

CANON 294

ECCLESIASTICAL CIRCUMSCRIPTIONS AND THEIR RELATIONSHIP WITH THE DIOCESAN BISHOP

What is the relationship of the faithful in personal ecclesiastical circumscriptions to the local diocesan bishop?

OPINION

The Apostolic See, in the *Annual General Statistical Questionnaire*, asks diocesan bishops the number of priests in the ecclesiastical circumscription of the diocese, their country of origin and whether they are diocesan or religious. The fact that the diocesan bishop is answering these questions indicates the close relationship between himself and any personal Ecclesiastical Circumscription.

Canons 215 and 216 of the 1917 Code required that ecclesiastical circumscriptions be territorial within a diocese and an apostolic indult was needed, for example, to establish personal parishes for an ethnic group of the faithful.

After World War II, Pope Pius XII provided for the pastoral care of refugees and migrants in his apostolic constitution *Exsul Familia* in 1952. Chaplains for migrants were granted special faculties to facilitate pastoral care without receiving the power of jurisdiction or governance.

The Second Vatican Council admitted personal criteria in ecclesiastical organisation. The decree *Christus Dominus* 11 held that the essential element of a particular Church is personal, being a “portion of the people of God”. Personal factors are crucial to determine the communitarian aspect of the makeup of a community.

After Vatican II, the Code of Canon Law needed revision. The Synod of Bishops in 1967 approved the principles to guide the revision of the code. The eighth principle stated: “The principle of territoriality in the exercise of ecclesiastical government is to be revised somewhat, for contemporary apostolic factors seem to recommend personal jurisdictional units. Therefore, the new code is to affirm the following principle: generally speaking the portion of the people of God to be governed are to be determined territorially; however, if it is advantageous, other factors can be admitted as criteria for determining a community of the faithful, at least along with territoriality.”

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Territorial prelatures are particular churches (canon 368). The Tokelau Islands near Samoa constitute a personal prelate governed by a prelate who is a monsignor. There are not enough faithful and financial resources in the Tokelau Islands to establish a diocese at present.

Personal prelatures, as outlined by *Presbyterorum Ordinis* 10, are regulated by canons 294-297. A prelate is governed by a prelate and is personal because personal characteristics determine who are members. Eduardo Baura concludes “personal prelatures are personal circumscriptions which are added to dioceses in order to attend to peculiar pastoral needs of the faithful belonging to different dioceses, governed by a prelate as its proper Ordinary, who is helped in his pastoral task by its own presbyterium”. A personal prelate can erect its own seminary and can have lay people committed to the mission of the prelate. The personal Prelature of Opus Dei is truly “personal”, but within Opus Dei there are divisions into regions that have territorial limits. Therefore, Opus Dei has simultaneously both personal and territorial dimensions.

The decree *Christus Dominus* 43 taught that military vicariates were to be erected because the military and armed forces (Army, Navy and Air Force) needed special pastoral care as a result of their exceptional circumstances. The apostolic constitution of Pope John Paul II, *Spirituali militum curae*, in 1986 described the power of the military ordinary as personal, ordinary, proper and cumulative with the power of diocesan bishops. The power of governance over the faithful is cumulative if the faithful simultaneously come under the governance of the ordinariate and the diocese. “Cumulative” comes from the Latin *cumulare* meaning “to accumulate.”

A military ordinariate is juridically similar to a diocese and is governed by statutes from the Apostolic See. The power of the military ordinary is over Christ's faithful who may simultaneously belong to the local diocese yet still be under the jurisdiction of the military ordinary. These faithful include members of the armed forces and their families and whoever else is determined to be a member according to the statutes. The faithful have a choice to receive pastoral care from the diocese or the military ordinariate. If there is no priest at a small, local military base, the faithful can receive pastoral care from the local parish priest and diocesan bishop. All the faithful of the ordinariate are faithful of the diocese, but all the faithful of the diocese are not necessarily faithful of the ordinariate. However, if the faithful in the military ordinariate want to be married or process a declaration of the marriage nullity case, then they must approach the military ordinary.

The episcopal conference can request the Apostolic See to establish a personal diocese for an ethnic group or the indigenous people of a country (cf. c 372). The

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Anglican Church in New Zealand has a bishop for the Anglican, Maori people. During the 1980's the New Zealand Catholic Bishops Conference applied to the Apostolic See to have a bishop for the Catholic Maori people. Eventually, the Apostolic See declined the application.

Ritual ordinariates are ordinariates established to care the faithful of oriental rites in countries where the oriental hierarchy does not exist. In such a situation a Latin rite pastor is given the power of governance.

Another example of a personal ecclesiastical circumscription is the Personal Apostolic Administration of Saint John Maria Vianney in the diocese of Campos in Brazil. It was established to enable a schismatic traditionalist bishop, with his priests and faithful to return to full communion in the Catholic Church in 2002. Significantly it is an apostolic administration (c. 371 § 2).

Pope Benedict XVI allowed for the establishment of personal ordinariates for the faithful coming from the Anglican Communion on 9 November 2009 with his apostolic constitution *Anglicanorum coetibus*.¹ This ordinariate aimed to facilitate groups of Anglicans coming into full communion with the Catholic Church. There had already been the so-called *Pastoral Provision* for some communities of Episcopalians in the United States. The ordinariate for former Anglicans was established by the Congregation for the Doctrine of the Faith and was made accountable to it. According to Article 8 of *Anglicanorum coetibus*, the priests of the ordinariate exercise their ministry mutually with the parish priests of the diocese. In fact, when there is no priest of the ordinariate for a parish, the parish priest of the diocese can exercise his ministry in the ordinariate parish as a supply priest. Also, the priests of the ordinariate in their pastoral ministry must collaborate with the pastoral plans of the diocese. When a former Anglican desires to be part of the ordinariate, this desire must be made in writing. Then the person must make a profession of faith and if necessary, receive the sacraments of initiation. Someone who is previously baptised as a Catholic cannot join the ordinariate unless the person is a spouse or child of a member of the ordinariate. Because the ordinariate was established to facilitate the faithful from the Anglican Communion coming into full communion with the Catholic Church, other members of Christ's faithful are excluded. The faithful of the ordinariate can freely participate in parishes of the diocese and receive all their pastoral care from priests. Priests of the ordinariate may be elected to the council of priests of the diocese, in those parishes. Although the ordinariate has its own distinct liturgy which is similar to the Latin Church, it cannot be considered a church *sui iuris*

¹ Benedict XVI, apostolic constitution *Anglicanorum coetibus*, November 4, 2009, AAS

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similar to an oriental church. The status of an ordinariate for former Anglicans is very different to a military vicariate. A member of the ordinariate can validly marry before a priest of the diocese without any need for

permission and can obtain from the local ordinary a dispensation from form or disparity of cult. Also, a member of the ordinariate may approach the tribunal in the diocese for a declaration of nullity.

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