

## 34/87 Nature and Functions of the Three-fold Orders of Ministry

(A report from the Standing Committee incorporating reports from the Legal Committee and the Diocesan Doctrine Commission).

### Synod Resolution 34/87

1. The resolution reads as follows -

"Synod requests the Standing Committee of this Diocese to report to the next session of this Synod on the nature and function of the three-fold orders of ministry, giving special attention to –

- (a) whether and how deacons could 'celebrate' the Holy Communion and the desirability of the same;
- (b) whether and how only priests and bishops are eligible to be incumbents and the desirability of the same;
- (c) whether and if so why in anglicanism there is an 'indelibility of orders' and the desirability of the same."

### Referral to Legal Committee and Diocesan Doctrine Commission

2. As reported to the Synod in 1988 and 1989, the Legal Committee and the Doctrine Commission each worked on aspects of the questions in resolution 34/87. The Legal Committee reported in 1988 and the Doctrine Commission has now finished its work.

3. The Standing Committee has agreed that the edited reports of these two bodies be printed for the Synod as the Standing Committee's response to resolution 34/87. Those reports follow.

For and on behalf of the Standing Committee

W.G.S. GOTLEY  
*Diocesan Secretary*

14 August 1990

## Report of the Legal Committee

4. Passing to the matters which Synod wishes the Standing Committee to specially consider, the first question is whether and how deacons could celebrate Holy Communion and the desirability of doing the same.

5. Historically speaking, deacons have not celebrated the Holy Communion except perhaps in circumstances where economy dictated it.

6. The doctrine of economy in the Church is that exceptional circumstances may arise whereby it is in the interests of the Church militant to put aside the rules for the time being. This is to serve the greater need of preserving the Church. Thus, under the doctrine of economy, if there is an AIDS scare intinction may be permitted whilst otherwise illegal. If one is on a desert island without wine or bread, one might have Holy Communion with breadfruit and water. If one is in a prisoner of war camp without a priest, a deacon might celebrate the Holy Communion. It is necessary to mention this, but having done so, it should be put to one side as probably the exception which proves the rule.

7. We have been informed that in parts of Australia, deacons almost celebrate the Holy Communion. In the Diocese of Perth, it appears that there are persons who are honorary deacons who are in charge of a congregation. These persons repair to a central church where a priest has celebrated the elements, and then taken the celebrated elements back to their local church, read the service and distribute the consecrated elements. These persons have not actually consecrated the elements, but they are obviously the president at the Holy Communion service in their local parish churches.

8. It may be necessary to define what the word "celebrate" means. There appear to be two views. One view is that it is the person who says the prayer of consecration who celebrates at the Holy Communion. Another view is that it is the person who is the president of the service in the sense of being the person who is its chairman or controller. If the first view is correct, then there is no problem at all about an honorary deacon taking the whole of the service and not uttering the words of the prayer of consecration. (This divergence does not take account of matters arising from the rubrics of AAPB or BCP.) If the second view is correct, then some would think the deacon is erring in presiding at a liturgical service.

9. The problem with the first view as a matter of logic is that, provided that the members of the congregation can find a priest who can be wheeled out to say the words of consecration (irreverently called "the magic bits"), deacons or laity can take the whole service. This view attracts neither high churchmen nor low churchmen. The high churchmen consider it debases the sanctity of the sacrament, the low churchmen do not believe that the priest has any magical powers. The alternate view, however, is in fact contrary to the spirit of AAPB which permits non-priests to say a substantial part of the Second Order of Holy Communion with or without a priest being present.

10. There would be many who would think that a deacon should not celebrate the Holy Communion because deacons have never done so. There would be others who would rely on the fact that the functions of deacons have changed from age to age and would not be at all put out by them adopting the role of celebrant in the 20th Century. Really it is not so much a legal problem as what is the will of the Church. Although Section 3 of the 1961 Constitution requires the Church to preserve the offices of bishop, priest and deacon, history tends to show that there is nothing in that command to preserve the functions of each member of those orders as at 1955 or any other date.

11. The next question asked is whether only priests and bishops are eligible to be incumbents and the desirability of the same. Again there is a problem with the definition of the word "incumbent".

12. In England there is no problem at all about a layman being a rector. He then employs a clergyman to do the jobs that only a clergyman can do. Because the rector does this vicariously (i.e., by another), the person who actually does the work is called "the vicar". Prior to the Act 4 Henry IV Chapter 12 (1403), the parish structure might well have been that an order of monks had the rectorship and the parish was funded by tithes from the inhabitants, a quarter of which went to the bishop, a quarter to maintain the Church, a quarter for the poor and a quarter for the monks out of which quarter the vicar was paid a fixed stipend. Usually the vicar would have been one of the monks. After 1403, the vicar was to be a secular ecclesiastic not removable at the caprice of the monastery, be canonically instituted and inducted and be sufficiently endowed to the satisfaction of the bishop. The vicar was said to have the cure of souls and what was loosely called "parsons' freehold".

13. As to who may be a vicar, one has to go back to the Constitutions of Otho Title 10 of 1237. According to Ayliffe's Parergon of Anglican Canon Law 1726, p. 531, "By a legatine constitution in Lindwood (Otho Title 10) no one could be admitted to a vicarage, unless he was at the time of his admission in priest's orders, or (at least), in deacons to be ordained a priest at the next ordination; or unless upon resigning his other benefices, if he had any with cure of souls, he took an oath to live thereon, and to observe a constant corporal residence; and if he acted contrary hereunto, his institution was deemed null and void, and such vicarage was to be conferred on some other person, and not the same without another coming between .... Though Otho's Constitution obliges vicars to personal residence; yet it does not speak of ministrations; but John de Athon thereupon observes that this residence is not enjoined them on account of a constant attendance and service in administering the sacraments and doing other sacramentals only; but likewise on the score of maintaining hospitality; from personal residence implies a personal duty of administering the sacraments and performing other acts of divine worship in the Church. And hence 'tis it seems that a vicar cannot assume to himself another person for the administration of the sacraments and other sacramentals'."

14. Canon 39 of 1603 is headed "Cautions for Institution of Ministers into Benefices". The word "minister" is used in the Canons as meaning "priest" as opposed to "deacon", see e.g., Canon 32. It would seem implicit in Canon 39 that only priests can be instituted.

15. Clauses 18 and 20 of the Presentation and Exchange Ordinance 1933 require that a "clergyman" only can be appointed in charge of a parish. This ordinance does not apply to a provisional parish, a new housing district or the Cathedral.

16. The history of the Australian Church shows that for the main part only priests have become in charge of parishes, but –

- (a) immediately after the second world war in this Diocese there were certain deacons put in charge of provisional parishes, e.g., the Reverend Theo Hayman was put in charge of the Provisional District of East Willoughby when still a deacon;
- (b) there is the recent example of the Parish of Cooks River when a layman was effectively in charge of the parish; and
- (c) in Gippsland after the second world war there were deaconesses in charge of parishes.

17. These instances may, however, be able to be dealt with under the doctrine of economy.

18. The best answer to the question appears to be that at present the law of the Church requires only priests to be instituted into parishes, but that it would be competent for the Synod to repeal the Constitutions of Otho or any implication found from the Canons of 1603 and make other order.

19. The next question is whether, and if so why, there is indelibility of orders in the Anglican Church.
20. Until the Clerical Disabilities Act of 1870 in England, it was clear law that a person ordained priest could not at his own pleasure divest himself of his orders: *Barnes v Shore* (1846) 115 ER 1013. The Clerical Disabilities Act does not apply in New South Wales. Accordingly, again we have the situation where the current law is that there is indelibility of orders but that it is a case where fresh rules can be made for the 1980s and beyond.
21. As to the indelibility of orders principle, it must be remembered that English and Australian conditions are not the same. In England a priest in the established Church was an official of the State and was disqualified from holding any secular office. In Australia, this is not so.
22. In New South Wales the only effect of the doctrine of indelibility of orders is that a priest who has presumed secular duties may not be elected to the Synod as a lay representative. At present there is no barrier to such a person being elected to the parish council of the church where he worships or holding any other position, with some notable exceptions, e.g., a priest who had then qualified as a lawyer could not be appointed to the Appellate Tribunal. There would not appear to be any real mischief in the present position which would motivate a Synod to alter it.

For and on behalf of the Legal Committee

N.M. CAMERON  
Chairman

15 September 1988

## Report of the Diocesan Doctrine Commission

### General

23. The questions touch on matters of theology, church order and ecclesiastical law. The comments offered by the Doctrine Commission deal with the first categories only. However, the other aspects are not necessarily ignored in our comments.

### Some Observations from the New Testament

24. In the New Testament the people of God, the Church of God ( , assembly) is a unity (so, e.g., Ephesians 2:13-16; 4:4-6). All are the "laity" ( ), the people of God (so 1 Peter 2:9 f). There is no discrimination or distinction (Galatians 3:28): all are equal beneficiaries, co-heirs with Christ of the promises of God (Romans 8:14-17). Unity and equality are features of the N.T. Church.

25. These motives are underlined by various metaphors applied to the Church: so, e.g., the household or family of God (Eph. 2:19; 4:6); the body of Christ (Eph. 4:15f); the bride of Christ (Eph. 5:22-33). Not only is there unity and equality, but Christ himself is its origin and locus. The reality of the Church is not in its existing per se but in Christ (so, e.g., Eph. 1:22, 23).

26. Differences do exist within this unity: there is a diversity of ministries given by Christ through his Spirit to his church. Each member of the Church, with his/her ministry is given as a gift to the Church, for its growth and development into unity in Christ (so, e.g., Ephesians 4:7-16). The functions of these ministries also vary in significance; the church is founded on the ministries of the apostles and prophets (Eph. 2:20); Paul has unique ministry (Eph. 3.7 ff). In fact the declaratory ministries are essential: without evangelism the Church will not grow numerically; without pastoring and teaching the Church will not grow in maturity (Eph. 4:11-16; cp. 1 Cor. 3:5-15).

27. Despite the essential nature of these ministries, there is no "ranking" in terms of status. Kung notes that "the New Testament avoids using the 'current and obvious terms' which denote primacy", "rank", or "honour and dignity of office" in reference to Christian ministries (Hans Kung, *The Church*, Eng. transl. (New York: Sheed and Ward, 1976), p.389, quoted in James M. Barnett, *The Diaconate: A Full and Equal Order* (Seabury, New York, 1981), p.4).

28. None of the foregoing is to deny the place of leadership or authority; e.g., the apostles had the responsibilities of leadership; so also do elders (bishops): they are described as under-shepherds to whom the people (flock) of God are entrusted (so, e.g., Acts 20:28; 1 Peter 5:1-4). Paul also insisted on his authority as an apostle (so e.g., Romans 1:1-6; Corinthians 9:1 f).

29. With the development of the varieties of ministries in the N.T. several trends can be discerned. From the day of Pentecost onwards there are ministries which fulfil the command "... make disciples ...". In the first

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instance it is the apostles who do this (Paul could describe Peter as the apostle to the Jews, Gal. 2:7 f, and himself as the apostle to the Gentiles, Gal. 1:16; Rom. 1:1-5). Others also join them in this mission, including Stephen, Philip and those scattered from Jerusalem (Acts 8:4). These ministries are spirit inspired and itinerant: yet the whole Church in one way or another seems to be involved.

30. With the establishment of churches (local congregations), Paul, for example, sought to ensure the necessary ministries functioned: e.g., elders (used interchangeably with bishops, at least in Titus 1:5 and 7, though some have argued bishops could be elders but not necessarily vice versa). These ministries were settled and seem to have their main emphasis in declaring the word of God and defending true doctrine (so, e.g., 1 Tim. 3:1-7).

31. Alongside the declaratory ministries, ministries of service were soon established. "The Seven" in Acts 6 are not described as deacons in Acts or in the rest of the N.T., they are often regarded as a model for diaconal ministry (e.g., Irenaeus, c. 185). Stephen and Philip at least, seemed to take a leading part in the declaratory ministry. Beyond the Acts references, Phil. 1:1 and 1 Tim. 3:8 there is little light shed on the nature of the diaconal ministry.

32. On the matter of leadership at the Lord's Supper, Paul does not express any thoughts; though he is concerned about the matter of order and some sort of form in 1 Cor. 10 and 11.

33. We note from this brief survey that there is an equality of the people of God. There are those who exercise a leadership responsibility; this is especially connected with the teaching of God's Word. Nevertheless there is an absence of hierarchical status and rank amongst the people of God.

#### **Some Observations from History in resolution 34/87**

34. In the history of the Church these features tend to lose their distinctiveness. For example, it is difficult to set out a definitive pattern of the development of these ministries in the immediate post-N.T. age: there the situation quickly becomes quite complex. Because of this and because of space here we would prefer not to comment in more detail.

#### **Comments on the Questions**

35. *Question (a)* - From a scriptural viewpoint there is no indication given as to who may or who may not "celebrate" or preside at the Holy Communion. In the New Testament there is "eldership": but there is no mediatorial priesthood outside that of Jesus Christ. (We do note that early christian traditions suggest that the presbyter or bishop was the accepted president at the Holy Communion.) The desirability of deacons celebrating the Holy Communion is a matter of ecclesiastical opinion and judgement and the Doctrine Commission offers no unanimous comment on this first question.

36. *Question (b)* - This is not primarily a doctrinal or theological matter. Incumbency is a matter of church order. (However we do note that "elders" were given the responsibility of settled leadership in the N.T. churches.)

37. *Question (c)* - We would begin by commenting that "Anglicanism" as such contains many diverse strands and a definitive answer to this question may not be able to be given. Further, the question needs to be looked at both from the point of view of theology and also of church order. Any understanding of orders requires an answer to the prior question, namely the nature of ordination. Insofar as ordination is regarded as an ecclesiastical rite, there seems to be no reason why the canonical procedures which establish ordination could not, by the same procedures, institute a process whereby the obligations, responsibilities and privileges conferred by Ordination might not be revoked or withdrawn. The question carries over into the areas of church law on which we do not comment.

For and on behalf of the Diocesan Doctrine Commission

E.D. CAMERON  
*Chairman*

26 July 1990

**Note:** This report was received by the Synod of the Diocese of Sydney in 1990.