

## CHAPTER II

# An Examination of the Liturgy and the Sacraments

**A** comparison of the *Novus Ordo* rite with the Protestant liturgies in the 16<sup>th</sup> Century reveals many striking similarities. This chapter probes the Protestant nature of the *Novus Ordo*, the “new rite of Mass”. It looks at how the *Novus Ordo* liturgy is defective in expressing and propagating the Catholic Faith. The right of the faithful to attend Holy Mass and receive the sacraments in accordance with the universal customs and rites of the Church is also examined in this chapter.

### **The *Novus Ordo*: A Protestant Construct**

The *Novus Ordo* does not instruct the faithful in the truths of the faith, because it was constructed in the same manner as the heretical services of the Reformers, who adapted “existing Catholic rites, but removed from them everything which was not compatible with the particular heresies they favoured.”<sup>61</sup> The pattern of adaptation of the traditional rite in the making of the *Novus Ordo* has been shown to be substantially identical to that employed by Thomas Cranmer in the making of the Protestant *Masse or Lord’s Supper* of 1549.<sup>62</sup>

Cranmer’s purpose for modifying the liturgy was doctrinal, as Belloc explains:

... to get rid of the Mass was the soul of the whole affair, because he hated it, especially ... its central doctrine ... the Real Presence of God upon the altar. ... ***But it would be impossible to effect so complete a revolution at one***

*blow* ... it had to be done in two stages ...

The first new service in the place of the Mass must be of a kind that men might mistake for something like a continuance of the Mass in another form.

When that pretence had done its work and the measure of popular resistance taken, they could proceed to the second step and produce a final Service Book in which no trace of the old sanctities should remain.<sup>63</sup>

An Anglican scholar described Cranmer's *Masse* as "... 'an ingenious essay in ambiguity', purposely worded in such a manner that the more conservative could place their own construction upon it and reconcile their consciences to using it, while the Reformers would interpret it in their own sense and would recognise it as an instrument for furthering the next stage of the religious revolution."<sup>64</sup>

Luther's liturgy also gave the appearance that nothing substantial had been changed, as Hartmann Grisar S.J. explains:

One who entered the parish church at Wittenberg after Luther's victory discovered that the same vestments were used for divine service as of yore, and heard the same old Latin hymns. The Host was elevated and exhibited at the Consecration. In the eyes of the people it was the same Mass as before, despite the fact that Luther omitted all the prayers which represented the sacred function of the Sacrifice. The people were intentionally kept in the dark on this point. "We cannot draw the common people away from the Sacrament, and it will probably be thus until the Gospel is well understood," said Luther. The rite of celebration of the Mass, he explained, is a "purely external thing," and said further that "the damnable words referring to the Sacrifice could be omitted all the more readily, since the ordinary Christian would not notice the omission and hence there was no danger of scandal."<sup>65</sup>

The structuring of the *Novus Ordo* has followed the same pattern as that of the Protestant liturgies, and its makers have confessed a similar

doctrinal motive. Msgr. Bugnini declared, “The liturgical reform is a *major conquest of the Catholic Church*<sup>66</sup> and *has its ecumenical dimensions*, since the other churches and Christian denominations see in it not only something to be admired, but equally *a sign of further progress to come.*”<sup>67</sup> What he meant by ‘ecumenical dimensions’ was more clearly elaborated in the above cited article of his *Consilium* collaborator, Fr. Lengeling, who explained that “*an ecumenically-oriented sacramental theology for the celebration of the Mass emerged ... it leads us ... out of the dead end of the post-tridentine theories of sacrifice*, and corresponds to the agreements signalled by many of last year’s interfaith documents.” Fr. Bugnini’s assistant in the *Consilium*, Fr. Carlo Braga admitted that the *Novus Ordo* had been given “*an entirely new foundation of eucharistic theology*” resulting from a revision affecting “*not only form, but also doctrinal reality*”, dictated by “*ecumenical requirements ... in harmony with the Church’s new positions*”.(!)<sup>68</sup>

It is, therefore, manifestly evident why “the *Novus Ordo* **has no intention of presenting the Faith as taught by the Council of Trent**”, since its fabricators constructed the new rite according to a Protestant *lex credendi*, rooted in a new eucharistic theology, dictated by ecumenical requirements, which does not conform to the traditional post-Tridentine eucharistic theology of sacrifice. The *Novus Ordo* does not appear to be an expression of Catholic faith, and it is certainly not an explicit profession of faith; hence it is incapable of instructing the faithful in the truths of the faith as the Magisterium of the Church requires the liturgy to do.

The *Novus Ordo* Missæ has seriously compromised the unity of the Church. The authors of the *Critical Study* warned a quarter of a century ago that “to abandon a liturgical tradition which for four centuries was both the sign and the pledge of unity of worship (and to replace it with another which cannot but be a sign of division by virtue of the countless liberties implicitly authorised, and which teems with insinuations or manifest errors against the integrity of the Catholic religion) is, we feel in conscience bound to proclaim, an incalculable error.”

Of the four marks of the true Church, the first is that she is *One* — one in virtue of her unity: 1) unity of faith, 2) unity of cult, 3) unity under one visible head. Thus Canon Law states that “Those baptised are fully in communion with the Catholic Church on this earth who are joined with Christ in its visible structure by the bonds of profession of faith, of the sacraments and of ecclesiastical governance.” (can. 205).

The *Novus Ordo* tends to destroy the bonds of profession of faith because, unlike the traditional rite, it is no longer an explicit profession of faith. The Mass, as Pius XI explained, is “the most important organ of the Ordinary and Universal Magisterium of the Church”, and as such it was “an insurmountable barrier against any heresy which might attack the integrity of the mystery”. (*Critical Study*). The liturgical reformers of the post-council have followed the same procedure as the Reformers of the Sixteenth Century. What the Protestants did, Dom Gueranger explains, “*was to substitute new books and new formulas, and their work was done. There was nothing that still bothered the new teachers, they could just go on preaching as they wished: the faith of the people was henceforth without defence.*”

The post-conciliar reforms have been an unmitigated disaster for the faith. “What has gone wrong”, asks Father Michael Napier, Superior of the London Oratory, “in the Church’s public worship, that instead of being a source of joy and constant renewal, it has become for many only bitterness and wormwood, so that their spiritual lives have been crippled, and many alienated from the Church?”<sup>69</sup> Cardinal Ratzinger admitted, “It is incontrovertible that this period (post-conciliar) has definitely been unfavourable for the Catholic Church.”<sup>70</sup> “So many of the changes,” according to Edwin C. Haungs S.J., “introduced since the end of Vatican II with promises of enormous spiritual returns have proved in practice to be worse than useless. They have not only confused a large number of the people of God, they have angered many. A sizeable number, a truly frightening number have given up the practice of their faith.”<sup>71</sup>

Cardinal Heenan wrote, “When on December 7, 1962, the Bishops voted overwhelmingly (1992 against 11) in favour of the first chapter of the Constitution on the Liturgy, they did not realise that they were initiating a process which after the Council would cause confusion and bitterness throughout the Church.”<sup>72</sup> Another bishop who dared to admit that the New Mass is responsible for the destruction of the faith in the Church was Mgr. Gregoire, Archbishop of Montreal, who wrote: “We are greatly saddened to see parishes abandoned by a great number of the faithful. We attribute this, in great part, to the liturgical reform.”<sup>73</sup>

What, therefore, has become of the unity of the Church? “The Church”, said Cardinal Valerian Gracias, “is being threatened by a real disintegration which is taking place within ...”. The first major damage to the Mass was inflicted on the Church by the Congregation for Divine Worship in 1967, when it issued the Instruction, *Tres Abhinc Annos*.<sup>74</sup> Only one year later, Paul VI lamented: “The Church finds herself in an hour of anxiety, self criticism, even auto-destruction. It is an interior upheaval, sharp and complex, which none expected after the Council. We looked forward to a flowering, a serene expansion of conceptions which matured in the great sessions of the Council. But ... one must notice above all the sorrowful aspect. ***It is as if the Church was destroying herself.***”<sup>75</sup> Cardinal Ottaviani bluntly attributed this sad state of affairs to the post-conciliar reforms in his above cited letter to Pope Paul VI: “recent reforms have amply demonstrated that *fresh changes in the liturgy could lead to nothing but complete bewilderment on the part of the faithful who are already showing signs of restiveness and of an indubitable lessening of faith.*”

“Unless we are blind”, Fr. Louis Bouyer has observed, “we must even state bluntly that what we see looks less like the hoped-for regeneration of Catholicism than its accelerated decomposition.”<sup>76</sup> Says the great liturgist Mons. Klaus Gamber, “The real destruction of the traditional Mass, of the traditional Roman Rite, with a history of more than one thousand years, is the wholesale destruction of the faith on which it was based.”<sup>77</sup> The present

doctrinal crisis, Fr. Cornelio Fabro has explained, is the gravest crisis that the Church has ever faced in all her history<sup>78</sup> — that crisis cannot be remedied by an ambiguous liturgy that undermines the faith by ambiguously professing the faith in the muted tones of an “uncertain bugle”.

The *Novus Ordo* tends to destroy the unity of cult because: 1) it is an entirely new rite and as such is contrary to the universal customs and rites of the Church; 2) as the most important organ of the Ordinary Magisterium it does not effectively instruct the people in the truths of the faith; and 3) having been fashioned according to Protestant principles it bears a striking resemblance to Protestant services and like them it embodies a systematic and tacit negation of the Real Presence and the propitiatory sacrifice: all of which constitute for the faithful the grave obligation to refuse submission to the unlawful imposition of the *Novus Ordo* in order to remain united by obedience to Christ.

An additional burden on the conscience of the faithful is the above explained defective mode of signification of the words of consecration in the *Novus Ordo*: the intention to confect the real and substantial presence of Christ in the Blessed Sacrament is not clearly expressed in the *Novus Ordo*. The ambiguity is heightened when Canon II is used, since “it could be recited with perfect tranquillity of conscience by a priest who no longer believes either in Transubstantiation or in the sacrificial character of the Mass — hence even by a Protestant minister.”<sup>79</sup> Therefore the *Critical Study*, in a passage quoted by Cardinal Siri, asks, “Will priests in the near future who have not received the traditional formation, and who rely on the *Novus Ordo* with the intention of ‘doing what the Church does,’ consecrate validly? One may be allowed to doubt it.” **This state of incertitude destroys the presumption that the celebrant of the *Novus Ordo* properly intends to confect the Blessed Sacrament and offer the propitiatory oblation.**

It is the ordinary teaching of the Church that for the licit celebration of the sacraments, in all that pertains to their validity, moral certitude is required.<sup>80</sup> Moral certitude of the proper intention of

the priest was presumed in the traditional rite because the liturgy clearly expressed that intention. In the *Novus Ordo* that presumption has been destroyed by its “systematic and tacit negation of the Real Presence”.<sup>81</sup> From this it follows that the faithful have the grave obligation to avoid any Mass celebrated according to the *Novus Ordo* unless there is sufficient positive evidence to establish moral certitude that the priest has properly formed the correct intention to confect the sacrament of the Eucharist according to the intention of the Holy Roman Church.\* It is scandal and an outrage that the faithful be burdened with such a task.

### **The Right of the Faithful to Traditional Sacraments**

The faithful have the right to receive sacraments that are certainly valid.<sup>82</sup> The Canon Law Society Commentary elaborates, “This right is rooted in baptism; it is not a privilege granted by Church authorities but a claim rooted in the action of Christ”.<sup>83</sup> The Church may not impose new rites on the faithful, because Catholics have the “right to worship God according to the prescriptions of their own rite”.<sup>84</sup> This right establishes on the part of the faithful an inviolable moral faculty according to which they can and must demand to be provided the goods and services of the Church according to their own custom and rite.

Since the Divine Law establishes the right and duty which constitutes an inviolable claim on the part of the faithful to receive the sacraments according to their own custom and rite, that claim may not be legitimately denied. It is in virtue of this inviolable claim, that if the faithful are unlawfully denied their traditional rites, then, in accord with the principle of equity, they may not be punished for availing themselves of the services of priests and bishops whose adherence to Tradition has earned for them the withdrawal or deprivation of their priestly faculties.<sup>85</sup> Such withdrawal of faculties

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\* In nearly all vernacular translations of the words of consecration of the chalice, there is a probable defect of form, and therefore there is positive and probable doubt about the validity of nearly all of the vernacular *Novus Ordo* Masses that are being celebrated. See [Appendix II](#) for a more detailed examination of this problem.

is unlawful, while the penal deprivation of faculties under such circumstances is certainly invalid, since such priests are guilty of nothing other than exercising their divinely commissioned ministry.<sup>86</sup>

It pertains to the very definition of law that it is ordered to the common good, and therefore, since authority is nothing other than the legitimate exercise of power,<sup>87</sup> the pastors of the Church do not possess the power to exercise their authority in such a manner that contravenes the Law of God.<sup>88</sup> They may not legislate an ecclesial suicide which denies the faithful their God-given rights while it forbids the priests to exercise the duties of their divine calling. The pastors of the Church may not suppress the traditional rites, and consequently they do not possess the authority to forbid the faithful to avail themselves of the traditional rites or to forbid the sacred ministers to administer them.<sup>89</sup> In order that the faithful be provided with the traditional rites there must be priests and bishops to celebrate the traditional liturgy and administer the sacraments according to the custom and rite of the Church. This, therefore, constitutes on the part of the faithful the inviolable claim on the “received and approved rites” of the seven sacraments and as a consequence, the strict necessity is thereby established on the part of the sacred ministers to provide them.

The Code of Canon Law recognised the validity of the principle of necessity (*necessitas non habet legem*), which has been elaborated by moral theologians insofar as it applies to the administration of the sacraments. Ordinarily jurisdictional faculties or a canonical mission are required for the licit administration or celebration of the sacraments of Baptism, Penance, Confirmation, Matrimony, Orders, and Extreme Unction, and for the habitual public celebration of the Mass. For the validity of Penance, Matrimony and Confirmation administered or solemnised by a priest, the proper jurisdiction or faculty is required. Nevertheless, the Code itself concedes that extraordinary forms may be used even outside of the danger of death: thus acknowledging that in extraordinary circumstances the rights of the faithful prevail over the formalities of

ecclesiastical law.

Thus, for example, Canon 1116 allows that “persons intending to enter a true marriage can validly and licitly contract it before witnesses alone ... if the presence or access to a person who is competent to assist at marriages in accord with the norm of law is impossible without grave inconvenience”. This may be done even outside the danger of death, “as long as it is prudently foreseen that such circumstances will continue for a month”. This is one instance where the intention of the legislator not to allow the rigidity of statutory law to deny the rights of the faithful under extraordinary circumstances is thus formally enshrined in the Code.

The general application of this principle is found in canon 1323, which states that those who “have violated a law or precept” are “not subject to penalties” who acted “out of necessity or out of serious inconvenience, unless the act is intrinsically evil or verges on harm to souls”. The principle of equity demands that where there is true necessity the law must yield to divine or natural law, since it is neither the intention of the legislator nor is it in his power to extend the application of a general statute to those extraordinary situations in which the obligation to observe the letter of the law would violate the rights and obligations that are rooted in divine or natural law. That would subvert the very purpose to which the law is ordered and therefore its application would be contrary to the very nature of the law itself.<sup>90</sup>

Canon 1323 expressly acknowledges that it is sometimes necessary to violate the letter of the law in order that rights be exercised and duties fulfilled. When there is a situation where necessity has certainly or probably been established, then 1) there can be no penalty (can. 1323); 2) positive doubt about the applicability of laws in question, constituting a “doubt of law” is thereby established, and under such circumstances those “laws do not bind even if they be nullifying and disqualifying ones” (can. 14); 3) “in positive and probable doubt about law or about fact, the Church supplies executive power of governance both for the external and for the internal forum”. (can. 144) The provisions of these canons make it abun-

dantly clear that in circumstances of true necessity the Church supplies all necessary faculties.

The second section of canon 144 expressly applies the provision for supplied faculties to the sacraments of Confirmation, Penance and Marriage. The mention of only these three does not manifest the intention to limit the provision of supplied faculties to them alone, so as to prohibit the supply of faculties to other sacraments, since Baptism and Extreme Unction have their own extraordinary canonical provisions, and because silence does not have a nullifying effect: “Only those laws which expressly state that an act is null or that a person is incapable of acting are to be considered to be invalidating or incapacitating.” (can. 10) Hence, in situations of certain or probable necessity, even those not foreseen by the legislator, it is certain that nullifying and incapacitating laws do not apply,<sup>91</sup> and the Church certainly supplies all necessary faculties, and power of governance.

The ultimate source of supplied faculties in cases of necessity is not the Code, but the Code itself merely acknowledges the principle of equity and yields to a higher law.<sup>92</sup> In *The Juridical Form of Marriage*,<sup>93</sup> John Carberry provides an example that illustrates the principle elaborated in the preceding paragraphs. Citing the authority of Gasparri and other canonists, the future Cardinal explains that, “In extraordinary circumstances, if no witnesses are available, marriage would be validly celebrated without them. In such cases, a marriage is valid because the natural right to marry will prevail over the ecclesiastical law which prescribes the canonical form; in such circumstances its validity does not arise from the use of canon 1098.”

The “validity does not arise from the use of the canon”: because the exceptional conditions under which the Code supplies the faculty have not been met, yet the sacrament is still valid and the nullifying laws do not apply. This is so because it pertains to the very essence of human law that as an “ordinance of reason” it is founded upon the natural law and divine positive law which are themselves derived from the eternal law. Since the eternal law is “the divine

wisdom insofar as it is directive of all actions and motions”,<sup>94</sup> it is metaphysically impossible for an ordinance of reason to contradict it. Whence it follows that human positive law, whether ecclesiastical or civil, having the eternal law as its ultimate wellspring and foundation, must yield to the divine or natural law in order to remain in conformity with the eternal law, and therefore it may not and in fact is incapable of nullifying the rights, obligations or anything that the divine law has decreed. In such cases, therefore, divine law is the source of the supplied faculties which are furnished directly by Christ Himself.<sup>95</sup>

This principle is acknowledged in canon 844 § 2, wherein it is stated: “*Whenever necessity requires ... it is lawful for the faithful for whom it is physically or morally impossible to approach a Catholic minister, to receive the sacraments of penance, Eucharist and anointing of the sick from non-Catholic ministers in whose churches these sacraments are valid.*” It is not the Code that makes it lawful but the necessity itself makes it lawful and valid, and this is simply acknowledged by the Code. No special faculty is needed on the part of the non-Catholic priest. If a traditional Catholic priest is available, to whom it is physically and morally possible for the faithful to approach, the canon itself makes it clear that such a one is to be preferred.<sup>96</sup> Due to necessity the priest possesses the necessary faculties in order to administer the sacraments that the canon acknowledges he may lawfully administer. This is so because wherever true necessity exists divine law necessarily concedes the faculty, since it is impossible for the God of infinite justice to deny what is just.

It is of the utmost necessity that the faithful remain in proper communion with the Church. The bond, however, of communion can only be preserved by steadfastly adhering to the “received and approved rites” which constitute our spiritual patrimony. Traditionalists have no need for any special indulgences to facilitate their full ecclesial communion, since their full ecclesial communion is accomplished when they “steadfastly admit and embrace Apostolic and Ecclesiastical Traditions”.<sup>97</sup> It is those who have changed all

the ecclesiastical ceremonies who, in the objective order, are not in proper communion with the Church, since they do not follow the universal customs and rites of the Church, they violate the irrevocable decrees of *Quo Primum*, and they violate the solemn anathema of the Council of Trent (Sess. 7, can. 13) and the *Tridentine Profession of Faith*. When the pope divides the Church in this manner, he ruptures the bonds of communion because he destroys the unity of ecclesiastical charity.<sup>98</sup>