

LEGAL ADVISORY COMMISSION OF THE GENERAL SYNOD

Ordinands: Requirement of Confirmation

1. The question has been asked of the Legal Advisory Commission whether the requirement of Canon C 4, paragraph 1, that a candidate for ordination must have been confirmed is met in the case of a candidate who –
 - (i) has received confirmation in the Roman Catholic Church where the minister of that confirmation was a priest and not a bishop, that is, presbyteral confirmation; and/or
 - (ii) has received chrismation in one of the Orthodox Churches.

Canon C4, paragraph 1, states:

Every bishop shall take care that he admit no person into holy orders but such as he knows either by himself, or by sufficient testimony, to have been baptized and confirmed, to be sufficiently instructed in Holy Scripture and in the doctrine, discipline, and worship of the Church of England, and to be of virtuous conversation and good repute and such as to be a wholesome example and pattern to the flock of Christ.

2. The question asked of the Commission necessarily raises the meaning of ‘confirmation’ in the Canons of the Church of England and for this reason it is necessary to consider the provision of Canon B 27, paragraph 1. This Canon is headed ‘Of Confirmation’ and states:

The bishop of every diocese shall himself minister (or cause to be ministered by some other bishop lawfully deputed in his stead) the rite of confirmation throughout his diocese as often and in as many places as shall be convenient, laying his hands upon children and other persons who have been baptized and instructed in the Christian faith.

It is clear that this Canon requires a confirmation in which a bishop himself lays hands upon the candidate and, indeed, this reflects the requirements both of *The Order of Confirmation in the Book of Common Prayer* (‘... the Bishop ... shall lay his hand upon the head of every one severally ...’) and *Common Worship: Baptism and Confirmation within a Celebration of holy Communion* (‘He then lays his hand on the head of each [candidate] ...’).

3. However, under Canon B 43, paragraph 2(b)(iii), a bishop who in certain circumstances receives an invitation to take part in a service of confirmation in conjunction with another denomination may ‘notwithstanding any provision of any Canon ... in the course of that service perform any duty assigned to him’. It is therefore clear from Canon B 43 that services of ‘confirmation’ conducted in a Church to which the Canon applies (which include the Roman Catholic Church in the England and Wales, the Archdiocese of Thyateira and Great Britain and the Russian Patriarchal Church of Great Britain being the Orthodox Diocese of Sourozh operating within the provinces of Canterbury and York¹) are recognised as actual confirmation whether or not all the requisites of Canon B 27 are fulfilled. In addition, under Canon B 44, paragraph 4(i)(e) a bishop who has given his agreement to participation in a local ecumenical project may after consultation –

¹ See *The Canons of the Church of England* (Church House Publishing, 6th ed, 2000) at 203.

make provision for the holding in that area of joint services with any other participating Church, including services of ... confirmation.

4. The *Ecumenical Relations, Canons B 43 and B 44: Code of Practice*² sets out guidelines for such joint confirmations. Having set out that for the Church of England the minister of confirmation is 'the bishop of the diocese or some other bishop authorised by him', these guidelines state *inter alia*:

Confirmation is properly administered in a locality by a commissioned representative of the wider Church. For the Church of England this must be the bishop of the diocese or some other bishop authorised by him. As Joint Confirmations are seen as admitting people to fellowship with the other participating Churches it is confusing, and therefore undesirable, for a local Church of England priest whose ministry is officially recognised by another Church to be that Church's officiating minister of confirmation; such a practice would in any case be contrary to Canon B 43 paragraph 3(a).³

The *Code of Practice* then goes on to remind its readers that when the House of Bishops first agreed to permit joint confirmation the appropriate minute read:

[J]oint services of Confirmation may be held, provided that the rite at least includes a form of Confirmation authorised by the Church of England and that the parish priest is satisfied that all candidates have been adequately prepared.⁴

Having set out three broad 'schools of thought' in the Church of England on the relation of baptism to confirmation, it then continues:

Many would not wish to polarise these views and sections 23-26 of the ASB Baptism and Confirmation Service were carefully drawn up to hold them together. Partly for this reason they have normally been used in joint services of confirmation. It is probably wise to continue this practice although a bishop might use other rites if he were satisfied that they were compatible with Church of England doctrine and practice.⁵

² Original 1989 Edition with updates and amendments from the 1997 Supplement.

³ *Code of Practice* at paragraph 112. Canon B 43, paragraph 3(a) states that a priest or deacon of the Church of England ('notwithstanding any provision of any Canon') who is invited to take part in a service (including a service of confirmation: see Canon B 43, para2(b)(iii)) may perform any duty assigned to him if 'the duty assigned to him is or is similar to a duty which he is authorized to perform in the Church of England'. Although the Canon does not strictly apply to services **within local ecumenical projects** the view expressed in the Code nonetheless reflects the general ecclesiastical law. What is more, Canon B 44 does not have any similar saving in relation to 'any provision of any Canon'.

⁴ *Code of Practice* at paragraph 113(a).

⁵ *Code of Practice* at paragraph 113(b). The ASB service is now replaced by the service of Holy Baptism and Confirmation published in *Common Worship: Christian Initiation*: see **the Approved and Commended forms of service listed in The Canons of the Church of England** at 187. The *Code of Practice* at paragraph 113(b) suggests that it may be appropriate if at a joint confirmation the anointing of the candidate is by 'the bishop or the minister of another church'.

Nevertheless it is again clear that a joint service of confirmation, even if the rite from *Common Worship* is not used, is regarded as ‘confirmation’⁶.

5. The question upon which the Commission is asked to advise arises from the fact that in the Roman Catholic Church a candidate for ordination may have received confirmation where the minister is a priest and not a bishop (that is, presbyteral confirmation)⁷. There is a related question arising from the fact that confirmation as such does not exist as a separate rite of initiation in the Orthodox Churches although candidates receive chrismation at the time of their baptism. It is therefore also necessary to refer to Canon B 28. This states:

1. Any person desiring to be received into the Church of England, who has not been baptized or the validity of whose baptism can be held in question, shall be instructed and baptized or conditionally baptized, and such baptism, or conditional baptism, shall constitute the said person’s reception into the Church of England.
2. If any such person has been baptized but not episcopally confirmed and desires to be formally admitted into the Church of England he shall, after appropriate instruction, be received by the rite of confirmation, or, if he be not yet ready to be presented for confirmation, he shall be received by the parish priest with appropriate prayers.
3. If any such person has been episcopally confirmed with unction or with the laying on of hands he shall be instructed, and, with the permission of the bishop, received into the Church of England according to the Form of Reception approved by the General Synod, or with other appropriate prayers, and if any such person be a priest he shall be received into the said Church only by the bishop of the diocese or by the commissary of such bishop.

This is the only Canon that speaks specifically of ‘episcopal confirmation’. Such confirmation is (at least partially) outlined by paragraph 3, namely, ‘with unction or with the laying on of hands’. Therefore for the purposes of the Canons the rite of confirmation as administered by a Church other than the Church of England does not necessarily require the laying on of hands and may (at least) be by way of unction.

6. *Prima facie* a word used in one Canon should be interpreted in the same way as in other Canons. Therefore, in the light of the ecumenical Canons (but putting aside the wording of Canon B 28) the word ‘confirmation’ in Canon C 4 would embrace confirmation administered in another Church to which that Canon applies⁸. These Churches include those following the practices both of the Roman Catholic Church and the Orthodox Churches⁹.

7. According to Canon 882 of the *Code of Canon Law* of the Roman Catholic Church _

⁶ It may be noted that there is no provision in relation to confirmation similar to that in relation to the ‘non-celebration’ of Holy Communion ‘according to the use of the Church of England’ notwithstanding that an authorised form of service is used: see Canon B 44, paragraph 4(3).

⁷ Behrens *Confirmation Sacrament of Grace* (Gracewing) at 91, note 249, suggests that the acceptance into the Church of England of such a person without confirmation is ‘uncanonical’, although what the word ‘uncanonical’ means in this context is perhaps ambiguous.

⁸ See footnote 1 above.

⁹ See paragraph 3 above.

The ordinary minister of confirmation is the bishop; a presbyter who has this faculty by virtue of either the universal law or a special concession of competent authority also confers this sacrament validly.

The administration of confirmation is specified by Canon 880 of the *Code of Canon Law* which states:

The sacrament of confirmation is conferred through anointing with chrism ... The chrism must be consecrated by a bishop, even if the sacrament is administered by a presbyter.

Moreover, as the *Commentary* on the Code commissioned by the Canon Law Society of America¹⁰ makes clear, the bishop is ‘the primary minister of confirmation as indeed he is of all the sacraments of Christian initiation’.

8. As has already been noted, the Orthodox Church has no formal rite called ‘confirmation’. The rite of chrismation is nonetheless also referred to as confirmation:

The sacrament of chrismation, also called confirmation, is always done in the Orthodox Church together with baptism. Just as Easter has no meaning without Pentecost, so baptism has no meaning for the Christian without chrismation. In this understanding and practice, the Orthodox Church differs from the Roman Catholic and Protestant churches where the two sacraments are often separated and given other interpretations than those found in traditional Orthodoxy.... It is the Eastern equivalent of confirmation in the West.¹¹

Furthermore, *The Oxford Dictionary of the Christian Church*¹² states:

In the E[ast] the primitive custom of conferring ‘Confirmation’ in immediate relation to Baptism was retained. This was achieved by confining the bishop’s part to the consecration of the oil used for the anointing. This was then conveyed to the parish priest, who performed the actual rite of Confirmation as occasion required.

Indeed this view of chrismation was accepted by Vatican II:

Regarding the minister of confirmation the practice existing in the Eastern Churches from the most ancient times is to be fully restored. Priests, therefore, using chrism blessed by a patriarch or a bishop are empowered to confer this sacrament.¹³

9. As has been noted Canon B 28 speaks of a person seeking reception into the Church of England who may not be ‘episcopally confirmed’. Although the word ‘episcopally’ might seem at first sight to suggest that the confirmation must be directly performed by a bishop, it does not necessarily have that meaning. The legal interpretation of the Canons requires a purposive approach and that approach embraces the requirements of ecumenism as Canons B 43 and 44 indirectly emphasise. For this reason episcopal confirmation for the purposes of Canon C 4 should be interpreted so as to include confirmation under the authority of a bishop and, particularly, with a chrism consecrated or blessed by a bishop or patriarch.

¹⁰ Ed Coriden, Green and Heintschel (Geoffrey Chapman).

¹¹ See the Orthodox Church in America website, **Chrismation**, at www.oca.org (accessed on the 6th February 2009).

¹² 3rd ed. (Oxford, 1997) at 396. See also *The Dictionary of Liturgy and Worship* (SCM Press, 1972) at 47.

¹³ Quoted in *The Code of Canon Law – A Text and Commentary* at 635-635.

Therefore the answer to the question raised with the Commission is in the affirmative. Nevertheless such a person should first receive appropriate instruction and be received into the Church of England in accordance with Canon B 28, paragraph 3, before being ordained within the Church of England.

10. In addition, it is the view of the Commission that chrismation is similarly a form of confirmation for the purposes of both Canon C4 and Canons B 43 and 44.
11. This interpretation also accords both with the original draft of Canon B 28 approved by both Convocations and the understanding of the meaning of the present Canon as explained to the Convocations by Canon E. W. Kemp (as he then was)¹⁴. It also accords with the understanding of Canon B 28 put forward by the Council for Christian Unity Faith and Order Advisory Group and which, it is understood, has been followed in many dioceses for a number of years¹⁵.

SUMMARY

Presbyteral confirmation in the Roman Catholic Church and chrismation within the Orthodox Churches are both forms of episcopal confirmation within the meaning of Canon B 28, paragraph 3. They are therefore also forms of confirmation within the Canon 4, paragraph 1. A person seeking ordination in the Church of England who has been baptised and confirmed in either of these Churches should first receive appropriate instruction and be received into the Church of England in accordance with Canon B 28, paragraph 3.

¹⁴ See the paper LAC (08) 8B by the Bishop of Guildford.

¹⁵ See *ibid* and LAC (08) 8A.