Communion, might be said to constitute an over-arching, over-riding Historical Context for the Anglican Ordinal, which context would supply the required valid signification to its Forms. As an echo of a statement in the Willebrands letter (which statement I have referred to in the opening paragraph of this my letter), in a letter published in the 17 June 1995 issue of *The Tablet*, a professor R. W. Franklin, Chairman of the Anglican Orders Conference, at the General Theological Seminary, New York, U.S.A., asserted: "The Roman reform of the Ritual of Ordination... has narrowed the gap between the Anglican Ordinal and the Roman Pontifical." Indeed, the New Catholic Ordination Rites have, in a certain false sense, narrowed the unbridgeable gulf between the absolutely and permanently invalid, and the valid, only because so many thousands of Catholics blindly go along with the idea, that with regard to Sacramental Rites (as also with doctrinal definitions), words can be said to bear any meaning that one wishes to place on them. If the Holy See were to declare that the Anglican Ordinal had become capable of being validly used, you would protest against the declaration, but you would, to date, have no logical argument to offer, in support of your own protest. If the Latin Version of the New 1968/1989 Priestly Ordination Rite is definitely valid, as you now say that it is, stability of signification is not a requirement for the validity of a Sacramental Rite, and the Catholic Church is able, in principle, to declare that not only the Anglican Ordinal, but any Rite, is valid. If the NOR is definitely valid, anything is, in principle, definitely valid, provided that a sufficient number of people can be bullied or lured into accepting that it is definitely valid, and therefore, in reality, nothing is definitely valid.

A traditional short formula of the conditions for a valid Sacramental Rite, is: Matter, Form and Intention. I suggest that the present situation calls for the extending of this formula to: Matter, Form and Liturgical/Historical Context, and Ministerial Intention (as distinct from the 'objective intention of the Rite'). I am asking you to study and think about the argument for the doubtful validity of the NOR. I am asking you to study this argument, not only to the extent that it concerns the working of the various versions of the Form, but also to the extent that it concerns the applying of the *determinatio ex adjunctis* principle to the Sacramental Forms. May I suggest that you could make a public announcement, to the effect that all educated Catholics ought to seriously consider whether or not the NOR and the other New Sacramental Rites are definitely valid.

I hope you will pardon the lengthiness of this letter. However, I could have made it much longer, by examining the ceremonies of the NOR, in detail, and giving more illustrations and references, in support of my argument, all of which would have strengthened my case. I apologise for the dogmatic tone in which I have addressed you, but the

subject matter of this letter and its seriousness have made it difficult for me to do otherwise. I am trusting that your goodness will cause you not to take offence at this letter.

I have the honour to be,  
Your lordship's devoted and obedient servant,

Maureen Day  
December 1995

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