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**LA THÈSE A ÉTÉ
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THE MODERATOR OF THE CURIA
AS MANAGER OF DIOCESAN PASTORAL ACTION

by
R. Daniel Conlon

A dissertation
submitted to the Faculty of Canon Law,
Saint Paul University, Ottawa
in partial fulfillment of the requirements
for the degree of Doctor of Canon Law

Ottawa, Canada, 1986

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ISBN 0-315-36482-3





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ACKNOWLEDGEMENTS

I wish to thank Archbishop Daniel E. Pilarczyk, pastor of the Church of Cincinnati, whose confidence in me and support made possible my course of studies in canon law. Gratitude is also due to Fr. Roch Pagé and Dr. Michel Thériault, of St. Paul University, and to Dr. Claude MacNeil, of the University of Ottawa, for their guidance at different stages of the project. Fr. Francis G. Morrissey, O.M.I., the thesis director, provided valuable assistance at every step along the way; I am grateful especially for his encouragement and for his insistence on precision and clarity. Finally, I am indebted to my friends at St. Paul University and Holy Redeemer Parish for their kindness and concern.

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ABBREVIATIONS

Documents of the Second Vatican Council

<u>AA</u>	"Apostolicam actuositatem"
<u>AG</u>	"Ad Gentes"
<u>CD</u>	"Christus Dominus"
<u>GS</u>	"Gaudium et spes"
<u>LG</u>	"Lumen gentium"
<u>PO</u>	"Presbyterorum Ordinis"
<u>SC</u>	"Sacrosanctum Concilium"

Other References

<u>AAp</u>	<u>Acta et documenta Concilio Oecumenico Vaticano II apparando</u>
<u>AAS</u>	<u>Acta Apostolicae Sedis</u>
<u>AS</u>	<u>Acta synodalia Sacrosancti Concilii Oecumenici Vaticani II...</u>
<u>CIC</u>	<u>Codex iuris canonici...</u> (1983)
<u>CIC(1917)</u>	<u>Codex iuris canonici...</u> (1917)
<u>Comm.</u>	<u>Communicationes</u>
<u>CONC. VAT.</u>	Concilium Vaticanum II
<u>DPM</u>	<u>Directorium de pastorali ministerio episcoporum</u>
<u>ES</u>	"Ecclesiae Sanctae"
<u>PONT. COMM.</u>	Pontificia Commissio Codici iuris canonici recognoscendo

INTRODUCTION

The disciples of Christ understand the Master's call to proclaim the Gospel, to extend the reign of God, and to fashion a just society. They also understand the urgency of the call -- and its challenge. That the Church must produce a harvest in the vineyard is unquestionable. Whether it will, however, depends on the commitment of its members and the ingenuity of their endeavors. The creation of structures, roles and methods has, over the centuries, been a major factor in the Church's pursuit of more ingenious and effective forms of apostolate.

Within this context, ecclesiastical law finds its rightful place, as enunciated so clearly by Pope Paul VI during the course of the Code's revision. For example, he taught that "the laws of the Church are specifically intended to correspond to the many and varied needs of pastoral activity. They are to provide it with ways and means of carrying out its work in an orderly and effective manner."¹

The introduction into the Code of the office of

¹"Disciplinarum Iuris Canonici cultoribus, qui interfuerunt Coetui ex omnibus Nationibus Romae habito", in AAS, 60(1968), p. 339 (tr. in The pope speaks, 13[1968], p. 221).

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moderator of the diocesan curia could well be another contribution of the law to its noble purpose of aiding pastoral action. This will be the general viewpoint of the present study. Whether this contribution of the 1983 Code is a direct and significant one will form the central question of the study.

Since the moderator is an officer of the diocese, the study begins with an inquiry into the nature of pastoral action in the particular Church. Theoretically, the diocese, under the direction of its chief pastor, the bishop, is the ideal locus for the Church's action in the world. But, in practice, the multitudinous and diverse energies of its members need focus and coordination in order for something significant to occur. This signifies an intentional and comprehensive approach which entails careful planning and oftentimes complex mechanisms.

If the bishop is to devote proper attention to his ministry of word and sacrament, he cannot manage alone all the details of comprehensive pastoral action, nor can he be aware of all the circumstances which form the reality of life in his diocese. Assisting him in this regard, then, are the individuals and institutes of his central staff, or curia, and the members of the consultative bodies. To serve the bishop in his governance of pastoral action is, indeed, the

core of their existence.

Yet, their efforts, too, require coordination and supervision beyond the general direction provided by the bishop. Is this a possible function for the moderator of the curia? According to the provisions of canon 473, he will normally be the vicar general or some other priest and, thus, will be well-situated to exercise a broad governing ministry in the diocese. Taken literally, however, the canon seems to exclude the moderator from the arena of pastoral action. Nevertheless, a closer examination of the matter -- the heart of this study -- seems to permit a more liberal assessment.

Assuming some role for the moderator in the development of diocesan pastoral action, the study will try to determine whether it is a pivotal one. In fact, the literature suggests he is the principal manager of the process of planning and implementing diocesan pastoral action. In compliance with the norms of universal and particular law, the moderator would relate to the various participants in the process in such fashion as to assure a harmonious and efficacious pastoral action. In this way, the moderator serves to incarnate one direct and significant contribution of the law to its ultimate purpose within the community of faith.

The method adopted for this study is rather unusual for canonical research. Unlike most ecclesiastical institutions, the office of moderator of the curia did not develop gradually or coalesce from widespread local praxis. It responds to the unique status of the Church since the Second Vatican Council. As a result, it does not lend itself in the same way as other themes to historical investigation, to meaningful field research or to incremental canonical theorization. The scarcity of substantial literature on the specific subject is also significant.

An attempt is being made, therefore, to examine the possibility of linking a novel office to a contemporary ecclesial situation. First, the situation itself -- diocesan pastoral action -- will be studied, then the immediate milieu of the moderator's activity, namely, the diocesan curia. The close relationship of these two elements will provide a framework for analyzing the juridic aspects of the new office, as they appear both in the actual legislation and in the deliberations surrounding its formulation. Finally, a synthesis of all three elements will be constructed within a process for planning and implementing comprehensive diocesan pastoral action. Here, concepts from modern management theory will be employed to augment the provisions of canon law.

Although the role of the moderator within diocesan pastoral action is considered as primary among his functions, a full examination of all his functions and all the juridic aspects of his office will not be possible. Nor is this study to be viewed as a detailed handbook for the practical exercise of the office. Nonetheless, its purpose is to contribute concretely to the connection between law and the pastoral mission of the Church and to the effective governance of dioceses. Hopefully, this study will serve to generate continued thinking about and positive reception of one of the new Code's "ways and means of carrying out [the Church's] work in an orderly and effective manner."

CHAPTER I

PASTORAL ACTION IN THE DIOCESE

It is widely acknowledged that one of the outstanding doctrinal accomplishments of the Second Vatican Council was the restoration of the rightful role of the bishops within the Church. Inseparable from this issue is the nature of the particular Church over which a bishop presides. Theoretically, the diocese constitutes the most proper theater for the Church's pastoral action. Practically, it possesses the greatest potential for an efficacious pastoral action, particularly in light of contemporary social conditions. In order to realize this potential, a vision and methodology of comprehensive pastoral action is needed.

A. Pastoral action

Many writings and pronouncements create the impression that this is the "Pastoral Age". Persons and things in the Church today are widely judged according to their "pastoral" character. Yet, the definition of pastoral eludes precision, and, as a result, so does an understanding of pastoral action, especially the crucial role of the diocesan bishop within it.

1. Mission of the Church

Any correct understanding of pastoral activity begins with the Church's mission, to which all ecclesial activity contributes. In "Lumen gentium's" first paragraph,¹ the Fathers of Vatican II announced that "this Council wishes to set forth more precisely to the faithful and to the entire world the nature and encompassing mission of the Church." It might be said that renewing the Church's mission in the world was at the heart of the Council.²

a. Mission ad intra, ad extra

Essentially, the mission of the Church is the same as its Founder's. By proclaiming the gospel and seeking the salvation of all, the Church perpetuates the incarnational redemption of Christ.³

Yet, the Church cannot extend to the world what it has not first received.

¹CONCILIUM VATICANUM II, "Constitutio dogmatica de Ecclesia: 'Lumen gentium'", in AAS, 57(1965), p. 5. (Cf. The documents of Vatican II, W.M. Abbott, ed., New York, Guild Press, 1966, xxii-794p. This translation will be used for all English version quotations from Vatican II documents in this study.)

²Cf. P. ANCIAUX, The episcopate in the Church, tr. T.F. Murray, Dublin, Gill, 1965, pp. 13, 16.

³Cf. ibid, pp. 29-37; LG, nn. 9,17, pp. 12-14, 20-21.

The Church is, therefore, both the gift of salvation and the means of salvation. The Church is the gift of salvation -- the term and realization of God's self-communication -- because it is the historical, socially organized community of those who accept and confess God's self-communication in Christ and his Spirit, divinizing men and forgiving sinners. The Church is also a means of salvation because in the solemn confession of this community God utters the operative, efficacious word in which he wills to give himself and does effectively give himself to the world and to each individual.⁴

This "gift-means" nature of the Church suggests that its single mission is bidimensional. The Church is called upon to build up the faith community itself (the mission ad intra) and to bring Christian inspiration to the temporal order (the mission ad extra).⁵

b. Universal responsibility

Responsibility for the Church's mission rests with the whole community of believers. There can be no distinction between an active and a passive membership in the Church or between those who function in the "sacred world"

⁴K. RAHNER, Theology of pastoral action, tr. W.J. O'Hara, Freiburg, Herder, 1968, p. 27. Cf. LG, n. 1, p. 5.

⁵Cf. E. AUTANT, Pour une évolution de l'apostolat: institution et mission, Paris, Editions Fleurus, 1968, pp. 24-25, 36-42, 45-47, 61; C. FLORISTAN SEMANES - M. USEROS CARRETERO, Teología de la acción pastoral, Madrid, Editorial Católica, 1968, pp. 238-239, 291; K. RAHNER, op. cit., pp. 32-41.

and those in the "secular world", as though some Church members were deputed for the mission ad intra while others were exclusively charged to fulfill the mission ad extra.⁶ All are required to share appropriately and actively in the one mission. All have been saved (gift), and all serve as instruments of salvation for others (means). Each individual charism of the Spirit contributes to the overall efficacy of the community. But, by the same token, since all charisms are given for the Church, the efficacy of each individual charism depends greatly on the efficacy of the others.⁷

c. Apostolic office

Clearly, though, there must be a unifying and directing charism within the Church. Since God's self-

⁶Cf. P. ANCIAUX, op. cit., pp. 55-57; E. AUTANT, op. cit., pp. 28-29; J. DANIELOU, "Mission de l'Eglise et pastorale d'ensemble", in Congrès national de pastorale, 68e, Versailles, 1956, Pastorale, oeuvre commune, Paris, Union des oeuvres catholiques de France, 1956, pp. 11-12; R.J. DILLON, "Theory and norms of the governing ministry derived from the Gospel of St. Matthew", in Canon Law Society of America, Proceedings of the thirty-fourth annual convention, Seattle, Washington, 1972, Washington, 1973, p. 46; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 283-295; K. MÖRSDORF, "Decree on the bishops' pastoral office in the Church", tr. H. Graf, R. Strachen, in H. Vorgrimler, ed., Commentary on the documents of Vatican II, Freiburg, Herder, v. 2, 1968, p. 235; K. RAHNER, op. cit., pp. 64-65.

⁷Cf. K. RAHNER, op. cit., pp. 35-36, 61-69. Cf. LG, n. 12, pp. 16-17, on the mutuality of charisms.

revelation and the Church's manifestation of it take place socially, the activity of the Church requires order, direction and authority. This is true not only on account of the nature of the task involved, but also because of the express will of the Church's Master.⁸

This need is filled by the apostolic office, which has several important characteristics. First, the apostolic office is a true charism given by the Spirit, not just an institution of law.⁹ Second, it is a responsibility. By its very nature, apostleship has the character of acting in place and on behalf of another and according to his mandate. In this case, the apostles of the Church are responsible to Christ.¹⁰ Third, in its concrete application, the "object of the apostolic office is the development of the Church so that God's plan may be fulfilled, and his mystery be

⁸Cf. P. ANCIAUX, op. cit., p. 84; K. RAHNER, op. cit., pp. 59-60.

⁹Cf. NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "The Church in our day: a collective pastoral of the American hierarchy on the mystery and the structure of the Church", reprinted in The pope speaks, 13(1968), pp. 80-81; PAULUS VI, "L'Ordinazione episcopale di diciannove Presuli: unità vitale e organica della Chiesa Cattolica", in Insegnamenti di Paolo VI, Città del Vaticano, Tipographia Poliglotta Vaticana, 1965-1979, v. 10, pp. 139-143.

¹⁰Cf. P. ANCIAUX, op. cit., pp. 36-49, 42-44, 50-58, 72-75, 84.

accomplished."¹¹ Or, as Karl Rahner puts it, the apostolic office exists "to engage the entire Church in its own specific activity."¹² Through the apostles and their successors, Christ guarantees that the Church will be capable of fulfilling its mission. Their ministry of word and sacrament builds up the Church so that it may go forth into the world. Their discernment of the Spirit and maintenance of order assure an effective action. Whatever power they have been given is directly related to the fulfillment of this task and is to be exercised as diakonía.¹³ Fourth, for the charisms and endeavors of all other members of the community to be legitimate and effective, they must be exercised in communion with the apostles.¹⁴ Fifth, the

¹¹Ibid, p. 76.

¹²Op. cit., p. 78.

¹³Cf. C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 278-281, 478-483; PAULUS VI, "Ai Vescovi degli Stati Uniti adunati in Roma", in op. cit., v. 12, pp. 861-862; M. PAYA ANDRES, "La pastoral en la Iglesia: unidad analógica de sus distintas acepciones", in Anales valentinas, 7(1981), pp. 35-38.

¹⁴Cf. J. DANIELOÛ, art. cit., p. 111; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 295-296; M. USEROS CARRETERO, "El régimen pastoral del obispo en la comunidad diocesana", in Revista española de derecho canónico, 26(1970), pp. 27-28. Ecclesiastical office in general is a true charism for mission and does not depend solely on the exercise of legitimate official powers. The presence of grace must be clearly visible and influential in moving others. Also, since some charisms are bestowed outside the sacraments and church order, they can be moderated only as unity requires (cf. K. RAHNER, op. cit., pp. 61-63, 70-77, 109-110).

original apostles are succeeded in each generation by the bishops of the Church. However, this succession is not from one individual to another but rather by way of the college of bishops, the ordo episcoporum. It is the full college which bears the duty of assuring fidelity to the mission given by Christ to the apostles and, through them, to the whole Church.¹⁵

2. Pastoral action of the Church

The mission of the Church is accomplished through concrete actions. Although by its very existence the Church is the saving presence of God, this is only fully realized through action. Like any sacrament, the Church is self-actualizing: through its active witness it becomes what it signifies.¹⁶

a. General characteristics

Thus, pastoral action¹⁷ is specifically religious

¹⁵Cf. P. ANCIAUX, op. cit., pp. 40-44, 62-74, 84; H.-M. LEGRAND, "Nature de l'Eglise particulière et rôle de l'évêque dans l'Eglise", in La charge pastorale des évêques: décret "Christus Dominus": texte latin et traduction française, Paris, Editions du Cerf, 1969, pp. 115-121; NATIONAL CONFERENCE OF CATHOLIC BISHOPS, art. cit., p. 83; M. PAYA ANDRES, art. cit., pp. 35-36.

¹⁶Cf. M. PAYA ANDRES, art. cit., pp. 34-35; K. RAHNER, op. cit., pp. 29-30, 44-49, 56, 132-133.

¹⁷In the Romance languages, "pastoral action" is

action "by which, under the impulse of the Holy Spirit, [the Church] accomplishes the mission given to it by Christ and pursues the fulfillment of the Father's salvific plan for creation."¹⁸ Its range is quite extensive and excludes only those actions which pertain very little or not at all to the Church's mission. As with the Church's mission, so with its pastoral action there is an ad intra dimension, which involves the building up of the faith community, and an ad

simply expressed as "la pastoral" (Spanish) or "la pastorale" (French), for example. Since "pastoral" is not in this sense a noun in English, "pastoral action" seems to be the best substitute and, thus, will be used throughout this thesis in translations. A fuller discussion of the adjective "pastoral" will occur later in this chapter.

¹⁸L. DINGEMANS, "La pastorale et ses buts généraux", in *Evangeliser*, 17(1962-1963), p. 247: "La pastorale est l'action de l'Eglise, par laquelle celle-ci, sous la motion du Saint-Esprit, accomplit visiblement la mission que lui a donnée le Christ et poursuit l'achèvement du dessein salvifique du Père sur la création." Dingemans (pp. 248-249) lists four specific objectives of pastoral action (by his own admission, not an exhaustive list):

"1. faire connaître la véracité et l'importance d'un événement : le salut de l'homme pécheur, proclamé et réalisé par le Christ ressuscité;

2. obtenir une conversion intérieure, par laquelle la personnalité entière tend à s'identifier au Christ;

3. intégrer dans l'Eglise, à la fois communion vivante de tous les disciples du Christ et intermédiaire visible et invisible de la transmission de la grâce;

4. développer le dynamisme qui oriente le chrétien vers le Père, au-delà d'une réalité intérieure et invisible, vers la transformation des actions par lesquelles chaque être humain est appelé à faire servir la création à son épanouissement personnel et à celui du reste de l'humanité."

extra dimension, which involves the christianization of society.¹⁹

P.J. Viladrich²⁰ has enumerated four characteristics of true pastoral action, characteristics which are mentioned by a number of other writers. Pastoral action must be effective,²¹ mediative (that is, extending the life of God to humanity), adaptive to contemporary circumstances,²² and planned and organized.

b. Meaning of "pastoral"

What constitutes a pastoral action? "Pastoral" has

¹⁹Cf. ibid., pp. 247-248; C. FLORISTAN SEMANES, "Acción pastoral", in C. Floristan, J.-J. Tamayo, eds., Conceptos fundamentales de pastoral, Madrid, Ediciones Cristiandad, 1983, p. 27; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 104-106.

²⁰"Derecho y pastoral: la justicia y la función del derecho canónico en la edificación de la Iglesia", in Ius canonicum, 13:2(1973), pp. 180-184.

²¹Cf. also C. FLORISTAN SEMANES, art. cit., pp. 26-27.

²²Cf. also P. ANCIAUX, op. cit., pp. 13-17; R.J. DILLON, "Ministry as stewardship of the tradition in the New Testament", in Canon Law Society of America, Proceedings of the thirty-first annual convention, Cleveland, Ohio, October 20-23, 1969, Washington, 1970, p. 62; K. RAHNER, op. cit., pp. 42-43, 51-55; P.J. VILADRICH, art. cit., pp. 243-244, 250-252. Much more will be said later about the planned and organized quality of pastoral action.

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become very imprecise in its application because of the rapid evolution of the reality it attempts to express. As an adjective it has been applied to almost everything which signifies in some way an action of the Church.²³

1) Five possible meanings

M. Payá Andrés²⁴ has identified five types of actions which are often denoted as "pastoral":

- 1) the practical ministry of clerics, i.e., the "care of souls";
- 2) the exercise of authority in the Church in the style of the Good Shepherd;
- 3) the general pursuit of the Church's salvific mission by any of its members;
- 4) "apostolic activity" as distinct from doctrine,

²³Cf. L. DINGEMANS, art. cit., pp. 244-245. The Second Vatican Council is often described as being "pastoral". While the shadings of meaning are as numerous within the Council's documents as they are in general, the Council sees its pastoral orientation as a practical one. For example, see LG, n. 1, p. 5, "Constitutio de sacra liturgia: 'Sacrosanctum Concilium'", in AAS, 56(1964), n. 1, p. 97, "Constitutio dogmatica de divina revelatione: 'Dei verbum'", in AAS, 58(1966), n. 1, p. 817 and "Constitutio pastoralis de Ecclesia in mundo huius temporis: 'Gaudium et spes'", in AAS, 58(1966), explanatory note, p. 1025. Also, cf. D. BONIFAZI, "Teologia fondamentale della presenza della Chiesa nel mondo", in Orientamenti pastorali, 33:6-7(1985), pp. 13-15.

²⁴Art. cit., pp. 27-28.

theological reflection, administration, judicial functions, etc.

5) an organized program of pastoral action.²⁵

In the nineteenth century, "pastoring" was equated with imperium, the exercise of legislative and jurisdictional power. Only a bishop, in the view of some, could thus properly be called "pastor" (Payá Andrés' second category).²⁶ Under the influence of people like F.S. Rautenstrauch, "pastoring" was extended from imperium to include all activity proper to sacerdotal ministry (Payá Andrés' first category). The next major development, spearheaded by the thinking of A. Graf, was to consider as pastoral any activity which furthered the Church's two-pronged mission, even when performed by lay persons (Payá Andrés' third category). Thus, emphasis was transferred from the actor to the action.²⁷

Certainly, identifying pastoral with imperium is inadequate. It misses the essentially spiritual and

²⁵The fifth type refers to "pastorale d'ensemble" which will be treated later in this chapter.

²⁶Cf. J.M. GONZALES DEL VALLE, "Jerarquía eclesiástica y autonomía pastoral", in Ius canonicum, 13:2(1973), pp. 73-75.

²⁷Cf. ibid., p. 75; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 86-90.

wholistic nature of the Church's mission. Pastoring cannot be simply a matter of jurisdiction.²⁸

On the other hand, there are significant problems in identifying pastoral with activity. The Church's action is pastoral because it is performed by persons who desire to transmit the effects of God's grace and salvation to others and so produce an effect within them. Also, the common understanding of pastoral as "practical" creates an unnatural antithesis between pastoral and doctrinal, between pastoral and juridical, between pastoral and institutional (Payá Andrés' fourth category). Yet, the Church's transcendent base and hierarchical structure are as much a part of its fidelity to mission as its daily pastoral action.²⁹

Furthermore, the equating of pastoral with the activity of Church members in general creates a blurring between the common and ministerial priesthood, and pastoral often ends up identified with the common priesthood. There is also a tendency to advert primarily to the mission ad extra -- the building up of the earthly city -- which is traditionally the special arena of the laity. In the end, those who are the true pastors of the Church are counted

²⁸Cf. J.M. GONZALES DEL VALLE, art. cit., pp. 77-80.

²⁹Cf. P.J. VILADRICH, art. cit., pp. 175-178.

among the least pastoral.³⁰

2) Pastoral office

In reality, though, the Church's action is pastoral because it rests upon the pastoral office, just as it is apostolic because it rests upon the apostolic office.³¹ This reality underlies "Apostolicam actuositatem"³² assertion that "the apostolate of the laity and the pastoral ministry complement one another", as noted by E. Autant:

When the apostolate is exercised by the hierarchy, it receives the particular name "pastoral". The word "pastoral" covers in effect the totality of hierarchical functions [...]. The term pastor is thus proper to the members of the hierarchy and their work is qualified as "pastoral action". By extension, however, this last word comes to apply to the total action of the Church insofar as it is directed by the hierarchy [...]. That is why it is possible [...] to use "pastoral" in the wider sense of the apostolate of the whole Church. But we should note carefully that strictly speaking the term "pastoral action" belongs only to the hierarchy and the "apostolate" to the work of the whole Church: we speak of the "pastoral function of the bishops" but only of the "apostolate of the laity".³³

³⁰Cf. ibid., pp. 248-255.

³¹Cf. L. DINGEMANS, art. cit., p. 258.

³²CONC. VAT., "Decretum de apostolatu laicorum: 'Apostolicam actuositatem'", in AAS, 58(1966), n. 6, p. 842.

³³Op. cit., p. 49: "Lorsque l'apostolat est exercé par la hiérarchie, il reçoit le nom particulier de 'pastoral'. Le mot 'pastoral' recouvre en effet l'ensemble

3) Community leadership

This understanding of pastoral becomes clearer if we view the pastoral office as one of community leadership.³⁴ This notion of the pastoral office as the building up of the Body of Christ pertains in a special way to the bishop:

des fonctions de la hiérarchie [...]. Le terme de pasteur est donc propre aux membres de la hiérarchie et leur oeuvre est qualifiée de 'pastorale'. Par extension cependant ce dernier mot arrive à recouvrir l'ensemble de l'action de l'Eglise en tant que dirigée par la hiérarchie [...]. Voilà pourquoi il est possible [...] d'employer 'pastoral' dans le sens plus large de l'apostolat de toute l'Eglise. Mais notons bien qu'en rigueur de terme la 'pastorale' est le propre de la hiérarchie et 'l'apostolat' l'oeuvre de toute l'Eglise : on parlera de la 'fonction pastorale des évêques' mais seulement de 'l'apostolat des laïcs'."

³⁴Cf. W.J. BURGHARDT, "The Catholic priest, yesterday and today: keynote address, Convocation of Diocesan Priests, Archdiocese of Cincinnati, French Lick, Indiana, June 11, 1984", Unpublished manuscript, 1984, p. 7.

This may be what is meant by "the full care of souls" in c. 150 of the Code. (Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1983. Cf. Code of canon law: Latin-English edition, Translation prepared under the auspices of the Canon Law Society of America, Washington, Canon Law Society of America, 1983, xlii-668p. This translation will be used for all English version quotations from the Code in this study.) Cf. CONC. VAT., "Decretum de presbyterorum ministerio et vita: 'Presbyterorum Ordinis'", in AAS, 58(1966), n. 6, pp. 999-1001; IOANNES XXIII, "La solenne inaugurazione", in Discorsi, messaggi, colloqui del Santo Padre Giovanni XXIII, Città del Vaticano, Tipografia Poliglotta Vaticana, 1960-1964, v. 2, p. 130; K. MORSDORF, art. cit., pp. 260-261.

For a treatment of the cultural, scriptural and patristic foundations of "shepherding" in this sense, see J.A. MARQUES, "El concepto de pastor y función pastoral en el Vaticano II", in Ius canonicum, 13:2(1973), pp. 13-71.

"Inseparable from the biblical 'Pastor' is his action as 'guide of the community', so that, correctly understood, we could speak appropriately of a true 'pastoral leadership' of the bishop."³⁵

"To supervise" (episkopé) was seen in the early centuries of the Church as a way of being "shepherd" (poimén). A pastor was one in authority, and, in turn, the basic function of authority was presidency of the community, whether as an individual or as a member of a group of "elders". Pastoral and episcopal were synonymous.³⁶

The identification of pastoral with presiding over the community persisted throughout the patristic era but gradually yielded to the identification of "pastor" with "sacred minister", an idea which endured right up to Vatican II. As the communal style of Church was eclipsed by a more individualistic one, so too was the notion of pastor. The

³⁵M. USEROS CARRETERO, art. cit., p. 22: "Inseparable del 'Pastor' bíblico es su acción de 'guía de la comunidad', de manera que, entendiendo bien la expresión, se podría hablar con propiedad de un verdadero 'liderato pastoral' del obispo." Rahner (op. cit., pp. 84-95) uses "Leiter" to describe the bishop's basic role in the diocese. Cf. also IOANNES XXIII, "Homilia Summi Pontificis in die Coronationis", in AAS, 50(1958), p. 886. (Only later in his homily does the new pope turn to the more subjective "pastoral" qualities of gentleness and humility.)

³⁶Cf. P. ANCIAUX, op. cit., p. 40; J.A. MARQUES, art. cit., pp. 50-53.

pastor became the one who "cared for souls", not the one who led the community.³⁷

The Second Vatican Council has provided the theoretical foundation for pastoral renewal in our time. There the pastoral function was presented primarily as caring for the flock and governing it -- the function of "sacred pastors".³⁸ The pastor, situated in the midst of his people,

³⁷Cf. P. ANCIAUX, op. cit., p. 59; J.A. MARQUES, art. cit., pp. 59-60; M.D. MEEKS, "Hope and the ministry of planning and management", in Anglican theological review, 64(1982), pp. 151-152.

³⁸Cf. J.A. MARQUES, art. cit., pp. 61-63. Some examples of references in the Council to "pastoral" as the community leadership of the bishop: LG, nn. 23, 27, pp. 27-28, 32-33, "Decretum de activitate missionali Ecclesiae: 'Ad Gentes'", in AAS, 58(1966), n. 17, pp. 967-968 and "Decretum de pastoralis episcoporum munere in Ecclesia: 'Christus Dominus'", in AAS, 58(1966), n. 11, pp. 677-678. It is also interesting to note that the Council's draft document, "On bishops and diocesan government", became "On the bishops' pastoral office" and absorbed another draft document, "On the care of souls", which dealt with the bishop's direct ministry to certain types of persons. L. de Echeverría ("Droit canonique, pastorale et organisation ecclésiastique", in L'année canonique, 13[1969], p. 83) credits the Council with eliminating any opposition between governing and feeding the flock and with recognizing that governing was at the same time a juridic and pastoral function. Cf. also NATIONAL CONFERENCE OF CATHOLIC BISHOPS, art. cit., p. 83; PAULUS VI, "Apostolic Constitution 'Apostolicam sollicitudinem' in materiae", in op. cit., v. 12, pp. 862-863.

"Pastoral" appears to be used inconsistently in the CIC. For example, c. 407.2 speaks of "indolis pastoralis", that is, the practical pursuit of the Church's mission, while c. 412 alludes to the "munus pastoralis", meaning the general role of leadership, even though both canons refer to the life of the diocese and the ministry of its bishop. Nevertheless, in general the Code understands pastoral activity as the work of the ordained.

is to provide inspiration and strong leadership in directing the community's contribution to the growth of the Kingdom of God.³⁹

In the wake of the Council, with everyone and so many activities aimed at being "pastoral", the unique role of the Church's pastors could easily become lost. But ultimately pastoral action is about the action of pastors, those who assure the effective pastoral action of the whole community. Of Payá Andrés' five meanings of "pastoral", the second -- the exercise of authority in the Church in the style of the Good Shepherd -- seems then to capture most fully this idea. Anyone can learn about pastoring and can act in a pastoral way; not everyone can be a pastor. Without

³⁹Cf. R. JULIAN REY, El obispo diocesano en la génesis de la "Lumen gentium": aspectos jurídicos de su función pastoral, Pamplona, Ediciones Universidad de Navarra, 1977, pp. 206-211; K. MÖRSDORF, art. cit., p. 176. For a sample intervention on the subject, see AS, 3:3:2, p. 230. Cf. also F. BOULARD, "La pastorale d'ensemble: projets et réalisations", in Congrès international de pastorale, 1er, Fribourg, Suisse, 1961, Pastorale d'aujourd'hui: bilan et perspectives, Bruxelles, Editions du Cep, 1963, p. 93: "Comment appeler cette action précise de l'Eglise qui veut englober et harmoniser les missions de tous ses membres; prêtres, religieuses, laïcs, sous tous les aspects de leur apostolat: catéchétique, liturgique, familiale, caritative, sociale, etc.? Le mot de pastorale semble le meilleur puisqu'il s'agit ici de recouvrir un aspect très spécifique de la mission de l'Eglise: le rattachement vital de toutes les pastorales particulières à l'unité de la mission épiscopale, et parce que les fonctions de l'évêque culminent en celle de Pasteur [...]."

pastors there can be no true pastoral action.⁴⁰

c. Triple munera

The Church's pastoral mission and ministry is customarily divided into the triple munera of teaching, sanctifying and governing.⁴¹ The mission of the Church and the sense of its pastoral office is a continuation of the prophetic, sacerdotal and royal action of the Old Testament, brought to perfection in the ministry of the earthly Jesus and in the salvific action of the glorified Christ. The Church is charged with sharing in this work. It is to preach the Gospel (martyria), to form a people as an acceptable offering to the Father (koinonia), and to transform the world into the Kingdom of God (diakonia).⁴² There are three

⁴⁰Cf. P. ANCIAUX, op. cit., pp. 7-8; W.J. BURGHARDT, art. cit., pp. 8-10; P.J. VILADRICH, art. cit., pp. 213-216.

⁴¹For a thorough study of the triple munera and their theological and canonical development, see A. FERNANDEZ, Munera Christi et munera ecclesiae: historia de una teoría, Pamplona, Ediciones Universidad de Navarra, 1982, 729p. While the threefold division has a scriptural basis, a venerable tradition stretching as far back as Justin and considerable ecumenical acceptance, it should always be understood as an artifice. For surely, the work of Christ and the Church is a single mediation of salvation. Cf. P. ANCIAUX, op. cit., pp. 51-53; A. FERNANDEZ, op. cit., C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 3-19, 263; H.-M. LEGRAND, art. cit., pp. 125, 146, 258-262; M. PAYA ANDRES, art. cit., p. 29.

⁴²Cf. P. ANCIAUX, op. cit., pp. 29-30; C. FLORISTAN SEMANES, art. cit., pp. 27-28, 34-35; C. FLORISTAN SEMANES -

specific issues relating to the triple munera which need to be addressed in the context of this study.

1) Diakonía and munus regendi

Certainly, the whole Church has inherited the mission of Christ and his three-fold office. It is a prophetic, priestly and royal people. But in chapter 2 of "Lumen gentium", the participation of the laity in the prophetic and priestly functions is clearly presented, while there is no mention of participation in the royal function, or at most only a nuanced one.⁴³

The problem seems resolved by the substitution of "diakonía" for "royal function".⁴⁴ This is fine as an overview but inadequate from the specific vantage point of official ministry and authority. Eventually a distinction must be made between the diakonía of the faithful and that of the hierarchy. The latter, while exercised as a service, is

M. USEROS CARRETERO, op. cit., pp. 3-19; M. PAYA ANDRES, art. cit., pp. 36-37.

⁴³Pp. 14-17. Cf. M. PAYA ANDRES, art. cit., p. 33. CIC, c. 129 reflects the same reluctance.

⁴⁴Cf. C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 16-25, 46, 89, 269, 468-469, 481-484; H.-M. LEGRAND, art. cit., p. 125; M. PAYA ANDRES, art. cit., pp. 33-34. Cf. also John Paul II's "Redemptor hominis", in AAS, 71(1979), nn. 18, 21, pp. 305, 316-320.

a true munus regendi. It is a service or ministry of governance,⁴⁵ intended to assure discipline, organization and a full apostolate.⁴⁶

2) Munus pascendi

The second issue relating to the triple munera is whether the pastoral office includes all three munera or only the munus regendi. In the patristic age, presiding over the community (the essence of the pastoral office) involved doctrine, sacraments, administration and representation between the local Church and the larger one.⁴⁷ The Council of Trent, following the lead of Thomas Aquinas, included under "pascere" the celebration of the Eucharist, preaching, administration of the sacraments and the example of good works, besides the activities of governance.⁴⁸

⁴⁵LG (n. 20, p. 24) and CIC (c. 375.1) refer to "ministers of governance". Cf. R.A. HILL, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., The Code of canon law: a text and commentary, Commissioned by the Canon Law Society of America, New York, Paulist Press, 1985, pp. 92-93 on the distinction between the office and power of governing.

⁴⁶Cf. H.-M. LEGRAND, art. cit., pp. 125, 146; M. PAYA ANDRES, art. cit., pp. 30-32. C. Floristan Semanes (art. cit., pp. 33-35) offers an especially satisfying explanation of the distinction between the universal and hierarchical ruling functions.

⁴⁷Cf. J.A. MARQUES, art. cit., p. 181.

⁴⁸Cf. M. USEROS CARRETERO, art. cit., p. 20.

Although it made a significant contribution to the development of the pastoral office, the Second Vatican Council did not firmly resolve the question. Sometimes it included all three functions in the pastoral office, while in other references it equated the pastoral office with governing.⁴⁹

The vast majority of post-conciliar commentators take the position that the munus pascendi encompasses all three. Among them is Paul VI: when speaking of a bishop's power he referred to "his pastoral power of teaching, sanctifying and governing".⁵⁰ On another occasion he

⁴⁹Cf. K. MÖRSDORF, art. cit., pp. 199-200. Examples of the broader usage: LG, nn. 21, 23, pp. 24, 27-28; CD, nn. 2, 8, 11, 30, 44, pp. 673, 676, 677, 689, 696. See also: PAULUS VI, "Litterae apostolicae, Motu proprio datae: Normae ad quaedam exsequenda SS. Concilii Vaticani II decreta statuuntur: 'Ecclesiae Sanctae'", in AAS, 58(1966), p. 758 (Cf. Vatican Council II: the conciliar and post-conciliar documents, A. Flannery, ed., Northport, N.Y., Costello Publishing Co., 1975 [1981 printing], p. 592. This translation will be used for all English version quotations from the motu proprio in this study.); CONGREGATIO PRO EPISCOPIS, Directorium de pastoralis ministerio episcoporum, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1973, nn. 14, 22, 106, conclusion (Cf. Directory on the pastoral ministry of bishops, tr. Benedictine Monks of the Seminary of Christ the King, Mission, B.C., Ottawa, Publications Service of the Canadian Catholic Conference, 1974. This translation will be used for all English version quotations from the Directory in this study.); CIC, cc. 375.1, 381.1, 519, 676. For examples of the more limited usage, see: LG, n. 28, p. 34; CD, nn. 2, 16, pp. 674, 680; DPM, nn. 18, 92.

⁵⁰"Incontro con gli Arcivescovi e Vescovi d'Italia", in op. cit., v. 3, pp. 707-708: "[...] sue pastorali potestà di magistero, di santificazione e di governo [...]."

mentioned "the triple pastoral function: of teaching, of ministry, of guiding".⁵¹

3) Munera and powers

The third issue to be addressed is the relationship between the threefold munera and the twofold division of power into sacramental and jurisdictional. The issue is a complex one which cannot be treated extensively here, but the key to its understanding lies in the unity of power in the Church.

While it is true that there corresponds to each of the munera a power which enables implementation of the function,

⁵¹"L'Ordinazione episcopale a diciannove Presuli: unità vitale e organica della Chiesa Cattolica", in op. cit., v. 10, p. 141: "[...] della triplice funzione pastorale: di magistero, di ministero e di guida." Cardinal P. Veillot of Paris made this intervention at the Council (AS, 3:3:2, p. 61): "Licet enim tria distinguantur Episcoporum munera in Ecclesia, integrum eorundem officium seu munus qualitati pastoralis ornatum est. Pastoralis enim est modus docendi, sanctificandi atque gubernandi."

The deliberations at the Council offer an important insight into the question. A number of Fathers promoted the substitution of "pascere" for "regere" in the list of hierarchical functions as being more appropriate and in tune with current attitudes (for example, Archbishops M. Baudoux [AS, 2:2:1, p. 623] and I.I. Weber [AS, 2:2:1, p. 746]). "To rule" will not suffice; neither will "to serve" (as noted above). One might conclude, then, that the more properly universal term "pastoral" is often employed to designate the royal or ruling function simply because of a poverty of language.

[...] the Council did not accept the threefold division of the Church's authority into doctrinal, priestly and governing powers (potestas docendi, sanctificandi and regendi); [...] it professed the unity of the sacred authority (sacra potestas) founded on holy orders, an authority determined by the canonical mission through which it may also be exercised.⁵²

Sacred order radically confers the power of all three munera as well as jurisdiction, although it can be exercised only in hierarchical communion. Furthermore, the power of jurisdiction is needed for many sanctifying activities. Thus, the traditional division created by the coupling of sacramental power with the sanctifying office, and of jurisdictional power with the teaching and governing offices, is no longer acceptable.⁵³

⁵²K. MÖRSDORF, art. cit., p. 232. Cf. also J.E. LYNCH, "The changing role of the bishop: a historical survey", in The jurist, 39(1979), pp. 297-298.

⁵³Cf. J.M. GONZALES DEL VALLE, art. cit., pp. 80-81; R. JULIAN REY, op. cit., pp. 52-61; K. MÖRSDORF, art. cit., p. 207 (footnote 16); J.H. PROVOST, "The participation of the laity in the governance of the Church", in Canon Law Society of Great Britain and Ireland newsletter, 60(March, 1984), pp. 25-33; K. RAHNER, op. cit., pp. 78-84, 117; A.M. STICKLER, "La 'potestas regiminis' visione teologica", in Apollinaris, 56(1983), pp. 405-406; J.L. DE URRUTIA, "El campo administrativo en la actividad de la Iglesia", in Semana de derecho canónico, 9a, El Escorial, 1962, Aspectos del derecho administrativo canónico, Salamanca, Talleres Gráficos Cervantes, 1964, pp. 46-47. Bishop Yoshigoro Taguchi presented this position on the Council floor (AS, 2:2:2, pp. 897-898).

The new CIC retains the correlation between the powers of governance and jurisdiction (c. 129.1). However, it does not define the origin of these powers, and it seems

3. The bishop as center of pastoral action

The renewal envisioned for the Church by Vatican II rests largely on the shoulders of diocesan bishops and on the effective exercise of their threefold pastoral ministry.⁵⁴ The diocesan bishop is the pastor par excellence because he stands at the center of that community which is the fullest manifestation of the Church. Conversely, his pastoral and apostolic ministry helps to make it so.⁵⁵ Once in existence, the coherence of the particular Church is assured by the leadership of its pastor.⁵⁶

more concerned with restricting these powers to the ordained than with securing the correlation. Also, the use of "faculties" for certain teaching and sanctifying activities is recognition that "jurisdiction" extends into those areas.

⁵⁴Cf. C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 493-495; M. USEROS CARRETERO, art. cit., p. 15.

⁵⁵Cf. P. ANCIAUX, op. cit., pp. 71, 81-88; E. AUTANT, op. cit., pp. 123-124; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 491-493; T.J. GREEN, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., p. 312; NATIONAL CONFERENCE OF CATHOLIC BISHOPS, art. cit., p. 85; PAULUS VI, "L'Assemblea della Conferenza Episcopale Italiana: confidare nella vita e nella missione della Chiesa", in op. cit., v. 8, pp. 303-306 and "Inaugurata la decima assemblea della CEI: il dovere della fiducia e del sacrificio nella missione pastorale del Vescovo", in op. cit., v. 11, pp. 594-595.

⁵⁶Cf. IOANNES XXIII, "Allocutio clero et christifidelibus e dioecesi suburbicaria Albanensi, ad Arcem Gandulfi habita", in AAS, 54(1962), p. 658. Cf. also PAULUS VI, "L'ansia di essere ed operare con la Chiesa", in op.

a) Word and sacrament: direct ministry

The bishop's ministry of word and sacrament is the nucleus of diocesan life.⁵⁷ To be an effective teacher and preacher demands both a knowledge of the permanent deposit of faith and current theological positions as well as an awareness of his listeners' concrete situations.⁵⁸ While decrying the tendency to overemphasize a bishop's administrative skills, R.J. Dillon elucidates the interrelationship between theological adeptness and the bishop's ability to be an effective governor: one "should command because he knows well what has been commanded, -- that is, he knows the Lord's teaching and can interpret it for the Church compellingly [...]."⁵⁹

Just as a well-developed teaching ministry enhances the leadership and governing roles of the bishop, so does his liturgical ministry. The Eucharist (augmented by the other

cit., v. 7, p. 1041, "Le caratteristiche di valido aggiornamento pastorale", in op. cit., v. 9, p. 764 and "Il congresso dei fedeli nella cattedrale di Rubaga", in op. cit., v. 7, p. 597.

⁵⁷Cf. W.W. BASSETT, "The office of episcopal vicar", in The jurist, 30(1970), pp. 285-286; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., p. 489.

⁵⁸Cf. C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 484-486.

⁵⁹"Theory and norms...", p. 41.

sacraments and public worship in general) is the fullest expression (and means of the diocesan Church's unity when presided over by its bishop. It also improves people's sense of belonging to a body with a common mission.⁶⁰ However, what has happened to the bishop's teaching office has likewise happened to his sanctifying one: it has succumbed to the primacy of governing.⁶¹ It is critical that the full exercise of both ministries be recovered.

b. Governing: organization of others' ministry

Although he performs them in a unique fashion, teaching and sanctifying are basically the chief means by which a bishop personally fulfills the universal Christian vocation. They constitute his immediate contribution to the life of the Church. To the extent that he oversees the teaching and worship of the rest of the community, there is a correlation with, if not an outright extension of, the governing function.⁶²

⁶⁰Cf. G. DIX, The treatise on the Apostolic Tradition of St. Hippolytus of Rome, New York, Macmillan, 1937, pp. ixxix-ixxx.

⁶¹Cf. C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 486-489.

⁶²Cf. F. BOULARD, La renovación de la diócesis según el Vaticano II, Valencia, Comercial Editora de Publicaciones, 1970, p. 146; P. CANTERO CAUDRADO, in AS, 3:3:5, p. 116; K.

This becomes clearer when we recognize that the principal component of the bishop's governing ministry is the organization of the diocese's pastoral action. Such organization -- seen as mobilizing resources and coordinating efforts -- extends to all fields of action. It supersedes the disciplinary and narrowly juridical or administrative duties of the bishop. In fact, furtherance of pastoral action should determine these other activities of governance.⁶³

MÖRSDORF, art. cit., p. 209; R. PAGE, "Conseils et offices diocésains selon le nouveau Code", in Studia canonica, 19(1985), pp. 160-161. For example, an examination of CD, nn. 13-15, pp. 678-680 and CIC, cc. 386-389 reveals special attention being given to the bishop's personal teaching and liturgical activities. Although CD, nn. 13-14 mention his supervisory role in the fields of catechetics and education, the material is repeated in n. 16, pp. 680-681, which deals with the bishop's governing ministry.

It is important here to distinguish between leadership, which includes the full scope of the triple pastoral office, and governance, which is the exercise of legislative, executive and judicial power. It is also important not to overemphasize the supervisory role to the detriment of the bishop's direct preaching and liturgical role. Otherwise, the bishop remains almost an exclusively governmental figure even in these two areas (cf. W.J. BURGHARDT, art. cit., p. 7.)

⁶³Cf. J. DOMINGUEZ GOMEZ, "El sacerdote, sujeto y objeto de la pastoral", in Pastoral de conjunto: reflexiones y sugerencias, Madrid, Editorial ZYX, 1966, p. 183; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 114, 490, 513-514; J.A. JANICKI, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., p. 437; H.-M. LEGRAND, art. cit., pp. 34-35; M. USEROS CARRETERO, art. cit., pp. 14-15. Cf. also Bishop P. Barrachina y Estevan's intervention at the Council (AS, 2:2:2, p. 669).

1) Sharers in a single ministry

There is really only one ministry in which all the ordained participate, and that ministry originates in the college of bishops' apostolic office.⁶⁴ Only the diocesan bishop (including, of course, the bishop of Rome) bears the plenitude of the Church's pastoral office. Other clerics in the diocese, even auxiliary bishops, are entrusted with various aspects or degrees of his functions, although, admittedly, only in the sense of canonical mission or faculties.⁶⁵ The clergy of a diocese, united with their

⁶⁴Cf. P. ANCIAUX, op. cit., pp. 46-47; J.E. LYNCH, art. cit., p. 304; J.H. PROVOST, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., pp. 145-148. Cf. also LG, n. 28, pp. 33-36.

In the documents of the Council, "pastor" refers exclusively to bishops 36 times; it is applied to presbyters 14 times. Not surprisingly, "pastoralis, e" is used far more often in CD than in any other document.

⁶⁵Cf. F. BOULARD, op. cit., pp. 40-48; PAULUS VI, "Il Papa ai Vescovi della Jugoslavia in visita 'ad limina'", in op. cit., v. 15, pp. 1088-1089; K. RAHNER, op. cit., pp. 97-100.

The parish priest is the ordinary and immediate pastor of a community which he is to form into the Body of Christ and in which he exercises the trinary munera. Yet, the parish does not incorporate the fullness of the Church; as the diocese does, nor does its pastor possess the fullness of the pastoral office. Hence, his ministry always depends on the authority of the diocesan pastor (cf. J. DOMINGUES GOMEZ, art. cit., pp. 183-184; J.A. JANICKI, art. cit., p. 420; K. MÖRSBÖRGER, art. cit., p. 260). It is true that CIC refers to those who have charge of parishes (cc. 515.1, 519) and quasi-parishes (c. 516.1) as "proper pastors" of those communities. However, many Church teachings, including c.

head, pursue a common pastoral ministry. The bishop cannot proceed without them nor they without him.⁶⁶

The laity are also collaborators in the bishop's ministry, even though their right to participate in the Church's mission derives directly from baptism and the indwelling of the Holy Spirit. While certain apostolic endeavors of the laity are juridically beyond the governance of the bishop (such as the internal life of religious

519, make it clear that priests are essentially sharers in the bishop's ministry; e.g., LG, n. 28, pp. 33-36; SC, n. 42, p. 112; PO, nn. 2, 4-7, pp. 993, 995-1003; AA, n. 25, pp. 857-858. It is important to note that after those two references the Code consistently uses "parochus" when referring to "pastors" of parishes. So, the opinion is retained that the use of "pastor" is only analogical when used for "parochi". For an exception, see CD, n. 30, pp. 688-689.

⁶⁶Cf. P. ANCIAUX, op. cit., pp. 95-96; F. BOULARD, op. cit., pp. 48-54, 81-82; J. DOMINIGUEZ RODRIGUEZ, "Fundamentos teológicos de una pastoral de conjunto", in Pastoral de conjunto: reflexiones y sugerencias, Madrid, Editorial ZYX, 1966, p. 53; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 516-519; IOANNES XXIII, "Omaggio riconoscente delle popolazioni Trivenete per la nuova gemma di santità", in op. cit., v. 3, p. 281; J.A. MARQUES, art. cit., p. 67; PAULUS VI, "L'Assemblea della Conferenza Episcopale Italiana: confidare nella vita e nella missione della Chiesa", in op. cit., v. 8, p. 301, "Conferimento dell'Ordinazione sacerdotale a 62 diaconi di ventitre paesi di missione", in op. cit., v. 4, p. 10, "La Federazione delle Associazioni del Clero Italiano", in op. cit., v. 3, pp. 387-388 and "La nuova sede del Pontificio Collegio-Seminario Spagnuolo", in op. cit., v. 3, p. 620; K. RAHNER, op. cit., pp. 78-84, 95-97; SYNODUS EPISCOPORUM, "De sacerdotio ministeriali", in AAS, 63(1971), pp. 918-920. See also Bishop I.M. Urtasun's intervention at the Council (AS, 2:2:2, pp. 429-430).

institutes and the daily service of individuals in the world), still, everyone should be attuned to the direction of the bishop and the needs of the diocese and contribute their energies in a spirit of cooperation.⁶⁷

2) Collaboration and authority

The contemporary urge ~~for~~ for coresponsibility and collegiality is keenly felt in the area of diocesan pastoral action. All members of the particular Church have the right to participate not only in the execution of pastoral action but also in its planning. Thus, the bishop's role is preferably one of discerning rather than dictating, of facilitating rather than controlling.⁶⁸

⁶⁷Cf. F. BOULARD, art. cit., pp. 93-94 and op. cit., pp. 177-180; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 538-541; PAULUS VI, "XXX Congresso dei Laureati di Azione Cattolica: l'esercizio individuale e collettivo di luminoso apostolato", in op. cit., v. 6, pp. 713-716. For the special role of religious institutes in diocesan pastoral action, see PAULUS VI, "Ai partecipante al convegno dei Superiori e delle Superiore maggiori d'Europa: dedicare con rinnovata slancio tutte le energie alla causa del Regno", in op. cit., v. 14, pp. 803-805, "Unione delle Superiore Maggiori di Religiose: amare e servire la Chiesa nel vincolo della perfetta carità", in op. cit., v. 8, p. 1088 and "Le Conferenze Nazionali di Religiosi e di Religiose", in op. cit., v. 10, pp. 1078-1079.

⁶⁸Cf. P. ANCIAUX, op. cit., p. 77; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 299-300, 482-484, 495-519, 546-548; R.T. KENNEDY, "Introductory address", in Canon Law Society of America, Proceedings of the thirty-

Nevertheless, such an ideal is no excuse for pusillanimity on the part of the bishop or undue independence on the part of his collaborators. Legislating, evaluating and regulating are the means whereby the bishop maintains apostolic and pastoral unity within his Church and with the provincial, national and world-wide Church. The proper exercise of his governing power, rather than detracting from pastoral action, serves as a way of guaranteeing the realization of the diocese's ends and of preventing confusion, competition and dissipation.⁶⁹

The successful accomplishment of the Church's mission requires good government and organization, the proper balance of centralization and local initiative and, above all, the wise and forceful, but always selfless, leadership of the bishop. His vision and energy are the basis for effective

third annual convention, Atlanta, Georgia, October 11-14, 1971, Washington, 1971, pp. 2-5; R. KRESS, "Membership and leadership in the Church", in The jurist, 42(1982), p. 54; T.P. SWIFT, "The human dimensions of authority and obedience in a faith community", in Canon Law Society of America, Proceedings of the thirty-third annual convention, Atlanta, Georgia, October 11-14, 1971, Washington, 1971, p. 36. Cf. also Bishop G. Pearce's intervention at the Council (AS, 2:2:2, p. 835).

⁶⁹Cf. C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 489, 491-497, 503-508; R. JULIAN REY, op. cit., pp. 206-210; T.P. SWIFT, art. cit., pp. 31, 36-39.

diocesan pastoral action.⁷⁰

B. Development of the concept of "comprehensive diocesan pastoral action"

The wholistic and deliberate approach to diocesan pastoral action, developed in this century, recaptures some fundamental characteristics of the early Church and accomodates them to the circumstances of our time. The evolution of diocesan pastoral action has paralleled that of the Church's self-understanding (ecclesiology).⁷¹

1. Prior to the twentieth century

The patristic Church still experienced the dynamic presence of the risen Christ in its preaching, liturgy and fellowship. The governing role of the ecclesial leader, the essence of which was unification, was mostly a matter of maintaining the community in the true Gospel and the

⁷⁰Cf. P. ANCIAUX, op. cit., pp. 99-100; E. AUTANT, op. cit., pp. 95-96; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 248-256, 482-484, 511-512; T.J. GREEN, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., pp. 312, 327; R. JULIAN REY, op. cit., p. 206; R.T. KENNEDY, art. cit., pp. 2-3.

⁷¹Cf. C. FLORISTAN SEMANES, art. cit., p. 21. For an analysis of the relationship between ecclesiology and pastoral action throughout the Church's history, see C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 43-78.

sacramental life. Unity was founded on faith and fellowship rather than on organization or law.⁷² The pastoral action of this tight-knit, highly committed group was a collective enterprise to which each member contributed. General decisions about pastoral activities were affirmed by all, and the specific policies were made by the bishop in consultation with the presbyters. Coordination and moderation of the various charisms were easy for the bishop since he knew his people and the local situation well. But more than a manager of pastoral action, he stood in the midst of his people as an example of discipleship and a servant of their spiritual needs.⁷³

Gradually, though, the bishop became less an inspirational figure and more an administrator. No longer capable of direct personal ministry because of rapidly increasing numbers, he assumed a supervisory role as his major contribution to diocesan pastoral action.⁷⁴ Also, by the end of the fifth century, the local Church's pastoral action was no longer oriented primarily toward

⁷²Cf. C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 25-27, 54-55; J.E. LYNCH, art. cit., p. 291.

⁷³Cf. C. FLORISTAN SEMANES, art. cit., p. 28; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 27-28, 55-57; J.E. LYNCH, art. cit., p. 292.

⁷⁴Cf. C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., p. 487; J.E. LYNCH, art. cit., pp. 293-294.

evangelization. Attention was focused on maintaining a fairly static community -- and a more complex one. A more juridical approach, preoccupied with questions of power, prerogative and procedure, seemed appropriate to these circumstances.⁷⁵

The communal and dynamic model of pastoral action waned even further throughout the Middle Ages. Leadership came to be defined as office; church membership, as personal sanctity; pastoral action, as routine ministration; and preaching and liturgical presiding, as exercises of jurisdiction. Lay people were considered by many to be so burdened by sin and the exigencies of life that personal salvation was hardly possible, much less apostolic endeavors on behalf of others; the laity were regarded as objects of clerical ministry.⁷⁶ Even clerical pastoral action itself deteriorated. Finally, the benefice system, episcopal absenteeism and the centralization of power and initiative in Rome contributed to the sense that the bishop was not really the leader of the diocese. When he did exert influence it

⁷⁵Cf. G. ALBERIGO, "La juridiction: remarques sur un terme ambigu", in Irenikon, 49(1976), pp. 176-177; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 30, 273; J.E. LYNCH, art. cit., pp. 292-294, 305.

⁷⁶Cf. W.J. BURGHARDT, art. cit., p. 7; C. FLORISTAN SEMANES, art. cit., pp. 28-29; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 30-32, 57-64, 525-528.

was mainly to inhibit abuse, enforce laws or protect ecclesiastical privileges from secular encroachment.⁷⁷

The Council of Trent partially reversed this trend by insisting on pastoral visitations and mandatory residency for bishops.⁷⁸ Nevertheless, the narrowness and rigidity of the "perfect society" ideology reached its apex in the post-tridentine era. Centralization of authority and apostolic initiative, separation of the Church into active and passive membership (clerical-lay), ecclesiastical self-sufficiency and fear of things secular or different all tended to increase. The bishop's ministry consisted mostly in guarding against deviation and exercising jurisdictional power. Pastoral action was basically "practical theology", that is, the execution of specific tasks by isolated clerics who were

⁷⁷Cf. C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 273-275; H.-M. LEGRAND, art. cit., p. 146. There were some positive exceptions. For example, the Regula pastoralis of Gregory the Great influenced episcopal ministry throughout the early medieval period and was canonized by Gratian (cf. H.-M. LEGRAND, art. cit., p. 145). Many of the capitularies promulgated during the Carolingian reform demonstrated a remarkable concern for everyday life and the welfare of social relationships (cf. G. DEVAILLY, "La pastorale en Gaule au IXe siècle" in Revue d'histoire de l'Eglise de France, 59[1973], pp. 23-53).

⁷⁸Cf. F. BOULARD, art. cit., p. 102; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 33-36; H.-M. LEGRAND, art. cit., p. 146.

guided by handbooks having little or no theological foundation and little sense of comprehensiveness.⁷⁹

2. Twentieth century prior to Vatican II

Recent developments in pastoral action are rooted in the ecclesiological revival of the nineteenth and twentieth centuries. Modern theologians, abandoning the naturalism and anthropocentrism of neo-scholasticism, reclaimed the more supernatural and mystical ecclesiology of the patristic age. That the Church is the community of all the faithful and the mediator of salvation to the world is the theological foundation for diocesan pastoral action in our time.⁸⁰

Beside the theological impetus there was the sociological one. The Church had traditionally relied on three institutions for the effectiveness of its pastoral action: family, parish, diocese. In our time, so many changes have occurred in human society at large which often disrupt the underlying conditions and patterns of these three

⁷⁹Cf. W.J. BURGHARDT, art. cit., p. 7; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 36-37, 64-87, 275-276.

⁸⁰Cf. F.J. CALVO GUINDA, "Notas para una historia de una pastoral de conjunto", in Pastoral de conjunto: reflexiones y sugerencias, Madrid, Editorial ZYX, 1966, p. 13; C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 38-43, 174-193.

institutions and render them far less effective. Thus, modifications to them, along with new structures and approaches, have become necessary.⁸¹

a. Early developments

In 1905 Martin Fassbender outlined the crisis occasioned by the lack of pastoral coordination in Europe's large cities and put forth a plan of action. Picking up on Fassbender's initiative, Lorenz Wertman established the first Caritas unit in 1911, the "free Association for the assistance of Charity in pastoral action", which in 1922 was redesignated the "free Association for pastoral assistance". These were lay associations with ecclesiastical approbation and clerical guidance -- the forerunners of Y.C.W. and Catholic Action.⁸²

1) Young Catholic Workers

While in Germany the motivation for the reform of

⁸¹Cf. E. AUTANT, op. cit., pp. 96-99.

⁸²Cf. F.J. CALVO GUINDA, art. cit., pp. 14-16. Karl Rudolf's Pastoral Institute in Vienna (established in 1921 and later an inspiration for the Mission de France seminary) gave rise to the famous "see, judge, act" trilogy of Catholic Action and Y.C.W. (cf. ibid, p. 16 and also CIC, c. 511).

pastoral action was the difficulty experienced in reaching large urban populations, in France it was the deleterious effects of secularization, particularly the isolation of religion from everyday life. Within this situation arose Young Catholic Workers (better known as Y.C.W.) and Catholic Action. The period from 1930 to 1939 was particularly innovative, with an emphasis on the role of the laity.⁸³

Y.C.W., founded in 1925 by the future Cardinal Joseph Cardijn, was the initial attempt to foster spiritual renewal and apostolic action within homogeneous groups. By means of the "see, judge, act" enquiry method, the social and professional conditions of the members were integrated with their religious well-being and apostolic efforts. The members were to observe the environment with a critical eye, assess the situation according to Christian values and discern appropriate ways to modify it, and finally implement a course of action. Reflection was just as essential as action, but it needed to be practical and realistic. Like the early movement in Germany, Y.C.W. was basically a lay organization with ecclesiastical approbation.⁸⁴

⁸³Cf. F. BOULARD, art. cit., pp. 83-85; F.J. CALVO GUINDA, art. cit., p. 17.

⁸⁴Cf. L. MATHIAS, Catholic Action: theory and practice, Madras, Huxley Press, 1952, pp. 105-111.

2) Catholic Action

Catholic Action extended Y.C.W. and brought the lay apostolate into the mainstream of pastoral action (that is, the action of pastors). Several popes prior to Pius XI had laid the groundwork for an organized lay activity which would champion the cause of Christ in the world, but it was Pius XI who defined Catholic Action fully and promoted it zealously.⁸⁵ It had four specific characteristics: 1) action or work performed by the laity, 2) which is organized, 3) directed toward the apostolic mission of the Church, and 4) in response to a special mandate of the bishop. It was intentionally religious, touching on temporal or political affairs very little (although these were to be known).⁸⁶

⁸⁵The landmark pronouncement of Pius XI on Catholic Action was the encyclical "Non abbiamo bisogno" (June 29, 1931), in AAS, 23(1931), pp. 285-312. Another important contribution was his letter "Quamvis Nostra", in AAS, 28(1936), pp. 159-164. The references made to Catholic Action by Pius XI and the popes since him are too numerous to catalogue here.

⁸⁶Cf. L. MATHIAS, op. cit., pp. 1-2, 6-12, 20-27.

One serious limitation of Catholic Action was its very conception as an instrument in the hands of the hierarchy. Especially with Pius XI, there was a sense that the laity were assisting the hierarchy in its mission. Pius XII advanced the thinking by preferring to speak of collaboration of the laity with the hierarchy. But the full expression of the unique and proper role of the lay contribution to the Church's pastoral action, something which the bishop was to protect and encourage, would have to wait until Vatican II. Still, Catholic Action was an enormous step toward restoring the communal ideal of pastoral action

Catholic Action operated on a parish-based cellular model. Members were to receive extensive religious, moral, social, apostolic and technical formation, and each cell was to specialize both in type of membership and activity (e.g., young industrial workers promoting Catholic literature or older women assisting with catechetics). While Catholic Action was precisely structured, many details were left to local determination, often based on the social and religious conditions of the area. Part of the local task was to establish immediate goals. A canonical basis for the movement was provided through episcopal decrees establishing parochial and diocesan boards along with their statutes.⁸⁷

Despite Catholic Action's emphasis on specialization, coordination of effort was also a major concern. On the parish level, coordination was achieved through a Parochial Board; the Diocesan Board was responsible for coordination at the higher level. The apostolic efforts of religious men and women were to be

prevalent in the early Church (cf. C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 528-531, 548-551; H.-M. LEGRAND, art. cit., p. 143; L. MATHIAS, op. cit., pp. 2-3, 12-23, 31-43). One of the negative side effects of the laity's structural dependence on the hierarchy was the limitation on the possibilities for intervention into the temporal realm (cf. E. AUTANT, op. cit., pp. 83-84).

⁸⁷Cf. ibid., pp. 23, 47-105, 168-169.

incorporated into the overall effort, especially through participation in Catholic Action cells established in their institutions. Sometimes it was judged better to use Catholic Action as the framework for all pastoral action; sometimes a more independent, but coordinated form seemed appropriate. Always there were to be cohesion and harmony.⁸⁸

3) Mission de France

Another progression toward what today is considered the ideal in diocesan pastoral action was the Mission de France. This uniquely French version of Catholic Action began under the inspiration of Cardinal Emmanuel Suhard of Paris in 1941. Its distinctiveness lay in two factors: the combined engagement of clergy and laity and the national scale of its development.⁸⁹

b. Pastorale d'ensemble

Built upon these earlier twentieth-century developments, the approach to diocesan pastoral action called

⁸⁸Cf. ibid., pp. 138-170.

⁸⁹Cf. F.J. CALVO GUINDA, art. cit., pp. 18-19; J.-F. SIX, Cheminements de la Mission de France, 1941-1966, Paris, Editions du Seuil, 1967, pp. 11-33.

"pastorale d'ensemble" appeared.⁹⁰

1) Initial developments

Books by Gabriel Le Bras (1931), which traced the sociological effects of Catholicism on various regions of France, and by Etienne Gilson (1934), Henri Godin and Yves Daniel (1943), which asserted the missionary status of France, set forth some of the basic principles upon which pastorale d'ensemble would be formed. Among them were: 1) the paramount importance of the laity and their apostolic animation; 2) the necessity of adapting the Church's external image and pastoral activity to the contemporary world; 3) the indispensability of sociological study to provide a better understanding of people and upon which to build spiritual renewal; 4) the wisdom of settling upon a few reasonable goals which encompass not only church-goers but also those beyond and which can serve as springboards for other objectives; and 5) a strong communal preoccupation underlying the whole effort.⁹¹

⁹⁰Cf. F. HOUTART - W. GODDIJN, "Problems of pastoral organization", tr. T. Westow, in Concilium, 3:1(1965), p. 15.

Like "pastoral", there is no simple English equivalent to "pastorale d'ensemble" (French), "pastoral de conjunto" (Spanish), or "pastorale d'insieme" (Italian). "Comprehensive pastoral action", "unified pastoral action", or similar expressions will be used often in this study, although "pastorale d'ensemble" will also appear.

⁹¹Cf. F.J. CALVO GUINDA, art. cit., pp. 17-21.

2) Work of F. Boulard and associates

Fernand Boulard and P.J.F. Motte, already committed to the Mission de France, were heavily influenced by these ideas and gradually fashioned the comprehensive and detailed structure of pastorale d'ensemble, with the former contributing the sociological theory and the latter contributing the practical methodology. Meeting people in the total social context and formulating a comprehensive pastoral action with solid organization are the hallmarks of their approach.⁹²

For many years Boulard and Motte worked with individual dioceses, directing sociological research and establishing systems for pastoral action.⁹³ Their ideas received national recognition in 1956 at the Congrès national de pastorale, held at Versailles, and international recognition at the First International Congress of Pastoral Action, convened at Fribourg, Switzerland in 1961.

⁹²Cf. ibid., pp. 21-22.

⁹³Cf. ibid., pp. 22-23. By 1965 almost half of the French dioceses had completed or undertaken significant sociological studies, with Boulard's assistance, as a basis for renewing pastoral structures and activities. At their plenary assembly in 1960, the French bishops established a secretariat for diocesan pastoral action to facilitate the communication of ideas and experiences among dioceses.

a) Versailles Congress

At the Versailles gathering, titled "Pastoral action: common work", the participants heard these words from a letter written by Pius XII:

To bear all their fruit, these efforts require first of all a firm doctrinal foundation and that fraternal charity among priests, which we recommended a few weeks ago to the Roman clergy. But, on the level of the apostolate, which is the topic of your Congress, they require equally a judicious coordination of ministries in a sufficiently large sphere of action. This requirement, without doubt, applies to every age; but it comes to the fore more in our time, not only to compensate for the overly small number of apostolic workers, but also to correspond better to the complexity of human relations and to the new dimensions of the social structures of life and work. Also, all the priests who expend themselves in a given sector should consider their sacerdotal functions, diverse and complementary, as being at the service of the one and same task of the Church, under the authority of the bishop. It is to the head of the diocese, responsible for the entire apostolate which is accomplished there, that it belongs to evaluate the scope of the groupings of desirable forces, to define the conditions and limits⁹⁴ to assign to each the objectives of action.

⁹⁴"Epistula ad Exc̃mum P.D. Alexandrum Renard, Episcopum Versaliensem, praesidem Conventus LXVIII nationalis sodalitatis, quae 'Union des oeuvres catholiques de France' appellatur", in AAS, 48(1956), p. 265: "Pour porter tous leurs fruits, de tels efforts requièrent tout d'abord une ferme assise doctrinale et cette charité fraternelle entre prêtres, que Nous recommandions il y a peu de semaines au clergé romain. Mais, au plan de l'apostolat, qui est celui de votre Congrès, ils requièrent également une judicieuse coordination des ministères dans un cadre d'action suffisamment large. Cette exigence, sans doute, est de tous les temps; elle s'impose cependant davantage à notre époque,

In addition to papers delivered by Boulard, Canon Fauchet (another close associate of Boulard) and others,⁹⁵ Jean Daniélou presented the theological rationale for pastorale d'ensemble. He concluded that, since a united and organic pastoral action reflects the very nature of the Church, pastorale d'ensemble is not just a convenience or modern fad.⁹⁶

non seulement pour remédier au trop petit nombre d'ouvriers apostoliques, mais pour mieux correspondre aussi à la complexité accrue des relations humaines et aux dimensions nouvelles des structures sociales de vie et de travail. Aussi bien, tous les prêtres qui se dépensent dans un secteur donné aimeront-ils considérer leurs fonctions sacerdotales, diverses et complémentaires, comme étant au service d'une seule et même tâche d'Eglise, sous l'autorité de l'Evêque. C'est au chef du diocèse, responsable de tout l'apostolat qui s'y accomplit, qu'il appartient d'apprécier l'ampleur des regroupements de forces souhaitables, d'en définir les conditions et les limites, d'assigner à chacun les objectifs d'action." In the same letter, the pope spoke of the necessity of "une action pastorale d'ensemble" and acknowledged the value of sociological research as a grounding for pastoral action. A year earlier, during a radio address to the Roman clergy, Pius XII had spoken in a similar vein (cf. Discorsi e radiomessaggi di Sua Santità Pio XII, Città del Vaticano, Tipografia Poliglotta Vaticana, 1955-1959, v. 17, pp. 7-9).

⁹⁵For the complete proceedings of the Versailles congress, see CONGRES NATIONAL DE PASTORALE, 68e, Versailles, 1956, Pastorale, oeuvre commune, Paris, Union des oeuvres catholiques de France, 1956, 268p. Canon Fauchet ("Vers une pastorale diocésaine d'ensemble", in ibid., p. 64) proposed this definition of diocesan pastoral action: "L'intégration de toutes les forces apostoliques d'un diocèse dans une action d'ensemble réaliste, coordonnée par l'évêque."

⁹⁶Art. cit., pp. 108-125. G. Locatelli outlines a systematic theological base for pastorale d'ensemble in La pastorale dopo il Concilio, Milano, Editrice Ancora, 1967, pp. 23-182, 234-235.

b) Fribourg Congress

The influence which this French notion of pastorale d'ensemble had on the teaching of the Second Vatican Council can be traced through the conference held in Fribourg in late 1961. The First International Congress of Pastoral Action was convened by the Center for the Direction and Coordination of Pastoral Action under the auspices of the Sacred Congregation of the Council. The Holy See's official representative, and one of the speakers, was Cardinal Paolo Marella who at the same time was serving as president of Vatican II's preparatory commission on bishops and the government of dioceses (a group for which Boulard served as a consultant).⁹⁷

In his opening remarks at the Congress, the rector of the University of Fribourg acknowledged the already wide dissemination of the concept of pastorale d'ensemble,

⁹⁷ Cf. CONC. VAT., Schemata constitutionum et decretorum ex quibus argumenta in Concilio disceptanda seligentur, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1962-1963, v. 3, pp. 105-106, footnote 17. Another Frenchman, Cardinal P. Veillot, who had presided over the ecclesiastical reorganization of metropolitan Paris with a view to better pastoral action, was also a member of the commission.

For the complete proceedings of the conference, see CONGRES INTERNATIONAL DE PASTORALE, 1er, Fribourg, Suisse, 1961, Pastorale d'aujourd'hui; bilan et perspectives, Bruxelles, Editions du Cep, 1963, 265p.

particularly its social dimension.⁹⁸ Added Cardinal Marella in the keynote address:

Beyond Catholic Action, general or specialized, a prime position ought to be given to another properly modern method of the apostolate, that of pastorale d'ensemble, which today is more and more indispensable as much on the parish level as on the diocesan, provincial and national levels. We are happy to have among us Father Boulard who is one of its first and most valiant promoters.⁹⁹

c) Boulard's strategy

Indeed, it was Boulard's presentation which highlighted the Congress. It also summarized all of his thinking and work to date. As he put it, the dechristianizing of the modern world affects not only individuals but entire communities. Thus, to be effective, pastoral action must encompass entire communities. It must include all sectors of the apostolate and ecclesial life and involve all members and institutions of the Church.

⁹⁸Ibid., p. 14.

⁹⁹Ibid., p. 28: "Outre l'action catholique, générale ou spécialisée, il y a lieu de faire une place de choix à un autre moyen bien moderne d'apostolat, celui de la pastorale d'ensemble, aujourd'hui de plus en plus indispensable tant à l'échelon de la paroisse qu'à celui du diocèse, de la province ecclésiastique et de la nation. Nous sommes heureux d'avoir parmi nous l'Abbé Boulard qui en est un des premiers et plus vaillants promoteurs."

Pastorale d'ensemble has a double thrust: to form the People of God and make it grow in truth and in charity (the mission ad intra, or Church as gift of salvation) and then to announce to the world its living message and be an evangelic leaven in society (the mission ad extra, or Church as means of salvation). Such an effort must be carefully planned and executed and sustained over a long period of time.¹⁰⁰ The ideal setting for this sort of pastoral action, emphasized Boulard, is the diocese,¹⁰¹ and the center of diocesan pastoral action is the bishop.¹⁰²

From the bishop, diocesan pastoral action faces in two directions. As a member of the episcopal college, the bishop must lead the diocese to collaborate in a pastorale d'ensemble on the provincial, national and universal levels. This is valid also because some social realities extend beyond diocesan limits.¹⁰³

¹⁰⁰Cf. F. BOULARD, art. cit., pp. 83-84, 91-92. Cf. also F. HOUTART - W. GODDIJN, art. cit., p. 23.

¹⁰¹Art. cit., pp. 83, 86-87.

¹⁰²Ibid., p. 92: "[...] retrouver cette vérité fondamentale qu'il n'y a de pastorale pleno sensu qu'au niveau de l'épiscopat, car il ne peut y avoir de pastorale sui juris en dehors des pasteurs ordinaires et immédiats du troupeau." (cf. also pp. 95-96).

¹⁰³Ibid., p. 94.

Then there is the inward movement from the bishop to the diocese. First, the bishop should select a few close collaborators, people with a broad pastoral vision who can eventually serve in key leadership roles. This step also creates a sense of teamwork, as does the next step: development of a close relationship between bishop and priests and among priests themselves. The clergy, who participate in the bishop's mission by assembling the Christian people, must be ready to assume their crucial role before attempts are made to gather the forces of the laity. Spiritual renewal of the clergy is the highest priority in their preparation: comprehensive and organic pastoral action is not simply a matter of sociology and organizational development nor, certainly, of episcopal decree; it is primarily a matter of conversion of heart.¹⁰⁴

Before any specific structures are established, it is first necessary to commission extensive sociological research covering both the social and religious characteristics of the diocese. After studying this material with his team of close collaborators, the bishop begins to construct an organizational system consisting of deaneries and "zones humaines", along with a network of leadership and

¹⁰⁴Ibid., pp. 89-91, 100-101.

coordination.¹⁰⁵

A zone humaine (also called pastoral or apostolic zone) is a small natural region with a certain social unity and a sense of identity for its residents. On this level, analysis of the sociological data and development of a pastoral program which could affect the larger society are possible. Here it is also possible to engage effectively the contribution of priests, religious, laity and non-parochial institutions in a sufficiently diverse aggregate which respects the particular vocation and charism of each. Each zone requires a director, preferably residing within the zone, who ought to be a specialist in comprehending the total situation and bringing people together.¹⁰⁶

¹⁰⁵Ibid., pp. 83, 102.

¹⁰⁶Ibid., pp. 87-88. Cf. also FAUCHET (art. cit., pp. 60-61, 64, 76-79, 81) who pointed out that neither the zone nor its leader has a clear canonical definition or status. The zone director should have a direct relationship to the bishop and be appointed by him ad nutum. Fauchet reported that in the French experience "l'idéal semblerait être: un archidiacre, détaché pour une, deux ou trois zones -- étant l'Ordinaire sur tous les plans: apostolique, administratif...[...]" Sometimes, though, vicars general were appointed to these positions. F. Houtart and W. Goddijn (art. cit., p. 20) refer to a "pious association", established in Bogotá in 1958, as the first canonically erected "pastoral zone". Originally consisting of twelve parishes (later, thirty), it functioned through the leadership of a general assembly of parish priests with an executive committee. Each of the specialized committees included an appointed representative of the bishop.

Each zone should have commissions of priests¹⁰⁷ comprised of representatives of the various deaneries within the zone. Their task is to study the sociological reports as they pertain to different aspects of the zone's life and to formulate plans for specific types of pastoral action.¹⁰⁸ A council, consisting of the vicars forane, spokespersons for the commissions and the Ecclesiastical Assistants of Catholic Action, has collegial responsibility for the zone's pastoral life and for ministerial harmony. Assisting the zone director and pastoral workers should be specialists in particular areas of pastoral action (e.g., liturgy, catechetics, social services).¹⁰⁹

¹⁰⁷At this stage of development, pastorale d'ensemble did not fully integrate in practice the endeavors of clergy, religious and laity, although Boulard did recommend that religious and lay persons participate at least occasionally in the deliberations of the zone commissions (cf. F. BOULARD, op. cit., pp. 164-180). However, the theoretical foundation had been laid and awaited the impulse of the Second Vatican Council for full implementation. (Fauchet [art. cit., pp. 63, 72-75] advocated a more thorough consolidation than Boulard.)

¹⁰⁸For an illustration of how specific aspects of the apostolate, particularly the teaching and sanctifying activities, are included in the unified pastoral action, see Fare pastorale: ambite forme di azione, tempi, mete, Torino, Marietti, 1981, 943p. and Pastoral de conjunto: reflexiones y sugerencias, Madrid, Editorial ZYX, 1966, 208p.

¹⁰⁹F. BOULARD, art. cit., pp. 98-99. Cf. also FAUCHET, art. cit., pp. 61, 81; F. HOUTART - W. GODDIJN, art. cit., pp. 19-23. Houtart and Goddiijn emphasize the importance of the commissions on two scores: they provide a

Each zone normally encompasses four or five deaneries, the smallest collective unit in the organization of pastorale d'ensemble. In the deanery, priests should find spiritual nourishment and the opportunity to share among themselves the daily tasks of pastoral action. The deanery also serves as a network for parishes, which can no longer stand under the illusion that they are able to provide individually all the ingredients for effective pastoral action.¹¹⁰

Although the zone is the pivotal unit in diocesan pastoral action, it cannot function successfully without connection to the diocese and the other zones. The bishop achieves this cohesion through what Boulard called the pastoral council and Fauchet, the episcopal council. Regardless of the name, the council should be considered the "supreme organ of episcopal government" and a modern form of the ancient presbyterium. Its membership includes those who are appointed to direct the pastoral zones as well as representatives of diocesan offices.¹¹¹ Additionally on the

means for each priest to look at ministry in a supraparochial way, and they permit those responsible for implementation to participate in the planning.

¹¹⁰F. BOULARD, art. cit., pp. 98-99 and op. cit., pp. 95-107.

¹¹¹F. BOULARD, art. cit., pp. 99-100. Fauchet (art. cit., pp. 63-66) suggested a different composition for the

diocesan level, there should be commissions to conduct continuing socio-religious research for use by the diocese, zone and deanery.¹¹²

To his listeners at Fribourg, Boulard offered this general definition of pastorale d'ensemble:

At the diocesan level, pastorale d'ensemble is a patient effort to engage freely, for the salvation of the world, all the members of the Church with all their institutions and all their resources, under the authority of the bishop, whose mission is to coordinate and direct them and who is thus able to exercise his pastoral charge to the fullest.¹¹³

council. In reading Boulard and Fauchet, there appears a remarkable similarity between this council and the one set forth in CIC, c. 473.4 and between the zone director (and the "close collaborators" mentioned earlier in reference to the initial phase of establishing pastorale d'ensemble) and Vatican II's innovative episcopal vicar. A thorough investigation of these connections is beyond the scope of this thesis, but they seem more than coincidental.

¹¹²F. BOULARD, art. cit., p. 100. Cf. also F. HOUTART - W. GODDIGN, art. cit., pp. 17-18.

¹¹³Art. cit., p. 95: "Au niveau du diocèse, la pastorale d'ensemble est un effort patient pour mettre en oeuvre librement, face au monde à sauver, tous les fils de l'Eglise avec toutes leurs institutions et toutes leurs ressources, sous l'autorité de l'évêque, qui a mission de les coordonner et de les diriger, et qui peut ainsi exercer en plénitude sa charge pastorale." J. Dominiguez Rodriguez (art. cit., p. 37) defines pastoral de conjunto this way: "La integración progresiva, de cara al mundo al que hay que salvar, de todos los miembros de la Iglesia con la actividad y funciones propias de cada uno -- Palabra, Liturgia, gobierno, testimonio de vida cristiana -- y de todas las instituciones en una acción conjunta bajo la autoridad

After studying the early attempts in France, the results of organic pastoral action in the diocese (in addition to greater overall effectiveness) were obvious to Fauchet: new hope and optimism among pastoral workers, a heightened desire for deeper knowledge and excellence in ministry, more opportunities for people to use their gifts, a better utilization of clergy, a fuller sense of the Church beyond the parish, greater harmony and mutual respect among workers and a renewed awareness of the Church's apostolic mission.¹¹⁴

c. John XXIII

There was another link between the work of Fernand Boulard and the Second Vatican Council besides the conference at Fribourg and Boulard's own influence within the Council's preparatory commission. That link is the person who convoked

competente -- Obispo, Conferencia episcopal, Colegio episcopal -- con vistas a la autorrealización de la Iglesia en todas sus dimensiones."

In their important contribution, Houtart and Goddiijn (art. cit., pp. 15-16) distinguish Boulard's comprehensive "pastoral care" from more recent "pastoral projects" undertaken in Africa and Latin America. The authors point out, interestingly, that the more institutionalized and well-endowed an area is, the less likely there will be an impulse toward broader corporate action.

¹¹⁴FAUCHET, art. cit., pp. 79-83. ◊

the Council: Pope John XXIII.¹¹⁵

John's perspective on diocesan pastoral action was set forth just ten days after assuming the papacy, when he addressed a meeting of the Latin American Bishops Conference (CELAM) in Rome.¹¹⁶ After first outlining the proper attitude of bishops toward cultural and economic development, the Holy Father challenged the bishops to undertake a broad process for responding to the religious and social circumstances of their region. The steps in the process were to include the acquirement of a clear sense of the realities involved, the formation of a plan of action supported by suitable organization, the execution of the plan and the constant engendering of cooperation. Other suggestions were also presented: distinguish between the essential and the less essential; be farsighted, recognizing that these efforts are only a beginning; maintain a fullness of vision which takes account of both the common good and the individual good. Some programs should be long-term in nature, others,

¹¹⁵For eleven years (1944-1953), he served as nuncio in Paris where he became familiar with the Mission de France and Boulard's initiatives, as well as with the literature which inspired them.

¹¹⁶"Allocutio: Ad Eños Cardinales, Exeños Archiepiscopos et Episcopos, necnon Revños Delegatos e Consilio Episcopali Americae Latinae, ob tertium eiusdem Conventum Romae coadunatos", in AAS, 50(1958), pp. 997-1005.

more immediate, and planning for them should be pursued on both the diocesan and regional levels. Three years later John followed up on this allocution with a letter to the Latin American hierarchy.¹¹⁷

3. Vatican II

The basic ideals and strategies of pastorale d'ensemble were extensively adopted by the Fathers of Vatican II and have thus become the blueprint for pastoral action in our time. Concern for the development of diocesan pastoral action surfaces frequently in the conciliar documents.¹¹⁸

a. "Lumen gentium" and "Gaudium et spes"

Two of the great products of the Council, the "Dogmatic constitution on the Church" ("Lumen gentium") and the "Pastoral constitution on the Church in the modern world"

¹¹⁷"Epistula: Ad E. mos Patres Cardinales atque Exc. mos Archiepiscopos et Episcopos Americae Latinae, quorum anxiam participat curam Beatissimus Pater ob pericula, quae fidei et christianae vitae actioni in iis regionibus impendent", in AAS, 54(1962), pp. 28-31.

¹¹⁸Cf. H.-M. LEGRAND, art. cit., pp. 142-143; M. USEROS CARRETERO, art. cit., pp. 34-38. In reference to the conciliar documents as a whole, E. Autant (op. cit., p. 127) makes this interesting observation: "L'impression générale qui se dégage de ce vaste ensemble est celui d'un corps en train de s'organiser."

("Gaudium et spes"), outline only in broad strokes the bishop's task of directing pastoral action. Nevertheless, in so doing they provide a solid foundation. "[...] bishops have the sacred right and duty before the Lord [...] to moderate everything pertaining to the ordering of worship and the apostolate," declares "Lumen gentium".¹¹⁹ Priests "must strive to lend their effort to the pastoral work of the whole diocese" as directed by the bishop.¹²⁰ The sacred pastors "understand that it is their noble duty so to shepherd the faithful and recognize their services and charismatic gifts that all according to their proper roles may cooperate in this common undertaking [i.e., the saving mission of the Church] with one heart."¹²¹ In planning for pastoral action, "Gaudium et spes" mentions that the findings of secular sciences, especially sociology and psychology, should be employed.¹²² In pursuing its pastoral objectives the Church must present the larger community with an example of harmony in spirit and action.¹²³

¹¹⁹N. 27, pp. 32-33.

¹²⁰N. 28, p. 35.

¹²¹N. 30, p. 37.

¹²²N. 62, pp. 1082-1084.

¹²³N. 92, pp. 1113-1114.

b. "Christus Dominus"

It is particularly in the "Decree on the bishops' pastoral office in the Church" ("Christus Dominus") that the concept of diocesan pastoral action is accorded its fullest treatment. As early as number 6 of the decree, bishops are urged "to make every effort to have the faithful actively support and promote works of evangelization and the apostolate."¹²⁴ Bishops are to develop a full range of methods for preaching the Gospel and for presenting Christian doctrine.¹²⁵ They are the "governors, promoters, and guardians of the entire liturgical life" of their dioceses.¹²⁶ Insofar as the directing of pastoral action is primarily a function of governing (although it includes the activities involved in teaching and sanctifying), that aspect of the bishop's responsibility receives special attention in the part of the decree devoted to the governing function.¹²⁷ He is to gather and mold his flock so that "everyone, conscious of his own duties, may live and work in a communion

¹²⁴p. 676.

¹²⁵N. 13, pp. 678-679.

¹²⁶N. 15, pp. 679-680.

¹²⁷Nn. 16-19, pp. 680-683. Cf. H.-M. LEGRAND, art. cit., pp. 111-113, 139; M. USEROS CARRETERO, art. cit., p. 17.

of love." He "promotes the whole pastoral work of the entire diocese" by rearranging his own life, time and activity, by knowing his priests and their ideas, by familiarizing himself through scientific research with the social conditions of his people, by recognizing and promoting the right and duty of all to collaborate actively in the building up of the body of Christ, and by fostering ecumenism (n. 16).

Furthermore, in a clear reflection of the principles of pastorale d'ensemble, the bishop ~~is~~ to encourage various forms of the apostolate within the whole diocese and its parts, making sure that all is coordinated and interconnected so that "all undertakings and organizations, whether catechetical, missionary, charitable, social, family, educational, or any other program serving a pastoral goal will be brought into harmonious action", with each member of the faithful being integrated into the whole effort according to his or her own state of life and abilities. The various forms of the apostolate should be adapted to current needs as indicated through the research of pastoral sociology (n. 17). The fulfillment of the pastoral ministry includes concern for social and civil affairs and cooperation with civil officials in making progress in these areas (n. 19).

Other matters pertaining to the development and coordination of pastoral action are discussed further on in

"Christus Dominus". The determination of diocesan boundaries and the internal organization of dioceses must be oriented toward the achievement of organic unity, that is, with personnel, offices and institutions operating like a properly functioning body. There should be sufficient offices, institutions and organizations necessary for pastoral ministry and the apostolate. The needs of those in different rites or language groups must be provided for.¹²⁸ Priests should be assigned according to the pastoral needs of the diocese and engage their ideas and efforts in fulfilling those needs. They should cooperate with the bishop and each other so that "the pastoral work in the diocese will be more unified and made more effective." Even community life for priests should have as its basic purpose the facilitation of pastoral action.¹²⁹ This is also the reason for the erection and suppression of parishes.¹³⁰

Numbers 33 through 35 refer to members of religious institutes: perhaps never before has Church teaching laid such emphasis on the need to incorporate religious into the pastoral action of the diocese. There is even the admission

¹²⁸N. 23, pp. 684-685.

¹²⁹Nn. 28-31, pp. 687-690.

¹³⁰N. 32, p. 690.

that "in a certain genuine sense [religious priests] must be said to belong to the clergy of the diocese inasmuch as they share in the care of souls and in carrying out works of the apostolate under the authority of the sacred prelates."¹³¹

Finally, in the last chapter of "Christus Dominus", bishops are called upon to cooperate with one another in fulfilling their pastoral office. They are able to remind one another, as it were, that their forbears in the early Church had "pooled their resources and unified their plans".¹³² Such an approach is recommended for our own time and is the very basis for the establishment of episcopal conferences and ecclesiastical provinces and regions.¹³³ Often pastoral needs and undertakings require the direction and impetus of national, regional or provincial offices.¹³⁴

c. Other conciliar documents

Other conciliar documents address the need for a unified program of pastoral action within the diocese from specific perspectives. Included among them, especially, are

¹³¹N. 34, p. 690.

¹³²N. 36, p. 692.

¹³³Nn. 38-39, pp. 693-694.

¹³⁴N. 42, p. 695.

"Presbyterorum Ordinis",¹³⁵ "Apostolicam actuositatem",¹³⁶
"Ad Gentes",¹³⁷ "Sacrosanctum Concilium",¹³⁸ "Inter mirifica",¹³⁹ "Unitatis redintegratio"¹⁴⁰ and "Gravissimum educationis".¹⁴¹

4. Subsequent contributions

"Ecclesiae Sanctae", the Directory on the pastoral ministry of bishops and the Code of canon law are intended to specify and apply the concepts of the Council regarding the pastoral action of the diocese.¹⁴² In addition, Pope Paul VI often alluded to the subject in his teachings.

¹³⁵Nn. 7,8,14,15, pp. 1001-1005, 1013-1015.

¹³⁶Nn. 2,3,10,15-17, pp. 838-840, 846-847, 851-859.

¹³⁷Nn. 19,22,26,28,30,32-34,37,38, pp. 969-970, 973-974, 977-979, 981-986.

¹³⁸Nn. 11,14,33,41,45,46, pp. 102-104, 108-109, 111-113.

¹³⁹"Decretum de instrumentis communicationis socialis: 'Inter mirifica'", in AAS, 56(1964), nn. 3,13,18,20,21, pp. 146, 149-152.

¹⁴⁰"Decretum de oecumenismo: 'Unitatis redintegratio'", in AAS, 57(1965), n. 4, pp. 94-96.

¹⁴¹"Declaratio de educatione christiana: 'Gravissimum educationis'", in AAS, 58(1966), n. 9, p. 736.

¹⁴²Many ideas which could not be incorporated into CD have found their way into the first two of these documents (cf. K. MÖRS DORF, art. cit., pp. 299-300).

a. Directory on the pastoral ministry of bishops

The Directory in particular treats matters in this area. In fact, there are entire sections devoted to the program of pastoral work and to the principles of pastoral cooperation; the concept surfaces in many other sections of the document.

Six principles to guide the bishop's governance of the diocese are delineated, principles that are definitely applicable to his management of the program of pastoral action. They are the principles of common good (the welfare of the whole diocese outweighs that of particular communities), of unity (balanced by diversity), of responsible cooperation (all gifts oriented toward a common mission), of subsidiarity, of coordination, and of "placing people in the right places" (nn. 93-98, 148c).

It is the bishop who is the primary author, promoter and sponsor of apostolic renewal in the diocese, which requires that he first engage in conversation with others "as a way of coming to know God's plan" for his people here and now and as a way of gauging future needs (nn. 99-101). In the process of setting forth objectives of a pastoral program, the bishop is to keep foremost in his mind the salvation of souls (n. 33). The program of pastoral action

must include certain priorities which are to be followed by all (n. 104).

As to the plan for pastoral action, it should be general and comprehensive, with a strong element of stability, yet flexible enough to allow for adjustments (n. 148). It should be in writing and widely published (n. 209a). It should have broad-based support in order to ensure effective execution, yet it should target certain concerns or groups to receive special attention; it should identify resources and specify strategies; it should be rooted in the Eucharist and accomplish true spiritual renewal among its participants (nn. 149,150). Naturally, it should take into account the pastoral priorities of the larger Church (n. 123). The plan should provide for support services, including offices, secretariats, teams, centers and regionalization for various apostolates; it should be bold and innovative in its methodology, using modern techniques of organization and administration while preserving an essentially spiritual character (nn. 147,161,183-190,209f,h). A process of evaluation, conducted by both program directors and outside experts, should be included, as well as a system of accountability (n. 209d-f). The material goods of the diocese are to be marshalled for the advancement of pastoral action. This requires careful financial planning and

budgeting (nn. 133-138, 181, 182).¹⁴³

b. Paul VI

Since the Second Vatican Council, besides the directives formally promulgated to advance pastorale d'ensemble, Pope Paul VI, under whom virtually all the directives were formulated, has contributed his personal convictions on the subject. On one occasion he proposed the inherent unity of the Trinity as a model for pastoral action.¹⁴⁴ On another occasion he urged the organizing of the lay apostolate, despite some of the apparent drawbacks of structure, bureaucracy, elitism and stagnation.¹⁴⁵

Sometimes Paul addressed the need for cohesive pastoral action in a general fashion.¹⁴⁶ However, there are

¹⁴³This is a good example of an "administrative matter" being fundamentally "pastoral", that is, oriented toward the bishop's pastoral office.

For a report on some specific plans of diocesan pastoral action which have been developed since, and based upon, the Second Vatican Council, see F. APPENDINO, "Piano di pastorale nella Chiesa post-conciliare: documentazione e recensione", in Fare pastorale: ambiti, forme di azione, tempi, mete, Torino, Marietti, 1981, pp. 28-38.

¹⁴⁴"Paoli VI riceve i Vescovi delle Puglie in visita 'ad limina'", in op. cit., v. 15, pp. 155-158.

¹⁴⁵"Siate tutti uniti nello stesso modo di pensare e nello stesso sentimento", in op. cit., v. 6, pp. 730-733.

¹⁴⁶"Le caratteristiche di valido aggiornamento pastorale", in op. cit., v. 9, p. 764 and "L'Assemblea della

instances in which he specifically mentioned pastorale d'ensemble in a direct way. For example:

The Church admits the pluralism of spiritual and apostolic forms and she frequently encourages the creation of free association [...]; but she does not cease to recommend that the apostolate be ordered and organized, and that the dispersion of forces be avoided [...]. One can say that this exhortation interprets truly the spirit of the Council and tends to characterize the renewal of the Church in our time. This suggests that "total pastoral action" (or, even better, "organic") draws a more authoritative impulse for itself [...]. "Organic pastoral action in the ecclesial community"; here is a truly felicitous programmatic formula.¹⁴⁷

On another occasion, he spoke in a similar vein:

There ought to result from such spiritual and operational concord a program of combined and solid pastoral action (the pastorale d'ensemble, as it is now called), with better conservation and utilization of personnel, initiatives and means, and with greater efficiency of results.¹⁴⁸

C.E.I. intorno al successore di Pietro: collegialità operante della Chiesa in Italia", in op. cit., v. 10, pp. 649-650.

¹⁴⁷"Edificare la Chiesa' in unità di opere" in op. cit., v. 6, pp. 898-900: "La Chiesa ammette il pluralismo delle forme di spiritualità e di apostolato, e spesso incoraggia il sorgere di libere associazioni [...]; ma non cessa di raccomandare che l'apostolato sia ordinato e organizzato, e che sia evitata la dispersione delle forze [...]. Si potrebbe dire che questa esortazione interpreta veramente lo spirito del Concilio e tende a caratterizzare il rinnovamento della Chiesa nel nostro tempo. La così detta 'pastorale d'insieme', o per meglio dire 'organica', trae da essa il suo impulso più autorevole. [...]. 'Pastorale organica nella comunità ecclesiale': ecco una formula programmatica veramente felice."

¹⁴⁸"Ai Parroci e ai Predicatori Quaresimalisti di Roma: perfezionare la vita sacerdotale nello zelo ed attività

c. 1983 Code of canon law

Many of the ideas already cited on the subject of diocesan pastoral action have influenced the revision of the 1983 Code of canon law -- some, in a more general fashion, others, through explicit incorporation into the new Code.¹⁴⁹ Pastoral action is now part of the material of canon law in a way it was not before; it compels a new attitude in legal thinking and provides the rationale for many specific stipulations.¹⁵⁰

A few canons frame the central concepts of diocesan pastoral action -- especially as it relates to the

per le anime", in op. cit., v. 8, p. 122: "Dovrà risultare da tale spirituale e operativa concordia un programma d'azione pastorale combinata e solidale (la 'pastorale d'ensemble', come ora si dice), con migliore risparmio ed impiego di persone, d'iniziative e di mezzi, e con maggiore efficienza di risultati." Cf. also "Al partecipante al Corso di Prassi Amministrativa Canonica", in op. cit., v. 6, p. 915: "[...] organici programmi della pastorale d'insieme. [...]"

¹⁴⁹See Appendix I of this study for a list correlating conciliar and codal references to diocesan pastoral action.

¹⁵⁰It should be kept in mind that the organization and management of pastoral action cannot readily be detailed in universal law; much of that is wisely left to particular law (cf. J.A. SOUTO, "Los cooperadores del obispo diocesano", in Semana de derecho canónico, 11a, Valencia, 1966, La función pastoral de los obispos, Barcelona, J. Flors, 1967, p. 254). However, the various structures and processes of diocesan pastoral action must conform to stipulations of universal law (cf. C. FLORISTAN SEMANES - M. USEROS CARRETERO, op. cit., pp. 549-550; P.J. VILADRICH, art. cit., pp. 217-221, 245).

episcopal office and ministry. Canon 204.1 calls for universal participation in the common mission of the Church, while the second paragraph defines the special apostolic office. According to canon 208, "there exists among all the Christian faithful a true equality with regard to dignity and the activity whereby all cooperate in the building up of the Body of Christ [...]." Canon 369 describes the nature of the diocese as a true presence of the Church centered around a bishop. Most closely associated with diocesan pastoral action is canon 394:

.1--The bishop is to foster the various aspects of the apostolate within his diocese and see to it that within the entire diocese or within its individual districts all the works of the apostolate are coordinated under his direction, with due regard for their distinctive character.

.2--He is to urge the faithful to exercise the apostolate in proportion to each one's condition and ability, since it is a duty to which they are bound; he is also to recommend to them that they participate and assist in the various works of the apostolate in accord with the needs of place and time.

Canons 756.2 and 835.1 refer, respectively, to the bishop's responsibility for ordering the ministries of word and sacrament within his diocese. Finally, three canons -- 519, 529.2, 680 -- stress the place of parish communities, parish priests and other clerics and religious in comprehensive pastoral action.¹⁵¹

¹⁵¹The notion of comprehensive diocesan pastoral action is so unique to our time that none of the canons just

E

Conclusion

Pastoral action is the specific activity whereby in time and place the Church fulfills its salvific mission. It is pastoral principally because it originates in and extends from the ministry of pastors, namely the bishops. Their service of word and sacrament is the spiritual font of diocesan pastoral action. Their harnessing of apostolic forces within the diocesan community is the effectuation of that action.

The pastoral action of the particular Church must be as varied and complete as the whole Church's (whose nature it incorporates) and yet thoroughly integrated too; in a word, comprehensive. Canon Fernand Boulard and his associates, with their notion of pastorale d'ensemble, may well have

listed has a counterpart in the 1917 Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus (in AAS, 9:2[1917], 593p.), with the exception of cc. 519 (CIC[1917], c. 451.1) and 756.2 (CIC[1917], c. 1327). Even these, especially the former, have been radically reworked to correspond to the new consciousness. A Latin equivalent for "pastorale d'ensemble" is not found in the Code, probably because the term connotes a specific technical approach. (Cc. 431.1, 434 and 445 mention "actio pastoralis communis" in supradiocesan contexts. Cc. 374.2 and 555.1, on vicariates forane, speak of pastoral care "per communem actionem", while c. 296 maintains that "cooperatio organica" is to be a condition of apostolic work within personal prelatures.) Nevertheless, the sentiments and many of the concrete prescriptions associated with comprehensive pastoral action are apparent in the Code.

provided the contemporary Church with a viable framework upon which effective pastoral action might be fashioned. Certainly their principles are valid, and any truly comprehensive program of diocesan pastoral action will require some structure and methodology, whether Boulard's or something else more appropriate to local circumstances.

In the end, comprehensive pastoral action on the diocesan level is not an option. It stands at the center of the post-Vatican II diocese and the ministry of its bishop. It incorporates and focuses diverse energies and allows the particular Church to be manifestly true to the mission of Christ. By directing the program of pastoral action the bishop functions most profoundly as shepherd -- pastor; by collaborating with him, the Christian faithful are most genuinely pastoral.

CHAPTER II

THE DIOCESAN CURIA AND PASTORAL ACTION

The centrality of the bishop's ministry in the life of a diocese and the centrality of the diocesan program of pastoral action within that ministry have been set forth in the preceding chapter. While it is clear that both the bishop's ministry and the program of pastoral action have significant theological, spiritual and personal dimensions, they are primarily matters of public activity and visible structure. Neither can be properly carried out without the assistance of consultative bodies and administrative organs. Within this context, the diocesan curia stands as a major element of episcopal ministry and pastoral action.¹

Perhaps this does not seem immediately apparent, given the traditionally narrow focus of curial activities. Even in recent times, with the rapid expansion of central

¹Cf. A. ROUCO VARELA, "El ministerio episcopal y la organización de la curia", in La curia episcopal: reforma y actualización, Salamanca, Universidad Pontificia Salamanca, 1979, pp. 11-13.

To people in North America, where the actual term "curia" has rarely been used in its diocesan application, "diocesan center", "diocesan pastoral center", "diocesan offices" or something similar better expresses the reality of today's curia (cf. F. ROMITA, "Diritto e pastorale nella Chiesa, oggi: conclusioni con annotazioni del I Congresso Canonistico-Pastorale", in Monitor ecclesiasticus, 94[1969], p. 604).

staffing for a plethora of pastoral concerns, the curia may be deemed by some as an agent of unnecessary control and bureaucracy or as an unwelcome intrusion into an already overburdening ministry.² To many, "curia" is antithetical to "pastoral". In reality, though, the two are closely linked.

That link is a prerequisite for envisioning a role for the moderator of the curia relative to pastoral action. Only through a clear perception of the curia's function in the diocese can the function of its moderator become apprehensible.

A. Development of the role of the curia in pastoral action

Since the curia exists to assist the bishop, its duties will vary according to the style and content of the bishop's ministry. This correlation is reflected in the historical development of the curia.

1. Prior to the twentieth century

The first curia in the early centuries of the Church probably consisted of a scribe or two to handle the bishop's

²Cf. P. INHOFFEN, "Die Diözesankurie als Mittel des Apostolats", in Jahrbuch für christliche Sozialwissenschaften, 12(1971), p. 241.

correspondence. But as the bishop's ecclesiastical and civil duties expanded in the late Roman Empire, so did the curia. Deacons were given extensive administrative tasks, and much of the curia's activity revolved around the judicial role of the bishop. The curia at this time was small and limited mostly to documentary work, while the presbyterium continued to serve as the senate and collaborator of the bishop in pastoral matters.³

However, during the centralizing movement of the Gregorian Reform, the bishop began to assume greater personal control of diocesan life, and his ministry became increasingly one of regulating and supervising the ministry of others. Thus, the principal members of his curia were those who helped to regulate and supervise. Chief among them were the archdeacons.

Beginning in the ninth and tenth centuries, many dioceses were divided into archdeaconries where the

³Cf. L. MATHIAS, The diocesan curia: its organization according to history and canon law, Madras, Good Shepherd Press, 1947, pp. 3-4; J.H. PROVOST, "Diocesan administration: reflections on recent developments", in The jurist, 41(1981), p. 82.

According to Mathias (op.cit., p. 4) there are several theories for the etymology of "curia". In general, they all suggest a close relationship among a group of people. In classical Rome, the curia was the seat of the Senate. The term was not applied to its ecclesiastical setting until the twelfth century.

archdeacon exercised ordinary executive and judicial power, although some archdeacons exercised jurisdiction within the whole diocese. Both types were recognized in the Decretals of Gregory IX. Archdeacons often made parochial appointments, conducted synods and maintained tribunals. While they served as the oculi episcopi and specialized in non-sacerdotal matters, nevertheless, many of the territorial archdeacons did exercise a true cura animarum.⁴ Often the rural archdeaconries were divided into "deaconries", or deaneries, headed by archpresbyters who were usually subject to the local archdeacon.⁵

Archdeacons functioned mainly in the "field", while the less influential central curia remained simple and documentary in character. It was not until the twelfth century, when the increasingly powerful members of the cathedral chapters needed set responsibilities, and the advanced learning of the universities called for greater expertise in legal and administrative matters, that the specialized and professionalized curia developed. The

⁴Cf. J.E. LYNCH, "The changing role of the bishop: a historical survey", in The jurist, 39(1979), pp. 305-306. As an example of the last point, Hincmar (+882) instructed his archdeacons to oversee the formation of candidates for ordination and to present them to him when they were ready (cf. G. DEVAILLY, "La pastorale en Gaule au IXe siècle", in Revue d'histoire de l'Eglise de France, 59[1973], p. 34).

⁵Cf. J.E. LYNCH, art. cit., p. 306.

supervisory function, although now operating from an increasingly centralized position, continued to overshadow the documentary aspect of the curia throughout this period. In the high Middle Ages, for example, the chancellor had the task, in addition to notarizing the acts of the cathedral chapter, of providing for the educational needs of the diocese, including the supervision of the schools (hence, the university "chancellor").⁶

The Council of Trent refashioned and standardized the diocesan curia, establishing the modern notion of a centralized bureaucracy in which paperwork dominates. The Council radically reduced the power of archdeacons and cathedral chapters in order to give the bishop greater control over well-trained officials appointed ad nutum. The archdeacon's judicial functions were transferred to the officialis and his administrative functions, both to the vicar general, who also was to take charge of the diocese during the absence of the bishop,⁷ and to the archpresbyters

⁶Cf. ibid. pp. 306-309; J.E. PRINCE, The diocesan chancellor: an historical synopsis and commentary, Washington, Catholic University of America Press, 1942, pp. 14-23.

⁷According to T.D. Dougherty (The vicar general of the episcopal ordinary, Washington, Catholic University of America Press, 1966, pp. 1-12), the traditional theory held that the vicar general replaced the archdeacon because of the latter's independence and power. Another theory posited that

(vicars forane).

While an improved curia represented Trent's desire to improve the bishop's supervision of pastoral action, the Council devoted more attention to the bishop's teaching and judicial roles.⁸ Another reason why the Tridentine curia failed as an effective instrument for pastoral renewal was the "perfect society" ideology adopted by the Church and the modern state. The ecclesiastical curia, along with its civil counterpart, was viewed as an instrument to assist the monarchical superior in maintaining the status quo. Thus, its mentality was vertical, its method, mechanically administrative, and its preoccupation, legalistic.⁹

the vicar general was intended to augment the office of archdeacon who was often preoccupied with duties in the chapter. There is now a third commonly accepted theory which minimizes a direct link between the archdeacon and vicar general. E. Fournier's extensive and important research on the vicar general and diocesan curia (see the bibliography of this study) led him to conclude that the replacement of the archdeacon by the vicar general was due more to the need for a well-trained administrator who could substitute in the bishop's absence than to the need for reining in the power of the archdeacon.

⁸Cf. P. INHOFFEN, art. cit., pp. 248-249; J.E. LYNCH, art. cit., p. 309; L. MATHIAS, op. cit., p. 4; J.H. PROVOST, art. cit., p. 82.

⁹Cf. P. INHOFFEN, art. cit., pp. 242-243; J. SANCHEZ Y SANCHEZ, "La nueva curia diocesana: reflexión canónico-pastoral", in Lex ecclesiae: estudios en honor del Dr. Marcelino Cabrereros de Anta, canonista salmanticense, Salamanca, Universidad Pontificia, 1972, pp. 314-315.

2. Twentieth century prior to Vatican II

The contemporary concept of the curia serving as an agent for pastoral action originated in the need for a more organized approach to particular apostolic endeavors. Late in the nineteenth century, it became customary for dioceses to establish a visitational system for overseeing catechetical work in parishes. The impetus for such an approach quickened in the early twentieth century as the Holy See mandated or encouraged various diocesan organisms: council of vigilance against modernism, catechetical secretariat, commission on sacred music, commissions for the examination of preachers and the vigilance of preaching, liturgical commission, sacred art commission, commission for sacerdotal vocations, mission council, persons or organisms to establish contacts with interested non-Catholics. The structures for Catholic Action were also promoted by the Holy See. Gradually, commissions, offices and ministries were set up to deal with specific groups of the faithful, such as migrants, youth, the poor, rural and urban dwellers. Likewise, there was a growth of agencies to handle administrative matters, such as building construction and the planning for new parishes.¹⁰

¹⁰Cf. L. DE ECHEVERRIA, "La curia eipscopal

Initially, there was little coordination of these new organisms, nor were they considered to be part of the diocesan curia. Nevertheless, many of them were presided over by the vicar general or other officers of the curia, and in many places the director, or Ecclesiastical Assistant, for Catholic Action was included as a member of the curia. Beginning in Germany and Austria, in association with the new concept of comprehensive pastoral action, and spreading rapidly to the rest of Europe and Latin America, the presence within the curia of a diocesan office or secretariat for pastoral action became quite common by the middle of the century. At first it functioned mostly as a planning agency, but later it was given a coordinating role as well. Frequently its tasks included studying specific pastoral questions and developing concrete responses, formulating a plan for pastoral action, coordinating parochial, supraparochial and special apostolic works, and preparing the laity for the apostolate. In this way, the direction, promotion and harmonizing of diocesan pastoral action became part of the diocesan curia's work.¹¹

pastoral", in *Semana de derecho canónico*, 9a, El Escorial, 1962, Aspectos del derecho administrativo canónico, Salamanca, Talleres Gráficos Cervantes, 1964, pp. 213-217, 231-239.

¹¹Cf. E.J. CALVO GUINDA, "Notas para una historia de una pastoral de conjunto", in Pastoral de conjunto: reflexiones y sugerencias, Madrid, Editorial ZYX, 1966, pp.

So radical was this new orientation for the curia, that integration with the traditional curial responsibilities and personnel was deemed either undesirable or unworkable. As a result, many dioceses ended up with two distinct curias, one responsible for the new pastoral activity and the other fulfilling the juridical tasks of the traditional curia. Often there were even two vicars general, one for pastoral affairs, the other for juridical affairs. Even within the pastoral sphere, there was sometimes a division between the more ad intra or ecclesiastical concerns (e.g., liturgy, education) and the more ad extra or secular ones (e.g., Catholic Action, family movements, missions).¹²

This dichotomization was due partly to the legal framework for the curia laid down in the 1917 Code,¹³ which, of course, did not yet reflect a pastoral scope for the curia. Much of the new development was therefore regarded as

16-17; L. DE ECHEVERRIA, art. cit., pp. 218-241.

¹²Cf. L. DE ECHEVERRIA, art. cit., pp. 246-247; FAUCHET, "Vers une pastorale diocésaine d'ensemble", in Congrès national de pastorale, 68e, Versailles, 1956, Pastorale, oeuvre commune, Paris, Union des oeuvres catholiques de France, 1956, p. 71.

¹³Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus, in AAS, 9:2(1917), 593p.

praeter legem.¹⁴

The limited norms in the Code are not efficacious for present-day diocesan government: there are many other problems, needs and circumstances which require a corresponding response in the curia, and which the Code does not contemplate in any way.¹⁵

3. Vatican II

The new developments and their lack of juridical support occupied the minds and words of many bishops at the Second Vatican Council and helped shape the conciliar language.

a. Preliminary developments

On the eve of the Council, John XXIII set the stage by declaring at the Roman Synod that the members of the diocesan curia "fulfill a true apostolic work".¹⁶ Although

¹⁴Cf. F.R. AZNAR, "La nueva concepción global de la curia diocesana en el Concilio Vaticano II", in Revista española de derecho canónico, 36(1980), pp. 422-423.

¹⁵C. OVIEDO CAVADA, "La curia diocesana", in Anales de la Facultad de Teología (Santiago de Chile), 14(1962), p. 8: "[...] las normas contenidas en el Código no son eficaces para el actual gobierno diocesano: hay muchos otros problemas, exigencias y circunstancias que requieren su respectiva respuesta en la Curia, y que el CIC no contempla absolutamente."

¹⁶"Terza sessione del Sinodo", in Discorsi, messaggi, colloqui del Santo Padre Giovanni XXIII, Città del Vaticano, Tipografia Poliglotta Vaticana, 1960-1964, v. 2, pp. 166-167.

the synod did not modify the basic structure of the curia, there was clearly a desire to transform its nature, spirit and extent.¹⁷

The process of change continued in the period of the Council's preparation, especially through the submissions of bishops. There the general sense was in favor of a total reform of the diocesan curia.¹⁸ For example, the Archbishop of Madrid made this point:

Already in several dioceses, alongside the legal curia defined by the Code, another parallel curia as such exists for apostolic work carried out on the supraparochial level, with such offices as Catholic Action, catechetics [...]. All of which wander about outside the codal ordination.¹⁹

A number of bishops agreed that such offices ought to be defined and secured by canon law.²⁰

Archbishop C. Oviedo Cavada concurred in an

¹⁷Cf. F.R. AZNAR, art. cit., pp. 424-425.

¹⁸Cf. ibid., p. 427. Cf. also AAp, 1:2:7, p. 415.

¹⁹AAp, 1:2:2, pp. 326-327: "[...] iam in pluribus dioecesebus, iuxta Curiam Iuris a Codice definitam, alia veluti Curia parallela existit ad opera apostolatus supra ambitum paroecialem exercenda, cum suis Officiis: Actionis Catholicae, Catechesis [...]. Quae omnia extra Codicis ordinationem vagantur." The shortcomings of the former Code in light of contemporary curial conditions were noted by other bishops, like R. Bogarín Argaña (AAp, 1:2:7, p. 480) and P. Cantero Cuadrado (AAp, 1:2:2, p. 186).

²⁰AAp, 1:2:3, pp. 136, 620-621, 862.

important article published in 1962.²¹ He hoped that the Council would establish new organisms, designed to assist the bishop in the fulfillment of his pastoral office, and insert them into the existing curia. At the same time, outdated curial offices should be eliminated. Oviedo Cavada offered these guiding principles for curial restructuring: subordination of the bureaucracy to the good of souls, decentralization, subsidiarity, correspondence to the actual situation of the diocese, supradiocesan organization (when beneficial), proper formation and preparation of office directors. In a word, the curia should reflect and serve the pastorale d'ensemble of the diocese.

Although the Consistorial Congregation joined the call for reform by proposing that "there be established a norm which obliges the bishop to organize the curia in a manner which, avoiding any bureaucracy, better responds to the dynamic of the modern apostolate",²² the initial reference to the curia by the Council's preparatory commission De episcopis et de dioecesis regimine indicated no departure from the traditional conception. It said quite simply that since the curia was a basic ingredient for a

²¹Art. cit., pp. 13-24.

²²AAp, 1:3, pp. 54-55: "[...] si stabiliscano delle norme che obblighino i vescovi ad organizzare la curia in maniere che, evitata ogni burocrazia, meglio risponda alla dinamica dell'apostolato moderno."

well-founded diocese, it was to be a criterion in judging the opportuneness of creating new dioceses.²³ Meanwhile, the commission De cura animarum demonstrated more creativity by developing the idea of a pastoral council and secretariat, the former to study and oversee pastoral action and the latter to coordinate and direct specific pastoral activities.²⁴ The commissions' divergent approaches to the curia simply reflected the distinct overall orientations of the commissions themselves (one juridical, the other pastoral) and the already commonplace practice of two parallel curias, a condition which seemed desirable, at least at this preparatory stage.²⁵

When the schema "De episcopis et de dioecesis regimine" was debated at the second session of the Council, the reactions pertinent to the curia fell generally into two categories. Some bishops remarked that the "governance of dioceses", as construed by the schema, ignored the paramount task of organizing and directing pastoral action and the

²³AAp, 2:2:2, pp. 497, 511-518; AS, 2:2:4, p. 377. Cf. F.R. AZNAR, art. cit., p. 430.

²⁴AAp, 2:2:3, pp. 689-690. Cf. F.R. AZNAR, art. cit., p. 430.

²⁵Cf. F.R. AZNAR, art. cit., pp. 431-432; AS, 2:2:4, pp. 435-438.

rightful place of this function within the curia.²⁶ Other bishops were concerned that the curia as a whole had not been cast in the role of an instrument for the care of souls.²⁷ In the view of a number of Council participants, these deficiencies could best be rectified by combining "De episcopis et de dioecesis regimine" and "De cura animarum".²⁸ Heeding this advice, a single commission was formed which produced the document, "De pastorali episcoporum munere in Ecclesia" ("Christus Dominus").²⁹

b. "Christus Dominus"

With the original schema of "De pastorali episcoporum munere in Ecclesia", the pastoral orientation of the curia was firmly established:

Priests and lay people, who belong to the diocesan curia, should realize that they perform a helpful service for the pastoral ministry of the bishop.

²⁶AS, 2:2:4, pp. 457, 537, 544, 605, 680, 731 and 3:3:5, pp. 115-117.

²⁷AS, 2:2:4, p. 915 and 3:3:5, pp. 247, 368, 371, 376. See also F.R. AZNAR, art. cit., pp. 432-433.

²⁸AS, 2:2:4, pp. 490, 584-591, 920 and 3:3:3, pp. 563, 564, 569.

²⁹Cf. F.R. AZNAR, art. cit., pp. 434-435. As a result, "De cura animarum", as a separate document, was never debated at the Council. The official text of the promulgated decree is in AAS, 58(1966), pp. 673-701.

The diocesan curia should be so organized that it is an appropriate instrument for the bishop, not only for administering the diocese but also for carrying out the works of the apostolate.³⁰

Quite obviously, not only was part of the curia's responsibility to serve pastoral action, but there was to be only one curia, not separate curias for pastoral and administrative affairs. Furthermore, the commission intended to emphasize the pastoral dimension.³¹

Even though "De pastorali episcoporum munere in Ecclesia" was generally responsive to the sentiments expressed earlier by the Council Fathers, two major objections to the section on the curia were raised from the Council floor. A number of bishops wanted the particular pastoral functions of the curia to be specified and mandated as the more administrative ones were in the 1917 Code. But the commission was hesitant to give an overly juridic quality to the curia's pastoral operation and to limit the flexibility that variable local conditions warranted. It

³⁰AS, 3:3:6, p. 147: "Sacerdotes et laici, qui ad Curiam dioecesanam pertinent, sciant se pastorali Episcopi ministerio adiutricem operam praestare."

Curia dioecesana ita ordinetur ut aptum instrumentum Episcopo fiat, non tantum ad dioecesim administrandam, sed etiam ad opera apostolatus exercenda."

³¹In his relatio to the Council, Archbishop N. Jubany Arnau highlighted the new orientation provided by the schema (AS, 3:3:6, p. 175). Cf. also F.R. AZNAR, art. cit., p. 444; J. SANCHEZ Y SANCHEZ, art. cit., pp. 316, 330.

preferred to leave any further specification to the anticipated reform of canon law.³² Another criticism came from Bishop Barrachina y Estevan, who felt the schema's "but also" link between the pastoral and administrative did not convey the preeminence desired for the former. He preferred stronger language that clearly rendered administrative matters subservient to the pastoral.³³ However, no change in wording occurred on this point, and, in fact, the two small paragraphs on the diocesan curia passed through the four texts of "De pastorali episcoporum munere in Ecclesia" without modification to become part of the promulgated decree.

One important change, regarding the diocesan pastoral council, was introduced into the new combined document. In the original schema of "De cura animarum" the pastoral council was given responsibility for assigning activities to various commissions, which in turn were to encourage and coordinate pastoral works. These commissions

³²AS, 2:2:4, p. 457 and 4:4:2, p. 576. Cf. F.R. AZNAR, art. cit., p. 438; F. BOULARD, "La curie et les conseils diocésains", in La charge pastorale des évêques: décret "Christus Dominus": texte latin et traduction française, Paris, Editions du Cerf, 1969, p. 272; R. PAGE, Les Eglises particulières, tome 1, Leurs structures de gouvernement selon le Code de droit canonique de 1983, Montréal, Editions Paulines, 1985, pp. 59-61.

³³AS, 3:3:2, p. 249.

were to be part of the pastoral secretariat, or central administration.³⁴ In the new combined schema, mention of the secretariat and commissions was omitted, and the directive function of the commissions and the council was transferred to the curia, leaving the council with a studying and recommending role. This adjustment was intended to strengthen the concept of one, unified curia, which would operate as an "organ of coordination and direction for these new organisms", namely, the pastoral council, its commissions and the pastoral secretariat.³⁵

It should also be noted that number 27 of "Christus Dominus", "The diocesan curia and councils",³⁶ is the second section of that part of the decree entitled "Those who cooperate with the diocesan bishop in his pastoral task". Beyond this, the curia is mentioned in number 23, in the part on "Diocesan Boundaries", as one of the criteria for a viable diocese: "[...] there should be no lack of the offices, institutions, and organizations which are proper to the particular Church and which experience has shown necessary

³⁴AS, 2:2:4, n. 38, p. 63.

³⁵Cf. F.R. AZNAR, art. cit., pp. 436-437. It is safe to say that omission of the commissions and secretariat in CD does not signify their prohibition but only a desire to allow for local options in these structures.

³⁶Pp. 686-687.

for its efficient government and apostolate [...]."³⁷ Also, in number 17, offices of pastoral sociology are recommended for the purpose of furnishing religious and social surveys so that the forms of the apostolate would be properly adapted to current needs.³⁸ Presumably, they would be part of the curia.

The overall effect of "Christus Dominus" and of the discussions leading to it is a completely new understanding of the diocesan curia. The curia has passed from being a static, juridic body, designed to administer the routine and to protect the status quo, to being a dynamic, fluid instrument for the bishop's pastoral ministry and the mission of the diocese.³⁹ P. Inhoffen stresses that this is not a matter of superficial piety. To think of it as such is to

³⁷p. 684 (emphasis added). This is a considerable expansion of what was said in the schema "De episcopis et de dioecesim regimine": "[...] at pariter etiam cavendum est ne, ob nimiam territorii parvitatem ac propterea ob consequentem sacerdotum paucitatem opumve penuriam, Episcopi impares sint congruenter consulere innumeris sui gregis difficultatibus et habere sustentareque omnia officia et instituta, quae ad rectum regimen necessaria usu comprobantur." (AS, 2:2:4; p. 377; emphasis added).

³⁸p. 682.

³⁹Cf. W. ONCLIN, Christus Dominus: the decree on the pastoral office of bishops in the Church, Glen Rock, N. J., Paulist Press, 1967, pp. 57-58; J.A. SOUTO, "Los cooperadores del obispo diocesano", in Semana de derecho canónico, 11a, Valencia, 1966, La función pastoral de los obispos, Barcelona, J. Flors, 1967, pp. 243-244.

underestimate severely the intention of the decree.⁴⁰

4. Subsequent documents

"Ecclesiae Sanctae" and the Directory on the pastoral ministry of bishops⁴¹ have contributed to this effort, the latter in an extensive way.

a. Directory on the pastoral ministry of bishops

Number 171 of the Directory establishes the foundation for all diocesan structures, certainly including the curia:

For, in order that this church may aptly respond to its Christian vocation and the precepts of the Gospel, it must have a certain structure and order so that this portion of God's people may be more definitely assigned [to aspects of the apostolate], the sacred services of preaching, sanctification, and governing may be properly supplied to the faithful, and missionary action may be directed [...].

With this in mind, central services cannot be remote, either in terms of geography or mentality, from the people they are designed to serve (n. 173).

⁴⁰Art. cit., p. 242.

⁴¹PAULUS VI, "Litterae apostolicae, Motu proprio datae: Normae ad quaedam exsequenda SS. Concilii Vaticani II decreta statuuntur: 'Ecclesiae Sanctae'", in AAS, 58(1966), pp. 757-787; CONGREGATIO PRO EPISCOPIS, Directorium de pastorali ministerio episcoporum, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1973, 253p.

The number on the curia in general (n. 200) emphasizes the curia's role of extending the pastoral ministry of the bishop:

The diocesan curia consists of those persons who assist the bishop more closely in his pastoral office and are, as it were, one with him. The bishop so organizes the curia and its whole program of action -- administrative as well as judiciary -- and brings to it such spirit and skill "that it may be a suitable instrument for the bishop in the administration of the diocese, and also in carrying out the works of the apostolate" (CD 27).

One essential ingredient to accomplish this, continues number 200, is having the right kind of people in the curia:

[...] the bishop first of all selects as curia personnel those who are especially skilled in the work that has to be done, and who are outstanding in piety and pastoral zeal [...]. Moreover, he urges those who are priests to exercise some ministry for the care of souls, lest the curia become a merely administrative and juridical staff [...].

Once the proper personnel are engaged, they become important components in the process of the pastorale d'ensemble:

The curia, therefore, ought to be the means for studying, planning and carrying through the pastoral program which the bishop weighs and ponders together with his councils [...]. To the extent that he is able, the bishop establishes in the curia pastoral, social-charitable, and liturgical departments with responsibility for directing the many services of the apostolate, secretariats, and such like.

b. "Vicariae potestatis in Urbe"

After the promulgation of "Christus Dominus" and the Directory, Pope Paul VI issued an apostolic constitution

which reordered the Vicariate of Rome.⁴² There was a conscious desire for the reorganization to be a step toward realizing the reforms envisioned by Vatican II.

Although the practical details of the reorganization are not imperative for the whole Church, these underlying principles certainly are. They can be summarized as follows:

1) Every kind of curial work is always -- by its nature -- pastoral, "namely, its aim is to make effective the mystery of salvation".

2) Regardless of rank, everyone is to fulfill his or her task in a diaconal fashion.

3) The various offices are to "be united by similar programs, plans and endeavors so they turn out an organized thrust and, at the same time, a fruitful pastoral activity".

4) The personnel of the curia must represent the various communities of persons included in the diocese.

5) All personnel must continue their formation and participate in the life of the diocese. Priests should also engage in the care of souls.⁴³

⁴²PAULUS VI, "Constitutio apostolica: Vicariatus Urbis nova ratione ordinatur: 'Vicariae potestatis in Urbe'", in AAS, 69(1977), pp. 5-18 (tr. in Canon law digest, 8[1977], pp. 254-267). Paul equates the Vicariate of Rome with the diocesan curia of Rome (p. 8).

⁴³Pp. 8-9.

Yet, the reorganization was not oriented toward a simple internal restructuring of the curia. Its outward thrust was highlighted by Paul VI when he said to the clergy of the diocese,

the new dispositions are intended as a contribution to making the Church of Rome an organic and ordered "body", both in the distinction of competencies and in the division of territory, so that the presence of 283 parishes is felt.⁴⁴

Beyond the official documents, the relationship of the diocesan curia to pastoral action received further enhancement from Pope Paul VI in a poignant statement delivered to a group of bishops who were visiting Rome twelve years after the promulgation of "Christus Dominus":

Indeed, the care of souls, rightly ordered, requires that the bishop be aided by a strong episcopal curia, which, made up of various offices, directs and brings together the forms of apostolic life of priests and men and women religious and also the cooperation of the laity in the many fields of ecclesiastical action.⁴⁵

⁴⁴"Al Clero della Diocesi di Roma", in Insegnamenti di Paolo VI, Città del Vaticano, Tipographia Poliglotta Vaticana, 1965-1979, v. 15, p. 212: "[...] le nuove disposizioni intendono contribuire a rendere la Chiesa di Roma un 'corpus' organico e ordinato, pur nella distinzione delle competenze e nella ripartizione territoriale, che vede la presenza di ben 283 Parrocchie."

⁴⁵"Ad quosdam Reipublicae Democraticae Germanicae sacros Praesules, occasione visitationis 'Ad limina' coram

B. The diocesan curia according to the 1983 Code

These new principles for the curia's relationship to diocesan pastoral action have been canonized in the 1983 Code of canon law,⁴⁶ although it must be acknowledged that the new Code does not contribute very many specifics to the old Code as some Fathers had hoped. The desire of the framers seems to be to allow for as much flexibility as possible on the local level and for future developments.⁴⁷

1. Location of the curia within the Code

In the 1983 Code, the curia is placed in a wider ecclesial context than in the previous law. It is treated in Book II, "The People of God", in the section on "Particular

admissos", in AAS, 70(1978), p. 101: "Etenim cura animarum recte ordinata postulat, ut Praesul adiuvetur a Curia episcopali eaque valida, quae, varia complectens officia, dirigat aptoque nexu componat apostolicae vitae formas sacerdotum, religiosorum, religiosarum necnon laicorum cooperationem tot in campis actionis ecclesiasticae." Cf. also Schema legis peculiaris de Curia romana, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1985, art. 12.

⁴⁶Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1983, xxx-317p.

⁴⁷Cf. R.G. HOWES, "Reflections of a pastoral planner on the new Code of canon law", in The priest, 38:4(1982), p. 15. The attention given by the members of the Code Commission to curial developments on the local level is attested to in Comm., 5(1973), p. 225.

Churches and their groupings". The chapter, "The diocesan curia", contains six introductory canons as well as articles on "Vicars general and episcopal vicars", "The chancellor, other notaries and the archives" and "The finance council and the finance officer".

Of the six introductory canons on the diocesan curia (canons 469-474), two have little special significance for the concerns of this study. Canon 470 gives to the diocesan bishop the right to appoint occupants for curial offices; canon 471 requires of curial personnel a promise to fulfill their functions and mandates the observance of secrecy in those matters determined by law or the bishop. Three other canons (472-474) will be treated more thoroughly in the next chapter. That leaves one canon of immediate concern, the first one:

Canon 469 -- The diocesan curia consists of those institutions and persons which furnish assistance to the Bishop in the governance of the entire diocese, especially in directing pastoral activity, in providing for the administration of the diocese and in exercising judicial power.⁴⁸

⁴⁸"Can. 469--Curia dioecesana constat illis institutis et personis, quae Episcopo operam praestant in regime universae dioecesis, praesertim in actione pastoralis dirigenda, in administratione dioecesis curanda, necnon in potestate iudiciali exercenda."

This canon corresponds to c. 363 of the former Code:

"1. Curia dioecesana constat illis personis quae

2. Criteria for purpose and membership

Canon 469 is especially important because it describes the curia in a general way, suggesting basic criteria for determining its purpose and membership. Seven such criteria can be identified:

- 1) The curia consists of institutes and persons (constat illis institutis et personis),
- 2) which furnish assistance to the bishop (quae Episcopo operam praestant),
- 3) in the governance (in regimine),
- 4) of the entire diocese (universae dioecesis),
- 5) especially in directing pastoral activity (praesertim in actione pastorali dirigenda),
- 6) in providing for the administration of the diocese (in administratione dioecesis curanda),
- 7) and in exercising judicial power (necnon in potestate iudiciali exercenda).

The first four criteria may be classified as general, while the last three are specific forms of assistance to the bishop in his governance of the diocese.

Episcopo alive qui, loco Episcopi, dioecesim regit, opem praestant in regimine totius dioecesis.

2. Quare ad eam pertinent Vicarius Generalis, officialis, cancellarius, promotor iustitiae, defensor vinculi, synodales iudices et examinatores, parochi consultores, auditores, notarii, cursores et apparitores."

a. General criteria

"The diocesan curia consists of those institutions and persons which furnish assistance to the bishop in the governance of the entire diocese [...]."

1) Institutes and persons

"Persons" here refers to physical persons⁴⁹ and calls to mind such individuals as the vicar general, chancellor, finance officer, judges, etc. "Institutes" is an addition to the 1917 Code. The term is used frequently in the new Code but usually to designate institutes of consecrated life. In other instances it refers to any official organism, whether office, commission, or organized program, which has an element of permanence. In canons 360 and 361, "instituta" is an all-encompassing designation for the organs of the Apostolic See or Roman Curia.⁵⁰

The insistence of many bishops at the Council to include the new pastoral organisms has already been pointed

⁴⁹The term might also include some juridical persons like pious foundations.

⁵⁰The Canon Law Society of America translation is not really accurate when it renders "institutum" as "institution", as it does in c. 469. The Code itself distinguishes between "institutum" and "institutio".

out. According to F. Boulard,⁵¹ in addition to placing an emphasis on the pastoral nature of the curia, the conciliar commission responsible for "De pastorali episcoporum munere in Ecclesia" affirmed a second working principle: organisms are part of the curia. Nevertheless, "Christus Dominus"⁵² mentions only "priests and lay people", and the Directory on the pastoral ministry of bishops speaks only of "persons".⁵³

The addition of "institutes" appears in the 1977 draft of the new Code.⁵⁴ Still, there is very little specification in the Code. In fact, within the chapter on the diocesan curia, only the episcopal council and finance council are mentioned; but this in no way precludes the creation of whatever institutes are needed in individual dioceses.⁵⁵ All may be included in the curia according to

⁵¹Art. cit., pp. 271-272. Cf. also the submission of the canon law faculty of the University of Paris (AAp, 1:4:1, p. 509).

⁵²N. 27, p. 687.

⁵³However, within the same number (200), the Directory calls upon the bishop to establish "in the curia pastoral, social-charitable, and liturgical departments [...], as well as the councils, offices, standing and temporary committees [...], secretariats, and such like."

⁵⁴PONT. COMM., Schema canonum Libri II de populo Dei, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1977, c. 281.

⁵⁵Cf. R. PAGE, op. cit., pp. 60-61, 63-64. Page also points out that the dictates of cc. 470 and 471 apply

the wishes of the bishop.⁵⁶ "Persons and institutes" thus conveys the correct measure of breadth and fluidity.

2) Assistance for the bishop

The persons and institutes of the curia are first and foremost at the service of the bishop and his pastoral ministry. It is he who establishes (c. 470) and directs them (c. 473). This criterion echoes the sentiments expressed in the Directory on the pastoral ministry of bishops (n. 200): the curia are persons who "are, as it were, one with him." Thus, the curia has no life apart from the bishop, no authority apart from his. All of its decisions and actions are subject to his review and modification.⁵⁷ Unlike the various consultative bodies, which also assist the bishop, the curia provides a stable, constantly active community around the bishop.⁵⁸ For his part, the bishop must provide

only to office-holders and not to members of institutes. Perhaps it should be left to particular law to provide a clearer distinction.

⁵⁶R. Pagé (op. cit., p. 64) argues that the curia itself is not a college nor an entity with juridic personality. L. Mathias (op. cit., p. 6) agrees that it is not a college, but he does consider it to be a juridic person.

⁵⁷Of course, in the case of the finance council, occasionally the bishop depends on its consent in order to act.

⁵⁸Cf. F. ROMITA, art. cit., p. 591.

strong direction for the curia.⁵⁹

Since the bishop cannot personally direct every aspect of pastoral activity or provide all the central services needed within the diocese, he operates through others. This allows for decentralization while at the same time preserving a true center of authority and initiative.⁶⁰ On a technical level, "the diocesan curia is understood as the complex of organs which, in the name of the bishop, exercises vicarious powers."⁶¹

The question should be asked whether it is the curia itself which directs pastoral activity, provides for administration and exercises judicial power, or the bishop acting through the curia. J.J. García Faílde defines the curia as "the complex of administrative and judicial offices [...] which assist the bishop in the exercise of his powers

⁵⁹Cf. P. INHOFFEN, art. cit., pp. 242-243; F. ROMITA, art. cit., p. 605; J.A. SOUTO, art. cit., p. 266.

⁶⁰Cf. G. DELGADO, El consejo diocesano de gobierno, Pamplona, Ediciones Universidad de Navarra, 1974, pp. 41-44; J.A. SOUTO, art. cit., pp. 265-266.

⁶¹G. DELGADO, op. cit., p. 39: "La Curia diocesana se entiende como el conjunto de órganos que, en nombre del Obispo, ejercen unos poderes vicarios."

The essentially diaconal role of the curia in the diocese needs to be maintained. However, there will certainly be times when members of the curia will be authorized to exercise the bishop's authority.

of governance [...]."⁶² F. Romita goes further by saying that the curia exercises a "subordinate coresponsibility" with the bishop.⁶³ This latter view seems close to the sense of the canon's earlier versions which included the words "who are appointed so that they have some share in directing pastoral activity," etc.⁶⁴ These were eliminated in the 1980 draft "in order to simplify the text",⁶⁵ but with no repudiation of their correctness.

3) Governance of the diocese

Each of the munera or pastoral functions in the Church is exercised by virtue of a corresponding power, or better, a specification of the one sacred power by which the

⁶²"La curia episcopal jurídica", in *Semana de derecho canónico*, 9a, El Escorial, 1962, Aspectos del derecho administrativo canónico, Salamanca, Talleres Gráficos Cervantes, 1964, p. 188: "El conjunto de oficios [...] administrativos y judiciales que coadyuvan al Obispo en el ejercicio de sus poderes de gobierno [...]." (emphasis added).

⁶³Art. cit., p. 604. J.A. Souto (art. cit., p. 275) proposes what would appear to be a far more extensive sharing, based on the operation of the Holy See. This matter may become clearer when the distinction between the executive and administrative functions is discussed below.

⁶⁴Comm., 5(1973), p. 225 and PONT. COMM., op. cit., c. 281: "[...] quae deputantur ut in actione pastorali dirigenda, [...] partem aliquam habent."

⁶⁵Comm., 13(1981), pp. 112-113. CIC(1917) read "opem praestant".

Church accomplishes its mission.⁶⁶ The line separating the three munera is often narrow, especially when there is a question of moderating the teaching and sanctifying activities of others. Such moderation can readily be considered a governing function, including the contribution of the curia in that regard.⁶⁷ "The power of governance includes all the functions of authority and direction of the Christian community which do not depend on the specific activities of teaching or sanctifying."⁶⁸ It "consists of the regulation of the social life of the People of God and of the direction, coordination and control of activities of a public nature."⁶⁹ Specifically, it is "the faculty to

⁶⁶Cf. G. ALBERIGO, "La juridiction: remarques sur un terme ambigu", in Irenikon, 49(1976), pp. 169-173; G. GHIRLANDA, "De natura, origine et exercitio potestatis regiminis juxta novum Codicem", in Periodica de re morali, canonica, liturgica, 74(1985), p. 131.

⁶⁷Cf. R. PAGE, op. cit., p. 63; F. ROMITA, art. cit., p. 591. Cc. 391 to 400 provide specific norms for the exercise of the bishop's governing office.

⁶⁸R. PARALIEU, Guide pratique du Code de droit canonique, notes pastorales, Bourges, Editions Tardy, 1985, p. 69: "[...] le pouvoir de gouvernement comprend toutes les fonctions d'autorité et de conduite de la communauté chrétienne qui ne relèvent pas des activités spécifiques d'enseignement ou de sanctification."

⁶⁹J.A. MARQUES, "A função de governo na Igreja particular: a actividade normativa", in Theológica, 7(1972), p. 359: "Consiste na regulação da vida social do Povo de Deus e na direcção, coordenação e controle das actividades de natureza pública." For a similar definition, see G.

command that which must be obeyed, by reason of the requirement of the common good."⁷⁰ It is ordinarily expressed through decisions and ordinances.⁷¹ With this in mind, it is not surprising to find that most of the Code of canon law is related to the power of governance.⁷²

The forerunner of canon 469 in the 1977 draft included "pastoral" as a modifier of the 1917 Code's

ALBERIGO, art. cit., p. 171. Alberigo also suggests (p. 168) that in "Constitutio dogmatica de Ecclesia: 'Lumen gentium'" (CONCILIUM VATICANUM II, in AAS, 57[1965], pp. 5-75) "munus regendi" signifies very broadly "management of the Church".

⁷⁰C. LEFÈBVRE, "Pouvoirs de l'Eglise", in R. Naz, ed., Dictionnaire de droit canonique, contenant tous les termes du droit canonique, avec un sommaire de l'histoire et des institutions et de l'état actuel de la discipline, Paris, Librairie Letouzey et Ané, v. 7, 1965, col. 77: "[...] la faculté de commander à laquelle répond l'obligation d'obéir, en raison d'une exigence du bien commun."

⁷¹Cf. R. PAGE, The diocesan pastoral council, tr. B.A. Prince, Paramus, N.J., Newman Press, 1970, p. 86. Cf. also J.A. SOUTO, "La función de gobierno", in Ius canonicum, 11:2(1971), p. 181.

⁷²Cf. PONT. COMM., Schema canonum Libri I de normis generalibus, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1977, p. 4.

Nevertheless, the power of governance is not actually defined by the Code. "Power of governance" and "jurisdiction" are interchangeable. The 1917 Code gave preference to usage of the latter (cf. cc. 118, 196ff). Vatican II preferred the term "munus regendi", a preference that has been respected in the revised Code, where "jurisdiction" is reserved for its most ancient and precise use in the area of judicial power (cf. PONT. COMM., Schema...Libri I..., pp. 7-8). Sacramental "jurisdiction" is better referred to as "faculty" (ibid., p. 8).

"governance".⁷³ For the sake of simplicity, the addition was removed from the 1980 draft.⁷⁴ Later, when Cardinal Jubany objected to its removal and, in fact, wanted to augment "governance" with "and pastoral action", the response of the commission was: "The text can remain as it is because governing includes pastoral action, from which it can in no way be separated."⁷⁵ Indeed, directing pastoral action is at the heart of a bishop's governing function. To direct pastoral action is, then, the principal use of that function's power, and to exercise the power of governance is to be eminently pastoral.⁷⁶

4) Diocese as a whole

The curia's description in canon 469 implies a certain scope of interest or range of activity. Those in the —curia are concerned about and have responsibility for diocesan-wide matters, just as the bishop does. Particularly

⁷³PONT. COMM., Schema...Libri II..., c. 281.

⁷⁴Comm., 13(1981), pp. 112-113.

⁷⁵PONT. COMM., Relatio complectens synthesim animadversionum ab em.mis atque exc.mis Patribus Commissionis ad Novissimum Schema CIC exhibitarum, cum responsionibus a Secretariis et Consultoribus datis, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1981, p. 112: "Textus manere potest uti est, quia regimen complectitur actionem pastoraalem, a qua nullo modo disiungi valet."

⁷⁶Cf. AS, 2:2:4, pp. 462-463.

in large dioceses, the curia, or sections of it, might be divided according to geographical regions, but this would not negate its diocesan-wide focus. For example, episcopal vicars, who are key members of the curia, operate "in a determined section of the diocese or in a certain type of business or over the faithful of a determined rite or over certain groups of persons."⁷⁷ Thus, "whole diocese"⁷⁸ is somewhat ambiguous; it suggests at least that which is "supra-parochial".

b. Specific criteria

"[...] especially in directing pastoral activity, in providing for the administration of the diocese and in exercising judicial power."

1) Three divisions of governing power

The three specific ways in which the curia renders assistance to the bishop in his governance of the diocese must be set within the framework of the traditional division

⁷⁷CIC, c. 476.

⁷⁸The 1917 Code used "totius" here rather than "universae". A perusal of the Latin lexicons does not suggest any significant difference between the two terms. The 1983 Code seems generally to prefer "universus" when referring to Christian communities, which may explain the change in this canon on the diocesan curia.

of governing power into legislative, judicial and executive, a division borrowed by the Church from the modern political theory developed by Locke, Montesquieu, Kant and others.⁷⁹

In every organized and independent society, the sovereign authority is manifested, in the internal life of the society, in three ways: 1) it makes and imposes laws which oblige all subjects (legislative power); 2) it assures the execution of those laws (executive power); 3) it sanctions non-adherence to the laws and settles conflicts which can occur in the application of the laws (judicial power).⁸⁰

Stated another way, law determines the ends and their means for a community; executive power accomplishes those ends through concrete acts placed within a legal framework but also with a moderate degree of discretion.⁸¹

⁷⁹Cf. J.A. SOUTO, "La función...", pp. 185-189; J.L. DE URRUTIA, "El campo administrativo en la actividad de la Iglesia", in *Semana de derecho canónico*, 9a, El Escorial, 1962, Aspectos del derecho administrativo canónico, Salamanca, Talleres Gráficos Cervantes, 1964, pp. 19-20.

⁸⁰R. NAZ, "Administration", in R. Naz, ed., op. cit., v. 1, 1935, col. 192: "Dans toute société organisée et indépendante, l'autorité souveraine se manifeste, dans la vie intérieure, de trois manières: 1. elle fait et impose des lois qui obligent tous les sujets: (Pouvoir législatif); 2. elle assure l'exécution des lois (Pouvoir exécutif); 3. elle sanctionne la non application des lois et tranche les conflits auxquels peut donner lieu l'application des lois (Pouvoir judiciaire)."

⁸¹Cf. J.A. SOUTO, "La función...", p. 196.

From a purely canonical perspective, the division is not so simple. Reflecting the situation outlined in Book I of CIC, J.L. de Urrutia (art. cit., pp. 31-32) has written: "Por tanto, los reglamentos emanados de los órganos administrativos contienen tres clases de normas: 1., Normas-

Consequently, the executive is subordinate to the legislative.⁸² But it is also more extensive; hence, as the Code apporitions more space to the power of governance than to the powers of teaching and sanctifying, so it does specifically to the executive power of governance.⁸³ While executive power is used to apply the law, it also encompasses the organization and operation of ecclesiastical administration, personnel and apostolic activities.⁸⁴

leyes, que pertenecen a la función legislativa, ejercida por la Administración en consonancia con la competencia legislativa que le atribuye el derecho constitucional. 2., Normas complementarias de las leyes, que pertenecen consecuentemente a la función legislativa, pero que los órganos legislativos al dejar el ulterior desarrollo de la ley a la Administración, delegan implícitamente en ella dicha función. 3., Normas específicamente administrativas: según lo dicho anteriormente. Las dos primeras clases de normas constituyen el llamado poder discrecional de la administración, en contraposición al poder reglado, que es curando simplemente realiza lo prescrito por la ley."

⁸²Cf. C. LEFERVRE, art. cit., col. 86; P.V. PINTO, ed., Commento al codice di diritto canonico, Roma, Urbaniana University Press, 1985, p. 82; J.A. SOUTO, "La función...", p. 196.

⁸³Cf. R.A. HILL, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., The Code of canon law: a text and commentary, Commissioned by the Canon Law Society of America, New York, Paulist Press, 1985, p. 93; T.J. GREEN, in ibid., p. 330.

⁸⁴Cf. C. LEFEBVRE, art. cit., col. 88.

a) Change from "coercive" to "executive"

Formerly, "coactive" or "coercive" power was used to designate executive power.⁸⁵ This was intended to counteract Protestant ideas of ecclesiastical authority, but it resulted in an emphasis on the penal dimension.⁸⁶ P.G. Marcuzzi⁸⁷ credits the impetus for change to Cardinal A. Ottaviani, who acknowledged the poverty of the terminology in use and suggested that "coercive" be replaced with "executive" power. Further, he proposed that executive power be divided into "1) governing, or the directing of persons in conformity with laws; 2) administration, or the care and preservation of resources and goods; 3) coaction, or the coercion and punishment of the reluctant."⁸⁸

⁸⁵Cf. CIC(1917), c. 335.

⁸⁶Cf. C. LEFEBVRE, art. cit., col. 76; P.G. MARCUZZI, "Distinzione della 'potestas regiminis' in legislativa, esecutiva e giudiziaria", in Salesianum, 43(1981), pp. 283-285; K. MÖRSDORF, "De actibus administrativis in Ecclesia", in Ius populi Dei: miscellanea in honorem Raymundi Bigador, Roma, Università Gregoriana Editrice, 1972, v. 3, p. 10.

⁸⁷Art. cit., pp. 280-281. (Marcuzzi presented his views at a meeting of the Archsodality of the Roman Curia in March of 1980.)

⁸⁸A. OTTAVIANI, Institutiones iuris publici ecclesiastici, v. 1: Ius publicum internum (Ecclesiae constitutio socialis et potestas), Pontificium Institutum Utriusque Iuris, Typis Polyglottis Vaticanis, 1935, pp. 92-93: "[...] 1) gubernationem, seu regimen personarum

Although the portion of the Oriental Code promulgated in 1957 read legislative, judicial and executive,⁸⁹ the original drafts of "Lumen gentium", number 27, repeated the language of the former Latin Code.⁹⁰ In the promulgated version, however, a significant change appeared relative to the third power:

In virtue of this power [of governance], bishops have the sacred right and the duty before the Lord to make laws for their subjects, to pass judgment on them, and to moderate everything pertaining to the ordering of worship and the apostolate.⁹¹

Coactive or coercive power had been replaced by the power to moderate pastoral action. The Synod of Bishops, at its first session, called for a clear distinction among legislative,

conformiter legibus; 2) administrationem, seu mediorum honorumque curam et tuitionem; 3) coactionem, seu reluctantium coercionem et reorum punitionem."

⁸⁹PIUS XII, "Litterae apostolicae, Motu proprio datae: Ad venerabiles fratres Patriarchas, Archiepiscopos, Episcopos, ceterosque locorum hierarchas ecclesiarum orientalium, pacem et communionem cum Apostolica Sede habentes: de ritibus orientalibus, de personis pro ecclesiis orientalibus: 'Cleri sanctitati'", in AAS, 49(1957), c. 399, p. 550.

⁹⁰AS, 1:1:4, p. 25 and 2:2:1, pp. 239-240.

⁹¹pp. 32-33. The Doctrinal Commission made this explanation (AS, 3:3:1, p. 254): "Nova redactio huius formulae, quae partim provenit ex T.P. lin. 33-39, ad id tendit ut tria munera, potestate regendi inhaerentia, iuxta terminologiam traditionalem recenseantur, scilicet leges ferendi, iudicium faciendi et variis modis administrandi."

judicial and administrative power in the revision of the Code of canon law,⁹² but the actual designation carried into the new Code (cc. 135.1 and 391.1) was provided in the Lex Ecclesiae fundamentalis: legislative, judicial and executive.⁹³

2) "Especially"

The specification of ways in which the curia assists the bishop with his governance of the diocese was not mentioned in the previous Code; only particular officers of the curia were indicated. The listing in the 1977 draft of the revised Code, intended to replace paragraph 2 of former canon 363, seemed almost taxative.⁹⁴ The attempt to simplify the new canon in the 1980 draft meant a conflation of the earlier draft's two sentences, with "namely", itself

⁹²Cf. Comm., 1(1969), p. 83.

⁹³PONT. COMM., Schema legis Ecclesiae fundamentalis, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1969, c. 80.2. The distinction between "administrative" and "executive" will be considered below.

A history of this development can be found in P.G. MARCUZZI, art. cit., pp. 275-291.

⁹⁴PONT. COMM., Schema...Libri II..., c. 281: "Curia diocesana constat illis institutis et personis quae Episcopo aliive qui loco Episcopi dioecesi praeest, operantur praestant in regimine pastoralis universae dioecesis. Ad eam pertinent instituta et personae quae deputantur ut in actione pastoralis dirigenda, in administratione dioecesis curanda necnon in potestate judiciali exercenda partem aliquam habent."

virtually taxative, serving as a connective.⁹⁵ There was no change in the draft submitted to John Paul II for his review.⁹⁶ However, in the promulgated text, "namely" became "especially", meaning that these are the principal areas of concern for the curia but not necessarily the only ones. Nor do they exhaust all the possible forms of governing.⁹⁷

Looking at the three areas of concern from the perspective of the three divisions of the power of governance, several conclusions can be drawn. First, none of the areas of concern is directly related to the legislative function. This is not surprising, since canon 391 limits that function to the bishop personally. Nevertheless, the curia would certainly provide advice and technical assistance (e.g., preparation of documents) to the bishop in the exercise of his legislative power. The second conclusion is even more obvious: the words "in exercising judicial power"

⁹⁵PONT. COMM., Schema Codicis iuris canonici, Città del Vaticano, Libreria Editrice Vaticana, 1980, c. 389: "Curia dioecesana constat illis institutis et personis quae Episcopo operam praestant in regimine universae dioecesis, scilicet in actione pastoralis dirigenda, in administratione dioecesis curanda necnon in potestate judiciali exercenda." (emphasis added).

⁹⁶PONT. COMM., Codex iuris canonici: schema novissimum iuxta placita patrum Commissionis emendatum atque summo Pontifici praesentatum, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1982, c. 469.

⁹⁷Cf. R. PAGE, Les Eglises..., p. 62.

correspond to the judicial dimension of the bishop's governance. This role of the curia is detailed in Book VII of the Code and is beyond the scope of this study which is principally concerned with the two remaining areas of assistance. Finally, both "directing pastoral activity" and "providing for the administration of the diocese" would seem clearly to be forms of executive governance.⁹⁸

3) Relationship between executive and administrative power

The two terms "executive" and "administrative" were for a time interchangeable, even as late as the 1967 session of the Synod of Bishops ("administrative") and the 1969 schema of the Lex Ecclesiae fundamentalis ("executive"), as well as during the later stages of the Code Commission's deliberations.⁹⁹

a) Terms in transition

The situation remains unsettled due to the lack of extensive development of the concepts in this area,¹⁰⁰ and to

⁹⁸Cf. ibid., p. 63. A legislative dimension of directing pastoral action will be suggested later.

⁹⁹Cf. Comm., 17(1985), p. 44: "[...] communiter potestas administrativa seu executiva appellatur." Cf. also P.G. MARCUZZI, art. cit., p. 294.

¹⁰⁰Cf. M. LOPEZ ALCARON, "Jerarquía y control

the traditional view that executive power is exercised by means of formal and largely individual "administrative acts", namely, instructions, decrees, precepts, rescripts, privileges, and dispensations.¹⁰¹ Side by side with this notion, there are "acts of administration" (v.g., financial management), which are not considered applications of executive power per se, but of dominative or domestic power, and which are carried out by those who do not enjoy full executive power (e.g., parish priests, lay religious superiors, finance officers). Likewise, sacraments and sacramentals are also "administered" but not with executive power (although jurisdiction or faculties may be required).¹⁰²

Many contemporary canonists have recognized the inadequacy of these concepts, particularly in light of the

administrativo", in Ius canonicum, 11(1971), p. 268; J.A. SOUTO, "La función...", pp. 192-193.

¹⁰¹Cf. P.G. MARCUZZI, art. cit., pp. 295-303; K. MÖRSDORF, art. cit., pp. 8-9, 20; J.A. SOUTO, "La función...", pp. 192-194; J.L. DE URRUTIA, art. cit., pp. 39-40. The Code Commission resisted the urge to define administrative acts in general terms, thus leaving room for a broader concept (cf. Comm., 17[1985], pp. 43-45).

¹⁰²Cf. Comm., 17(1985), p. 49; C. LEFEBVRE, art. cit., col 76; P.G. MARCUZZI, art. cit., p. 288; K. MÖRSDORF, art. cit., pp. 7-8; F.J. URRUTIA, "Delegation of the executive power of governance", in Studia canonica, 19(1985), pp. 343-344.

complexities of modern ecclesial life with its expanding administrative structures, decentralized power-sharing and lay involvement.¹⁰³ With an eye on the broad notions of executive and administrative functions in secular society, these writers have tended to adopt similar descriptions for canonical terminology, stressing the public or communal context rather than the private one, and general management, rather than formal "acts".¹⁰⁴ Unlike "administrative acts" proper, such activity is not heavily regulated by canon law and, so, enjoys considerable discretion.¹⁰⁵

b) Separate functions

Gradually, separate executive and administrative functions have been delineated. As with Ottaviani, the latter is commonly considered a subspecies of the former, with the executive occupying a decisive and controlling role and administration, a managerial and bureaucratic one.¹⁰⁶

¹⁰³Cf. P.G. MARCUZZI, art. cit., pp. 302-303; K. MÖRSDORF, art. cit., pp. 7-8; J.A. SOUTO, "La función...", pp. 192-193; J.L. DE URRUTIA, art. cit., pp. 40-45.

¹⁰⁴Cf. J.L. DE URRUTIA, art. cit., p. 33.

¹⁰⁵Cf. G. DELGADO, Desconcentración orgánica y potestad vicaria, Pamplona, Ediciones Universidad de Navarra, 1971, p. 257.

¹⁰⁶Cf. R. PAGE, Les Eglises..., p. 88. "Bureaucratic" here and in the remainder of this study

Administration can be defined as executive power, insofar as it organizes public services and assures their functioning; it is that which is charged, in accord with the law, to give practical direction to the society's life, to maintain order, to assure prosperity and to regulate the relationships between individuals or institutions and authority.¹⁰⁷

The 1983 Code displays a blending of the old and new concepts of executive and administrative. "Administrative acts" (canons 30-93) remain limited to the formal acts of the former Code. They are executive acts and, therefore, require the executive power of governance.¹⁰⁸ "Execution" refers to

carries a positive sense, unless a pejorative sense is clear from the context.

Lopez Alarcón (art. cit., p. 268) draws from some ecclesiastical documents an extensive list of terms related to the executive or controlling function. However, too strict a division of terms is probably neither possible nor wise.

¹⁰⁷R. NAZ, art. cit., col. 192: "On peut définir l'administration: le pouvoir exécutif, en tant qu'il organise les services publics et qu'il en assure le fonctionnement; c'est elle qui est chargée, en faisant respecter la loi, de diriger pratiquement la marche de la société, d'y maintenir l'ordre, d'en assurer la prospérité et de régler les rapports entre les particuliers ou les personnes morales et l'autorité." Cf. also C. LEFEBVRE, art. cit., col. 87; M. LOPEZ ALARCON, art. cit., pp. 269-274. K. Mörsdorf (art. cit., p. 24) refers to "organizational acts" to distinguish this broader notion of administration from the "administrative acts" of executive power.

¹⁰⁸Cf. PONT. COMM., Schema...Libri I..., pp. 6-7. It would seem that administrative recourse is concerned almost exclusively with these acts of administration and not with administration in the broader sense; cf. cc. 149.2, 1400.2, 1445.2, 1732ff.

the application of these acts. "Acts of administration" are restricted to temporal goods, as are "administrators", although sacraments are also administered. Yet, there are some hints at the broader sense of executive and administrative and their distinction.¹⁰⁹

When this distinction is extended in a general way to the particular Church, the role of decision and control belongs to the diocesan bishop, while the administrative functions are fulfilled by the curia and others. To put it another way, the bishop decides; the curia implements.¹¹⁰ Thus, the bishop exercises his executive power of governance through the administration of the curia.

¹⁰⁹For example, canon 179.4 speaks of the administration of an office, and canon 473.2 mentions "administrative responsibilities"; there is also the phrase "administration of the diocese" which appears three times (in the canon presently under discussion and twice again in the introductory canons on the diocesan curia); and then there is, of course, the diocesan and parochial administrator. All of these suggest a wider sense of administration, more in keeping with common usage. Canon 259.1 implies not only the fuller meaning of "administration" but also the distinction between executive, in the sense of decision and control, and administration, in the sense of management and bureaucracy: "Episcopo dioecesano [...] competit quae ad seminarii superius regimen et administrationem spectant, decernere." The very next canon suggests an even further gradation of the administrative function when it mentions the rector's "[...] cotidianum moderamen [...] seminarii [...]."

¹¹⁰Cf. G. DELGADO, La Curia romana: el gobierno central de la Iglesia, Pamplona, Ediciones Universidad de Navarra, 1973, pp. 35-39; P. INHOFFEN, art. cit., p. 259; C. LEFEBVRE, art. cit., col. 90; M. LOPEZ ALARCON, art. cit., pp. 272-273; R. PAGE, The diocesan..., p. 83; A. ROUCO VARELA, art. cit., p. 23.

c) Administrative power

But does the curia, in fulfilling its administrative tasks, exercise that power? Most commentators would reply negatively, since by its very nature administration is not a primary executive function, nor are most ecclesiastical administrators endowed with executive power according to law.¹¹¹

As a result, there has recently been much discussion about "administrative power" as a subsidiary or auxiliary form of executive power.¹¹² J.H. Provost,¹¹³ for example,

¹¹¹Cf. G. DELGADO, La Curia romana..., pp. 40-45; R. PAGE, Les Eglises..., p. 63.

There is little question that a member of the curia like the chancellor does not possess executive power. P. Inhoffen (art. cit., pp. 249-250) even argues that the alter ego concept of the vicar general has been exaggerated. To support his view, he points to the many restrictions of the vicar's power in significant areas. The situation exists, he says, "because of confusion between governance and administration. Cf. also C. LEFEBVRE, art. cit., col. 85.

¹¹²Cf. C. LEFEBVRE, art. cit., cols. 87-88; J.L. DE URRUTIA, art. cit., pp. 40-45. While the CIC seems to signify "executive power" when it uses "administrative power" (cc. 1400.2, 1445.2), could the "deputation" mentioned in c. 494.3 and the "assignment" of c. 1278, both in reference to financial administration, suggest another kind of power of administration, which in these cases is being transferred? The new Code avoids any mention of dominative power, yet c. 596.1 recognizes a power in reference to lay religious superiors which "non est potestas regiminis, etsi quamdam potestatem ecclesiasticam publicam constituat [...]." (PONT. COMM., Relatio..., p. 140).

¹¹³"The participation of the laity in the governance

has recently constructed a theory upon a distinction found in the early canons of Book VII. He identifies a "non-executive administrative power", applicable to many curial officials.

d) Continuum of function and power

Perhaps, though, to posit too strict a division between executive power and administrative power is unwise, since the executive and administrative functions which they accompany "are so closely tied that the dividing line between them is very difficult to establish."¹¹⁴ The curia does, after all, "have a share" in the directing of pastoral activity, etc.¹¹⁵

of the Church", in Canon Law Society of Great Britain and Ireland newsletter, 60(March, 1984), pp. 42-44.

¹¹⁴C. LEFEBVRE, art. cit., col. 90: "[...] se trouvent si intimement unies que le départ est bien difficile à faire entre l'une et l'autre."

¹¹⁵Cf. G. DELGADO, El consejo... and "El principio de coordinación en la administración central de la Iglesia", in Ius canonicum, 11:2(1971), pp. 368-369; F.J. URRUTIA, art. cit., pp. 4-5.

J.E. Prince (op. cit., p. 45) writes this about the chancellor: "From the very nature of the function attached to it by law, namely, from the legally accredited and entrusted administration, care and authentication of episcopal jurisdictional documents, it has at least some participation in the rule or jurisdiction of the diocese."

It is better, then, to speak of a continuum of the executive and administrative that extends from real direction of the diocesan community to routine, mechanical operations, with much in between. At any rate, "providing for the administration of the diocese" is often a matter of considerable significance, far surpassing mere paperwork. It has been characterized by J.A. Souto this way:

By that form, in the administrative function, is understood a plurality of diverse activities, such as, for example, the administration of ecclesiastical goods, the organization of education, of the lay apostolate, of the ministry to emigrants, or the collection of funds for good causes. From this ample scale of activities, fitting into the ambit of diocesan administration, only a small parcel of it can be considered as having a strictly juridical content. [...] we understand that the administrative function encompasses the diverse activities carried out by the diocesan organs ordered to the achievement of the common ecclesial good, with the exception of legislative and judicial activity.¹¹⁶

¹¹⁶"Los cooperadores...", pp. 255-256: "De tal forma que, en la función administrativa, se comprenden una pluralidad de actividades diversas, tales como, p. ej.: la administración de bienes eclesiásticos, la organización de la enseñanza, del apostolado seglar, de los emigrantes, o la recaudación de fondos para fines benéficos. De esta amplia gama de actividades, encuadradas en el ámbito de la administración diocesana, tan sólo una parcela reducida de la misma puede considerarse como de contenido estrictamente jurídico. [...] entendemos que la función administrativa comprende las diversas actividades desarrolladas por los órganos diocesanos ordenados a la consecución del bien común eclesial, con exclusión de la actividad legislativa y judicial." Cf. also T.P. IMSE, "Spiritual leadership and organizational leadership: the dilemma of being pope", in Social compass, 16(1969), pp. 276-277; P. INHOFFEN, art. cit., pp. 260-262.

4) Relationship between the direction of pastoral activity
and administration

Given the centrality which the program of pastoral action occupies in the ministry of the bishop and in the life of the diocese, and given the strong desire expressed at the Second Vatican Council to provide a truly pastoral orientation for the diocesan curia, it is not surprising to find "directing pastoral activity" as the first area of concern for the curia in canon 469.

a) Coincidence

Ultimately, the course of pastoral action in the diocese remains the responsibility of its chief pastor, yet the curia properly has the personnel needed for the complex process of reflection and planning.¹¹⁷ In addition,

because it is not sufficient to plan properly, nor to prepare the major elements for carrying out those plans, it is necessary for someone to take direct and immediate responsibility for the execution of those plans and for the correct utilization of those elements. And this ought to be the curia.¹¹⁸

¹¹⁷Cf. "Para una adaptación de la curia", in L'Osservatore romano (Spanish ed.), June 12, 1970, p. 12.

¹¹⁸V. ENRIQUE Y TARANCON, "La curia hoy, vista por un obispo", in La curia episcopal: reforma y actualización, Salamanca, Universidad Pontificia Salamanca, 1979, p. 405:

It is the curia which would organize the bishop's ministry and "which would be the great motor of diocesan pastoral action"¹¹⁹ and "the regulating center of the vital apostolic gears of the diocese."¹²⁰

Are not such functions simply a particular form of administration? With the 1917 Code as a frame of reference, L. Mathias¹²¹ defines the curia as those "officers or persons who help the Bishop in governing the diocese by administering justice or despatching the multifarious public and ordinary business of the diocese." Is not directing pastoral action the most public and ordinary business of today's diocese? Thus, many commentators have spoken about the essentially pastoral nature of administration and the difficulty in differentiating the pastoral and the administrative.¹²² The

"Porque no basta planear acertadamente; ni preparar los mejores elementos para llevar a cabo lo planeado. Es necesario que alguien tenga la responsabilidad directa e inmediata de la ejecución de esos planes y de la utilización correcta de esos elementos. Y esta debe ser la Curia." Cf. also F. HOUTART - W. GODDIJN, "Problems of pastoral organization", tr. T. Weston, in Concilium (English ed.), 3:1 (1965), p. 23.

¹¹⁹V. ENRIQUE Y TARANCON, art. cit., p. 400: "[...] para que ella sea el gran motor de la pastoral diocesana."

¹²⁰J.J. GARCIA FAILDE, art. cit., p. 187: "[...] el CORAZON regulador del engranaje vital apostólico de la Diócesis [...]."

¹²¹Op. cit., p. 5.

¹²²Cf. A. ARZA, "La figura jurídica de los vicarios

organization of apostolic endeavors is itself an apostolate, so that those who work in the curia and the work they do there contribute directly to the pastoral life of the diocese, as they should.¹²³

The place of administration within the direction of pastoral action is evident in this statement of Cardinal V. Enrique y Tarancón:

The curia ought to be conceived of and organized in such fashion that it can offer to the bishop [...] all that may be necessary for the exercise of his episcopal ministry. And concretely a few points that I consider basic among the bishop's needs:

- to understand the reality of the people of God over which he presides and the society in which it is immersed;
- to prepare a plan of comprehensive pastoral action, with some clear and concrete objectives, in dialogue -- this is clear -- with all agents of pastoral action;
- to distribute the functions within the general plan, revising periodically the activities of the distinct institutions and the diverse sectors;

de zona", in Ius populi Dei: miscellanea in honorem Raymundi Bigador, Roma, Università Gregoriana Editrice, 1972, v. 2, p. 147; L. DE ECHEVERRÍA, "La curia...", p. 212 and "Esquema orgánico de una curia episcopal renovada", in La curia episcopal: reforma y actualización, Salamanca, Universidad Pontificia Salamanca, 1979, p. 340; J.J. GARCIA FAILDE, art. cit., pp. 195-198; R. PAGE, Les Eglises..., p. 63; A. ROUCO VARELA, art. cit., pp. 26-29; J.A. SOUTO, "Los cooperadores...", p. 255.

¹²³Cf. A. ARZA, art. cit., p. 136; F.R. AZNAR, art. cit., p. 440; L. DE ECHEVERRÍA, "Esquema orgánico...", pp. 340-341, 347-348; F. ROMITA, art. cit., p. 603.

- to prepare adequate materials so that the programs in the field can be easily realized; to be present with relative frequency with the distinct working groups in order to stimulate and ratify their action;
- to utilize personnel and to administer economic resources with a view toward the realization of the pastoral plan;
- to see to the continuing spiritual, doctrinal and technical formation of pastoral agents;
- to undertake the loyal and effective cooperation of the various sectors of the People of God -- priests, religious and laity -- in a climate of authentic responsibility [...].¹²⁴

¹²⁴ Art. cit., pp. 401-402: "La Curia deberá concebirse y organizarse de tal manera que pueda ofrecer al Obispo [...] cuanto éste necesita para el ejercicio de su ministerio episcopal. Y concretando unos cuantos puntos que yo considero básicos, diría que el Obispo necesita:

- Conocer la realidad del pueblo de Dios que preside y de la sociedad en la que aquél está inmerso;
- Preparar un plan de pastoral de conjunto, con unos objetivos claros y concretos, en diálogo, claro está, con todos los agentes de pastoral;

- Distribuir las funciones dentro de este plan general, revisando periódicamente las actividades de las distintas Instituciones y de los sectores diversos;

- Preparar los materiales adecuados para que puedan realizarse fácilmente las campañas programadas y hacerse presente con relativa frecuencia en los distintos grupos de trabajo para estimular y refrendar su acción;

- Utilizar las personas y administrar los bienes económicos con vistas a la realización del plan pastoral.

- Atender a la formación permanente -- espiritual, doctrinal y técnica -- de los agentes de pastoral;

- Asumir leal y efectivamente la cooperación de los distintos sectores del pueblo de Dios -- sacerdotes, religiosos y seglares -- en un clima de auténtica responsabilidad [...]."

b) Distinction

Nevertheless, something of a distinction can be identified. First, and quite obviously, there are some curial activities which do not have as their immediate and first purpose the direction of the particular Church toward fulfillment of its mission. Examples of these would be management of the diocesan office building, maintenance of the archives, personnel services for curial employees and the completion of civilly mandated procedures.¹²⁵

There is a further basis for a distinction. Recalling the subsidiary relationship among the legislative, executive and administrative functions, it could be said that within the direction of pastoral action there is a legislative, an executive and an administrative dimension. Insofar as the direction of pastoral action involves the determination of a general plan of action for the diocese, including goals and priorities, it is legislative and, as such, is reserved to the bishop personally (although he will need the curia's assistance in developing the plan). Insofar

¹²⁵L. de Echeverría ("Esquema orgánico...", p. 359) has detected within Paul VI's "Vicariae potestatis in Urbe" two types of offices: offices or centers of pastoral action and special offices (administrative and economic, juridic and technical). The former could be called pastoral-administrative, the latter, administrative.

as it involves the determination of more precise methods for attaining the goals, it is executive (controlling) and, as such, is reserved to those who possess executive power in its fullest sense (that is, the bishop and vicars general and episcopal vicars).¹²⁶ Insofar as it involves the day to day application of those methods, the management of resources and the coordination of efforts, it is administrative (managerial and bureaucratic) and, as such, can be undertaken by all who possess "administrative power" (that is, other members of the curia, parish priests, supervisors of education, etc.).¹²⁷ In the third area, and in the second, to a large extent, the direction of pastoral action and providing for administration coincide.

C. Composition of the curia

The criteria for curial purpose and membership specified by canon 469 can be restated this way:

- 1) a permanently established institute or person,
- 2) directly assisting the bishop,

¹²⁶Cf. CIC, cc. 30-34; K. MÖRSDORF, art. cit., pp. 12-13.

¹²⁷Cf. J.K. MALLETT, "Diocesan structure and governance", in Canon Law Society of America, Proceedings of the forty-second annual convention, Orlando, Florida, October 20-23, 1980, Washington, 1981, p. 153 for the distinction between legislation and administrative policy.

- 3) in the general governance of the diocese,
- 4) especially in directing pastoral activity, in providing for diocesan administration or in exercising judicial power.

Since, unlike its predecessor, the Code of canon law now in effect does not list the members of the curia, constructing such a list can be difficult, even when applying the above criteria.

1. Members specified by the Code

Obviously, there is no question about the membership of those persons and institutes which are treated expressly in Chapter II; "The diocesan curia". These are the moderator of the curia, the members of the episcopal council, the vicars general and episcopal vicars (including auxiliary bishops appointed to these offices), the chancellor and notaries, the members of the finance council, and the finance officer. Also, tribunal personnel are counted as members of the curia.¹²⁸

2. Other possible members

There are constituents of the curia besides these, of course, but the new Code has intentionally avoided a

¹²⁸Cf. CIC(1917), c. 363.2

comprehensive list, partly because of the impracticality of doing so and partly to respect local variations.¹²⁹ Who then are the additional persons and institutes who satisfy the criteria for membership in the curia?

a. Offices

One group of organisms is the complex of offices, most of which have sprung up as a part of a revitalized diocesan pastoral action. Although the Code does not specify them, it does provide a foundation for many of them.¹³⁰

¹²⁹Cf. L. DE ECHEVERRIA, "Esquema orgánico...", pp. 331-332, 345-347; K. MÖRS DORF, "Decree on the bishops' pastoral office in the Church", tr. H. Graf, R. Strachen, in H. Vorgrimler, ed., Commentary on the documents of Vatican II, Freiburg, Herder, v. 2, 1968, p. 230; J. SANCHEZ Y SANCHEZ, art. cit., pp. 334-335.

¹³⁰Cf. R. PAGE, "Conseils et offices diocésains selon le nouveau Code", in Studia canonica, 19(1985), pp. 158-160. Page has identified an ecumenism office (c. 383.3), clergy office (c. 384), vocations office (c. 385), catechetical office (c. 386.1), sacramental preparation services (cc. 387, 1063), lay apostolate office, social services, etc. (c. 394), missions office (c. 782.2), office for religious (c. 680), communications office (c. 822), office or commission of sacred art (cc. 1189, 1216). The Code also refers to an office of conciliation (c. 1733.2), which would likely be included as part of the curia as might the committee of pastors called for by c. 1742.1 (cf. J.A. ALESANDRO, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., p. 383). Paul VI included among the offices of the Roman Vicariate ("Vicariae potestatis in Urbe", pp. 13-14) research and planning, evangelization and catechetics, worship and sanctification, Christian community and social-charitable services, personnel, administrative, legal and economic, and judicial.

Certainly much discretion is allowed the diocesan bishop in establishing whatever offices he deems necessary in fulfilling his ministry.¹³¹ In addition,

the term "office" is not the only one used to designate the same realities. We occasionally use the expression "committee", "commission", or again "diocesan center of this or that", or more simply the descriptive expression of "service", as "marriage preparation service" [...].¹³²

All of these are properly members of the diocesan curia, fulfilling the criteria for membership listed above, even when they provide services directly to individuals.¹³³

b. Vicars forane

It would seem reasonable to move from here to include in the curia "those priests charged with a pastoral office or apostolic works of a supraparochial nature, whether in a certain area of the diocese or among special groups of the faithful or with respect to a particular kind of activity,"

¹³¹Cf. J.A. ALESANDRO, art. cit., p. 383; R.A. HILL, art. cit., p. 99; R. PAGE, art. cit., p. 7. Cf. c. 145.

¹³²R. PAGE, art. cit., pp. 156-157: "[...] le terme 'office' n'est pas le seul à être employé pour nommer ces mêmes réalités. Nous retrouvons parfois les expressions 'comité', 'commission', ou encore 'centre diocésain de ceci, de cela' ou plus simplement l'expression descriptive de 'service', comme 'service de préparation au mariage' [...]."

¹³³Cf. F. BOULARD, art. cit., pp. 271-273; R. PAGE, art. cit., p. 10; F. ROMITA, art. cit., p. 604.

and who are said to collaborate "even more closely with the bishop".¹³⁴ "Ecclesiae Sanctae" mentions that "included in this class are vicars forane [...] who through the necessary powers conferred on them by the bishop will promote and direct common pastoral activity in the district assigned to them."¹³⁵ While deaneries are viewed by the Code as arising from the parishes,¹³⁶ deans themselves, as their title of vicar suggests, are agents of the bishop -- not of the deanery's clergy.¹³⁷ Their task is to assist in the coordination of pastoral action and other administrative matters (although like territorial episcopal vicars, vicars forane are limited to particular regions of the diocese).¹³⁸

¹³⁴CD, n. 29, pp. 687-688. If certain of these priests engaged primarily in a true care of souls, like hospital chaplains, they would more likely be viewed as extensions of the bishop's teaching or sanctifying ministry rather than his governing function. Hence, they would not be included in the curia. Perhaps CD had in mind especially the directors of Catholic Action, who would be included in the curia.

¹³⁵N. 19, p. 768.

¹³⁶C. 374.2. Note the difference in CIC(1917), c. 217.1: "Episcopus territorium suum in regiones seu districtus, pluribus paroeciis constantes, distribuat [...]." This concept coincides with the medieval origins of the deanery. J.J. García Faílde (art. cit., p. 190) considers the deaneries themselves as part of the curial structure.

¹³⁷Cf. cc. 553-555; A. ARZA, art. cit., pp. 155-163; L. DE ECHEVERRIA, "Esquema orgánico...", p. 366; W. ONCLIN, op. cit., p. 65.

¹³⁸The notion of a parallel between the dean and the episcopal vicar for a region of the diocese can be detected

As such, they satisfy the criteria for membership in the curia.¹³⁹

c. Consultative bodies

Beyond these persons who might be considered members of the diocesan curia, there are also some institutes which seem to fit the description of the curia provided in canon 469. These are the diocesan-wide consultative bodies: the presbyteral council, the college of consultors, the pastoral council and the diocesan synod.¹⁴⁰ All of them exist to

in this part of a report from a coetus of the Code Commission deliberating about the vicar forane: "Tandem animadvertit unus e Consultoribus etiam affirmandum esse quod paroeciae plures in maiores etiam districtus coniungi possunt, quibus praeerit Vicarius episcopalis, si utilitas id suadeat, et se refert ad Decretum Christus Dominus, n. 23." (Comm., 17[1985], p. 97). Cf. also K. MÖRSDORF, "Decree...", p. 261.

¹³⁹Cf. L. DE ECHEVERRIA, "Esquema orgánico...", p. 365. This seems even more natural a conclusion from the perspective of pastorale d'ensemble in which the vicar forane is perceived as one of the middle-managers (cf. A. ARZA, art. cit., pp. 159-164; F. BOULARD, La renovación de la diócesis según el Vaticano II, Valencia, Comercial Editora de Publicaciones, 1970, pp. 54-57).

Although CD (n. 30, p. 688) describes deans as exercising a "pastoral office", they do not provide directly for the "full care of souls" and so are primarily extensions of the bishop's governing function only.

¹⁴⁰These bodies are treated in the CIC in the chapters immediately before and after the chapter on the curia. Are they institutes in the sense meant by c. 469? There seems little to preclude an affirmative reply. Because it lacks the element of stability, Page (art. cit., pp. 155-156) excludes the synod from the category of institutes.

assist the bishop and are dependent on his authority and leadership.¹⁴¹ All of them contribute directly and principally to the bishop's governance of the diocese at large,¹⁴² especially so when consultation is recognized as a

This may seem a bit rigorous, given the other attributes of the synod which make it so like the other councils.

¹⁴¹Cf. CIC, cc. 460-462, 466, 468 (synod); 495.1, 500, 501.2-3 (presbyteral council); 502.1-2 (college of consultors); 511, 514.1 (pastoral council). In a few matters, the presbyteral council and college of consultors exercise a deliberative function upon which the bishop is dependent (e.g., c. 1277).

¹⁴²Cf. DPM, n. 15; F. BOULARD, art. cit., pp. 248-250, 270 and op. cit., p. 128; P.W. COLLINS, "The diocesan synod: an assembly of the People of God", in The jurist, 33(1973), pp. 399-404; J.A. CORIDEN, "The diocesan synod: an instrument of renewal for the local Church", in The jurist, 34(1974), pp. 69-85; J.J. GARCIA FAILDE, art. cit., p. 198; IOANNES XXIII, "Promulgazione del Primo Sinodo Romano", in op. cit., v. 2, p. 427; H.-M. LEGRAND, "Synodes et conseils de l'après-concile", in Nouvelle revue théologique, 98 (1976), pp. 195-212; J. MALLET, art. cit., p. 154; K. MÖRSDORF, "Decree...", pp. 151-152; R. PAGE, The diocesan..., pp. 102-104 and Les Eglises..., pp. 47-49, 115-122; PAULUS VI, "Vicariae potestatis in Urbe", p. 11 and "Ai Parroci e ai Predicatori Quaresimalisti di Roma: perfezionare la vita sacerdotale nello zelo ed attività per le anime", in op. cit., v. 8, p. 122; J.H. PROVOST, "The participation...", pp. 41-42 and "The working together of consultative bodies: great expectations?", in The jurist, 40(1980), p. 269; A. ROUCO VARELA, art. cit., p. 25.

Many authors have distinguished between the presbyteral council's governing role and the pastoral council's non-governing character (e.g., R. PAGE, The diocesan..., p. 65). The principal concern behind the distinction seems to be the preservation of a share in the real governing function of the bishop for his "senate", an all-clerical group representing the presbyterium (cf. Comm., 6[1974], p. 46; PONT. COMM., Relatio..., p. 109). However, considering the wide continuum over which the governing

legitimate (albeit, subsidiary) form of executive and legislative governance, as administration is of executive governance.¹⁴³ Throughout the preparation of "Christus Dominus", there was a single category of episcopal cooperators, called "organs of diocesan government", which included the curia and conciliar bodies,¹⁴⁴ and, of course, the promulgated decree itself incorporated both in a single number (27). Support for inclusion of the diocesan councils and synod in the curia has come from many quarters.¹⁴⁵

function extends and considering the diversity of ways in which the curia helps the bishop to govern, this distinction does not seem to carry great importance in determining curial membership. In a later work (Les Eglises..., p. 61) Pagé reached much the same conclusion: "Mais alors, quel est l'organisme diocésain qui n'assiste pas l'Evêque d'une manière ou d'une autre dans le gouvernement du diocèse?" (cf. also AS, 3:3:2, pp. 221-222; F. BOULARD, art. cit., pp. 255-262; K. MÖRSDORF, "Decree...", p. 252). The working relationship between the two councils will be considered in the last chapter of this study.

¹⁴³Cf. CONC. VAT., "Decretum de apostolatu laicorum: 'Apostolicam actuositatem'", in AAS, 58(1966), n. 26, p. 858; DPM, n. 165; F. BOULARD, art. cit., p. 259; C. FLORISTAN SEMANES - M. USEROS CARRETERO, Teología de la acción pastoral, Madrid, Editorial Católica, 1968, pp. 508-511; H.-M. LEGRAND, art. cit., p. 193; J.A. MARQUES, art. cit., pp. 362-364; K. MÖRSDORF, "Decree...", pp. 252-253; R. PAGE, The diocesan..., pp. 86, 91-96; PAULUS VI, "La XVI Settimana di Aggiornamento Pastorale", in op. cit., v. 4, pp. 392-393; J.H. PROVOST, "The participation...", pp. 41-42 and "The working...", p. 259; J.A. SOUTO, "Los cooperadores...", p. 262. R. Pagé (The diocesan..., p. 88) speaks of the councils wielding the "power of influence".

¹⁴⁴Cf. AS, 2:2:4, pp. 457-458.

¹⁴⁵Cf. F. BOULARD, art. cit., p. 272 (pastoral council, diocesan organisms in general); L. DE ECHEVERRIA,

3. Ultimate concern: collaboration

This rather broad aggregation which has been suggested for the diocesan curia certainly transcends the internal structure of the Code and conventional thinking. Yet, even if some will not agree to curial membership for, say, vicars forane or the consultative bodies, there can be no denial that the older conception and role of the curia has been greatly expanded and that these other components of diocesan governance do share the same major concerns with the curia (as it is more narrowly circumscribed) and that they must in their operations interact closely with the curia and each other. Perhaps these points of linkage are more important than the actual delineation of curial membership. For, ultimately, what matters most is the coordination and effectiveness of the program of pastoral action -- a task

"Esquema orgánico...", p. 379 (synod); F. KLOSTERMANN, "Structures de l'Eglise de demain, III, nouvelles structures", tr. J. Rollet, E. Jorland, in IDOC, 67:29(1967), p. 9 (pastoral council); R. PAGE, Les Eglises..., p. 62 (presbyteral and pastoral councils); J. SANCHEZ Y SANCHEZ art. cit., pp. 330-331 (presbyteral and pastoral councils). In addition, a symposium held at the University of Salamanca (cf. La curia episcopal: reforma y actualización, Salamanca, Universidad Pontificia Salamanca, 1979, 416 p.) included all these organisms in its deliberations on the curia. The degree of support for inclusion ranges from absolute to conditional, from encouragement to tolerance. Naturally, some authorities would reject curial membership for some or all of the four bodies.

paramount in the purpose of all the persons and organisms mentioned above.¹⁴⁶ So, whether they are all constituents of the "curia" or not, they are collaborators of the bishop in bringing the program of pastoral action into existence and toward fruition on the diocesan or supraparochial levels. Such a global view is the intention behind the new Code of canon law: "The force, then, with which this future legal corpus insists on the fundamental unity of the curia is obvious, in such a manner that there results the integration of all aspects of the bishop's activity in the entirety of the diocese."¹⁴⁷

¹⁴⁶The 1983 Code explicitly mentions the priority of pastoral action for all of these persons and institutes except the synod and college of consultors. Since the college of consultors arises from the presbyteral college, it must be presumed that its basic orientation is the same, even if much of its deliberation focuses on temporalities (cf. F. BOULARD, art. cit., pp. 255-256; R. PAGE, "Les Eglises...", pp. 154, 163; F. ROMITA, art. cit., pp. 610-611; J.A. SOUTO, "Los cooperadores...", p. 262). As for the synod, these words from DPM, n. 163 can properly be used to augment c. 460's "for the good of the entire diocesan community": "The diocesan synod [...] is the assembly in which the bishop [...] officially fulfills his function and ministry of feeding the flock entrusted to him, by adapting the laws and norms of the universal Church to local conditions, by pointing out the policy and program of apostolic work in the diocese, by resolving problems encountered in the apostolate and administration, by giving impetus to projects and undertakings, and by correcting errors in doctrine and morals if any have crept in. The synod also offers an occasion for some sacred celebrations which do very much to arouse or renew faith, piety and apostolic zeal throughout the entire diocese [...]."

¹⁴⁷L. DE ECHEVERRIA, "Esquema orgánico...", p. 348: "Salta, pues, a la vista, la fuerza con que en este futuro

Conclusion

There can be no doubt that since the Second Vatican Council the nature and role of the diocesan curia has changed. It is to be a major force in the pastoral life of the diocese -- and not just a section of the curia, but all of it. If directing the program of pastoral action is the epitome of the bishop's governing office, then so is it the principal object of his curia, its very raison d'être and the ultimate basis for determining its composition and organization. In this way the curia furnishes "assistance to the bishop in the governance of the entire diocese". Ideally, the bishop remains the leader, the decision maker, the controller -- the true pastor, while the curia fulfills a managerial and bureaucratic role within the context of comprehensive pastoral action.

Such a role, however, is anything but mechanical, legalistic or dilatory. While these words of Karl Rahner were written about the Roman Curia, they can apply equally well to the diocesan curia:

[...] it would be a mistake on that account to regard the Roman organizations as mere legislative and administrative instruments, -- a kind of

cuerpo legal se insiste en la unidad fundamental de la Curia, de tal manera que en ella resulten integrados todos los aspectos de la actividad del Obispo en el conjunto de las diócesis."

ecclesiastical civil service. Ecclesial authorities ought to have something charismatic about them because of the nature of the Church, in which even official powers are acknowledged to be gifts of the Holy Spirit. The task of Christian authority is to stimulate, to provide scope for growth, to encourage, to foresee and to attempt to guide future developments even when they cannot yet be the object of laws and administrative measures.¹⁴⁸

What keeps the curia vital, both within itself and to the diocese, is the close connection between its two specific functions of administration and the direction of pastoral activity. Most of the administration provided by the bishop and his curia involves the program of diocesan pastoral action and serves as a force for spiritual and apostolic revitalization. In addition, the majority of persons and institutes belonging to the contemporary curia are directly linked to these concerns. Finally, there is but one, unified curia, albeit composed of a multitude of entities which contribute a diversity of services.

¹⁴⁸Theology of pastoral action, tr. W.J. O'Hara, Freiburg, Herder, 1968, pp. 124-125.

CHAPTER III

THE MODERATOR OF THE CURIA IN THE 1983 CODE

The proper functioning of the curia, all the more challenging because of its contemporary complexity, requires more than good will or even firm episcopal leadership. Day to day direction, coordination and decision-making are needed -- a theme repeatedly enunciated before and during Vatican II.¹ It is here that the moderator of the curia assumes his place.

A cursory reading of canon 473, however, might suggest a narrow ambit for this new office in diocesan administration, one that limits it to the traditional curial functions of law and finance and restricts it from the newer pastoral-administrative functions of the curia. Through a close examination of the title, prerequisites and functions provided for this new office, it seems possible to define for the moderator a much more comprehensive and significant role, a role which satisfies both the realities of contemporary diocesan life and the dictates of law.

¹Cf. F.R. AZNAR, "La nueva concepción global de la curia diocesana en el Concilio Vaticano II", in Revista española de derecho canónico, 36(1980), pp. 429-430, 445-446.

A. Developments prior to the 1983 Code

There had not previously been provision for a moderator of the curia in the universal law of the Church. Although the former Code accorded the vicar general first place in its list of curial members, it specified no special role for him vis-à-vis the rest of the curia, and, indeed, did not even mandate the appointment of a vicar general.² Only with the Second Vatican Council, in its decree "Christus Dominus" on episcopal ministry, was the office of vicar general pronounced to be "the most important office in the diocesan curia".³ Yet, there was still no mention of an active directory role for him within the curia. That would have to wait for the revised Code of canon law.⁴

Some precedent, however, for having a moderator of the curia could be found in the recent praxis of a number of dioceses, particularly in Europe. Sometimes the vicar general assumed this role.

²Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus, in AAS, 9:2(1917), cc. 365, 366.1.

³"Decretum de pastoralis episcoporum munere in Ecclesia: 'Christus Dominus'", in AAS, 58(1966), n. 27, p. 686.

⁴Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1983, xxx-317p.

The central department is the directive and coordinating organ of all the other departments and services of the episcopal curia. It is presided over by the vicar general who functions in a permanently direct and immediate relationship with the bishop.⁵

Whether vicar general, episcopal vicar (after Vatican II) or someone else, the person responsible for such direction and coordination was usually referred to as the secretary general of the curia, a position involving far more authority than the chancellor of European tradition but similar to that of the chancellor of North America.

This he has due to the primacy accorded the pastoral function, to the growth of the services required, to the specialization of organisms, to the appearance of the coordinating functions and to the growing phenomenon of persons participating in the functions of governance who previously remained completely outside these things [...]. This figure has been delineated with increasing clarity, as well as importance [...].⁶

⁵A. ROUCO VARELA, "El ministerio episcopal y la organización de la curia", in La curia episcopal: reforma y actualización, Salamanca, Universidad Pontificia Salamanca, 1979, p. 29: "El departamento central es el órgano de dirección y coordinación de todos los demás departamentos y servicios de la Curia Episcopal. Presidido por el Vicario General, actúa, en relación permanente, directa e inmediata con el Obispo."

⁶L. DE ECHEVERRIA, "Esquema orgánico de una curia episcopal renovada", in La curia episcopal: reforma y actualización, Salamanca, Universidad Pontificia Salamanca, 1979, p. 363: "Esto se ha debido a la primacía otorgada a la función pastoral; al crecimiento de los servicios que se piden; a la especialización de los organismos; a la aparición de funciones de coordinación y al fenómeno creciente de la participación en las funciones de gobierno de personas que antes quedaban completamente al margen de las mismas. [...]. Su figura se va delineando con claridad creciente, así como su importancia [...]."

While the need for the secretary general and the essential orientation of his office arose from the rapidly expanding pastoral care concerns of the curia, his purview included the management of documents emanating not only from the curia itself but also from the consultative bodies, thus ensuring good communication among the various components.⁷ This represents an initial "pastoral-administrative" function.

De Echeverría⁸ recognized in Paul VI's "Vicariae potestatis in Urbe"⁹ an affirmation of the Spanish practice. The secretary general, or prelate secretary, of the Roman vicariate was, in his view, to operate in three general areas: pastoral governance (communicating decisions of the cardinal vicar to the various offices, serving as secretary to the episcopal council and coordinating the efforts of the various commissions); pastoral action (facilitating the process of study, research and planning); curial activities (supervising personnel, handling public relations).

⁷Cf. ibid., pp. 394-395.

⁸Ibid., pp. 363-364.

⁹"Constitutio apostolica, Vicariatus Urbis nova ratione ordinatur: 'Vicariae potestatis in Urbe'", in AAS, 69(1977), pp. 12-13. Coordination of pastoral action was the central theme in Paul VI's presentation of the principles underlying "Vicariae potestatis" (cf. "In Patriarchali Archibasilica SS.mi Salvatoris prolata, in Constitutionis apostolicae promulgatione, qua Vicariatus Urbis nova ratione ordinatus est", in AAS, 69[1977], pp. 55-56).

The currently available documentation from the Code Commission does not mention any connection between the secretary general and the moderator of the curia.¹⁰ However, the obvious similarities between the two offices surely suggest such a link, as pointed out by two commentaries on the 1983 Code.¹¹

B. Person of the moderator

The new Code is the product of scores of persons and "a combination of practical decisions, traditional structures, and competing theories, sometimes laid side-by-side without an effort to compose their differences."¹²

¹⁰"Secretary of the curia" was mentioned twice in the 1977 draft of c. 404 (PONT. COMM., Schema canonum Libri II de populo Dei, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1977, c. 262). It was replaced by "chancellor" in later drafts, presumably to bring it into conformity with c. 382.3 (cf. Comm., 12[1980], pp. 310-311). How the reference occurred in the first place is unknown, but the change does not have the effect of equating the secretary with the chancellor.

¹¹Cf. Código de derecho canónico: edición bilingüe comentada por los profesores de la Facultad de Derecho Canónico de la Universidad Pontificia de Salamanca, L. de Echeverría, ed., 4th ed., Madrid, Editorial Católica, 1984, p. 257; R. PARALIEU, Guide pratique du Code de droit canonique, notes pastorales, Bourges, Editions Tardy, 1985, p. 163.

¹²J.H. PROVOST, "The participation of the laity in the governance of the Church", in Canon Law Society of Great Britain and Ireland newsletter, 60(March, 1984), p. 12.

Within this complexity lies the new office of moderator of the curia. It is provided with only the barest of definition and, of course, little canonical tradition. Its creation has been the occasion for more questions than answers. Some of the questions will be examined in the remainder of this chapter.

1. Inception of a new office

No documentation is currently available which pinpoints the origin of the office and title of moderator of the diocesan curia within the deliberations of the Pontifical Commission for the Revision of the Code of Canon Law. The earliest reference was to a "head of the curia" found in a report of the consultors' work in preparing draft canons concerning the clergy and the hierarchy.¹³ This "head" of the curia became the "moderator" in the 1977 draft of the Code¹⁴ and remained such thereafter, including in the promulgated text:

Can. 473--2. [...] whenever, it is expedient the diocesan bishop can appoint a moderator of the curia, who ought to be a priest, and whose task it is, under the authority of the bishop, to coordinate the exercise of administrative responsibilities and to see to it that the other members of the curia duly fulfill the office

¹³Cf. Comm., 5(1973), pp. 225-226.

¹⁴PONT. COMM., op. cit., cc. 285.2, 286.

entrusted to them.

--3. Unless in the judgment of the bishop local circumstances warrant otherwise, the vicar general or, if there are several, one of the vicars general is to be appointed moderator of the curia.¹⁵

2. Office and person of the moderator

From this it can be ascertained that the new office has the title "moderator of the curia", that it is facultative in nature, that ordinarily the office is to be filled by the vicar general, and that, whoever the occupant, he should be a priest.

a. Title of the office

In classical Latin, a "moderator" is "a governor, controller, manager", whereas "moderare" means "to set bounds to, keep within bounds; to regulate, moderate, restrain", and in a transferred sense, signifies "to control, govern, direct"; "moderamen", also in the transferred sense, means

¹⁵Can. 473--2. [...] ubi id expediat, nominari potest Moderator curiae, qui sacerdos sit oportet, cuius est sub Episcopi auctoritate ea coordinare quae ad negotia administrativa tractanda attinent, itemque curare ut ceteri curiae addicti officium sibi commissum rite adimpleant.

--3. Nisi locorum adiuncta iudicio Episcopi aliud suadeant, Moderator curiae nominetur Vicarius generalis aut, si plures sint, unus ex Vicariis generalibus."

"management, government".¹⁶

"Moderator" and the related terms are used extensively in the documents of Vatican II and in the new Code. Clearly there is more implied than keeping under control or coordinating. "To moderate" implies both positive direction and considerable authority. For example, of the 68 times that the terms appear in the conciliar documents, they refer 26 times to the Apostolic See, episcopal conferences, diocesan bishops and local ordinaries.¹⁷ Of the 115 times that they appear in the Code (in addition to "moderator of the curia"), they refer to these same subjects nineteen times. But they refer to superiors of religious institutes 46 times, directors of Christian associations 15 times, parish priests or chaplains 10 times, judges twice, seminary and school authorities 10 times.¹⁸

In the translations of these documents used for this study, "moderare" and the other verbal forms are rendered "to

¹⁶Cf. Cassell's new Latin dictionary: Latin-English, English-Latin, D.P. Simpson, ed., New York, Funk and Wagnalls, 1960, p. 376.

¹⁷Based on Index et concordance, Vatican II, H. Tardif, G. Pelloquin, eds., Paris, Editions Ouvrières, 1969, p. 164.

¹⁸Based on Index verborum ac locutionum Codicis iuris canonici, X. Ochoa, ed., Roma, Commentarium pro Religiosis, 1983, pp. 259-260.

moderate" 33 times, "to direct" 28 times, "to supervise" 17 times, "to govern" 14 times, "to regulate" 12 times, "to guide" 8 times, and 3 times or less "to rule", "to lead", "to manage", "to run", "to control", "to officiate", "to conduct", "to establish", "to operate", "to preside over", "to make sure", "to execute", or "to administer". Only 3 times does "moderate" signify "to lessen".

"Lumen gentium", number 45,¹⁹ and canons 445 and 576 associate legislation with the task of moderating. "Christus Dominus", number 35,²⁰ distinguishes between direction ("moderamen") and vigilance, while canons 394.1 and 790.1 contrast direction ("moderamen") or supervision ("moderare") with coordination, suggesting that the former in both cases is more authoritative.

The overall sense provided for the task of moderation in these documents is that of strong, authoritative direction of a community in the pursuit of its values or goals.

As for the name of "moderator", it is employed quite frequently in the 1983 Code. Throughout the various contexts where it is found, and which sometimes give certain particular nuances to the term, what stands out is that the moderator is the

¹⁹CONC. VAT., "Constitutio dogmatica de Ecclesia: 'Lumen gentium'", in AAS, 57(1965), p. 57.

²⁰p. 692.



one who directs, who rules, who supervises. The moderator can also be like the memory of a group or community's objectives, and as well the moderator can command and insist on obedience if she or he is moderator in a society of consecrated life.²¹

One commentator views the use of "moderation" in the conciliar decrees as an expression of the pastoral function of the diocesan bishop, which includes leadership and governing, and which was preferred to "execution" or "administration".²² It is within this context that the moderator of the curia and his function might well be placed.

No explanation for the change from "head of the curia" to "moderator" is found in the published notes of the Commission. It is left, therefore, to speculate that "head"

²¹R. PAGE, Les Eglises particulières, tome 1, Leurs structures de gouvernement selon le Code de droit canonique de 1983, Montréal, Editions Paulines, 1985, p. 68: "Quant au nom de 'Modérateur', il est employé très fréquemment dans le code de 1983. A travers les divers contextes où il se retrouve, qui parfois donnent au terme certaines nuances particulières, il ressort que le Modérateur est celui ou celle qui dirige, qui règle, qui supervise. Le Modérateur peut être aussi comme la mémoire des objectifs d'un groupe ou d'une collectivité, tout comme il peut commander et exiger l'obéissance si elle ou il est Modérateur dans une société de vie consacrée."

²²P.G. MARCUZZI, "Distinzione della 'potestas regiminis' in legislativa, esecutiva, e giudiziaria", in Salesianum, 43(1981), pp. 288-289. For Marcuzzi (pp. 295-297), in this context, "execution" refers to administrative acts of executive power, and "administration" and "moderation" both correspond to the broad sense of administration as outlined in the preceding chapter of this study, including the direction of other people.

is not a particularly canonical term; indeed, it is to be found nowhere in the 1983 Code. Yet, its choice for the name of the office that later became the moderator of the curia clearly indicates a position of pre-eminence and leadership within the diocesan curia and one which coincides with the vitality and authority commonly associated in ecclesiastical language with the function of moderating.

b. Facultative nature of the office

The initial formulation of canon 473.^{§2} stipulated that such a person was "to be appointed in each diocese." In fact, according to the Commission "this provision seems necessary."²³ The obligatory nature of the office was retained in the 1977 draft of the canon: "In each diocese a moderator of the curia is to be appointed [...]."²⁴ Between this draft and the next one in 1980, a major shift occurred. No longer was the moderator required: "[...] where it is expedient, a moderator of the curia can be appointed [...]."²⁵ The explanation for this change, which has been

²³Comm., 5(1973), p. 225: "Caput Curiae nominandus est in unaquaque dioecesi. Huius constitutio necessaria videtur [...]." No reason for the necessity is recorded here.

²⁴PONT. COMM., Schema...Libri II..., c. 286: "In unaquaque dioecesi [...] nominetur Moderator Curiae [...]."

²⁵PONT. COMM., Schema Codicis iuris canonici, Città

carried into the promulgated text, is found in the deliberations of the Commission:

The Secretary outlined the following issues: 1) the moderator of the curia should not be imposed on every diocese. The moderator is certainly useful in the large diocese, but useless in the small one; therefore, we ought to use, when speaking of the moderator, a limiting expression such as "where expedient", etc. [...].²⁶

Surely the wording of canon 473.2 places the appointment of a moderator in the realm of the bishop's discretion. Unlike certain actions to which the bishop is bound "if the pastoral needs of the diocese dictate", no similar obligation can be attached to the appointment of a moderator. On the other hand, considering the original mandate surrounding the office and its usefulness in the opinion of the Commission, the bishop of any large or even medium-sized diocese would do well to consider the advantages of having a moderator and should dispense from it only if those advantages are clearly outweighed by any disadvantages.

del Vaticano, Libreria Editrice Vaticana, 1980, c. 393.2: "[...] ubi id expediat nominari potest Moderator Curiae [...]."

²⁶Comm., 13(1981), pp. 115-116: "Mons. Segretario sottolinea le seguenti questioni: 1) non si può imporre il Moderatore di Curia a tutte le diocesi. Il Moderatore è certamente utile nelle grandi diocesi, inutile nelle piccole diocesi, pertanto bisogna dire, quando si parla del Moderatore, una espressione limitativa, cioè 'ubi expediat', ecc. [...]."

Even the Code, in three other canons, presupposes the existence of a moderator,²⁷ and a commentator on diocesan administration has recommended that every diocese in the United States establish the office.²⁸

c. Vicar general as moderator

The stipulation that the vicar general be named moderator of the curia has remained constant through all the drafts, including the original report of 1973.²⁹ It is more stringent than the one referring to the actual existence of a moderator: if there is a moderator, he is to be the vicar general, unless local conditions recommend otherwise in the bishop's judgment.

1) Apt. relationship of offices

It is the vicar general who is to be appointed moderator, not vice-versa. This implies that within the very

²⁷Cc. 474, 487.1, 488. Says Pagé about this (op. cit., p. 76), "[...] il existe évidemment [...]."

²⁸R.G. HOWES, "Moderator of the curia: new boy in town!", in The Jurist, 42(1982), p. 519. If there is no moderator, the bishop would presumably assume the moderator's role himself, since to assign it to someone else would in effect create a moderator whether in title or not.

²⁹Cf. Comm., 5(1973), p. 225; PONT. COMM., Schema... Libri II..., c. 286.2 and Schema Codicis..., c. 393.3.

nature of the vicar general's office is a unique aptness for assuming the role of moderator of the curia, namely, the episcopal authority required for the extensive coordination and direction of persons, institutes and activities.³⁰ It also assumes that the vicar general will have other tasks, which in some dioceses might be extensive and in others, fairly limited to the placing of administrative acts in the formal sense. Nevertheless, especially in large dioceses, moderation of the curia would very likely be his most important and time-consuming duty.³¹ Associating the office of moderator with that of vicar general provides it with considerable importance; maintaining it as a separate office prevents it from becoming too important.

The vicar general, according to "Christus Dominus", is the most eminent member of the curia. This is so because he is perceived as the alter ego of the bishop in exercising

³⁰Cf. F. BOULARD, "La pastorale d'ensemble: projets et réalisations", in Congrès international de pastorale, 1er, Fribourg, Suisse, 1961. Pastorale d'aujourd'hui: bilan et perspectives, Bruxelles, Editions du Cep, 1963, pp. 100-101. This view reflects the wide scope of the moderator's role to be developed below. It also presupposes the broad delineation of the diocesan curia developed in the preceding chapter.

³¹This early reference to the vicar general moderating the curia, and doing so as only part of what he would usually tend to, is found in the intervention of one of the Council Fathers (AS, 2:2:4, p. 406): "Ubi adest Coadiutor, Vicarius generalis teneat tantum moderationem Curiae ita ut officium sit velut Vicarius curialis."

broad executive power throughout the diocese.³² While not so much in North America, elsewhere the vicar general has typically borne the burden of diocesan administration in the name of the bishop.³³ No one else in the diocese, other than the bishop himself, can operate on such a broad scale. Considering the importance of the curia in the bishop's ministry and in the life of the diocese, and acknowledging that

the coordination of all the sections [of the curia] and all their activities is vital in relation to its pastoral efficacy[,] it is certain, not only in principle but in practice, that the one who ought to provide this unity is the bishop [...]. The bishop does not live with the members of the curia nor that much, at least in detail, with the progress of the distinct sections nor with the frictions which can easily arise. It is indispensable that someone have the mission of pursuing this coordination and accomplishing this unity constantly. [...] this is the mission of the vicar general.³⁴

³²Cf. CIC, cc. 475.1, 479.1. One consultant to the Code Commission argued for the appointment of the vicar general as moderator for the sake of governmental unity in the diocese (cf. Comm., 13[1981], p. 115).

³³Cf. T.D. DOUGHERTY, The vicar general of the episcopal ordinary, Washington, Catholic University of America Press, 1966, p. 31; K. MÖRSDORF, "Decree on the bishops' pastoral office in the Church", tr. H. Graef, R. Strachen, in H. Vorgrimler, ed., Commentary on the documents of Vatican II, Freiburg, Herder, v. 2, 1968, p. 249.

³⁴V. ENRIQUE Y TARANCON, "La curia hoy, vista por un obispo", in La curia episcopal: reforma y actualización, Salamanca, Universidad Pontificia Salamanca, 1979, p. 407: "Es vital en orden a su eficacia pastoral la coordinación de todas las secciones y de todas las actividades de la misma. Es cierto que, no sólo en principio, sino en la práctica, el

Specifically, this would mean serving as the curia's moderator.³⁵

2) Exceptions to the rule

The legislator, while clearly expecting that the vicar general would be appointed moderator, recognized that this might be inopportune in some situations. What local circumstances could warrant the bishop's deviation from the norm? Perhaps they might be with the vicar general himself, for instance, if he were at the same time parish priest of a large parish or if he lacked the skills necessary for moderating the curia.³⁶ Or perhaps they could arise from the

que debe dar esa unidad es el Obispo. [...]. El Obispo no convive con los miembros de la Curia ni está al tanto, al menos en detalle, de la marcha de las distintas secciones, ni de los roces que fácilmente pueden surgir. Es indispensable que alguien tenga la misión de conseguir esa coordinación y lograr esa unidad constantemente. [...] es la misión del Vicario General."

³⁵Cf. Código de derecho canónico: edición anotada, P. Lombardia, J.I. Arrieta, eds., Pamplona, Ediciones Universidad de Navarra, 1983, p. 333; R. PAGE, op. cit., p. 72; C. TORPEY, "Offices of the diocesan curia: interrelationships and creative possibilities", in Canon Law Society of America, Proceedings of the forty-fifth annual convention, San Francisco, California, October 10-13, 1983, Washington, Canon Law Society of America, 1984, p. 114.

³⁶Cf. R. PAGE, op. cit., pp. 72-73. While both of these circumstances are certainly possible, they possess in themselves a degree of irregularity. The first implies the common practice in North America of having pro forma or honorary vicars general, something which is today generally

administrative structure of the diocese or its curia. For example, in some dioceses, the moderator might be defined merely as an office manager or personnel director or as someone having responsibility for juridical affairs only.³⁷ In other dioceses, the vicar general might be given extensive responsibility for representing the bishop in the public arena (parish visitations, civic affairs, funerals, etc.) beyond the curia, which leaves insufficient time to serve as moderator.³⁸

Canon 475 maintains the preference for having only one vicar general in each diocese, a practice recommended by the need to preserve unity of governance within the particular Church. Even though before and during the Second

recognized as contrary to the spirit of the law. The second circumstance might obtain for a while, but surely, since serving as moderator is now a standard aspect of the vicar general's job description, it would be difficult, in view of c. 149.1, to justify the appointment in the future of a vicar general who did not possess the necessary skills.

³⁷Cf. C. TORPEY, art. cit., p. 123. This situation overly minimizes the importance of the moderator. In addition, it would exacerbate the problem which arises in the relationship of the moderator to other vicars general and episcopal vicars, a problem which will be treated below. (On this last point, cf. R.G. HOWES, "Reflections of a pastoral planner on the new Code of canon law", in The priest, 38:4[1982], p. 16.)

³⁸This would be one situation in which a second vicar general or an episcopal vicar might be appointed as moderator.

Vatican Council many voices were raised in favor of allowing greater flexibility in the number of vicars general, the creation of the office of episcopal vicar would seem to have resolved the issue.³⁹ This is especially so considering that the reasons for appointing a plurality of vicars general and the bases for the division of responsibility of episcopal vicars coincide:

More than one vicar general ⁴⁰	Assignment of episcopal vicars ⁴¹
- size of diocese	- section of the diocese
- number of inhabitants	- faithful of a determined rite; certain groups of persons
- other pastoral reasons	- certain type of business

The appointment of one of the vicars general as moderator of the curia would, therefore, be a relatively rare situation.

Instead of the vicar general, could an episcopal vicar fill the office of moderator? This would certainly be

³⁹Cf. F. BOULARD, "La curie et les conseils diocésains", in La charge pastorale des évêques: décret "Christus Dominus": texte latin et traduction française, Paris, Editions du Cerf, 1969, pp. 241-242; R. PAGE, op. cit., pp. 78-79. For a strong argument against more than one vicar general, see AS, 2:2:4, pp. 733-734.

⁴⁰CIC, c. 475.2.

⁴¹CIC, c. 476.

the best alternative.⁴² Yet, despite the ordinary executive power which he enjoys, the episcopal vicar, by the very nature of his office, is designated for some part of the diocese, whereas the curia is intended for the entire diocese -- its whole territory, all of its people and all aspects of its life.⁴³ Even the tenure of an episcopal vicar is limited.⁴⁴ Thus, the inappropriateness of naming an episcopal vicar as moderator increases as the scope of the latter's role increases.

There are many other offices which theoretically could be coupled with that of moderator or vicar general. The list would include chancellor, finance officer, judicial vicar, judge, director of a pastoral department. Insofar as the moderator exercises a supervisory role over other members of the curia, there is some risk in his occupying one of the other curial offices so that an equal is at the same time the

⁴²Cf. L. DE ECHEVERRIA, art. cit., pp. 355-356. In fact, some authors preferred the episcopal vicar over the vicar general; but they were writing prior to the formulation of the new Code and with a view toward a pastoral/administrative split in the curia. For example, see F. BOULARD, "La curie...", pp. 242, 247.

⁴³Cf. J.A. ALESANDRO, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., The Code of canon law: a text and commentary, Commissioned by the Canon Law Society of America, New York, Paulist Press, 1985, p. 385.

⁴⁴Cf. CIC, c. 477.1. In this regard the episcopal vicar is like the vicar forane (c. 554.2).

superior. Also, the other curial officers do not possess ordinary executive power.⁴⁵ As for the vicar general, it would seem that he should be appointed moderator before being named to any other curial post, since that is the only office united to his by universal law. Beyond that, the needs of the diocese, prudent management and the specifications of law should dictate any joining of offices in the diocesan curia.

d. Ecclesiastical office

In virtue of the elimination of the former Code's distinction between ecclesiastical office in a strict sense (where it was associated with the exercise of ecclesiastical power and the possession of benefices) and in a broad sense (signifying any spiritually-oriented function), the moderator's office is a true office and not just a particular role of the vicar general.⁴⁶ Thus, it requires a distinct

⁴⁵The alternative coupling most likely to occur in North America is that of moderator and chancellor, due to the latter's historically moderator-like role. In those situations in which the chancellor has been de facto the moderator of the curia, a clarification of roles is essential (cf. R.G. HOWES, "Reflections...", p. 16). Nevertheless, it should be clear from the issues raised in this study that appointment of the chancellor to the office of moderator has serious drawbacks.

⁴⁶Cf. R.A. HILL, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., pp. 98-99; P.G. MARCUZZI, "Gli uffici ecclesiastici nel nuovo Codice di diritto canonico", in Apollinaris, 56(1983), pp. 424-425. Although the Code itself does not specifically designate it as an office, a

appointment, and its exercise does not cease when the see is vacant.⁴⁷

Not only is it a function with an obviously spiritual purpose, but by virtue of its constitution in universal law and its union with the office of vicar general, it has stability -- two characteristics of office in the formerly strict sense which have been retained by "Presbyterorum Ordinis"⁴⁸ and canon 145.1.⁴⁹ The facultative nature of the office would not prevent its designation as a true ecclesiastical office, both because of the current tendency to speak of office in a more objective sense, apart from the office-holder, and because in the 1917 Code an

commentary on the 1977 draft of the Code (Comm., 9[1977], p. 254) does refer to the office of moderator: "Notetur tamen novam introduci figuram et novum officium, scilicet officium Moderatoris Curiae [...]."

⁴⁷Cf. CIC, cc. 184.2, 481.

⁴⁸CONC. VAT., "Decretum de presbyterorum ministerio et vita: 'Presbyterorum Ordinis'", in AAS, 58(1966), n. 20, p. 1021.

⁴⁹Cf. J. HERRANZ, "The juridical status of the laity: the contribution of the conciliar documents and the 1983 Code of canon law", in Comm., 17(1985), p. 311; P.G. MARCUZZI, "Gli uffici...", p. 426.

The notion of ecclesiastical office remains quite fluid. R. Pagé ("Conseils et offices diocésains selon le nouveau Code", in Studia canonica, 19[1985], p. 157) has identified three meanings in the present Code: a function (similar to munus), a duty, and an administrative office. The office of moderator would coincide with the last.

option did not matter, as in the case of the vicar general.⁵⁰

e. Power attached to the office

Once a moderator assumes his office, with what kind of power is he endowed?

1) Ordinary and delegated power

The immediate inclination would likely be to respond within the framework of traditional theories of the ecclesiastical power of governance.⁵¹ Such power would be either ordinary, if joined to an office, or delegated, if granted to a person apart from an office; it would be either proper, if exercised in one's own name, or vicarious, if exercised in the name of another.⁵² The offices of vicar general and episcopal vicar unquestionably entail ordinary and vicarious governing power in its executive form.⁵³ Identifying the power of other curial officials is, however,

⁵⁰Cf. R. PAGE, op. cit., p. 76; J.A. SOUTO, "Los cooperadores del obispo diocesano", in Semana de derecho canónico, 11a, Valencia, 1966, La función pastoral de los obispos, Barcelona, J. Flors, 1967, pp. 271-272.

⁵¹That dimension of sacred power associated with the teaching and sanctifying functions is not considered here.

⁵²Cf. CIC, c. 131.

⁵³Cf. CIC, cc. 475.1, 476, 479.

more difficult, since the definition of ordinary power ranges from a narrow conception -- pertaining only to those who possess a true episcopal office or an office to which the universal law expressly attributes ordinary power, or those whom the universal law includes among the list of "ordinaries" -- to a broad one -- presumed in any instance in which universal or particular law assigns duties to an office-holder.⁵⁴ At the same time, in practice, delegated power is frequently extended to an office more than to the person, as in the case of the North American chancellor.⁵⁵

⁵⁴Cf. J.A. ABBO - J.D. HANNAN, The sacred canons: a concise presentation of the current disciplinary norms of the Church, St. Louis, B. Herder Book Co., 1960, v. 1, p. 253; T.D. DOUGHTERY, op. cit., p. 28; L. DE ECHEVERRIA, art. cit., pp. 358, 396; R.A. HILL in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., pp. 94, 99; P. INHOFFEN, "Das Seelsorgeamt als Instrument einer kollegialen Bistumleitung", in Signum, 44(1972), p. 55; C. LEFEBVRE, "Pouvoirs de l'Eglise", in R. Naz, ed., Dictionnaire de droit canonique, contenant tous les termes du droit canonique, avec un sommaire de l'histoire et des institutions et de l'état actuel de la discipline, Paris, Librairie Letouzey et Ané, v. 7, 1965, col. 82; P.G. MARCUZZI, "Gli uffici...", p. 425; G. OESTERLE, "Jurisdiction d'après le Code", in R. Naz, ed., op. cit., v. 6, 1957, cols. 226-227; J.E. PRINCE, The diocesan chancellor: an historical synopsis and commentary, Washington, Catholic University of America Press, 1942, pp. 44-46; J.H. PROVOST, art. cit., p. 44; A.M. STICKLER, "Le pouvoir de gouvernement: pouvoir ordinaire et pouvoir délégué", in L'année canonique, 24(1980), pp. 72-76; F.J. URRUTIA, "Delegation of the executive power of governance", in Studia canonica, 19(1985), pp. 342-344.

⁵⁵Such a practice contradicts the true nature of delegated power and interferes with the proper exercise of

However, ordinary power is not any power attached to an office, whether it be true power of governance or a lesser form like administrative power. Rather, a close reading of canon 131.1 reveals that ordinary power is that true power of governance -- and only that kind -- which is joined to an office. As for administrative power, the most that can be said is that, when the law prescribes obligations, it presumes the power necessary to fulfill them.⁵⁶

ecclesiastical authority, since the ordinary power underlying delegated power remains with the one delegating and so prevents the delegate from exercising power truly his own (cf. G. DELGADO, Desconcentración orgánica y potestad vicaria, Pamplona, Ediciones Universidad de Navarra, 1971, pp. 1-2; A.M. STICKLER, "La 'potestas regiminis' visione teologica", in Apollinaris, 56[1983], p. 407 and "Le pouvoir...", p. 78; F.J. URRUTIA, art. cit., pp. 350-355.) Referring to the common European practice of having an episcopal delegate for specific matters, Urrutia (ibid., p. 350) argues that "once the Legislator has created the office of episcopal Vicar, the figure of a delegate of the bishop for certain groups of persons or for certain areas appears to be a juridical anomaly."

⁵⁶Cf. CIC, c. 138. P.G. Marcuzzi ("Gli uffici...", p. 427) attempts to curb an undue dispersion of ordinary power by stressing that c. 145.2 is not primarily concerned with the bestowal of the power of governance but with assigning duties so as to avoid honorary offices, confusion or dereliction. The attending rights are not ordinary power in the sense of c. 131.1. On the other hand, there is the situation of judges, who, unlike judicial vicars (c. 1420.1), are not specifically accorded ordinary judicial power of governance (c. 1421.1); yet, they do exercise a true governing function, and it would be hard to classify their power either as delegated judicial power or as a lesser form of that power.

2) Power of the moderator

As for the moderator of the curia, the Code does not attribute any specific power to his office. If there actually is any,

this power is not specific in its source, since it depends on that which every vicar general possesses in virtue of law. In other words, there does not exist a power attached directly to the function of the moderator of the curia; and yet it requires one, since coordination is an act linked to governance.⁵⁷

With all that has been said, it seems reasonable to conclude that, as vicar general (or episcopal vicar), the moderator of the curia functions with ordinary executive power in the fullest sense of both "ordinary" and "executive". If he were not vicar general, then he would function with an administrative power which would approach true executive power in proportion to the extent of his role in the curia and the diocese. It would not, however, be ordinary power, so that any acts which required executive power in the strict sense would be performed with delegated power.⁵⁸

⁵⁷R. PAGE, op. cit., p. 72: "[...] ce pouvoir n'est pas spécifique dans sa source puisqu'il s'appuie sur celui que possède tout Vicaire général en vertu du droit. En d'autres termes, il n'existe pas un pouvoir attaché directement à la fonction de Modérateur de la curie; et pourtant il en faut un, puisque la coordination est un acte lié au gouvernement."

⁵⁸Cf. CIC, cc. 133, 137-142.

Two issues relating to power arise if the offices of vicar general and moderator are combined, as the legislator has intended. First, the two offices are distinct. Therefore, the one who holds both must carefully distinguish between what he does as vicar general and what he does as moderator. Since the executive power derives from the office of vicar general and does not pertain per se to the office of moderator, and since the office of moderator is not coterminous with the office of vicar general, acts which require executive power in the fullest sense must be placed in the official's role as vicar general. For example, under normal circumstances, the moderator would be empowered to issue personnel policies for curial members but not for parish priests. Only in his role as vicar general could the official do that, at least with ordinary power.

The second issue is the distinction between delegation and the special mandate that the law sometimes requires in order for a vicar general to perform an act reserved to the bishop. Since mandates given to vicars in their area of competence are fulfilled with ordinary power, the moderator who is also the vicar general (or episcopal vicar) would function with ordinary power while under mandate, unless he were operating outside his regular province, in which case it would be delegated power. On the

other hand, if the moderator were not the vicar general, any mandate from the bishop (or vicar) extending beyond the functions provided in the law for the moderator would be a delegation.⁵⁹

f. Sacerdos as moderator

The question of power is closely related to the second prerequisite which canon 473 sets forth for the moderator: even if he is not the vicar general, he nevertheless ought to be a priest. Since, in general, orders are necessary only for offices entailing the exercise of governing power or the full care of souls,⁶⁰ and since the

⁵⁹Cf. CIC, cc. 134.3, 137. Cf. also R. PAGE, op. cit., pp. 90-92; J.L. DE URRUTIA, "El campo administrativo en la actividad de la Iglesia", in Semana de derecho canónico, 9a, El Escorial, 1962, Aspectos del derecho administrativo canónico, Salamanca, Talleres Gráficos Cervantes, 1964, p. 32.

⁶⁰Cf. CIC, cc. 129.1, 150, 274.1.

The debate over whether lay persons can possess and exercise the power of governance is complex and intense and certainly beyond the scope of this study. It is generally acknowledged that such power can and has been accorded to lay persons, but this can be done only by express grant of the Church's supreme authority. Thus, a bishop could not confer ordinary or delegated governing power on a lay chancellor or finance officer, not because the lay official is not capable of possessing and exercising such power, but because the bishop does not have the right to confer it. But were he to do so anyway, the grant would likely be valid. There is a consensus that, because of the elimination of minor orders (and the consequent restriction of "clerics" to the major orders) and the enlargement of the lay role within the Church, there will in the future be the

moderator is obviously not connected to the latter, then it should be clear that the office of moderator entails the exercise of governing power.⁶¹ However, the wording of the second prerequisite, "sacerdos sit oportet", complicates the matter, both on account of "sacerdos", in contrast to "cleric" (which would encompass deacons as well as presbyters and bishops), and on account of the imprecision of "oportet".

1) "Oportet"

"Oportet" appears 35 times in the new Code. Sometimes its sense is that of strong recommendation or admonition, as, for example, in the case of the cooperation

need to widen the laity's participation in governing power without infringing on the leadership and direction proper to the hierarchy. Acceptance of the existence of non-executive administrative power may be helpful in that regard as might the authorization of bishops and vicars to extend delegated executive power to lay persons. The following represent recent contributions on the subject: G. GHIRLANDA, "De natura, origine et exercitio potestatis regiminis iuxta novum Codicem", in Periodica de re morali, canonica, liturgica, 74(1985), pp. 109-164; R.A. HILL, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., p. 93; J.H. PROVOST, in J.A. Coriden, etc., op. cit., pp. 133, 164 and art. cit., pp. 8-67; A.M. STICKLER, "La potestas...", pp. 399-410 and "Le pouvoir...", pp. 70-84; F.J. URRUTIA, art. cit., pp. 341-342, 345-348.

⁶¹J.E. Prince (op. cit., p. 47) uses this tack to support his argument for attributing ordinary executive power to the chancellor of the former Code.

expected between teachers and parents.⁶² Sometimes it suggests a requirement which might admit some discretion, as in the utilization of the assistance of councillors by religious superiors or in the qualities of sacramental sponsors.⁶³ Sometimes it has the force of an absolute requirement, as, for example, in the necessity of limiting the offices of parish priest and parochial vicar to presbyters and in the freedom warranted for candidates seeking ordination.⁶⁴ As far as canon 473.2 is concerned, the sense of "oportet" there probably lies between the second and third notions, and perhaps, closer to the third,⁶⁵

⁶²C. 796.2.

⁶³Cc. 627.1, 874.1, 893.1.

⁶⁴Cc. 521.1, 546, 1026.

The American translation renders "oportet" as "must" 7 times, "is necessary" 13 times, "is required" twice, "is" or "are" 3 times, "ought" 7 times, "is incumbent" once and "should" twice. Within this range of meanings in the translation there are some inconsistencies. For example, a candidate "ought" to be free in seeking orders (c. 1926), while his bishop "must" be certain the candidate has made the pre-ordination retreat (c. 1039); both the priority of topics for preachers (c. 768.1) and the prerequisites for the licit baptism of infants (c. 868.1) are declared "necessary."

⁶⁵The American translation says "ought"; the British, "must" (The Code of canon law in English translation, London/Ottawa, Collins/Canadian Conference of Catholic Bishops, 1983, xvi-319p.); both Spanish translations use "debe" (Código...anotada; Código...bilingüe...); the Lateran-Salesian Italian version uses an especially weak phrase, "è opportuno" (Codice di diritto canonico: testo ufficiale e versione italiana, Sotto il patrocinio della Pontificia Università Lateranense e della Pontificia

meaning that it is stronger than the stipulation of appointing the vicar general to the post of moderator.

In classical Latin the term indicates that something "is demanded by some principle or standard, it is proper, right, requisite, etc."⁶⁶ Likewise, it "denotes the necessity of reason or duty [...]", whereas "necesse est" refers more to compulsion.⁶⁷ This suggests something that is both less than absolute, yet not relative, and that is dependent on some objective principle (rather than force) for its motivation. In fact, these two factors could well be interrelated: any discretion is based on an assessment of the principle as it applies to the particular situation, but always with the principle taking precedence on account of the cogency which makes it resistant to compromise.

2) Underlying principle

What is the principle applicable to the "oportet" of the moderator's being a priest? After observing that the

Università Salesiana, T. Bertone, ed., Roma, Unione Editori Cattolici Italiani, 1983, 1159p.).

⁶⁶ Oxford Latin dictionary, P.G.W. Glare, ed., Oxford, Clarendon Press, v. 5, 1976, p. 1254.

⁶⁷ A Latin dictionary, founded on Andrew's edition of Freund's Latin dictionary: revised, enlarged, and in great part rewritten, C.T. Lewis, C. Short, eds., Oxford, Clarendon Press, 1969 (reprint of 1879 ed.), p. 1270.

condition was not contained in the earliest schema of canon 473, appearing for the first time only in the 1980 draft, and that the published deliberations of the Code Commission bear no explanation for the change, R. Pagé says of the condition, "Yet it seems proper that this be so because, even if the function of the moderator does not depend on the sacrament of orders, it is of such a nature that the Code stipulates that it is to be conferred on the vicar general [...]"⁶⁸

The objective principle, then, is in fact connected with the power of governance. In other words, the office of moderator represents in the mind of the legislator such a degree of sharing in the episcopal function of deciding and controlling, that only someone who is able to possess and exercise episcopal power of governance -- albeit, in a vicarious mode -- is to occupy the office. That would be a vicar general or episcopal vicar, or someone who has the requisite qualities to be such a vicar, namely, a sacerdos.⁶⁹

⁶⁸R. PAGE, op. cit., p. 68: "Mais il semble bien que ce soit parce que même si la fonction du Modérateur ne repose pas sur le sacrement de l'ordre, elle est d'une nature telle que le code statue qu'elle sera confiée au Vicaire général [...]."

⁶⁹Cf. CIC, cc. 391.2, 478.1; J.A. ALESANDRO, art. cit., p. 385. In regard to the vicars, c. 478.1 uses the subjunctive "sint" in mandating sacerdotal status, a usage stronger than "oportet".

Still, priestly ordination renders a person not just a potential subject of executive governing power but also a shepherd of God's people, a sharer in the bishop's apostolic ministry and a member of the diocesan presbyterium -- something more than a curialist.⁷⁰ This would be especially so for the moderator if he were designated as the manager of diocesan pastoral action.⁷¹ In this way, both the power of governance and the power of orders may be intimated in the priesthood qualification.

3) Exceptions to the rule

It appears then that the determining principle behind the "oportet" of the present canon excludes from the office of moderator not only lay persons, who might otherwise have exercised administrative power there,⁷² but also

⁷⁰Cf. PO, nn. 2,3,7,8, pp. 991-995, 1001-1005; CIC, cc. 274, 1008, 1029. Cf. especially PO, n. 6, p. 999: "To the degree of their authority and in the name of their bishop, priests exercise the office of Christ the Head and the Shepherd. Thus they gather God's family together as a brotherhood of living unity, and lead it through Christ and in the Spirit to God the Father. For the exercise of this ministry, as for other priestly duties, spiritual power is conferred upon them for the upbuilding of the Church." Cf. also F.J. URRUTIA, art. cit., pp. 348-349.

⁷¹Cf. FAUCHET, "Vers une pastorale diocésaine d'ensemble", in Congrès national de pastorale, 68e, Versailles, 1956, Pastorale, oeuvre commune, Paris, Union des oeuvres catholiques de France, 1956, p. 64.

⁷²Surely lay persons have held office in the curia,

deacons, who as clerics can exercise limited executive power.⁷³ Nevertheless, by using "oportet" the legislator

and even more offices are available to them today both as a result of the revisions of the Code and the expansion of curias. Their right to be part of the diocesan curia was upheld in a relatio of CD at the Council (AS, 4:4:2, p. 576): "[...] apparet ex ipsa condicione in apostolatu Ecclesiae." Cf. F.R. AZNAR, art. cit., p. 438; F. ROMITA, "Diritto e pastorale nella Chiesa, oggi: conclusione con annotazioni del I Congresso canonistico-pastorale, in Monitor ecclesiasticus, 94(1964), p. 604. J.H. Provost ("Participation...", pp. 44-46) deduces from the positing of a non-executive administrative power that such power can be organized into offices which can readily be entrusted to lay persons. He proposes the finance officer as an example of this. (For a similar understanding of the chancellor's power, cf. P. INHOFFEN, "Die Diözesankurie als Mittel des Apostolats", in Jahrbuch für christliche Sozialwissenschaften, 12[1971], p. 247 and R. PAGE, op. cit., p. 100.) J.E. Prince (op. cit., pp. 49-50) notes that in many situations lay chancellors were preferred and that the first time the universal law required priest-chancellors was in the 1917 Code. Now that has been reversed, which only serves to bring into sharper focus the requirement of priesthood for the moderator of the curia.

⁷³The judicial vicar (and his adjutants), who constitutes one tribunal with the bishop, must be a priest (CIC, c. 1420) while judges must be clerics (c. 1421.1). It should be noted that the judicial vicar and adjutants are the only other curia members, besides the vicar general, episcopal vicars and the moderator, who must be priests; in their regard, c. 1420.3 uses "debent", a term slightly stronger than "oportet". The mission promoter (c. 791.2), although not explicitly included in the curia by the Code, would normally be found there in practice; he too is to be a sacerdos, even though there is not apparent reason for the stipulation.

What W.W. Bassett ("The office of episcopal vicar", in The jurist, 30[1970], pp. 308-309) says here would apply to the moderator of the curia: "In my opinion it is a necessary qualification for the office of episcopal vicar that he share with the bishop in the sacrament of Order, the sacerdotium ministeriale. I say this not because the office involves the exercise of jurisdiction, but rather because the vicar exercises a potestas sacra et vere episcopalis. He is

stops short of mandating absolutely the appointment of a priest, so that there is a small degree of latitude. But it may be utilized only if the bishop can assess that his office of moderator is of such a nature that the principle implied by the legislator does not obtain, that is, the office does not require the power of governance or orders for its fulfillment. In which case, he could licitly appoint a deacon or lay person, depending on the kind of power needed.⁷⁴ However, the rejoinder at that point might be whether any moderator's office so construed should bear that title.

C. Functions of the moderator

There is little doubt that the moderator of the

the alter ego of the bishop in authority and responsibility." Bassett then concludes that a deacon could serve as an episcopal vicar, despite the fact that deacons are ordained for ministerium not sacerdotium (cf. LG, n. 29, p. 36). F.J. Urrutia (art. cit., p. 349, footnote 15) arrives at the opposite conclusion, while G. Ghirlanda (art. cit., p. 164) moves to the extreme by denying that deacons can possess governing power without a special mandate of the Holy See -- a position which seems contrary to CIC, cc. 129.1 and 274.1. The middle position seems most cogent in light of Bassett's original line of reasoning.

⁷⁴According to the stipulation of CIC, c. 149.2, there would be no question here of validity, since priesthood is not presented expressly as a quality required for validity. However, it remains to be seen whether the Holy See would rescind such an appointment or provide an authentic interpretation of the "oportet" of c. 473.2.

diocesan curia is no minor official. Not only is it presumed that his office entails the need for true executive power of governance, but there is a further specification that his role will involve an episcopal level of direction, decision and control as well as a presbyteral level of ministry. It is, in fact, the only office so constituted in the executive branch of the curia (narrowly speaking), other than the general and episcopal vicariates. The functions associated with this office need to be expounded.

1. Dependence on the authority of the bishop

Whatever tasks the moderator pursues, he functions always "under the authority of the bishop". However, this is not a matter of power, in the narrow sense in which it has just been discussed, but rather of a certain superintendence that is intended to achieve order and effectiveness. The same expression, "under the authority of the bishop", is found in the Code in regard to the finance officer, the pastoral council, the apostolic works of religious, the liturgical ministry of priests and, most notably, the parish priest.⁷⁵ Obviously, then, the expression does not connote a

⁷⁵Respectively, cc. 494.3, 511, 681.1, 835.2 and, regarding parish priests, 515.1, 519, 528.2. The expression "under the authority of the local ordinary" is used for private associations of the Christian faithful (c. 325.2) and

relationship of delegation between the bishop and the moderator of the curia. The moderator occupies his office and fulfills his duties with a high degree of discretion and initiative. Yet, his duties are a part of the larger coordination and direction of diocesan affairs assigned to the bishop in the preceding paragraph of canon 473 and must, therefore, be fulfilled "under the authority of the bishop", not in isolation or autonomy.⁷⁶

2. Coordination of administrative affairs

The principal duties of the moderator are "to coordinate the exercise of administrative responsibilities and to see to it that the other members of the curia duly fulfill the office entrusted to them." In regard to the first of them, care has already been taken in the preceding chapter to demonstrate the relationship between pastoral and

the supervision of the liturgy by rectors of churches (c. 562). There is also a parallel in c. 394.1, which is closely related to c. 473, where the bishop is charged with seeing to it that the works of the apostolate are coordinated "under his direction" (interestingly, "sub suo moderamine").

⁷⁶R. Pagé (op. cit., p. 69) points out that this qualification covers situations in which the moderator is not a vicar general or episcopal vicar, since, if he were, the very nature of vicarial relationships would automatically include the qualification. Although that is true, the extensiveness of the moderator's role also calls for the qualification.

administrative affairs and their inseparability. Were it not for the apparent contrast between the two in the second paragraph of canon 473, the moderator's coordination of "administrative responsibilities" could be assumed to include the pastoral-administrative dimension of the curia. Now it is necessary to demonstrate that the contrast does not in fact invalidate that assumption.

a. Categories of canon 472

Before analyzing the contrast found in canon 473, it would be helpful to look at canon 472. Having determined that the curia exists to help the bishop "in directing pastoral activity, in providing for the administration of the diocese and in exercising judicial power", it is interesting to find in canon 472 that the curia is divided into two branches, judicial and administrative. There is no mention of pastoral (an omission present in all drafts of the canon), and there is no explanation in the published deliberations of the Commission for its absence.

Three potential explanations come to mind. First, the two groups of officials catalogued in the 1917 version of the canon⁷⁷ were identified in the simplification process as

⁷⁷"Can. 365 -- De officiali, promotore justitiae, defensore vinculi, iudicibus synodalibus, auditoribus et

administrative and judicial. This would have been accurate, since none of the officials would correspond to the various pastoral organisms of the modern curia. In this way, the pastoral dimension of the curia was not overlooked; it was simply not added to the reconstruction of the old canon. Second, the drafters of the new Code preferred to exempt the pastoral dimension of the curia from the legal prescriptions "of the following canons" (even though the first of those canons goes on to mention "pastoral activity" twice). Third, since the vast majority of the curia's pastoral activities would be of an administrative character, rather than determinative, the pastoral aspect was allowed to be absorbed by the administrative division. This would have the effect of enlarging the administrative into its widest conception. While all three explanations are hypothetical and subject to both support and challenge, the last one seems to correspond best to the line of reasoning adopted here.⁷⁸

apparitoribus, servantur praescripta can. 1573-1593; de Vicario Generali, cancellario aliisque notariis, examinadoribus synodalibus et parochis consultoribus praescripta canonum qui sequuntur."

⁷⁸Any organizational divisions of the curia are artifices of convenience and are secondary to the common purpose of extending the full scope of the bishop's ministry (cf. Código...bilingüe, p. 256; L. DE ECHEVERRIA, art. cit., pp. 339-340; J.H. PROVOST, "The working together of consultative bodies: great expectations?", in The jurist, 40[1980], pp. 277-281).

b. Context provided by canon 473.1

Before analyzing the contrast between "pastoral" and "administrative" found in the second paragraph of canon 473, it would also be helpful to consider the context-providing first paragraph. There the bishop is charged with seeing to the coordination and arrangement of "all matters which concern the administration of the entire diocese [...] in such a manner that the good of the portion of God's people entrusted to him is more suitably attained."⁷⁹ This may well be considered the means by which the bishop, through the efforts of his curia, fulfills the precepts of canons 392 (to promote ecclesiastical discipline "especially concerning the ministry of the word, the celebration of the sacraments and sacramentals, the worship of God and devotion to the saints, and also the administration of property") and 394 (to foster and see to the coordination of the works of the apostolate). Bearing this in mind, the words "the administration of the

⁷⁹Can. 473 -- 1. Episcopus dioecesanus curare debet ut omnia negotia quae ad universae dioecesis administrationem pertinent, debite coordinentur et ad bonum portionis populi Dei sibi commissae aptius procurandum ordinentur."

Note that the bishop need not provide the coordination personally but only ensure that it occurs (cf. T.J. GREEN; in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., p. 332; R. PAGE, op. cit., p. 66). This is the basis for the moderator's coordination being "under the authority of the bishop", as discussed above.

entire diocese" must signify something far more than bureaucratic routine and incorporate the management of pastoral action, that is, the pastoral-administrative affairs of the curia, including the organization of teaching and sanctifying activities.⁸⁰

The coordination and direction of pastoral action mentioned later in the canon are viewed by R. Page as specifications of the coordination and arrangement called for in the first paragraph.

It seems proper that "the administration of the entire diocese" which concerns the responsibility of coordination ought to be extended here to its broad sense. The following paragraph undertakes to detail more specifically different areas to be coordinated, including administrative affairs, which pertain to administration in the strict sense.⁸¹

⁸⁰Cf. J.A. ALESÁNDRO, art. cit., p. 384; R. PAGE, op. cit., p. 67. The reference to the diocese rather than to the curia enhances the sense of breadth which the term "administration" is intended to convey here.

⁸¹R. PAGE, op. cit., p. 67: "Il semble bien que 'l'administration du diocèse tout entier' dont il s'agit de veiller à la coordination, doive être entendue ici en son sens très large. D'abord le paragraphe suivant se charge de détailler plus spécifiquement divers secteurs à être coordonnés, dont les affaires administratives, qui touchent l'administration au sens strict." Cf. also Código... bilingüe, pp. 256-257.

c. Pastoral-administrative contrast of canon 473.2

Page's distinction between the two meanings of "administration" leads directly to the contrast in the second paragraph of canon 473 between the pastoral activity of the vicars general and episcopal vicars, which the bishop is to coordinate personally, and administrative responsibilities, whose coordination is undertaken by the moderator of the curia.⁸²

1) Formulation of the question

In fact, Page concludes that, because the bishop is to coordinate the pastoral activity of his vicars, then for all practical purposes he is also to coordinate personally all pastoral aspects of the curia. This leaves the moderator with only "the coordination of the curia under its aspect of bureaucratic administration or the expedition of current affairs", in other words, the old-fashioned, legal-fiscal curia.⁸³ If Page is correct, then the moderator would have a

⁸²2. *Ipsius Episcopi dioecesei est coordinare actionem pastorem Vicariorum sive generalium sive episcopalem [...].* (The second part of the paragraph was quoted earlier.)

⁸³Op. cit., p. 70: "[...] la coordination de la curie sous son aspect administration bureaucratique ou expedition des affaires courantes [...]." Page (p. 76) points to the role of the moderator in c. 474 as the bellweather for his role in general. There is an apparent lacuna in the law on the issue. A case will be developed in

role considerably smaller than other factors have suggested.

However, several arguments challenge the distinction he makes. First, even acknowledging the imprecision of words like "administration" in canonical language, it does not seem likely that it would be employed in such different senses in the same canon. This is especially true if the concept of pastoral-administrative, which is implied in the first paragraph of canon 473, is an acceptable interpretation for the wording of canons 469 and 472. Second, assuming the inherent unity of the curia, can it now be so easily divided? Third, since the vast proportion of the contemporary curia's personnel and activity involve "pastoral" concerns, has the Code failed to provide clearly for their coordination? Conversely, is it likely that the legislator meant to create an office, to which the vicar general or at least some other priest is to be appointed and which is called "moderator of the curia", to deal only with the narrowest bureaucratic operations of the curia?⁸⁴

2) Deliberations of the Code Commission

Any attempt to resolve the question should begin

the following pages to support a resolution of the lacuna different from Pagé's.

⁸⁴F. BOULARD, "La curie...", p. 242.

with the deliberations of the Code Commission, where the question was the object of some attention. In fact, it was the cause of major revisions in canon 473.

Prior to the first formal draft in 1977, the concept was this:

Coordination of all the tasks which pertain to the administration of the ~~entire~~ diocese is required. The diocesan Bishop himself is to see to it that these tasks are coordinated. He himself ought to coordinate the tasks which involve the fulfillment of the responsibilities committed to the Vicar general and the episcopal Vicars [...].

A Head of the Curia is to be appointed in each diocese. This provision seems necessary, so that in fact the coordination of all tasks, under the authority of the diocesan Bishop, is effected. It remains, however, as stated in the prescription above, for the diocesan Bishop himself to see to the coordination of those tasks which belong to the offices of Vicars general and episcopal Vicars.⁸⁵

The sense conveyed is that there is a general effort which is to be coordinated by the moderator of the curia, except for

⁸⁵Comm., 5(1973), pp. 225-226: "Coordinatio laborum omnium quae ad universae dioecesis administrationem pertinent requiritur. Ipsius quidem Episcopi dioecesanī est curare ut eidem labores debite coordinentur. Per se ipsum debet coordinare labores qui ad exercitium pertinent munerum quae Vicario generali vel Vicariis episcopalibus sunt commissa [...].

Caput Curiae nominandus est in unaquaque dioecesi. Huius constitutio necessaria videtur, ut revera coordinatio omnium laborum, sub Episcopi dioecesanī auctoritate, ad effectum deducatur. Remanet autem ut, iuxta praescriptum supra relatū, Episcopus dioecesanus ipse per se debeat coordinationem curare laborum quae ad munera pertinent Vicariorum generalium et episcopalium." (emphasis on the last four "labores" added).

that portion of the effort committed to the vicars,⁸⁶ meaning that there is no distinction in kind between the efforts of the vicars and the moderator.⁸⁷

The April 14, 1980 meeting of the study group concerned with Book II of the Code is of singular importance in shaping the office of moderator. The matter arose as part of a discussion about canon 285.2 of the 1977 draft and the coordination of curial work.⁸⁸ Focusing on the word "labores", the secretary opened with this statement:

If it refers to the normal work of the Curia at the bureaucratic level, the coordination may be assigned to the Vicar General, but if on the other hand it refers to the direction of the pastoral life of the diocese, the task of coordination

⁸⁶The sense of a common effort with no clear internal division is reflected in this comment by a consultant to the Code Commission (Comm., 13[1981], p. 116): "[...] una retta amministrazione diocesana dipende dalla coordinazione del lavoro che viene validamente attuata se può fruire della presenza di un Capo. E chiaro che la responsabilità della coordinazione spetta essenzialmente al Vescovo diocesano ma specie nelle grandi diocesi, il Vescovo non può arrivare a tutto ed ha bisogno di un sostituto."

⁸⁷By the 1980 draft, "negotia" replaced "labores" in reference to both the moderator and the bishop (PONT. COMM., Schema Codicis..., c. 393), a change which was carried into the promulgated version and which, in itself, strengthens the appearance of similarity between the two instances of "administration" in canon 473, without affecting in any negative way the similarity between the "action" entrusted to the vicars and the "affairs" assigned to the moderator.

⁸⁸See Appendix II of this study for the full text of the pertinent minutes of the meeting.

belongs to the Bishop himself.⁸⁹

The reason for the secretary's distinction, and the underlying concern of the entire discussion, was identified by the relator: the safeguarding of governmental unity within the diocese. Such unity could be assured only if the bishop presided over the activity of the vicars who participated in his executive power. The first consultor to speak then inserted a secondary concern by explaining the reason behind the special attention given to the vicars: since many of them would be auxiliary bishops, they could not be placed in dependence on vicars general who were not bishops.

The proper distinction could best be preserved, the secretary recommended, by combining canons 285 and 286 and by clearly limiting the moderator's jurisdiction to "the work of those appointed to the Curia."⁹⁰ A short time later, he resumed his elucidation of the question:

[...] there is a certain confusion between the pastoral work of the diocese, which has been committed to the episcopal Vicars, and the bureaucratic administrative work of the Curia assigned to the Vicar general; therefore it is proposed to say in .2 that the Bishop is to

⁸⁹Comm., 13(1981), p. 115: "Se si tratta del normale lavoro di Curia a livello burocratico la coordinazione può essere affidata al Vicario Generale, se invece si tratta di orientamenti della pastorale diocesana, il compito della coordinazione spetta allo stesso Vescovo."

⁹⁰Ibid., p. 115: "[...] il lavoro degli addetti alla Curia."

coordinate the "pastoral action" in place of "tasks which involve the fulfillment of the responsibilities..." and to add "where it is expedient he may name a Moderator of the Curia" with the responsibility to coordinate the bureaucratic administrative work in a way that the difference between the two types of coordination is clear.⁹¹

The relator and another person then formulated an acceptable draft of a single paragraph, based on the discussion up to that point, a paragraph that would eventually become the second paragraph of canon 473. The remainder of the canon fell into place easily, except for paragraph four on the episcopal council (which will be discussed shortly).

These deliberations of the coetus indicate that the significant distinction in canon 473.2 was founded on three premises: the unity of diocesan governance, the dignity of auxiliary bishops and the difference between the roles of vicars general and episcopal vicars. A closer examination of these premises and the way they were applied could lead to a very different interpretation of the distinction than that proposed by Pagé.

⁹¹ Ibid., p. 116: "[...] c'è una certa confusione tra il lavoro pastorale nella diocesi, che viene affidato ai Vicari episcopali, e il lavoro amministrativo burocratico della Curia affidato al Vicario generale; pertanto propone di dire nel .2 che il Vescovo deve coordinare 'actionem pastorem' al posto di 'labores qui ad exercitium pertinent munerum...' ed aggiungere 'ubi id expedit nominari potest Moderator Curiae' con il compito di coordinare il lavoro amministrativo burocratico in modo che si chiarisca la differenza tra le due forme di coordinazione."

3) Distinction between vicars general and episcopal vicars

The distinction of roles between the vicars -- administrative for the vicar general, pastoral for the episcopal vicar -- has no firm basis in the developments surrounding the vicars before, during or after the Council. Prior to the Council, there was no episcopal vicar, but there was a gradual expansion (at least in Europe) of the vicar general's sphere of activity from legal and temporal administration to coordination of pastoral action. Although it seemed more practical in some dioceses to have a separate vicar general for pastoral affairs, the office itself was considered broad enough to encompass both areas.⁹² At the Council, the office of episcopal vicar was created for the "correct governance of the diocese" and was always placed within the same framework as the vicar general when its power, term of office and so on were discussed. This official is simply a vicar general limited to a territory, a

⁹²Cf. F. BOULARD, "La pastorale...", pp. 92-102; T.D. DOUGHERTY, op. cit., pp. 1-12, 20-27; J.J. GARCIA FAILDE, "La curia episcopal jurídica", in Semana de derecho canónico, 9a, El Escorial, 1962, Aspectos del derecho administrativo canónico, Salamanca, Talleres Gráficos Cervantes, 1964, p. 189; L. MATHIAS, The diocesan curia: its organisation according to history and canon law, Madras, Good Shepherd Press, 1947, p. 20; J.M. MARTIN PATINO, "Consejo episcopal", in La curia episcopal: reforma y actualización, Salamanca, Universidad Pontificia Salamanca, 1979, p. 189.

group of people or a type of affairs.⁹³ The correct distinction between the two kinds of vicars is not the type but the range of work, a concept carried over into post-conciliar documents and literature.⁹⁴ Even canon 473.2 speaks of the "pastoral activity of the vicars general or episcopal vicars." Not only may the vicar general participate in diocesan pastoral action, he must concern

⁹³Cf. AS, 2:2:4, pp. 370, 407, 3:3:2, p. 43 and 4:4:2, p. 558.

⁹⁴Cf. PAULUS VI, "Litterae apostolicae, Motu proprio datae: Normae ad quaedam exsequenda SS. Concilii Vaticani II decreta statuuntur: 'Ecclesiae Sanctae'", in AAS, 58(1966), n. 14, pp. 765-766; CONGREGATIO PRO EPISCOPIIS, Directorium de pastorali ministerio episcoporum, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1973, nn. 161,201,202; CIC, cc. 475.1, 476. For comments on the subject since the Council, see F. BOULARD, "La curie...", pp. 242, 247; G. DELGADO, El consejo diocesano de gobierno, Pamplona, Ediciones Universidad de Navarra, 1974, pp. 110-115; J.H. PROVOST, "The impact of the proposed Book II 'De Populo Dei' on the local Church", in Studia canonica, 15(1981), p. 381; F. ROMITA, art. cit., pp. 605-606.

Some confusion may arise from the common practice of deploying episcopal vicars (especially auxiliary bishops) as directors of regions of a diocese, with the vicar general remaining at "headquarters" (cf. AS, 3:3:2, p. 52; PAULUS VI, "Vicariae potestatis in Urbe", p. 10). Yet even in this case, the episcopal vicars are still exercising a basically deciding-controlling function. This is reflected in the fact that both kinds of vicars are local ordinaries (CIC, c. 134.2) with executive power of governance (c. 479) and that the responsibilities of local ordinaries incorporate a broad range of matters, from permitting the publication of books (c. 824.1) and the maintenance of baptismal fonts outside parish churches (c. 858.1) to assuring that catechists receive proper formation and training (c. 780) and that the spouses and children of mixed marriages are adequately supported (c. 1128) -- all of which is part of the particular Church's governance.

himself with all dimensions of curial activity and diocesan government, as the most eminent member of the curia and universal alter ego of the bishop.⁹⁵ Nor is there any indication in this phrase that episcopal vicars are to be engaged in none other but "pastoral" activity.

4) Dignity of auxiliary bishops

Unity of diocesan governance and dignity of office were the two central concerns in the conciliar debate about coadjutor and auxiliary bishops. While the office of episcopal vicar was later valued as an asset to the "pastoral governance of the diocese" and transferred from the section on auxiliary bishops to the section on the curia, it originated as a means for assuring a serious governing role for auxiliary bishops without threatening governmental unity. All coadjutor and auxiliary bishops are, therefore, to be appointed at least episcopal vicars, and, because they belong to the episcopal order, they are to be dependent on the diocesan bishop alone, not on the vicar general, who might be

⁹⁵Cf. F.R. AZNAR, art. cit., p. 446; L. DE ECHEVERRIA, "Droit canonique, pastorale et organisation ecclésiastique", in L'année canonique, 13(1969), p. 87 and "Esquema orgánico...", p. 355; R. JULIAN REY, El obispo diocesano en la génesis de la "Lumen Gentium": aspectos jurídicos de su función pastoral, Pamplona, Ediciones Universidad de Navarra, 1977, p. 210.

only a priest.⁹⁶ Although priests can also serve as episcopal vicars, there remains in the ecclesial instinct a certain link with auxiliary bishops, as evident in the comment of the first consultor cited above.⁹⁷ The distinction introduced into paragraph 2 of canon 473 is, from this perspective, more a matter of separating episcopal vicars general and episcopal vicars from the aegis of the moderator than in distinguishing the kind of work they perform.

5) Distinction between directing and administering
pastoral action

The concern about unity in governance also tends toward another emphasis, specifically, the moderation of

⁹⁶For commentaries on the conciliar debate and the formulation of concepts and texts, see F. BOULARD, "La curia...", pp. 244-245; G. DELGADO, "Situação da diocese e bispos auxiliares", tr. J.A. Marques, in Theológica, 11(1976), pp. 411-422; K. MÖRSDORF, art. cit., pp. 177-183, 242-250; W. ONCLIN, Christus Dominus: the decree on the pastoral office of bishops in the Church, Glen Rock, N.J., Paulist Press, 1967, p. 55; J.A. SOUTO, art. cit., pp. 249-250; A. VALLINI, "De figura episcopi coadiutores et auxiliaris secundum doctrinam Concilii Oecumenici Vaticani II recognoscenda", in Apollinaris, 40(1967), pp. 177-214; M. ZANCHIN, "De episcopo auxiliari residente in dioecesi unita", in Monitor ecclesiasticus, 94(1969), pp. 124-125. Cf. also T.J. GREEN, art. cit., pp. 337-339. These principles are found in CIC, cc. 403, 405-409.

⁹⁷CIC, cc. 409.2, 477.1 and 481 preserve privileges for episcopal vicars who are bishops.

governing power. Since the executive power of governance possessed by the vicars is an extension of the bishop's power to decide and control, only he can manage that power.⁹⁸ This too becomes a factor in the distinction of canon 473.2.

In the text there is a distinction between the tasks of governing and concrete administrative activity. With respect to the first, it belongs also to the bishop to coordinate the governing action of his vicars -- who have decentralized functions proper to the bishop, -- even creating for this purpose an episcopal council which unifies the activity of the vicars and of the diverse sections of the curia.⁹⁹

Therefore, "pastoral action", not only in paragraph 2 but also in paragraph 4, regarding the episcopal council, is that truly episcopal ministry of giving general direction to the pastorale d'ensemble of the diocese, a direction that only those with episcopal power could undertake. On the other hand, the administration of the pastorale d'ensemble -- the daily management of its various aspects -- would

⁹⁸Cf. R. PAGE, op. cit., pp. 67-68.

⁹⁹Código...anotada, pp. 332-333: "En el texto se distingue entre las tareas de gobierno y la actividad administrativa material. Respecto de las primeras, compete también al Obispo coordinar la acción de gobierno de sus Vicarios -- que tienen desconcentradas funciones propias del Obispo, -- pudiendo crear para ello un Consejo episcopal que unifiquen la actividad de las vicarías y de las diversas secciones de la Curia." The commentary (p. 333) continues: "En cuanto a la actividad administrativa material, se señala la conveniencia de designar un Moderador, o jefe administrativo de la Curia, que bajo la autoridad del Obispo impulse, coordine y tenga conocimiento de todas las actuaciones [...]."

not be so restricted.¹⁰⁰ This appears to be the original distinction intended by the secretary at the April 14 meeting and allows the labores to remain the same -- pastoral action -- but in its directive and administrative aspects.

¹⁰⁰Cf. CONGREGATIO PRO RELIGIOSIS ET INSTITUTIS SAECULARIBUS - CONGREGATIO PRO EPISCOPIS, "Notae-directivae pro mutuis relationibus inter episcopos et religiosos in Ecclesia: 'Mutuae relationes'", in AAS, 70(1978), n. 54, p. 501; A. VALLINI, art. cit., pp. 212-213.

In the 1977 draft on the episcopal council, the wording had been "governance" rather than "pastoral action" (PONT. COMM., Schema...Libri II..., c. 285.3). At the April 14, 1980 meeting, there was considerable anxiety expressed over the possibility that this wording might imply a type of collegial governance of the diocese which would destroy the balance between the dignity for auxiliaries and the singular authority of the diocesan bishop intended by the Council (cf. Comm., 13[1981], p. 117). Nevertheless, despite the change from "governance" to "pastoral action", the episcopal council is still to consist only of those who exercise ordinary power of executive governance, so that it can be distinguished from other councils which assist the bishop (cf. ibid., pp. 116-117; PONT. COMM., Relatio complectens synthesim animadversionum ab em.mis atque exc.mis Patribus Commissionis ad novissimum Schema CIC exhibitarum, cum responsionibus a Secretaria et Consultoribus datis, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1981, p. 112). Cf. also DPM, n. 199 which speaks of the auxiliaries meeting regularly with the bishop to help him with "his supreme responsibility of providently directing and ordering pastoral action."

The daily coordination of pastoral-administrative activity is left to the "council of the curia", presided over by the vicar general and quite common in Europe. The existence of two distinct councils, along the lines just suggested, is clearly provided for in the canons of the Roman Synod (Prima Romana synodus, A.D. MDCCCCLX, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1960, nn. 15.2, 16) and in Paul VI's, "Vicariae potestatis in Urbe" (pp. 11-12). Cf. also F. BOULARD, "La curie...", p. 274 (the distinction between a "conseil de curie" and a "conseil restreint"); F. ROMITA, art. cit., p. 604.

This may well be the key to understanding not only the distinction of canon 473.2 but also other issues in the introductory canons on the diocesan curia. If in canon 469 the words "directing pastoral action" were to refer exclusively to the assistance provided by the vicars in the executive governance of pastoral action,¹⁰¹ and "providing for administration" were to encompass the full range of managerial-bureaucratic endeavors, including the management of pastoral activity, then the omission of the former from canon 472 would correspond to the preferred explanation suggested earlier. As well, the "administration" referred to in canon 473.1 and 2 would then be the same, with the understanding that beyond this lie the governmental activities of the vicars, whether in terms of forming basic decisions or of exercising authority over the pastoral activities of others, which the bishop could coordinate through the episcopal council.¹⁰² The bishop would see to

¹⁰¹The vicars would exercise their executive power in other ways, for example, by issuing individual decrees. But, as with the bishop, directing pastoral action would be the most important way. Also, there is the question of the vicars who are also auxiliary bishops having a rightful place in the teaching and sanctifying offices (cf. T.J. GREEN, art. cit., p. 338). While their activities in this regard would be outside their duties in the curia, the use of "pastoral" activities in c. 473.2 and 4 might reflect something of an all-inclusive ministry.

¹⁰²Cf. R. PAGE, op. cit., pp. 71, 73. The collaboration called for in CIC, cc. 407 and 480 could also be achieved in this council (cf. R. PAGE, op. cit., pp. 93-

the proper coordination and arrangement of this administration either himself or, if expedient, through a moderator of the curia.¹⁰³ This would normally be the main administrative role for the vicar general who would also assist in the governing of the diocese, including directing pastoral action.¹⁰⁴ What is being distinguished in paragraph two, then, is not the field of endeavor of the vicars and the

94). Note in c. 407.2 that "in considering matters of major importance, especially of a pastoral character, the diocesan bishop is to consult his auxiliary bishops before others." Assuming that the auxiliaries are vicars general or episcopal vicars, then "matters of major importance, especially of a pastoral character" (a phrase found also in c. 407.1) could readily mean "matters of diocesan governance, especially directing pastoral action", which corresponds to the pastoral action of the vicars in c. 473.2. For a similar connection see AS, 3:3:6, pp. 180-181.

¹⁰³The arrangement of CIC, cc. 259.1 and 260 seems to coincide with this interpretation of the first two paragraphs of c. 473. Just as the bishop is responsible for the administration of the seminary (as distinct from its governance) and the rector, for its "cotidianum moderamen" (translated "daily administration" in the American text), so the bishop is responsible for the administration of the diocese and the moderator, for its daily administration through the curia.

¹⁰⁴An almost identical structure was prescribed in 1977 for the Vicariate of Rome (PAULUS VI, "Vicariae potestatis in Urbe", pp. 12-13). In addition to the episcopal and curial councils cited above, there is provision for a vicegerent, who is to function like a vicar general/moderator and for a general secretariat, which is in effect the moderator's immediate staff. Cf. also L. DE ECHEVERRIA "La curia episcopal pastoral", in *Semana de derecho canónico*, 9a, El Escorial, 1962, Aspectos del derecho administrativo canónico, Salamanca, Talleres Gráficos Cervantes, 1964, p. 229.

moderator but rather the distinct contribution each makes to the same labores.

6) Moderator vis-à-vis other vicars

Assuming that the moderator of the curia does have a proper place in the daily management of the diocese's program of pastoral action, but also that the bishop retains the coordination of the vicars for himself, can the moderator in any way exercise any coordinating function vis-à-vis the vicars? While the bishop's executive power can be extended greatly through multiple vicars, the question of their coordination has not been fully dealt with.¹⁰⁵ To count the vicars as members of the curia and then exclude their operations from the coordination provided by the curia's head creates definite organizational problems, especially when the vicars have their own staffs in a decentralized, zone-based curia.

Thus there is the absurd situation in which the Vicar General, the Moderator of the Curia, is able to coordinate the work of those who are under the direction of the episcopal Vicars, but not the work of those who direct them. Assuming that a portion of the administration of pastoral action belongs to each episcopal Vicar, the Moderator would end up coordinating only the activity of those who carry out the directives of the episcopal

¹⁰⁵Cf. P. INHOFFEN, "Die Diözesankurie...", p. 270.

Vicars but not the Vicars themselves.¹⁰⁶

That would leave the bishop with a major share of the administrative coordination, an especially heavy burden in large dioceses,¹⁰⁷ and cause undue confusion.

Instead, the moderator could undertake the coordination of the managerial-bureaucratic dimension of the other vicars' responsibilities, but not the deciding-controlling dimension.¹⁰⁸ Canon 474 implies such a role for the moderator, since there would be no other purpose for transmitting curial acts to him; the chancellor would fulfill any "gathering, arranging and safeguarding" role¹⁰⁹ without reference to the moderator. It is interesting to note that the 1977 draft of canon 473.2 assigned to the moderator the

¹⁰⁶This was an intervention by one of the consultants at the Code Commission meeting on April 14, 1980; it is reported in Comm., 13(1981), p. 115: "Così si arriva all'assurdo che il Vicario Generale, Moderatore della Curia, potrebbe coordinare i lavori di quelli che stanno sotto la direzione dei Vicari episcopali, non il lavoro di coloro che li dirigono. Tenendo conto che ad ogni Vicario episcopale spetta una porzione nell'amministrazione dell'attività pastorale, il Moderatore verrebbe a coordinare solamente l'attività di coloro che attuano le direttive dei Vicari episcopali e non gli stessi."

¹⁰⁷Cf. K. MÖRSDORF, art. cit., p. 247.

¹⁰⁸This approach is employed in the Archdiocese of Chicago, where the moderator is a presbyter and the regional vicars are auxiliary bishops. (Based on a private conversation with the current moderator, Rev. James Roache.)

¹⁰⁹CIC, c. 482.1.

coordination of the vicars' work at those times when the bishop would be absent or impeded.¹¹⁰ Further still, the same draft directed that

in order to provide harmony in pastoral action throughout the diocese as well as unity of discipline, the vicars general and episcopal vicars should frequently dialogue with the vicar general who is moderator of the curia, in ways established by the diocesan bishop.¹¹¹

These directives specified what had been called for in "Ecclesiae Sanctae",¹¹² and, although eliminated in the rewriting process, appear to be the natural implication of the vicar general's being "the most important office in the diocesan curia". The Code itself says simply that the

¹¹⁰PONT. COMM., Schema...Libri II..., c. 285.2. G. Delgado (El consejo..., pp. 114-117) sees this as a proper extension of the vicar general's role as alter ego; he even allows for the vicar general to be the "presidente efectivo" of the episcopal council if the bishop so wishes.

¹¹¹PONT. COMM., Schema...Libri II..., c. 293.2: "Ut concordiae actioni pastorali in universa dioecesi atque disciplinae in eadem unitati prospiciatur, Vicarii generales et Vicarii episcopales frequens cum illo Vicario generali qui Moderator est Curiae instituant colloquium, modis ab Episcopo dioecesano statutis." This was the second paragraph of CIC, c. 480. It was eliminated by the coetus on April 15, 1980, as a consequence of the previous day's deliberations (cf. Comm., 13[1981], p. 120). Cf. also J.A. ALESANDRO, art. cit., p. 385; J. SANCHEZ Y SANCHEZ, "La nueva curia diocesana: reflexión canónico-pastoral", in Lex ecclesiae: estudios en honor del Dr. Marcelino Cabrereros de Anta, canonista salmanticense, Salamanca, Universidad Pontificia, 1972, p. 331.

¹¹²N. 14.3, p. 765. The charge to episcopal vicars to confer with the vicar general is repeated in DPM, n. 202. L. de Echeverría ("Esquema orgánico...", p. 356) looks upon the moderator as a possible means for fulfilling this.

moderator is to coordinate administrative affairs, without indicating whose administrative affairs, and it reserves to the bishop only the pastoral-directive activities of the vicars. The moderator could, it seems, coordinate the pastoral-administrative and juridical-administrative activities of all members of the curia, including other vicars (even in decentralized situations), "in ways established by the diocesan bishop".¹¹³

d. Principle of coordination

This view is especially defensible in light of the nature of coordination and its difference from the second major function of the moderator. Canonical legislation has focused on the distinctions among various organisms and powers, but it has failed to develop much of a theory of commonality or organization. So, while coordination now exists as a canonical reality, there is no juridical

¹¹³Cf. J.A. ALESANDRO, art. cit., p. 385; W.W. BASSETT, art. cit., p. 312; L. DE ECHEVERRIA, "Esquema orgánico...", pp. 389-391; J. SANCHEZ Y SANCHEZ, art. cit., p. 334. However, since "it would not be wise to have someone coordinating key administrators of executive power without the coordinator having the full executive power of the ordinary" (C. TORPEY, art. cit., p. 114), this coordinating role of the moderator suggests that the vicar general is the best person for the office (cf. also R. PAGE, The diocesan pastoral council, tr. B.A. Prince, Paramus, N.J., Newman Press, 1970, p. 122).

determination of its content or methodology. Much flexibility is thus left to the coordinator.¹¹⁴

G. Delgado¹¹⁵ has developed a canonical theory of coordination which applies to the moderator's situation. The fundamental principle, incipient in canons 43 and 44 of the former Code and explicit in "Ecclesiae Sanctae"¹¹⁶ and "Regimini Ecclesiae universae",¹¹⁷ is the harmonizing of the centripetal force of the unity principle and the centrifugal force of the competency principle. In the diocese, the bishop serves as the central and unifying organism, and the curial offices, consultative bodies, parishes, etc. are the decentralized organisms with a variety of competencies. There

¹¹⁴Cf. G. DELGADO, "El principio de coordinación en la administración central de la Iglesia", in Ius canonicum, 11:2(1971), p. 368; R. PAGE, Les Eglises..., p. 66; J.A. SOUTO, "La reforma de la Curia romana", in Ius canonicum, 8(1968), p. 557.

¹¹⁵Op. cit., pp. 70-75 and "El principio...", pp. 368-373.

¹¹⁶Nn. 14.3 and 4, 17.1, pp. 765, 767.

¹¹⁷PAULUS VI, "Constitutio apostolica de Romana Curia: 'Regimini Ecclesiae universae'", in AAS, 59(1967), nn. 13-18, pp. 893-894 and also "Regolamento generale della Curia romana", in AAS, 60(1968), nn. 105-109, pp. 163-164. For commentary on this see G. DELGADO, La Curia romana: el gobierno central de la Iglesia, Pamplona, Ediciones Universidad de Navarra, 1973, pp. 85-88, "El principio...", pp. 374-377, 380-381 and "Principios jurídicos de organización", in Ius canonicum, 13:2(1973), pp. 143-145; J.A. SOUTO, "La función de gobierno", in Ius canonicum, 11:2(1971), pp. 210-211 and "La reforma...", pp. 552, 556.

is a constant flow from the center out and back again which is managed by the coordinating function, an authentic form of administrative procedure in the Church. It has two immediate concerns: to focus all the individual organisms on the common goal, preventing each element from pursuing its own ends, and to focus all resources on the same goal, preventing duplications and voids.¹¹⁸

Coordination is distinct from cooperation because it possesses an internal organic unity and common purpose. It is also distinct from planning, which is only the "blueprint" phase. Nor is it the same as the hierarchical principle. Hierarchy is the juridical bond among diverse organs; it enjoys the competency of all the organs (which coordination does not); it has the power to modify, annul or sustain the activity of its subordinates (which coordination does not, at least automatically); it operates on the basis of imposing the will, an approach not sufficient as a method of coordination. For its part, coordination possesses a unique material content and is subordinate to the same hierarchical

¹¹⁸R. Pagé (Les Eglises..., p. 70) expresses a similar view of coordination: "En effet, coordonner signifie entre autres assurer la bonne marche d'une organisation en connaissant son ou ses objectifs et en sachant qui fait quoi ou qui doit faire quoi pour les atteindre."

superior as the organs it coordinates.¹¹⁹ It functions with administrative power.

Coordination is accomplished legislatively through the establishment of organs and competencies. It is enabled by the evaluation and dialogue generated within consultative bodies. Finally, it is achieved by means of specific executive agents which effect on-going adjustments and direction.¹²⁰ The moderator of the curia is one such executive agent of coordination, the one managing the flow of activity among the various curial components and between them and the bishop in pursuit of common goals.

3. Supervision of other curial members

Because coordination is not inherently a hierarchical function, the moderator could exercise it with regard to the administrative activity of the vicar general and episcopal vicars without violating their unique relationship to the bishop. Furthermore, coordination, even in canon 473.2, is concerned principally with activities, not persons. This is not the case with the moderator's second major role: "to see to it that the other members of the curia duly fulfill the office entrusted to them."

¹¹⁹Cf. G. DELGADO, "El principio...", p. 372.

¹²⁰Cf. ibid., p. 371.

a. Principle of supervision

"Curare", as employed in the Code of canon law, bears the force of "to cause to happen", especially when almost half of its instances are predicated of bishops, episcopal conferences, ordinaries and "competent ecclesiastical authority", and almost another half, of those who are normally considered as possessing some degree of authority over others.¹²¹ In addition, it almost always means to cause something outside the agent to happen or someone else to act.¹²² Therefore, the term suggests a posture of superiority, a right to act which accompanies an office and a certain concrete power to exercise that right.¹²³ The extent and nature of that power would parallel the nature and extent of the official's power in general.

¹²¹Bishops, 18 times; episcopal conferences, 4; ordinaries, 9; competent ecclesiastical authority, 6. Parish priest, 7 times; pastors of souls, 6; judicial vicar, 1; judge, 2; diocesan administrator, 1; seminary rector, 2; parents, 3; vicar forane, 2; superiors of religious communities, 6; moderators of associations, juridic persons, or educational facilities, 6; particular council, 1. "Curare" is also assigned a combined total of 11 times to sacred ministers, chancellor, administrator of temporal goods, sacramental sponsor and persons in general. (Based on Index verborum ac locutionum Codicis iuris canonici, X. Ochoa, ed., pp. 107-108.)

¹²²Only 5 times (cc. 652.4, 752, 787.2, 962.2, 1733.1) out of 90 does it carry the sense of managing oneself.

¹²³Cf. R. PAGE, Les Eglises..., pp. 70-71.

In the case of the moderator, apart from the office of vicar general, the power to see that other members of the curia fulfill their responsibilities would correspond to the administrative or dominative power possessed by the second group of persons mentioned above. Nor would this be by mandate of the bishop, since it is granted to the moderator by law. Members of the curia would be expected to accept direction and correction from the moderator as their supervisor, although it would always be subject to review by the bishop.¹²⁴

As vicar general, the moderator would possess "that executive power in the entire diocese which belongs to the diocesan bishop in law" with the exception of those matters "which the bishop has reserved to himself or which in law require the special mandate of the bishop."¹²⁵ However, since many of the more deciding-controlling functions which might pertain to the supervision of curialists would in fact

¹²⁴Pagé's position (*ibid.*, p. 71) is that the Code does not grant certainly to the moderator a right to intervene in the performance of other curia members: if the bishop intends the moderator to go beyond an observation rôle, he should so specify at the time of appointment. However, both roles do seem included in "curare".

¹²⁵CIC, c. 479.1. According to c. 134.3 those matters include everything in which the bishop is explicitly named.

require the mandate of the bishop, this would not extend the moderator's supervisory role very much. For example, the moderator, even when also vicar general, could establish offices in the curia, appoint people to fill them or remove the occupants only with the authorization of the bishop.¹²⁶ Even the determination of job descriptions is proper to the bishop.¹²⁷ A moderator who is vicar general could, on his own authority, issue general executory decrees, instructions, individual decrees and precepts (even penal ones) for members of the curia.¹²⁸ This would permit a greater degree of control and discipline than in the case of the moderator who is not the vicar general. On the other hand, even the moderator who is not the vicar general or who has not obtained the necessary mandates could fulfill the many common functions in large organizations which do not require ecclesiastical power of governance, such as interviewing and recommending candidates for office, hiring and firing support personnel, arbitrating conflicts, chairing meetings, formulating operating procedures and personnel guidelines,

¹²⁶Cf. CIC, cc. 148, 157, 470 (conferral of office), c. 192 (removal from office). Regarding the establishment of diocesan offices, cf. P.G. MARCUZZI, "Gli uffici...", p. 429; R. PAGE, art. cit., p. 158. Regarding the conferral of offices, cf. J.A. ALESSANDRO, art. cit., p. 383.

¹²⁷Cf. CIC, cc. 145.2, 471.

¹²⁸Cf. CIC, cc. 31.1, 34.1, 48, 49, 1319.1, 1320.

conducting employment evaluations, planning and administering budgets, and so on.¹²⁹

b. Other curial members

If any members of the curia fall under the supervisory authority of the moderator, they would be the office-holders who provide services ranging from catechetical training to notarization of documents; included would be professional and support personnel and advisory boards.¹³⁰ Here there is no canonical problem, especially if the moderator is also vicar general.

However, whether the moderator is vicar general or not, he has no right to oversee the vicars general or episcopal vicars: they are not his vicars.¹³¹ On the other

¹²⁹Cf. Código...anotado, p. 333.

¹³⁰R. Pagé (Les Eglises..., pp. 61, 72) is reticent to place boards and councils under the jurisdiction of the moderator. It is not clear why, but perhaps he feels that the councils have a special relationship to the bishop, which would be true for the presbyteral and episcopal councils; but this does not seem true for the finance council and other bodies established to help the offices. Even the finance council which has a place in the Code, can be presided over by the bishop's delegate (c. 492.1). As for other advisory boards, commissions, etc., they could readily fall under the direction of the moderator simply by virtue of the office's nature.

¹³¹Cf. W.W. BASSETT, art. cit., p. 307; P. INHOFFEN, "Die Diözesankurie...", pp. 251-252, 272-273; K. MÖRSDORF, art. cit., p. 249; R. PAGE, Les Eglises..., pp. 80-81.

hand, the very nature of vicarious power allows the bishop considerable latitude in structuring it. Then, too, the "ceteri curiae addicti" of paragraph 2 is unclear: does "other" refer to those besides the vicars or to those besides the moderator, including the vicars? Furthermore, the paragraph distinguishes between the coordination provided by the bishop and the moderator but says nothing about the bishop "seeing to it" that the vicars fulfill their responsibilities.

In practice, on certain points in more direct relation with the management of administrative affairs or not, the bishop can ask the moderator of the curia to see to it that his vicars general or episcopal vicars fulfill their office properly.¹³²

Mörsdorf (p. 251) points to difficulties this situation can cause and maintains that the regulation exists because of the need to protect the dignity of auxiliary bishops; therefore, "these directions are evidently meant for an auxiliary bishop appointed episcopal vicar and neglect that a priest in the same position may be placed under the orders of the vicar general." It is interesting to note that the condition of CIC, c. 406.2, "dependent on his authority alone", is not repeated in the general section on vicars. In fact, according to c. 479.2, the bishop can reserve matters from the episcopal vicar to the vicar general. In this regard, cf. P. INHOFFEN, "Die Diözesankurie...", pp. 254, 269-270. Then there is the situation created by c. 409.2 in which bishops who are vicars are subject to the diocesan administrator who, of course, may himself not be a bishop.

¹³²R. PAGE, Les Eglises..., p. 71: "En pratique, sur certains points en relation plus directe avec la conduite des affaires administratives ou pas, l'Evêque peut demander au Modérateur de la curie de veiller à ce que ses Vicaires généraux ou ses Vicaires épiscopaux accomplissent leur office comme il se doit." W.W. Bassett (art. cit., p. 307) provides a nuanced solution: "Therefore, there will be some

Whatever roles and relationships are instituted for the vicars, the unity of the diocese and effective pastoral action remain the fundamental principles to ensure.¹³³

The judicial branch of the curia, with its own vicar, has been separated from the administrative branch and, presumably, its moderator.¹³⁴ Nevertheless, given the administrative character of much of the tribunal's work, the need for efficiency and the role of the vicar general in the governance of the diocese, there could be some ways in which the moderator might exercise coordinating and supervisory functions within the judicial branch similar to those on the

overlapping of competencies, or cumulative authority, but there should be no subordination of offices. Instead the vicar general should be responsible for teamwork in a common effort for the good of the diocese." (Perhaps the parochial team envisioned by CIC, c. 517.1 could provide a legal structural model for vicarial teamwork.) C. Torpey (art. cit., pp. 113-114) displays no hesitation in according a supervisory role to the moderator: "This latter task of the moderator is a clear and significant innovation regarding vicars, since it introduces very clearly some other lines of accountability and responsibility. It may become the responsibility of the moderator to hand on, or even to establish criteria and occasions for the accountability of other vicars, delegated administrators, and others in administration of a diocese." (cf. also J.A. ALESANDRO, art. cit., p. 385).

¹³³Cf. F. ROMITA, art. cit., p. 606.

¹³⁴Cf. CIC, c. 472; R. PAGE, Les Eglises..., pp. 65, 71-72.

executive side.¹³⁵ Were this to happen, the bishop would have to define carefully the moderator's responsibilities and guarantee the appropriate autonomy for the administration of justice.

Finally, there is the moderator's supervisory function relative to the major consultative bodies and the vicars forane, those who do not belong to the curia in its usual configuration. As to the presbyteral and pastoral councils and the college of consultors, the moderator could not direct or coerce them in any way, since they exist as instruments immediately in the hands of the bishop,¹³⁶ although surely he could coordinate the flow of business among them and between them and the curia. There is no such restriction, however, in the case of the vicars forane. As

¹³⁵T.D. Dougherty (op. cit., pp. 11-12, 18-19) points out that at a certain time the vicar general outranked the officialis. Even today, as important as the judicial function is, the executive is far more extensive, and the vicars general and episcopal are intended for the governance of the diocese (cf. CIC, cc. 475.1, 476), something broader than just the executive form of governance (although this is not clearly spelled out in the pertinent canons). J.J. García Faílde (art. cit., p. 199) and A. Rouco Varela (art. cit., p. 29) recognize the administrative nature of much of the tribunal's work and the possibility of the vicar general's handling this work (cf. also J.A. ALESANDRO, art. cit., p. 384). More specifically, J.E. Prince (op. cit., p. 66) argues that the chancellor is responsible for the tribunal's acta. C. Torpey (art. cit., p. 114) sounds an appropriate note of caution when discussing the issue.

¹³⁶Cf. CIC, cc. 495.1, 500, 502.2, 514.1.

with other members of the curia, they are appointed by the bishop, and only he can determine their duties or remove them from office,¹³⁷ but beyond that they could be directed in the regular fulfillment of their duties by the moderator, at least if he were also vicar general (or also by an episcopal vicar in a regional arrangement).

While the law imparts a supervisory role to the moderator, its extent and concrete form will depend largely on the determination of the bishop, who would do well to consider this: "The vicarious offices are really an effective aid to the chief office-holder in the fulfillment of his respective pastoral functions. For this, there ought to be a widening of the concrete contents of their competencies [...]."¹³⁸ If the competency of any office is to be widened for this purpose, it ought to be that of the moderator.

4. Other functions

Besides canon 473, there are three other references to the moderator of the curia in the new Code: Canon 474

¹³⁷Cf. CIC, cc. 553.2, 554.3, 555.1.

¹³⁸G. DELGADO, Desconcentración..., p. 75: "[...] los oficios vicarios sean realmente una eficaz ayuda del órgano capital en el desempeño de sus respectivas funciones pastorales. Para ello, debería ampliarse el contenido concreto de dicha competencia [...]."

binds the chancellor to inform the moderator about any curial acts, intended to have a juridic effect, which have been issued by an ordinary. This seems to be related to the moderator's coordinating function: in a large curia and diocese, the need is great to monitor the plethora of administrative acts in order to avoid confusion, duplication, and even contradiction.¹³⁹ Although the law does not direct the moderator to act upon the knowledge he obtains in this regard, it seems reasonable to assume that he should make known any problems and aid in their resolution. He might also establish a standard system for drafting, approving and communicating the acts.¹⁴⁰

The other two references to the moderator, in canons 487 and 488, assign to him a vigilance over the curial archives along with the chancellor. This seems to be a quite minor function, intended only as an extra safeguard. If there is no moderator to fulfill these functions, the bishop might authorize a vicar general or episcopal vicar to do so.¹⁴¹

¹³⁹Cf. CIC, cc. 65, 139.

¹⁴⁰On the need for this, see J.A. SOUTO, "La función...", pp. 199-200.

¹⁴¹Cf. R. PAGE, Les Eglises..., p. 103.

There were some other functions attributed to the moderator in the Code's 1977 draft which were eliminated later. It was "up to him, if the occasion arises, to take care of public relations with the press and other media."¹⁴² More important was his role during a vacancy in the see. In the absence of an auxiliary bishop to assume governance of the diocese before the determination of an administrator, the governance was to devolve on the moderator. He in turn was to notify the Holy See of the bishop's death and to convene the college designated for electing an administrator. While in office he would enjoy the power granted in law to the vicar general.¹⁴³ The moderator was replaced in this role by the college of consultors because, "the figure of the moderator of the curia has been reordered in the revision of the canons on the curia and does not exist in every

¹⁴²PONT. COMM., Schema...Libri II..., c. 286: "[...] eiusdem etiam est, si casus ferat, communicationem publicam prelo aliisve mediis curare." This duty did not survive the major revisions of the April 14, 1980 meeting, but no published reason for its deletion is available. Pagé (Les Eglises..., p. 72) conjectures that this duty was related to the moderator's role with regard to administrative acts and archives: he would have access to information. More likely, in today's media-conscious world, this would be an appropriate role for the moderator since he would be in touch with the bishop and the important developments in the diocese. Also, as vicar general, he would be an appropriate spokesperson for the bishop.

¹⁴³PONT. COMM., Schema...Libri II..., cc. 337, 339, 343, which correspond to cc. 419, 422, 426 of the actual Code.

diocese."¹⁴⁴ Obviously, it would be unsatisfactory to substitute one variable (auxiliary bishop) with another (moderator), yet the temporary provision did complement the notion of the moderator's being more than a conduit for paperwork; its elimination does not diminish that notion.

Conclusion

According to R.G. Howes, the introduction of a moderator for the curia is the major contribution of the revised Code in the area of diocesan organization.¹⁴⁵ The office is especially significant, in his view, because it is aligned with the office of vicar general, which in the North American setting has been allowed to lie fallow. Now there is the potential for its extensive powers to translate a moribund bureaucratic curia into an effective instrument for pastoral renewal.¹⁴⁶ Herein lie the two principal issues

¹⁴⁴ Comm., 13(1984), p. 143: "La figura del moderatore di Curia è stata ridimensionata nella revisione dei canoni sulla Curia e non esiste in tutte le diocesi [...]." The adjustment, while resolving one problem, creates the unusual circumstance of assigning to a college what is normally attributed to a physical person, including the task of convening itself.

¹⁴⁵ Cf. "Reflections...", p. 19.

¹⁴⁶ Cf. R.G. HOWES, "Moderator...", p. 518. J.H. Provost ("The impact...", p. 382) also sees the benefit of combining the roles: "[...] it could result in an intermingling of pastoral and administrative responsibilities."

raised in this chapter.

The moderator of the curia should be at the same time the vicar general, with the broad range of power and, perhaps just as important, the prestige that accompanies that office. While the moderator could, by virtue of universal law, particular law or delegation, discharge his dual role of coordinating and supervising without being vicar general, the legislator displays a proper perception of real life in a diocese by providing for the vicar general to receive the post of moderator in virtually every case.

More important, this chapter has urged that the moderator, even as the office is presented in canon 473, is responsible for the management not only of routine transactions but for the whole gamut of pastoral-administrative activity within the full membership of the curia. To bar the moderator -- the bishop's alter ego -- from assisting the bishop in the most extensive, important and time-consuming duties of daily diocesan administration is to abandon the bishop to life at his desk, at least in large dioceses. Besides, it is hard to imagine the creation of this new office without the increased complexity and expanded responsibilities of the curia which stem from the pastoral renewal of our time.

Of course, there is the danger here of "a

concentration of 'power' quite beyond what exists in most contemporary American chanceries. At least the appearance of an 'unelected bishop' will surface."¹⁴⁷ Avoiding this will require careful delineation of the moderator's responsibilities and relationships and also forceful pursuit by the bishop of his own role as pastor-leader of the particular Church. The moderator is, after all, not the moderator of the diocese (although this could be an apt designation for the vicar general); nor is he a co-bishop, participating fully in the government of the diocese. Yet, he ought to be more than a technician; his presence should also inspire those around him toward lofty goals.¹⁴⁸

This need for vision and the need to contain the moderator's sway are partly answered by the office's priesthood qualification. It has become almost a cliché to speak of the priest as an "enabler of ministries". So, too, the moderator enables ministries. His fundamental task, like that of the bishop he serves, is "to extend leadership and not merely to increase controls."¹⁴⁹ As a co-shepherd with the bishop, the moderator focuses his energies on the same

¹⁴⁷R.G. HOWES, "Moderator...", p. 521.

¹⁴⁸Ibid., p. 519.

¹⁴⁹Ibid., p. 520.

task as the chief shepherd, with no inclination toward fashioning his own kingdom and always "under the authority of the bishop". Drawn as he is from the presbyterium, the moderator represents the whole body of episcopal cooperators -- recovering, in a sense, the intimacy of ancient times -- as he fulfills his unique contribution to the ministry of the bishop and the pastoral life of the diocese.

CHAPTER IV

THE PROCESS FOR PASTORAL ACTION AND THE MODERATOR

A theoretical argument for associating the moderator of the curia with diocesan pastoral action has been advanced. It remains to establish a concrete mode by which the theory can be applied to the daily course of diocesan life. Required in this regard are a general understanding of pastoral management, a process through which the pastoral manager can guide the planning and implementation of comprehensive pastoral action and, finally, an outline of procedures, responsibilities and relationships within the process, especially in reference to the pastoral manager.

A. Foundations for a description of the duties of the moderator as pastoral manager

The moderator of the curia is well-situated in law and diocesan structures to undertake the daily management of the process by which diocesan pastoral action is planned and implemented. This concept presupposes that the diocese is a fairly large one,¹ that the bishop is committed to the idea

¹It is impossible to define precisely what a "fairly large" diocese is. It might be considered one which

of comprehensive, integrated pastoral action on a diocesan scale, that the moderator is at the same time the vicar general, and that the curia is broadened to include the consultative bodies and other organisms and persons connected with comprehensive pastoral action. It also presupposes the unique ecclesial situation and perspective of North America. Here, specifically, a moderator as manager² of diocesan pastoral action could prove quite beneficial.

incorporates more than 100,000 Catholics or more than 100 parishes. More existentially, it might be considered one in which the bishop perceives that he cannot personally manage the process in an effective way without jeopardizing his other responsibilities.

²The term "manager" has been chosen for several reasons. It encompasses both the coordinating and supervisory functions provided for the moderator in the Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus (in Civitate Vaticana, Typis Polyglottis Vaticanis, 1983, c. 473.2), as R. Pagé (Les Eglises particulières, tome 1, Leurs structures de gouvernement selon le Code de droit canonique de 1983, Montréal, Editions Paulines, 1985, p. 68) has suggested: "Dans le contexte de la curie, le Modérateur est un peu comme un chef de département dans une entreprise, un superviseur, qui d'une part coordonne et d'autre part exerce un rôle de vigilance comme le dira la description de sa fonction." (emphasis added). It is a proper translation of the Latin "moderator" (cf. Cassell's new Latin dictionary; Latin-English, English-Latin, D. P. Simpson, ed., New York, Funk and Wagnalls, 1960, p. 376; A Latin dictionary, founded on Andrew's edition of Freund's Latin dictionary; revised, enlarged, and in great part rewritten, C.T. Lewis, C. Short, eds., Oxford, Clarendon Press, 1969 [reprint of 1879 ed.], p. 1154). It conveys the modern notion of rational administration which suggests a definite but not ultimate authority.

1. Need for pastoral management

Before developing a specific proposal for the moderator, the need for someone to function in such a role ought to be ascertained. That is not very difficult. The fairly idealized vision of comprehensive pastoral action presented in the first chapter of this study is not easily realized. Much of the difficulty occurs when no clear sense of priorities or direction exists or when good coordination of efforts is absent.³ Specialization, decentralization and competing interests exacerbate the problem.

This state of affairs was kept in mind during the process of revising the Code of canon law.

[...] the legislator is understandably concerned about the coordination of these apostolic activities, which becomes more pressing an issue as more apostolic initiatives are undertaken. There is a legitimate fear of a duplication of efforts and a dissipation of resources without some kind of coordination of pastoral enterprises. As the key figure in realizing the mission of the particular Church, the bishop has the principal responsibility in this area.⁴

³Cf. E. AUTANT, Pour une évolution de l'apostolat: institution et mission, Paris, Editions Fleurus, 1968, pp. 69-73; J.M. MARIN LEON - L.A. GALVAN VAZQUEZ, Tecnificación administrativa de la acción pastoral: teorización y tecnología, Bogotá, Secretariado general del CELAM, 1975, p. 252.

⁴T.J. GREEN, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., The Code of canon law: a text and commentary, Commissioned by the Canon Law Society of America,

Yet, the very complexity of diocesan pastoral action and its pertinent organisms militates against effective direct episcopal control, particularly in large dioceses.⁵

Attempts have certainly been made to organize matters better, but these have not always been successful.⁶ Even success in this regard bears certain risks. Excessive organization itself can contribute to an exaggerated specialization, an emphasis on ad intra concerns to the detriment of ad extra ones, an informal and anonymous attribution (or accumulation) of unaccountable power, a

New York, Paulist Press, 1985, p. 332.

Of the eight "obligations of diocesan bishops" developed early in the Code Commission's work, and intended as guidelines for future work, four of them relate to the coordination of pastoral action: coordination of the work of consultative bodies; coordination of apostolic endeavors; moderation of associations of the Christian faithful; coordination of catechetical, missionary and charitable institutes (Comm., 5[1973], pp. 222-223).

⁵Cf. J.H. PROVOST, "Diocesan administration: reflections on recent developments", in The jurist, 41(1981), p. 86; C.J. REID, "Some applications of principles of management theory to diocesan structures", in The jurist, 44(1984), pp. 453-456.

⁶Cf. L. DE ECHEVERRIA, "Droit canonique, pastorale et organisation ecclésiastique", in L'année canonique, 13(1969), pp. 87-88; R.G. HOWES, "The episcopal vicar: comments of a pastoral planner", in The jurist, 31(1971), p. 509; R.T. KENNEDY, "Introductory address", in Canon Law Society of America, Proceedings of the thirty-third annual convention, Atlanta, Georgia, October 11-14, 1971, Washington, 1971, pp. 1-2; F.K. SCHEETS, "A sketch of an American diocesan organization, 1900-1978", in The priest, 37:1(1981), p. 30.

preoccupation with efficiency, with less attention paid to the Church's spiritual mission, and a separation from the real life of the diocese.⁷

The organization and management of diocesan pastoral action requires great thought and care. Nevertheless, the need for some strong, centralized coordination seems obvious.

The idea that one primary person should now cohere and catalyze what Canadian Rev. Roch Page calls "l'ensemble de pastoral," the total mission and business of the ecclesial conglomerate, is in itself wise. This frees up the Ordinary, in whose name that person acts [...].⁸

2. Pastoral manager's task

In the period between the Second Vatican Council and the promulgation of the new Code, the most common response in Europe to the need for diocesan pastoral coordination was either to set up a central commission -- something of a

⁷Cf. F.R. AZNAR, "La nueva concepción global de la curia diocesana en el Concilio Vaticano II", in Revista española de derecho canónico, 36(1980), p. 422; R.G. HOWES, "Moderator of the curia: new boy in town!", in The jurist, 42(1982), p. 519; J.M. MARIN LEON - L.A. GALVAN VAZQUEZ, op. cit., pp. 262-263; J.M. MARTIN PATINO, "Consejo episcopal", in La curia episcopal: reforma y actualización, Salamanca, Universidad Pontificia Salamanca, 1979, p. 124; J.H. PROVOST, art. cit., pp. 96-97, 100.

⁸R.G. HOWES, "Reflections of a pastoral planner on the new Code of canon law", in The priest, 38:4(1982), pp. 16.

combination of an episcopal council and a curial council -- or to utilize the diocesan pastoral council.⁹ While such a collective coordinating agent can be effective in the planning stages of pastoral action, it can be cumbersome in the implementation stage, and so, as the vicar general's office became envisioned as one suited for pastoral action, there was a tendency to assign the coordinating role to him. That role could now fall readily to the moderator of the curia.

a. The moderator as a potential pastoral manager

R.G. Howes¹⁰ has seized upon the advent of the moderator as a singularly fortuitous opportunity to provide management for diocesan pastoral action, especially in view of the technical means which contemporary society has furnished for the modernization of ecclesial operations.

⁹Cf. the first chapter of this study; also L. DE ECHEVERRIA, "La curia episcopal pastoral", in *Semana de derecho canónico*, 9a, El Escorial, 1962, Aspectos del derecho administrativo canónico, Salamanca, Talleres Gráficos Cervantes, 1964, pp. 244-245; G. DELGADO, "Principios jurídicos de organización", in *Ius canonicum*, 13:2(1973), pp. 148-149; J.M. MARTIN PATINO, art. cit., p. 130; R. PAGE, The diocesan pastoral council, tr. B.A. Prince, Paramus, N. J., Newman Press, 1970, p. 122. Cf. Cardinal A. Lienart's animadversion prior to the Council (AAP., 1:1:2:1, p. 305).

The specific contribution of the central offices was often coordinated by the pastoral secretariat of the curia.

¹⁰"Moderator...", pp. 506-514.

Diocesan curias have mushroomed since Vatican II. Where before chanceries were sparse, mostly amateur and largely clerical, now they teem with professionals and paraprofessionals, many of whom are not priests. Conglomerates require coordination. Unless we expect our mitred chief executive officers to deal daily with all manner of administrivia, chanceries require a coordinator. Commonwealth, even ecclesial, no longer happens. It must be helped to happen. This is true in terms of operations. Multiple departments and programs demand consistency, mutuality, priority. This is best enabled through a vice president for administration. This is true in terms of shared responsibility. Every diocese likewise now teems with advisors on one board or another. To gather this advice responsibly and coherently and to bring it to bear on the realpolitik of the diocese, again, requires a coordinator.¹¹

Pursuing this idea, Howes concludes that dioceses today are "conglomerates in which pastoral common good must be managed, in which a multitude of offices and programs must be coordinated. [...] a successful moderator can make much difference."¹²

The moderator serves as "an informed and practical generalist in the midst of proliferating specialists", assuring "a more prudent concentricity of ecclesial resources", along with a balance between "subsidiarity and healthy wholeness."¹³ He is, according to Howes, "a kind of

¹¹Ibid., p. 518.

¹²Ibid., p. 519.

¹³R.G. HOWES, "Reflections...", pp. 16, 18. This concept of the generalist was reinforced by Rev. George

general manager", exhibiting a special, transparent enthusiasm which stems from the fact of his priesthood; he is not just a technician.¹⁴ However, spearheading an effective organization is not his only task. The "good moderator presides not only over the details of today, but [...] also over the delineation and pursuit of viable and exciting scenarios for the tomorrow to which his bishop challenges the diocesan People of God."¹⁵

Howes' delineation of a job description for the moderator as manager of diocesan pastoral action is the most thorough one published to date. It is possible, though, to

Wilson, S.J., a long-time associate of Management Design, Inc. (MDI) and consultant on ecclesiastical planning and organization, in a private conversation with the author of this study. Wilson described the generalist as the one who holds the community trust -- its trustee -- and who works more with wisdom than science. Despite the fact that the generalist may lack precise knowledge of specific areas, he deserves the respect of the specialist and the technician. Wilson viewed the moderator as such a generalist who could function as an executive assistant or "vice president" to the bishop.

¹⁴"Moderator...", pp. 520-521.

¹⁵Ibid., p. 521. The spiritual and dynamic qualities of pastoral action require that the managers of pastoral action transcend the efficiency required of managers in the secular sector. Their goal is the communion of the Church and the sanctification of humanity. Likewise, they must be courageous and Spirit-filled, never content with smooth operations but always open to new ideas (cf. G. LOCATELLI, La pastorale dopo il Concilio, Milano, Editrice Ancora, 1967, pp. 259-260; J.M. MARIN LEON - L.A. GALVAN VAZQUEZ, op. cit., pp. 106-107).

develop it further by reviewing some diverse but pertinent literature.

b. General management theory

One source to be tapped is the field of management theory.¹⁶ For example, J.C. Bonar, in applying general management theory to diocesan pastoral action, has written:

It is the manager's job to make full use of all resources available to him and needed in his jurisdiction and to exercise perspective and judgment in making decisions which will accomplish objectives, policies, and plans of the apostolate and of the higher authority in the short-term and long-range best interests of the whole organization.¹⁷

He has the responsibility of integrating all the components

¹⁶Obviously, the amount of literature in the field of modern management theory is enormous. Research for this study was limited to works which apply the general theory to the specific task of managing pastoral action. Even then, the majority of works, especially from the Protestant perspective, deal with pastoral action on the parochial level. Any moderator who functions as a manager of diocesan pastoral action should be familiar with the general theories of modern management and be ready to apply them sensibly to his own situation.

¹⁷An apostolate to the apostolate: the missing link between pastoral development and scientific management: scientific pastoral administration, Montréal, Collège de l'Immaculée-Conception, 1963, p. 140. Cf also C.J. REID, art. cit., pp. 449-452; G. SARAUSKAS, "Leadership", in The governance of ministry: a workbook for diocesan organization and governance, A project of the Symposium on Diocesan Governance, [Draft for later publication by the Canon Law Society of America], 1986, pp. 56-59.

of the organization. Bonar has arranged the "content of management" schematically:¹⁸

MANAGEMENT IS CONCERNED WITH	A. INDIVIDUALS	B. SOCIAL GROUPS
1. THINGS (WORK) ("MECHANICS")	1A. ANALYZING, MEASURING & SETTING UP	1B. ARRANGING & CORRELATING TASKS
2. PEOPLE ("DYNAMICS")	2A. ADJUSTING THE INDIVIDUAL TO HIS/HER TASK	2B. MOTIVATING & INTEGRATING GROUPS

For the moderator, "individuals" would signify the officials of the curia (in its narrow conception), and "social groups" would signify the various consultative bodies.

c. The coordinating council as a model

Further insight into a job description for the moderator can be gleaned from the literature, especially the canonical work of G. Delgado,¹⁹ on the pastoral coordinating council which was common in Europe prior to the promulgation of the new Code. First of all, the council -- and therefore the moderator -- needs to incorporate not only

¹⁸Op. cit., p. 14.

¹⁹El consejo diocesano de gobierno, Pamplona, Ediciones Universidad de Navarra, 1974, 154p. "Gobierno" in this context refers more to executive or even administrative governance rather than to "regimen" in its fullest sense.

the coordinating principle, but also the hierarchical one: it requires the power to decide and the power to enforce the decisions, although the council's diocesan-wide directives still depend on the bishop's ratification.²⁰ It is here that the nature of the vicar general's office comes into play.²¹

Delgado has identified six functions for the council.²² Coordination insures that resources are utilized in the best possible way, determines which means are better suited to the end, prevents overlapping of competencies and

²⁰Ibid., pp. 56-57, 130. Two other authors (J.A. MARQUES, "A função de governo na Igreja particular: a actividade normativa", in Theológica, 7[1972], p. 363; J.A. SOUTO, art. cit., p. 198) have called for a "supreme organ" of coordination for diocesan pastoral action. For them, such an organ would provide hierarchical control and possess all the material competence of the other organs; however, it should observe subsidiarity and intervene only on those issues which were previously determined, which require coordination and which are truly important.

²¹In the opinion of F. Boulard (La renovación de la diócesis según el Vaticano II, Valencia, Comercial Editora de Publicaciones, 1970, p. 118) "reagrupar todas las fuerzas de la Iglesia [...] es la función de síntesis, propia del obispo." Thus, it is an episcopal not a presbyteral function. Although Boulard wrote this about the vicar of the pastoral zone -- an episcopal vicar -- it also perforce applies to the moderator in his role of managing the pastoral action of the diocese. In R.E. Brown's concept ("Episkopé and episcopos: the New Testament evidence", in Theological studies, 41[1980], pp. 322-338) the "supervision in matters pastoral doctrinal, and sacramental" is true episkopé, but it need not be exercised only by episkopoi.

²²Op. cit., pp. 63-81. Some specific ways in which the moderator might carry out these functions will be suggested later in this chapter.

efforts, helps define roles and operating procedures. It requires broad consultation and consensus. Through its normative function the council issues directives for regulating the apostolate.²³ Promotion-impulse is a very important function which involves

the management of means, the planning of activities, the forging of solutions, etc. It ought to observe, suggest, propel, orient on the road toward pursuit of the general pastoral action of the diocese. [...]. Its great preoccupation, from this point of view, could center on the whole organizational apparatus, dispersed throughout the particular Church, which is seen as comprehending, sustaining, animating, conducting and arousing a more and more faithful service to the same ecclesial community.²⁴

This function must be exercised with real authority (in its best sense) but always respectful of diversity and individual initiative. It does not actually determine the basic direction of pastoral action but channels energies in that

²³Delgado seems to imply a collegial legislative function for the council. This is canonically unacceptable, since the bishop is the sole legislator in the diocese. However, the vicar general who serves as moderator can issue general exectutory decrees and can recommend to the bishop that certain laws or general decrees be issued to further pastoral action.

²⁴Ibid., pp. 74-75: "[...] arbitrar los medios, planificar actividades, instrumentar soluciones, etc. Deberá marcar, sugerir, impeler, orientar en el camino a seguir en la acción pastoral general de la diócesis. [...]. Su gran preocupación, desde este punto de vista, podría estribar en que todo el aparato organizativo, disperso por toda la iglesia particular, se sienta comprendido, sostenido, animado, conducido e incitado a un servicio, cada vez más fiel, a la propia comunidad eclesial."

direction. The council's fourth function is advising the bishop about pastoral action in the diocese. The organizational function provides the structures necessary for the effective planning and implementation of pastoral action.²⁵ Finally, there is the function of vigilance-revision once the program of pastoral action is operational.

d. Other ecclesiastical models

There is little that official contemporary ecclesiastical documents can provide as precedent or model for the moderator in the role of managing pastoral action. One commentator has described the secretary general mentioned in "Vicariae potestatis in Urbe"²⁶ in terms that suggest the broad role for the moderator being outlined here.²⁷ It might be possible to look also at the Secretariat of State in the Roman Curia for some hints, with the understanding that the Church as a whole has not developed a pastorale d'ensemble in

²⁵In another work (art. cit., pp. 139-143), Delgado refers to organization as "structural coordination", the concrete ways of correlating functions and persons.

²⁶PAULUS VI, "Constitutio apostolica: Vicariatus Urbis nova ratione ordinatur: 'Vicariae potestatis in Urbe'", in AAS, 69(1977), pp. 12-13.

²⁷Cf. L. DE ECHEVERRIA, "Esquema orgánico de una curia episcopal renovada", in La curia episcopal: reforma y actualización, Salamanca, Universidad Pontificia Salamanca, 1979, p. 364.

the technical sense (pastoral action being most proper to the particular Church) and that the orbit of the Secretariat does not extend beyond the dicasteries of the Curia and the papal legates (equivalent to the diocesan curia in its narrow sense).²⁸

3. Proposal for the office of moderator

These notions, taken together, provide the broad outline for a major aspect of the moderator's office. As day-to-day manager of the program of diocesan pastoral action, the moderator would engage in both the coordinating and supervising functions set forth in canon 473.2. He would fulfill the duties of any general manager, integrating the "mechanics" and "dynamics" of diocesan offices and

²⁸Cf. PAULUS VI, "Constitutio apostolica de Romana Curia: 'Regimini Ecclesiae universae'", in AAS, 59(1967), pp. 894-896. Cf. also G. DELGADO, La Curia romana: el gobierno central de la Iglesia, Pamplona, Ediciones Universidad de Navarra, 1973, pp. 89, 117; J.A. SOUTO, "La función de gobierno", in Ius canonicum, 11:2(1971), p. 211. One bishop submitted a written intervention at Vatican II which called for a central or coordinating commission having three purposes: promotion of the welfare of the whole Church, fostering of union between the Roman Curia and the particular Churches and coordination among the dicasteries (cited in G. DELGADO, "El principio de coordinación en la administración central de la Iglesia", in Ius canonicum, 11:2[1971], p. 375). Despite "Regimini Ecclesiae universae's" apparent intent, J.H. Provost (in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., p. 293) attributes to the Secretariat of State a responsibility for the particular Churches.

consultative bodies for the purpose of achieving a comprehensive, harmonious and efficacious ministry in the diocese. He would accomplish this through dependence upon the vision and direction of the diocesan bishop and through the application of sound management principles to the unique ecclesial enterprise. The skills needed for this should be included among the key qualifications sought after in candidates for the office of moderator.

B. Process of planning and implementing
diocesan pastoral action

If the moderator of the curia is to fulfill the general task of managing diocesan pastoral action, it is necessary that he have a clear sense of a process by which that action is to be effected. Some indication of a process was evident in the earlier review of comprehensive pastoral action, especially in the Y.C.W.'s "see, judge, act" inquiry method. However, more precision is offered by modern scientific principles of planning and organizational development.²⁹

²⁹While canon law provides certain principles, procedures and relationships which might be employed in this respect, ultimately many of the concepts must be borrowed from outside the law (cf. J.H. PROVOST, "Diocesan administration...", p. 81). However, such material readily assists the bishop in his task of seeing to it "that within the entire diocese or within its individual districts all the works of the apostolate are coordinated" and "that all

1. Phases of the process

Within the literature that sets forth these principles, there is no uniformity either in the division of the process into phases or in the terminology designating them. A synthesis, however, is possible. The two major phases are planning and implementation. Planning includes research, evaluation, goal and objective-setting, and structure and strategy-development stages, while implementation is divided into decision-promulgation, control and evaluation stages.³⁰

matters which concern the administration of the entire diocese are duly coordinated and arranged". The detailed procedures and roles required for the overall process could become the subject of particular law, should the bishop wish to pursue it that way.

As with management theory in general, the literature on planning and organizational development is extensive. Again, only those concepts which have been treated in the context of pastoral planning are considered here. For a helpful set of principles for the general management of diocesan pastoral action, see H. BUNTINX, L'Eglise et le management: aggiornamento de l'autorité et des structures de l'Eglise catholique, tr. I.E. Sassen, Puteaux, France, Editions Hommes et Techniques, 1971, pp. 92-111.

³⁰ A sampling of divisions: G. ANFOSSI, "Programmazione pastorale", in Fare pastorale: ambiti, forme di azione, tempi, mete, Torino, Marietti, 1981, pp. 26-27 (elaboration, consultation, decision, execution, verification); J.C. BONAR, op. cit., pp. 104-105, 112-122 (planning [research, objectives, policies, plans, standards], organizing [structures, task assignment, relationships, procedures], integration, measuring); J. DELICADO BAEZA, La pastoral diocesana al día: el arciprestazgo en la pastoral

a. Planning

The exigencies of our age and the apostolate within it require careful planning.

To effect and sustain a combination of salvation, teaching and government, pastoral

de conjunto, Estella, Navarra, Editorial Verbo Divino, 1966, pp. 43-44 (initiation-direction, execution); B. GARLAND - J. PICTON - C. TORPEY, "Tasks and functions", in The governance of ministry..., p. 46 (evaluation, recommendation, authorization, implementation); P. INHOFFEN, "Das Seelsorgeamt als Instrument einer kollegialen Bistumleitung", in Signum, 44(1972), p. 54 (opinion, decision, implementation); E.R. KILLACKEY, Pastoral planning: a process for discernment, Kampala, Gaba Publications, 1975, p. 20 (environment, overall rationale, need and opportunities, resources, objectives, goals and targets, implementation control, evaluation); M. LEFEBVRE, "Théologie pastorale et agir ecclésial", in Nouvelle revue théologique, 93(1971), pp. 367-368 (preparation, organization, coordinating, decision and execution); J.M. MARIN LEON - L.A. GALVAN VAZQUEZ, op. cit., pp. 109-252 (investigation, identification of problems, determination of possible solutions, selection of solution, objectives, goals, organizational plan, programs, control mechanisms and corrective adjustment procedures, implementation, evaluation); J. MARINS, La planificación pastoral, Bogotá, Indo-American Press Service, 1972, pp. 39-51 (reflection-decision, planning, implementation, revision-critique); F. MARTIN GONZALES, Estructura pastoral de la iglesia diocesana, Barcelona, J. Flors, 1965, pp. 44-60 (research, reflection, decision, program development, organization, distribution of tasks, coordination, control, personal formation); J.M. PIÑERO CARRION, "Derecho de organización y de administración en la Iglesia", in La curia episcopal: reforma y actualización, Salamanca, Universidad Pontificia Salamanca, 1979, pp. 60-63 (program development, execution, revision); J.H. PROVOST, "Structuring the Church as missio", in The jurist, 39(1979), p. 231 (evaluation, option development-recommendation, decision, implementation); G. SARAUSKAS, art. cit., p. 61 (mission clarification, assessment, goal-setting, implementation, evaluation).

planning is indispensable. So long as more and more members of the People of God are involved in increasingly complex apostolates which depend on critical supportive elements of finance, organization, plant and program, pastoral planning is a very special challenge which the Church ignores at its collective peril.³¹

In turn, the four stages of planning -- research, reflection, determination of goals and objectives, and development of structures and strategies -- are indispensable for effective planning.³²

1) Research

Objective, pertinent and reliable information is the first ingredient of any planned social action. Diocesan pastoral action is no exception. The true state of the diocese, its needs and resources, must be accurately ascertained before attempts at action are undertaken. Too often, though, religious leaders falsely assume that they already possess the necessary data, or they too readily rely

³¹Diocesan pastoral planning, Washington, Center for Applied Research in the Apostolate, 1971, p. 27. Cf. also B. GARLAND - J. PICTON - C. TORPEY, art. cit., p. 45.

³²Cf. G. ANFOSSI, art. cit., p. 26; W.E. BEVERIDGE, Managing the Church, London, SCM Press, 1971, p. 97; F. HOUTART - W. GODDIJN, "Problems of pastoral organization", tr. T. Weston, in Concilium, 3:1(1965), pp. 18-19, 22; J.L. DE URRUTIA, "El campo administrativo en la actividad de la Iglesia", in Semana de derecho canónico, 9a, El Escorial, 1962, Aspectos del derecho administrativo canónico, Salamanca, Talleres Gráficos Cervantes, 1964, pp. 37-38.

on the generalized views of untutored experts, rather than pursuing painstaking research. Such research can include the study of diocesan archives and government censuses, the opinion of tutored experts, completed field research from similar dioceses or social environments and expertly-conducted custom or local field research -- all of which must be pursued within the context of the specific religious situation, its values, structures and procedures and within precise parameters. This means diocesan leaders must be involved in carefully guiding the research.³³

2) Reflection

Once the necessary information is available, it must be reflected upon in the light of the gospel message and the Church's mission, both in general and as they apply to a particular time and place. In effect, this is a theological and pastoral reflection on the objective data exposed in the research stage. Its questions include: what is the condition of God's people and the organized Church? how does this

³³Cf. E. AUTANT, op. cit., pp. 128-129; F. BOULARD, op. cit., pp. 29-30; R.L. GORSUCH, "Research and evaluation: their role in decision-making in the religious setting", in Review of religious research, 17(1976), pp. 93-100; M. LEFEBVRE, art. cit., p. 369; E. SULLIVAN - B. GARLAND, "Management issues", in The governance of ministry..., pp. 104-107. Gorsuch defines "tutored experts" as those whose opinions are substantiated by objective data.

condition correspond to the ideal? what factors produced this condition? what are the relationships among these factors? how could these factors be modified in a desirable way? what effects would likely occur if certain actions were taken? Without this reflection, there is the risk of moving into programs and structures that do not adequately embody Christian values or do not focus on correct evangelical objectives.³⁴

3) Determination of goals/objectives and structures/strategies

The last two stages of the planning phase are closely related, for together they comprise the actual written plan. No diocese can accomplish everything at once. Thus, a few attainable goals, based on the research and reflection, need to be agreed upon; priorities must be established. It is understood that these goals will likely remain constant during a number of years or cycles of the planning process, since they cannot ordinarily be reached in a short time. What can vary are the more limited objectives,

³⁴Cf. P. ANCIAUX, The episcopate in the Church, tr. T.F. Murray, Dublin, Gill, 1965, pp. 14-15; E. AUTANT, op. cit., pp. 77-78, 130; J.C. BONAR, op. cit., p. 104; R. HOUTART - W. GODDIJN, art. cit., pp. 18-19; G. LOCATELLI, op. cit., pp. 262-265; M.D. MEEKS, "Hope and the ministry of planning and management", in Anglican theological review, 64(1982), pp. 148-150.

which might be perceived as intermediate stepping-stones to the goals. Each goal ought to be reflected in several clear, verifiable objectives. While the goals apply to all segments of the diocese, particular objectives might be associated with individual segments. The objectives are then translated into structures and strategies that are designed to achieve the objectives. This is the most technical and detailed stage of the planning phase. In the end, a written plan which includes utilization of resources, distribution of tasks, programs, organizational forms, control mechanisms, targets, timelines, standards and adjustment procedures is produced.³⁵ While parts of these elements might remain through a succession of planning processes, everything must be judged in terms of its purposefulness toward the objectives.³⁶

³⁵Cf. E. AUTANT, op. cit., pp. 77-78; W.E. BEVERIDGE, op. cit., pp. 80-89, 115-116; J.C. BONAR, op. cit., pp. 106-107, 112-122; R.L. GORSUCH, art. cit., pp. 95-96; M. LEFEBVRE, art. cit., p. 369; G. LOCATELLI, op. cit., pp. 255-259; E. SULLIVAN - B. GARLAND, art. cit., pp. 87-90; C. TORPEY, "Offices of the diocesan curia: interrelationships and creative possibilities", in Canon Law Society of America, Proceedings of the forty-fifth annual convention, San Francisco, California, October 10-13, 1983, Washington, Canon Law Society of America, 1984, pp. 117-118.

³⁶This existential attitude conflicts with the juridical determination of certain components of the planning process (e.g., the pastoral council and deaneries). Nevertheless, within such components a great deal of flexibility is possible.

b. Implementation

Although careful preparation of a plan of action is critical, any plan has little value if it is not translated into action.

1) Decision-promulgation

The decision to adopt the plan follows its writing.³⁷ Underlying the decision must be a deep and accurate sense of the community and its values, given the magnitude of the plan's impact on the life of that community. Such a decision can be made only when the decision-maker is assured of the community's readiness and support. After the plan of pastoral action is adopted, it must be officially promulgated, either as synodal legislation or as a general decree, and effectively disseminated with enthusiasm and a clear expression of the rationale behind it.³⁸ Detailed

³⁷Actually, throughout the planning phase, many major and minor choices and decisions are required. But the decision to adopt the plan as a whole is the single most important one.

³⁸Cf. M. LEFEBVRE, art. cit., pp. 369-370; J.K. MALLET, "Worksheets", in The governance of ministry..., pp. 152-153; J.M. MARIN LEON - L.A. GALVAN VAZQUEZ, op. cit., pp. 247-249. A number of authors call for another stage at this point of implementation, namely, adaptation of the plan to local circumstances (v.g., the zone, deanery, and parish; cf. G. ANFOSSI, art. cit., p. 27; J.M. PIÑERO CARRION, art. cit., p. 63). This will be discussed more thoroughly in the

directives for implementation can be issued as general executory or individual decrees.

2) Control

The actual implementation of the plan is assured through a system of controls encompassing two aspects: observation and intervention. Those responsible for guiding the plan's implementation toward achievement of its objectives must first constantly be aware of the activity taking place around them, assessing its effectiveness, measuring the rate of progress, discerning patterns of relationships and order, and identifying problems. Secondly, they must intervene, when necessary, making expedient adjustments, clarifying matters, and resolving conflicts -- always with more attention focused on results than on the structures or policies which guide the process and with a concern for morale. They also bear responsibility for maintaining good communications among all participants and for integrating as many people as possible into the program.³⁹

section "Multi-level application of the process" below.

³⁹Cf. J.C. BONAR, op. cit., pp. 123-140; G. DELGADO, "El principio...", p. 376; M. LEFEBVRE, art. cit., p. 370; F. MARTIN GONZALES, op. cit., pp. 56-57; J.M. PINERO CARRION, pp. 61-63; J.H. PROVOST, "Diocesan administration...", pp.

3) Evaluation

The final stage of implementation is the complete and formal evaluation of all that has occurred during the implementation phase. It serves as the entrée to repeating the whole planning process at the research stage, since the results of the evaluation provide significant data for reflection (along with other data collected according to the means suggested above). There must be a readiness on the part of all participants to judge their efforts according to the pre-determined standards and objectives. While local circumstances may warrant a different course, the planning process -- at least on the regional level -- ought to be repeated each year.⁴⁰

2. Other characteristics of the process

The foregoing material represents the basic process for pastoral planning and implementation, which is, for the

99-100; T.P. SWIFT, "The human dimension of authority and obedience in a faith community", in Canon Law Society of America, Proceedings of the thirty-third annual convention, Atlanta, Georgia, October 11-14, 1971, Washington, 1971, pp. 40-41. The maintenance of a high degree of morale is especially important in a normative organization like the Church (cf. W.E. BEVERIDGE, op. cit., pp. 15-16).

⁴⁰Cf. G. ANFOSSI, art. cit., p. 27; W.E. BEVERIDGE, op. cit., p. 115; J.C. BONAR, op. cit., pp. 114-149; E.R. KILLACKY, op. cit., pp. 20a, 57.

most part, the application of commonly-used management techniques to the ecclesiastical situation. Beyond the basic process, there are some important factors germane to that particular situation which ought to be mentioned. Perhaps most important is the need at all stages of the process to employ methods of consultation sincerely and to incorporate as many people as possible in the consultation. The dignity of Spirit-filled people and the nature of the Church (in addition to effective management) demand this.⁴¹ Closely related is the need for people to participate in as many stages as possible, in order to achieve continuity in the process and a sense of ownership.⁴² Since the vast majority

⁴¹Cf. W.E. BEVERIDGE, op. cit., p. 115; R.G. HOWES, "Reflections...", pp. 18-19; R. HUYSMANS, "The diocese as an administrative unit", tr. H. Hoskins, in Concilium (English ed.), 71(1972), p. 95; R.T. KENNEDY, art. cit., p. 7; M. LEFEBVRE, art. cit., pp. 383-394; J.H. PROVOST, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., p. 165. Cf. also CIC, cc. 212.2 and 3, 529. In another article, Provost ("Structuring...", p. 231) acknowledges that an organization in a "state of survival" demands stronger leadership; the more mature it becomes, however, the more inclusion is needed.

⁴²Cf. G. ANFOSSI, art. cit., p. 26; L. DE ECHEVERRIA, "Esquema orgánico...", pp. 368-369; E.R. KILLACKY, op. cit., p. 57; J.H. PROVOST, "Structuring...", p. 231.

W.E. Beveridge (op. cit., pp. 51-78) presents three management models which have been employed in ecclesiastical settings: the mechanistic (tightly structured, goal-oriented), the human relations (loosely structured, oriented toward the self-motivation and satisfaction of the

of Catholics are unaccustomed to engaging in such a process in the church setting, education and gentle persuasion are constant exigencies at every stage of the process.⁴³ Finally, unlike planning in the secular situation, the Church can assume an abundance of resources -- everything needed for the fulfillment of its mission on earth.⁴⁴

3. Multi-level application of the process

The size and complexity of diocesan Churches could easily frustrate the urge toward near-universal participation in the planning and implementation of comprehensive diocesan pastoral action. A highly centralized approach would be especially vulnerable to the risk of irrelevance and heavy-handedness. On the other hand, a locally-based format would likely perpetuate the diffusion of energy and the inefficient utilization of resources, and, even more importantly, it would lack the most essential quality of diocesan pastoral

participants) and the organic (flexibly structured, involving participants in all phases of the process, intent or achieving goals but responsive to changes in the environment). Needless to say, Beveridge recommends the last. Cf. also G. SARAUSKAS, art. cit., pp. 58-59.

⁴³Cf. G. LOCATELLI, op. cit., pp. 266-267; J.M. MARIN LEON - L.A. GALVAN VAZQUEZ, op. cit., pp. 242-247.

⁴⁴Cf. M.D. MEEKS, art. cit., p. 160. Obviously, there is still the need for discerning priorities and prudently stewarding even God's gifts.

action: episcopal origin and impulse. The solution seems to lie in applying the process of planning and implementation at different levels but within the framework of one overall process.

a. Line and staff functions

The development of such a system first requires an understanding of the distinction between what are traditionally called the line and staff functions, or what F. Martín González⁴⁵ prefers to call the hierarchical and functional roles. The hierarchical role operates in a lineal and vertical fashion, providing direction through the exercise of real authority, while the functional role operates in a more horizontal and refractive fashion, providing assistance to the hierarchical officers through a variety of methods and specializations. In general, the hierarchical role is fulfilled by individuals, and the functional role, by groups such as councils or "staffs". Both roles are necessary for diocesan pastoral action.

⁴⁵Op. cit., pp. 31-44. Cf. also W.E. BEVERIDGE, op. cit., pp. 70-76; R.G. HOWES, "Moderator...", p. 522 (his division: operations and shared responsibility or participation); J.A. MARQUES, art. cit., pp. 362-364; J.H. PROVOST, "Diocesan administration...", p. 88. G. Wilson (private conversation) feels that the distinction is not as important as it once was. Today's organizational structures are less precise and allow a blurring of roles and lines of authority.

In many ways the distinction seems to correspond to the distinction between executive (decision-control) and administrative (management-bureaucracy), and to the distinction between planning and implementation (hierarchical-functional in reverse order). In reality, though, matters are not so simple. Both executive and administrative functions are operative in the hierarchical role,⁴⁶ and only the bureaucratic dimension of administration is part of the functional role (in contrast to the managerial dimension which functions essentially in a hierarchical mode).⁴⁷ Likewise, planning and implementation both require the hierarchical and functional roles, although planning does utilize the functional role more, and implementation, the hierarchical role.⁴⁸

⁴⁶For example, a regional episcopal vicar might give final approval to the region's plan of action (executive) and also see to it that the region adheres to the diocesan plan (administrative); both actions derive from his place in the hierarchical chain.

⁴⁷For example, the moderator of the curia might coordinate the planning process between the diocese and its regions (managerial/hierarchical) and prepare reports about the process for the bishop (bureaucratic/functional).

⁴⁸Note this comment in Schema legis peculiariis de Curia romana (in Civitate Vaticana, Typis Polyglottis Vaticanis, 1985, p. 5): "Le Congregazioni ed i Tribunali partecipano della potestas regiminis, rispettivamente amministrativa e giudiziale; mentre i Consigli hanno prevalentemente compiti di studio, di promozione, di

b. Multi-level schema

J.M. Marín León and L.A. Galván Vazquez,⁴⁹ who are affiliated with the Latin American experience of pastoral action focused in comunidades de base, have provided a schema which is useful in constructing a synthesis of central and local pastoral action (along with the various roles just discussed). They divide their system into four activities: direction, systematization, programming and activation, which are carried out at four different levels of diocesan organization: bishop, central administration and parish, base community and individual member. The first activity corresponds in a general way to the goal and objective-setting stage of the planning process, whereas the middle two correspond to the more detailed structures and strategies of the plan (as well as to much of the control dimension of implementation); the fourth activity represents planning and implementation at its lowest level. Each activity has its

animazione pastorale e non esercitano ordinariamente potestà di governo." J.C. Bonar (op. cit., p. 130) divides the line function between executive officers, who provide the general orientation and basic decisions but not necessarily daily management, and the operating officers, who oversee the execution of policies and objectives. The staff function is supplied by service officers.

⁴⁹Op. cit., pp. 265-274.

own internal planning and control⁵⁰ operation but is also part of a comprehensive process.

	<u>Planning</u>	<u>Control</u>
<u>Direction</u> (bishop)	values and objectives	relationship between values and objectives; unity
<u>Systematization</u> (central adm. and parish)	structures	organization
<u>Programming</u> (base community)	programs	program management
<u>Activation</u> (individual member)	routine activity	action

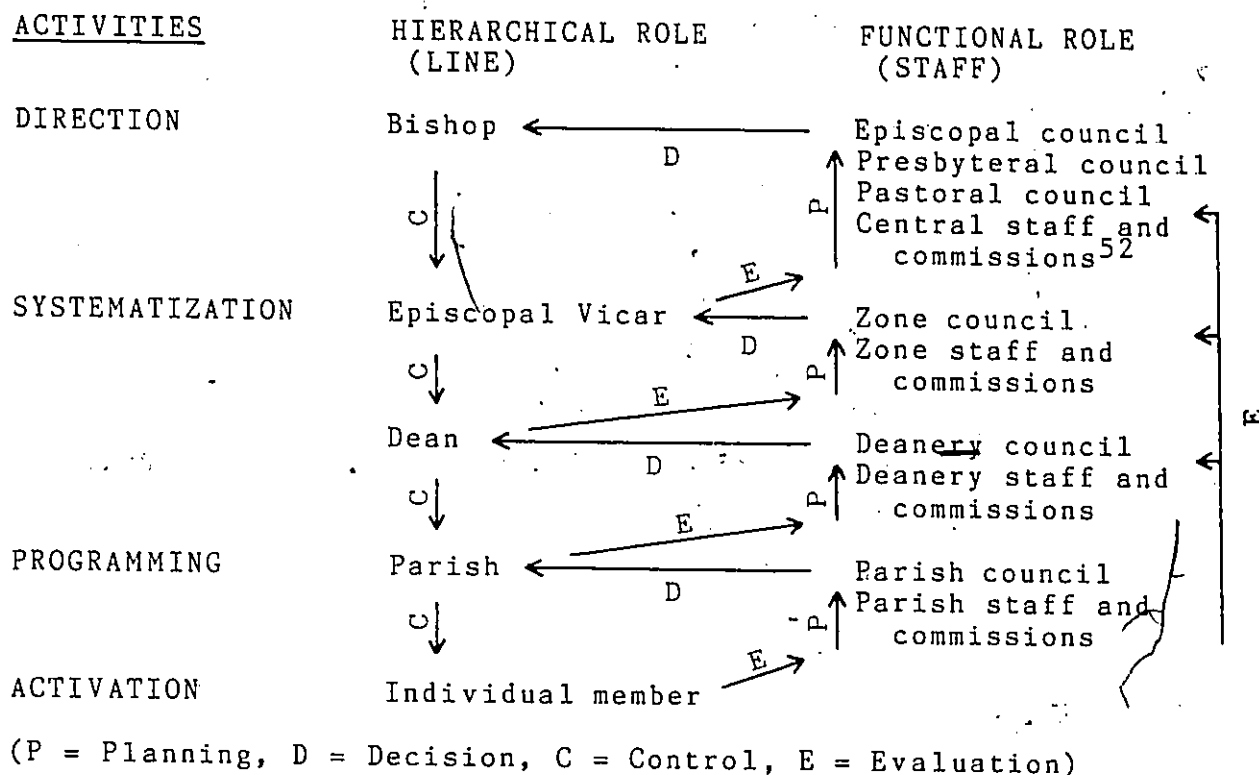
While the lower level is dependent on the higher one for its bearings, the higher is dependent on the lower for its effectiveness.⁵¹

If to this system a hierarchical and functional role

⁵⁰Marín León and Galván Vazquez use "control" because they emphasize the observation aspect of implementation which is closer to the technical meaning of "controls": instruments for measuring progress and deviation. When greater attention is given to the intervention aspect of control, the higher levels of diocesan organization would necessarily be involved to a greater extent.

⁵¹p. Uriarte (Gestión participativa en el Pueblo de Dios: curso explicado en la Facultad de teología de Deusto-Bilbao, Bilbao, Mensajero, 1971, pp. 255-295) outlines a system which is somewhat simpler: planning (both centralized and decentralized), execution (decentralized), coordination (centralized). This fits well the notion of the moderator as the centralized coordinator.

is added for each activity, and if the four levels of diocesan organization are adjusted to diocese, zone (or region) and deanery, parish and individual member, the following flow chart emerges:



C. The moderator and other participants in the process

The flow chart displays the planning process and its components in a necessarily simplified fashion. The

⁵²"Central staff and commissions" corresponds to the diocesan curia in its traditional sense. This designation will be used frequently in the following discussion. All entities in the flow chart above the parish level, excluding the bishop, would be considered as part of the broader delineation of the curia preferred in this study.

complexities and details of the process, and the special role of the moderator within it, remain to be elucidated a bit more.⁵³

1. Diocesan bishop

The bishop is the soul of diocesan pastoral action. It is he who initiates the planning process, assures that all its essential components are ready, inspires and encourages the participants, and guarantees a spirit of harmony and true comprehensiveness. He remains aware of all significant developments and actively engages in the dialogue, direction and decision when opportune or necessary. He must stand (and be so perceived) as the true shepherd of that particular Church as it pursues its mission in the world.⁵⁴ While much

⁵³See Appendix III of this study for an example of how one pastoral concern (sacramental catechesis) might be treated. For further illustration of how specific aspects of the apostolate, particularly the teaching and sanctifying activities, are included in the unified pastoral action, see Fare pastorale: ambito forme di azione, tempi, mete, Torino, Marietti, 1981, 943p. and Pastoral de conjunto: reflexiones y sugerencias, Madrid, Editorial ZYX, 1966, 208p.

⁵⁴Cf. G. ANFOSSI, art. cit., p. 26; W.E. BEVERIDGE, op. cit., pp. 102-103; CONGREGATIO PRO EPISCOPIS, Directorium de pastorali ministerio episcoporum, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1973, n. 209a; V. ENRIQUE Y TARANCON, "La curia hoy, vista por un obispo", in La curia episcopal: reforma y actualización, Salamanca, Universidad Pontificia Salamanca, 1979, p. 407; B. GARLAND - J. PICTON - C. TORPEY, art. cit., p. 46; R. PAGE, The diocesan..., p. 83;

of the bishop's directive role in pastoral action will be exercised at his desk or at meetings, the pastoral visitation of the diocese is an excellent way for him to evaluate progress and encourage it.⁵⁵ Most importantly, and perhaps more than anyone else in the diocese, he must constantly and deeply reflect upon the pastoral state of the diocese, the possibilities for the future and the impulses of the Holy Spirit.

It is not the case that changes happen as a surprise. Most often they announce themselves much earlier in a hidden way. When, however, those who run the diocese are suffocated by daily problems, it is beyond their ability to deal with questions concerning tomorrow.⁵⁶

PAULUS VI, "Le Conferenze Nazionali di Religiosi e di Religiose", in Insegnamenti di Paoli VI, Città del Vaticano, Tipographia Poliglotta Vaticana, 1965-1979, v. 10, p. 1078 and "Vicariae potestatis in Urbe", pp. 11-12; A. ROUCO VARELA, "El ministerio episcopal y la organización de la curia", in La curia episcopal: reforma y actualización, etc., p. 28; M. ZANCHIN, "De episcopo auxiliari residente in dioecesis unita", in Monitor ecclesiasticus, 94(1969), p. 129.

⁵⁵Cf. CIC, cc. 395-398. This purpose for the visitation was highlighted by Paul VI in his own visitation of Rome ("Constitutio apostolica, Pastoralis Visitatio in Urbe indicitur", in AAS, 59[1967], p. 125). Cf. also Comm., 12(1980), p. 305; DPM, nn. 166, 169; J.J. GARGIA FAILDE, "La curia episcopal jurídica", in Semana de derecho canónico, 9a, El Escorial, 1962, Aspectos del derecho administrativo canónico, Salamanca, Talleres Gráficos Cervantes, 1964, pp. 197-198; T.J. GREEN, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., pp. 333-334; J.H. PROVOST, "The impact of the proposed Book II 'De populo Dei' on the local Church", in Studia canonica, 15(1981), pp. 378-379.

⁵⁶P. INHOFFEN, art. cit., p. 55: "Es ist ja nicht

The "myth" of the community and its vision reside foremost in this one who is its chief teacher and sanctifier. From them flow its action.

2. Moderator

The moderator is the chief manager of diocesan pastoral action. Of one mind with the bishop, and within the framework of clearly established procedures and structures, the moderator sees to the daily coordination of the entire planning process and the immediate supervision of some of its participants. In many instances he would actually occupy the place of "Bishop" on the flow chart; at other times he would operate less ostensively. It is an important position within both line and staff functions and between them, but on the level of administration, not leadership (decision-control).⁵⁷

so, dass grosse Umbrüche von heute auf morgen völlig überraschend kommen. Meist kündigen sie sich lange vorher mehr versteckt und unterschwellig an. Wenn jedoch die Bistumsleitung in Tagesproblemen erstickt, ist sie durch eine Beschäftigung mit Fragen von morgen überfordert [...]" The quinquennial report and ad limina visit (cf. CIC, cc. 399-400) provide occasions for the bishop to reflect upon the effectiveness of pastoral action in the diocese (cf. J.J. GARCIA FAILDE, art. cit., p. 198; T.J. GREEN, in J.A. Coriden, etc., op. cit., p. 335).

⁵⁷Cf. P. INHOFFEN, "Die Diözesankurie als mittel des Apostolats", in Jahrbuch für christliche Sozialwissenschaften, 12(1971), p. 262; R. KRESS, "Membership and leadership in the Church", in The jurist, 42(1982), p. 47.

The moderator has responsibility for frequent communication and consultation with the bishop on the status of the process, and his work is subject to the bishop's regulation.⁵⁸

As to the other participants, the task of the moderator might be expressed as "enabling a group to transform its desires into an intention" (planning) and "delegating with clarity to individuals or teams for performing tasks through specific roles."⁵⁹ Much of this is accomplished through coordinating and balancing the effort between planners and implementors, generalists and specialists, central and local personnel. The moderator must be aware of and touch practically every dimension of the process, yet without overwhelming it.⁶⁰ On the other hand, he should readily utilize his power and authority (including that of vicar general).

⁵⁸The cardinal vicar of Rome is responsible for formation of the plan of action and for giving progress reports to the pope (cf. PAULUS VI, "Vicariae potestatis in Urbe", pp. 11-12). Cf. also G. DELGADO, "Principios jurídicos...", pp. 141-142.

⁵⁹G. WILSON, "Governance", a single-page publication of Management Design, Inc., Cincinnati, 1982.

⁶⁰Cf. E. AUTANT, op. cit., p. 127; W.E. BEVERIDGE, op. cit., pp. 89-94.

3. Other major participants

The process of planning and implementing pastoral action takes place on three corporate levels: diocese, zone-deanery, and parish. At each level there is both a line and staff operation. The moderator functions as the link among the components of this process.

a. Diocese (direction)

On the diocesan level, those who are closely associated with the bishop's governing office, namely, the central offices and the consultative bodies, assume major places in the process.

1) Central offices and commissions

The initial work of research is undertaken by the central offices and commissions, under the direction of the moderator. These organisms also formulate the structures and strategies of the pastoral plan and, as part of the hierarchical role, fulfill much of the observation dimension of control in the name of the bishop. They provide any programs required at the diocesan level, and, finally, they gather the evaluations from the lower levels and synthesize them as part of the research data for the next cycle of

planning.⁶¹

Not only must the moderator assure the smooth and effective operation of the curia in completing these tasks (his supervisory role), he must also strive to make the very structure of the curia responsive to the needs of the pastoral plan and its process of planning and implementation.⁶² While there is no universally applicable organizational chart for the central offices and commissions (although each moderator should develop a clear one for his diocese), some general principles obtain: the structure of the curia should correspond to the goals of the plan and the structure of the pastoral council with which it regularly

⁶¹Cf. DPM, nn. 16, 149; G. ANFOSSI, art. cit., pp. 26-27; F. BOULARD, "La curie et les conseils diocésains", in La charge pastorale des évêques: décret "Christus Dominus": texte latin et traduction française, Paris, Editions du Cerf, 1969, p. 273 and op. cit., pp. 194-195; F. MARTIN GONZALES, op. cit., pp. 62-65; R. PAGE, "Conseils et offices diocésains selon le nouveau Code", in Studia canonica, 19(1985), pp. 161-162; PAULUS VI, "Vicariae potestatis in Urbe", p. 13; G. WILSON, "Archdiocese of Halifax: a proposed alignment of structures", a two-page publication of Management Design, Inc., Cincinnati, 1979, p. 1.

⁶²Cf. L. DE ECHEVERRIA, "La curia...", pp. 243-248; J.H. PROVOST, "Diocesan administration...", pp. 84-86 and "Structuring...", pp. 276-277; G. WILSON, "Archdiocese of Halifax...", p. 2 and "Some principles for structuring executive services", a two-page publication of Management Design, Inc., Cincinnati, p. 1. Some writers express concern that the budget in particular be determined by the plan of pastoral action and not vice-versa; for example, see R.G. HOWES, "Reflections...", pp. 18-19; J.K. MALLETT, art. cit., pp. 154-155; J.H. PROVOST, "Structuring...", pp. 277-278; E. SULLIVAN - B. GARLAND, art. cit., pp. 84-87.

interacts; offices and "content boards" or commissions should coincide; proper "span of control" (number of offices responsible to one person) should be maintained; there should be a council of the curia to help the moderator coordinate the central staff's contribution to the process.⁶³ Among the offices and commissions is the planning office and its commission. Its task is to supply the technical assistance required in the various phases of planning, for example, by conducting field research, facilitating the reflection process and developing control instruments. Ordinarily, it would be separate from the general managing function of the moderator but adjunct to it.⁶⁴

⁶³Cf. "Diocesan reorganization", in Center papers: a resource for diocesan leadership, 2(Winter, 1985), pp. 1-12; J.K. MALLET, "Models", in The governance of ministry..., pp. 15-17 (fifth model especially); J.M. MARTIN PATINO, art. cit., p. 129; R. PAGE, The diocesan..., p. 73; J.H. PROVOST, "Diocesan administration...", p. 88; E. SULLIVAN - B. GARLAND, art. cit., pp. 55-56, 69-73; G. WILSON, "A proposed model for the relationship of content boards and agency directors in the archdiocesan structure", a one-page publication of Management Design, Inc., Cincinnati, 1982.

Other functions and organisms besides those connected with the planning and implementation of comprehensive pastoral action need to be considered in designing an organizational chart for the curia. The moderator is also responsible for seeing to their proper operation.

⁶⁴Cf. G. ANFOSSI, art. cit., p. 26; R.G. HOWES, "Moderator...", p. 523 and "Reflections...", p. 16; J.K. MALLET, "Worksheets", pp. 157-159; G. WILSON, private conversation.

If, as is preferable in larger dioceses, the central staff is given a counterpart on the zone and deanery levels, it would not frequently deal directly with the regional vicars, deans and parish priests. But when contacts do occur, the central personnel should see themselves as specialists at the service of local generalists.⁶⁵ The moderator, being himself a generalist, is able to convene the local generalists to assist in coordinating and strengthening their efforts -- a task rendered more critical proportionally to the degree of decentralization and the influence of the specialists.⁶⁶ Such gatherings might be in connection with meetings of the curial council or the episcopal council.⁶⁷

2) Pastoral council

The hub of pastoral planning, however, is not the

⁶⁵Cf. "Diocesan reorganization", pp. 10-11; J.J. GARCIA FAILDE, art. cit., p. 201; J.M. MARTIN PATINO, art. cit., pp. 128-129; G. WILSON, "Matrix administrative structure for a diocese", two-page publication of Management Design, Inc., Cincinnati, 1982.

⁶⁶The latter observation was made by G. Wilson in private conversation.

⁶⁷Cf. A. ROUCO VARELA, art. cit., p. 15. This service provided by the moderator is part of the hierarchical (or line) role, but it is still primarily a form of coordination, not supervision. Nevertheless, with the authorization of the bishop, the moderator could provide interventional as well as observational control, something which is still in the order of managerial administration rather than executive control.

central staff but the diocesan pastoral council, which "is to investigate under the authority of the bishop all those things which pertain to pastoral works, to ponder them, and to propose practical conclusions about them."⁶⁸ It is the primary agent of reflection and goal-setting; it also strives to merge the interests of specialist offices and commissions, as well as the indigenous concerns of regions and demographic sectors, and to consider the long-term course of pastoral action. As such, its membership must reflect a cross-section of the socio-ecclesial membership of the diocesan Church, and it must engage in serious study and dialogue with the bishop. Once it determines goals and objectives, the pastoral council forwards them to the central staff for translation into structures and strategies. Then the council reviews this work and sends it on for approval and implementation. During implementation, the council observes the on-going pastoral action of the diocese, providing its opinion on any major adjustments needed before the next planning cycle. Thus, its energies are mostly functional (or staff), which means that

⁶⁸CIC, c. 511. While the council is facultative, the sense of Vatican II and the exigencies of the contemporary pastoral situation almost require its existence (cf. R. PAGE, The diocesan..., p. 168 and Les Eglises..., pp. 184-185; J.H. PROVOST, "The working together of consultative bodies: great expectations?", in The jurist, 40[1980], p. 269).

its influence will be felt indirectly, not in any dramatic, public way. Still, its impact should be considerable.⁶⁹

3) Other consultative bodies

A number of other consultative organisms at the diocesan level also contribute to the formulation of the pastoral action plan: the presbyteral and episcopal councils, the college of consultors, the synod or diocesan assembly. Clarifying their contributions is important but often difficult. In general, all of them would act after the pastoral council and principally in the movement toward the final decision to implement.⁷⁰

The presbyteral council, which relates to the full range of diocesan governance (including the adoption of the

⁶⁹Cf. G. ANFOSSI, art. cit., p. 27; F. BOULARD, art. cit., pp. 253-254, 264-265; R.G. HOWES, "Reflections...", p. 18; F. MARTIN GONZALES, op. cit., pp. 63-66; R. PAGE, The diocesan..., pp. 16-21, 55-59, 102-112, 119-121, 133-146 and Les Eglises..., pp. 183, 186, 192-194; J.H. PROVOST, "The working...", pp. 266-270; M. USEROS CARRETERO, "El consejo presbiteral y el consejo pastoral", in Incunabile, 6:208(1966), pp. 11-13; G. WILSON, "Archdiocese of Halifax...", p. 2 and private conversation.

⁷⁰None of these organisms, nor the central staff, is subject to any other; all exist in direct relationship to the bishop (cf. R. PAGE, The diocesan..., pp. 124, 168-169 and Les Eglises..., pp. 159-160; F. ROMITA, "Diretto e pastorali nella Chiesa, oggi: conclusione con annotazioni del I Congresso canonistico-pastorale", in Monitor ecclesiasticus, 94[1969], pp. 603-604).

principle of comprehensive pastoral action and its concrete plan), would review the plan⁷¹ ratified by the pastoral council and advise the bishop as to its merit from the perspective of the bishop's closest collaborators in pastoral ministry. It would also regularly advise the bishop on the implementation of the plan.⁷¹ The college of consultors, particularly if there is an episcopal council, would need to be involved only in certain technical matters during the implementation phase or in larger issues when it would be difficult or inadvisable for the bishop to consult the presbyteral council.⁷² Where

⁷¹Cf. DPM, n. 203b; F. BOULARD, art. cit., p. 263; F. KLOSTERMANN, "Structures de l'Eglise de demain, III, nouvelles structures", tr. J. Rollet, E. Jorland, in IDOC, 67:29(1967), p. 8; K. MÜRSDORF, "Decree on the bishops' pastoral office in the Church", tr. H. Graef, R. Strachen, in H. Vorgrimmler, ed., Commentary on the documents of Vatican II, Freiburg, Herder, v. 2, 1968, pp. 254-255; W. ONCLIN, Christus Dominus: the decree on the pastoral office of bishops in the Church, Glen Rock, N.J., Paulist Press, 1967, pp. 62-63; R. PAGE, The diocesan..., pp. 65, 116 and Les Eglises..., pp. 122-124, 187-188; J.H. PROVOST, "The working...", p. 270; F. ROMITA, art. cit., p. 595; J.A. SOUTO, "Los cooperadores del obispo diocesano", in Semana de derecho canónico, 11a, Valencia, 1966, La función pastoral de los obispos, Barcelona, Juan Flors, 1967, pp. 268-269. A number of authors refer to the presbyteral council as the supreme consultative organ but in the sense of dignity, not authority (cf. F. BOULARD, art. cit., p. 264; L. DE ECHEVERRIA, "Esquema orgánico...", p. 395; M. USEROS CARRETERO, art. cit., p. 11).

⁷²Cf. Comm., 5(1973), p. 230; DPM, n. 205; F. BOULARD, art. cit., pp. 256-260; J.K. MALLETT, "Diocesan structure and governance," in Canon Law Society of America, Proceedings of the forty-second annual convention, Orlando, Florida, October 20-23, 1980, Washington, 1981, p. 154; R. PAGE, Les Eglises..., pp. 154-160; J.H. PROVOST, "The working...", p. 272; F. ROMITA, art. cit., pp. 607-609.

it exists, the episcopal council would serve as the last filter of advice before implementation and as a constant agent for coordination and adjustment during implementation.⁷³ A synod or diocesan assembly might well serve the purpose of broadening the reflection of the pastoral council or of solemnizing the final stage of deliberation before promulgation of the plan.⁷⁴

⁷³Cf. G. ANFOSSI, art. cit., p. 27; L. DE ECHEVERRIA, "Esquema orgánico...", p. 373; J.M. MARTIN PATINO, art. cit., p. 132; R. PAGE, Les Eglises..., p. 73; J.H. PROVOST, "The working...", p. 266; F. ROMITA, art. cit., p. 607.

Notice that these organisms move progressively from heaviest activity in the planning mode to heaviest activity in the implementation mode; all, however, have a functional role, not a hierarchical one (cf. J.A. SOUTO, "Los cooperadores...", pp. 261, 267). F. Romita (art. cit., p. 597) has encapsulated the whole planning process among the consultative bodies.

⁷⁴Cf. P.W. COLLINS, "The diocesan synod: an assembly of the People of God", in The jurist, 33(1973), pp. 403-409; J.A. CORIDEN, "The diocesan synod: an instrument of renewal for the local Church", in The jurist, 34(1974), pp. 69, 87-90; B. GARLAND - J. PICTON - C. TORPEY, art. cit., p. 42; R.G. HOWES, "Reflections...", p. 15; IOANNES XXIII, "La solenne inaugurazione", in Discorsi, messaggi, colloqui del Santo Padre Giovanni XXIII, Città del Vaticano, Tipografia Poliglotta Vaticana, 1960-1964, v. 2, pp. 132-134; F. MARTIN GONZALES, op. cit., pp. 65-66; R. PAGE, The diocesan..., pp. 117, 158-159 and Les Eglises..., pp. 45, 55-57; J.H. PROVOST, "The impact...", p. 384.

DPM, n. 164 and ES(III), n. 20 stipulate that the presbyteral and pastoral councils should help prepare for the synod, thus linking the work of the three (cf. J.A. CORIDEN, art. cit., pp. 90-91; R. PAGE, The diocesan..., pp. 27, 113-116 and Les Eglises..., pp. 45, 50). Although this provision is not in the CIC, nothing prohibits the bishop from following the earlier procedure.

4) Coordination among the organisms

Not only are there a number of organisms participating in the planning and implementation process, but they do so on various levels and at various stages, and not just in a simple progression. Thus, "linkage is obviously necessary between the councils, presbyteral and pastoral, and the specialized organisms of pastoral action (secretariats, offices, departments, commissions) which ought to assist in the 'preliminary study' for their deliberations, as demanded by the motu proprio."⁷⁵ This refers to "Ecclesiae Sanctae's" number 17.1,⁷⁶ which directed bishops to regulate the relationships among the various diocesan organisms. A number of approaches toward harmonization have been suggested and attempted in recent years.⁷⁷ Nevertheless, despite the

⁷⁵F. BOULARD, art. cit., p. 273: "L'articulation est évidemment nécessaire entre les conseils, presbytéral ou pastoral, et les organismes spécialisés de pastorale (secrétariats, bureaux, départements, commissions) qui doivent les aider dans 'l'étude préalable' à leurs délibérations, réclamée par le motu proprio."

⁷⁶PAULUS VI, "Litterae apostolicae, Motu proprio datae: Normae ad quaedam exsequenda SS. Concilii Vaticani II decreta statuuntur: 'Ecclesiae Sanctae'", in AAS, 58(1966), p. 767.

⁷⁷Cf. F. BOULARD, art. cit., pp. 265-269 and op. cit., pp. 129-131, 145; R.G. HOWES, "Reflections...", p. 18; J.M. MARTIN PATINO, art. cit., p. 128; R. PAGE, The diocesan..., pp. 124-125; F. ROMITA, art. cit., p. 605. Many of these suggestions also strive to relate the zone and deanery levels to the diocesan level by means of shared membership.

directions of "Ecclesiae Sanctae",

it is clear that the directions have not solved the problems of organization arising from the number of diocesan councils. The suggestion of common sessions and of participation of the members of one council in the deliberations of another [...] makes it only too evident that a clear definition of competence is still far away. It can hardly be hoped that the bishops will be able to co-ordinate all these activities satisfactorily, as suggested by the *motu proprio* [...]. Thus the final regulation of these difficult questions is left to the reform of the CIC.⁷⁸

The Code has been revised, but it fails to advance the cause of this coordination -- at least directly. Its introduction of the moderator as the chief coordinating agent of the curia could well be seen as a major step forward. The moderator could manage the flow of business among the bodies and between them and the central staff, assist in the preparation of their agendas and clarify issues at their meetings. He might even contribute to the definition of their competencies.⁷⁹

⁷⁸K. MÖRSDORF, art. cit., p. 255. Cf. also J.A. SOUTO, "Los cooperadores...", pp. 261, 265, 268.

⁷⁹Cf. J.A. ALESANDRO, in J.A. Coriden, T.J. Green, D.E. Heintschel, eds., op. cit., p. 412; G. DELGADO, E1 consejo..., pp. 128-129; R. PAGE, The diocesan..., p. 125; G. WILSON, private conversation.

There is a distinction between one who coordinates the work of different bodies and those who direct their actual deliberations and internal order. The moderator can fill both roles vis-à-vis the central staff but not the consultative bodies.

b. Zone and deanery (systematization)

What occurs on the diocesan level is in many respects duplicated on the zone (or regional) and deanery levels.⁸⁰ What is said here about the deanery applies equally to the zone on its level:

The pastoral action of the deanery links that of the diocese and the parish. [...]. The content of its own pastoral activity (whether its study, promotion, direction, unification or execution) is indicated in the diocesan directory or in the diocesan program; it is given, so to say, by the bishop who has planned. As a result, the deanery is an instrument and a help in the hands of the bishop and of the whole diocesan community, so that it will have an organic pastoral action, which will be truly personal, communitarian and historic. [...]. From the parish, on the other hand, the deanery gathers and interprets the real needs of the faithful; it gathers and resolves the difficulties of pastoral action in its implementation phase; it takes the pulse of the concrete and local need, so that salvation comes alive.⁸¹

⁸⁰ Neither zones nor deaneries are mandated by universal law (cf. CIC, c. 374.2; Comm., 17[1985], p. 97; DPM, n. 189). Their advisability will depend on local circumstances, but they should be seriously considered and, when established, carefully determined.

⁸¹ M. SCHIRALLI, La forania nelle pastorale organica post-conciliare, Neapoli, M. D'Auria, 1969, p. 7: "La pastorale della forania si aggancia alla Diocesi e alla Parrocchia. [...]. Lo stesso contenuto dell'attività pastorale (sia essa studio o promozione o direzione o unificazione o esecuzione) è indicato dal Direttorio Diocesano o dal programma diocesano; è dato, cioè, dal Vescovo che ha programmato. Per cui la forania è uno strumento e un aiuto nelle mani del Vescovo e di tutta la

Each zone and deanery, as warranted, should have a pastoral council and specialized offices and commissions to prepare a plan of action based on the diocesan plan (or the zone plan in the case of the deanery), to monitor and aid its implementation and to evaluate its results. Of course, at each level only those structures and strategies that are most efficaciously provided for there should be incorporated into the plan; as the plan moves downward it becomes more specific; more programmatic. The regional episcopal vicars and deans fulfill the hierarchical role of the bishop (and moderator) in managing the process. In terms of intervention, the bishop (or moderator) directs the episcopal vicars, and they guide the deans, who in turn see to it that the parish priests and special ministers fulfill their responsibilities. Networks needed among the offices, commissions, councils, hierarchs and special ministers on the different levels could be established and sustained by the moderator.⁸²

comunità diocesana, perché si abbia una pastorale organica, che sia veramente personale, comunitaria e storica. [...]. Dalla parrocchia, invece, la forania coglie e interpreta l'esigenza attuale del fedele; coglie e risolve la difficoltà della pastorale nella sua fase esecutiva; prende l'indicazione delle esigenze concrete e settoriali, perché la salvezza diventi vita."

⁸²Cf. CIC, cc. 553-555; DPM, nn. 184-190; G. ANFOSSI, art. cit., p. 27; A. ARZA, "La figura jurídica de

c. Parish (programming)

A similar process for planning and implementing pastoral action is required on the parish level. Here, in its most detailed form, the plan is honed into small group and personal apostolic action, as the Church's mission spilling into the crevices of daily life (activation). Since most pastoral activities transpire on the parish level, apostolic energies must be concentrated there and not coopted at the higher levels -- something that should be of special

los vicarios de zona", in Ius populi Dei: miscellanea in honorem Raymundi Bigador, Roma, Università Gregoriana Editrice, 1972, v. 2, pp. 159-171; E. AUTANT, op. cit., pp. 121-123; W.E. BEVERIDGE, op. cit., pp. 103-104; F. BOULARD, op. cit., pp. 54-63, 70, 115-119, 136-139, 188-190; G. DELGADO, El consejo..., pp. 95-106; J. DELICADO BAEZA, op. cit., pp. 43-46, 137-171; L. DE ECHEVERRIA, "Esquema orgánico...", pp. 354, 364-366, 375; FAUCHET, "Vers une pastorale diocésaine d'ensemble", in Congrès national de pastorale, 68e, Versailles, 1956, Pastorale, oeuvre commune, Paris, Union des oeuvres catholiques de France, 1956, pp. 75-76; J.J. GARCIA FAILDE, art. cit., pp. 190, 199-201; R.G. HOWES, "The episcopal vicar...", pp. 510-513; J.K. MALLETT, "Models", p. 16; J.M. MARTIN PATINO, art. cit., p. 128; "Pastoral care at deanery level", in The clergy review, 52(1967), pp. 512-513; F. ROMITA, art. cit., pp. 598, 618-620; A. ROUCO VARELA, art. cit., pp. 15, 33; J. SANCHEZ Y SANCHEZ, "La nueva curia diocesana: reflexión canónico-pastoral", in Lex ecclesiae: estudios en honor del Dr Marcelino Cabrereros de Anta, canonista salmanticense, Salamanca, Universidad Pontificia, 1972, pp. 334-335; M. SCHIRALLI, op. cit., pp. 5-11; R. F. SZAFRAN, "The distribution of influence in religious organizations", in Journal for the scientific study of religion, 15(1976), pp. 344-347.

An earlier draft of CIC charged the dean with preparing pastoral reports for the bishop (Comm., 13[1981], p. 311).

concern to the moderator who surveys and manages the pastoral montage.⁸³

4. Other participants

There are important entities which function outside the zone-deanery-parish structure, especially institutes of consecrated life and certain institutions (e.g., seminaries and hospitals), yet which need to be integrated into the pastorale d'ensemble of the diocese.⁸⁴ Whenever possible, their contribution should be inserted into the structure outlined above; but when direct contact between them and the bishop in the area of pastoral action is necessary, either for practical or canonical reasons, the moderator could very well represent the bishop. This would enhance the comprehensiveness of pastoral action's management.

Finally, outside the diocesan community, there are groups and individuals whose cooperation can be quite instrumental in the effective planning and implementation of

⁸³Cf. J.H. PROVOST, "Diocesan administration...", p. 101, "The impact...", pp. 377-378 and "Structuring...", pp. 234-264.

⁸⁴Cf. CIC, cc. 678-683; DPM, nn. 191, 207; E. AUTANT, op. cit., pp. 92-93; L. DE ECHEVERRÍA, "Esquema orgánico...", pp. 376-377; FAUCHET, art. cit., pp. 66-79; G. LOCATELLI, op. cit., pp. 249-250; K. MÖRSDORF, art. cit., pp. 267-269.

diocesan pastoral action. They include other dioceses in the province, region or country, other ecclesial communions and faiths, civil authorities, business and labor people, educators and members of the media. Here again, the moderator seems like the most suitable point of contact between the diocese and the majority of these others.

Conclusion

Unfocused and disjointed pastoral action, increasing pastoral needs at a time of diminishing resources, confusion of roles among consultative bodies, tension between central staff and those "on the line" and harried bishops are all common and serious issues of contemporary diocesan life. It would be presumptuous and foolish to claim that the moderator of the curia is the certain, instantaneous and complete remedy. Nevertheless, a capable moderator, furnished with a clear and comprehensive job description and appropriate authority, could help a great deal. Even more than that, within the ambit of canon law, the moderator is the official most suitable for relieving the bishop of many administrative duties and for managing the disparate forces and complex mechanisms of pastoral planning and implementation. Having a moderator who is also vicar general allows a bishop both to devote more time to prayer, study and the ministry of word

and sacrament -- the core of his episcopal charism and the rootage of diocesan pastoral action -- and to stimulate and guide the apostolic impulses of his people. -- the essence of his episcopal mandate.

What has been said in this chapter about the process of planning and implementing diocesan pastoral action may be overly idealistic. Surely, its full realization lies in the future -- perhaps the distant future. Yet, the process itself seems accurate, allowing for local adaptation. Its full realization, therefore, awaits the courageous initiative of the Church's pastors and the creative utilization of canon law and scientific management by the Church's managers, especially the moderators of diocesan curias.

CONCLUSION

Several points frame the major conclusions of this study and summarize its progression. First, pastoral action is most properly understood as that which is inspired and directed by the Church's pastors, especially those who head particular Churches. Second, the fullest and potentially most successful diocesan pastoral action is that which integrates the variety of resources and activities into a composite, organized effort -- pastorale d'ensemble. Third, the diocesan curia exists principally as an aid to the bishop in the administrative aspect of such a comprehensive pastoral action. Fourth, as a result of both the complexities of modern pastoral action and the curia's expansion to meet them, greater attention must be given to coordination; it is here that the moderator of the curia finds his primary purpose. Fifth, in canon 473.2, "pastoral activity" refers to the executive direction of the diocese's apostolic thrust, whereas "administrative responsibilities" refers to the managerial-bureaucratic operation of the curia, including attention to pastoral action. Sixth, only through association with the pastoral-administrative responsibilities of the curia does the office of moderator warrant the kind of importance which dictates that it be filled by the vicar general or at least some other priest. Seventh, an adequate

pastorale d'ensemble results from a thorough process of planning and implementation and from sound central management of the process, for which the moderator of the curia is especially well-suited. Eighth, a moderator serving in this capacity could free the bishop for an expanded ministry of word and sacrament and a more strategic ministry of governance. Together, these conclusions suggest that the new office of moderator of the curia deserves serious consideration, even in dioceses where it might initially appear superfluous.

To place the moderator of the curia at the crux of comprehensive pastoral action in the diocese represents a serious thesis in the field of canonical research. Yet, it remains a speculative first step. Inspection of the Code Commission's complete archives and the actual experience of a living Church may, at some future point, necessitate an adjustment in some of the conclusions of this study.

Two important qualifications come to mind even now. No doubt the impression has been conveyed that the moderator's role as manager of diocesan pastoral action ought to be considered as secundum legem. However, the uncertain definition of terms, especially "administration" and "pastoral activity", within the pertinent canons of the Codex might also allow for a praeter legem interpretation. On the

other hand, if there is an actual dubium iuris, a broad interpretation is justified.¹ Secondly, the author's enthusiasm for the office, its important function and the thoroughness of the process for planning and implementing pastoral action is admittedly somewhat idealistic. A new office and a renewed vision of pastoral action will in real life unfold with considerably less smoothness and absoluteness.

In terms of additional research, attention could be given to certain aspects of the moderator's office, in particular, the requirement that he be a priest, the connection with the office of vicar general, and the relationship of the moderator to other vicars general, episcopal vicars, other officials of the curia and the consultative bodies. Further clarification of the distinction introduced into canon 473.2 between pastoral and administrative activities would be helpful, and other possible functions for the moderator could be investigated. It will also be important to monitor actual utilization of the office in various types of dioceses and regions of the world. Perhaps even practical handbooks for moderators could eventually be written for use in specific circumstances.

¹Cf. Boniface VIII's Regulae iuris, 15, 30, 88.

Finally, it might be beneficial for any future code of canon law to refine the prescriptions governing the office of moderator, just as past and current legislation has provided details for several other curial offices (e.g., vicar general, chancellor, finance officer). Likewise, it might incorporate some principles of organizational development and management, just as past and current legislation has incorporated many principles of judicial procedure for tribunals. If, in fact, the moderator does become the usual manager of diocesan pastoral action, a more complete delineation of the curia and the moderator's place within it, the rudiments of a planning process for pastoral action (along with responsibilities for its various participants), and specification of the rights and duties of the moderator would need juridic determination.

Whether the concept and process of pastorale d'ensemble, with the moderator of the curia as its manager, becomes standard for the twenty-first-century diocese remains to be seen. A model has at least been proposed.

APPENDIX I

TABLE CORRELATING REFERENCES TO VARIOUS ASPECTS OF DIOCESAN PASTORAL ACTION

Vatican II documents

Code of canon law (1983)

Christus Dominus

n. 13	cc. 386, 761
n. 15	cc. 387, 835.1
n. 16	cc. 383.3, 384, 755.2
n. 17	c. 394
n. 18, 43	cc. 383.1, 771, 813.
n. 23	c. 383.2
nn. 25, 26	cc. 403.1, 407
nn. 28-31	cc. 247.2, 275, 384, 519 520, 524, 528, 529, 536, 545, 547, 548.3, 564, 568, 571, 757
n. 32	cc. 515.1-2, 516
n. 35	cc. 674-678, 680-682, 713, 738.2, 758, 801
n. 36-38	c. 447
n. 39	cc. 431.1, 433, 434
n. 42	c. 451

Presbyterorum Ordinis

nn. 7, 8, 14, 15	same as for <u>CD</u> , nn. 28-31
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Apostolicam actuositatem

nn. 2, 3, 10	cc. 208, 211, 212.2-3, 216, 225, 228
nn. 19, 20, 23	cc. 215, 223, 297, 298, 305 311, 313, 323, 328
nn. 21, 22, 24, 25, 28-32	cc. 229, 231, 780, 819
nn. 25-27	c. 329

Ad Gentes

n. 19	c. 385
nn. 37, 38	cc. 782.2, 790, 792

Sacrosanctum Concilium

nn. 11, 14, 33, 41	cc. 882, 1215.2
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Gravissimum educationis

n. 9	cc. 383.3, 386.1, 755.2, 756.2, 761, 771, 772.1, 775.1, 777, 780, 794.2, 802, 805, 806, 810, 813, 819, 821
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Unitatis redintegratio

n. 4	same as for <u>GE</u> , n. 9
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Inter mirifica

nn. 3, 13, 18, 20, 21	cc. 779, 804
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Ecclesiae Sanctae

n. 7	cc. 279, 819
n. 20	cc. 1740, 1748
nn. 41, 43	cc. 448.2, 458.2, 459

Directory on the pastoral
ministry of bishops

nn. 64, 71	cc. 759, 770, 775.1
nn. 66, 68	cc. 794.2, 802, 804, 805, 806.1, 821
nn. 109-115	cc. 278, 281
n. 123	cc. 445, 448.2, 458.2, 459
nn. 133-138, 181, 182	cc. 222, 1254.2, 1263, 1274.3, 1279.1, 1284.3
nn. 141-147	c. 394.2
nn. 162-170	cc. 396-398, 683
nn. 191-196	cc. 233, 245, 252, 255-258
n. 208b	cc. 130, 157, 274.1

APPENDIX II

MINUTES OF THE CODE COMMISSION AS RECORDED IN COMMUNICATIONES, 13(1981)

Original Text

Coetus "De populo Dei": Examen animadvertionum exhibitarum ex
processu verbali italice exarato

Seduta del 14 aprile 1980: Art. IV: De Curia dioecesana
Canones generales: Can. 285 (novus)

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Al § 2

Sorge qui la questione del coordinatore dei lavori di Curia, compito affidato di solito al Vicario Generale o ai Vicari Episcopali.

Prima di tutto, afferma Mons. Segretario, bisogna intendersi sul significato di « labores ». Se si tratta del normale lavoro di Curia a livello burocratico la coordinazione può essere affidata al Vicario Generale, se invece si tratta di orientamenti della pastorale diocesana, il compito della coordinazione spetta allo stesso Vescovo.

Il Relatore nota che qui ci si preoccupò, nella formulazione del testo, di salvaguardare l'unità di regime in diocesi per cui tutta l'attività dei vari Vicari, sia generali che episcopali, deve far capo sempre al Vescovo diocesano.

Un primo Consultore aggiunge che la formulazione fu fatta tenendo anche conto di quanto era emerso nel Vaticano II è cioè che i Vescovi ausiliari non gradivano dipendere dai Vicari generali che non fossero Vescovi.

Mons. Segretario per chiarire meglio tutta la questione propone di analizzare contemporaneamente sia il can. 285 sia il can. 286. Dichiarò altresì che bisogna definire bene i limiti dell'ufficio del « Moderator Curiae » cui compete solamente di coordinare il lavoro degli addetti alla Curia.

Il Consultore afferma che il Moderatore deve essere anche Vicario Generale per mantenere l'unità di regime.

Un altro Consultore afferma che il can. 286 § 1 sembra essere in contrasto con il can. 285 § 2, perché mentre il can. 285 § 2 attribuisce al Vescovo la coordinazione del lavoro dei Vicari, il can. 286 § 1 dà al Moderatore della Curia, che sarebbe il Vicario Generale, la coordinazione dei lavori di quelli che non sono Vicari. Così si arriva all'as-

surdo che il Vicario Generale, Moderatore della Curia, potrebbe coordinare i lavori di quelli che stanno sotto la direzione dei Vicari episcopali, non il lavoro di coloro che li dirigono. Tenendo conto che ad ogni Vicario episcopale spetta una porzione nell'amministrazione dell'attività pastorale, il Moderatore verrebbe a coordinare solamente l'attività di coloro che attuano le direttive dei Vicari episcopali e non gli stessi.

Mons. Segretario sottolinea le seguenti questioni: 1) non si può imporre il Moderatore di Curia a tutte le diocesi. Il Moderatore è cer-

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tamente utile nelle grandi diocesi, inutile nelle piccole diocesi, pertanto bisogna dire, quando si parla del Moderatore, una espressione limitativa, cioè « ubi expediat », ecc.; 2) c'è una certa confusione tra il lavoro pastorale nella diocesi, che viene affidato ai Vicari episcopali, e il lavoro amministrativo burocratico della Curia affidato al Vicario generale; pertanto propone di dire nel § 2 che il Vescovo deve coordinare « actionem pastorem » al posto di « labores qui ad exercitium pertinent munus... » ed aggiungere « ubi id expediat nominari potest Moderator Curiae » con il compito di coordinare il lavoro amministrativo burocratico in modo che si chiarisca la differenza tra le due forme di coordinazione. Dire poi che il Moderator Curiae deve essere il Vicario generale. Concordano il Relatore ed un terzo Consultore.

Il primo Consultore dichiara che una retta amministrazione diocesana dipende dalla coordinazione del lavoro che viene validamente attuata se può fruire della presenza di un Capo. È chiaro che la responsabilità della coordinazione spetta essenzialmente al Vescovo diocesano ma specie nelle grandi diocesi, il Vescovo non può arrivare a tutto ed ha bisogno di un sostituto.

Un quarto Consultore rende noto che nella sua nazione l'azione di coordinamento è fatta dal Consiglio episcopale che tiene riunione una volta alla settimana.

Viene fatta dal Relatore ed altri una sintesi tra il can. 285 § 2 e il can. 286 § 1; pertanto il testo di questo § 2 è il seguente: « Ipsius Episcopi diocesani est coordinare actionem pastorem Vicariorum sive generalium sive episcopalium; ubi id expediat nominari potest Moderator Curiae qui sacerdos sit oportet, cuius est sub Episcopi auctoritate labores coordinare quae negotia administrativa tractanda attinent, itemque curare ut ceteri Curiae addicti officium sibi commissum rite adimpleant ».

Il testo così emendato viene approvato all'unanimità.

English Translation

Study Group "People of God": Review of the observations found in the Italian-language minutes.

Meeting of April 14, 1980: Article 4: General canons on the diocesan curia: canon 285 (new)

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Regarding .2

Here the question of coordinating the work of the Curia arose, a task assigned usually to the Vicar General or the Episcopal Vicars.

First of all, stated the Secretary, we must understand the meaning of "labores". If it refers to the normal work of the Curia at the bureaucratic level, the coordination may be assigned to the Vicar General, but if on the other hand it refers to the direction of the pastoral life of the diocese, the task of coordination belongs to the Bishop himself.

The Relator noted that the concern here, in the formulation of the text, is to safeguard the unity of government in the diocese so that all the activity of the various Vicars, both general and episcopal, would always be headed by the diocesan Bishop.

One Consultor added that the formulation was made taking into account also what had emerged from Vatican II, that is to say, that the auxiliary Bishops would not accept dependence on vicars general who were not Bishops.

The Secretary proposed to clear up the whole question better by treating canons 285 and 286 together. He stated likewise that we must define well the limits of the office of "Moderator of the Curia" who has responsibility solely to coordinate the work of those appointed to the Curia.

The Consultor stated that the Moderator ought likewise to be the Vicar General in order to maintain unity of government.

Another Consultor stated that canon 286.1 seems to contradict canon 285.2, because, while canon 285.2 assigns to the Bishop the coordination of the work of the Vicars, canon 286.1 gives to the Moderator of the Curia, who should be the Vicar General, the coordination of the work of those who are not Vicars. Thus there is the absurd situation in which the Vicar General, the Moderator of the Curia, is able to coordinate the work of those who are under the direction of the episcopal vicars, but not the work of those who direct them. Assuming that a portion of the administration of pastoral action belongs to each episcopal Vicar, the Moderator would end up coordinating only the activity of those who carry out the directives of the episcopal Vicars but not the Vicars themselves.

The Secretary outlined the following issues: 1) the Moderator of the Curia should not be imposed on all dioceses. The Moderator may be

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quite useful in large dioceses but useless in small ones; therefore, when speaking of the Moderator, we ought to use a limiting expression, such as "where expedient", etc; 2) there is a certain confusion between the pastoral work of the diocese, which has been committed to the episcopal Vicars, and the bureaucratic administrative work of the Curia assigned to the Vicar general; therefore it is proposed to say in .2 that the Bishop is to coordinate the "pastoral action" in place of "tasks which involve the fulfillment of the responsibilities..." and to add "where it is expedient he may name a Moderator of the Curia" with the responsibility to coordinate the bureaucratic administrative work in a way that the difference between the two types of coordination is clear. Then to say that the Moderator of the Curia is to be the Vicar general. The Relator and a third Consultor agreed.

The first Consultor declared that a correct diocesan administration depends on the coordination of work that may be properly carried out and bear fruit with the presence of a Head. He pointed out that the responsibility of coordination belongs essentially to the diocesan Bishop, but, especially in a large diocese, the Bishop is not able to manage everything; he needs a substitute.

A fourth Consultor acknowledged that in his country the coordinating activity is performed by the episcopal Council which meets once a week.

A synthesis was made by the Relator and others between canon 285.2 and canon 286.1; therefore the text of this .2 is the following: [C. 473.2 of the 1983 Code].

The text, thus amended, received unanimous approval.

APPENDIX III

APPLICATION OF THE PROCESS FOR PASTORAL ACTION TO A PARTICULAR CONCERN: SACRAMENTAL CATECHESIS

Direction

Since the diocese in question has not previously engaged in the development of comprehensive pastoral action, the need for better sacramental catechesis surfaces in the preliminary research conducted by the curia. Reflecting on this finding, the pastoral and presbyteral councils establish sacramental catechesis as one of the priorities for diocesan pastoral action, a decision confirmed by the bishop.

Next, the catechetical and liturgy offices collaborate in formulating general guidelines for sacramental catechesis, with the help of seminary personnel, educators and other available resources. One such guideline specifies that "the personal circumstances of individuals preparing for sacraments should influence catechetical undertakings." This becomes part of the written plan for diocesan pastoral action agreed upon by the two councils and promulgated by the bishop.

Systematization

On the zone level, the episcopal vicar facilitates the adaptation of the diocesan guidelines on sacramental catechesis by means of more-detailed research (conducted either by his own staff or by the diocesan office) and through discussion within the zone's pastoral council. For example, it is determined that harsh economic conditions in a certain zone call for an approach to sacramental catechesis that stresses the dignity of each person and the importance of communal interdependence, and that promotes simple, inexpensive sacramental celebrations. This finds a place in the zone's general plan which is framed by the zone's staff and planning task force and then adopted by the zone's pastoral council with the episcopal vicar's approval.

During implementation, the various episcopal vicars meet regularly with the bishop and the moderator (the episcopal council); between meetings, the moderator monitors progress in the zones with the aid of curial personnel and helps revolve difficulties in consultation with the episcopal vicars.

A similar process takes place in the deanery, with the dean fulfilling the role of the episcopal vicar, who in turn fulfills that of the bishop and moderator. As for further specification in the area of sacramental catechesis, one deanery's plan incorporates the strategy of utilizing a small-group format and individual "sponsorship" for matrimonial catechesis, as ways to enhance the sense of personal dignity and communal support. The practicality of this strategy, in light of local circumstances, is supported by findings of a precedent "self-awareness" study in the deanery.

Programming and activation

On the parish level, the parish priest assumes the decisional and controlling roles. The pastoral council and staff share in forming the parish plan. Concretely, regarding sacramental catechesis, one parish's plan assigns to the adult catechist responsibility for recruiting married couples as leaders for the marriage preparation groups and other persons as "sponsors" for the engaged couples from the parish. Potential recruits are identified by means of an earlier "time and talent" survey.

Repetition of the process

According to a pre-arranged timetable, all parish pastoral councils and staffs evaluate their experience with pastoral action, including sacramental catechesis. One parish, for example, concludes that the severity of economic conditions requires more attention to the issue during sacramental preparation.

This proves, during the sequential deanery, zone and diocesan evaluations, to be a common appraisal. In response, the next diocesan plan emphasizes economic status among the "personal circumstances" to consider in catechetical undertakings. This necessitates no adjustment to the zone plan mentioned above, while the deanery plan adds some employment counseling to its program for matrimonial catechesis, and the parish tries to identify leader-couples with special skills in this area. (The same alterations might also have been made during actual implementation of the earlier plan -- either throughout the entire diocese or in particular districts -- as the result of discussions within the episcopal council or other "line" groupings, or within any of the pastoral councils).

During evaluation and re-planning, many factors related specifically to the zone, deanery or parish plans are adjusted at the appropriate level, in accord, however, with any modifications introduced at the next higher level. So, for instance, the deanery mentioned above increases its small-group program from five to six evenings in order to include Eucharist and supper, but this is not in reaction to any specific change in the zone plan.

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