



## Lay Guardians of the Sacred Liturgy Without Borders

*KNOWLEDGE COURAGE ACTION*

### LITURGICAL LITERACY PROGRAM (LLP)

#### MODULE 1V – JURIDICAL ASPECT



### LITURGICAL LAWS, RULES AND NORMS

As an introduction to Module IV, this session will provide basic knowledge about liturgical laws before we delve into the laws itself. Liturgical laws, rules and norms are part of ecclesiastical laws. As the purpose of the Liturgical Literacy Program (LLP) is the formation and education of lay people of God on the proper celebration of the liturgy in order to empower them to protect the Eucharist from any and every irreverence or distortion and to stop liturgical impropriety which the Universal Church calls liturgical abuse, this Module will only delve into liturgical laws, rules and norms.

The *Sacrosanctum Concilium* (Constitution on the Sacred Liturgy), the first document issued by the Second Ecumenical Vatican Council aka Vatican II is the first document that we will

look at in the study of the sacred liturgy. It is important to understand the order in which the sacred liturgy is regulated under art. 22:

*22.1. Regulation of the sacred liturgy depends solely on the authority of the Church, that is, on the Apostolic See and, as laws may determine, on the bishop.*

*22.2. In virtue of power conceded by the law, the regulation of the liturgy within certain defined limits belongs also to various kinds of competent territorial bodies of bishops legitimately established.*

*22.3. Therefore no other person, even if he be a priest, may add, remove, or change anything in the liturgy on his own authority.*

The diocesan bishops have some authority to regulate the liturgy in their own dioceses as determined by laws (art. 22.1) while the episcopal or bishops' conferences have some authority to regulate the liturgy in their territorial jurisdiction (art 22.2) both determined and limited by laws.

The laws mentioned in articles 22.1 and 22.2 granting limited authority to the bishops and the episcopal (bishops) conferences are established in the General Instruction of the Roman Missal (GIRM) under Chapter IX - Adaptations Within the Competence of Bishops and Bishops Conferences and in the Order of Mass in the Roman Missal. Outside of the limited adaptations in the Roman Missal, any change or adaptation in the liturgy, the prescribed Order of Mass, **requires the *recognitio* of the Holy See** before it can be used or celebrated, otherwise, the adapted or revised version of the Mass would be illegal or illicit. The illicit or illegal celebration of the liturgy is considered liturgical abuse, and attracts sanctions under the 1983 Code of Canon Law.

## **Sources of Liturgical Laws, Rules and Norms**

In general, there are three broad sources of *ius liturgicum* (liturgical law): **legislation, customary law and general administrative norms.**<sup>1</sup>

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<sup>1</sup> Huels, *Liturgy and Law*, 84

## Legislation

Legislation is decreed by a legislative authority. “Legislative authority” are those entities set forth in art 22 of the *Sacrosanctum Concilium* namely the Holy (Apostolic) See, competent territorial ecclesiastical authority such as bishops’ or episcopal conferences and the bishops themselves.

The liturgical laws, rules and norms are found in the various juridical liturgical documents and books issued at different times by the universal Church, the power of which is vested in the Holy See under *Sacrosanctum Concilium*, the 1983 Code of Canon Law and “other current legislative texts issued by the Holy See”.<sup>2</sup>

At the top of the hierarchy of authoritative documents are apostolic constitutions and decrees issued by popes, such as the Second Vatican Council documents.<sup>3</sup> Although, it has been more than half a century ago since the Vatican II ended, conciliar documents still remain to be an authoritative force in the life of the Church. Its documents have undeniable legislative content, in particular, the *Sacrosanctum Concilium*, Constitution on the Sacred Liturgy, from which the present liturgical laws<sup>4</sup> derive its roots and foundation. The *Sacrosanctum Concilium* is not just a simple instruction for reforms, “but a true and proper *Magna Carta* for all liturgical actions”.<sup>5</sup>

Pope Paul VI explained the legislative nature of conciliar texts:

“The Council laid down laws, and they must be respected. But on other occasions it formulated principles, criteria, desires which must be given expression in new laws and instructions, in new organisms and offices, in spiritual, cultural, and moral movements, and in organizations. This requires much work from many persons for quite a number of years.”<sup>6</sup>

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<sup>2</sup> Huels, *Liturgy and Law*, 84

<sup>3</sup> [Helen Hull Hitchcock](https://adoremus.org/2002/09/15/the-authority-of-church-documents/), “The Authority of Church Documents,” *Adoremus, Society for the Renewal of the Sacred Liturgy, Online Edition* – Vol. VIII, No. 6: September 2002, accessed 17 June 2017, <https://adoremus.org/2002/09/15/the-authority-of-church-documents/>

<sup>4</sup> Francis G. Morrissey, OMI, “Papal and Curial Pronouncements: Their Canonical Significance in Light of the 1983 Code of Canon Law,” in *The Jurist* 50 (1990), 111 - 112

<sup>5</sup> Ryan Fitzgerald, “More Christ, Less ‘Worldly Entertainment’ at Mass, Says Vatican’s Head of Worship,” in *Church Militant*,

<sup>6</sup> Pope Paul VI, “Address to the General Audience of August 17, 1966,” *Acta Apostolicae Sedis (AAS)* 58 (1966) 800.; Cf. Morrissey, “Papal and Curial Pronouncements,” 111.

Simply put, the Holy See and its *dicasteries* (then Congregations), by the authority of the Pope, give effect to the legislative text of Council documents by enacting laws. One such example is the Apostolic Constitution issued by Pope Paul VI in 1969, the *Missale Romanum*, which promulgated the renewal and revision of the 1570 Roman Missal in accordance with the *Sacrosanctum Concilium*.

Liturgical books include the Roman Missal which contains the liturgical laws on the proper celebration of the liturgy in the form of a *praenotanda* and the rubrics. *Praenotanda* appears at the beginning of liturgical books or some rites as introduction or general instructions such as the “General Instruction of the Roman Missal” (GIRM) containing the norms that must be noted before the celebration of the liturgy. Rubrics, on the other hand, are specific instructions to guide the ministers in the proper celebration of the liturgy. Rubrics which come from the Latin word *ruber* meaning “red” are printed in red to set them apart from the readings and prayers which are printed in black.<sup>7</sup> Rubrics prescribe normative actions that direct the execution of liturgical rites such as the postures, gestures, texts to be used and the likes.<sup>8</sup>

Book IV of the 1983 *Code of Canon Law* contains the laws to regulate the liturgy but not norms for its proper celebration.<sup>9</sup>

Legislative texts issued by the Holy See which constitute papal legislation are generally in the form of apostolic constitutions and apostolic letters *motu proprio*.<sup>10</sup> The dicasteries, formerly called Congregation, also issue juridical documents containing legislative texts about the regulation and celebration of the sacred liturgy with the approval of the Supreme Pontiff.

## **Customary Law**

In general, customary law applies only to local communities, not to the universal Church,<sup>11</sup> such as indigenous customary customs adapted into the liturgy celebrated in indigenous and

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<sup>7</sup> Huels, *Liturgy and Law*, 85

<sup>8</sup> John M. Huels, OSM, “One Table, Many Laws,” in *Essays on Catholic Eucharistic Practice*,” (Collegeville: The Liturgical Press, 1986), 24.

<sup>9</sup> Huels, *One Table, Many Laws*, 24

<sup>10</sup> Huels, *Liturgy and Law*, 85-86

<sup>11</sup> Huels, *Liturgy and Law*, 84

other particular communities. The legislative authority responsible for initiating customary laws is the competent territorial ecclesiastical authority, the episcopal (bishops') conferences, of a nation or country.<sup>12</sup>

Customs that are afforded the force of law must have been legitimately observed or practiced for thirty continuous and complete years in accordance with can. 26 of the 1983 Code of Canon Law.

Though, the episcopal conferences have the authority to introduce into the liturgy variations or adaptations for the benefit of *different groups, regions, and peoples, especially in mission lands*, the approval or *recognitio* of the Holy See through the Dicastery for Divine Worship and the Discipline of the Sacraments is required before the adapted version can be celebrated, otherwise unauthorized celebration of the adapted or inculturated liturgy is considered liturgical abuse.<sup>13</sup>

The adaptations or variations which typically incorporate elements from the customs and traditions of a group or community must be carefully and prudently considered before these can be introduced into the divine worship. Elements that contain superstition, errors or are incongruent with the Christian faith cannot be admitted into the liturgy.<sup>14</sup>

The document that governs the regulation of adaptations, called inculturation in liturgical laws, is the *Instruction on Inculturation and the Roman Liturgy* issued by the Dicastery (then Congregation) for Divine Worship and the Discipline of the Sacraments. This document which is an exemplification of the “*Norms for adapting the Liturgy to the culture and traditions of peoples*” (art 37-40) in the *Sacrosanctum Concilium* is considered as “the only correct procedure” on inculturation since it was issued in 1994 and well into the future. No updated version has been issued to date.

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<sup>12</sup> Vatican II Council. *Sacrosanctum Concilium, Constitution on the Sacred Liturgy*, art 39

<sup>13</sup> Vatican II Council. *Sacrosanctum Concilium, Constitution on the Sacred Liturgy*, art 40

<sup>14</sup> Vatican II Council. *Sacrosanctum Concilium, Constitution on the Sacred Liturgy*, art 39

## General Administrative Norms

General administrative norms, the third source of liturgical laws, are norms in “general documents of executive power”. These are generally published by the *dicasteries* of the Roman Curia such as the dicasteries and some pontifical councils. The Dicastery for Divine Worship and the Discipline of the Sacraments is the competent authority that issues this type of legislative document pertaining to liturgy. Examples of these legislative texts are *Liturgiam Authenticam*, *Redemptionis Sacramentum* and the Directory for Children’s Masses.<sup>15</sup>

To effectively conform to liturgical rules and norms, it is necessary for the clergy to acquire knowledge of liturgical documents that contain the laws, norms, the rules of interpretation and the application of the rules and norms. This goes with lay people who will function as Lay Guardians of the Sacred Liturgy Without Borders.

We will be studying juridical documents containing liturgical laws, rules and norms in this module.

## Process of Interpretation and Application of Liturgical Law

Once the clergy have acquired knowledge of the liturgical documents, interpretation of liturgical laws can be performed. The process of interpretation can be a “complex creative act”. The rules of interpretation or the “art of interpretation” are applied under different perspectives depending on the interpreter and the literary form of the text.<sup>16</sup>

### Interpreters

There are many categories of interpreters. There are the **legislators** who created the law and interpret it to protect the meaning they intended in the law. There are the **judges** who interpret the law to assign rights and duties, declare guilt and innocence and sentence the

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<sup>15</sup> Huels, *Liturgy and Law*, 88

<sup>16</sup> Ladislav Orsy, SJ, “The Interpreter and His Art,” in *40 Jurist* 27, 56 (1980), 31, 27-44. Provided by Australian Catholic University, 12 September 2017.; Cf. John M. Huels, OSM, “One Table Many Laws,” in *Essays on Catholic Eucharistic Practice*, (Collegeville: Liturgical Press, 1986), 18.

guilty. Then there are the **administrators** in offices whose purpose in interpreting the law is to implement it correctly. The **doctors** are usually professors in universities who interpret the law to educate the students and at times communicate it to the public at large. And lastly, there are the **subjects** “for whom the law was intended” for them to observe.<sup>17</sup> The clergy belong to the “subject” category as the liturgical laws are laid down for them to observe, nothing more.

The **subjects** are the “typical interpreters-in-practice” of liturgical law --- the priests, deacons, members of parish liturgy teams ----who are not specialists in liturgy and who, while may have varying degrees of training and expertise, are not experts in or do not have knowledge of the history and theology behind every norm.<sup>18</sup> The interpretation of liturgical laws required of the clergy as the presider is not a complicated one, not the type that legislators, judges, administrators or doctors are expected to perform but a more straightforward, strict interpretation.

### **Rules of Interpretation**

The basic rule of interpretation is well established in can. 17 of the 1983 Code of Canon Law:

*Can. 17 Ecclesiastical laws must be understood in accord with the proper meaning of the words considered in their text and context. If the meaning remains doubtful and obscure, recourse must be made to parallel places, if there are such, to the purpose and circumstances of the law, and to the mind of the legislator.*

This is called the rule of literal interpretation where the words of the text are given a literal ordinary meaning considering its context. In most cases, the correct meaning of the law can be ascertained from the ordinary or literal meaning of the words in the text and its context. Interpretation of the text is not to be made in isolation of its context which can be found in the part where the text is located (e.g. the chapter, section) and in other related documents. If the text of the law proves difficult to ascertain, more research or consultation with experts may be required.<sup>19</sup>

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<sup>17</sup> Orsy, “The Interpreter and His Art,” 27.

<sup>18</sup> Huels, “One Table, Many Laws,” 35.

<sup>19</sup> Huels, *Liturgy and Law*, 103.

Can. 18 provides that

*"Laws which establish a penalty, restrict the free exercise of rights, or contain an exception from the law are subject to strict interpretation."*

Liturgical laws "restrict the free exercise of rights" of the bishops, the conferences of bishops and the priests in liturgical celebration in accordance with Art 22 of the Constitution of the Sacred Liturgy (*Sacrosanctum Concilium*) as well as Ch 9 of the GIRM. Furthermore, penalties for breaches (liturgical abuse) are established under Ch VIII of the Instruction *Redemptionis Sacramentum* and in Book VI of the 1983 Code of Canon Law. Hence, liturgical laws such as the rubrics and texts in the Roman Missal are subject to strict interpretation, that is, keep to what is written (cf Rev 1:3).

“Can. 27 *Custom is the best interpreter of laws.*” An example of this “custom” is the tradition of the Jewish people to pray with hands extended or arms raised. It is prominent in the Old Testament, especially in the Psalms, that the people of God raised their arms in praying to God. Hence, in the New Testament, when Jesus taught his disciples to pray, he did not need to teach or instruct his disciples on how to pray to Our Father because it is a given. Extending the arms or raising the hands is the custom, the norm, when praying to the Father. This custom is replicated in the praying of the Our Father in the Roman Missal as preceptively instructed in the rubrics in par #124 in the Order of Mass. It is like the sun rises in the morning and sets at nighttime. It is what it is.

### **Three Categories of Liturgical Rules and Norms**

The Outline of Liturgical Law based on the works of Orsy, Morrissey and Huels is a useful tool in interpreting liturgical rules and norms. The outline affirms that the *praenotanda* (introduction or GIRM) and the rubrics have the “same binding force as the canons of the code”.

Liturgical rules or norms are generally **preceptive, facultative or discretionary, or recommendations.**<sup>20</sup>

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<sup>20</sup> “An Outline of Liturgical Law (a la Morrissey, Orsy and Huels),” [sourced from (1) Francis G. Morrissey, “Papal and Curial Pronouncements: Their Canonical Significance in Light of the 1983 Code of Canon Law” (*The Jurist* 50 [1990] 102–125), (2) Ladislav Orsy, “The Interpreter and His Art” (*The Jurist* 40 [1980] 27–56),

**Preceptive norms are obligatory commands** expressed as either positive (“must”, “should”, “is to [do such and such]”, or negative (“it is prohibited”, “is not allowed”. “must not”, “cannot”).<sup>21</sup> The *Sacrosanctum Concilium*, the *Redemptionis Sacramentum* and especially the Roman Missal and other juridical liturgical books or documents make heavy use of preceptive commands in both the positive and negative expressions with the use of “must”, “should”, “is not to”, “is not permissible” as examples. In the rubrics of the Roman Missal, the preceptive commands are expressed in the present or jussive subjunctive such as “the priest says” or “the priest kneels” or “extends his hands” or “the people rise (or stand or kneel). **Preceptive** rules must be followed to the letter, that is, stick to what is written. Do the red, the rubrics, and say the black, the text.

**Facultative or discretionary norms** “permit options from which one **must** choose”.<sup>22</sup>

Examples of this can be seen from the rubrics of the Order of Mass in the Roman Missal. There are only two options for the Creed (Apostles and Nicene Creed) from which the choice is made. There are set number of options for the Preface and Eucharistic Prayers from which the priest must choose depending on the season or feast being celebrated as prescribed in the rubrics. We will discuss these in more details later in this Module and in Module V when we learn about *ars celebrandi* or the art of the proper celebration of the liturgy.

**Recommendations are “not obligatory** (but) express an ideal or preferred manner of acting but leave it to the subject to decide whether to observe this ideal”. This is usually expressed using the preposition “may”<sup>23</sup> such as in the rubrics for the Introductory Rites: “(The) Priest, or a Deacon, or another minister, **may** very briefly introduce the faithful to the Mass of the day.” It must be noted that if the rubrics do not specifically indicate an option, the action must be done as prescribed. As *Sacrosanctum Concilium* art 22.3 states “no other person, even if he be a priest, may add, remove or change anything in the liturgy on his own authority”.

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(3) John Huels, “The Interpretation of Liturgical Law,” *One Table, Many Laws* (Collegeville: Liturgical, 1986), 17–36, (4) John Huels, *Liturgical Law: An Introduction* (Washington: Pastoral, 1987), and (5) John Huels, *Liturgy and Law: Liturgical Law in the System of Roman Catholic Canon Law* (Quebec: Wilson & Lafleur, 2006),] accessed 13 September 2017, <http://www.pford.stjohnsem.edu/ford/liturgy-and-music/liturgy/documents/liturgical%20law%20outline.pdf>.

<sup>21</sup> “An Outline of Liturgical Law (a la Morrissey, Orsy and Huels).”

<sup>22</sup> “An Outline of Liturgical Law (a la Morrissey, Orsy and Huels).”

<sup>23</sup> “An Outline of Liturgical Law (a la Morrissey, Orsy and Huels).”

For the purpose of the proper celebration of the liturgy, the clergy are required to strictly interpret and observe the laws and norms prescribed in the *Sacrosanctum Concilium*, the Roman Missal in particular the *praenotanda* (GIRM) and rubrics of the Order of Mass, the Instruction *Redemptionis Sacramentum* and in other juridical documents.

Through the faithful adherence to liturgical rules and norms, *ars celebrandi* “fosters a sense of the sacred” as the normative outward signs such as the prescribed “harmony of the rite, the liturgical vestments, the furnishings and the sacred space” nurture this sense. By the same token, strict observance of the rubrics and texts brings about a thoughtfulness to the various forms of language used in the liturgy such as “words and music, gestures and silence, movement, the liturgical colours of the vestments”. The simple gestures and “orderly sequence of signs, communicate and inspire the community of faithful, more than any contrived and inappropriate additions.” or misguided creativity or unnecessary improvisations. “These texts contain riches which have preserved and expressed the faith and experience of the people of God over its two-thousand-year history.”<sup>24</sup>

Furthermore, “(A)ll of Christ’s faithful likewise have the right to a celebration of the Eucharist that has been so carefully prepared in all its parts that the word of God is properly and efficaciously proclaimed and explained in it; that the faculty for selecting the liturgical texts and rites is carried out with care according to the norms; and that their faith is duly safeguarded and nourished by the words that are sung in the celebration of the Liturgy.” Hence, “(T)he reprobated practice by which Priests, Deacons or the faithful here and there alter or vary at will the texts of the Sacred Liturgy that they are charged to pronounce, must cease. For in doing thus, they render the celebration of the Sacred Liturgy unstable, and frequently distort the authentic meaning of the Liturgy.”<sup>25</sup>

Following this topic, we will start studying the juridical liturgical documents that contain the laws, rules and norms of the sacred liturgy and its proper celebration starting with the *Sacrosanctum Concilium* (Constitution on the Sacred Liturgy).

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<sup>24</sup> Benedict XVI, *Sacramentum Caritatis*, par.40

<sup>25</sup> Congregation for Divine Worship, *Instruction Redemptionis Sacramentum*, pars 58 - 59).