
The Use of the Term ‘Pastoral’ in the 1983 Code of Canon Law with Reference to the 1917 Code

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This article compares the use of the term ‘pastoral’ in the canon law of the Western Latin Church as it occurred in the 1917 Pio-Benedictine Code of Canon Law and then in the revised Code of 1983. This is because the revised Code increased the use of the term ‘pastoral’ and I wish to see if its meaning had changed and, if so, in what way. Hence, the article considers how ‘pastoral’ occurred in the 1917 Code and then in the equivalent canons in the 1983 Code. There follows comparison with the earlier canons, which were sources for the 1983 canons to see if the term has changed in meaning and, if so, what that change is. I am interested to track the use of ‘pastoral’ because it has become ubiquitous in the churches and in society and has different meanings and expectations associated with it. As far as canon law and ecclesiastical law generally are concerned, it is interesting to consider how the term is used and this article is a contribution to an understanding of ‘pastoral’ in the law of the Roman Catholic Church.

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I am interested in the pastoral aspect of the 1983 Code of Canon Law and wish to analyse the use of the term ‘pastoral’ because it is found in the revised Code at much greater frequency than in the 1917 Code. The term ‘pastoral’ was used 5 times in the 1917 Code, but 96 times in the 1983 Code.¹ This increase occurred owing to the Second Vatican Council and its pastoral emphasis, so I will analyse the conciliar texts to gauge their pastoral aspects and their use of ‘pastoral’, particularly as many documents fed into the revised Code of Canon Law. I shall begin by considering how the term ‘pastoral’ is used in the canons of the 1917 Code, what the term meant in that Code and whether the 1917 Code has a qualitative pastoral dimension. I will then compare those canons of the 1917 Code which include the term ‘pastoral’ with the equivalent canons in the 1983 Code to track similarities and differences between them. Finally, I will provide a comparison between the 1983 canons and their source canons from 1917, again to see whether the meanings of ‘pastoral’ are the same. My methodology will be contextual and analytical.

¹ In fact, the difference between the two usages is even more pronounced because I have not taken into account the weighting factor of the number of occurrences of ‘pastoral’ in relation to the number of canons in the respective codes.

USE OF THE TERM 'PASTORAL' IN THE 1917 CODE OF CANON LAW

The Pio-Benedictine Code which was promulgated in 1917 was the first code of canon law for the universal Catholic Church.² It comprised 2,414 canons over five books: General Norms, Persons, Things, Procedures, and Delicts & Penalties – categories that were based on historical Roman legal thinking. I have surveyed this Code and have found that the term 'pastoral' occurs five times, as follows (emphasis added in each case):

Canon 239: On the Cardinals of the Holy Roman Church

13° Of, just like Bishops, wearing a cross over the chest and even on the mozetta and of using the mitre and *pastoral staff*.

Canon 300: On Vicars and Prefects Apostolic

§1 According to the norm of Canon 340, Vicars and Prefects Apostolic are bound by the obligation of showing to the Apostolic See a full and accurate report on their own *pastoral office*, on everything about whatever pertains to the state of the vicariate or prefecture, missionaries, religious, discipline of the people, attendance at schools, and finally about the welfare of the faithful committed to their care under any rationale; this report is to be in writing, signed by the Vicar or Prefect himself, or by at least one of the councillors mentioned in Canon 302.

Canon 346: On Bishops

Bishops shall attentively complete the *pastoral visitation* with due diligence and without useless delay: they shall take care lest superfluous consumption be a grave burden to anyone or that, on the occasion of their visit, they or any of their [assistants] seek or receive gifts for themselves, reprobating any contrary custom whatsoever; but concerning the food and supplies to be given them and their [assistants] and expenses of the trip, legitimate local custom is followed.

Canon 1365: On Seminaries

§3 There should also be lectures on *pastoral theology* to which are added practical exercises especially in the manner of giving catechism to young people, hearing confessions, visiting the infirm, and assisting the dying.

Canon 2193: On the manner of proceeding in inflicting suspension from an informed conscience. It is left to the prudent judgment of the Ordinary whether to disclose or retain the cause or crime that led to the suspension of the cleric, applying, of course, *pastoral solicitude* and charity, so that, if he decides to inform the cleric of the cause, the

2 E Peters, *The 1917 Pio-Benedictine Code of Canon Law* (San Francisco, CA, 2001).

penalty, which he will impose through a paternal warning, not only works to expunge the guilt, but also serves to reform the offender and toward the elimination of the occasion of sin.

The adjective 'pastoral' therefore occurs as follows in the 1917 Code:

- i. Canon 239 – 'pastoral staff' of cardinals and bishops;
- ii. Canon 300 – 'pastoral office' of vicars and prefects apostolic;
- iii. Canon 346 – 'pastoral visitation' of bishops;
- iv. Canon 1365 – 'pastoral theology' in seminaries;
- v. Canon 2193 – 'pastoral solicitude' of ordinaries.

I conclude that all of the five uses of 'pastoral' in the 1917 Code are references to pastors, whether cardinals, bishops, vicars, prefects apostolic or trainee priests, and their duties. This emphasis on the authority of pastors meant that they were bound by the canons to adhere to the canon law as regards their duties, and this was what 'pastoral' meant. However, as time progressed it became clear that pastors were encountering issues which called for qualitative pastoral responses of mercy, forgiveness, compassion and so on – as in, for example, marriage cases – but which they as pastors were unable to meet except, in some of these cases, by excluding divorced and remarried couples from receiving the sacraments of the Church. It is not generally thought that exclusion is a proper pastoral approach.

As theology developed during the twentieth century so too did the need for canon law to evolve. Indeed, a few decades after the promulgation of the 1917 Code the different 'interpretations' of it, which were meant to clarify and even change the canons, were incorporated into a tome larger than the Code itself and thus there was a need for the canon law itself to be changed.³ In this regard I note the claim that the 1917 Code lacked a means of being updated because it was 'disconnected from its historical tradition'.⁴ It is claimed that there was a failure to interpret this Code 'progressively', that the Code 'was imprisoned by a system of authentic interpretation that in fact made the criteria of the central bodies of ecclesiastical administration binding' and that its 'manner of application was its ruin'. Moreover, as far as the use of the term 'pastoral' is concerned, there was no mechanism for the Church's pastoral activity to be updated in reaction to changed circumstances and so the canons 'remained fossilized'. A set of 'parallel structures that were little regulated' allowed pastoral

3 See J Coriden, J Green and D Heitschel, *The Code of Canon Law: a text and commentary* (London, 1985), p 5. It is noted that the 1936 Instruction for the Sacraments, *Provida mater Ecclesia*, condensed and supplemented the 1917 canons on marriage annulment procedures.

4 J Hervada and P Lombardia, 'Introduction to canon law' in E Caparros et al, *Exegetical Commentary on the Code of Canon Law* (5 vols, Montreal, 2004), pp 1–119 at p 115.

activity to develop outside the juridical system and this resulted in 'the curious pastoral/law dualism' in the Church. In short, the qualitative pastoral needs of the faithful could not all be met by pastors, but some would try to help, for example, married couples who were outside the canon law and say that this was a pastoral, but not a legal, solution.⁵

The atmosphere of the Church during this period of time was generated in part by the application of the Code. It was therefore regarded as being too legalistic in a pejorative sense. That is to say that the pastoral needs of the people for mercy, forgiveness and so on were not being met by pastors and yet 'pastoral' responses in the qualitative sense were being demanded both by some pastors and by the faithful. I do not have the scope in this article to go into detail as regards the pressure of this demand in the Church; suffice to say that it culminated in the announcement by Pope John XXIII in the late 1950s of a new council whose purpose would be to reform and update teaching and to revise the canon law.⁶ However, before I do that I want to conclude this section by considering whether, in fact, the 1917 Code was as legalistic as has been claimed and whether it was devoid of qualitative pastoral language as distinct from the use of 'pastoral' as referring solely to pastors.

I observe that, although the 1917 Code was considered legalistic and was interpreted and applied in that manner, it did contain a pastoral dimension which gave it a more comprehensive understanding of what 'pastoral' means in a qualitative sense. This Code did, in fact, have a qualitative pastoral aspect in Canon 2214, which itself comes from the Council of Trent. This canon speaks of 'pastors, and not prosecutors' who are 'not to lord it over [subjects] but to love them as children and brethren to strive by exhortation and admonition'. They are not 'to coerce them by due punishments' if the subjects fail but to 'reprove, entreat and rebuke them in all kindness and patience since benevolence ... often effects more than severity, exhortation more than threat, and charity more than force'. Moreover, if 'there is need of the rod, then rigour [is] to be tempered with gentleness, judgment with mercy, and severity with clemency, that discipline, so salutary and necessary ... may be preserved without harshness'.⁷

These phrases use qualitative pastoral language to emphasise to pastors that their responsibility is to help their subjects and not to perform their pastoral

5 See P Augustine, *A Commentary on the New Code of Canon Law, Vol 1–8* (London, 1920); J Claeys Bouuaert and G Simeon, *Manuale Juris Canonici I–III* (Ghent and Liège, 1934); T Lincoln Bouscaren and A Ellis, *Canon Law: a text and commentary* (Milwaukee, 1947).

6 John XXIII, *The Pope Speaks* 5 (1958–1959), pp 398–401, quoted in G Alberigo, 'The announcement of the Council: from the security of the fortress to the lure of the quest', in G Alberigo and J Komonchak (eds), *History of Vatican II* (Leuven, 1995), vol I, pp 1–54 at p 1. These volumes are the most scholarly and comprehensive account of the preparation and conduct of the Council available in English.

7 Canon 2214 §2.

duties in a merely dutiful way. This canon does, however, conclude with reference to those who are ‘unwilling to repent’ being made an example of by ‘punishments’ in order to deter others ‘from vices’, so it is not entirely couched in such qualitative pastoral language as it has previously used, namely, ‘love’, ‘kindness’, ‘patience’, ‘benevolence’, ‘exhortation’, ‘charity’, ‘gentleness’, ‘mercy’ and ‘clemency’. Hence, I think that the charge of legalism made against the 1917 Code must be balanced by the presence of this canon and its qualitative pastoral, as well as admonitory, language. I therefore conclude that Canon 2214 §2 contains a hermeneutic for the application of canon law in the 1917 Code.⁸ Given this analysis of the pastoral aspect of the 1917 Code, my purpose now is to track the meaning of ‘pastoral’ from the 1917 canons to the 1983 canons to ascertain whether the term is used in the same way.

THE 1917 CANONS AND THEIR EQUIVALENTS IN THE 1983 CODE

In order to provide an analysis of the use of the term ‘pastoral’ in the revised Code of 1983 I shall now compare the 1917 canons containing the term ‘pastoral’ and their equivalent 1983 canons in order to see whether the term has been transferred to the revised Code with the same usage and meaning.⁹ To this end I want to look now at the 1917 canons containing the term ‘pastoral’ which I have considered above and compare and contrast them with the equivalent canons in the 1983 Code.

- i. Canon 239 (1917) has Canon 355 of the 1983 Code as its equivalent. The latter does not mention the pastoral staff;
- ii. Canon 300 (1917) has no equivalent in the revised Code;
- iii. Canon 346 (1917) has Canon 398 as its equivalent in the 1983 Code. Both mention the pastoral visitation of the bishop;
- iv. Canon 1365 (1917) informs Canons 250, 252 and 256 of the 1983 Code. Canon 1365 §3, which refers to pastoral theology lectures for seminarians, occurs in Canon 252 §3 of the 1983 Code;
- v. Canon 2193 (1917), which uses the phrase ‘pastoral solicitude’, does not have an equivalent in 1983;
- vi. Additionally, Canon 2214 §2 in the 1917 Code uses qualitative pastoral language and so it is worth noting that this canon informed Canon

8 Furthermore, the 1917 Code contains words ancillary to ‘pastoral’, such as ‘charity’, ‘justice’, ‘solicitude’ and so on, but these are not found in large numbers nor do they comprise a section of a canon as found in Canon 2214 §2.

9 I have not considered the process of revision of the 1917 Code and the various drafts which resulted since I wish to limit myself to the revised and promulgated Code of 1983. For further details of draft texts and their importance in the revised Code’s eventual formulation, see eg E Peters, *Incrementa in Progressu 1983 Codicis Iuris Canonici* (Montreal, 2005).

1311 of the 1983 Code, which states: 'the Church has its own inherent right to constrain with penal sanctions Christ's faithful who commit offences'. Thus the revised canon omits this kind of pastoral language.

Hence I observe from this analysis that the meaning of 'pastoral' in the 1917 canons and their equivalent canons in the 1983 Code is the same: that is, the duties of pastors. However, there are other 1917 canons which were the source of canons containing the term 'pastoral' in the revised Code and so I wish to compare and contrast these to see whether 'pastoral' is used in a similar way in the earlier and later codes.

THE 1983 CANONS AND THEIR 1917 SOURCES: A COMPARATIVE ANALYSIS

I will now consider the 1983 Code and its canons which contain the term 'pastoral' to see if this term is used in the same or in a different way from its use in the 1917 Code. To do this I will list the 1983 canons with their source in the 1917 canons in order to gauge the meaning of the term 'pastoral' in the 1983 Code.

1917 Canon 1364; 1983 Canon 249: In the 1917 canon the subject is that of the training and education of seminarians for their future as pastors. This is made more articulate and expanded in the 1983 Code, and the phrase 'pastoral ministry' appears in relation to this training. 'Pastoral' does not appear in the earlier Code so I conclude that the term 'pastoral' here means the future performance of the ministry of a pastor.

1917 Canon 1365; 1983 Canon 252: I note that the specifics of training for ministry – that is, 'catechism, hearing confessions, visiting the infirm, and assisting the dying' – are present in the 1917 Code, whereas the 1983 Code does not refer to these except with reference to following 'the program of priestly formation'. Both canons mention 'pastoral theology'. Since the canons are concerned with the training of pastors, I conclude that the term 'pastoral' here refers to pastors.

1917 Canon 124; 1983 Canon 276: The 1917 Code refers to clerics, the way of life they are to cultivate and the spiritual practices they are to undertake. Three canons of this Code, Canons 124–126, are combined into one in the 1983 Code and especially Canon 124. The 1983 Code refers to 'pastoral ministry' for the first time, so, given the similar content of the old canons and the new one, it is clear that the use of the phrase 'pastoral ministry' here means the ministry of pastors.

1917 Canon 129; 1983 Canon 279: The earlier Code has canons referring to clerics and ordinaries and covers various matters while mentioning 'care of souls'. These two canons are merged into one in the revised Code, which mentions 'pastoral courses', 'pastoral methods' and 'pastoral ministry' for the first time; so the term 'pastoral' here refers to pastors.

1917 *Canon 266*; 1983 *Canon 358*: These canons deal with cardinals who are legates and sent by the pope on a particular commission. In the 1917 Code this is termed as being ‘sent by the Roman Pontiff’ and that such a cardinal ‘can only do what was committed to him by the Roman Pontiff’. The 1983 canon speaks of a cardinal legate as the pope’s alter ego, whom he ‘entrusts to the fulfillment of a certain pastoral task as his special envoy’. Hence it is clear that the use of ‘pastoral’ here means a task committed by one pastor, the pope, to another, the cardinal legate, and so ‘a pastoral task’ means the task of a pastor.

1917 *Canon 293*; 1983 *Canon 371*: The 1917 Code speaks of vicars and prefects apostolic of territories not erected into dioceses, and that these rule them and ‘take up possession’ of such territories according to the canon and who ‘governs’. The phrase ‘pastoral care’ in the 1983 Code is new and refers to the care of a pastor, in this case the apostolic vicar or apostolic prefect of an apostolic administration who governs a certain portion of the people of God in the name of the pope. Hence the meaning of ‘pastoral care’ in the revised Code is care of a territory by a pastor, in this case apostolic vicar or apostolic prefect.

1917 *Canons 216–217*; 1983 *Canon 374*: These two canons of the 1917 Code concern dioceses and segments of them such as parishes and districts, as well as apostolic vicariates and apostolic prelatures governed by the bishop. The revised canon condenses the two earlier ones and mentions ‘pastoral care’. It is clear, then, that this refers to the care of a diocese or part of it by a pastor. The 1917 Code refers to a ‘pastor, who is over [part of a diocese] for the necessary care of souls’, and this is replaced in the 1983 Code by ‘pastoral care’, that is, care of souls by a pastor.

1917 *Canons 215, 294 and 334*; 1983 *Canon 381*: The revised canon combines what was previously in Canons 215, 194 and 334 of the 1917 Code as regards bishops and others, under the heading ‘pastoral office’, since the bishop now has all ordinary, proper and immediate power, which he did not have before the Second Vatican Council. In short, the term ‘pastoral office’ here refers to the office of the pastor – in this case, the bishop.

1917 *Canon 346*; 1983 *Canon 398*: Both canons refer to ‘the pastoral visitation’ of the bishop which is an official visit by the pastor, the bishop, to ecclesiastical institutes under his jurisdiction. Hence ‘pastoral’ here refers to the pastor.

1917 *Canon 350*; 1983 *Canon 403*: The 1917 canon refers to coadjutor bishops who are constituted by the Roman pontiff. In the 1983 canon a distinction is made between such bishops and coadjutor bishops. The latter are appointed at the request of the bishops when ‘the pastoral need of a diocese suggest it’. Hence it is the case that ‘pastoral needs’ refers to the need of a diocese for such a pastor.

1917 *Canon 429*; 1983 *Canon 412*: The 1917 Code uses ‘governance of the diocese’ and ‘government’ by the bishop, whereas the 1983 Code refers to

'pastoral office' of the bishop in his diocese. Therefore, 'pastoral' here means the pastor, that is, the bishop.

1917 Canon 282; 1983 Canon 443: The 1917 canon speaks of various assemblies of clerics. The revised canon introduces the phrase 'pastoral council of each particular church', which was not used in the earlier Code. The composition of a pastoral council is delineated elsewhere and they are convened, assembled and under the authority of a pastor.

1917 Canon 290; 1983 Canon 445: The 1917 canon speaks about a plenary of provincial councils with the task to 'increase the faith, moderate morals, correct abuses, resolve controversies'. This is replaced in the revised Code by a 'particular council for its own territory which makes provision for the pastoral needs of the people of God and possesses the power of governance, especially legislative power . . . without prejudice to the universal law of the Church'. Here I observe devolved powers of law, within limits, which is new. The new Code further mentions 'common pastoral action, and the regulation of morals and of the common ecclesiastical discipline which is to be observed, promoted, and protected'. I interpret 'pastoral needs' here as the 'needs' of the faithful as provided for by the pastors; these 'needs' were specified in the 1917 Code but not in the revised Code, and 'pastoral action' as the activity of pastors related to the regulation of morals and ecclesiastical discipline which were mentioned in the earlier Code. Hence 'pastoral' in these contexts refers to pastors and their activity in meeting the needs of the people of God under the auspices of a particular council.

1917 Canon 358; 1983 Canon 463: As regards attendance at a diocesan synod, the revised Code refers to the new 'pastoral council', which is under the authority of the bishop. This is a new phrase not found in the 1917 canon, which only mentioned clerics, while the 1983 canon mentions lay members of the council.

1917 Canon 363; 1983 Canon 469: The 1917 Code refers to those who help the bishop in his governance of the diocese and those who govern in his place; this is replaced in the 1983 Code by those who guide 'pastoral action'. Hence the meaning in the revised Code is the activity of the pastor, the bishop, and those who help him govern.

1917 Canon 366; 1983 Canon 475: The 1917 canon mentions 'the correct governance of the diocese' and the power of a bishop to constitute a vicar general who helps him 'by ordinary power'. In the 1983 canon, 'pastoral reasons' as regards the need to appoint a vicar general refers to the 'size of the diocese, the number of inhabitants' who are governed (as mentioned in both canons) by the bishop. Hence 'pastoral reasons' here means those reasons decided by the bishop and so 'pastoral' as used here refers to him as the pastor.

1917 Canon 302; 1983 Canon 495: The 1917 canon refers to a council of 'senior and more prudent missionaries' in the context of other canons on vicars and prefects apostolic generally. The 1983 Code refers to diocesan presbyteral councils,

which are groups of priests who help the bishop to govern the diocese. The phrase 'pastoral welfare' occurs in relation to 'the portion of the people of God entrusted to him' and is new in this Code; it therefore means what the bishop, the pastor, regards as 'welfare' with respect to his capacity to provide from the Church for the 'welfare' of the people under his authority and whom he governs. 'Pastoral' here therefore means what the pastor provides for the welfare of the people of God who are under his authority.

1917 Canons 402 and 415; 1983 Canon 510: The revised canon is an abbreviated version of the 1917 canon, where the duties relating to pastors under the authority of the bishop are encapsulated in the phrase 'pastoral duties', and the perceived demands of the faithful of the Church to be fulfilled by the bishop are called 'pastoral needs'. The 1917 Code uses the term 'care of souls' in Canon 402; the 1983 Code does not but refers instead to 'pastoral duties', which are the duties of the pastor as laid down in norms by the bishop. Hence 'pastoral' in the 1983 canon refers to the duties of and demands made on the pastor which only he can fulfil and which are overseen by another pastor, the bishop.

1917 Canon 451; 1983 Canon 519: The revised canon uses 'pastoral care of the community', whereas the 1917 canon speaks about the 'care of souls'. In the 1983 canon, 'pastoral care' is the responsibility of a pastor under the authority of the bishop and so 'pastoral' refers to care of the parish in relation to the duties of the pastor. The 1983 canon also mentions the functions of teaching, sanctifying and governing according to the norm of law, so these constitute at least part of what a pastor's duties are. So 'pastoral' here pertains to the care offered by a pastor under the authority of a bishop.

1917 Canon 452; 1983 Canon 520: The 1917 canon speaks of 'moral persons' and their distinction from pastors, whereas the 1983 canon uses 'juridic person' in the same manner. In the context, then, 'pastoral care' clearly refers to the care of a parish by a pastor who, in this canon, is a moderator from a clerical religious institute or clerical society of apostolic life entrusted to a parish, that is, one of several pastors who are entrusted with this care by the bishop. Hence 'pastoral care' means care by pastors under the authority of a bishop.

1917 Canon 461; 1983 Canon 527: The revised Code refers to 'pastoral care', while the 1917 Code spoke of 'care of souls'. The term 'pastoral' here in the 1983 canon refers to the care provided by a pastor of a parish under the authority of the local ordinary.

1917 Canon 472; 1983 Canon 539: The 1917 canon refers to the power of the local ordinary to constitute a 'vicar ecome' to 'govern' a parish. As used only in the 1983 Code, 'pastoral office' refers to the office of the pastor being prevented from being exercised in relation to a vacant parish for specified reasons. The pastor is under the authority of the bishop, who can appoint a parochial administrator in his place. Hence 'pastoral office' refers to the office of the pastor.

1917 *Canon 476*; 1983 *Canons 545, 548 and 550*: The phrases in the 1983 canons using 'pastoral' are not found in the 1917 canon, which uses terms such as 'care of the parish', 'care of souls' and 'spiritual welfare of the faithful'. The revised canons refer to 'pastoral care', 'pastoral ministry', 'pastoral initiatives' and 'pastoral duties', and all these relate to pastors or assistant priests. All the canons are concerned with the work of pastors and so 'pastoral' means their duties.

1917 *Canon 447*; 1983 *Canon 555*: 'Pastoral action' in the 1983 canon, a term not used in its source canon of 1917, refers to the activity of pastors and here specifically to those of the vicar forane.

1917 *Canon 617*; 1983 *Canon 683*: The 1917 canon is concerned with the duty of a local ordinary over houses or churches of exempt religious or other regulars. The phrase 'pastoral visitation' is introduced in the 1983 canon and refers to the visitation of the bishop to ecclesiastical institutions. Hence this use of the term 'pastoral' refers to the pastor, that is, the bishop.

1917 *Canon 1350*; 1983 *Canon 771*: The 1917 canon refers to non-Catholics and to whom they are entrusted; in mission territories this is reserved solely to the Apostolic See. The 1983 Code speaks about 'pastors of souls' who cannot have 'ordinary pastoral care' for various reasons, and so the latter phrase means care of such people by pastors. Both phrases are new to this Code and the use of 'pastoral' refers to pastors.

1917 *Canon 752*; 1983 *Canon 851*: The 1917 canon on baptism speaks about an adult being 'rightly instructed' before being baptised, and about related matters. A new phrase in the 1983 Code is 'pastoral advice', which is the advice given to those preparing to have their children baptised by the pastor. So 'pastoral' in this canon means advice given by a pastor.

1917 *Canon 776*; 1983 *Canon 860*: A 'pastoral reason' in the 1983 canon is used for cases of necessity or other compelling reason for celebrating baptism in hospitals, when this not normally done. The bishop has the authority to permit this. Here, however, it could be argued that there is some ambiguity as to the meaning of 'pastoral reason', since it is not immediately obvious that this refers merely to the reasons of a pastor but seems to be tied to taking account of the particular circumstances of someone who is asking for baptism but who is unable to receive it in a parish church. In such cases it is not primarily the pastor who seeks this arrangement but the person in hospital. So the adjective 'pastoral' here could, on this interpretation, be regarded as being used in a sense not just pertaining to the reason given by a pastor but to the circumstances of the one requesting baptism. The 1917 source canon speaks of the local ordinary using 'prudent judgment and conscience, for a just and reasonable cause', to determine whether it should be allowed in certain extraordinary cases. Hence 'pastoral' as it is used here is not just about the duties of the pastor which he has to perform according to the law, but could include his reasons given the pastoral circumstances – that is, the need – of the person requesting baptism.

1917 *Canon 806*; 1983 *Canon 905*: 'Pastoral need' is a new phrase in the 1983 canon and it is not merely about the need of the pastor, since he is required to celebrate the Eucharist once on Sundays and on holy days of obligation, but the need of the people to celebrate the Eucharist. Hence 'pastoral' here means the need of the bishop to provide a pastor for the people. However, it also refers to the needs of the people for a pastor and to have their spiritual needs met. Hence, I argue that there is some ambiguity in the use of the term 'pastoral' here.

1917 *Canon 1265*; 1983 *Canon 935*: The 1917 canon is concerned with the location of the most holy Eucharist. The 1983 canon refers to 'pastoral need' and is another example of a new phrase in the revised Code, speaking of the need that a pastor has to carry the Eucharist on his person for the people. Hence 'pastoral care' here means the care by the pastor of the Eucharist, taking into account the need of the people under the precepts of the bishop, but could also refer to the desire of the people to have their spiritual needs met.

1917 *Canons 735 and 938*; 1983 *Canon 1003*: The 1917 canon refers to pastors and keeping holy oils and speaks of 'administering the sacrament' validly by the 'ordinary minister'. The revised canon speaks of 'pastoral care', which means the 'care of souls' given by pastors, in this case the anointing of the sick. So 'pastoral' here refers to the pastor.

1917 *Canon 1006*; 1983 *Canon 1010*: The 1917 canon mentions the consecration of a bishop and priest and when these may occur. The 1983 canon deals with ordinations generally and that these occur on days other than Sunday for 'pastoral reasons'. The use of the term 'pastoral' here is not entirely clear, since such reasons may not necessarily be to do with the pastor but with those being ordained. The decision about taking such 'reasons' into account rests with the pastor, the bishop, and so 'pastoral' means the pastor. Nevertheless, I note some ambiguity about the use of the term 'pastoral' here and I argue that it refers to the circumstances of those who are to be ordained and, perhaps, their families.

1917 *Canon 1009*; 1983 *Canon 1011*: The 1917 canon speaks about 'general ordinations' and where these occur. The revised canon deals with ordinations taking place other than in a cathedral and permits such locations – another church or oratory – for 'pastoral reasons', another example of a new phrase not in the 1917 canon. I argue that the use of the term 'pastoral' here is again not entirely clear, since such reasons may not necessarily be to do with the pastor but with those being ordained and their circumstances.

1917 *Canon 976*; 1983 *Canon 1032*: The 1917 canon refers to 'first tonsure' of secular or religious, and to the subdiaconate. The 1983 canon speaks of 'pastoral care' in regard to deacons before being made priests, so as it is clear that care here means that given by a deacon prior to becoming a pastor. Hence 'pastoral' means the care of pastors and those training for the ordained priestly office.

1917 *Canon 1532*; 1983 *Canon 1293*: The 1917 canon speaks of 'the legitimate superior' and his power of alienating ecclesiastical items and the conditions attached to this. The new phrase in the 1983 Code, 'pastoral reason', is concerned with the alienation of goods whose value exceeds the defined minimum amount for that reason. Hence 'pastoral' refers either to a reason given by a pastor or to one given by someone, perhaps an expert on the item, who advises the pastor.

1917 *Canon 1965*; 1983 *Canon 1676*: The 1983 Code permits a judge to use 'pastoral means', a new phrase not in the 1917 Code, to induce spouses to convalidate their marriage and restore conjugal living. It is not clear whether 'pastoral' here refers to the means offered by a pastor alone or with another professional (for example, a psychological therapist or marriage counsellor) or just the latter, who could offer general qualitative 'pastoral means'. Hence I note some ambiguity in the use of the term 'pastoral' here.

CONCLUSION

From the above comparison of the 1917 canons which were the sources of the 1983 canons and the latter containing the term 'pastoral', I conclude that the term is used in much the same way as it was in the earlier Code, apart from a few canons where I have noted some ambiguity in the use of 'pastoral'. Hence, 'pastoral' in the 1983 Code mostly refers to the duties of pastors, just as it did in the 1917 Code. Notwithstanding this conclusion, I note some ambiguous use of the term in Canons 860, 1010 and 1676 of the 1983 Code, where the phrases 'pastoral needs', 'pastoral reasons' and 'pastoral means' are employed.

In this article I have analysed 'pastoral' as it was used in canon law from 1917 and 1983. The revised Code was the result of the Second Vatican Council, where 'pastoral' was used in almost all of its documents. In addition it promulgated an unprecedented 'pastoral' constitution, *Gaudium et Spes*, which was the first time that such a constitution had appeared in any church council and the content of this text delineates a wide understanding of the 'pastoral' concerns of the church. Beside this document, several other of the conciliar texts used 'pastoral' in a descriptive and qualitative way in terms of mercy, compassion and forgiveness, while others used the term simply to refer to the duties and activities of pastors, as the 1917 Code had done. I have therefore concluded that there was a majority usage of the term in the revised Code which referred largely to the duties and activities of pastors and so there was an attenuation of the use of the term 'pastoral' from the conciliar texts as a whole to the revised Code.