

Q&A: The Sunday Obligation and the *Novus Ordo Missae*

By Dorothea Ludwig-Wang, 27 December 2018

Q. Having studied and examined the defects of the *Novus Ordo*, I have concluded that the new liturgy is, even if not heretical, at least “a striking departure from the Catholic theology of the Mass as it was formulated in Session XXII of the Council of Trent,” as Cdl. Ottaviani wrote to Paul VI. I believe that even when no abuses are committed, the new liturgy in itself poses a danger to the faith. However, the nearest Latin Mass is over four hours away, and—not having reliable transportation—it is simply not possible to attend every week. When I have no alternative available, am I still obliged to go to the local *Novus Ordo*, which is still a valid Mass, to fulfill the Sunday obligation?

A. Discontinuing attendance at the *Novus Ordo Missae*, even when there is no traditional Mass available, is a very difficult decision to make, because there is also the Sunday obligation to consider. Even if the new liturgy is defective, many will say, one must simply attend the *Novus Ordo* when there is no alternative, because it is still a valid Mass, and the obligation takes precedence. However, this conclusion arises from the error of legal positivism. According to Catholic principles, all human laws—whether canonical or civil—must be more specific formulations of the general principles found in divine and natural law and be in accordance with them. Any human law that does not fit these criteria is an unjust law and therefore non-binding. Further, even if a law itself is just, there may be circumstances that render following its letter unjust, thereby removing the obligation in that case.

We may speak of the Sunday obligation in two senses: first, according to divine law, we have the obligation to keep holy the Lord’s Day, and second, according to ecclesiastical law, we have the obligation to attend Mass on Sundays and Holy Days (1983 CIC, c. 1247). The ecclesiastical law is directed to the third commandment and a more precise formulation that instructs us on *how* to keep holy the Lord’s Day. The obligation imposed by the Church is so serious that she has made it binding under pain of mortal sin; it cannot be easily set aside, but nevertheless, it *does* remain a matter of “merely” ecclesiastical law. The law is in itself just, but there can be circumstances that render it impossible to fulfill the obligation: for example, one may be dispensed from Mass attendance due to illness or inclement weather. If it is truly physically or morally impossible to attend Mass, it would be unjust to insist on the obligation, and one is thereby dispensed.

This is an application of the principle of *epikeia*, which is “the benign application of the law according to what is good and equitable, which decides that the lawgiver does not intend that, because of exceptional circumstances, some particular case be included under his general law.”¹ All laws must be directed to the common good, which in this case is “the worship of God and the supernatural sanctification of men.”² Indeed, the *raison d’être* of canon law is the salvation of souls, for which the Church as a perfect society was established by Our Lord, hence the maxim: the salvation of souls is the supreme law of the Church (c. 1752). Therefore, when

1 A. Cicognani, *Canon Law* (Westminster Md.: Newman 1934), 15.

2 B. Merkelbach, *Summa Theologiae Moralis* (Paris: Desclée 1946), 1:325.

examining whether it is necessary to attend the *Novus Ordo* when there is no alternative, the rationale behind the Church's commandment must be taken into consideration.

Ecclesiastical law can never be used to contravene divine law, because divine law, having been promulgated by God Himself, is higher than any temporal laws promulgated by the authority of the Church. Additionally, we cannot use any law against the intention of its lawgiver, and so canon 1247 cannot be used in a way which would be contrary to the rationale behind its promulgation. To put it simply, in many cases, one must follow the *spirit* of the law rather than its *letter*, and neglecting to apply *epikeia* where it is warranted would be morally wrong. One who applies this principle is not breaking the law; on the contrary, he acts licitly and avoids acquiring the legalistic attitude of those who were most harshly reprimanded by Our Lord (cf. Jn. 5).

When it comes to the *Novus Ordo*, something which is displeasing to God and dangerous to your faith, you are faced with two different obligations here: first, to guard your own faith against any indication of the post-conciliar spirit, which is present everywhere in the *Novus Ordo*, and second, to attend Mass and fulfill your obligation under canon 1247 of the Code of Canon Law. Now we see that there is a conflict here, as attempting to fulfill the second obligation violates the first, since it is very clear that attendance at the *Novus Ordo* will erode one's faith. When there are two obligations which conflict with each other, the greater obligation prevails, and the lesser one disappears. Thus there would be no obligation to attend Mass if you have only the *Novus Ordo* available to you, as it would force you to disregard the first commandment which demands that you safeguard your faith.

Attending the *Novus Ordo* in an attempt to follow canon 1247 raises another problem, as such an action would violate the intention of the legislator, which is to give the faithful a specific command on how to obey the third commandment. Attending Mass is one of the means of keeping holy the Lord's Day by giving due worship to God, but the *Novus Ordo* is displeasing to Him and in fact contrary to the third commandment. If the legislator intended for canon 1247 to work for the salvation of souls, but the new liturgy has the potential to lead us into error, then we cannot attend. If we do attend, we would be acting against the intention of the legislator *as the holder of his office*, even if he himself *as an individual* may not have considered this to be a contradiction. Rather than following the letter of the law, we must follow its spirit, and it would be better to stay home and perform other devotions than to attend the new liturgy.

From these considerations, we can tell that there is no juridical requirement to attend the *Novus Ordo*, a conclusion that can be drawn from Catholic principles of law often ignored by modern canonists. On the contrary, there is actually a moral obligation to avoid the *Novus Ordo*, as attending it endangers our faith and displeases God. If I may go further, I would propose that the new liturgy, by definition, simply cannot fulfill the Sunday obligation at all, because it is not a Catholic rite (c. 1248 §1). It is not an organically developed liturgy but one fabricated by a committee of "experts" in the twentieth century. The problem with accepting it is that even if it is enriched over time, as proponents of the "reform of the reform" have suggested, we would be forced to leave open the possibility for future committees to fabricate their own liturgies.

It is understandable that one may feel uncomfortable about staying home rather than attending the *Novus Ordo* when there is no alternative, but until the crisis in the Church is resolved, we must continue to rely on the principle of *epikeia* and be a "sign of contradiction"

(Lk. 2:34) to those who continue to attend—whether culpably or not—what is technically a non-Catholic rite. This is necessary precisely because of the common good which canon law is meant to serve, the worship of God and the sanctification of man. Keeping this common good before our eyes, therefore, requires that we firmly refuse to cooperate in the undermining of the faith through the destruction of the *lex orandi*, which not only detracts from the worship owed to the Most High, but also leads countless souls to hell due to its perversion of the *lex credendi*, the only divine truth that sets us free (Jn. 8:32).