

EPISCOPAL LINEAGE: A THEOLOGICAL REFLECTION ON *BLAKE v ASSOCIATED NEWSPAPERS LTD*

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Just outside the south door of the pretty (and once country) church of South Mimms lie the mortal remains of a certain Arnold Harris Mathew.¹ Mathew's ecclesiastical (and aristocratic) aspiration is duly recorded on his tombstone:

Of your charity, pray for the good estate of
Arnold Harris Mathew, DD
Archbishop of the Old Catholic Church
and de jure Earl of Landaff [*sic*] of Thomastown, Co. Tipperary
who entered into rest 20th December, 1919
'Behold a great priest who in his day pleased God and was just'.

Mathew's varied ecclesiastical progress presents a fascinating case study of an episcopate detached from a main-stream Christian community and alerts us to the danger of solely considering 'episcopal lineage' as the litmus test for apostolicity. Mathew was born in France in 1852 and baptised a Roman Catholic; due to his mother's scruples he was soon re-baptised in the Anglican Church. He studied for the ministry in the Episcopal Church of Scotland, but sought baptism again in the Church of Rome, into which he was ordained as a priest in Glasgow in 1877. He became a Dominican in 1878, but only persevered a year, moving around a number of Catholic dioceses: Newcastle, Plymouth, Nottingham and Clifton. Here he came across immorality, and became a Unitarian. He next turned to the Church of England and the Diocese of London, but was soon in trouble for officiating without a licence. In 1890 he put forward his claim to Garter King of Arms for the title of 4th Earl of Llandaff of Thomastown, Co. Tipperary. He renounced the Church of England in 1899 because of vice. After founding a zoo in Brighton, which went bankrupt, he appeared in court in connection with a charge of embezzlement. He then became a Roman Catholic again, now as a layman.

It was in 1908 that he was episcopally consecrated in St Gertrude's Cathedral, Utrecht, by the bishops of the Old Catholic Church of the Netherlands, who were led to expect massive support for an Old Catholic Church in England from former Anglicans and Roman Catholics. The Archbishop of Canterbury deprecated such intrusion, a sentiment

¹ For a full account of Mathew's history see Peter F Anson, *Bishops at Large: Some autocephalous Churches of the past Hundred Years and their Founders* (Faber & Faber, London, 1964).

endorsed by the Lambeth Conferences of 1908 and 1920. When the Dutch Old Catholics realised they had been duped by Mathew they formally disowned him, stating that his consecration had been under false pretences and therefore null and void. Mathew turned to the Orthodox Patriarch of Antioch, who recognised Mathew until the Bishop of London laid the facts before him. The Patriarch promptly excommunicated him. In 1913 he was condemned by Pope Pius X in a Bull which included the words '*nefari crimini*'. The *Times* not unreasonably rendered this as 'wicked crime'; Mathew unsuccessfully took the *Times* to the King's Bench for defamation.

Meanwhile Mathew had established a cathedral in Islington and had proceeded to consecrate bishops for Durham, Hereford, Norwich and Winchester. At the consecration of the Bishop of St Pancras he was assisted by the Theosophical Society. It is thought that he consecrated at least eight bishops in all, none of whom remained in Mathew's little church and all of whom founded churches of their own. Thus the English Old Catholic movement took on a life of its own with no relation whatsoever to the historical Old Catholic Church of Utrecht and the later Old Catholic Union of Utrecht in Continental Europe, which came into communion with the Church of England in 1931 through the Bonn Agreement. Mathew subsequently became a Roman Catholic layman for a while but then sought reconciliation with Canterbury. The Archbishop of Canterbury was less than enthusiastic. Mathew ended his ecclesiastical peregrinations by attending the aforesaid parish church of South Mimms, from where he was buried according to the rites of the *Book of Common Prayer*. Archbishop Mathew bequeathed a prodigal episcopal succession which continued to multiply into a number of distinct, often fissiparous, and sometimes litigious ecclesial bodies, all claiming to be an authentic part of the one holy, catholic and apostolic Church.

In *Blake v Associated Newspapers Ltd* before the Honourable Mr Justice Gray in the Queen's Bench Division (judgment given 31 July 2003, and noted elsewhere in this Issue) the Rt Revd Jonathan Blake claimed that the *Daily Mail* had published two defamatory articles (criticising Blake's televised blessing of a homosexual union) to the effect that he was not a validly consecrated bishop and that he set out to deceive the public by masquerading as a bishop. Jonathan Blake, who relinquished Anglican priestly orders in 1994, was ordained in 2000 as priest and bishop in The Province for Open Episcopal Ministry (POEM) by Richard Palmer (co-founder of POEM with Blake as well as its precursor the Society for Independent Christian Ministry). Palmer was a former bishop of the Liberal Catholic Church, and that body derives its episcopal lineage from Arnold Harris Mathew.

The court heard expert witnesses on both sides, Chancellor Mark Hill for Associated Newspapers Ltd, and the Revd Dr Kenneth Leech for Jonathan Blake. The claimant offered detailed evidence of his service of episcopal ordination in POEM and argumentation in favour of the valid-

ity of his consecration. The defence argued, *inter alia*, that the claimant purported to be a bishop 'in circumstances where he has created himself, or caused himself to be created a bishop of an organisation created by him, and of a diocese created by him'. The court focused on whether the matter was justiciable, the defence asking for a stay. In his judgment Gray J particularly noted a measure of agreement between the two parties on whether the court could or should adjudicate a claim to validity as a bishop. Jonathan Blake himself argued 'that there is no forum or expert anywhere world-wide that can make an objective *doctrinal* determination as to who is or who is not a validly consecrated bishop'. Chancellor Hill agreed with that proposition, noted the judge, adding that 'it would involve a detailed and painstaking examination of questions of doctrine, theology and ecclesiology combining an assessment of history and a full understanding of contemporary and emergent theology and ecumenism'. He also noted that Dr Leech concurred with this. In conclusion Gray J judged that there were indeed numerous questions raised which were not justiciable. After exploring other possibilities he believed there was no alternative but to stay the action.

As I read the judgment—and the expert witness statements—it seems clear that both sides agreed that the matter was doctrinal as well as historical, and that this was the substantive reason for the court's very proper reticence to come to a determination.² It is not my intention in this article to comment on the legal aspects of this case or to re-open its particular issues. I want rather to reflect on its principal doctrinal and theological implications. I began with Archbishop Mathew and I will return to him as a case study. About his sincerity there is little doubt; about his stability there must be questions.

What were the bishops of the Lambeth Conference doing in 1920 when they refused to recognise Mathew? Similarly, what were the Old Catholic bishops of the Netherlands doing when they denounced his consecration, and what was Pope Pius X doing when he condemned Mathew in 1913? They were precisely making doctrinal and theological judgments in addition to a purely historical or legal analysis of Mathew's technically correct ordination to the episcopate in Utrecht in 1908. The 1920 Lambeth Conference Resolution 27 makes the matter clear:

We regret that on a review of all the facts we are unable to regard the so-called Old Catholic Church in Great Britain (under the late Bishop Mathew and his successors), and its extensions overseas, as a properly constituted Church, or to recognize the orders of its ministers, and we recommend that, in the event of any of its ministers desiring to join our communion, who are in other respects duly qualified, they should be ordained *sub conditione* . . .

² See M Hill, 'Judicial Approaches to Religious Disputes' in O'Dair and Lewis (eds), *Law and Religion: Current Legal Issues 4* (Oxford, 2001), 409–420, which was cited by Gray J in his judgment.

The significant doctrinal point here is that although Mathew's consecration to the episcopate was acknowledged (in the previous resolution), this did not imply that his 'so-called Old Catholic Church' was 'a properly constituted Church' or that Anglicans could 'recognize the orders of its ministers'. The order is significant: Church before ministry. If you can't recognise a Church you can't recognise its ministry independently. The Old Catholic and Papal condemnations similarly imply an ecclesiological priority over ministry. And ecclesiology is not a matter of a sort of episcopal *Debrett's Peerage*.

The debate as to whether sacramental ministry outside the Church has any validity has a long history. St Cyprian of Carthage and the North African bishops of the mid-third century were adamant over against Pope Stephen of Rome that no-one outside the Church could administer the sacraments. The Eastern Orthodox Church has tended to follow Cyprian to this day. St Augustine, a century later, took a different line by recognising the sacraments, including orders, conferred by the schismatic Donatist Church. To this end he developed a distinction between validity and efficacy: a 'valid' ordination outside the Church has no effect until the recipient is brought into communion with the catholic Church. Sacraments can thus be technically valid but irregular and even unfruitful. Though this became the predominant understanding in classical Western theology, the distinction can lead to a distorted *reductio ad absurdum* whereby technical episcopal succession becomes more important than the apostolic faith of the Church. Michael Ramsay criticised such a view in *The Gospel and the Catholic Church*. More recently, the Orthodox ecumenist John (Zizioulas) of Pergamon has criticised a Western and Anglican over-reliance on historical episcopal succession. Apostolic succession is more the gift of the Spirit in answer to the prayer of the Church than a matter of mere tactile continuity.

In 1994 the House of Bishops of the Church of England issued *Apostolicity and Succession*, in which 'apostolic succession in its fullest sense is (seen as) a succession of the whole community', and also as 'a succession of local churches'. It is within 'this ecclesiological context' that the episcopate is seen as a central point of the apostolic succession. The bishops' statement continues:

It cannot be overemphasized that this does not mean that the visible succession of ordinations is the only factor to be considered. In the course of history the Church has had groups of bishops and individual bishops whose juridical succession could hardly be faulted. Yet they have not been reckoned to share in the apostolic succession because they have not been seen to share in the tradition of Catholic teaching and the universal communion of the local churches. Teaching and communion are not less significant than the visible manifestation by which legitimization is put beyond controversy (para 59).

Similarly, the *Porvoo Common Statement* accepted by the Church of England as the basis for closer communion with the Nordic and Baltic

Churches (where episcopal succession has had a varied history) says:

The ultimate ground of the fidelity of the Church, in continuity with the apostles, is the promise of the Lord and the presence of the Holy Spirit at work in the whole Church. The continuity of the ministry of oversight is to be understood within the continuity of the apostolic life and mission of the whole Church. Apostolic succession to the episcopal office is a visible and personal way of focusing the apostolicity of the whole Church (para 46).

Moreover, in recently accepting the Covenant with the Methodist Church and in accepting the earlier agreements with the German Evangelical Church and the French Reformed and Lutheran Churches, the Church of England has recognised that the Church of Christ can be acknowledged in the context of commitment to full, visible unity in churches which do not yet have the historic episcopate (though possessing other continuities of oversight).

In short, questions of technical succession or a bishop's lineage are not where we start from today when coming to recognise or not recognise a claim to be an authentic part of the one holy, catholic and apostolic Church; nor a bishop's ministry within such a part of the Church catholic. In avoiding adjudication on such doctrinal, theological and ecumenical matters Mr Justice Gray was surely embodying the courts' consistent and exemplary reluctance to regulate religious and doctrinal matters beyond their competence.