

Liturgical Law in Sacrosanctum Concilium

Anthony O. Igbekele
Department of Theology
SS Peter and Paul Major Seminary
Bodija, Ibadan.
aoigbekele@hotmail.com

Abstract

The liturgy is the highest worship and homage that can be given to God, the summit and source of the Christian life and the foundation of the Christian spirit. It is the work of God who desires to encounter humanity. It therefore has divine and human components. Liturgical laws regulate worship and bring about a balance in this intricate relationship so that the human person maintains the highest ideals in this encounter with God and refrains from trivializing the priceless possession bequeathed to the Church. Liturgical laws are therefore not restrictive of freedom, but promote the realization of authentic freedom to worship and serve God. The oft heard accusation of antinomianism against the Second Vatican Council cannot therefore be sustained when considered against the background that the Council, like the Council of Trent before it, gave distinctive laws that would guide the celebration of the public worship of the Church.

Keywords: Antinomianism, Liturgical Law, Sacred Liturgy, *Sacrosanctum Concilium*, Worship.

Introduction

The interest in liturgical laws, a constitutive area of liturgical studies, stems from two perspectives: the post Conciliar understanding of the role and function of laws in the liturgy and the attitude to liturgical laws and what they represent in the overall celebration of the mysteries of salvation. In an ideal situation, that is, in a situation where people know what they are to do and do it, there is no need for laws. The existence of

law itself is then a pointer to the presence of a contrary or mitigating situation. This is true of the liturgy and of the laws used for its direction, governance, praxis and life. In the area of liturgical texts, actions, and celebration, some of these instances may include the mutilation of liturgical texts, mutilation of *actio liturgicae*, imposition of self-innovating texts, prayers and actions, and, complete disregard of established forms and patterns of worship, among others.

The laws that regulate the liturgy, some codified in the Code of Canon Law, are however largely outside its purview, as unequivocally stated in Canon 2 of the 1983 Code,¹ which is in sync with the 1917 Code, appearing in the same Canon 2. The liturgical laws we are going to examine here are the ones in the Constitution on Sacred Liturgy, *Sacrosanctum Concilium*. The interest in an examination of these liturgical laws is borne out of the need to set straight and examine critically the belief and demonstrable attitudes that the Second Vatican Council (henceforth Vatican II) is antinomian,² that is, that Vatican II threw out all liturgical laws and, in its place, created a liturgical anarchy. This has created the false belief in certain circles that there are no liturgical laws in the post conciliar reforms. There is also the lack of knowledge of laid down liturgical laws as a result of poor or non-existent formation in liturgical laws, the disregard of liturgical laws as non-binding and as simple admonitions to be observed on the basis of personal interests,

¹ "For the most part the Code does not determine the rites to be observed in the celebration of liturgical actions. Accordingly, liturgical laws which have been in effect hitherto retain their force, except those which may be contrary to the canons of the Code." *The Code of Canon Law, in English Translation*, prepared by the Canon Law Society of Great Britain and Ireland in association with The Canon Law Society of Australia and New Zealand and The Canadian Canon Law Society (London: Collins Liturgical Publications, 1983), 2. Cf. also Frederick R. McManus, "Liturgical Law", in *Handbook for Liturgical Studies Vol 1: Introduction to the Liturgy*, ed. by Anscar J. Chupungco, A Pueblo Book (Collegeville, Minnesota: The Liturgical Press, 1997), 400.

² Cf. Cormac Burke, *The Lawless People of God? Authority and Freedom in the Church*, 2nd edition (Dublin: Four Courts, 2009).
<http://www.cormacburke.or.ke/node/7>. (Accessed 14/08/20).

whims and dispositions, thereby leading to the selective picking and choosing of liturgical laws that fit into personal and parochial objectives. The position is also canvassed that our Lord who instituted the Liturgy as praise and worship of the Father through His Paschal Mystery, did not create laws and therefore all liturgical laws are man-made restrictions on the creative liberty of individuals and a stifling of the fruits of personal and subjective “listening” to the Holy Spirit, whose wind blows wherever He wills and who should not be restricted through the instrumentality of regulatory and restrictive laws. Can we therefore agree that Vatican II is antinomian? What is the nature of liturgical laws? What are the constituents of liturgical laws? Do liturgical laws have any binding force and are they meant to be obeyed? Where are liturgical laws written? How is a liturgical law to be interpreted? Who is competent to enact a liturgical law? Do liturgical laws lead to a return to the legalism and legalistic attitudes of the past in which the liturgical laws were seen as ends in themselves and not as means to an end? How do liturgical laws assist in the correct celebration of the liturgy?

Status Questionis

Frederick R. McManus, writing in the period immediately preceding the Second Vatican Council and especially on the Instruction of 1958³, considered the relationship between the Law, the Liturgy and Participation,⁴ how liturgical laws are formulated, participation of the people and distribution of roles, and he argued that disobedience of the law mitigated the popular appreciation of the sacred liturgy and that the law of the liturgy is reasonable and fruitful⁵ and considered the role of customs, debates and discussions, “popular usage and study and

³ Congregation of Sacred Rites, “Instruction on Sacred Music and the Sacred Liturgy,” AAS 50 (1958), 630-663

⁴ Frederick R. McManus, “The Law, The Liturgy and Participation,” *The Jurist* 20, no. 1 (1960), 42-54.

⁵ McManus, “The Law, The Liturgy and Participation,” 45.

discussion... in the formation of the liturgical law.”⁶ John M. Huels examined what constitutes the essence of liturgical law through an historical excursus on the regulation of the Liturgy, the examination of the relationship between canon law and liturgical law and the juridic notion of the liturgy.⁷ Frederick R. McManus, in his examination of “Liturgical Law”,⁸ dwelt on the “nature, kinds and sources, interpretation and force, and rationale or purpose” of liturgical law in the Roman rite and other rites of the Western Catholic Church and the intrinsic (laws of celebration) and extrinsic nature (laws that are extrinsic to the actual celebration) of liturgical law.⁹

Jesus Christ and Law

Jesus Christ was not against laws. He was conversant with the Mosaic Law and followed its prescriptions. He obeyed the religious laws concerning the feasts and temple rituals. He observed the religious laws on purification, fasting, prayer and almsgiving. He went up to Jerusalem for the great Jewish festivals and obeyed the laws concerning the Sabbath. While not condemning the letter of the law, he laid more emphasis on the spirit of the law and gave new interpretations to the Law of Moses: for instance, he amplified the law on murder and adultery and reviewed the law of retaliation. He summarized the myriads of laws into two precepts: love of God with one’s whole heart, soul, might and love of the neighbour as oneself.¹⁰ He also gave a new law/commandment: “love one another as I

⁶ McManus, “The Law, The Liturgy and Participation,” 46.

⁷ John M. Huels, *Liturgy and Law, Liturgical Law in the System of Roman Catholic Canon Law*, Collection Gratianus Series, Section Handbooks (Montreal: Wilson & Lafleur Ltee, 2006).

⁸ McManus, “Liturgical Law,” 399-420.

⁹ Other contributions are those of Thomas Richstatter and Aime-G. Martimort. Cf. Thomas Richstatter, *Liturgical Law: New Style, New Spirit* (Chicago: Franciscan Herald Press, 1977); Aime-G. Martimort, “Structure and Laws of the Liturgical Celebration”, in *The Church at Prayer* vol.1, edited by Aime-G. Martimort (Collegeville, Minnesota: The Liturgical Press, 1987), 113-129.

¹⁰ Cf. Mt. 22,37-39.

have loved you.”¹¹ He was also against the externalization of laws and norms that work against the good of man and criticized certain interpretations of the law, especially those that contradicted the primacy of the law of love and categorically stated that he had not come to abolish but to fulfill the law.¹² He saw that fulfillment in his person.

At the Last Supper, he gave his disciples a model for the celebration of the Eucharist and the command of reiteration and memorial: that is, he told them to do what he did in their presence in memory of him. Our Lord is therefore the primary and fundamental lawgiver. Since He is the originator of the Liturgy, and the liturgy is the Church’s response to His will that His Paschal sacrifice and the salvation He brought should continue through all the ages, by extension and in an indirect way, He is the source of the laws that are made to govern the good ordering of the liturgy. The laws used in the liturgy express the “sacredness of the deeds and words regulated by it”¹³ and are products of the interpretations of our Lord’s actions, chief among which is his desire that the highest homage of worship be paid to the Father in an orderly manner.

Fundamental and Primary Considerations and Points of Departure

Liturgy is the divine work of God who intends that the divine praise of His name should continue throughout all time and generation till the Parousia. It is divine in character and expression, action and encounter, and not the work of man or the product of man’s ingenuity. It is contemplation of the actions of God in His encounter with humanity and the celebration of that action, wherein the divine and human component is seen, since what is celebrated is nothing but the divine auto-revelation of that encounter in oral and recorded

¹¹ Jn 15:12,17.

¹² Cf. Mt. 5,17.

¹³ McManus, “The Law, The Liturgy and Participation,” 44.

history. The celebrative component is the *locus* where the human response to that divine auto-revelation in history is seen, understood, decoded, practicalized and put into action. Consequently, liturgy as worship and praise of God is antecedent to and predates Church law and liturgical law. The Church did not make laws in order to celebrate, that is, the laws did not precede the celebration of the liturgy. The laws came after the celebration in obedience to the command of the Lord. Liturgical laws therefore grew out of or developed from the liturgy, are dependent on it, find their life through it, are interpreted and find their meaning through it. A liturgical law is therefore not superior to and must not dominate the liturgical celebration from where it is taken and that it is meant to regulate and guide. Conceived to be at the service of the liturgy, every liturgical law is a servant of the liturgy and not its master.¹⁴ By virtue of the divine referent in the liturgy and by virtue of the fact that the liturgy from which it is taken, is divine by its fundamental and primordial nature, liturgical law can be considered to have divine component that are by their nature, inalterable and immutable.

Vatican II is not antinomian. In Vatican II, the theological understanding of liturgy precedes the enactment of the law guiding it¹⁵ and the celebration of the liturgy¹⁶ is fundamental

¹⁴ Cf. John M. Huels, *Liturgy and Law, Liturgical Law in the System of Roman Catholic Canon Law*, 25. *Sacrosanctum Concilium* 11 was clear on this. It states, in its discussion of proper dispositions for the liturgy so that it could produce its effects, that “Pastors of souls must therefore realize that, when the liturgy is celebrated, something more is required than the mere observation of the laws governing valid and licit celebration.” Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium* 11, in https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19631204_sacrosanctum-concilium_en.html, (Accessed 17/06/20).

¹⁵ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium* 2, 5-10.

¹⁶ For instance, *Sacrosanctum Concilium* (henceforth SC) made laws guiding liturgical Instruction and the Active Participation of the faithful in the liturgy of the Church. Cf. Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium* 14-20.

to the understanding of the laws that are made to safeguard its correct understanding and its authentic celebration.¹⁷ Liturgical laws and Canonical laws have their defining characteristics, natures and differences. These differences, notwithstanding, “many canonical institutes are equally applicable to it. These include custom or unwritten law, the promulgation and interpretation of law, dispensations and commutations by church authority, concessions of privileges and indulgences, and the like.”¹⁸

What is a Liturgical Law?

A liturgical law is any law that is enacted by a competent ecclesiastical authority for the regulation and guidance of the celebration of the liturgy. F. R. McManus sees it “as an integral part of the canon law, in some ways the same as the rest of the Church’s law, in some ways different.”¹⁹ Liturgical law has to do with worship and its expression in the Christian life. In this regard, there can be no separation between worship and the inner spirit represented by worship.²⁰

Liturgical laws are mainly ecclesiastical (human) laws, so their promulgation, binding force, interpretation, dispensation, and revocation are subject to the same canonical rules as any other ecclesiastical law. Some liturgical laws are based on divine law, for example, many requirements for the validity of sacraments. No one may dispense a divine law or validly enact a human law contrary to it.²¹

¹⁷ Other laws that will later be the subject of discussion in this work include the ones on the Reform of the liturgy (SC 21-25); laws on the hierarchic and communal nature of the liturgy (SC26-32) and the one based on the Didactic and Pastoral Nature of the Liturgy (SC 33-36).

¹⁸ McManus, “Liturgical Law,” 401.

¹⁹ McManus, “Liturgical Law,” 399.

²⁰ Cf. Huels, *Liturgy and Law*, 10.

²¹ John M. Huels, “The Authority of Liturgical Laws,” in <http://www.encyclopedia.com/religion/encyclopedias-almanacs-transcripts-and-maps/liturgical-laws-authority>, (Accessed 14/03/17).

Therefore, we can define Liturgical Law as “that part of Roman Catholic canon law which regulates the Church’s liturgy.”²² From our analysis in this work, we will find out that this definition is reductionist in nature and does not capture the gamut of what liturgical law is. Liturgical laws form a “complex system of practical norms ordering the rituals in and through which people are sanctified and in turn worship God”²³. Therefore, the norms must give room so that new inspirations might not be stifled. According to Seasoltz, the body of Church law must have “an elastic quality so that new insights may be assimilated into what is already good in the Church’s life.”²⁴ Seasoltz made the point that Vatican II recommended a liturgy that takes cognizance of historical evolution of the rites and the liturgy in general. History itself is evolving, never a finished product. The laws that govern the liturgy are thus not static and are not to be considered as finished products. Church laws should establish the fundamental principles, not the minutest details.²⁵

The Nature of Liturgical Law in *Sacrosanctum Concilium*

Liturgical Theology as source of liturgical law: The liturgical laws in *Sacrosanctum Concilium* are generic and not specific. They are general norms that do not specify particular situations. The enunciation of liturgical law in *Sacrosanctum Concilium* (henceforth SC) is a concomitant of the nature of the liturgy and its place in the life of the Church. In this regard, the theology of the liturgy contained in SC are the sources of the liturgical laws contained in the Code of Canon Law 1983. Another source is the 1917 Code of Canon Law but some of the provisions in that code were superseded and thus abrogated in

²² Robert Kevin Seasoltz, “Forward” in John M. HUELS, *Liturgy and Law*, 10.

²³ Seasoltz, “Forward,” 11.

²⁴ Seasoltz, “Forward,” 11.

²⁵ Cf. Kevin Seasoltz, “Forward,” 12.

the new code due to the provisions contained in the Document on Sacred Liturgy. The content of SC is therefore both theology and law. A good part of the provisions contained in SC did not eventually find itself codified in the Code of Canon Law, which however does not in any way mitigate their overall force and the obligation of compliance embedded within them. What this implies is that to celebrate the liturgy in flagrant disregard of the provisions and enunciations of SC is to work against the law guiding what the Church sees the liturgy to be and what she considers the authentic and correct celebration of the liturgy.

Some Liturgical Laws in the General Norms of Sacrosanctum Concilium: The pronouncements, enunciated in articles and contained in SC, are both theology and law. The principles, fundamental in conceptual frame, go to the core of what the liturgy is through an examination of the nature, being and *raison d'être* of what the Church intends by her liturgy in all ramifications. These theological principles were not brought to light for purely intellectual-casuistry purposes, but to demonstrate the relationship, relatedness, inter-relatedness between the liturgy and its pastoral functionality: that the beauty and purpose of the liturgy is best appreciated when its pastoral-didactic-formative character is accentuated. The theological principles of SC, drawn from Biblical, Patristic, living Tradition, Conciliar, Synodal, Magisterial sources, give foundation to the normative-legal-liturgical principles found in the same conciliar Constitution. This is in consonance with the millennial tradition of the Church that there can be no antithesis between the *regula fidei* and the *regula canonicae*, since the *regula canonicae* grows from and constitutes the sentential reformulations of the faith understanding and affirmations of the Church in all the different aspects of her life.

The theology of the participation of the faithful in the divine mysteries have the force of law in the post conciliar Church. The liturgy on the basis of theology and the norms of law is therefore not exclusive of those in the clerical state, but

inclusive of all Christ's faithful. The participation of the faithful in the liturgy is linked in the Conciliar formulation with the promotion of liturgical instruction, that in the mind of the Council, has the force of obligation. The full, active and conscious participation of the faithful are hinged on two theological principles: the first is founded in scripture, in that Petrine enunciation of the character of the baptized as part of the chosen race, the royal priesthood, the holy nation and the people redeemed. The second is founded on the right and duty of the faithful to participate in the liturgy by reason of their baptism.²⁶ The restoration and promotion of the liturgy must take participation of all the people as a principal aim and goal of reform. To achieve this, and based on the fact that the clergy have the indispensable role in the liturgical formation of the faithful, and especially in their formation for participation in the liturgy, the liturgical formation or instruction of the clergy was enacted as a conciliar norm.²⁷ In the principles for the reform of the liturgy, the nature of the liturgy is emphasized, that the liturgy "is made up of immutable elements divinely instituted, and of elements subject to change." In the same restoration of the liturgy, "both texts and rites should be drawn up so that they express more clearly the holy things which they signify"²⁸

SC contains the general norms that enunciate the nature, place and importance of the liturgy in the life of the Church, the

²⁶ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium* 14. This is further explicated in SC 30, where it states some of the means for active participation as: acclamations, responses, psalmody, antiphons, songs, actions, gestures, and bodily attitudes and reverent silence. Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium* 30. We also note here the dialogues, the call-response actions. In the revision of any liturgical book, the parts to be performed by the people must be clearly delineated and underlined and must never be neglected or glossed over. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 31.

²⁷ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 14,15,16,17,18.

²⁸ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 21.

fundamental content, constituent, components of the liturgy, the subjects of the liturgy, the celebration of the liturgy, those who can celebrate the liturgy, the different competences for the regulation of the liturgy, and the normative principles to be followed in any post conciliar reform of the liturgy. The hierarchic and communal nature of the liturgy was also enunciated as a basic theological form and norm in SC. In other words, liturgical laws express the fact that by its fundamental nature and structure, the liturgy is hierarchic and communal; public worship and not a private function. In character, it is communal worship, not individual, personal worship, involving a “we” more than an “I”; it is more of “we are celebrating” than “I am celebrating”. The liturgy is the celebration of the Church, gathered together under the bishop or priest or a minister designated and authorized by the Church to carry out this service. That means that the bishop is irreplaceable and has an indispensable role to play in the liturgy of the Church. This is because all liturgical actions within the diocese are under his authority and fall within his competence. The liturgy therefore belongs to the whole body of the Church and has effect on it. Consequently, the communal celebration of the liturgy is the preferred way of celebrating the liturgy of the Church. The individual or quasi-private celebration is therefore totally discouraged. Every Mass and every celebration of the sacraments have a public and social nature.

These general norms also indicate the nature of liturgical laws. A fundamental normative concept, for instance, clarified the nature of the liturgical services as public, not private function and as the celebration of the entire Church “which is the ‘sacrament of unity’, namely, the holy people united and ordered under their bishops.”²⁹ The public nature of liturgical services is therefore rooted and founded on the firm ecclesiological foundations of the Church as the sacrament of

²⁹ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 26.

unity and on the bond between the particular Church and its high priest, the bishop. Though liturgical services are public and pertain to the entire Church as the sacrament of unity, the individuality of the liturgical person is not to be obliterated since liturgical services “concern the individual members of the Church in different ways, according to their differing rank, office, and actual participation.”³⁰ Thus, the basic liturgical law enunciated here is that every member of the Church participates in the Liturgy according to their rank and office. Every person, priest or layman, who has an office to perform in the liturgy, can only perform those roles that are assigned to them within the liturgy and in conformity with the principles and laws of the liturgy. Consequently, the *munus* - the function, office, role and responsibility - is given to different persons to perform and must not be taken from those to whom they have been conceded by liturgical praxis and law. These roles, functions and offices are to be performed with sincere piety and decorum, since every liturgical function is a commemoration of the paschal mystery. Thus, participation in the liturgy and the roles people are called to perform constitute privileges given by God to become partakers in the mission of Christ for the salvation of souls. This is because the liturgy continues the work of salvation.

In departure from the pre-conciliar period in which the liturgical praxis elevated the individualistic-pietistic vision of the liturgy over and above its communitarian-communalistic dimensions, the liturgical norms of SC restored the communal mode of celebrating the liturgy as the “way of celebrating them... to be preferred, so far as possible, to a celebration that is individual and quasi-private.”³¹ To prevent the domination of the liturgical celebration by a single individual as if it is a private property, the liturgical law of SC clearly states that “each person, minister or layman, who has an office to perform,

³⁰ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 26.

³¹ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 27.

should do all of, but only, those parts, which pertain to his office by the nature of the rite and the principles of the liturgy.”³²

SC states clearly the competent authority in liturgical matters. According to SC 22,1, the only competent authorities that can carry out the regulation of the liturgy are the Apostolic See, the Bishop of a diocese and the Episcopal Conference of a nation.³³ Consequently, the governance and regulation of the liturgy and the power to legislate in liturgical matters are on four levels: on the first level are the ecumenical councils and the Pope (and the Holy See); on the second level, the Congregation for Divine Worship and the Discipline of the Sacraments, acting in the name of and by mandate of the Apostolic See; on the third level is the Conference of bishops within the limits established by law; and on the fourth level, the diocesan bishop according to the norms of the law (*ad normam iuris*). Both the conciliar and post conciliar documents and pronouncements of the Church state clearly the pre-eminent role, especially of the diocesan bishop, in the celebration, regulation and ordering of the liturgy within the diocese. That power is derived from the ontological reality of the bishop’s fundamental role as the high priest of the flock entrusted to him and the fact that the Christian life of the faithful entrusted to his care depends on him.³⁴ No other person can remove, change, or add anything to the liturgy on his own authority.³⁵ This is an important theological-liturgical-legal provision in SC that has entered directly into the 1983 code. This provision is a decentralized but limited way the power to moderate the liturgy that had been exclusively reserved to Rome, has now been extended by

³² Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 28.

³³ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium Concilium*, 22, 1; 22, 2.

³⁴ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 41.

³⁵ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 22, 3.

restoring the rights – though limited - of the diocesan bishops and the Conference of Bishops to moderate the liturgy in their dioceses and within a particular nation.

SC also placed emphasis on the theological, pastoral, historical dimensions of the liturgy,³⁶ which, down through the centuries, has developed a system of customs and laws. There are laws about the general aspects of these dimensions; there are also laws about the individual, constituent parts that make them up. For meaningful and salutary revision of the liturgy to be made, investigations into these parts of the liturgy must be made and “the general laws governing the structure and meaning of the liturgy must be studied in conjunction with the experience derived from the recent liturgical reforms and from the indults conceded to various places.” In making these, care must be taken that there are 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.”³⁷

Emergent from the same articles of SC, is that liturgical laws are generally made for the good of the Church and the worthy regulation of her worship. SC also states as a liturgical law, the recognition that the liturgy of the Church has different forms, structures and types. This is why one of the norms of SC states clearly that in the reform and revision of the liturgy, the new forms that are being proposed must grow into the forms that already exist.³⁸ This legislation also pertained to liturgical formation. Consequently, every person called to perform a role must be deeply imbued with the spirit of the liturgy and must “be trained to perform their functions in a correct and orderly manner.”

³⁶ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 16; 23.

³⁷ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 23.

³⁸ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 23.

In the SC, we also have the liturgical law on distinctions in the liturgy, where it is stated that there are distinctions made in the liturgy. There are those called to perform liturgical function; those who have received the sacrament of sacred Orders; liturgical laws also make provision for “due honours ... to civil authorities.” “Apart from these instances, no special honours are to be paid in the liturgy to any private persons or classes of persons, whether in the ceremonies or by external display.”³⁹

Liturgical Laws on the Didactic and Pastoral Nature of the Liturgy

The third set of laws enunciated in SC focused on the didactic and pastoral nature of the Liturgy. In the first place, SC clearly states that the liturgy contain instructions for the faithful.⁴⁰ In other words, the liturgy by its nature is didactic, that is, it contains within it, instructions for the faithful. God speaks to his people and they respond to his call, in love. The priest prays to God in the name of the assembly. Visible signs are used to convey invisible, divine realities.⁴¹ God speaks and teaches through the liturgy. God uses the liturgy to speak to his people, to teach them the mysteries of the kingdom and instruct them on the way of life here on earth. The people in return respond to God in songs, prayers and acclamations. The liturgy is the locus for the call-response relationship. The liturgy is the place per excellence for this call-response relationship between God and the people. The liturgy uses signs. Further to the didactic nature of the liturgy, in the liturgy, the Church uses visible signs to convey invisible, divine realities. Through the signs, the liturgy nourishes the faith and raises the minds of the faithful to

³⁹ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 32.

⁴⁰ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 33.

⁴¹ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 33.

God. The rites themselves have a didactic nature or function to perform, that is, the rites instruct and teach the faithful.⁴²

SC also spelt out norms that take the Roman liturgy back to its roots in terms of its characteristics and genius. SC thus, articulate that Roman liturgy is simple, short, clear in genus and character. Consequent upon this and based on their didactic nature, rites in the Roman Liturgy must be distinguished by noble simplicity, short, clear and without useless repetitions.⁴³ The Rites should be comprehensible; that is, they should not be beyond the people's power of comprehension. That is why they should not require much explanation to understand their signification.⁴⁴

SC 35 also reflected and legislated on the connection between words and rites in the Roman Liturgy. Words used must be connected to the liturgy. Owing to their didactic nature, the words that are used in the liturgy and the rite that is employed for the celebration must be seen to be intimately connected to the liturgy. Words also have didactic nature and roles to play in the liturgy. In this provision, the role of the word of God in the liturgy is accentuated; the indispensable nature and character of the sermons are stressed. In terms of its didactic nature, the word has power to teach and instruct the faithful. Scripture, that is, the written record of the word of God, must be given the pre-eminent position within the liturgy. This is why the place of the sermon must never be relegated to the background. The character of the sermon is to be maintained and the ministry of preaching the word of God to be carried out with "exactitude and fidelity."⁴⁵ The character of the sermon should consist in a diligent "proclamation of God's

⁴² Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 33.

⁴³ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 34.

⁴⁴ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 34.

⁴⁵ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 35, 2.

wonderful works in the history of salvation”.⁴⁶ All sermons should have the scriptures and the liturgy as their sources and inspirations. Thus, every sermon should proclaim “the mystery of Christ, ever made present and active within us, especially in the celebration of the liturgy.”⁴⁷ SC decreed that there should be more reading from Scripture and that they should be “more varied and suitable.”⁴⁸ Finally, the language of the Roman Rite and the place of vernacular in the Roman Liturgy was also stabilised. It established Latin as the ordinary language of the Roman Rite.⁴⁹ The competent territorial ecclesiastical authorities were given the authorisation in law to decide to what extent the vernacular should be used.⁵⁰ The use of vernacular would imply the translation of liturgical texts from Latin into the vernacular language. These translations should be approved by the competent territorial ecclesiastical authority.⁵¹

In terms of the pastoral nature of the liturgy, SC examined the necessity of liturgical instruction within the liturgy. Consequently, SC stabilised as a liturgical norm that liturgical instruction should be given, but that this must be in consonance with the rite and at suitable moments within the celebration, and it should be “in prescribed or similar words.”⁵² SC also stabilised that bible services are to be encouraged, especially

⁴⁶ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 35, 2.

⁴⁷ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 35, 2.

⁴⁸ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 35, 1.

⁴⁹ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 36, 1.

⁵⁰ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 36, 2.

⁵¹ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 36, 4.

⁵² Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 35, 3.

where priests are not available, so that the spiritual lives of the faithful would not suffer.⁵³

Laws on Liturgical Adaptation

SC enacted liturgical laws on the encounter of the liturgy with other cultures. The liturgy comes into contact with various cultures and traditions of the world. This is because evangelisation is carried out among different peoples, cultures and traditions. The human persons to whom the word of God is preached are products of particular traditions, cultures, languages and values etc. The persons who come to faith, come with the baggage of who they are, what place they come from and what values they had before they became believers. The liturgy, to be able to talk to these human persons and subjects, must encounter them in the situations of life they have been conversant with. In its encounter with their culture and tradition, the liturgy assimilates or borrows good cultural and traditional practices that are not in opposition to or have the capacity to detract from the gospel message. The history of the Roman Liturgy is rich with instances of these encounters with various cultures that have left beneficial impact on the liturgy and the faith of the various peoples.

SC also regulated the liturgy with regards to liturgical uniformity. In the Catholic Church, there is rigid uniformity only in matters of faith and morals. Following this, therefore, in the Roman Liturgy, there is no rigid uniformity if it is not in matters relating to the faith of the Church or the good of the whole community. In fact, the liturgy on the other hand, respects and fosters “the genius and talents of the various races and peoples. Anything in these peoples' way of life which is not indissolubly bound up with superstition and error she studies with sympathy and, if possible, preserves intact. Sometimes in fact she admits

⁵³ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 35, 4.

such things into the liturgy itself, so long as they harmonise with its true and authentic spirit.”⁵⁴

SC also enacted laws on variations and adaptations.⁵⁵ Variation and adaptation are allowed in the liturgy. These variations and adaptations must however, not detract from or mitigate the substantial unity of the Roman Rite. SC also enacted liturgical law on adaptations in other areas of the liturgy. There is also the possibility of the adaptation of other aspects of the liturgy to the culture and traditions of the people. Some of these aspects are “the administration of the sacraments, the sacramentals, processions, liturgical language, sacred music, and the arts”⁵⁶

Liturgical Law on Promotion of Liturgical Life

SC also has a series of liturgical laws on the promotion of the liturgical life. This is important because the Christian life of the faithful cannot advance without such a promotion of liturgical values. In this wise, the person responsible for the promotion of the liturgical life within a diocese is the bishop. He is high priest of the flock, “from whom the life in Christ of his faithful is in some way derived and dependent.” The highest expression of the liturgical life of the diocese is found in the liturgy of the bishop.⁵⁷ The bishop cannot be present in every place and every parish that are the component parts of his diocese. This is why “these lesser groupings of the faithful” are put under “a pastor who takes the place of the bishop,” and these groupings “in

⁵⁴ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 37.

⁵⁵ “Variations and adaptations are allowed, but they must never detract from the substantial unity of the Roman Rite.” Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 38.

⁵⁶ Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 39.

⁵⁷ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 41.

some manner... represent the visible Church constituted throughout the world.”⁵⁸

Liturgical Law on Promotion of Pastoral-Liturgical Action

SC sees the promotion and restoration of the liturgy as the preoccupation of the post conciliar reform and implementation of the conciliar agenda for the liturgy. For this promotion to take place, SC enacted the law that there should be established in every diocese, centres for the promotion of pastoral-liturgical action. These centres are referred to as liturgical commissions. These commissions are to be “assisted by experts in liturgical science, sacred music, art and pastoral practice. So far as possible the commission should be aided by some kind of Institute for Pastoral liturgy, consisting of persons who are eminent in these matters, and including laymen as circumstances suggest.”⁵⁹ These commissions are to “regulate pastoral-liturgical action throughout the territory, and to promote studies and necessary experiments wherever there is question of adaptations to be proposed to the Apostolic See.”⁶⁰ SC therefore recommends that there should be three commissions that regulate, promote and see to the reform and adaptation of the liturgy within an ecclesiastical jurisdiction: these are the liturgical commission⁶¹, the Music commission and the Sacred Art commission.⁶² These three commissions should collaborate and work together or the three could be fused and

⁵⁸ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 42.

⁵⁹ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 44.

⁶⁰ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 44.

⁶¹ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 45.

⁶² Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 46.

merged into a single commission with three different specifications and functions.⁶³

Conclusion

The liturgical laws that are formulated for the regulation and good ordering of the liturgy are constructive and help promote the authentic understanding of the liturgy, interpret the mind of the Church that gathers to worship, promote the universality of the mode of worship, assure that the liturgy is seen and experienced everywhere as the universal sign of the Church's unity, notwithstanding the differences in terms of language, culture and ways of life of those called to celebrate it as a community. Liturgical laws accentuate that public, communal nature of the liturgy, as the public worship of the entire mystical body of Christ, gathered as a sacrament of salvation and unity in the world. In this way, the liturgy, in the expression of Pope Sixtus V, leads to the interior transformation of those called to celebrate it and to participate in it.⁶⁴

The liturgical laws of the Church are therefore constructive. The attitudes of anti-legalism and antinomianism that have surreptitiously crept into the liturgical life and praxis of the Church therefore has no basis in history, theology and tradition of the praying and worshipping Church. The need for laws should also not lead to an over-accentuation of norms to the detriment of the living of the life of the liturgy that every believer is called to. The liturgy, as an institution in the Church, has a life of its own. The laws that are fashioned for it and the legal requirements that are crafted must never stifle, jeopardise or put in grave danger the mystery and celebrative natures of the encounter with God that is achieved in the celebration of the liturgy. The liturgical laws are not casuistry; they must not originate without theological, pastoral, doctrinal and celebrative

⁶³ Cf. Second Vatican Ecumenical Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 46.

⁶⁴ Cf. Seasoltz, "Forward," 10.

significance, otherwise liturgical law degenerates into mere rubricism that stifles the comprehension and living out of the mystery. All liturgical laws, to be relevant in the celebrative scheme, must have the glorification of God and the sanctification of man as their fundamental goal and focus.

Liturgical laws are therefore intended to be obeyed for the overall good of the mystery of worship that the community gathered is called to celebrate and re-live. As law, they have binding force and consequent upon this force, they also come with sanctions when they are disobeyed. While it is salutary that the fangs of liturgical laws are not always bared, it is equally beneficial and constructive that such fangs are sometimes bared so that the priceless treasure of the mystery of the liturgy is not brought into disrepute and the beauty contained therein is not mutilated and disfigured through careless, carefree, oftentimes rootless introductions and accretions to the liturgy that have no basis in tradition, theology, doctrine and celebrative praxis of the *ecclesia orans*. Such accretions present the liturgy as the product of the people's personal piety and creativity and deprive the faithful of their right to a celebration that is in accord with the mind of the Church.⁶⁵ In such instances, sanctions are curative and portend good for the overall good of the liturgy of the Church and help in the furtherance of the salvation of souls, the supreme goal and end of every ecclesiastical law.

⁶⁵ This point has been well established in *Redemptionis Sacramentum* 11, 12, 18, 24, 58 and re-stated by Charlotte Leitmaier. Cf. Charlotte Leitmaier, "Liturgie und Recht," in *Ex aequo et bono*, ed. by Peter Leisching, Franz Pototschnig and Richard Potz (Innsbruck: Universitätsverlag Wagner, 1977), 327-332, cited by John M. Huels, *Liturgy and Law*, 26; Congregation for Divine Worship and the Discipline of the Sacrament, *Instruction Redemptionis Sacramentum* 11, 12, 18, 24, 58. https://www.vatican.va/roman_curia/congregations/ccdds/documents/rc_con_ccdds_doc_20040423_redemptionis-sacramentum_en.html. (Accessed 09/08/20).