

# The Pius XII Reforms: More on the Legal Issue

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## Despite Bugnini, why not just obey “the last true pope”?

IN APRIL 2006 I posted a short article on the Internet that explained briefly why rejecting the Pius XII Holy Week reforms and adhering to the previous liturgical practices was not really “illegal,” arbitrary, or a case of “picking and choosing” à la SSPX.

I pointed out that, by applying the general principles for the interpretation of ecclesiastical laws, the laws imposing the reforms could no longer be considered binding because: (1) They lacked one of the essential qualities of a law, stability (or perpetuity); and (2) They became harmful (*nociva*) because of a change of circumstances, and hence automatically ceased to bind.

To support the factual claims for each argument, I quoted extensively from a 1955 work by Fr. Annibale Bugnini, who was not only involved in formulating the Pius XII reforms, but also the person most directly responsible for the creation of the *Novus Ordo* in 1969.

Bugnini repeatedly described the reforms as provisional or as steps leading to measures that would be even more far-reaching (read: the *Novus Ordo*).

One reader sent me some additional questions that I have answered below.

**1. “Stability” and the Legislator’s Intention.** *“Thank you for your article on the Pius XII Holy Week changes. This is a question I have had some difficulty with lately, with respect to how we can reject the liturgical laws of a true pope.”*

*“In your first point, on the transitory nature of the reforms, all of the quotes you gave were from Bugnini. But since a law is an act by a legislator, isn’t it the legislator’s intent that is relevant, and not the man who merely drafted the law or advised the legislator?”*

The various stages of the reforms were outlined beforehand (at least in a general sense) in a 340-page typeset document called the *Memoria sulla riforma liturgica*, which was presented to Pius XII in 1948.

The *Memoria* bears one signature, that of Fr. Ferdinando Antonelli OFM, who in the last sentence of the document graciously thanks “the Rev. Fr. Bugnini CM, a member of the Commission, for the help he gave me in the revision of the drafts.” Some twenty-one years later, Fr. Antonelli would also sign the April 3, 1969 decree promulgating Paul VI’s *Novus Ordo Missae*.

The *Memoria* states specifically that the “complete and general revision” it envisions “cannot be put into practice in a few days” and must be carried out in “successive phases” (§334). The reform will begin with the Breviary, followed by the Missal, the Martyrology, and the rest of the liturgical books. (§339). These will be approved at each stage by the pope (§340). The process will culminate with the promulgation of a “Code of Liturgical Law” that will be gradually prepared during the work of the

Reform and “should guarantee its stability.” (§341: *garantire la stabilità*).

The *Memoria* deferred to “the Commission’s second stage of work” (§316) such possibilities as introducing a *Novus Ordo*-style multi-year cycle of scripture readings (§258), using the vernacular (§314), fostering “participation” (§314), introducing concelebration (§314), or changing the “internal structure of the Mass itself” (§314).

In practice, however, only a few points from the first stage (the Breviary) were introduced. Changes in the Missal were limited for the time being to the new Holy Week.

The “Code of Liturgical Law” that the *Memoria* said was to “guarantee the stability” of the proposed reform, obviously, was never issued.

The provisions of the 1955 Decree promulgating the new rubrics for the Breviary underscored the transitory nature of the reforms as well: Although the Decree introduced numerous rubrical changes, it specified that the liturgical books then in force must continue to be used “until further provision is made” and that “no change whatever is [to be] made in arranging whatever editions may be made of the Roman Breviary and Missal.”

From all this, it is absolutely clear that the Pius XII himself regarded the 1950s liturgical legislation as transitory — temporary steps leading to something else.

And in the practical order, moreover, the changes *were* transitory. The last batch (1958) stayed in full force only until 1960, when John XXIII issued a new set, intended to tide everyone over till Vatican II overhauled everything.

All the foregoing is more than sufficient to establish that the laws introducing the Pius XII reforms lacked the essential quality of stability (or perpetuity), and for that reason must be considered no longer binding.

**2. “Cessation” and Changed Circumstances?** *“As to the second point, I don’t understand what the changed circumstances are. If the circumstances are the modernists’ intentions that this be the first step to a massive destruction of the Church, then the circumstances didn’t in fact change. It already existed at the time the law was passed. And to say that these evil intentions can be attributed to the law itself would seem to say the devil slipped one past the Holy Ghost and used the Church’s authority for evil.”*

The changed circumstances that render the 1950s legislation harmful are not simply the modernists’ intentions, but principally the *fact* of the promulgation of the New Mass — a rite which all traditionalists regard as evil, harmful to the Catholic faith, sacrilegious and grossly irreverent, if not outright invalid.

Now, among the principles and precedents introduced in the Pius XII liturgical changes, we discover the following elements that were subsequently incorporated across the board into the New Mass:

- (1) Liturgy must follow the “pastoral” principle to educate the faithful.
- (2) Vernacular may be an integral part of the liturgy.
- (3) Reduction of the priest’s role.
- (4) Lay participation must ideally be vocal.
- (5) New liturgical roles may be introduced.
- (6) Prayers and ceremonies may be changed to accommodate modern “needs.”

- (7) "Needless duplications" must be eliminated.
- (8) The Ordo Missae itself may be changed, or parts eliminated.
- (9) The Creed need not be recited on more solemn occasions.
- (10) The priest "presides" passively at the bench when Scripture is read.
- (11) Certain liturgical functions must be conducted "facing the people."
- (12) Emphasis on the saints must be reduced.
- (13) Liturgical texts or practices that could offend heretics, schismatics or Jews should be modified.
- (14) Liturgical expressions of reverence for the Blessed Sacrament may be "simplified" or reduced.

The 1950s liturgical legislation introduced these things here and there, and on a limited basis. Taken individually, none was evil in itself.

But fifty years later, we recognize that these principles and precedents were the foot in the door to the eventual destruction of the Mass. In the very document promulgating the *Novus Ordo*, in fact, Paul VI himself points to the Pius XII legislation as the beginning of the process.

Continuing to follow these practices promotes the modernist lie that the New Mass was merely an organic development of the true Catholic liturgy. You can hardly criticize the New Mass's vernacular, passive presider and ceremonies facing the people if you engage in the very same practices every year when Holy Week rolls around.

**3. Indefectibility of the Church?** *"What becomes of the indefectibility of the Church and the guidance of the Holy Ghost if we assert that a heretic has used the authority of a true pope to promulgate a liturgy that is harmful to the Church?"*

The application of laws promulgating the liturgical changes became harmful after the passage of time because of the changed circumstances, as explained in 2.

Canonists and moral theologians (e.g., Cocchi, Michels, Noldin, Wernz-Vidal, Vermeersch, Regatillo, Zalba) commonly teach that a human law can become harmful (*nociva, noxia*) due to changed circumstances after the passage of time. In such a case it automatically ceases to bind.

One cannot therefore maintain that the application of this principle contradicts the teaching of dogmatic theology that the Church is infallible when she promulgates universal disciplinary laws.

**4. Are You "Pope-Sifting"?** *"How is this distinguishable from the SSPX's "pope sifting"? If we don't draw the line between true popes and false popes, then where do we draw it? It seems we could hardly criticize the SSPX for picking and choosing what they accept from their "pope". Even more frighteningly, must we make the same judgments about earlier popes? What about the liturgical laws of St. Pius X? St. Pius V?"*

The phrase "pope-sifting" originated with Fr. Franz Schmidberger's statement that one must sift (*cribler*) the teachings of Vatican II and the post-Conciliar popes in order to separate what is Catholic from what is not Catholic.

The essence of pope-sifting consists in the ongoing act of private judgement exercised over each teaching and law that

emanates from a *living* Roman Pontiff, coupled with *refusal of submission* to him. SSPX has made this the fundamental operating principle for its apostolate.

For those who do not observe the Pius XII liturgical legislation, however, there is no living pope to “sift” or refuse submission to. We merely apply to these laws the same general principle we apply to all *other* ecclesiastical laws: If because of the post-Vatican II crisis, applying a particular law (e.g., restrictions on delegations for administering sacraments, dimissorial letters for ordinations, permissions for erecting churches, faculties for preaching, requirements for Imprimaturs, etc.) would now have some sort of harmful effect, we consider the law to be no longer binding.

Or put another way: If like SSPX you recognize someone as a living pope, he is your living lawgiver; you are bound to approach him to ask which laws apply to you and how to interpret them. If you are a sedevacantist, however, you have **no** living lawgiver to approach; when you have a question about whether a law applies or how to interpret it, your only recourse is to follow general principles the canonists have laid down.

**5. Obedience to Lawful Authority?** *“How do we reconcile this with obedience to lawful authority? It seems we are questioning the wisdom of the legislation instead of accepting the judgment of the Church on it.”*

The principles enunciated in points 1 (stability) and 2 (cessation of laws that become harmful) are found in approved commentaries on the Code of Canon Law.

If the application of these principles were indeed inconsistent with the virtue of obedience owed to lawful authority, these commentaries would never have received ecclesiastical approval.

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THAT SAID, all the foregoing questions assume that the *sole* principle that must determine how traditional priests perform the liturgy is the liturgical legislation of “the last true pope.”

But this is not as simple as it sounds, because before a priest can maintain that the Pius XII legislation alone is legally binding, he must first demonstrate conclusively that John XXIII and Paul VI (at least before the end of 1964) were *not true popes*.

Until he does so, he must consider himself bound by all the John XXIII changes — “legally binding” is your principle, remember — as well as all the early Paul VI changes.

(Among the early Paul VI changes are the following: At Mass the priest never recites texts that the choir sings, bits of the Ordinary are sung or recited in English, the Secret is said aloud, the “Per Ipsum” at the end of the Canon is recited aloud, the “Libera Nos” is recited aloud, “Corpus Christi/Amen” is used for the people’s communion, the Last Gospel is suppressed, Scripture readings are proclaimed in the vernacular alone and facing the people, lay lectors/commentators assist the priest, the “Pater Noster” is recited in English, etc.)

In the case of both Roncalli and early Montini, a putative legislator was “in possession.” If observing the liturgical legislation of “the last true pope” is supposedly the golden norm for traditional Catholic worship, shouldn’t Father then follow the “safer course” by chopping up the Mass and training the lectors, just in case?

Since the “last true pope” principle leads to other problems, what then?

The answer is simple: Follow the liturgical rites that existed before the modernists started their tinkering.

We traditionalists endlessly reaffirm our determination to preserve the *traditional* Latin Mass and the Church’s liturgical *tradition*. To my way of thinking, it makes no sense whatsoever to preserve the liturgical “tradition” of Holy Week ceremonies invented in 1955, transitional Breviary rubrics, and “reforms” that lasted for all of five years.

The Catholic liturgy we seek to restore should be the one redolent of the fragrance of antiquity — not the one reeking with the scent of Bugnini.

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