

The stones will cry out. (Luke.19.40)

On the Canonical Status of the Roman Rite (Revised February 11, 2000)

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Foreword

For as long as I can remember, the Mass has been the focus of my life. No need to specify which Mass: there was only one, the Mass that has been handed down through the centuries, by faithful Bishops to their successors, the priests whom they themselves ordained to say it.

When I was about 12 years old, I remember walking, with my younger sister and her friend, along a railroad track into the next town to attend Mass on the first Friday of the month. My parents had sent me to supervise the group at a summer camp, and there was no Church in the area. So three of us set out early in the morning on a beautiful summer day to go to Mass and receive Christ in the Blessed Sacrament. The area was new to us, we probably did not walk fast enough - for whatever reason - Mass was just finishing as we arrived. We went to the Sacristy to ask Father to, at least, give us Holy Communion. He took one look at us - three medium-sized girls, dishevelled, weary, and flagging from fasting, and he refused.

My sister and I attended St. Mary's Academy operated by the Sisters of the Holy Names of Jesus and Mary, in Windsor, Ontario. It was on the outskirts, and we had to take a bus every morning to get to school. Since class started early, and the bus picked us up at a designated stop even earlier, there was little opportunity for daily Mass; but since completing high school, and through the great benevolence of God, I have missed few mornings. This was not too difficult because, if the Mass schedule in one Church was in conflict with my school or work schedule, I could always find a Mass at a more convenient time somewhere else. And, always, the Mass was the same. "Introibo ad altare Dei", the priest would mutter, and the altar boy responded: "Ad Deum qui laetificat iuventutem meam."

After completing my studies in Pharmacy from the College of Pharmacy in Toronto, I decided to take a brief sabbatical, and invited my cousin, Polly, to come on a three-weeks' tour of Europe. There was never any question of not getting to Mass every day. After all, we were not taking a holiday from God; and there was no doubt that wherever we went, the Mass would be the same.

Since it was before jet travel became the norm, we were scheduled to sail on the French ship, the Flandre which had just been launched. A few weeks before sailing we were advised that the Flandre had developed engine trouble, and we would be accommodated, instead, on the Ile de France.

The Ile de France, like the Vesuvius on which we were scheduled to return, had a small but exquisite chapel. Through the grace of God there were 3 priests on the voyage going out, so I was able not only to attend 3 Masses daily, but also to make the responses. Pope Pius XII was encouraging greater participation of the faithful in dialogue Masses, and this was my initiation. That is how we met Father Raymond Hain who was working at the Vatican, and who offered to show us around when we got to Rome. Father Hain was also able to obtain for us a special audience with Pope Pius XII.

As we waited for the audience, all in black and with black veils, a Monsignor advised us that a third person would be included on our invitation - a Jewish lady who wanted to meet Pope Pius XII to thank him for all he had done for the Jews during the Second World War. In preparation for this audience Esther had cut the gold buttons off her jacket, knowing that women had to be in black out of respect for the Pope.

On the return voyage we boarded the Vesuvius in Naples, and docked again at Genoa before heading across the Atlantic. While in dock the ship was cleaned and put in order, and also took on a Chaplain and other passengers. That morning, in order to get to Mass, I had to leave the ship and go find a Church. "Dove la chiesa?" (Where is the Church? - what a question in Rome!) I asked, hurrying along. Afterwards, I wound my way back to the ship through narrow streets bustling with activity.

After graduation from medical school at the U. of Western Ontario, London, I was accepted in the internship program at Montreal General Hospital that included two months at the Montreal Neurological Institute where Dr. Wilder Penfield was still carrying out research. He was a very humble man who achieved fame through his mapping of the brain area responsible for epileptic seizures.

An intern's days were very busy: we admitted all the new patients, took turns working them up, ordered the appropriate tests then wrote the necessary orders for medication. One afternoon, on a particularly busy I suddenly realized that I might not be able to get to Mass at all. We were expecting a new patient, and it was my turn to work him up. My supervising resident physician who was Jewish and a gentleman, agreed to work up the patient who had arrived in the interim, wrote the orders, and did not mind at all. That incident was most unusual: it was rare that I was not able to fit everything into my schedule.

While on a grant from the US Public Health Service to study Public Health and Tropical Medicine at Tulane U. in New Orleans, I was conscripted by a friend in the Epidemiology Dept. to help provide relief in the area flooded by Hurricane Betsy. My apartment was in the French Quarter not far from St. Louis Cathedral where there was Mass at 6 pm each day. The day that Betsy struck, while the eye passed through, there was relative calm just about the time I was to set out for Mass. It was eerie walking over debris, through the streets of the French quarter usually alive with tourists and locals, now deserted, with evidence of devastation on all sides. Only Christ in the Mass kept me functioning.

Later, I was seconded to a team from Nutrition Canada mandated to determine Canadian eating habits in various areas of the country to evaluate their adequacy. We travelled in a large bus with all our equipment which had to be set up each morning and dismantled at night. Each night we were in a different town, a different hotel and a different clinic. One night I learned that the nearest Church for Mass the next morning was in the next town, 25 miles away. I was able to borrow a car and rush 25 miles back to be on time for the clinic. God is good.

There are other such examples, and I am certain that many other Catholics made the same or similar sacrifices to attend daily Mass. And always, in whatever country, city or town, it was the same Mass. Although Pope Pius XII, in *Mediator Dei*, urged more reverent participation by the laity, and greater devotion on the part of the laity is always encouraged, there was not the exodus and closing of churches that we are witnessing today.

It was the Mass handed down from the Apostles, until Archbishop Bugnini conned Pope Paul VI. One Easter Sunday, coming out of Church, I felt suddenly empty. There had been not one Alleluia!

The most solemn part of the Mass, for me, after the Consecration itself is what is referred to as the Minor Elevation. At this point the priest has just prayed for the souls in Purgatory and for us sinners, through Jesus Christ, Our Lord, then he adds: "Through Him, with Him and in Him is to Thee God the Father Almighty, in the unity of the Holy Ghost, all honour and glory." And everybody answers: "Amen."

Tradition has it that one Christmas, when Pope St. Gregory the Great reached this point, the angels themselves made the response: "Amen." Since learning about this I am waiting to hear the Angels make the response with the congregation.

Through the great benevolence of God, I still get to Church every day.

Most days, I attend the traditional Mass at St. Clement Church in Ottawa, which the Bishop has erected into a parish. But when travelling, I usually have to depend on the Novus Ordo, never the same because of the inventiveness of its ministers; and which may or may not be valid, depending on the matter used to consecrate the Sacrament, and on other factors.

On retirement, I took up the study of Canon Law. My interest does not lie in marriage tribunals but in defending the rights of the faithful, emphasized in the new Code promulgated in 1983. Hence, this treatise which I place in the hands of the Mother of God who remained at the foot of the Cross for the divine sacrifice, commemorated and perpetuated in every Mass until the end of time.

Some will wonder why I have spent so much time collating the information presented in these pages. They might even attribute it to nostalgia, and label the whole effort a waste of time; but, in truth, I have witnessed so many abuses of the liturgy over the past thirty years, as well as offences against the Blessed Sacrament that I can no longer remain silent. In perusing the various documents, some in the original language which is often more forceful than any translation, I was impelled to include both - the former as a footnote, for those who could not accept the translations.

M. J. Ferrari,

Feast of Our Lady of the Holy Rosary, 1999.

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Introduction

In her remarkable treatise that encompasses the Roman Liturgy, Dr. Catherine Pickstock, citing Scarisbrick, bewails the fact that "within the Church, historians recognize an increasing drift towards the dominance of canon law in Church procedure and episcopal operation.... As a result (she writes) the Church itself became more and more a legally defined and contractual body, while the notion of the Church as formed through the Eucharist was gradually lost."(1)

Not everyone agrees with that assessment. But there should be no wonder at the growing concern about the juridical status of the traditional Mass also known as the Roman Rite, the heart of Liturgy and of the Church, a living body composed of the Church Triumphant, the Church Suffering and the Church Militant, tired and almost mortally wounded - fighting to protect its Liturgy. But consider: "Liturgy is not a product of legal ordinances. It is rooted in custom not in law. It is a living thing because it is identified with Christ Who is life eternal; and because it is the product of the actions of people handed down from father to son. Any intervention of law has to respect that." (Father John Mole, OMI, personal communication)

So what is the juridical status of the Roman Rite which is not only a Sacrament, but also the heart and the soul of the Church founded by Christ? To pursue this subject logically, one probably should look, first, to the Natural Law which Black defines as follows: In ethics it consists in practical universal judgments which man himself elicits. These express necessary and obligatory rules of conduct which have been established by the author of human nature as essential to the divine purposes in the universe and have been promulgated by God solely through human reason. (2)

Or as Charles Rice attempts to clarify it: the natural law is based on what is good for the nature of a thing or for man and his nature, presumably "undefaced by dishonesty, falsehood, or indulgence of the baser passions". (3) The Natural Law and the Ten Commandments are like the Manufacturer's Directions, says Rice. He gives an example, "One is free to put molasses into the carburettor of his car if he chooses to,

but oil is better." As Rice puts it: "If he uses molasses he will be liberated, pro-choice - and a pedestrian." (4)

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Background

An often-forgotten tenet of the Natural Law is that, in justice, those who are created owe sacrifice to their Creator. In addition, because of Adam's sin, as persons burdened with original sin and its consequences we have an even greater obligation to offer sacrifice (5). The debt must be paid. What, then, is the only sacrifice worthy of - or even acceptable to - God, our Creator? For the answer we must go back to the beginning of Christian history, when out of His great love for His creatures and to atone for their sin, Christ - Son of God - offered Himself as such a Sacrifice. But before His Crucifixion and death, at the Last Supper with His twelve apostles, He transformed bread and wine into His own Body and Blood, adding: "As often as you do these things, do them in memory of Me". A liturgy has developed around this Sacrifice, the covenant of the New Testament, which - like all covenants (6) - had to be ratified (7). This was done on Calvary. When would it be promulgated? This we shall see.

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History of the Liturgy or Rite of the Mass known as `Tridentine'

Abel offered the favourite lamb of his flock, and Abraham was prepared to offer his only son, Isaac, to God; but the first to offer bread and wine in sacrifice was Melchisedech, the king of Salem, who was also a priest of the most high God. Eight hundred years went by before David - 1100 years before - referred to Christ as "a priest forever according to the order of Melchisedech." (8) The apostles and their successors carry on this tradition of the High Priest of the new covenant, as priests forever.

Like a gem in a filigree of precious metal, the Sacrifice, itself, is enshrined in a setting referred to as liturgy. According to Michael Davies, the word `liturgy' is derived from a Greek root meaning a public duty or service to the state undertaken by a citizen. He continues: In ... the Greek version of the Old Testament, it (liturgy) is used for the public service in the Temple, and is thus invested with a religious sense as the function of priests in the ritual of Jewish worship. Our Lord is described as the Leitourgos of holy things in Hebrews 8:2 The Liturgy is ... not something we do

but something which Our Lord does. It is an action of Christ... an action with which His Mystical Body, the Church is able to unite itself. In his encyclical, *Mediator Dei*, Pope Pius XII defined the liturgy as "the whole public worship of the Mystical Body of Jesus Christ, Head and members." At the heart of this public worship lies the Most Holy Sacrifice of the Mass, that visible sacrifice which the nature of man requires, and the sublime majesty of the Trinity demands. (9)

In the Mass, all the prayers and readings of the Liturgy build to a crescendo until the Consecration, during which the priest, an alter Christus, transforms the bread and wine into the Body and Blood of Christ. That sacred moment has no other to equal it in majesty or reverence, in all the universe. At its inception, the Liturgy could not be recorded in written form. (10) Later, there were no swift ships to cross the ocean and bear dispatches from place to place. How, then, could the Liturgy have been so similar around the civilized world - whether in the Eastern or Western Church - had it not been inspired by the Holy Spirit, and handed down by the Apostles and their successors? The significance and pertinence of the various prayers and ceremonies of the Roman Rite have been described in detail, citing their theological ramifications by Father Francis Clark, S. J., Professor of Theology at the Pontifical Gregorian University in Rome. (11) This will be alluded to later.

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Regional Differences in Rites

Differences in the various rites that were handed down, are compared by Cardinal Bona "to the dress of the spouse in the Canticle of Canticles, which abounded with such a variety of colours". (12) But the differences have no impact on the nature or theology of the Mass. For example, the Carthusians, founded in 1084 by St. Bruno, put wine and water in the Chalice at the beginning of Mass, and say the introductory psalm and Confiteor at the Gospel side of the altar, not at the centre. Their form of Confession is much shorter than ours, and instead of saying the *Oramus te, Domine* as they ascend the altar steps, they say a *Pater* and *Ave*. They make a profound bow instead of genuflecting at the *Et homo factus est* in the Creed. Never, during the Mass, do they touch the ground with the knee; and "[f]rom the beginning of the Canon to the 'Hanc igitur' they stretch out their arms ... as to exhibit the form of a cross...." (13)

Next are the Carmelites who owe their existence principally to Berthold, a monk and priest of Calabria. In 1156, he and some companions erected huts on the heights of Mt. Carmel to form a community who recite the psalm *Judica me, Deus* on their way

to the altar, not standing in front of it. They pour water and wine into the chalice before the beginning of Mass like the Carthusians. There are other variations but essentially the Mass is the same.

The form of the Mass of the Dominicans, founded by St. Dominic in 1215, shares some of the characteristics of the previous two orders, and in addition has the following peculiarities. Instead of the psalm, *Judica me, Deus*, they recite certain verses beginning with *Confitemini Domino quoniam bonus*. They say the opening words of the *Gloria in excelsis* at the middle of the altar, and complete it on the Epistle side. They kneel at the *Homo factus EST*, after spreading out the front of the chasuble on the altar. Then, they return to finish the Creed at the book on the Gospel side of the altar. After the Gospel of St. John they make the sign of the Cross, go to the middle of the altar, fold the corporal and put it in the burse, then return to the sacristy reciting the *Benedicti* after Mass.

At one time there was hardly a locality which had not some peculiarity of its own in celebrating the Holy Sacrifice. This, of course, was nothing touching the substance of the Sacrifice itself, nor, indeed, could it be considered a change in the general norma of the Mass. It was "*præter Missam*," as some theologians would say, rather than "*contra Missam*". But as these peculiarities often gave rise to much dissension, and tended in some cases to the formation of national churches, the Holy See thought well to direct immediate attention to them and stay their rapid progress. The matter was taken in hand by the sacrosanct Council of Trent, under the auspices of Pope Pius V. His Holiness issued a decree to the effect that all those rites which had not been approved of by Rome from time immemorial or which could not prove an antiquity of two hundred years, should be abolished then and forever. The result was that only three orders could prove an antiquity of two hundred years - viz., the Carthusians, Carmelites and Dominicans - and only two of the other class could show that they had been approved of from time immemorial - viz, the Mozarabics and Ambrosians or Milanese. (14)

Father John O'Brien continues: The ancient Spanish Liturgy introduced by St. Torquatus and his companions resembled the Roman in all essential points. When Spain was invaded by the Suevi, Alani and Vandals and Visigoths (fifth century) all of whom were Arian, its Liturgy and the Arian Liturgy commingled and ran hand-in-hand for many years. (15)

Since the Spanish Church remained in close communication with Constantinople, the headquarters of the East in the beginning of the fifth century, several Greek customs entered the liturgy along with those that were "rank with Arianism" (16) so that it stood in need of renovation. In the year 537 Profuturus, Archbishop of Galacia wrote for advice to Pope Vigilius. His Holiness sent him the Canon of the Mass according to the Roman norma, together with a copy of the entire Mass of Easter, so that he could shape the new Liturgy by them. (17) Incidentally, this is an indication of the respect in which the Primacy of the See of Rome was held, even in the sixth century. Like the Mass itself, the Apostles' Creed is an example of what had to be committed to memory, i.e. not put on paper. (18)

This was to avoid betrayal to those who might try to prevent Christian worship. The Apostles' Creed was used in the Mass until the year 325 when it was replaced, in the Oriental Church, by the Nicæan Creed. (20) The Fathers of Nicæa added certain clauses to the Apostles Creed to counter the principal heresies of their day; and an expanded version of the creed was developed by St. Gregory Nazianzen. As the Council of Nicæa condemned Arius, so the Council of Constantinople held in 381, condemned Macedonius, a heretic who denied the divinity of the Holy Ghost. Certain phrases were added to the Nicæan creed to specify the distinctive prerogatives of the three Divine Persons. Oriental in its origin, the Council of Constantinople, subsequently, was declared to be œcumenical by a decree of the Roman Pontiff.

Father O'Brien cites an interesting variation in the Creed said in the Church of the Holy Sepulchre in Jerusalem where it is obligatory to add the adverb hic (here) after the words et sepultus EST (was buried), to specify the place. (21) The Creed, now, used in the Roman Rite is that prepared by the Fathers at the Council of Trent where nothing new in the way of dogma was added to the Nicæan Creed: the changes related merely to its grammatical construction. (22)

When discussing the Canon, the most sacred portion of the entire Mass, Father O'Brien stresses its antiquity going back to the time of the Apostles. "So careful is the Church to prevent innovations from entering into this part of the Mass that she forbids anyone to meddle with it under pain of incurring her most severe censures. (23) Until Pope John XXIII added the name of St. Joseph, no Pope has added to or changed the Canon since St. Gregory. (24) We would be justified in saying that it takes us back in its present form to those days in the past when we could converse with men who spoke face to face with our Divine Lord, Himself, and His blessed apostles, according to O'Brien. (25)

The old Roman Liturgy wrongly called 'Tridentine' is the liturgy of the Papal Chapel. It was completed in its essentials by Gregory the Great. Other elements often of Gallican or German origin, were added over the centuries until, finally, it was codified by St. Pius V in 1570. What led up to this?

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The Council of Trent, 1545-1563

On the thirteenth of December in 1545, by a Papal Bull, *Lætare Ierusalem* - dated November 19, 1544 - Paul III convened in the city of Trent, an ecumenical council, with these words: Very reverend and reverend fathers, for the praise and glory of the holy and undivided Trinity, Father and Son and Holy Ghost, for the increase and growth and esteem of the faith and christian religion, for the eradication of heresies, for the peace and unity of the church, for the reform of the clergy and the Christian people, for the crushing and complete removal of the enemies of the Christian name, is it your wish to decree and to declare that the holy and general council of Trent is beginning and has begun? (26)

The assembled clerics, including the three papal legates in attendance, responded "placet" (Agreed). At the second session, 7 January, 1546, in order to ensure that the gathering would be fruitful, the holy council of Trent, lawfully assembled in the Holy Spirit, ... has determined and decreed that each and all of Christ's faithful gathered in the city of Trent are to be urged (as it now urges them) to free themselves from the evils and sins which they have hitherto committed, and from now on to walk in the fear of the Lord and not to gratify the desires of the flesh, to be instant in prayer, to confess more often, to receive the Sacrament of the Eucharist, visit churches frequently, observe the Lord's precepts (as far as each can) and also to offer prayers daily for peace among Christian rulers and for the unity of the Church. Indeed, the bishops and all others ordained to the priesthood who are taking part in the ecumenical council in this city are to strive to praise God, to offer sacrifices, praise and prayers, and to celebrate the sacrifice of the Mass at least on each Sunday (27). There were other recommendations to ensure the success of the council, e.g. fasting each Friday in honour of Our Lord's passion and bestowing alms on the poor. According to the records of the various sessions, many canons were adopted on a range of topics, but those of concern, here, are those regarding the Roman Rite. In Session 22 which opened 17 September, 1562, the council proclaimed:

As there was no fulfilment under the old covenant because of the inefficacy of the levitical priesthood (according to the Apostle Paul) it was necessary for another priest (as ordained by God, the Father of mercies) to come forward according to the order of Melchisedech, Our Lord Jesus Christ, who could bring to completion all those to be sanctified and to lead them to perfection... (and He) instituted a new passover, namely the offering of Himself by the church through its priests under visible signs in memory of His passing from this world to the Father when He redeemed us by the shedding of His blood, rescued us from the power of darkness and brought us into His kingdom. (28)

And since holy things are to be dealt with in a holy way (and) this sacrifice is the holiest of all things, the Catholic church, so that it might be offered worthily and reverently, has used (instituit), for many centuries, a venerable Eucharistic prayer, quite free from all error, and containing only what is redolent of the highest degree of that holiness and devotion which elevates the minds of those making an offering to God. For it contains excerpts of the Lord's very own words as well as those from apostolic tradition and the devout acts of the saintly popes. (29)

And since human nature is such that it cannot easily rise to the contemplation of divine realities without external aids, for this reason, holy mother church has established certain rites so that some parts of the Mass should be said in a soft voice and others, more loudly; and it has provided rituals such as symbolic blessings, lights, incense, vestments and many other ceremonies of that kind from apostolic order and tradition, by which the majesty of this great sacrifice is enhanced, and the minds of the faithful are aroused by those visible signs of religious devotion to contemplation of the deep mysteries hidden in it. (30)

The canons emanating from this 22nd Session underlined the reverence and esteem of the Council Fathers for the Mass:

1. If anyone says that a true and proper sacrifice is not offered to God in the Mass, or that the offering is nothing but the giving of Christ to us to eat: let him be anathema. (31)
2. If anyone says that by the words, Do this in remembrance of Me, Christ did not make the apostles priests, or did not lay down that they and other priests should offer His Body and Blood, let him be anathema. (32)
3. If anyone says that the sacrifice of the Mass is only one of praise and thanksgiving, or that it is a mere commemoration of the sacrifice enacted on the cross and not

itself appeasing; or that it avails only the one who receives and should not be offered for the living and the dead, for their sins, penalties, satisfactions and other needs: let him be anathema. (33)

4. If anyone says that by the sacrifice of the Mass blasphemy is committed against the most holy sacrifice of Christ enacted on the cross, or that it devalues that sacrifice: let him be anathema. (34)
5. If anyone says that it is an imposture for masses to be celebrated in honour of the saints and to secure their intercession with God, as is the mind of the Church, let him be anathema. (35)
6. If anyone says that the Canon of the mass contains errors and should therefore be abolished, let him be anathema (36).
7. If anyone says the ceremonial, vestments and external signs used by the Catholic church in the celebration of mass are temptations to impiety rather than means of devotion, let him be anathema. (37)
8. If anyone says the Rite of the Roman church in which the words of consecration and parts of the eucharistic prayer are offered in a low voice, should be condemned; or that mass should only be celebrated in the vernacular; or that water should not be mixed with the wine to be offered in the chalice, on the grounds that this is against Christ's teaching: let him be anathema. (38) There is little doubt, therefore, that when the Council Fathers, in the 25th Session, 3-4 December, 1563, referring to various censures and books, ordered that all be presented to the Pope and so by his wisdom and authority they be completed and published; and when they gave similar orders in the matter of the catechism prepared by those commissioned, "and of the Missal and breviary", they did not intend that the Mass undergo drastic revision but, rather, that it should be preserved in its pristine form, (39) according to the Roman Rite.

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The Role of Pope St. Pius V

It is important to recall something of the life of the Pope involved in preserving the Liturgy. Born of a noble but impoverished family, in Lombardy in 1504, Michele Ghisleri was destined to learn a trade; had he not been accepted and educated by the Dominicans who trained him in the ways of solid piety. He was ordained in 1528, and taught theology and philosophy for sixteen years. As Master of novices and Prior in various houses he was an example to all. He fasted, did penance and passed long hours of the night in meditation and prayer.

He was made Bishop of Sutri by Paul IV; and zealous against heresy, he was frequently called to Rome for consultation. It was he who defeated the project of Maximilian II, Emperor of Germany to abolish ecclesiastical celibacy. On the death of Paul IV, in 1566, he was elected Pope "despite his tears and entreaties" and took the name of Pius V. (40)

Among his many works of charity and efforts to reform the clergy with his friend, St. Charles Borromeo, he devoted two meditations daily on his knees before the Blessed Sacrament. It was he who endeavoured to bring Maximilian, Philip II and Charles IX together for the defence of Christendom. In 1570 when Solyman II attacked Cyprus threatening all Christianity in the West Pius V laboured to unite the forces of Venice, Spain and the Holy See.

He sent his blessing to Don Juan of Austria, the commander-in-chief of the expedition against the Turks, recommending him to leave behind all soldiers of evil life, and promising him the victory if he did so. In anticipation of the battle, he ordered public prayers, and increased his own supplication to Heaven. On the day of the Battle of Lepanto - 7 October, 1571 - he was working with the cardinals, when, suddenly, interrupting his work, opening the window and looking at the sky, he cried out, "A truce to business; our great task at present is to thank God for the victory which He has just given the Christian army." He burst into tears when he heard of the victory which dealt the Turkish power a blow from which it never recovered. In memory of this triumph he instituted, for the first Sunday of October, the feast of Our Lady of Victory - later, Our Lady of the Rosary; and he added to the Litany of Loreto the supplication: 'Help of Christians' (41).

It was this Pope who, on July 14, 1570, issued the Apostolic Constitution, Quo primum, which preserved the Roman Rite handed down from the Apostles, until the end of time. (42) To quote from this document:

§1. For, besides other decrees of the sacred Council of Trent, We were given the mandate to revise and re-edit the sacred books: the Catechism, the Missal and the Breviary ...

§2. We selected learned men and entrusted this work to them. They very carefully assembled all their work in accordance with the ancient codices in our Vatican Library and with reliable, preserved or untainted codices from elsewhere... consulted the works of ancient and approved authors concerning the same sacred rites; and thus have restored the Missal itself to the original form and rite of the holy Fathers. When

this work had been gone over numerous times and submitted to further corrections, after serious study and reflection, We ordered that the finished product be printed and published as soon as possible, so that all might enjoy the fruits of this labour; and priests would know which prayers to use and which rites and ceremonies they were required to observe from now on in the celebration of the Masses. (Emphasis added.) Let all embrace and preserve what has been handed down by the Holy Roman Church, the Mother and teacher of the other Churches, and let Masses not be sung or read according to any other formula than that of this Missal published by Us. This ordinance applies henceforth, now, and forever, throughout all the provinces of the Christian world, to all patriarchs, cathedral churches, collegiate and parish churches, secular or religious, both of men and women - even of military orders - and of churches or chapels without a specific congregation in which conventual Masses are sung aloud in choir or read privately in accord with the rites and customs of the Roman church. This missal is to be used by all churches even by those which in their authorization are made exempt whether by Apostolic indult, custom or privilege, or even if by oath or official confirmation of the Holy See, or have their rights and faculties guaranteed to them by any other manner whatsoever. (43)

And, later, after making exception for those who received permission to 'say Mass differently' at least 200 years before, or unless there prevailed a custom of similar kind which has been continuously followed for a period of not less than 200 years, St. Pius V added:

§4. This present document cannot be revoked or modified but remains always valid and retains full force....

§5 Notwithstanding the previous constitutions and decrees of the Holy See, as well as any general or special constitutions or edicts of provincial or synodal councils, and notwithstanding the practice and custom of the aforesaid churches, established by long and immemorial precept except, however, if more than two hundred years standing. (44) Then, St. Pius added prescriptions regarding time:

§ 6. ... After we publish this Constitution and edition of the Missal, the priests of the Roman Curia, after thirty days, are obliged to chant or read the Mass according to it; all others south of the Alps, after 3 months; and those beyond the Alps either within six months or whenever the Missal is available for sale.... (45) He also added a penalty, even for noncompliance by printers ...

§7. ...whether mediately or immediately subject to our Dominion and that of the Holy Roman Church. Their books are to be forfeited and a fine of one hundred gold ducats payable, ipso facto, to the Apostolic Treasury. For those located in other parts of the world, the penalty is excommunication *latae sententiae* and such other penalties as in Our judgement should be imposed. (46) To set the seal of his office to the document St. Pius added:

§8. Printed copies of this same edict signed by a notary public and made official by an ecclesiastical dignitary possess the same validity everywhere and in every nation, as if Our manuscript were shown there.

Therefore, no one soever is permitted to alter this notice of our Permission, statute ordinance, command, precept grant, indult declaration, will, decree and prohibition. He should know that he will incur the wrath of Almighty God and of the Blessed Apostles, Peter and Paul.

Given at St. Peter's in the year of Our Lord's Incarnation, 1570, on the 14th day of July of the fifth year of our Pontificate. (47)

It is clear that Pius V protected Custom. Through *Quo Primum* he ensured organic growth of the living Rite, and avoided severe pruning that could only result in its death. Is there any doubt that St. Pius V meant to bind his successors? And why should he not? Did not Christ intend to bind His followers? Did not Peter? The whole purpose of establishing a line of succession based on Peter, the Rock, is to bind those who follow to maintain and preserve the Apostolic tradition, and the purity of the Church that Christ founded.

Those who are striving to abrogate the Roman Rite argue that *Quo Primum* was a disciplinary document and therefore subject to revision by succeeding Popes, if deemed appropriate. By way of contrast they cite *Ineffabilis Deus*, the Apostolic Constitution by which Pope Pius IX proclaimed the dogma of the Immaculate Conception, December 8, 1854. This was more than a disciplinary measure, because it defined a dogma that the Church had always taught.

Others would cite the suppression of the Jesuits by a "similar decree", later revoked. Ergo, they say, Apostolic Constitutions that deal with disciplinary measures are revokable. Clement XIV suppressed the Jesuits by means of a Papal brief, *Dominus ac Redemptor* of July 21, 1773, not an Apostolic Constitution. Unlike the brief suppressing the Jesuits, *Quo Primum* has never been abrogated. And since the brief

is cited as a precedent for abrogating Apostolic Constitutions, and since it is essentially a non-document, there probably never in the history of the Church been an abrogation of an Apostolic Constitution. Moreover, Quo primum protects the liturgy which is the heart and soul of our faith, of our Church, and of our very lives. In observing the rubrics preserved by Custom, the celebrant reminds us of the doctrine and theology always held and taught by the Church. The Pope, no doubt, has the authority to change merely disciplinary laws. But what about a disciplinary law that protects the doctrine and theology handed down from the Apostles, as well as Custom? Can anyone in good faith believe that this can be abrogated?

Other Popes have been involved, directly or indirectly, in preserving the Roman Rite, through other Encyclicals that have either corrected abuses, or have emphasized the value and beauty of - or the reverence due to - the Liturgy handed down by Christ, Himself, through the Apostles and their successors. Among the most notable are Pius XII and our current Pope, His Holiness, John Paul II.

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The Role of Pope Pius XII

Baptized Eugenio Maria Guiseppe Giovanni Pacelli in 1876, Pope Pius XII was a scholar, a competent administrator and Defender of the Faith. In 1950, he issued an infallible proclamation defining the dogma of the assumption of Mary, Mother of God.

Pius XII's love and understanding of the Roman Rite are reflected in his encyclical letter, *Mediator Dei*. (48) in which he reviews the four ends of the Mass (49), the way it should be offered, and the role of the priest. His Holiness, begins by reminding us that sin has disturbed the right relationship between man and his Creator; the Son of God would restore it. Then, he continues:

[T]he Church prolongs the priestly mission of Jesus Christ mainly by means of its sacred Liturgy. This she does in the first place at the altar where constantly the Sacrifice of the Cross is re-presented and with a single difference - in the manner of the offering it - renewed. She does it next by means of the Sacraments, those special channels through which men are made partakers in the supernatural life. She does it finally by offering to God, all good and great, the daily tribute of her prayer of praise. (50) For centuries without interruption, from midnight to midnight, the divine psalmody of the inspired canticles is repeated on earth.. (51). (p.523)

In this brief paragraph Pius XII summarizes the purpose, the goal and the significance of the Liturgy. Then he reviews its history, reminding us that:

[T]he first Christians were persevering in the doctrine of the Apostles and in the communication of the breaking of bread and in prayers. Whenever their pastors can summon a little group of the faithful together they set up an altar on which they proceed to offer the Sacrifice and around which are ranged all the other rites appropriate for the saving of souls and for the honour due to God. Among these latter rites, the first place is reserved for the Sacraments... There follows the celebration of the divine praises in which the faithful also join ... Next comes the reading of the Law, the Prophets, the Gospel and the Apostolic Epistles ... (52)

As the circumstances and needs of the Christians warrant, public worship is organized, developed and inscribed by new rites, ceremonies and regulations, always with the singular end in view: "that we may use these external signs to keep us alert, learn from them what distance we have come along the road, and by them be heartened to go on further with more eager step; for the effect will be more precious the warmer the affection which precedes it. (53)

The Pontiff insists that liturgy is exterior as well as interior worship.

Exterior worship ... reveals and emphasizes the unity of the Mystical Body, feeds new fuel to its holy zeal, fortifies its energy, intensifies its action day by day; for although the ceremonies themselves can claim no perfection or sanctity in their own right, they are nevertheless, the outward acts of religion designed to rouse the heart, like signals of a sort, to veneration of the sacred realities, and to raise the mind to meditation on the supernatural. They serve to foster piety to kindle the flame of charity, to increase our faith and deepen our devotion. They provide instruction for simple folk, decoration for divine worship, continuity of religious practice. They make it possible to tell genuine Christians from their false or heretical counterparts. (54) (Emphasis added.) The Pontiff emphasizes that the Liturgy is an act of Christ, Himself. By means of the Liturgy and in His holy Sacrifice, He is constantly atoning for the sins of mankind; but as the Pope reminds us through the words of St. Paul, the work of redemption which in itself is independent of our will requires a serious interior effort on our part if we are to achieve eternal salvation (55).

Insisting that the Liturgy depends on Ecclesiastical authority because of its close connection with dogma, Pope Pius tells us that the Church has used her right of control over liturgical practice to protect the purity of divine worship against abuse

from dangerous and imprudent innovations introduced by private individuals and particular churches.

On this subject We judge it Our duty to rectify an attitude with which you are doubtless familiar, Venerable Brethren. We refer to the error and fallacious reasoning of those who have claimed that the Sacred Liturgy is a kind of proving ground for the truths to be held of faith, meaning by this that the Church is obliged to declare such a doctrine sound when it is found to have produced fruits of piety and sanctity through the sacred rites of Liturgy, and to reject it otherwise. Hence the epigram: "Lex orandi, lex credendi - the law for prayer is the law for faith.

But this is not what the Church teaches and enjoins. The worship she offers to God, all Good and Great, is a continuous profession of Catholic faith and a continuous exercise of hope and charity, as Augustine puts it tersely: God is to be worshipped, he says, by faith, hope and charity. In the sacred Liturgy we profess the Catholic faith explicitly and openly, not only by the celebration of the mysteries, and by offering the Holy Sacrifice and administering the Sacraments, but also by saying or singing the Credo or Symbol of the Faith - it is indeed the sign and badge, as it were, of the Christian - along with the other texts, and likewise by the reading of Holy Scripture, written under the inspiration of the Holy Ghost. The entire Liturgy therefore has the Catholic faith for its content, inasmuch as it bears public witness to the faith of the Church. (56)

For this reason, in 1588, Pope Sixtus V established the Congregation of Rites, charged with the defence of the legitimate rites of the Church and with the prohibition of any spurious innovation. (57) Pius XII next condemns an exaggerated attachment to ancient rites. He cites examples: [O]ne would be straying from the straight path were he to wish the altar restored to its primitive table-form; were he to want black excluded as a colour for liturgical vestments; were he to forbid the use of sacred images and statues in churches, were he to order the crucifix so designed that the Divine Redeemer's Body shows no trace of His cruel sufferings; lastly were he to disdain and reject polyphonic music or singing in parts, even where it conforms to regulations issued by the Holy See. (58)

The Pontiff adds:

" This way of acting bids fair to revive the exaggerated and senseless antiquarianism to which the illegal Council of Pistoia (59) gave rise.... " (60) He then continues: It likewise attempts to reinstate a series of errors which were responsible for the calling

of that meeting as well as for those resulting from it, with grievous harm to souls, and which the Church - the ever watchful guardian of the 'deposit of faith' committed to her charge by her Divine Founder, had every right and reason to condemn (61).

He, reminds us of the sacrificial element of the Liturgy:

The august Sacrifice of the altar, then, is no mere empty commemoration of the passion and death of Jesus Christ, but a true and proper act of sacrifice whereby the High Priest by an unbloody immolation offers Himself, a most acceptable Victim to the Eternal Father, as He did upon the Cross. (62) Although death no longer has dominion over Him (63), [There are] external signs which are symbols of His death. For by transubstantiation of bread into the Body of Christ, and wine into His Blood,... the Eucharistic species under which He is present symbolize the actual separation of His Body and Blood. Thus the commemorative representation of His death which actually took place on Calvary is repeated in every Sacrifice of the altar.... (64)

Urging the participation of the faithful in the Sacrifice by offering themselves with the Sacred Victim, Pope Pius, quoting the Ritual for the Ordination of Priests urges us, his flock: At this ... altar let innocence be in honour, let pride be sacrificed, anger slain, impurity and every evil desire laid low, let the sacrifice of chastity be offered in place of doves and instead of the young pigeons the sacrifice of innocence." While we stand before the altar, then, it is our duty so to transform our hearts that every trace of sin may be completely blotted out, while whatever promotes supernatural life through Christ may be zealously fostered and strengthened even to the extent that, in union with the Immaculate Victim we become a victim acceptable to the Eternal Father. (65)

This is the object not only of readings, homilies and other sermons given by priests, as also the whole cycle of mysteries which are proposed for our commemoration in the course of the year, but it is also the purpose of the vestments, of sacred rites and their external splendour. All these things aim at "enhancing the majesty of this great Sacrifice, and raising the minds of the faithful by means of these visible signs of religion and piety to the contemplation of the sublime truths contained in this sacrifice." (66)

He concludes this section by urging pastors to form liturgical committees so that the people of God will understand the Mass better, and participate in it as they should. If and how well this was done is a matter for conjecture. Is it any wonder that Pope John Paul II, in a Plenary Session of the Congregation for Divine Worship and Discipline

of the Sacraments, May 4, 1996, reminded the assembled clergy that "the liturgical reform is the fruit of a long period of reflection which dates back to the pastoral activity of St. Pius X and which was given a remarkable impetus in Pius XII's Encyclical Mediator Dei whose 50th anniversary we will commemorate next year." (67)

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Pope John XXIII and the Second Vatican Council

Toward the end of 1958, in a conversation with the late Cardinal Tardini, then Secretary of State, about how to give the world an example of peace and concord, Pope John XXIII was "inspired" to hold a "council". (Recorded by Michael Davies in Pope John's Council, 1977, Angelus Press, Kansas, pp.1-2) Each previous council had been convened to condemn a heresy or to correct the chief evil of the time. In light of this it is a source of wonderment why the fathers of Vatican council II took extreme care to avoid mention of atheistic Communism, the chief evil of our time. In any case, the Second Vatican Council's Document on the Liturgy, Sacrosanctum Concilium, clearly limits how and what, if any, changes are to be made "in order that the Christian people may more securely derive an abundance of graces from the sacred liturgy...."

23. That sound tradition may be retained and yet the way be open for legitimate progress, a careful investigation is always to be made into each part of the liturgy which is to be revised. This investigation should be theological, historical, and pastoral.... Finally, there must be no innovations unless the good of the Church genuinely and certainly requires them; and care must be taken that any new forms adopted should in some way grow organically from forms already existing. (68)

36. §1 Particular law remaining in force the use of the Latin language is to be preserved in the Latin rites....

§ 2. But since the use of the mother tongue whether in the Mass, the administration of the sacraments or other parts of the Liturgy may frequently be of great advantage to the people, the limits of its employment may be extended.... to the readings and directives and to some of the prayers and chants, according to the regulations on this matter to be laid down separately in subsequent chapters.

§3. It is for the competent territorial ecclesiastical authority mentioned in Article 22 §2 to decide whether and to what extent the vernacular language is to be used

according to these norms; their decrees are to be approved, that is confirmed, by the Apostolic See.

His Eminence Alfons Cardinal Stickler, a peritus of the Conciliar Commission for the Liturgy, recalls the sometimes heated and prolonged exchanges among the Council Fathers when discussing this topic.

As the subject of the language of worship was discussed in the Council hall over the course of several days, I followed the process with great attention, as well as later the various wordings of the Liturgy Constitution until the final vote. I still remember very well how after several radical proposals a Sicilian Bishop rose and implored the fathers to allow caution and reason to reign on this point, because otherwise there would be the danger that the entire Mass might be held in the language of the people - whereupon the entire hall burst into uproarious laughter. (69)

As a member of the Conciliar Commission, along with three Bishops: Archbishop Callewaert of Ghent as president; Bishop Enciso Viana of Majorca and (if he is not mistaken) Bishop Bichler of Yugoslavia, with two other periti: Bishop Marimort, and Father Martinez de Antonana, Cardinal Stickler understood precisely the wishes of the Council Fathers as well as the correct sense of the texts that the Council voted on and adopted. In his words:

You can understand my astonishment when I found that the final edition of the new Roman missal in many ways did not correspond to the Conciliar texts that I knew so well, and that it contained much that broadened, changed or was directly contrary to the Council's provisions... you can imagine my amazement, my growing displeasure, indeed my indignation, especially regarding specific contradictions and changes that would necessarily have lasting consequences. (70)

Cardinal Stickler lists and discusses the controversial changes, their violations of the wishes of the Council Fathers, and radical departure from Tradition. These may be found in the cited text. When confronted with the new Missal in 1969, Cardinal Ottaviani, then prefect emeritus of the Congregation for the Doctrine of the Faith, was also thunderstruck. He wrote a letter of protest to Pope Paul VI, dated September 23, 1969 to the effect that the *Novus Ordo Missæ* of April 3, 1969, appeared to be at variance with the doctrine of the Mass formulated at the Council of Trent. Cardinal Bacci co-signed the letter. (71) Cardinal Seper, according to Archbishop Bugnini, was also opposed to the reform. (72) We must thank God who continues to protect his Church, that this was only a pastoral council. No new legislation issued from it.

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The Role of Pope John Paul II

Karol Wojtyla was born in 1920, in Poland. A biographer describes him as weeping at his election to the Papacy, in 1978, when he assumed the name of John Paul II. In spite of health problems related in large measure to the assassination attempt in 1981, he has travelled more miles, and been seen by more people than any of his predecessors. Much of his pontificate has been spent curbing the abuses which have plagued the Church since the second Vatican Council.

Although His Holiness appears to support the liturgical Reform as presented in Sacrosanctum Concilium, the Constitution on the Sacred Liturgy, in a subsequent Apostolic letter twenty-five years later, *Vicesimus quintus*, reflecting on the spiritual fruits of the liturgical reform, he speaks about the abuses evident on all sides:

On occasion there have been noted illicit omissions or additions, rites invented outside the framework of established norms, postures or songs which are not conducive to faith or to a sense of the sacred; abuses in the practice of general absolution; confusion between the ministerial priesthood linked with ordination, and the common priesthood of the faithful which has its foundation in Baptism (73).

With the upheaval following Vatican II, essentially based on a misinterpretation and misrepresentation of the document on the Liturgy, cited above, many priests felt constrained to stop offering the Roman Rite, replacing it with Archbishop Bugnini's truncated version in the vernacular. Some of these 'celebrations' retained, essentially intact, only the words of Transubstantiation. In some cases, even supermarket loaves of bread have been used as matter for the Sacrament, thereby rendering it invalid. (74)

Many of the laity objected, as did Archbishop Marcel Lefebvre who, to protect the Church and to preserve the Roman Rite, consecrated four Bishops, thereby disobeying Pope John Paul II, and incurring a *latae sententiae* penalty of excommunication. Possibly to minimize the disastrous effects of Archbishop Lefebvre's act of disobedience, Pope John Paul II by means of a *motu proprio*, *Ecclesia Dei adflicta*, established the *Ecclesia Dei* Commission (75) with powers equivalent to those of a Roman Congregation, to ensure that Christ's faithful who wanted to continue to worship in the traditional way might do so, without hindrance.

As a result of the motu proprio, individual "celebrets" were conceded, and institutes of consecrated life attached to the old Roman Liturgy were recognized - the Fraternity of St. Peter, for example, and on a second occasion the Institute of Christ the King, Sovereign Priest, as well as the Benedictine Monastery of Le Barroux. More recently, a group of priests and seminarians from the Pius X group have returned to the Church and formed a new society, the Society of St. John.

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Anglican View

In her doctoral thesis previously cited, Dr. Catherine Pickstock selects the medieval Roman Rite as her paradigm of genuine liturgy "rather than more recent revised liturgies of the Anglican and Roman church because the latter, although ostensibly an attempt to interrupt the drift towards the decadence characteristic of the liturgical practice of the seventeenth century, and to recover a purer and more ancient liturgical structure, nevertheless can be seen to have (unwittingly) incorporated the linguistic and epistemological structures of a modern secular order as described in Part I (of her book)." (76)

"It is possible to argue" she writes, "that the Vatican II reformers overstated the case against the Roman Rite. (77) [They] were reading back into the Middle Ages developments which, although incipiently present from around the tenth century, primarily belonged to a later period. Moreover, those impugned features of the liturgy which were indigenous to the Roman Rite can be defended." (78)

Pickstock continues:

A further perspective must be adopted when considering the criticism that the "simple primitive meal" of antiquity had been overburdened, and ultimately lost, by the Roman Rite. A more historico-anthropological perspective would find much that is questionable in the assumptions which provoke this criticism. The revisers' notion that the primitive eucharistic rite was originally a simple agape meal which served as a pre-linguistic frame for the eucharistic ritual was interpreted by the reformers in such a way as to lay stress on the link between the Eucharist and every day life as an ordinary feast shared in common. ... it failed to realize that this original context can also be read the opposite way round. That is to say, this context implies that every meal should only occur as a ritual feast, thus drawing everyday life towards a ritual mode just as much as vice-versa. The community which prepared and enjoyed the

feast was itself only bestowed in and through the liturgical celebration. Thus, the meal could be seen as a communal activity which took place only because it was embedded in liturgical life, rather than as a liturgical form additional or subordinate to the meal, in the form of a linguistic elaboration. (79)

After listing the misconceptions and misinterpretations of the Reformers she states:

[T]he reform of the liturgy instigated by Vatican II was itself not adequate to its theology... In being too eager to find secularization in any form of repetition or apophatic re-beginnings which it associated with a decadent epoch, the liturgical revisers of Vatican II chose as a liturgical paradigm a text which as being more of a treatise on liturgy, than a liturgy as such, would in the end prove misleading for the programme of liturgical recovery. (80)

Pickstock analyzes Klauser's and Vagaggini's criticism that the Roman Rite is haphazardly structured and contains many uneconomic repetitions and recommencements.

There are innumerable examples of this in the Rite. One can think for example of the opening versicle, beginning "Introibo ad altare Dei," which is repeated or else of the larger structural rebeginnings, such as the repeated request for purification; or ... the diverse and reciprocal movements of offering within the Consecration. However, rather than bearing witness to a debasement of pure Liturgy these features could be seen as signs of the oral provenance (emphasis hers) of the Rite... elements of a fluid structure typical of speech rather than a compartmentalised and formalized structure characteristic of writing.. In a similar fashion one could account for the repeated requests for purification as signs of an underlying apophaticism which betokens our constitutive distance from God, rather than our sinfulness or humiliation. According to such a perspective the haphazard structure of the Rite can be seen as predicated upon the need for a constant rebeginning of liturgy because the true eschatological liturgy is in time endlessly postponed. (81)

Pickstock also addresses the criticism, by some, that there was politicizing of the Rite through incorporation of aspects of court ceremonial. She recommends a re-examination of the historical understanding of such courtly ceremonial, of the precise understanding of the role of the Emperor, and of the structure of society implied by it. While she accepts that medieval popes and bishops adopted elements of court ceremonials and vestments, she reminds us that in the Middle Ages, the monarchs were not absolute monarchs and were themselves included within the liturgical

congregation. She quotes Gierke: "Because they (the emperors), too, had to obey divine justice, any borrowing of court ceremonial by the ritual cannot be seen as an unambiguous manifestation of secularization or centralization." (82)

Pickstock insists that the reformers did not go far enough. They should have either overthrown "our anti-ritual modernity" or devised a liturgy that refused (her emphasis) to be enculturated in our modern habits of thought and speech.... She concludes: "in our society any equivalent of the liturgies before the period of Baroque decadence ... would have to register internally the need to pray that we again begin to live, to speak, to associate in a liturgical which is to say, truly human and creaturely fashion. It would have more actively to challenge us through the shock of defamiliarizing language (Latin? - Ed.) to live only to worship and to be in community only as recipients of the gift of the Body of Christ." (83) One gets the impression that Pickstock would have preferred that the Roman Rite not be tampered with at all. For a more adequate understanding of her work and thought, the reader is referred to both texts cited.

One can only conclude that if the Apostles and Church Fathers, understanding Pickstock's theory, had set out to draft an ideal liturgy to clothe the eternal Sacrifice, the result would be much in line with the Roman Rite handed down to us through the ages. Is it possible that the Holy Spirit has indeed been guiding the Church in her liturgy throughout that time?

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Canonical Implications

The divine Sacrifice known as the Roman Rite was instituted at the Last Supper, ratified on Calvary, and promulgated - with penalties for noncompliance - by St. Pius V in his Apostolic Constitution, Quo primum. An Apostolic Constitution is the most solemn form of legal document issued by the Pope in his own name. (84) Quo Primum has never been abrogated. In fact, Pope Pius XII re-enforced it with Mediator Dei, and Pope John Paul II reaffirmed it by his motu proprio, Ecclesia Dei adflicta.

Count Neri Capponi, commenting on the implications of this Apostolic letter, emphasizes: As far the content of the document (the motu propria, Ecclesia Dei adflicta) is concerned the Pope is acting, without any doubt, as a legislator. The motu proprio is a law that is consequently binding upon pastors and the faithful. It is a special law that opens `to all those Catholic faithful who feel attached to some

previous liturgical and disciplinary forms of the Latin tradition the privilege already conceded by the Notification De Missali Romano of June 14, 1971, to aged and sick priests to celebrate the Mass in the old Roman Rite.

But the *motu proprio* goes beyond this because, when it refers to 'liturgical and disciplinary forms, it means of course, the entire old Roman liturgical patrimony (sacraments, sacramentals, etc.). It is important to understand that the old liturgy which was based on an immemorial tradition - reinforced by clear codification - was as far as the Mass is concerned, never really abolished by Pope Paul VI, for whom, even before the publication of the *motu proprio*, the fact of being present at or celebrating the Mass in the old Roman rite was a right of the faithful. With the *motu proprio* this right is solemnly sanctioned and extended to the entire liturgy of the same rite. (85)

Count Capponi, an advocate of the Roman Rota and of the Apostolic Signatura, assistant professor emeritus of Canon Law at the U. of Florence, consultant in Canon Law at the U. of Florence, and a member of the Tribunal of the Bishops of Tuscany, maintains that since exercising a right in the Church is regulated by ecclesiastical authority (c.223 #2 of the Code of Canon Law (86) this liturgical law must also be exercised, except in extraordinary cases - such as for example, a danger to the salvation of souls - under the direction of the local ordinary, or of the Holy See. The operative word is *operari* (regulate), not 'withhold' (*revocare*) or 'abolish' (*exstinguere*) the right. This will be discussed further.

In claiming that the *motu proprio* "solemnly sanctions" the right of the faithful to the entire liturgy of the same rite, Count Caponi disagrees with two published opinions by Professors of Canon Law at St. Paul University, in Ottawa, who would attempt to abrogate the ancient rites of the Sacraments. In the first case, Father J. M. Huels claims that the "favor granted to priests to celebrate Mass according to the 1962 edition is regulated by the common norms on individual administrative acts (cc.35-47), and by the norms on rescripts (cc.59-75). (87) But, as we shall see, what is granted to priests is not a favour but a right for which they have been trained and ordained by the Church. A man does not have a right to Ordination, he is called by Christ; but having been ordained to offer the Mass, he has a right to do so, all other factors being considered.

Huels states, further, that Pope John Paul II called for a "wide and generous application of the directives previously issued by the Apostolic See for the use of the

Roman Missal of 1962 ... not to extending the favor for the celebration of other rites according to pre-Vatican II liturgical books." Father W. H. Woestman, providing the second opinion, claims that "Neither the apostolic letter ... nor the special faculties granted to the Pontifical Commission *Ecclesia Dei* mention anything about authorization to use the rites or the sacramental forms ... found in the *Rituale Romanum* of Pope Paul VI or in the pre-Vatican II *Pontificale*. Father Woestman cites c. 846 §1: "The liturgical books approved by the competent authority are to be faithfully observed in the celebration of the sacraments...."

The following sentence, not cited, reads: "Accordingly, no one may on a personal initiative add to or omit or alter anything in those books." One might then ask: how can one justify the dreadful abuses frequently imposed on the *Novus Ordo*? But that is probably an irrelevant digression. According to Count Caponi, the *motu proprio* goes beyond this because when it refers to "liturgical and disciplinary forms, it means ... the entire old Roman liturgical patrimony (sacraments, sacramental, etc.)" - cited above. Moreover, note the following which was also not cited by Father Woestman:

c.846§2 The ministers are to celebrate the sacraments according to their own rite. This is consistent with the injunction by the Congregation for Divine Worship concerning the celebration of Mass according to the Roman Missal of 1962. The Congregation stipulates, as a condition, that in celebrating the Mass it should be done "without intermingling of the rites or missals". (88)

What about canon 223 §2, quoted by Count Caponi? The commentary on this canon specifies that the limits "established here are the common good and the rights of others, but this general norm admits exceptions." (89) What limits might justify a Bishop's legitimately withholding the right of the faithful to the traditional Mass? The only limit that comes to mind is if the faithful were to demand access to a Church while another (legitimate) service were in progress. But with the closing of churches because of poor attendance or bankruptcy, one might be hard pressed to imagine the circumstances under which a Church or some other suitable place could not be provided for the offering of the Roman Rite by a priest in good standing, for a group requesting it.

Father Woestman, among others, feels that the ancient Mass is 'divisive'. (90) But Bishops who have complied with the Holy Father's invitation to be generous in allowing its celebration in their dioceses will attest to the fact that not only is the Roman Rite not divisive, it is a source of contributions to diocesan coffers.

The *motu proprio*, *Ecclesia Dei adflicta*, is referred to, as authorizing an indult by the local Bishop. The word 'indult' refers to a dispensation to a person or group to do or obtain something contrary to common law. (91) Since the Roman Rite has never been abrogated and, therefore, remains a Rite of the Church, the word 'indult' is misleading. It might more appropriately be applied to a rite that attempts to supplant it, especially a rite that would turn the Sacrifice of Calvary into a memorial banquet, and in which the word 'sacrifice' has all but disappeared. This recalls to mind the response of Cardinal Vaughan and his fellow Bishops of the Province of Westminster to the Anglican Archbishops who rejected Pope Leo XIII's Bull *Apostolæ Curæ* stating that Anglican orders are invalid:

To put the matter briefly, if the First Prayer Book of Edward VI is compared with the Missal, sixteen omissions can be detected of which the evident purpose was to eliminate the idea of sacrifice. Moreover, whereas even after that drastic treatment there still remained a few phrases and rubrics on which Gardiner could fasten, endeavouring to understand them as still asserting the Real Objective Eucharistic Presence and the True Sacrifice, all these phrases and rubrics were altered in the revised prayer book of 1552. (92)

The Roman Rite might be described as the most solemn of juridical acts. A juridical act, as such, is not defined in Canon Law. But Canon 124 does stipulate who may perform a juridical act. c. 124 §1 For the validity of a juridical act it is required that it be performed by a person who is legally capable, and it must contain those elements which constitute the essence of the act, as well as the formalities and requirements which the act prescribes for the validity of the act. §2. A juridical act which, as far as its external elements are concerned, is properly performed is presumed to be valid. (93)

Who is 'legally capable' to carry out the juridical act that is the Roman Rite? The simple and correct answer is: he who is trained and ordained by the Church to do it. The chief role of the priest is to offer Sacrifice. No one else, not even the Angels of God, can perform the act of Transubstantiation. To offer the Mass is the first and most sublime function of the priest. Moreover, he is earnestly invited (*enixe ... invitantur*) to say it daily (c. 276 §2) (94).

Does the Bishop have the authority to prevent a priest from offering Mass - a priest who is trained and ordained by the Church to offer it? Lest some should question the accuracy of the phrase 'ordained by the Church', it would be well to remember that

all the priests currently in Institutes, Fraternities or Organizations approved by the Church for the purpose of offering the Roman Rite, have been ordained by Bishops of the Church to offer it. No one will deny that the Bishop has the authority and power to ordain qualified men in the name of the Church.

If the priest makes a request to offer the Mass for which he was ordained and is in good standing, the Bishop, without a grave reason, has no authority to refuse his request. Under the circumstances, the priest is not even obliged to seek permission to offer the Mass. The Bishop's only authority is to give him a place to offer it, and to ensure that he does it according to the Rubrics. Otherwise the Bishop places himself at risk of incurring the penalty described in canon 1389.

Canon 1389 §1- A person who abuses ecclesiastical power or an office, is to be punished according to the gravity of the act or the omission, not excluding by deprivation of the office, unless a penalty for that abuse is already established by law or precept. (95)

Conversely, if the Bishop knowingly permits the abuses currently occurring in almost every diocese, he is guilty before God of a violation of trust, and will be held accountable.

Can a Bishop force a traditional priest to offer the Novus Ordo or to concelebrate with him? While it is true that various forms of pressure might be exerted in this direction, what are the consequences? Although the word "exclusive" has been omitted from the motu proprio, *Ecclesia Dei adflicta* which reinforces the right of priests to offer the Sacrifice, "exclusive" is implied both in the context of the motu proprio, and historically. Any other interpretation would justify the Lefebrevists' referring to any back-tracking as a betrayal. Secondly, since nothing can save a ceremony which has lost its meaning the result desired by coercive bishops cannot be anticipated. Moreover, no priest can be forced to concelebrate (c.902). The Commentary insists that "in order to obtain the greatest spiritual benefit, the freedom of the concelebrants must always be guaranteed..." (p.581) What wise Bishop would force one of his sons to concelebrate as a sign of *communio* with him who, sometimes - on one issue or another - is not in full communion with the Pope? Are we not losing sight of the *raison d'être* of the Sacrifice?

Shortly after Pope John Paul II issued his Motu Proprio, he appointed a Commission of nine cardinals of the Roman Curia to examine the legal status of the traditional Rite commonly known as the 'Tridentine Mass'. The Commission consisting of

Agostino Cardinal Casaroli, Bernard Cardinal Gantin, Paul Augustin Cardinal Mayer, Antonio Cardinal Innocenti, Silvio Cardinal Oddi, Petro Cardinal Palazzini, Joseph Cardinal Ratzinger, Alfons Cardinal Stickler, and Jozef Cardinal Tomko was instructed to examine two questions:

- 1) Did Pope Paul VI authorize the bishops to forbid the celebration of the traditional Mass?
- 2) Does the priest have the right to celebrate the traditional Mass in public and in private without restriction, even against the will of the bishop?

The Commission unanimously determined that Pope Paul VI never gave the bishops the authority to forbid a priest from celebrating the traditional rite of Mass.

The Holy See does recognize the right of the priest to celebrate the traditional Mass, and this is borne out by the fact that whenever priests are unjustly suspended for celebrating the Tridentine Mass against the will of their bishops, the Roman Curia always nullifies the penalty whenever the cases are appealed. It is the present jurisprudence of the Church that, upon appeal, any suspension that an Ordinary attempts to inflict on a priest for celebrating the Tridentine Mass against the will of the Bishop is automatically nullified. (96) There is no reason, therefore, for "independent priests" to set up their own chapels to offer the Roman Rite for groups of faithful requesting it.

The ultimate question remains. May the Pope, a descendent of Peter and of Pope St. Pius V, abrogate the Roman Rite? Let us consider its purpose or ends, Who instituted it and when, and its use over 1500 years. Let us consider also, that it was promulgated at Trent, and reinforced four centuries later by Pius XII.

In addition, let us consider the mind of the legislator at Vatican 2 - clear from the document on the Sacred Liturgy, and also the personal evidence of at least one peritus at the Council (STICKLER, qv) where the Council Fathers not only did not have the intention of abrogating the Roman Rite, they never anticipated the havoc that would subsequently be wrought against it. (97) Can one believe that the Holy Spirit, thirty years later, would inspire an Archbishop to totally rewrite the rubrics of the ancient Sacrifice so that it emerges as a memorial banquet?

While it is true that Pope Paul VI adopted Bugnini's liturgy, the Pope had the grace to avoid abrogating the traditional Rite. Whoever decides, now, to abrogate the ancient

rite might do well to ensure that he is as holy as Pope St. Pius V who codified it at the instigation of the Council of Trent under the guidance of the Holy Spirit.

Is it any wonder that Paul VI, himself, mourned: "The smoke of Satan has invaded the Vatican." In this regard, it is significant that, according to his biographer: "Every morning Father John Magee (98) said Mass for the nuns who looked after the Papal Household then went up to serve Paul's Latin Mass." (9)9

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Immemorial Custom

In her treatise previously cited, Catherine Pickstock suggests that, in her opinion, the Tridentine Mass as it existed for 1500 years cannot be restored because of the different cultural context. What she, as an Anglican, cannot be expected to understand is that the great antiquity of the Tridentine Mass means that it has, in fact, spanned a great many cultures. It is not a product of culture, but a creator of cultures (R. Phillips, in the Latin Mass, Fall, 1999, p. 90); and it is protected by Custom. According to Father John Mole, liturgy is rooted in custom not in law. It has to be a living thing because it is identified with Christ who is life eternal; and grows out of the customs of living people.

In the 1983 Code, Canonical references to Custom are phrased negatively, except for c.5§2, for example:

Canon 5§1 - Universal or particular customs which have been in effect up to now but are contrary to the provisions of these canons and are reprobated in the canons of this Code are completely suppressed, and they may not be allowed to revive in the future. Other contrary customs are also to be considered suppressed, unless the Code expressly provides otherwise, or unless they are centennial or immemorial: these latter may be tolerated if the Ordinary judges that, in the circumstances of place and person, they cannot be removed.

§2. Customs apart from the law, whether universal or particular, which have been in effect hitherto, are retained.

Other pertinent canons (cc. 23-28) expand on canon 5§1. The Commentary (q.v.), however, states that the new Code "ascribes to custom a validity parallel to that of the law (which custom may even revoke)".

(Commentary: p. 94) In an attempt to refute the applicability of custom with regard to the traditional Mass, some otherwise reputable canonists have asserted that since the Missal of 1962 is being used, the canons regulating custom do not apply. These canonists may be applauded for a valiant effort, but, in fact, the Christifideles in the pews, using 1945 or 1952 Missals have difficulty finding any changes in the Ordinary of the Mass. All that they can perceive are saints that have been dropped from the Proper and new ones added, omission of the feast of the Precious Blood in spite of Pope John XXIII's admonition, and changes in the Holy Week liturgy. The Ordinary of the Mass is essentially unchanged.

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Revising the Roman Rite

The drastic pruning of the traditional Mass resulting from Archbishop Bugnini's enthusiasm, with the encouragement and assistance of several Protestant clergymen, has been justified on the basis that the slashes were merely disciplinary effects and therefore legitimate. Claiming that there was no resulting effect on doctrine in the Mass, Bugnini did not submit the draft document to the Congregation for the Doctrine of the Faith before issuing it, thus opening the floodgates to innovation, invention, and disrespect for Christ in the Blessed Sacrament.

Justification for his actions is attempted by proclaiming that Pope Pius XII, after all, revised the liturgy for Holy Week. But, first, to dispense with the second objection, did Pope Pius XII make any revisions in the Mass, itself, thus altering its essence? Obviously not. The Ordinary of the Mass, remains intact.

Let us consider the possibility that, as a disciplinary measure, the Roman Rite may be shortened or modified. If the Rubrics and the ceremonies may be altered as a purely disciplinary function, what must remain intact to avoid the risk of the Rite's losing its theological or doctrinal components - and, therefore, its integrity - thus invalidating it? And, as a follow-up question, to what extent may a purely disciplinary measure be imposed on the Christifideles?

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The Essence of the Roman Rite

At the outset of the Protestant Reformation the Reformers knew that the theology and doctrine of the Mass formed the nucleus of the Catholic Faith, and therefore must be destroyed, in that way "emptying out from her Mysteries ... the objective source of

power". (100) What are some of the Mysteries reflected and reaffirmed in the Mass which the Reformers insisted on and succeeded in uprooting?

First, the Roman Rite is the sacrifice of Calvary renewed. According to Gabriel Biel: Because this sacrifice is the most perfect memorial of the Lord's passion, in order that nothing should be lacking by means of which either sight or hearing may assist this salutary memorial, everything that accompanies the consecration and administration of this sacrament has reference to the representation of Our Lord's passion: everything, that is, whether perceptible by sight or hearing, vestments and vessels, altar cloths and images, ceremonies and words. (Emphasis mine. Exposition of the Sacred Canon of the Mass, Lectio XXI, lit.K)

To represent the passion of Christ more distinctly in the immolation of this sacrifice, the blood is consecrated separately in the chalice, because in Christ's passion His blood was separated from his body. (Ibid. Lectio LIII, lit. X) (101)

The Fourth Lateran Council, in 1215, defined that there is one Church in which Jesus Christ Himself is both priest and sacrifice. This had been taught by both St. Augustine and St. Ambrose and reiterated by Peter Lombard, in 1160, Ivo of Chartres, in 1116, and Gratian in his Decretals. (102) Because the Mass is the sacrifice of Calvary renewed, when the priest - acting in persona Christi - consecrates the bread and wine, by the process of transubstantiation, the bread becomes the Body of Christ and the wine becomes His Blood. The Catholic priest, therefore, is a sacrificing priest. St. Thomas says that the Eucharist is the representative image of the bloody immolation of Christ on Calvary. It is, itself, a sacrifice and an oblation containing the same victim really present in the sacrifice of the altar. Christ offers Himself through the instrumentality of the priests of His Church, for the welfare of the living and the dead. (103)

In 1274, the Second Council of Lyons reaffirmed the doctrine of Purgatory by declaring that the sacrifice of the Mass is beneficial to the souls in Purgatory. The commemoration of the saints and martyrs in two places in the Canon help us to recall the doctrine of the Communion of Saints - the Church triumphant, the Church militant and the Church suffering.

Moreover, the Confiteor and Kyrie remind us that we are prodigals before our Heavenly Father whose forgiveness and indulgence we seek. Other prayers scattered throughout the Mass help us to retain a respectful and appropriate attitude toward a merciful and loving Creator Who will eventually be our Judge.

It is unrealistic, then, to suggest - as did F. G. Lee and Proctor and Frere, among others - that the reformers in the Anglican Liturgy and in the Ordination rite had no doctrinal significance but were made with the practical purpose 'to shorten, simplify and compress rites and formularies which had become unbalanced, over-complicated and cluttered up with superfluous, scholastic additions'. (104) A. W. Haddan in his *Apostolic Succession in the Church of England*, 1869, admits: "We have substituted preaching ministers for sacrificing priests." (105) Has the Church now attempted to substitute sacrificing priests with performing ministers - who in the process have lost their identity? In summary, if changes are to be made, they should not touch on anything that reinforces doctrine or dogma, or the sacrificial nature of the Rite, or the attitude that we should have toward our merciful and loving Father. Nor should other rites or rituals be introduced that have the effect of de-emphasizing the sacrificial intent of the sacrificing priest. When one considers the frailty of man and the difficulty that he has to remain focused on things of heaven, the mere fact that repetition occurs is not sufficient reason to eliminate a segment of a Rite that has been preserved, defended and even died for over the past 1400 years. On the contrary, repetition - as Catherine Pickstock has emphasized - is an important component of a liturgy which should reflect our relationship with our Heavenly Father and Creator.

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Discipline

If we assume that the Roman Rite was 'revised' as a merely disciplinary measure, we would do well to review the sources of authority or governance in the Church. As a perfect society, the Church has supreme authority over her subjects: legislative, judicial and executive, in all matters pertaining to her spiritual end. The supreme authority over the universal Church belongs, by divine institution, to the Supreme Pontiff as head of the Church; and to the Bishops, collectively, for example in an œcumenical council with the Pope as its head. Bishops have authority in their own territories when they are in communion with the Pope.

At the annual meeting of the Canadian Canon Law Society in Vancouver, Canada, in October, 1999, we were reminded that Bishops' Conferences do not hold doctrinal authority but rather are to transmit the doctrines of the universal Church.

In order that the doctrinal declarations of the conference of Bishops referred to in no. 22 of the present letter may constitute authentic magisterium and be published in the name of the conference itself, they must be unanimously approved by the members

or receive the `recognitio' of the Apostolic See if approved in plenary assembly by at least two thirds of the bishops belonging to the conference and having a deliberative vote. (106)

In the government of the Church the Pope is assisted by Cardinals, either in the Sacred College, or in the various Roman Congregations, Tribunals and Offices. The Bishops in their dioceses are assisted by the cathedral chapter (where there is one), officials of the diocesan curia, and the rectors of parishes. Nowhere are theologians or canonists, as such, listed; and since, as a group, they are not noted for their stability or loyalty to the magisterium, this is probably a good thing.

The power to govern the Church, known as jurisdiction, may be exercised only by Clerics. Jurisdiction may be `ordinary' - that is, attached to an office; or delegated - that is entrusted to a person apart from an office. It may be exercised either in the internal forum (to deal with matters which concern the private spiritual good of individuals especially in the direction of their consciences (in the Sacrament of Penance or in the Tribunal), or in the external forum (in matters affecting the public welfare of the Church).

With this and c.1752 in mind, would anyone with the power of jurisdiction in the Church attempt to prevent the Christifideles from pursuing a religious exercise intended to lead them closer to their Heavenly Father? For example, is it possible that a Bishop would legislate against the Rosary, or the use of the Litany of the Sacred Heart, or even Fatima devotions? Much less, then, should a Bishop or anyone else attempt to withhold from the Christifideles who ask for it, the Mass of the Ages, especially when the Pope, the Supreme Head of the Church, has requested a generous application of the Indult, which encourages its use. In any case, the promise of infallibility does not extend to merely disciplinary acts.

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Conclusion

The traditional Mass may be described as the holiest of juridical acts performed by a priest ordained to offer it. It is protected by the acts of several Popes, and enjoys the privilege of Custom (c.25). A Bishop must not only tolerate the ancient rite, but facilitate its celebration and make it available to Christ's faithful who have a right to ask for it. This has been legislated by three Popes, at least, and has never been abrogated.

In an effort to eliminate the theology and dogma of the Mass, the Protestant Reformers succeeded only in invalidating it, and in eliminating a priesthood that was established to offer Sacrifice. Anyone holding a contradictory view of the priesthood, or any revision of the Mass attempted under the guise of obedience to the Document on the Liturgy of Vatican II, Sacrosanctum Concilium, should avoid tampering with the Sacrificial nature of the Mass with its doctrinal implications, or with its reverence for our Creator - at the risk of invalidating it. Further, nothing must be omitted which reminds us of our unworthiness as His subjects to approach the altar of sacrifice. In other words, any revision should reflect an appropriate attitude toward our Heavenly Father who has already been sufficiently offended.

Bishops may not force priests to offer the Novus Ordo. Nor may they impose concelebration on any priest, under any pretext.

Further, it should be obvious from even a cursory glance at the history of the Church that Christ intended to bind His followers, and that He intended Peter to bind his successors, and their successors until the end of time. The expression, "I do not want to bind my successors." should never be heard, therefore, in a Church founded upon the Rock. There is a popular expression for those who are afraid to pursue a course which may be unpopular, and it should never have to be applied to anyone in the Magisterium.

If, as Pickstock fears, there is within the Church an increasing drift towards the dominance of Canon Law in Church procedure and episcopal operation, we may take consolation in the fact that the chief purpose of this Law is the salvation of souls (c.1752). The Liturgy known as the Roman Rite dating back to the time of Christ and handed down by His apostles and their successors, is protected by the Holy Spirit in and by the law of the Church. We beg Mary, Mother of the Church, to watch over her Liturgy; and we rely on the words of Christ, "Thou art Peter and upon this rock I shall build My Church and the gates of hell shall not prevail against it". (107)

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Endnotes

1. C. PICKSTOCK, After Writing: On the Liturgical Consummation of Philosophy, (Pickstock) Blackwell Publishers, 1997, p.149.
2. H.C. BLACK, Black's Law Dictionary, West Publishing Co., (=Black) St. Paul, Minn., 1990, p.1026.

3. Black, Ibid.
4. CHARLES RICE, in a lecture at the Wanderer Forum, Ottawa, Canada, February 13, 1999.
5. Sacrifice, from the Latin: sacra faciens: doing a good thing.
6. Covenant: formal, solemn and binding - Webster's Seventh New Collegiate Dictionary, (=Webster) 1970, Thomas Allen and Son Limited, Toronto.
7. Ratify: approve and sanction formally -Webster; To make valid, to confirm - Black.
8. Psalm 109:4.
9. M. DAVIES, The Tridentine Mass, The Remnant Publishing House, 1990, St. Paul, Minn. p. 2-3.
10. J. FARROW, Pageant of the Popes, Catechetical Guild Educational Society, St. Paul, Minn., 1949, p.20.
11. F. CLARK, S.J., Eucharistic Sacrifice and the Reformation, (=CLARK) Augustine Publishing Company, Devon, 1981.
12. Cited by J. O'BRIEN, A History of the Mass and its Ceremonies in the Eastern and Western Church, (O'Brien) D & J Sadlier & Co., Montreal, Canada, 1879. p. 108.
13. O'BRIEN, p. 105.
14. Ibid., pp.103-4.
15. Ibid., p.108.
16. Ibid.
17. Ibid.
18. St. Cyril, in his catechetical instruction (v.1-12, pp.77-8) tells his pupils "This (the Creed) I wish you to remember in the very phraseology, and to rehearse it with all diligence amongst yourselves, not writing it on paper, but graving it by memory on your hearts, being on your guard in your exercise lest a catechumen should overhear the things delivered to you."
19. Ibid.
20. O'BRIEN, p.251.
21. Ibid., p.264.
22. Ibid., p.257.
23. Ibid., p.296.
24. M. DAVIES, Cranmer's Godly Order, Augustine Publishing Company Chawleigh, Chulmleigh, Devon, 1976, p.75.
25. Ibid., p.297.

- 26.** Reverendissimi ac reverendi patres, placetne vobis ad laudem et gloriam sanctæ et individuæ Trinitatis, Patris et Filii et Spiritus Sancti, ad incrementum et exaltationem fidei et religionis christianæ ad extirpationem hæresum ad pacem et unionem ecclesiæ, ad reformationem cleri et nominis decernere et declarare sacrum Tridentinum et generale concilium incipere et inceptum esse? from Decrees of the Ecumenical councils, Vol.2, Edited by N.P.Tanner, London, Sheed & Ward and Georgetown University Press, 1990, p.660.
- 27.** ...statuit et decrevit, omnes et singulos christifideles in civitate Tridentina congregatos exhortandos esse (prout exhortatur), ut se a malis et peccatis hactenus commissis emendare ac de cetero in timore Domini ambulare et desideria carnis non perficere, orationibus instare, sæpius confiteri, eucharistiæ sacramentum sumere, ecclesias frequentare, præcepta denique dominica (quantum quisque poterit) adimplere, necnon quotidie pro pace principum christianorum et unitate ecclesiæ privatim orare velint; episcopos vero et quoscunque alios in ordine sacerdotali constitutos, oecumenicum concilium in ea civitate concelebantes ut assidue in Dei laudibus incumbere, hostias, laudes et preces offerre, sacrificium missæ quolibet saltem die dominico. Ibid.
- 28.** Quoniam sub priori testamento (teste apostolo Paulo) propter levitici sacerdotii imbecillitatem consummatio non erat, oportuit (Deo Patre misericordiarum ita ordinante) sacerdotem alium secundum ordinem Melchisedech surgere, dominum nostrum Iesum Christum, qui posset omnes, quotquot sanctificandi essent, consummare et ad perfectum adducere... (et) novum instituit pascha se ipsum ab ecclesia per sacerdotes sub signis visibilibus immolandum in memoriam transitus sui ex hoc mundo ad Patrem, quando per sui sanguinis effusionem nos redemit eripuitque de potestate tenebrarum et in regnum suum transtulit. Ibid., Chapter 1, pp.732-733.
- 29.** Et cum sancta sancte administrari conveniat, sitque hoc omnium sanctissimum sacrificium: ecclesia catholica, ut digne reverenterque offerretur ac perciperetur, sacrum canonem multis ante sæculis instituit, ita ab omni errore purum, ut nihil in eo contineatur, quod non maxime sanctitatem ac pietatem quandam redoleat mentesque offerentium in Deum erigat. Is enim constat cum ex ipsis Domini verbis, tum ex apostolorum traditionibus ac sanctorum quoque pontificum piis institutionibus. Ibid., Chap. 4, p.734.
- 30.** Cumque natura hominum ea sit, ut non facile queat sine adminiculis exterioribus ad rerum divinarum meditationem sustolli, propterea pia mater ecclesia ritus quosdam, ut scilicet quædam submissa voce, alia vero elatiore in missa

pronuntiarentu, instituit; cæremonias item adhibuit, ut mysticas benedictiones, lumina, thymiamata, vestes aliaque id genus multa ex apostolica disciplina et traditione, quo et maiestas tanti sacrificii commendaretur, et mentes fidelium per hæc visibilia religionis ac pietatis sign ad rerum altissimarum, quæ in hoc sacrificio latent, contemplationem excitarentur. Ibid., Chap.5.

31. Si quis dixerit in missa non offerri Deo verum et proprium sacrificium aut quod offerri non sit aliud quam nobis Christum ad manducandum dari: anathema sit (a.s.)
32. Si quis dixerit, illis verbis: Hoc facite in meam commemorationem, Christum non instituisse apostolos sacerdotes aut non ordinasse ut ipsi aliique sacerdotes offerrent corpus et sanguinem suumas.
33. Si quis dixerit, missæ sacrificium tantum esse laudis et gratiarum actionis, aut nudam commemorationem sacrificii in cruce peracti, non autem propitiatorium; vel soli prodesse sumenti neque pro vivis et defunctis, pro peccatis, poenis, satisfactionibus et aliis necessitatibus offerri debereas.
34. Si quis dixerit, blasphemiam irrogari sanctissimo Christi sacrificio in cruce peracto, per missæ sacrificium aut illi per hoc derogarias.
35. Si quis dixerit, imposturam esse missas celebrari in honorem sanctorum et pro illorum intercessione apud Deum obtinenda sicut ecclesia intendit: a.s.
36. Si quis dixerit, canonem missæ errores continere ideoque abrogandum esse: a.s. Ibid., p. 736
37. Si quis dixerit, cæremonias, vestes et externa signa quibus in missarum celebratione ecclesia catholica utitur, irritabula impietatis esse magis quam officia pietatis: a.s. Ibid.
38. Si quis dixerit, ecclesiæ Romanæ ritum quo submissa voce pars canonis et verba consecrationis proferuntur damnandum esse; aut lingua tantum vulgari missam celebrari debere; aut aquam non miscendam esse vino in calice offerendo, eo quod sit contra Christi institutionem: a.s. Ibid.
39. Ibid., p.797.
40. THE CATHOLIC ENCYCLOPEDIA, Edited by C.G. Hebermann, E.A.Pace, Conde B. Pallen, T.J. Shahan, J.J. Wynne, 1907-1912, N.Y. Appleton, Vol.12, p.130.
41. Ibid., p.131.
42. PIUS V, Apostolic Constitution, Quo primum, July 14, 1570, reprinted in BULLARUM DIPLOMATUM ET PRIVILEGIORUM, SSDN Pius Papa IX, Sanctorum Romanorum Pontificum, Taurinensis Editio, Tomus VII, pp.839-841.

- 43.** **IBID.** §1. Cumque inter alia sacri Tridentini concilii decreta nobis statuendum esset de sacris libris, catechismo, missali et breviario edendis atque emendandis, edito iam, Deo ipso annuente ad populi eruditionem, catechismo et ad debitas Deo persolvendas laudes, breviario castigato, omnino ut breviario missale responderet uti congruum est et conveniens (cum unum in Ecclesia Dei psallendi modum unum missæ celebrandæ ritum maxime deceat) necesse iam videbatur ut quod reliquum in hac parte esset, de ipso nempe missali edendo, quam primum cogitaremus. (Bold type refers to translated text.)
- 44.** **IBID.**, §4. Præsentēsve litteræ ullo umquam tempore revocari aut moderari possint sed firmæ semper et validæ in suo existant robore similiter statuimus et declaramus. §5. Non obstantibus præmissis ac constitutionibus et ordinationibus apostolicis ac, in provincialibus et synodalibus conciliis editis, generalibus vel specialibus constitutionibus et ordinationibus; necnon ecclesiarum prædictarum in usu, longissima et immemorabili præscriptione, non tamen supra ducentos annos roborata, statutis et consuetudinibus contrariis quibuscumque.
- 45.** §6. Volumus autem et eadem auctoritate decernimus ut, post huius nostræ constitutionis ac missalis editionem, qui in Romana adsunt Curia presbyteri, post mensem; qui vero intra montes, post tres; et qui ultra montes incolunt, post sex menses, aut cum primum illis missale hocvenale propositum fuerit, iuxta illud missam decantare vel legere teneantur. (Bold signifies translated work.)
- 46.** §7. Quod ut ubique terrarum incorruptum ac mendis et erroribus purgatum præservetur omnibus in nostro et S.R.E. dominio mediate vel immediate subiecto commorantibus impressoribus, sub amissionis librorum ac centum ducatorum auri Cameræ Apostolicæ ipso facto applicandorum aliis vero in quacumque orbis parte consistentibus, sub excommunicationis latæ sententiæ et aliis arbitrii nostri poenis, ne sine nostra vel specialis ad id apostol. commissarii in eisdem partib. a nob. constituendi licentia ac nisi per eundem commiss. eidem impressori missalis exemplum, ex quo aliorum imprimendorum ab ipso impressore erit accipienda norma, cum missali in Urbe secundum magnam impressionem impresso collatum fuisse et concordare, nec in nullo penitus discrepare, prius plena fides facta fuerit, imprimere vel proponere vel recipere ullo modo audeant vel præsumant, auctoritate apostolica et tenore præsentium similibus inhibemus. (Bold text refers to translated parts of work.)
- 47.** **IBID.** §8... ac earumdem litterarum exemplis, etiam impressis, manu alicuius publici tabellionis subscriptis, necnon sigillo personæ in dignitate ecclesiastica constitutæ munitis, eandem prorsus indubitatum fidem ubique gentium et

locorum haberi præcipimus, quæ præsentibus haberetur, si ostenderentur vel exhiberentur. Nulli ergo etc. Datum Romæ apud Sanctum Petrum, anno Incarnationis dominicæ millesimo quingentesimo sutuagesimo, pridie idus iulii, pontificatus nostri anno v.

48. PIUS XII, Encyclical letter, Mediator Dei, Acta Apostolica Sedis, 1947, Typis Polyglottis Vaticanis, XIV, pp 521-600. English translation, Encyclical Letter of Pope Pius XII on The Sacred Liturgy, Daughters of St. Paul, Boston, Vatican Library Translation.
49. To atone for our sins, to thank God for all His graces, to ask for what we need, and to worship Him, our Creator, in a fitting manner.
50. Ibid., p.522: Ecclesia igitur, accepto a Conditore suo mandato fideliter obtemperans, sacerdotale Iesu Christi munus imprimis per sacram Liturgiam pergit. Idque facit primario loco ad altaria, ubi Crucis sacrificium perpetuo repræsentatur et sola offerendi ratione diversa, renovatur; deinde vero per sacramenta, quæ peculiaria instrumenta sunt, quibus superna vita ab hominibus participatur; postremo autem per laudis præconium, quod Deo Optimo Maximo cotidie offertur.
51. Ibid., p.523.
52. Ibid., p.529. Quocumque Pastores possunt christifidelium coetum cogere, ibi erigunt aram, in qua sacris operantur, et quam circum ceteri ordinantur ritus, quibus homines possint sanctitate imbui, debitamque Deo tribuere gloriam. Quibus in ritibus primo loco Sacramenta habentur, ... dein vero divinæ laudis celebratio, qua christifideles etiam invicem coniuncti ... deinde autem Legis, Prophetarum, Evangelii Apostolorumque epistularum lectio....
53. Ibid., Pro rerum adiunctis christianorumque necessitatibus cultus instruitur, evolvitur novisque ritibus, cærimoniis ac formulis ditatur; idque ea semper ratione, ut illis rerum signis nos ipsos admoneamus, quantumque ... profecerimus nobis ipsis innotescamus, et ad hoc augendum nos ipsos acrius excitemus: dignior enim sequetur effectus, quem ferventior præcedit affect sp
54. Ibid., p.531: Id denique Mystici Corporis unitatem peculiari modo patefacit in suague luce ponit, sancta eius studia adauget eius vires corroborat, eiusque actionem impensioem cotidie efficit: licet enim ipsæ cærimoniæ nullam secundum se perfectionem, nullam contineant sanctitatem, sunt tamen actus externi religionis, quibus, quasi signis, excitatur animus ad rerum sacrarum venerationem, mens ad superna elevatur nutritur pietas, fovetur caritas, crescit

fides, devotio roboratur, instruuntur simpliciores, Dei cultus ornatur, conservatur religio, et veri fideles a pseudochristianis et hereticis discernuntur.

- 55.** The Apostle, PAUL: 1Cor.11:28: But let a man first prove himself; and then let him eat of this bread and drink of the Chalice.
- 56.** Ibid., p.540: Quam ad rem aliquid in recta luce ponendum esse ducimus quod vobis, Venerabiles Fratres, non ignotum esse putamus; eorum scilicet errorem atque fallaciam, qui sibi sumpsere sacram Liturgiam quasi quoddam experimentum existere veritatum ex fide retinendarum; quatenus nempe, si certa quædam id genus doctrina per sacros Liturgiæ ritus pietatis ac santimoniam fructus dederit, eam ab Ecclesia comprobendam esse, si vero secus, reprobendam. Unde effatum illud: Lex orandi, lex credendi.
- 57.** Ibid., p.543: Atque ita factum est ut cum sæculo XVI id genus usus ac consuetudines nimis magis increvissent, cumque hac in re privatorum incepta fidei pietatisque integritatem in discrimen inducerent, magno cum hæreticorum profectu magnaque cum eorum fallaciæ errorisque propagatione, tum Decessor Noster imm. mem. Sixtus V, ut legitimos Ecclesiæ ritus defenderet, ab iisdemque quicquid impurum inductum fuisset prohiberet, anno MDLXXXVIII Sacrum constituit tuendis ritibus Consilium.
- 58.** Ibid., p.545-546. [N]on sapiens tamen, non laudabile est omnia ad antiquitatem quovis modo reducere. Itaque, ut exemplis utamur, is ex recto aberret itinere, qui priscam altari velit mensæ formam restituere; qui liturgicas vestes velit nigro semper carere colore; qui sacras imagines ac statuas e templis prohibeat; qui divini Redemptoris in Crucem acti effigies ita conformari iubeat, ut corpus eius acerrimos non referat, quos passus est, cruciatus; qui denique polyphonicos, seu multisonos concentus reprobet ac repudiet, etiamsi normis obtemperant ab Apostolica Sede datis.
- 59.** Synod of Pistoia, a local council held by the Bishop of Pistoia in Tuscany in 1786, which attempted to introduce Jansenism, Josephinism and other errors into Italy. It evoked the Constitution of Auctorem Fidei from Pope Pius VI in which 85 propositions touching faith, morals, worship and discipline were condemned.
- 60.** Ibid., p.546. Hæc enim cogitandi agendique ratio nimiam illam reviviscere iubet atque insanam antiquitatum cupidinem, quam illegitimum excitavit Pistoriense concilium...
- 61.** Ibid., itemque multiplices illos restituere enitur errores qui in causa fuere cur conciliabulum idem cogeretur, quique inde non sine magno animorum detrimento

consecuti sunt, quosque Ecclesia, cum evigilans semper existat `fidei depositi' custos sibi a divino Conditore concrediti iure meritoque reprobavit.

62. Ibid. p.548: Augustum igitur altaris Sacrificium non mera est ac simplex Iesu Christi cruciatuum ac mortis commemoratio, sed vera ac propria sacrificatio, qua quidem per incruentam immolationem Summus Sacerdos id agit quod iam in Cruce fecit, semet ipsum æterno Patri hostiam offerens acceptissimam. Una ... eademque est hostia, idem nunc offerens sacerdotum ministerio, qui se ipsum tunc in Cruce obtulit, sola offerendi ratione diversa.

63. PAUL, Epistle to the Romans, 6:9.

64. Mediator Dei, Ibid. ... verumtam ex divinæ sapientiæ consilio Redemptoris nostri sacrificatio per externa signa quæ sunt mortis indices, mirando quodam modo ostenditur. Siquidem per panis transubstantionem in corpus vinique in sanguinem Christi ut eius corpus reapse præsens habetur, ita eius cruor: eucharisticæ autem species, sub quibus adest, cruentam corporis et sanguinis separationem figurant. Itaque memorialis demonstratio eius mortis quæ reapse in Calvariæ loco accidit, in singulis altaris sacrificiis iteratur, quandoquidem per distinctos indices Christus Iesus in statu victimæ significatur atque ostenditur. (Bold text refers to translated section.)

65. Sit in hoc ... altari innocentiae cultus, imoletur superbia, iracundia iuguletur, luxuria onmisque libido feriatur, offeratur pro turturibus sacrificium castitatis et pro pullis columbarum innocentiae sacrificium. Dum igitur altari adstamus ita animum nostrum transformemus oportet, ut quidquid peccatum est in eo penitus restinguatur, quidquid vero per Christum vitam gignit supernam enixe refoveatur ac roboretur: atque adeo nos efficiamur, una cum Immaculata Hostia, victima Aeterno Patri accepta. Ibid., p.558.

66. Huc enim non solum lectiones spectant, homiliae ceteraeque sacrorum administrorum conciones universusque mysteriorum cyclus, quae nobis per anni decursum recolenda proponuntur, sed vestimenta etiam ac sacri ritus eorum que externus apparatus; quae quidem eo pertinent ut "maiestas tanti Sacrificii commendetur, et mentes fidelium per haec visibilia religionis et pietatis signa, ad rerum altissimarum quae in hoc Sacrificio latent, contemplationem excitentur." Ibid., pp.558-9. Quotation from the Council of Trent, 22nd Session c. 5.

67. JOHN PAUL II, In an Address to the Plenary Assembly of the Congregation for Divine Worship, Notitiæ, 32:398, (June), 1996.

68. SECOND VATICAN COUNCIL, Sacrosanctum Concilium, translation in W.M. Abbott, The Documents of Vatican II, Geoffrey Chapman, London, 1967, p.146.

69. CARDINAL ALFONS STICKLER, "Recollections of a Vatican II Peritus" (=STICKLER)) in *Die heilige Liturgie*, Franz Breid, ed., Steyr, Austria, Ennsthaler Verlag, 1997. English translation in the Latin Mass, 8:1 (Winter) 1999, p.30.
70. Ibid., p. 25.
71. J. Mole, OMI, *Whither the Roman Rite*, in publication, 1999, p.92.
72. Ibid., p.93.
73. POPE JOHN PAUL II, Apostolic letter, *Vicesimus quintus*, On the 25th Anniversary of the Constitution on the Sacred Liturgy, Vatican City-State, *The Pope Speaks*, (1989) pp.221-232.
74. Canon 924§2. *Panis debet esse mere triticeus et recenter confectus, ita ut nullum sit periculum corruptionis* (The bread must be wheaten only, and recently made, so that there is no danger of corruption.) The bread for the Eucharist is to be made of wheat flour which has not been essentially altered. Such alteration could be made either by subtraction - removal of an essential element of wheat flour, or by an addition which would make it something that is not bread The Congregation for the Sacraments affirmed "It follows that bread made of any other substance ... cannot be valid matter for the performance of the Sacrifice and the consecration of the sacrament of the Eucharist" Further: In a reply to an inquiry received concerning the kind of bread, the Congregation for the Doctrine of the Faith stated: "... recipes sent to the Sacred Congregation over the past several years vary greatly in the matter of `additions'; where there is question of slight additions (e.g. salt, condiments) the matter will be valid but illicit; where there is substitution of all or a large quantity of water by other liquids (e.g. milk, eggs, honey, etc.)the matter will be invalid." (Both quotations W.H. WOESTMAN, *Sacraments*, Faculty of Canon Law, St. Paul University, Ottawa, 1992, pp.151 and 152).
75. POPE JOHN PAUL II, Apostolic Letter, *motu proprio datae*, *Ecclesia Dei adflicta*, *Acta Apostolica Sedis*, 80: (1988) pp.1495-8.
76. C.P ICKSTOCK, Ibid., p.170.
77. Ibid., p.171.
78. Ibid., p.173.
79. Ibid., p.175.
80. Ibid.
81. C. PICKSTOCK, *A Short Essay on the Reform of the Liturgy*, *The Canadian Catholic Review*, October, 1997, p.25.
82. Ibid., p.27.

83. Ibid., p.29.
84. F.G. MORRISEY, *Papal and Curial Pronouncements: Their Canonical Significance in Light of the 1983 Code of Canon Law*, Faculty of Canon Law, St. Paul University, Ottawa, 1992, p.15.
85. It is possible that revisionists who refer to the *Novus Ordo* as 'liturgy' instead of 'the Mass' are confused by the term. They would prefer to attribute its meaning as used in this *motu proprio* to refer to the Tridentine Mass only, and not to the other forms of Liturgy in use, eg. Sacraments and sacramentals. This chameleon nature of the vernacular supports the contention that a stable language, like Latin, is required to preserve Tradition.
86. Canon 223 §2. *Ecclesiasticæ auctoritati competit, intuitu boni communis, exercitium iurium quæ christifidelibus sunt propria, moderari.* (Ecclesiastical authority is entitled to regulate, in view of the common good, the exercise of rights which are proper to Christ's faithful.)
87. *Roman Replies*, 1996, pp. 87-88
88. CONGREGATION FOR DIVINE WORSHIP, LETTER, *Quattuor abhinc annos*, October 3, 1984, *Communicationes* 17 (1985) 3-4; *Origins* 14:19 (October 24, 1984), 290; *CLD* 11:3-4.
89. c.223 §2-*Ecclesiasticæ auctoritati competit, intuitu boni communis, exercitium iurium quæ christifidelibus sunt propria, moderari.*
90. Personal communication
91. Webster
92. A VINDICATION OF THE BULL APOSTOLICÆ CURÆ, The Cardinal Archbishop and Bishops of the Province of Westminster, London, 1898 quoted in M. DAVIES, *Cranmer's Godly Order*, Augustine Publishing Company, Chawleigh, Chulmleigh, Devon, 1976, p.60.
93. CODE OF CANON LAW ANNOTATED, (Commentary) Latin/English edition, edited by E. Caparros, M. Thériault, J.Thorn, 1993, Wilson and Lafleur, Limitée, Montreal. C.124 - §1. *Ad validitatem actus iuridici requiritur ut a persona habili sit positus, atque in eodem adsint quæ actum ipsum essentialiter constituunt necnon sollempnia et requisita iure ad validitatem actus imposita.* §2. *Actus iuridicus quoad sua elementa externa rite positus præsumitur validus.* (These canons do not define the juridical act, but refer to the conditions and elements required for its existence and validity. Ability or capacity to place the juridical act is a precondition for any juridical act. Commentary: p.141)

- 94.** c.276 §2, 2°-duplici mensa sacrae Scripturae et Eucharistiae vitam suam spiritualem nutriant; enixe igitur sacerdotes invitantur ut cotidie Sacrificium eucharisticum offerant, diaconi vero ut eiusdem oblationem cotidie participant. (They are to nourish their spiritual life at the twofold table of the Sacred Scripture and the Eucharist; priests are therefore earnestly invited to offer the eucharistic Sacrifice daily, and deacons to participate daily in the offering.)
- 95.** Ibid., c.1389 §1-Ecclesiastica potestate vel munere abutens pro actus vel omissionis gravitate puniatur non exclusa officii privatione, nisi in eam abusum iam poena sit lege vel praeepto consuta. §2. Qui vero, ex culpabili negligentia, ecclesiasticae potestatis vel ministerii vel muneris actum illegitime cum damno alieno ponit vel omittit iusta poena puniatur.
- 96.** Excerpted from an article in the London Spectator, July 15, 1989, in the Latin Mass Magazine, Summer, 1995, p.14), and The Fatima Crusader, June/July 1989, p. 45.
- 97.** CARDINAL ALFONS STICKLER, "Recollections of a Vatican II Peritus" in Die heilige Liturgie, Franz Breid, ed., Steyr, Austria, Ennsthaler Verlag, 1997. English translation in the Latin Mass, 8:1 (Winter) 1999, p.30.
- 98.** Pope Paul VI's Irish secretary, currently Bishop John Magee of Cobh, Ireland.
- 99.** P. HEBBLETHWAITE, Paul VI, The First Modern Pope, 1993, Paulist Press, NY, p.694.
- 100.** CLARK, pp. 64 & 107.
- 101.** Ibid. p.85.
- 102.** Quoted by CLARK, Ibid., p.77.
- 103.** THOMAS AQUINAS, Summa Theologica, pars III q.83 et seq.
- 104.** CLARK, Ibid., p. 66.
- 105.** Quoted in CLARK, Ibid., p.41.
- 106.** JOHN PAUL II, Motu Proprio, Apostolos suos, May 21, 1998, English text in Origins, 28 (1998-1999) pp. Complementary Norms, Art. 1, p.157.
- 107.** MATTHEW, 16:18.

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