

On the Nullity of Anglican Orders

Apostolicae Curae

Promulgated September 18, 1896 by Pope Leo XIII

In Perpetual Remembrance

1. We have dedicated to the welfare of the noble English nation no small portion of the Apostolic care and charity by which, helped by His grace, we endeavor to fulfill the office and follow in the footsteps of "the Great Pastor of the sheep," Our Lord Jesus Christ. The letter which last year we sent to the English seeking the Kingdom of Christ in the unity of the faith is a special witness of our good will towards England. In it we recalled the memory of the ancient union of the people with Mother Church, and we strove to hasten the day of a happy reconciliation by stirring up men's hearts to offer diligent prayer to God. And, again, more recently, when it seemed good to Us to treat more fully the unity of the Church in a General Letter, England had not the last place in our mind, in the hope that our teaching might both strengthen Catholics and bring the saving light to those divided from us. It is pleasing to acknowledge the generous way in which our zeal and plainness of speech, inspired by no mere human motives, have met the approval of the English people, and this testifies not less to their courtesy than to the solicitude of many for their eternal salvation.

2. With the same mind and intention, we have now determined to turn our consideration to a matter of no less importance, which is closely connected with the same subject and with our desires.

3. For an opinion already prevalent, confirmed more than once by the action and constant practice of the Church, maintained that when in England, shortly after it was rent from the center of Christian Unity, a new rite for conferring Holy Orders was publicly introduced under Edward VI, the true Sacrament of Order as instituted by Christ lapsed, and with it the hierarchical succession. For some time, however, and in these last years especially, a controversy has sprung up as to whether the Sacred Orders conferred according to the Edwardine Ordinal possessed the nature and effect of a Sacrament, those in favor of the absolute validity, or of a doubtful validity, being not only certain Anglican writers, but some few Catholics, chiefly non-English. The consideration of the excellency of the Christian priesthood moved Anglican writers in this matter, desirous as they were that their own people should not lack the twofold power over the Body of Christ. Catholic writers were impelled by a wish to smooth the way for the return of Anglicans to holy unity. Both, indeed, thought that in view of studies brought up to the level of recent research, and of new documents rescued from oblivion, it was not inopportune to reexamine the question by our authority.

4. And we, not disregarding such desires and opinions, above all, obeying the dictates of apostolic charity, have considered that nothing should be left untried that might in any way tend to preserve souls from injury or procure their advantage. It has, therefore, pleased Us to graciously permit the cause to be reexamined, so that, through the extreme care taken in the new examination, all doubt, or even shadow of doubt, should be removed for the future.

5. To this end we commissioned a certain number of men noted for their learning and ability,

whose opinions in this matter were known to be divergent, to state the grounds of their judgment in writing. We then, having summoned them to our person, directed them to interchange writings, and further to investigate and discuss all that was necessary for a full knowledge of the matter. We were careful, also, that they should be able to reexamine all documents bearing on this question which were known to exist in the Vatican archives, to search for new ones, and even to have at their disposal all acts relating to this subject which are preserved by the Holy Office or, as it is called, the Supreme Council and to consider whatever had up to this time been adduced by learned men on both sides. We ordered them, when prepared in this way, to meet together in special sessions. These to the number of twelve were held under the presidency of one of the Cardinals of the Holy Roman Church, appointed by ourself, and all were invited to free discussion. Finally, we directed that the acts of these meetings, together with all other documents, should be submitted to our venerable brethren, the Cardinals of the same Council, so that when all had studied the whole subject, and discussed it in our presence, each might give his own opinion.

6. This order for discussing the matter having been determined upon, it was necessary, with a view to forming a true estimate of the real state of the question, to enter upon it, after careful inquiry as to how the matter stood in relation to the prescription and settled custom of the Apostolic See, the origin and force of which custom it was undoubtedly of great importance to determine.

7. For this reason, in the first place, the principal documents in which our predecessors, at the request of Queen Mary, exercised their special care for the reconciliation of the English Church were considered. Thus Julius III sent Cardinal Reginald Pole, an Englishman, and illustrious in many ways, to be his Legate *a latere* for the purpose, "as his angel of peace and love," and gave him extraordinary and unusual mandates or faculties and directions for his guidance. These Paul IV confirmed and explained.

8. And here, to interpret rightly the force of these documents, it is necessary to lay it down as a fundamental principle that they were certainly not intended to deal with an abstract state of things, but with a specific and concrete issue. For since the faculties given by these pontiffs to the Apostolic Legate had reference to England only, and to the state of religion therein, and since the rules of action were laid down by them at the request of the said Legate, they could not have been mere directions for determining the necessary conditions for the validity of ordinations in general. They must pertain directly to providing for Holy Orders in the said kingdom, as the recognized condition of the circumstances and times demanded. This, besides being clear from the nature and form of the said documents, is also obvious from the fact that it would have been altogether irrelevant thus to instruct the Legate one whose learning had been conspicuous in the Council of Trent as to the conditions necessary for the bestowal of the Sacrament of Order.

9. To all rightly estimating these matters it will not be difficult to understand why, in the Letters of Julius III, issued to the Apostolic Legate on 8 March 1554, there is a distinct mention, first of those who, "rightly and lawfully promoted," might be maintained in their orders: and then of others who, "not promoted to Holy Orders" might "be promoted if they were found to be worthy and fitting subjects". For it is clearly and definitely noted, as indeed was the case, that there were two classes of men; the first of those who had really received Holy Orders, either before the secession of Henry VIII, or, if after it, and by ministers infected by error and schism, still according to the accustomed Catholic rite; the second, those who were initiated according to the Edwardine Ordinal, who on that account could not be "promoted", since they had received an ordination which was null.

10. And that the mind of the Pope was this, and nothing else, is clearly confirmed by the letter of the said Legate (29 January 1555), sub-delegating his faculties to the Bishop of Norwich. Moreover, what the letters of Julius in themselves say about freely using the pontifical faculties, even on behalf of those who had received their consecration "irregularly (minus rite) and not according to the accustomed form of the Church," is to be especially noted. By this expression those only could be meant who had been consecrated according to the Edwardine rite, since besides it and the Catholic form there was then no other in England.

11. This becomes even still clearer when we consider the Legation which, on the advice of Cardinal Pole, the Sovereign Princes, Philip and Mary, sent to the Pope in Rome in the month of February, 1555. The Royal Ambassadors three men "most illustrious and endowed with every virtue," of whom one was Thomas Thirlby, Bishop of Ely were charged to inform the Pope more fully as to the religious condition of the country, and especially to beg that he would ratify and confirm what the Legate had been at pains to effect, and had succeeded in effecting, towards the reconciliation of the Kingdom with the Church. For this purpose, all the necessary written evidence and the pertinent parts of the new Ordinal were submitted to the Pope. The Legation having been splendidly received, and their evidence having been "diligently discussed," by several of the Cardinals, "after mature deliberation," Paul IV issued his Bull *Praeclara Charissimi* on June 20 of that same year. In this, whilst giving full force and approbation to what Pole had done, it is ordered in the matter of the Ordinations as follows:

Those who have been promoted to ecclesiastical Orders . . . by any one but a Bishop validly and lawfully ordained are bound to receive those Orders again.

12. But who those Bishops not "validly and lawfully ordained" were had been made sufficiently clear by the foregoing documents and the faculties used in the said matter by the Legate; those, namely, who have been promoted to the Episcopate, as others to other Orders, "not according to the accustomed form of the Church," or, as the Legate himself wrote to the Bishop of Norwich, "the form and intention of the Church," not having been observed. These were certainly those promoted according to the new form of rite, to the examination of which the Cardinals specially deputed had given their careful attention. Neither should the passage much to the point in the same Pontifical Letter be overlooked, where, together with others needing dispensation are enumerated those "who had obtained both Orders as well as benefices *nulliter et de facto*." For to obtain orders *nulliter* means the same as by act null and void, that is invalid, as the very meaning of the word and as common parlance require. This is specially clear when the word is used in the same way about Orders as about "ecclesiastical benefices". These, by the undoubted teaching of the sacred canons, were clearly null if given with any vitiating defect. 13 Moreover, when some doubted as to who, according to the mind of the pontiff, could be called and considered bishops "validly and lawfully ordained," the said Pope shortly after, on October 30, issued a further letter in the form of a brief and said:

"we, desiring to wholly remove such doubt, and to opportunely provide for the peace of conscience of those who during the aforementioned schism were promoted to Holy Orders, by clearly stating the meaning and intention which we had in our said letters, declare that it is only those bishops and archbishops who were not ordained and consecrated in the form of the Church that can not be said to be duly and rightly ordained..."

14. Unless this declaration had applied to the actual case in England, that is to say, to the Edwardine Ordinal, the Pope would certainly have done nothing by this last letter for the removal

of doubt and the restoration of peace of conscience. Further, it was in this sense that the Legate understood the documents and commands of the Apostolic See, and duly and conscientiously obeyed them; and the same was done by Queen Mary and the rest who helped to restore Catholicism to its former state.

15. The authority of Julius m, and of Paul IV, which we have quoted, clearly shows the origin of that practice which has been observed without interruption for more than three centuries, that Ordinations conferred according to the Edwardine rite should be considered null and void. This practice is fully proved by the numerous cases of absolute re-ordination according to the Catholic rite even in Rome.

16. In the observance of this practice we have a proof directly affecting the matter in hand. For if by any chance doubt should remain as to the true sense in which these pontifical documents are to be understood, the principle holds good that "Custom is the best interpreter of law." Since in the Church it has ever been a constant and established rule that it is sacrilegious to repeat the Sacrament of Order, it never could have come to pass that the Apostolic See should have silently acquiesced in and tolerated such a custom. But not only did the Apostolic See tolerate this practice, but approved and sanctioned it as often as any particular case arose which called for its judgment in the matter.

17. We adduce two cases of this kind out of many which have from time to time been submitted to the Supreme Council of the Holy Office. The first was (in 1684) of a certain French Calvinist, and the other (in 1704) of John Clement Gordon, both of whom had received their orders according to the Edwardine ritual.

18. In the first case, after a searching investigation, the Consultors, not a few in number, gave in writing their answers or as they call it, their *vota* and the rest unanimously agreed with their conclusion, "for the invalidity of the Ordination," and only on account of reasons of opportuneness did the Cardinals deem it well to answer with a *dilata* (viz., not to formulate the conclusion at the moment).

19. The same documents were called into use and considered again in the examination of the second case, and additional written statements of opinion were also obtained from Consultors, and the most eminent doctors of the Sorbonne and of Douai were likewise asked for their opinion. No safeguard which wisdom and prudence could suggest to ensure the thorough sifting of the question was neglected.

20. And here it is important to observe that, although Gordon himself, whose case it was, and some of the Consultors, had adduced amongst the reasons which went to prove the invalidity, the Ordination of Parker, according to their own ideas about it, in the delivery of the decision this reason was altogether set aside, as documents of incontestable authenticity prove. Nor, in pronouncing the decision, was weight given to any other reason than the "defect of form and intention"; and in order that the judgment concerning this form might be more certain and complete, precaution was taken that a copy of the Anglican Ordinal should be submitted to examination, and that with it should be collated the ordination forms gathered together from the various Eastern and Western rites. Then Clement XI himself, with the unanimous vote of the Cardinals concerned, on Thursday 17 April 1704, decreed:

"John Clement Gordon shall be ordained from the beginning and unconditionally to all the orders,

even Holy Orders, and chiefly of Priesthood, and in case he has not been confirmed, he shall first receive the Sacrament of Confirmation."

21. It is important to bear in mind that this judgment was in no wise determined by the omission of the tradition of instruments, for in such a case, according to the established custom, the direction would have been to repeat the ordination conditionally, and still more important is it to note that the judgment of the pontiff applies universally to all Anglican ordinations, because, although it refers to a particular case, it is not based upon any reason special to that case, but upon the defect of form, which defect equally affects all these ordinations, so much so, that when similar cases subsequently came up for decision, the same decree of Clement XI was quoted as the norm.

22. Hence it must be clear to everyone that the controversy lately revived had already been definitely settled by the Apostolic See, and that it is to the insufficient knowledge of these documents that we must, perhaps, attribute the fact that any Catholic writer should have considered it still an open question.

23. But, as we stated at the beginning, there is nothing we so deeply and ardently desire as to be of help to men of good will by showing them the greatest consideration and charity. Wherefore, we ordered that the Anglican Ordinal, which is the essential point of the whole matter, should be once more most carefully examined.

24. In the examination of any rite for the effecting and administering of Sacraments, distinction is rightly made between the part which is ceremonial and that which is essential, the latter being usually called the "matter and form". All know that the Sacraments of the New Law, as sensible and efficient signs of invisible grace, ought both to signify the grace which they effect, and effect the grace which they signify. Although the signification ought to be found in the whole essential rite, that is to say, in the "matter and form", it still pertains chiefly to the "form"; since the "matter" is the part which is not determined by itself, but which is determined by the "form". And this appears still more clearly in the Sacrament of Order, the "matter" of which, in so far as we have to consider it in this case, is the imposition of hands, which, indeed, by itself signifies nothing definite, and is equally used for several Orders and for Confirmation.

25. But the words which until recently were commonly held by Anglicans to constitute the proper form of priestly ordination namely, "Receive the Holy Ghost," certainly do not in the least definitely express the sacred Ordinal of Priesthood (*sacerdotium*) or its grace and power, which is chiefly the power "of consecrating and of offering the true Body and Blood of the Lord" (Council of Trent, Sess. XXIII, *de Sacr. Ord.* , Canon 1) in that sacrifice which is no "bare commemoration of the sacrifice offered on the Cross" (*Ibid*, Sess XXII., *de Sacrif. Missae*, Canon 3).

26. This form had, indeed, afterwards added to it the words "for the office and work of a priest," etc.; but this rather shows that the Anglicans themselves perceived that the first form was defective and inadequate. But even if this addition could give to the form its due signification, it was introduced too late, as a century had already elapsed since the adoption of the Edwardine Ordinal, for, as the Hierarchy had become extinct, there remained no power of ordaining.

27. In vain has help been recently sought for the plea of the validity of Anglican Orders from the other prayers of the same Ordinal. For, to put aside other reasons when show this to be

insufficient for the purpose in the Anglican life, let this argument suffice for all. From them has been deliberately removed whatever sets forth the dignity and office of the priesthood in the Catholic rite. That "form" consequently cannot be considered apt or sufficient for the Sacrament which omits what it ought essentially to signify.

28. The same holds good of episcopal consecration. For to the formula, "Receive the Holy Ghost", not only were the words "for the office and work of a bishop", etc. added at a later period, but even these, as we shall presently state, must be understood in a sense different to that which they bear in the Catholic rite. Nor is anything gained by quoting the prayer of the preface, "Almighty God", since it, in like manner, has been stripped of the words which denote the *summum sacerdotium* .

29. It is not relevant to examine here whether the episcopate be a completion of the priesthood, or an order distinct from it; or whether, when bestowed, as they say *per saltum* , on one who is not a priest, it has or has not its effect. But the episcopate undoubtedly, by the institution of Christ, most truly belongs to the Sacrament of Order and constitutes the *sacerdotium* in the highest degree, namely, that which by the teaching of the Holy Fathers and our liturgical customs is called the *Summum sacerdotium sacri ministerii summa* . So it comes to pass that, as the Sacrament of Order and the true *sacerdotium* of Christ were utterly eliminated from the Anglican rite, and hence the *sacerdotium* is in no wise conferred truly and validly in the episcopal consecration of the same rite, for the like reason, therefore, the episcopate can in no wise be truly and validly conferred by it, and this the more so because among the first duties of the episcopate is that of ordaining ministers for the Holy Eucharist and sacrifice.

30. For the full and accurate understanding of the Anglican Ordinal, besides what we have noted as to some of its parts, there is nothing more pertinent than to consider carefully the circumstances under which it was composed and publicly authorized. It would be tedious to enter into details, nor is it necessary to do so, as the history of that time is sufficiently eloquent as to the animus of the authors of the Ordinal against the Catholic Church; as to the abettors whom they associated with themselves from the heterodox sects; and as to the end they had in view. Being fully cognizant of the necessary connection between faith and worship, between "the law of believing and the law of praying", under a pretext of returning to the primitive form, they corrupted the Liturgical Order in many ways to suit the errors of the reformers. For this reason, in the whole Ordinal not only is there no clear mention of the sacrifice, of consecration, of the priesthood (*sacerdotium*), and of the power of consecrating and offering sacrifice but, as we have just stated, every trace of these things which had been in such prayers of the Catholic rite as they had not entirely rejected, was deliberately removed and struck out.

31. In this way, the native character or spirit as it is called of the Ordinal clearly manifests itself. Hence, if, vitiated in its origin, it was wholly insufficient to confer Orders, it was impossible that, in the course of time, it would become sufficient, since no change had taken place. In vain those who, from the time of Charles I, have attempted to hold some kind of sacrifice or of priesthood, have made additions to the Ordinal. In vain also has been the contention of that small section of the Anglican body formed in recent times that the said Ordinal can be understood and interpreted in a sound and orthodox sense. Such efforts, we affirm, have been, and are, made in vain, and for this reason, that any words in the Anglican Ordinal, as it now is, which lend themselves to ambiguity, cannot be taken in the same sense as they possess in the Catholic rite. For once a new rite has been initiated in which, as we have seen, the Sacrament of Order is adulterated or denied, and from which all idea of consecration and sacrifice has been rejected, the formula, "Receive the

Holy Ghost", no longer holds good, because the Spirit is infused into the soul with the grace of the Sacrament, and so the words "for the office and work of a priest or bishop", and the like no longer hold good, but remain as words without the reality which Christ instituted.

32. Many of the more shrewd Anglican interpreters of the Ordinal have perceived the force of this argument, and they openly urge it against those who take the Ordinal in a new sense, and vainly attach to the Orders conferred thereby a value and efficacy which they do not possess. By this same argument is refuted the contention of those who think that the prayer, "Almighty God, giver of all good Things", which is found at the beginning of the ritual action, might suffice as a legitimate "form" of Orders, even in the hypothesis that it might be held to be sufficient in a Catholic rite approved by the Church.

33. With this inherent defect of "form" is joined the defect of "intention" which is equally essential to the Sacrament. The Church does not judge about the mind and intention, in so far as it is something by its nature internal; but in so far as it is manifested externally she is bound to judge concerning it. A person who has correctly and seriously used the requisite matter and form to effect and confer a sacrament is presumed for that very reason to have intended to do (*intendisse*) what the Church does. On this principle rests the doctrine that a Sacrament is truly conferred by the ministry of one who is a heretic or unbaptized, provided the Catholic rite be employed. On the other hand, if the rite be changed, with the manifest intention of introducing another rite not approved by the Church and of rejecting what the Church does, and what, by the institution of Christ, belongs to the nature of the Sacrament, then it is clear that not only is the necessary intention wanting to the Sacrament, but that the intention is adverse to and destructive of the Sacrament.

34. All these matters have been long and carefully considered by ourselves and by our venerable brethren, the Judges of the Supreme Council, of whom it has pleased Us to call a special meeting upon the 16th day of July last, the solemnity of Our Lady of Mount Carmel. They with one accord agreed that the question laid before them had been already adjudicated upon with full knowledge of the Apostolic See, and that this renewed discussion and examination of the issues had only served to bring out more clearly the wisdom and accuracy with which that decision had been made. Nevertheless, we deemed it well to postpone a decision in order to afford time both to consider whether it would be fitting or expedient that we should make a fresh authoritative declaration upon the matter, and to humbly pray for a fuller measure of divine guidance.

35. Then, considering that this matter, although already decided, had been by certain persons for whatever reason recalled into discussion, and that thence it might follow that a pernicious error would be fostered in the minds of many who might suppose that they possessed the Sacrament and effects of Orders, where these are nowise to be found, it seemed good to Us in the Lord to pronounce our judgment.

36. Wherefore, strictly adhering, in this matter, to the decrees of the pontiffs, our predecessors, and confirming them most fully, and, as it were, renewing them by our authority, of our own initiative and certain knowledge, we pronounce and declare that ordinations carried out according to the Anglican rite have been, and are, absolutely null and utterly void.

37. It remains for Us to say that, even as we have entered upon the elucidation of this grave question in the name and in the love of the Great Shepherd, in the same we appeal to those who desire and seek with a sincere heart the possession of a hierarchy and of Holy Orders. 38. Perhaps

until now aiming at the greater perfection of Christian virtue, and searching more devoutly the divine Scriptures, and redoubling the fervor of their prayers, they have, nevertheless, hesitated in doubt and anxiety to follow the voice of Christ, which so long has interiorly admonished them. Now they see clearly whither He in His goodness invites them and wills them to come. In returning to His one only fold, they will obtain the blessings which they seek, and the consequent helps to salvation, of which He has made the Church the dispenser, and, as it were, the constant guardian and promoter of His redemption amongst the nations. Then, indeed, "They shall draw waters in joy from the fountains of the Savior", His wondrous Sacraments, whereby His faithful souls have their sins truly remitted, and are restored to the friendship of God, are nourished and strengthened by the heavenly Bread, and abound with the most powerful aids for their eternal salvation. May the God of peace, the God of all consolation, in His infinite tenderness, enrich and fill with all these blessings those who truly yearn for them.

39. We wish to direct our exhortation and our desires in a special way to those who are ministers of religion in their respective communities. They are men who from their very office take precedence in learning and authority, and who have at heart the glory of God and the salvation of souls. Let them be the first in joyfully submitting to the divine call and obey it, and furnish a glorious example to others. Assuredly, with an exceeding great joy, their Mother, the Church, will welcome them, and will cherish with all her love and care those whom the strength of their generous souls has, amidst many trials and difficulties, led back to her bosom. Nor could words express the recognition which this devoted courage will win for them from the assemblies of the brethren throughout the Catholic world, or what hope or confidence it will merit for them before Christ as their Judge, or what reward it will obtain from Him in the heavenly kingdom! And we, ourselves, in every lawful way, shall continue to promote their reconciliation with the Church in which individuals and masses, as we ardently desire, may find so much for their imitation. In the meantime, by the tender mercy of the Lord our God, we ask and beseech all to strive faithfully to follow in the path of divine grace and truth.

40. We decree that these letters and all things contained therein shall not be liable at any time to be impugned or objected to by reason of fault or any other defect whatsoever of subreption or obreption of our intention, but are and shall be always valid and in force and shall be inviolably observed both juridically and otherwise, by all of whatsoever degree and preeminence, declaring null and void anything which, in these matters, may happen to be contrariwise attempted, whether wittingly or unwittingly, by any person whatsoever, by whatsoever authority or pretext, all things to the contrary notwithstanding.

41. We will that there shall be given to copies of these letters, even printed, provided that they be signed by a notary and sealed by a person constituted in ecclesiastical dignity, the same credence that would be given to the expression of our will by the showing of these presents.

Given at Rome, at St. Peter's, in the year of the Incarnation of Our Lord, one thousand eight hundred and ninety-six, on the Ides of September, in the nineteenth year of our pontificate.

-- Leo PP. XIII