

THE CONCEPT OF VALIDITY IN MINISTRY

The topic assigned for this paper looks relatively simple, but I am sure that we are aware of the complexity of the problems which its consideration involves. In this time of ecumenical endeavor, the clarity of distinctions between the "right Church" and the "wrong Church," between "invalid" and "valid" Eucharistic celebrations are no longer as clear as our theological manuals gave us to understand. The strong desire on the part of so many for intercommunion forces us to take another look at our traditional understanding of the validity of order, the mechanics of the transmission of the power of orders and the whole problem of the unity of the Church. The experience of the last seven years has given us so much new data for our consideration that, in the words of one theologian "Now is the hour, it seems, for a fresh start from the ground up."¹ The consideration of the "validity of ministry" is a problem in whose handling a number of other problems, all of them under considerable reevaluation, are involved. This involves the problem of the nature of the Church, the local Church and the Church universal. This involves the problem of the historical identity of the Church, of the identity of the Church of 1969 with the Church of the apostles and of the identity of the apostolic ministry itself. And in this context there arises the thorny question of the meaning of "apostolic succession" and of the "validity" of the local Church and of its *ordo* in the context of the apostolicity of the local and universal Church. This, in turn, involves the very meaning of the word "validity" as a theological and doctrinal expression. This involves the problem of the meaning of *ordo* itself, of its function on the local Church, the universal Church, the "apostolic Church." Further, it involves the question of the meaning and truth of the Eucharistic celebration in the context of the problem of the relation of the local Church to the universal Church.

Finally, the question of the concept of validity in ministry in-

¹ W. Kasper, *The Methods of Dogmatic Theology*. New York: Paulist Press, 1969. p. 21

volves a serious reconsideration of certain historical facts and their interpretation. *Apostolicae curae et caritatis*, for example, simply supposes that the position of the English reformers on the priesthood amounted to a conscious rejection of the catholic tradition on priesthood. This assumption has been challenged and defended variously during the past fifteen years.²

Against this background, it is self-evident that this presentation cannot pretend to be complete! We will, of necessity, presuppose historical considerations and proceed more systematically, approaching this problem from the point of view of the principles of sacramental theology.³ Our purpose is, of course, to stimulate discussion and in discussion to actualize the dialogical community which is the only hope for theologians today.

Proceeding systematically, then, we would like to question the *truth* rather than the validity of sacraments in terms of the principle enunciated by Trent, "Sacraments of the New Law contain (and confer) the grace they signify and confer it on those who place no obstacle to it" (BD-Shön n.1606) as well as in terms of the more nuanced Thomistic principle of sacramental truth and efficacy, "Sacraments cause grace by signifying it and signify it by causing it." (Suppl. 29, 2c-30, 2, sed c. 2-45, 3, c). We will apply these principles, as they are interpreted in contemporary sacramentology, Christology and Ecclesiology, to the question of the celebration of the Eucharist, and ask the question of the truth of Eucharist and ministry in the Church. Only after this will we discuss the concept of validity in ministry. In the light of these considerations, we will submit three "dogmatic theses" on the question of the validity of ministry.

² Cf. Clark, F., *Anglican Orders and Defect of Intention*. London: Darton, Longman and Todd, 1956. (Out of print.) Id. *Eucharistic Sacrifice and the Reformation*. London: Darton, Longman and Todd, 1960. Clark's principles are challenged by J. J. Hughes, "Ministerial intention in the administration of the Sacraments," *Clergy Review*, 51 (1966) 763-766; *Absolutely Null and Utterly Void*. Washington: Corpus Books, 1968. Esp. pp. 284-293. Cf. also N. Lash, *His Presence in the World*. Dayton: Pflaum Press, 1968, esp. c. 6, "Priesthood, ministry and intercommunion," pp. 168-201.

³ For the historical treatment of the re-ordination controversies, cf. 1, Saltet, *Les Reordinations*, Paris: J. Gabala, 1907; A. M. Langraf, "Die Lehre von der Konsekrationsgewalt des von der Kirche getrennten Priesters" in *Dogmengeschichte der Frühscholastik*. Bd III/2, *Die Lehre van den Sakramenten*, pp. 223-243.

SACRAMENTAL PRINCIPLES

Perhaps the most critical and fundamental question to be asked at the outset is the question of the meaning and content of the word "grace" as this is used in the Tridentine and Thomistic principle. We are aware, I think, of how little content has been attached to this word in the textbooks. But contemporary Christology and sacramentology are approaching the reality of grace in terms of its being that gracious and creative initiative which God has taken and takes to reveal and realize His love for man. The specifically sacramental aspect of this gracious and creative initiative, the aspect which is our primary concern here, is the visible historical shape which this creative initiative has taken in human life and history.⁴ This sacramental shape to the reality of grace can, I think, be adequately expressed in two expressions of Paul, "God was in Christ reconciling the world to Himself" (2 Cor 5:18-21) and "In one Spirit we have all been baptized into one Body" (1 Cor 12:13). Thus, summing up the principal emphasis of contemporary sacramentology, the basic reality of grace in its sacramental reality is the Church.⁵ The Church is the primal sacrament in the world today. It is because the Church is the ultimate, concrete shape which the gracious creative initiative of God has taken, that we can speak significantly of the sacraments of the New Law containing this creative initiative and realizing it in the Church in the actions in which the Church expresses her own faith-identity in Christ.⁶

Thus, a more elaborate "translation" of the Tridentine and Thomistic principles might be expressed as follows: the gracious and

⁴ E. Schillebeeckx, O. P. *Christ, the Sacrament of the Encounter with God*. New York: Sheed and Ward, 1963, pp. 3-13. K. Rahner, *The Church and the Sacraments*. New York: Herder and Herder, 1963, pp. 11-23. Some would maintain that this is the only reality to the creative initiative which we call "grace": it never comes in pure interiority. Cf. Schillebeeckx, *op. cit.*, p. 10.

⁵ Cf. LG, n.1, SC n.5.

⁶ The value of this approach to sacramental function and efficacy is conditioned by the seriousness with which the theologian uses the Pauline teaching of the Church as the Body of Christ. This involves the theology of the Resurrection, in its turn. It would seem that the resistance to this stream in contemporary sacramentology reflects a Berengarian mentality which makes the acceptance of the full implication difficult. In all of these, the lack of an elaborated metaphysics and phenomenology of "body," "person" and "presence" makes itself quite obvious.

creative initiative of God's love, historically achieved in Christ and extended historically through the incorporation of men into the bodiliness of the risen Christ through the Spirit, realizes itself visibly and historically in those actions in which the community of those incorporated into Christ celebrates its own identity in Christ. God's gracious creative initiative realizes itself for the Church precisely in these self-expressions of the Church and these self-expressions of the Church are precisely the self-realization of God's gracious initiative in historical visibility. Sacraments of the New Law contain the grace they "signify" (i.e., bring to visible expression); they "cause grace" by "signifying grace" and "signify grace" by "causing grace."⁷

It should be apparent that the truth of these sacramental principles depends on how seriously one accepts in faith the Pauline doctrine of incorporation into Christ in the one Spirit. The sacraments of the New Law can only be said to truly bring God's gracious initiative in Christ to visible realization to the extent that in the one Spirit, we are truly incorporated into the One Body, so that God can truly be said to be in Christ now continually reconciling the world to Himself. In other words, the root of the grace-reality and power of the sacraments is to be found in the truth, the reality and permanence of Baptism. Only to the extent that a given community of persons can be said to truly be "in Christ" and only to the extent that Christ can truly be said to be in a given community of persons can it be said that God is acting in Christ in the actions in which this community professes its faith in its own identity in Christ. Only to this extent can Christ be said to be "present" and active in and through the sacramental action of a church. Thus, the "truth" of any sacramental action depends on the truth of a given church's being a Church—*ekklesia*, God's gathering of men into Christ in the one Spirit.

The truth of sacraments, then, depends ultimately on the "truth" of Baptism. It is in Baptism that a community of persons truly be-

⁷ The important operative word in this statement is "signify." The expression is used here in its anthropological rather than its gnoseological sense, i.e., as the *action* in which a person expresses his personal being to his "world," realizing his own existence in the process itself. Cf. *Christ, the Sacrament . . .* p. 64.

comes a Church. The theology of the past two centuries has defined the reality of the Church in terms of the unity of faith, regime and sacraments. But Vatican II has returned to a more traditional definition of "Church" precisely in terms of Baptism.⁸

In the light of these considerations, it would seem more proper to speak of the genuinely authentic and effective sacrament as *sacramentum verum* rather than *sacramentum validum*. This does not mean that the concept of *sacramentum validum* is therefore dis-functional. It is, to be sure, a legitimate concern, but its concern is primarily pastoral and legal. It designates that quality of the sacramental action by which it is acceptable in terms of at least the minimal performance of the sacramental ritual, the *pars essentialis signi (ritus) sacramentalis*. This is certainly a legitimate concern for the ease of conscience of minister and subject of the sacramental action. But its concern is minimal and legal rather than theological in the proper sense of the word. And it is precisely in these terms that Leo XIII chose to evaluate the acceptability of Anglican Orders in 1896. It is the intention of the minister of the sacrament as verbalized in the form of the sacraments which led to the rejection of Anglican orders in *Apostolicae curae et caritatis*.⁹ The theological question of the *veritas sacramenti* questions the fundamental truth of the relationship between *signum* and *significatum*. It asks the question, "Does this *protestatio fidei* (III pars, 75, 1 ad 3; 79, 1 ad 3; Suppl. 11, 1, c.) bring to expression a *reality*?" Does the sacrament, in other words, really express what it intends to bring to expression? Is Christ truly acting in and through this community? And the answer to this question depends on the faith with which one accepts the Pauline statement of the ultimate shape of the *mysterion*, "which is *Christ in you*, the hope of glory" (Col. 1:27). Vatican II has taken this principle quite seriously in its description of the meaning and power of the liturgy (SC nn.6-7).

⁸ LG 4, 14, 26. It is true that these excerpts are situated in a "structure" context, but they are enunciated and they are suggestive. The same principles are stated in SC nn.6 and 7. Cf. N. Lash, *op. cit.*, pp. 182-187.

⁹ D-Schön. 3115-3119. While it is true that the encyclical rejected the validity of Anglican orders in terms of these principles, important questions of fact remain to be investigated. Cf. J. J. Hughes, *op. cit.*, for the latest discussion of the historical controversy.

THE EUCHARIST

It is important to apply the principles just elaborated to the question of the truth of the Eucharist, this for a number of reasons, both historical and theological. Historically and theologically, the question of the "validity" of ministry in a given Church or in given individuals has centered on the "power to consecrate." Historically and theologically, the problem of the identity and truth of a given Church and its *ordo* has centered around the truth of the presence of Christ in its Eucharistic celebrations. The primitive problem with the docetists, the re-ordination and re-baptism controversies surrounding the donatist schisms, the replies to Berengar by Lanfranc and Alger of Liege, the controversies surrounding the problems of the simoniacs of the 8th to 13th cc., all of these have found their sharpest point of focus in the fear and doubts about the "validity" of the celebration of the Eucharist. And this is only right, for, from the little sacramentary of Mark cc. 6-8 to the statement of Vatican II, the central meaning and power of the Eucharist has been seen in terms of the unity of the Church. A very ancient tradition has expressed this unity in terms of the *koinonia*, the mutual acceptance by the churches of the authenticity of one another's christian life. As the papacy struggled for its ascendancy in the conflicts with the German emperors, however, the shape of *koinonia* changed from the mutual recognition and acceptance of local churches to the communion of churches everywhere with the See of Rome. From the first developments of the *tractatus de ecclesia* in connection with this struggle to the definition of papal primacy and infallibility in Vatican I, this image of the *communio* became more and more imperial in tone until the image of the Church in theology and discipline became the "pyramid" we all know so well. With the definition of the Church presented in Vatican II, however, it is possible once again to begin to define "church" in terms of its more immediate incarnation, the local Church, the community of persons who possess the fulness of the Spirit and whose life is patterned on the ethos of the gospel. And this consideration gives us an image of the mystery of the unity of the Church which is realized in a diversity of local forms, all sharing in the one and identical bond of the Spirit of God who makes them all into the Body of Christ. We arrive at a paradigm for the unity of the

Church, then, which is a unity-in-diversity rather than a unity-in-uniformity.¹⁰

Thus, in asking the question of the "truth" of the Eucharistic celebration, it seems more proper to ask the question not on the level of the juridical bonds between the See of Rome and any other see but on the level of the authenticity of the life of the local Church, the community of those who *in truth* are "baptized by one Spirit into the One Body." In this context, the Eucharist is to be seen as this community's celebration of its own identity and unity in Christ. It is the celebration of the mystery of Baptism lived and renewed day by day in the life of the community of believers. The question of the truth of this celebration, then, reduces to the question, "Is this community in Christ?" and "Is Christ in this community?" Are these persons baptized into the One Body in the one Spirit? Does this community accept the gospel as its basic charter and ethos?

I would submit at this point that, granted the truth of Baptism and granted the acceptance by the community of the gospel as the framework of its existence, the Eucharistic celebration is "*vera*," true. This community is celebrating and commemorating a basic *verum* in its own life.

This submission, of course, does not solve the problem of the division of the Churches in doctrine, theology, discipline or anything else. With respect to the Eucharist, the understanding of transsubstantiation, the sacrificial character of the Eucharist, the presence of Christ in the Eucharist still remain problems. But one might well ask whether these problems are as great as they seem. Is it not possible to define transsubstantiation in a broader context, the context of the totality of the Eucharist as sign-act? Can it not be said that the real presence of Christ in the celebration of the Eucharist is not restricted to the time between the moment of consecration to that of "theological corruption," but is a reality in the whole of the celebration of the Eucharist as Vatican II states (SC n.7)?¹¹ Might not, in other words, the "transsubstantiation" in the Eucharist be seen as the

¹⁰ Cf. SC nn.37-40 for one application of this principle of unity-in-diversity.

¹¹ For an interesting and fruitful discussion of this point cf. the study report of the Faith and Order Commission in *Study Encounter*, 4 (1968) (n.3) pp. 153-158.

transformation of the entire "substance" of the Eucharist: the totality of the *celebration* of the Eucharist, the community itself, liturgy of the word, anaphora, communion? Vatican II would seem to indicate this. And if this is true, might we not see the principle of this "transsubstantiation" to be not so much the power of the words of consecration, but the all-pervading presence of Christ, in whom the gospel is preached, the Last Supper is commemorated, the Body of the Lord is received? Might we not, in other words, root the truth of this broader "transsubstantiation" in the permanent mystery of Baptism realized day by day in the life of the community? Certainly this method of approaching the problem would seem more fruitful at this time than viewing the *Konsekrationsgewalt* as a baton passed from one relay racer to the next which, once dropped, puts a whole team out of the race for keeps.¹²

MINISTRY

Finally, in the light of what has been said concerning sacraments generally and the Eucharist in particular, the question of the "truth" of ministry can be asked in the same broad terms. Granted the "truth" of the eucharistic celebration of a given ecclesial community, constituted by the Spirit into the Body of Christ, it would seem apparent that the function of ministers in that Eucharist, in the proclamation of the gospel, in prayer in the name of Christ, and in the commemoration of the Lord's Supper, would be likewise, "true." The question to be asked, once again, is the question of the "truth" of the sacramentality of a given church. And the answer to the question of that "truth" is to be found in the "truth" of its Baptism. Does the Spirit baptize these persons into the one Body? Granted that this is true, the question may be asked, "Does the Spirit call this man to minister to that community?" Further, one must ask, "Does Christ serve His Body through this man?" In the light of what has gone before in the considerations of sacrament and of Eucharist, I would submit that the answer to both questions is "Yes." This man's ministry is a God-given ministry to Christ's Body. This man is called by the Spirit in and through the life of the Church to serve

¹² Cf. N. Lash, *op. cit.*, pp. 189-190.

that body in the name of Christ. Once again, it is a question of the sacramental "truth" of Baptism in the community which is the permanent principle of the presence and operation of God through Christ and in the Spirit within and by means of that community.

It could be (and has been) objected that the minister is not ordained to the sacrificial ministry of the priesthood, to the "power of consecrating and offering the true Body and Blood of the Lord" (D-Schön. 3316). This is a serious problem, involving the question of the verbalization of intention in sacramental action, in this case, in ordination. But two remarks may prove fruitful in the reconsideration of this question. The first has to do with the question of the "power to consecrate." We have already considered this in a broader context in our remarks on a broader possibility for understanding the reality of "transsubstantiation." The manual theologies have all too often, in their apologetic concern for the preservation of the idea of transsubstantiation, fostered a "magical" mentality in the sense that both, in preaching and in some theological reflection, the presence of Christ in the Eucharist is seen as the effect of transsubstantiation. And transsubstantiation itself is seen as the fruit of the "power of orders" conferred in ordination. And this power, in turn, is treated as a physical entity which is transmitted in an unbroken line from the apostles. Thus the idea of apostolic succession becomes critical for the ontological power to effect the presence of Christ by transsubstantiation. However, the statement of Vatican II puts the idea of transsubstantiation in a much broader and more fruitful context. Transsubstantiation is no longer a matter of the change of bread and wine into the body and blood of Christ. It is a matter of the transformation of the entire physical reality of the Eucharist, the community of the persons who celebrate, the nature of the Word proclaimed, the character of the commemoration. The entire action of the Eucharist is "transsubstantiated" so that "full public worship is performed by the Body of Jesus Christ, that is, by the Head and His members."¹³ This consideration does much to broaden the context of the idea of transsubstantiation, and to eliminate physicalism and the magical mentality from reflection on the Eucharist. It would seem

¹³ SC n.7.

to indicate that the "power of orders" must be considered in terms of the sacrament of Baptism, functioning truly in the Eucharistic community. It also serves to enlarge the context for the understanding of "concelebration," to the extent that "celebration" is seen to be the function of the entire community, not simply that of the "celebrant." It also raises the question of the viability of the idea of the "confection" of the Eucharist.

Second, it seems important to note that together with a broader interpretation of the "power of orders" as has just been noted, it is also possible and, it would seem necessary to enlarge the consideration of the specifically sacrificial character of ministry. The discussion which surrounds the current reconsiderations of the background and outcome of *Apostolicae curae et caritatis* has centered on the problem of the interpretation of priesthood in the English reformation. Whether or not the reformers specifically rejected the Christian idea of priesthood or not would seem to be an open question once again. However, it does seem that a deeper *rapprochement* is possible if we go behind various ceremonial forms of sacrifice and consider what the existential content of this action is in terms of the day-to-day life of the Christian. E. Schillebeeckx has approached this problem by defining worship in its existential content as a process by which a man lets God be God for him, by which a man, in the pattern of his living decisions makes God to be a historical *reality* in his life. Y. Congar has elaborated this same idea in a more specifically sacrificial context by treating sacrifice as any action which aims at or achieves a sharing of the life of God. It is in this sense that "priest" is a poor word to express ministry in the Church. In this sense the whole Christian Church is authentically priestly in worshipping God in Spirit and in truth, presenting their bodies as a living sacrifice, holy and acceptable to God (Rom 12:1). In this sense the whole life of the Church is seen to be sacrificial, and the life-function of the minister is a sacrificial priesthood in the very prosecution of his service of the gospel. Without this, sacrifice, in the narrow ceremonial sense, is a hollow sham. And in this sense, God says, "I desire steadfast love and not sacrifice, the knowledge of God rather than burnt offerings" (Hoseah 6:6, Mt 12:7).

Thus, when we approach the problems of Church, Eucharist and

ministry from the context of the local Church as the Incarnation of the Body of Christ in this time and place, we can see that there are greater possibilities for *rapprochement* than if one approaches the question from the highly structured ecclesiologies of the last three centuries. This consideration cannot pretend, of course, to solve, indeed, it has ignored the problem of the larger unity of the Church of Christ. And it is on that level of the larger unity of the Church that the question of *validity* is operative.

Declarations or demands for validity are statements of minimal ritual and theological requirements for the acceptance of a given sacramental action as the action of the Church. We have become accustomed to expecting these declarations as dictates for specific ritual formulations of intention, incarnate in at least a minimal symbolic action. We know, however, that the forms in which the meaning of a given sacramental meaning comes to expression have varied, and still vary considerably. Historically, it has simply been a question of declaring that a given sacramental action satisfies the Christ-given intention of this sacramental act. Thus declarations and demands for validity are legal prescriptions, internal or external, of the acceptability of sacramental action in the Roman or some other Christian communion. And, in the light of these and the preceding considerations, I would like to offer three conclusions which deal with declarations of validity.

1. Declarations of validity and invalidity are declarations of historical fact. Declarations of the validity or invalidity of ministry in the Church are, in other words, statements of the here-and-now acceptance or non-acceptance of the ministry of individuals or communities within the Church of Christ. It is true that these declarations usually contain a statement of theological principle which justify the declaration and a given theology does contribute to the legal conclusion. But theologies are subject to change.

2. Such declarations are not, of themselves, immutable. The point of this assertion is not so much the fact of the mutability of these declarations. Rather, this is asserted in terms of the possibilities for the acceptance of ministry in another Church. From what has been seen, it should be apparent that this is a question primarily of recognizing the authenticity of the ecclesial community itself, a thorny

enough problem. But given that acceptance, it would seem that the acceptance of ministry does not necessarily involve a re-ordination.¹⁴

3. Finally, the historical declarations of the validity or invalidity of orders leave the question of the possible modalities of the unity of the Church an open question.

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¹⁴ K. Duchatez has presented a discussion of the conversations between Anglicans and Orthodox on this point. He maintains, with the Orthodox theologians, that there are historical precedents which justify acceptance of orders by declaration alone, using the principle of the *oikonomia*. The Orthodox hierarchy, however, are reluctant to accept the principle and insist on a rather mechanical interpretation of *successio apostolica*. (*Tijdschrift voor Theologie* 8 (1968) 377-402). The ordination *sub conditione* of J. J. Hughes by the bishop of Münster is certainly a contradiction of the conclusion of *Apostolicae curae et caritatis*.