

Swimming the Tiber: The Background, Provisions and Eventual Implementation of *Anglicanorum coetibus*

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The recent publication of the Apostolic Constitution inviting groups of Anglicans into communion with the Catholic Church has prompted a mixture of reactions from within and outside both communities. Canon lawyer, Fr Andrew Cole examines in detail the terms of *Anglicanorum coetibus* and looks forward to the mutual enrichment that its implementation will bring about.

Introduction

On 20 October 2009, Cardinal William Levada, Prefect of the Congregation for the Doctrine of the Faith (CDF), announced the imminent publication of an Apostolic Constitution which would be aimed at meeting

the requests for full communion that have come to us from Anglicans in different parts of the world in recent years in a uniform and equitable way. With this proposal the Church wants to respond to the legitimate aspirations of these Anglican groups for full and visible unity with the Bishop of Rome, successor of St Peter.¹

The Apostolic Constitution itself, entitled *Anglicanorum coetibus* ('Groups of Anglicans'), was signed by Pope Benedict XVI on 4 November 2009 and published on the Holy See's website, together with complementary norms prepared by the CDF and an explanation of both documents by eminent canonist Father Gianfranco Ghirlanda SJ, Rector of the Pontifical Gregorian University in Rome, on 9 November 2009.²

The publication of *Anglicanorum coetibus* has generated a lot of comment in the press and in the blogosphere, much of which seems to have shed more heat than light. It was met with great rejoicing by some, Catholic



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and Anglican alike, and as more of a mixed blessing by others. In particular, those Anglicans who feel themselves to have been abandoned by their own Communion will have much soul-searching to do: in the light of recent developments within Anglicanism, should they remain within the Anglican Communion, or should they seek reception into the Catholic Church?

Background

The history of the Church of England and the Anglican Communion, and their relationship with the Catholic Church, is well known. Since the Act of Supremacy 1534, which acknowledged Henry VIII as 'the only supreme head in earth of the Church of England',³ the Church of England has developed its own doctrinal formularies, liturgies and praxis which embed its claim to be a *via media* between Catholicism and Protestantism, and has claimed roots in both the Catholic and Protestant traditions.

However, two recent developments within Anglicanism – the decision of various provinces of the Anglican Communion to ordain women to the priesthood and episcopate, and the ordination of practising homosexuals – have undoubtedly moved the Anglican Communion away from its Catholic roots, since these decisions reflect a different understanding of authority

than that held by the Catholic Church and, indeed, the Orthodox Churches. This has led many Anglicans to question the nature and authority of the Church of England, and to seek reception into the Catholic Church.⁴

In the past, provision has been made for groups of Anglicans to be received into full communion while maintaining an Anglican identity: in India the whole Anglican Diocese of Amritsar was received into full communion in 1975, and on 22 July 1980 a Pastoral Provision was established in the United States of America to enable individual parishes to be received into full communion.⁵ However, these have been specific provisions for specific areas, and *Anglicanorum coetibus* is the provision of a 'general normative structure for regulating the institution and life of Personal Ordinariates for those Anglican faithful who desire to enter into the full communion of the Catholic Church in a corporate manner'.⁶

The Provisions of Anglicanorum coetibus and the Complementary Norms

A Personal Ordinariate is an ecclesiastical jurisdiction akin to a Diocese which is established to meet the pastoral needs of a particular group of people – in this case Anglicans who seek to enter into communion with the Catholic Church. In order to provide better for their pastoral care, *Anglicanorum coetibus* allows the establishment of such Ordinariates so that former Anglicans will be able 'to maintain the liturgical, spiritual and pastoral traditions of the Anglican Communion within the Catholic Church, as a precious gift nourishing the faith of the members of the Ordinariate and as a treasure to be shared',⁷ while at the same time enabling Anglicans who wish to become Catholics, whether individually or as members of a group, to integrate more easily into the life of the Catholic Church.

This will lead to mutual enrichment, since the Catholic community will be enriched by its new members with their own tradition and vice versa, and reconciliation within the Church, in that it is the Holy Spirit who impels the journey towards rediscovering the exterior unity of the Church which has been lost as a result of schism.⁸

The Ecclesiological Principles

The introduction to *Anglicanorum coetibus* expresses its underlying ecclesiological rationale, and refers extensively to the documents of the Second Vatican Council. The Church was instituted by Christ as a sacrament, 'a sign and instrument both of a very closely knit union with God and of the unity of the whole human race',⁹ which means that anything which causes division among the baptised 'openly contradicts the will of Christ, scandalises the world and damages the holy cause of preaching the Gospel to every creature'.¹⁰ By analogy with the Incarnate Word of God, the Church is both an invisible spiritual communion, and a hierarchically-organised visible communion,¹¹ and full communion with the Catholic Church is manifested by those baptised 'who are joined with Christ in his visible body, through the bonds of the profession of faith, the sacraments and ecclesiastical governance' (canon [hereafter c] 205).¹² In the famous phrase of the Second Vatican Council's Dogmatic Constitution on the Church, *Lumen gentium*, the one, holy, catholic and Apostolic Church

subsists in the Catholic Church, which is governed by the successor of Peter and by the Bishops in communion with him, although many elements of sanctification and of truth are found outside of its visible structure. These elements, as gifts belonging to the Church of Christ, are forces impelling toward Catholic unity.¹³

In the light of these principles, the Constitution provides a means for those Anglicans who, guided by the Holy Spirit, feel ready to be received into full communion with the Catholic Church precisely because those traditions and institutions which they inherited from the Catholic Church at the Reformation have impelled them towards seeking full communion with the Catholic Church.

The Concept of the Ordinariate

From the Church's earliest days, most Dioceses, i.e., Particular Churches 'in which and from which the one and only Catholic Church exists' (c 368), have been territorial, encompassing all the baptised within a given territory with recognised boundaries. However, canon

law provides for the establishment of personal jurisdictions, encompassing a certain group of people rather than a certain area; e.g., in 1986, Pope John Paul II provided for the establishment of military Ordinariates, to provide pastoral care to members of the armed forces of a given nation wherever they may be.¹⁴ This process was encouraged by the First Ordinary Assembly of the Synod of Bishops in 1967, when it asked the Pontifical Commission for the Revision of the Code of Canon Law to examine whether the requirements of the modern apostolate meant that communities of the faithful can and should be defined by criteria other than territory;¹⁵ hence, Particular Churches 'distinguished by the rite of the faithful or by some other similar quality' can be established in a given territory (c 372, §2), and personal parishes can be established within individual Dioceses, 'determined by reason of the rite, language or nationality of Christ's faithful of a certain territory, or on some other basis' (c 518). As a rule, if you are a parishioner of a personal parish, you remain a parishioner of the territorial parish, i.e., that parish in which you live.

Any Ordinariates established as a result of *Anglicanorum coetibus* are 'juridically comparable to a Diocese', and they have most of the features of a Diocese.¹⁶ One or more Ordinate can be established by the CDF within the confines of the territory of an individual Bishops' Conference (e.g., England & Wales).¹⁷ The decree by which the Ordinate is erected will determine its location and, if appropriate, its principal church, i.e., that church where the Ordinary will have his seat.¹⁸

Each Ordinate will be governed according to canon law;¹⁹ it will have an Ordinary,²⁰ a presbyterate,²¹ i.e., those whose priests who are incardinated into the Ordinate,²² and lay faithful who appertain to it,²³ and the Ordinary can establish, with the approval of the Holy See, institutes of consecrated life and societies of Apostolic life, or, by mutual consent, assume jurisdiction over Anglican institutes of consecrated life, the members of whom enter into full communion with the Catholic Church.²⁴ He may, following consultation with the diocesan Bishop and with the approval of the Holy See, establish parishes for those faithful who belong to the Ordinate,²⁵ and appoint parish priests and assistant priests.²⁶

The CDF is also responsible for dialogue with the Priestly Society of St Pius X (the SSPX, known to some as the 'Lefebvrists'), which suggests that the Holy See could consider the personal ordinariate to be a possible model for bringing them into full communion with the Church.

The Governance of the Ordinate

The Ordinary's role in the Ordinate is similar to that of the Bishop in a diocese. He must be a Bishop or a priest,²⁷ and is appointed by the Roman Pontiff based on a list of three names (a *terna*) presented by the Governing Council of the Ordinate.²⁸ He governs the members of the Ordinate in the name of the Roman Pontiff, and is responsible for their pastoral care, working in conjunction with the diocesan Bishop, in those cases provided for in the Complementary Norms, e.g., common pastoral and charitable initiatives with the local Diocese or when clergy supply in local parishes.²⁹

The Ordinary will be a member of the local Bishops' Conference, and has to follow its directives in so far as they are compatible with *Anglicanorum coetibus*,³⁰ and he will have most of the powers of a diocesan Bishop.³¹

Each Ordinate will have a Governing Council, consisting of at least six priests, half of whom are elected by the priests of the Ordinate,³² which will exercise within the Ordinate the functions that the Council of Priests and the College of Consultors exercise in a Diocese (cf. canons 495-502), together with 'those areas specified in the Complementary Norms'.³³ Whereas the Council of Priests and the College of Consultors have only a consultative function, in that they advise the diocesan Bishop, the Governing Council will have a deliberative function in the Ordinate; this is truly innovative, and is a reflection of the Anglican Communion's tradition of synodal governance. Hence, it is the Governing Council which will, among other things, prepare the *terna* of names for submission to the Pope for the appointment of an Ordinary, and the Ordinary must have the Governing Council's consent to admit a candidate to holy orders, to erect or suppress a personal parish or house of formation, and to approve a programme of formation for those preparing for ordination.³⁴

Each Ordinariate will have to have a Pastoral Council, presided over by the Ordinary, 'to study and weigh those matters which concern the pastoral works' in the Ordinariate, and 'to propose practical conclusions concerning them' (c 511),³⁵ and a Finance Council, presided over by the Ordinary or his delegate, composed of at least three Catholics of good reputation and sound financial knowledge, to fulfil those functions which are entrusted to it by canon 493 and Book V of the Code of Canon Law.³⁶

The Ordinary is obliged to make the visit *ad limina Apostolorum* every five years, and to present a report to the Pope on the affairs of the Ordinariate.³⁷

The Relationship between the Diocesan Bishop and the Ordinariate

The Ordinary is responsible for the pastoral care of members of the Ordinariate, and he has a legitimate autonomy from the diocesan Bishop, designed to enable him to ensure that those former Anglicans who have chosen to become members of the Ordinariate upon their reception into the Catholic Church, or those who are baptised into the Ordinariate, are not just assimilated into their local Dioceses.

In certain areas, however, he is to work in common with the diocesan Bishop. For example, clerics incardinated in the Ordinariate should be available to help the diocesan Bishop 'where it is deemed suitable for the pastoral care of the faithful', in which case 'they are subject to the diocesan Bishop in respect to that which pertains to the pastoral charge or office they receive';³⁸ conversely, clerics who are incardinated into a Diocese, an institute of consecrated life or a society of Apostolic life can, with the written consent of the relevant Bishop or Superior, help the Ordinary in providing for the pastoral needs of the members of the Ordinariate.³⁹

Priests who are incardinated into the Ordinariate constitute the presbyterate of the Ordinariate, and must also 'cultivate bonds of unity with the presbyterate of the Diocese in which they are ministering'.⁴⁰ They can become members of the Council of Priests of the Diocese in which they are ministering,⁴¹ and priests and deacons can become members of the Pastoral Council of the Diocese in which they are ministering.⁴²

Joining the Ordinariate

Membership of the Ordinariate is open to former Anglicans who have been received into full communion with the Catholic Church, or to anyone who receives Baptism within the Ordinariate.⁴³

Anyone joining the Catholic Church from the Anglican Communion will have to make the requisite profession of faith and receive the sacraments of Confirmation and the Eucharist, as they do now;⁴⁴ if they wish to join the Ordinariate, rather than simply appertain to the local Diocese and parish, they 'must manifest this desire in writing',⁴⁵ after which their names are inscribed in a register.⁴⁶ Those who were baptised as Catholics are 'not ordinarily eligible for membership, unless they are members of a family belonging to the Ordinariate'.⁴⁷

It will also be possible for former Anglicans who were received into the full communion of the Catholic Church before the implementation of the Constitution to join the Ordinariate – just as it will be possible for Anglicans who become Catholics not to join the Ordinariate but simply to become Catholics in the Dioceses and parishes in which they live.

The Life of Faith and Liturgical Celebrations in the Ordinariate

The Ordinariate will be part of the Latin Church, and consequently liturgical celebrations will be according to either the Roman Rite, in the ordinary form or the extraordinary form,⁴⁸ or else 'according to the liturgical books proper to the Anglican tradition, which have been approved by the Holy See, so as to maintain the liturgical, spiritual and pastoral traditions of the Anglican Communion within the Catholic Church, as a precious gift nourishing the faith of the members of the Ordinariate and as a treasure to be shared'.⁴⁹

For those parishes in the United States of America which come under the Pastoral Provision, a specially adapted version of the Book of Common Prayer was approved for their use by the Holy See; this may well be the model that is adapted and adopted for use by each Ordinariate, and one of the more interesting aspects of the implementation of the Constitution will

be to see how many parishes of the Ordinariate seek to use an adapted Book of Common Prayer rather than the Roman Missal, which many Anglican clergymen and parishes who style themselves as ‘Anglo-Catholic’ already use, even though it is not approved for use in the provinces of the Anglican Communion.⁵⁰ All Catholics, whether members of the Ordinariate or not, will be able to attend Masses (and fulfil their obligation on Sundays and holydays of obligation) celebrated by priests of the Ordinariate, even if the priest is using an approved book from the Anglican tradition.

The Catechism of the Catholic Church is described as ‘the authoritative expression of the Catholic faith professed by members of the Ordinariate’,⁵¹ as indeed it is for all Catholics.

The Clergy of the Ordinariate

The Ordinary will, with the consent of the Governing Council, be able to admit men for ordination to the diaconate and the priesthood.⁵² If he is a Bishop, the Ordinary will be able to ordain them himself; if he is not a Bishop, he will have to ask another Catholic Bishop to perform the ordination for him (cf. c 1015, §1). Those seeking ordination are to be ‘prepared alongside other seminarians, especially in the areas of doctrinal and pastoral formation’,⁵³ ‘at a seminary or theological faculty in conformity with an agreement’ between the Ordinary and the Bishop who is responsible for the seminary.⁵⁴ However, in order to transmit their Anglican patrimony, seminarians for the Ordinariate may receive other aspects of priestly formation at a seminary programme or house of formation established, with the consent of the Governing Council, specifically for this purpose.⁵⁵

The Ordinary will be able to admit men who had ministered as deacons, priests or bishops in the Anglican Communion to ordination in the Catholic Church, provided that they ‘fulfil the requisites of canon law and are not impeded’ by those irregularities or impediments which are set out in the Code of Canon Law.⁵⁶ The ordination of those who served as ministers in the Anglican Communion will be absolute,⁵⁷ unless there is a ‘prudent doubt’, in which case ordination can be ‘conferred conditionally’ (c 845, §2).⁵⁸

Much of the commentary which has surrounded publication of *Anglicanorum coetibus* has concerned the

ordination of married men and its ramifications for clerical celibacy in the Latin Church. As a rule, with the exception of permanent deacons, all clerics ‘are obliged to observe perfect and perpetual continence for the sake of the Kingdom of Heaven, and are therefore bound to celibacy’ (c 277, §1); they are bound to make the concomitant promise during the Mass in which they are ordained to the diaconate (cf. c 1037). A person who is married is impeded, i.e., forbidden, from receiving ordination (cf. c 1042, 1°), other than ordination as a permanent deacon; however, this impediment can be dispensed by the Holy See (cf. c 1047, §2 3°) – and has been on a number of occasions to allow married former Anglican clergymen to be ordained to the priesthood, as we have seen in England and Wales.

The Holy See has been at pains to emphasise that this derogation from the traditional praxis of the Latin Church does not mean that the Church is going to abandon clerical celibacy.⁵⁹ For this reason, *Anglicanorum coetibus* states explicitly:

The Ordinary, in full observance of the discipline of celibate clergy in the Latin Church, as a rule (*pro regula*) will admit only celibate men to the order of presbyter. He may also petition the Roman Pontiff, as a derogation from c 277, §1, for the admission of married men to the order of presbyter on a case by case basis, according to objective criteria approved by the Holy See.⁶⁰

Those who received the sacrament of holy orders in the Catholic Church and who have since become Anglicans will not be able to exercise the sacred ministry (i.e., that ministry which is proper to Bishops, priests or deacons) in the Catholic Church, and those Anglican clergymen who are in irregular matrimonial situations will not be allowed to be ordained.⁶¹

Particular provision is made for former Anglican bishops. There is nothing to prevent a former Anglican bishop, who has been received into full communion with the Catholic Church, from being ordained to the episcopate. However, neither the Eastern Catholic Churches nor the Orthodox Churches, which do have married clerics, admit married men to the episcopate. Thus, a married former Anglican bishop, who is eligible for ordination in the Catholic Church, can be ordained to the priesthood.⁶² He is eligible to be appointed Ordinary,⁶³ and, even if he is not so appointed, he may ‘be called upon to assist the Ordinary in the

administration of the Ordinariate'.⁶⁴ He may be invited to participate in the meetings of the Bishops' Conference, with the equivalent status of a retired Bishop,⁶⁵ and he 'may request permission from the Holy See to use the insignia of the episcopal office'.⁶⁶

The Ordinary will be able to incardinate clerics, in accordance with canons 265-272.⁶⁷ He is to provide for adequate remuneration for clergy incardinated into the Ordinariate, and must enter into discussion with the Bishops' Conference about what funding may be available to help him in this task.⁶⁸ In recognition that this will not be easy, priests of the Ordinariate may, with the permission of the Ordinary, take on a job, provided that such employment is 'compatible with the exercise of priestly ministry'.⁶⁹ The priests of the Ordinariate may also take part in ongoing formation in programmes provided by the Bishops' Conference and the diocesan Bishop.⁷⁰

Those priests of the Ordinariate who are appointed as parish priests of any personal parish that is established will enjoy all the rights and responsibilities of a parish priest, which 'are to be exercised in mutual pastoral assistance' with the parish priests of the local Diocese – again, this should help members, both clerical and lay, of the Ordinariate to integrate into the local Catholic community.⁷¹

Conclusion

So far, no Ordinariates have been established, and our reflection must cease until they have, not least because the principles enshrined in *Anglicanorum coetibus* and the Complementary Norms will have to be put into practice when such Ordinariates are established by the CDF after consultation with the relevant Bishops' Conference.⁷²

It is only then that those questions which remain can begin to be answered, questions such as: How many Anglicans will seek to enter full communion with the Catholic Church? How many of those will wish to join the Ordinariate? How willing will those Anglicans who join the Ordinariate be to integrate with the local Catholic community? Where and how will they worship? How willing will the Catholic community be to welcome them? How will the Ordinariate relate to the Diocese in practice? How will its priests relate to the diocesan priests? Bearing in mind the power of

symbolism, what does allowing former Anglican bishops to wear episcopal insignia say about the Church's teaching on the invalidity of Anglican orders?

A big concern has been about the effect that all this will have on the Church's dialogue with the Anglican Communion. In the press release announcing the imminent publication of the Apostolic Constitution, the Holy See reiterated that 'the Catholic Church remains fully committed to continuing ecumenical engagement with the Anglican Communion, particularly through the efforts of the Pontifical Council for the Promotion of Christian Unity'.⁷³ In their joint statement of 20 October 2009, the Archbishops of Westminster and of Canterbury were keen to stress that the Constitution would not detract the Catholic Church and the Anglican Communion from their common ecumenical journey, and call it 'one consequence of ecumenical dialogue between the Catholic Church and the Anglican Communion'.⁷⁴

I hope most sincerely that, as *Anglicanorum coetibus* is implemented and Ordinariates are established, the Constitution's fundamental objective, a positive invitation to Anglicans to embrace communion with the Catholic Church, is fulfilled. Perhaps we should give the last word to Cardinal Levada, who will be responsible for overseeing the Ordinariates:

It is the hope of the Holy Father, Pope Benedict XVI, that the Anglican clergy and faithful who desire union with the Catholic Church will find in this canonical structure the opportunity to preserve those Anglican traditions precious to them and consistent with the Catholic faith. Insofar as these traditions express in a distinctive way the faith that is held in common, they are a gift to be shared in the wider Church. The unity of the Church does not require a uniformity that ignores cultural diversity, as the history of Christianity shows. Moreover, the many diverse traditions present in the Catholic Church today are all rooted in the principle articulated by St. Paul in his letter to the Ephesians: 'There is one Lord, one faith, one baptism' (*Eph* 4:5). Our communion is therefore strengthened by such legitimate diversity, and so we are happy that these men and women bring with them their particular contributions to our common life of faith.⁷⁵

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¹ Cf.

http://212.77.1.245/news_services/bulletin/news/24513.php?index=24513&po_date=20.10.2009&lang=en [accessed 12 November 2009]. A simultaneous press conference was held at the Bishops' Conference of England & Wales by the Archbishop of Westminster and the Archbishop of Canterbury; cf.

http://212.77.1.245/news_services/bulletin/news/24514.php?index=24514&po_date=20.10.2009&lang=en [accessed 12 November 2009].

² Cf.

http://212.77.1.245/news_services/bulletin/news/24626.php?index=24626&lang=en [accessed 12 November 2009].

³ <http://www.britainexpress.com/History/tudor/supremacy-henry-text.htm> [accessed 16 November 2009].

⁴ Cf.

http://212.77.1.245/news_services/bulletin/news/24513.php?index=24513&po_date=20.10.2009&lang=en [accessed 10 November 2009].

⁵ There are seven such parishes, each of which is a parish of the local Diocese; cf.

<http://www.pastoralprovision.org/Parishes.html> [accessed 10 November 2009]. Notwithstanding the corporate nature of the Provision, the document establishing the Provision required that 'the admission of these persons, even in a group, should be considered the reconciliation of individual persons,' as described in *Unitatis redintegratio* 4 (<http://www.atonementonline.com/resource001.html> [accessed 16 November 2009]).

⁶ *Anglicanorum coetibus* (hereafter *AC*) Introduction.

⁷ *AC* III.

⁸ The same rationale underpinned Pope Benedict XVI's decision to allow priests to celebrate Mass and administer the sacraments according to what is now called the extraordinary form of the Roman rite. As Pope Benedict wrote in his letter to the world's Bishops (http://www.vatican.va/holy_father/benedict_xvi/letters/2007/documents/hf_ben-xvi_let_20070707_lettera-vescovi_en.html [accessed 17 November 2009]): 'For that matter, the two forms of the usage of the Roman rite can be mutually enriching. [...] It is a matter of coming to an interior reconciliation in the heart of the Church. Looking back over the past, to the divisions which in the course of the centuries have rent the Body of Christ, one continually has the impression that, at critical moments when divisions were coming about, not enough was done by the Church's leaders to maintain or regain reconciliation and unity.'

⁹ SECOND VATICAN ECUMENICAL COUNCIL, Dogmatic Constitution on the Church *Lumen gentium* (hereafter *LG*), 21 November 1964, 1.

¹⁰ *UR* 1.

¹¹ Cf. *LG* 8.

¹² Cf. *AC* Introduction and footnote 10.

¹³ *LG* 8.

¹⁴ Cf. John Paul II, Apostolic Constitution *Spirituali militum cura* (hereafter *SMC*), 21 April 1986. Hence the Bishop of the Forces has jurisdiction over all members of Her Majesty's Armed Forces wherever they may be, without their ceasing to appertain to their territorial Diocese or parish (cf. *SMC* IV).

¹⁵ Cf. the Preface of the Code of Canon Law.

¹⁶ *ACI*, §3.

¹⁷ Cf. *ACI*, §1-§2

¹⁸ Cf. *ACXII*.

¹⁹ *ACII*.

²⁰ Cf. *ACI*, §4; V.

²¹ Cf. *ACI*, §4; VI, §4.

²² Incardination means that a cleric belongs to, and usually ministers in, a certain Diocese, etc., and is under the authority of the relevant Bishop or Superior.

²³ Cf. *ACI*, §4.

²⁴ Cf. *ACVII*.

²⁵ Cf. *ACVIII*, §1; c 518. If there are no personal parishes in a given Diocese, he may, after consultation with the diocesan Bishop, erect a quasi-parish (cf. c 516, §1); the Holy See's approval is not needed for this.

²⁶ Cf. *Complementary Norms* (hereafter *CN*) 14, §2.

²⁷ Cf. *CN* 4, §1.

²⁸ Cf. *ACIV*; *CN* 12, §4 a.

²⁹ *AC* V; the Bishop governs his Diocese in the name of Christ.

³⁰ Cf. *CN* 2.

³¹ Cf. *CN* 4, §1. The Ordinary will have general executive power and judicial power, in that he can establish a tribunal (cf. *AC* XII); he does not, however, seem to enjoy legislative power, and it will be for the Pope to make particular law for the Ordinariate (cf. c 13, §1) and to approve; thus, whether he can be said to be 'equivalent in law' to a diocesan Bishop is moot (c 381, §1; cf. c 134, §1), not least because the question of whether the Ordinariate is a Particular Church in the sense of c 368 is also moot. However, none of this precludes a future Apostolic Constitution granting legislative power to the Ordinary, which, in the light of *CN* 12, may be exercised in conjunction with the Governing Council.

³² Cf. *CN* 12, §5.

³³ *ACX*, §2; *CN* 12, §1.

³⁴ Cf. *CN* 12, §2-§3.

³⁵ Again, this emphasises the synodal tradition of the Anglican Communion, since such councils are optional elsewhere.

³⁶ Similarly, each parish will have to have a Pastoral Council and Finance Council (cf. *CN* 14, §1).

³⁷ Cf. *ACX*.

³⁸ *CN* 9, §1.

³⁹ Cf. *CN* 9, §2.

⁴⁰ *ACVI*, §4.

⁴¹ Cf. CN8, §1; cf. c 498, §2.

⁴² Cf. CN8, §2; cf. c 512, §1.

⁴³ Cf. ACI, §4. Therefore, if someone were to be baptised into the Ordinariate, he would become a member of the Ordinariate even though he has not converted from Anglicanism.

⁴⁴ Cf. CN5, §1.

⁴⁵ ACIX.

⁴⁶ Cf. CN5, §1.

⁴⁷ CN 5, §1. The wording of this article seems to suggest that Catholics who joined the Anglican Communion cannot become members of the Ordinariate if they are eventually reconciled to the Catholic Church.

⁴⁸ Cf. Benedict XVI, Apostolic Letter *motu proprio Summorum Pontificum*, 7 July 2007.

⁴⁹ ACIII.

⁵⁰ Those texts which are approved for use in the Church of England are spoken of in Canons B1 and B2 of the Canons of the Church of England – the Roman Missal is not one of them; cf.

<http://www.cofe.anglican.org/about/churchlawlegis/canons/sacraments.pdf> [accessed 15 November 2009].

⁵¹ ACI, §5.

⁵² Cf. CN4, §2; 6, §1; 12, §2 a.

⁵³ ACVI, §5.

⁵⁴ CN10, §2; cf. ACV, §5.

⁵⁵ CN10, §2; cf. ACV, §5.

⁵⁶ ACVI, §1; cf. CN 6 §1; cc 1026-1032 & 1040-1049. Many Anglican clergymen use the term ‘re-ordination’ to describe an eventual ordination in the Catholic Church; in the light of the teaching of *Apostolicae curae*, this is incorrect.

⁵⁷ Cf. Leo XIII, Bull *Apostolicae curae*, 15 September 1896, 36: ‘We pronounce and declare that ordinations carried out according to the Anglican rite have been, and are, absolutely null and utterly void.’ Nevertheless, as the Catholic Bishops of England & Wales stated on 18 November 1983

[\http://www.angelfire.com/nj/malleus/hume_statement.html

⁵⁸ [accessed 17 November 2009]: ‘We would never suggest that those now seeking full communion with the Roman Catholic Church deny the value of their previous ministry. According to the teaching of the Second Vatican Council, the liturgical actions of their ministry can most certainly engender a life of grace, for they come from Christ and lead back to him and belong by right to the one church of Christ.’

⁵⁸ Such prudent doubt in the case of the former Bishop of London, Dr Graham Leonard, meant that, after exhaustive enquiry, he was ordained conditionally by Cardinal Basil Hume, Archbishop of Westminster, on 23 April 1994, for the reasons given by the Cardinal in a statement shortly after the ordination; cf.

http://www.angelfire.com/nj/malleus/hume_statement.html [accessed 17 November 2009].

⁵⁹ Cf.

http://212.77.1.245/news_services/bulletin/news/24626.php?index=24626&po_date=09.11.2009&lang=en [accessed 17 November 2009]: ‘The possibility envisioned by the Apostolic Constitution for some married clergy within the Personal Ordinariates does not signify any change in the Church’s discipline of clerical celibacy. According to the Second Vatican Council, priestly celibacy is a sign and a stimulus for pastoral charity and radiantly proclaims the reign of God.’ Also pertinent is a statement issued by the Director of the Holy See Press Office, Fr Federico Lombardi, SJ, on 31 October 2009, which quotes Cardinal Levada as saying that ‘the provisions of the Apostolic Constitution are to be understood as consistent with the current practice of the Church, in which married former Anglican ministers may be admitted to priestly ministry in the Catholic Church on a case by case basis’. As regards future candidates for holy orders from within the Ordinariate, the Cardinal said that it is ‘purely speculative whether there might be some cases in which a dispensation from the celibacy rule might be petitioned. For this reason, objective criteria about any such possibilities (e.g. married seminarians already in preparation) are to be developed jointly by the Personal Ordinariate and the Episcopal Conference, and submitted for approval of the Holy See’

(http://212.77.1.245/news_services/bulletin/news/24594.php?index=24594&po_date=31.10.2009&lang=en [accessed 17 November 2009]).

⁶⁰ ACVI, §2.

⁶¹ Cf. CN6, §3.

⁶² Cf. ACVI, §1.

⁶³ Cf. CN11, §1.

⁶⁴ Cf. CN11, §2.

⁶⁵ Cf. CN11, §3.

⁶⁶ CN11, §4.

⁶⁷ Cf. ACVI, 3.

⁶⁸ Cf. CN7, §1-§2.

⁶⁹ CN7, §3; cf. c 286. Permanent deacons are not mentioned in this article since they are permitted by canon 288 to seek employment.

⁷⁰ Cf. CN10, §5.

⁷¹ ACVIII, §2.

⁷² Cf. ACI, §1.

⁷³ Cf.

http://212.77.1.245/news_services/bulletin/news/24513.php?index=24513&po_date=20.10.2009&lang=en [accessed 10 November 2009].

⁷⁴ Cf.

http://212.77.1.245/news_services/bulletin/news/24514.php?index=24514&po_date=20.10.2009&lang=en [accessed 10 November 2009].

⁷⁵ http://212.77.1.245/news_services/bulletin/news/24513.php?index=24513&po_date=20.10.2009&lang=en [Accessed 10 November 2009].