

The Juridical Status of the Tridentine Mass

by Arnaud de Lassus Translated by J. Martin

At this time we are reproducing the following article to combat Msgr. Perl's continuing assertion again repeated in Section 4 of the previous article that "An exclusive right" to celebrate according to the 1962 books does not exist and has never existed, and no official text makes such a mention. The texts of the Congregation for Divine Worship are very clear and leave no room for doubt on this point.' On the occasion of the tenth anniversary of the Motu Proprio "Ecclesia Dei" (July 2, 1988), we recalled in a preceding issue of A.F.S (1) some texts giving a sane critique of the new Ordo Missae of Paul VI (1969). Arnaud de Lassus reviews here the juridical status of the old Ordo Missae.

The American review, *The Remnant*, in its letters to the editor section on April 15, 1998, published a letter of Msgr. Camille Perl, secretary of the Ecclesia Dei Commission, to one of his correspondents from Ohio. It is a letter of great interest, since it summarizes with clarity the position of the Commission on the juridical status of the traditional mass.

Msgr. Perl's Thesis

What does Monsignor Perl say?

"...we wish to point out that the effect of law was removed from the Bull *Quo Primum* by the Apostolic Constitution *Missale Romanum* issued by Pope Paul VI in 3 April 1969. At the conclusion of that document promulgating the new Roman Missal, the Pope stated:

'It is our will that these decisions and ordinances be firm and effective now and in the future, notwithstanding any Constitutions and Apostolic Ordinances made by our predecessors, and all other decrees including those deserving of special mention, no matter of what kind.'

The Legal basis for the celebration of the traditional Latin Mass today does not derive from the Bull *Quo Primum*, but from the documents *Quattuor abhinc annos* (5) and *Ecclesia Dei* (6) which were issued under the initiatives of Pope John Paul II."

Thus, the traditional Mass would be forbidden and could not legally be celebrated except by derogation, in the case foreseen by the two documents just cited (*Quattuor abhinc annos* of 1984 and *Ecclesia Dei* of 1988).

Such then is the thesis of the Ecclesia Dei Commission: an official thesis, a position largely admitted in the traditional milieu.

An Inexact Thesis

Now, this thesis is inexact. In effect, it is not possible to base an abrogation of the bull *Quo Primum* either on the paragraph which Msgr. Perl cited from the Constitution *Missale Romanum*, or on any of its other paragraphs, or on other Roman documents, or on an automatic process of substitution, as invoked by some canonists.

For the rest of this question, we go back to the A.F.S. brochure *Note on the juridical situation of the traditional Mass* and to the documents it cites on page 3.

We will interest ourselves here only with Msgr. Perl's argumentation, which finds an abrogation of the Bull *Quo Primum* in the final paragraph of the Constitution *Missale Romanum*.

The Analysis of Father Raymond Dulac

Msgr. Perl's argumentation has often been presented since the publication of the Constitution *Missale Romanum*...and has been as often refuted.

Here is the refutation of it given by Fr. Raymond Dulac (7) in two articles which appeared in the review *Itinéraires* #146 (September/October 1970).

Fr. Dulac cites the beginning of the Latin text of the last paragraph of *Missale Romanum*: "*Nostra HAEC autem STATUTA et PRAESCRIPTA nunc et in posterum FIRMA ET EFFICACIA esse et fore VOLUMUS.*" Then he explains: "For sure, the six words which we have just emphasized would express a will to oblige. But they lack the essential: the Pontiff does not say what are, *in precise details*, the laws and the prescriptions which he declares to will 'firmly and efficaciously'!

The 'Haec' which means to *demonstrate* them, designate them, refers to all that which precedes. But, in all that comes before, one finds (on page 9 of the typical edition) only two precise prescription: the three new Canons and the phrase 'quod pro vobis tradetur' added to the words of the consecration of the bread. Now (without speaking of the expression of will, statuimus -- jussimus being in the past tense, which is a strange way of speaking in a text which would mark an actual and lasting decision):

1. The use of the three new canons is presented as purely optional.
2. As for the addition 'quod pro vobis tradetur,' the two motives given (the 'pastoral reasons'; the 'convenience of concelebration'!) are so doubtful in themselves that the doubt falls back on the prescription itself, *if it were one.*" (8)

So we can establish that the Apostolic Constitution *Missale Romanum* enacts neither obligation nor interdiction.

Juridical Significance of the constitution *Missale Romanum*

Finally, how can we characterize, on the juridical level, the constitution *Missale Romanum*, which is the foundational act of the new “ordo missae”?

It constitutes a derogation of the general rules posed by the bull *Quo Primum* for the celebration of the Mass of the Roman Rite:

“The bull *Quo primum tempore* of Saint Pius V is not at all abrogated in its totality by Paul VI’s constitution *Missale Romanum* of April 3, 1969. That constitution brings nothing more to the obligation of the Tridentine Missal than, at the very most, particular derogations. (9)”

Disinformation which has lasted for thirty years

Let us draw from these remarks some conclusions.

* If the bull *Quo Primum* has not been abrogated, then it constitutes, today as yesterday, the legal base for the celebration of the traditional Mass of the Latin rite.

* In these conditions the letter, from the Congregation for Divine Worship, *Quattuor abhinc annos* of October 3, 1984, does not have juridical signification (to authorize in a restrictive manner what was never forbidden does not make any juridical sense); it has a bearing in the psychological sense, on the level of human relations: that of lessening a little the constraints coming from what we must and do well to call an abuse of power by the bishops. The same is true of the part of the *motu proprio Ecclesia Dei* which pertains to the celebration of the traditional Mass.

* We are, then, in the presence of a veritable disinformation lasting almost thirty years, and bearing on a question of great importance.

Fr. Dulac was proposing the hypothesis of this as far back as 1970, in an article entitled “Bearing Witness” in *Itinéraires* #146.

“One can ask the question: for what reason the Pontiff in 1969 did not will to abrogate a law of four centuries, a law which he praises greatly, a law, which he doesn’t criticize at all, a law, which, at its origin, sanctioned an ancient CUSTOM, already, in its essential part, of a thousand years; a law, finally, clothed, in its terms, in the most solemn formalities? He did not at all wish to abrogate it, and, nevertheless, he seems to substitute it with another. It is certainly an important question.

There is a still more important issue: why did he NOT SAY clearly that he did not will to abrogate? Why did he leave to the “specialists” the care and perhaps the peril of denouncing it? Why did he allow to be born, in some souls, the frightful suspicion: ‘Everything happens as if one did not dare to impose an obligation, while letting everyone believe the contrary’?”

The tenth anniversary of the motu proprio *Ecclesia Dei* was celebrated this year. It is a good occasion to make known that the traditional Mass was never forbidden and to put an end to a disinformation which carries with it great harm.

Notes:

(1) A.F.S. *Action Familiale et Scolaire* is the publication of a French organization of the same name, dedicated to the defense of the family, in the light of the integral, traditional teaching of the Catholic and Roman Church. *Action Familiale et Scolaire*. 31, rue Rennequin, 75017 PARIS, France.

(2) “Commission... having for its mission to collaborate with the bishops, the dicasteries of the Roman Curia and the interested milieux, with the goal of making easy the full ecclesial communion of priests, seminarians, religious communities and individual religious, having up to this time ties to the Fraternity founded by Monsignor Lefebvre and who desire to remain united to the successor of Peter in the Catholic Church, in conserving their spiritual and liturgical tradition, in the light of the protocol signed on May 5th by Cardinal Ratzinger and Msgr. Lefebvre.” Mou proprio *Ecclesia Dei*, John Paul II (July 2, 1988).

(3) Bull of Pope Saint Pius V (19 July, 1570) promulgating the restored Roman Missal. Up until the liturgical reform of 1969, it was to be found at the beginning of all Roman Missals.

(4) For the exact text of this Constitution, one must refer the *Acta Apostolic Sedis*; the French translation distributed by the Vatican press and reproduced in #1541 (June 1969) of *Documentation Catholique* contains a falsification and a gross error of translation [English translations are similarly “doctored” - trans].

(5) Letter of October 3, 1984 of the Congregation for Divine Worship. It authorized the bishops to give permission to celebrate the traditional mass under very limited conditions; it is what is called “the Indult”.

(6) Motu proprio *Ecclesia Dei afflictata* of John Paul II (2 July 1988). See especially its paragraph relating to the traditional mass: “One must everywhere respect the spiritual desire of those who feel ties to the Latin liturgical tradition, in making a large and generous application of the directives given in their time by the Apostolic See, for the use of the Roman Missal according to the typical edition of 1962 (Letter *Quattuor abhinc annos* of 3 October, 1984).”

(7) Priest of the diocese of Versailles, died in 1987, formed in the French seminary in Rome from 1920 to 1926, in the great epoch of Fr. Le Floch; collaborator of the reviews *Pensee Catholique*, *Itinéraires* and *Courier de Rome* (cf. the article “In memoriam”. A.F.S. #70).

(8) Fr. Dulac, canonical consultation summary of the new order of Mass, *Itinéraires*, #146. P.98.

(9) Fr. Dulac, “La bulle Quo Primum”, Itinéraires, April 1972.

(10) That is, *Quo primum*.