

THE CATHOLIC UNIVERSITY OF AMERICA

Evening Masses and Days of Obligation  
Historical Development and Modern Norms

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By

Shawn P. Tunink

Washington, D.C.

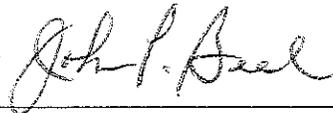
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This thesis by Shawn P. Tunink fulfills the thesis requirement for the licentiate degree in Canon Law approved by Kurt Martens, J.C.D. as Director and John P. Beal, J.C.D. as Reader.

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Kurt Martens, J.C.D., Director

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John P. Beal, J.C.D., Reader

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## Introduction

The LORD said to Moses, “Say to the people of Israel, The appointed feasts of the LORD which you shall proclaim as holy convocations, my appointed feasts, are these. Six days shall work be done; but on the seventh day is a sabbath of solemn rest, a holy convocation; you shall do no work; it is a sabbath to the LORD in all your dwellings.”<sup>1</sup>

The law given to Moses on Sinai is one of the first gifts of God to his people, and one of the first commandments of this law is that the people are to keep holy a special day each week. The sabbath day is created and given to man by God’s initiative and it is he who makes clear what he requires. The sabbath is to be marked by two special characteristics, setting it apart from the other days of the week. The first is a requirement for “solemn rest” and the second is a requirement for the holding of “a holy convocation.” The two requirements are complimentary; the solemn rest allows the time necessary for attending the holy convocation. Likewise, the weekly rest from normal labors to attend the convocation is a constant reminder that the worship of God takes precedence over all other activities. God gives instructions for keeping holy the sabbath, and keeping holy the sabbath instructs and forms the people to see more clearly the meaning of their lives and their relationship with God.

Since the time that God first gave Moses the ten commandments with the requirement to keep holy the sabbath day, laws have been created to add specifics to the carrying out of this commandment. What exactly does “solemn rest” require? How is the “holy convocation” to be conducted? It is often the case that things which are most important or have created the most trouble are the things that have the most law created around them. It is not surprising then to find

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<sup>1</sup> Lev. 23:1-3 (Revised Standard Version; Second Catholic Edition).

that the Scriptures are filled with requirements detailing exactly how the sabbath is to be kept. By the time of Jesus, the number of laws concerning the sabbath had gotten so out of hand that Jesus had to bring things back into perspective, famously reminding the Jewish leaders that, “The sabbath was made for man, not man for the sabbath.”<sup>2</sup>

After the resurrection of Jesus and the sending out of the apostles at Pentecost, the Church faced the question of not just how to regulate the sabbath but, more importantly, did the sabbath or any other Jewish practices still matter? St. Paul reminded the new followers of Jesus that they were no longer under the dictates of the law,<sup>3</sup> yet Jesus clearly taught that he did not intend to overturn the law.<sup>4</sup> Eventually the Church would come to understand how the law given to Moses had not been replaced, but fulfilled in Jesus. The commandment to keep holy the sabbath day was still relevant, but the Church could legislate how this old law was to be fulfilled in the new Church. In an amazing display of what could be considered an early legislative act, the Church moved the ancient day of rest and convocation from Saturday to Sunday. The requirement from God to set aside a day for solemn rest and holy convocation remained, but now this day would be celebrated to coincide with the day of the resurrection of Jesus, the Lord’s day.

Ever since this first “act of governance” by the Church regulating the new understanding of keeping of the sabbath, the Church has used her power to unify the Christian faithful in the weekly observance of the ancient commandment of God. In this sense, perhaps it is better to see God as the legislator and the Church as administrator. The command to keep holy the sabbath is

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<sup>2</sup> Mark 2:27.

<sup>3</sup> See Col. 2:16-17.

<sup>4</sup> See Matt. 5:17.

of divine positive law, but the Church has the task of defining the specifics of this obligation much as the Jewish leaders did for their time. The purpose of this thesis is to explore the current legislation by which the Church uses her power of governance to regulate the keeping of the sabbath, as well as the historical context that gave rise to the present law. Although both the ancient and modern law enjoin the two-fold obligation of rest and convocation, this thesis will deal with the requirement for rest only tangentially and will primarily focus on the requirement for convocation, specifically the modern requirement to attend Mass on Sundays and holy days of obligation.

Chapter 1 considers the historical development of the time for celebrating Mass, focusing especially on the introduction of “evening Masses” in the 1950s. Today, one rarely gives much consideration to whether one time or another is better for celebrating Mass but, prior to the 1950s, Mass was not allowed to be celebrated in the evening. The introduction of evening Masses provides the background for the discussion in Chapter 2 of how the Church decided to allow an evening Mass on Saturday or the day before a holy day to fulfil the next day’s obligation to attend Mass. These special evening Masses have come to be called “anticipated Masses.” Finally, Chapter 3 will consider the details of the present law concerning the celebration of Sundays and holy days, with the required Mass attendance, and how the celebration of these days is affected by the use of anticipated Masses. God has given the commandment to keep holy the sabbath; this thesis explores one way in which the Church’s legislation makes this reality concrete in the lives of the Christian faithful.

## Chapter 1

### Evening Masses

#### *Introduction*

The modern day faithful are used to attending Mass at all hours of the day as the current law allows. There are Masses celebrated well before dawn for those on their way to work, Masses in the middle of the day for school children, Masses in the evening, and even Masses in the middle of the night. While there is freedom today to choose any hour for the celebration of Mass, this is a rather recent development in the legal history of the Church. The time for the celebration of Mass has historically been tightly controlled in the law. Before one can begin to think about the possibility of Mass on Saturday evening, it is first necessary to get the point where celebrating *any* Mass in the evening was permitted. This chapter presents a brief history of the process that led to the eventual relaxing of the law restricting Mass to the morning hours and the gradual permission for a new concept known as “Evening Mass.”

#### *Historical Background*

When it was evening, he sat at table with the twelve disciples...Now as they were eating, Jesus took bread, and blessed, and broke it, and gave it to the disciples and said, “Take, eat; this is my body.” And he took a chalice, and when he had given thanks he gave it to them, saying, “Drink of it, all of you; for this is my blood of the covenant, which is poured out for many for the forgiveness of sins.”<sup>1</sup>

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<sup>1</sup> Matt. 26:20, 26-7.

Each of the four gospel writers as well as St. Paul describe Jesus instituting the Eucharist in the course of an evening meal at the time of Passover.<sup>2</sup> The first Mass, as celebrated by Jesus, was an evening Mass that ended during the night. However, by the time that the first records exist describing the early Christian celebration of the Eucharist, the time of the celebration had been established not in the evening but in the morning. Specifically, they assembled on the morning of the first day of the week or the day of the Sun, that is Sunday. Rather than reenacting the original evening setting of the first Mass on a Thursday, the celebration of the Eucharist became instead the center of the weekly celebration of the Lord's resurrection. Sunday was "The Lord's Day" and morning was the time for Mass.

Over the course of history, additional obligatory feast days were added to the weekly Sunday celebrations. Eventually, Mass would come to be celebrated on every day of the week with certain days being designated as days of obligation or days of "precept." Sunday was of course always among the days of precept. When the 1917 Code of Canon Law was promulgated, the following was legislated regarding feast days:

Feast days under precept in the whole Church are only: All and every [Sunday], the feast of the Nativity, Circumcision, Epiphany, Ascension, and the most holy Body of Christ, Immaculate Conception, and Assumption of Mary the Mother of God, of Saint Joseph her spouse, of the Blessed Apostles Peter and Paul, and of All the Saints.<sup>3</sup>

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<sup>2</sup> See Matt. 26:20, "When it was evening;" Mark 14:17, "And when it was evening;" Luke 22:4, "when the hour [for Passover] came;" John 13:2, "during supper;" 1 Cor 11:23, "on the night he was betrayed."

<sup>3</sup> *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (Rome: Typis Polyglottis Vaticanis, 1917) c. 1247 §1: "Dies festi sub praecepto in universa Ecclesia sunt tantum: Omnes et singuli dies dominici, festa Nativitatis, Circumcisionis, Epiphaniae, Ascensionis et sanctissimi Corporis Christi, Immaculatae Conceptionis et Assumptionis Almae Genitricis Dei Mariae, sancti Ioseph eius sponsi, Beatorum Petri et Pauli Apostolorum, Omnium denique Sanctorum." English translations of the 1917 *CIC* taken from the following unless otherwise noted: Edward Peters, *The 1917 Pio-Benedictine Code of Canon Law in English Translation with Extensive Scholarly Apparatus* (San Francisco, Ignatius Press, 2001).

While this canon provided a universal list of feast days, there were wide variations at the local level as days of local importance were added as feast days. Even those in the universal list were allowed to be transferred or even abolished with the consent of the Apostolic See.<sup>4</sup>

In establishing these days as feast days it is common to see them merely as days on which attendance at Mass is required, as was always the case with Sundays. The “precept” of these days is thus often reduced to the precept of attending Mass. Yet this is only part of what the law set down in the requirements for observing a feast day:

On feast days of precept, Mass is to be heard; there is an abstinence from servile work, legal acts, and likewise, unless there is a special indulgence or legitimate customs provide otherwise, from public trade, shopping, and other public buying and selling.<sup>5</sup>

Clearly attendance at Mass was only part of the obligation. The entire day was meant to be lived as the “The Day of the Lord” and truly be a day of rest like the sabbath day of the Old Testament.

From the above, one can therefore see a double precept required on feast days: attendance at Mass and rest from unnecessary work. The 1917 Code of Canon Law further clarified the exact time to which the obligation of rest pertained:

The calculation of feast days and likewise days of abstinence and fast is to be made from midnight up to midnight, with due regard for the prescription of Canon 923.<sup>6</sup>

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<sup>4</sup> 1917 *CIC* c. 1247 §3.

<sup>5</sup> 1917 *CIC* c. 1248: “Festis de praecepto diebus Missa audienda est; et abstinendum ab operibus servilibus, actibus forensibus, itemque, nisi aliud ferant legitima consuetudines aut peculiaria indulta, publico mercatu, nundinis, aliisque publicis emptionibus et venditionibus.”

<sup>6</sup> 1917 *CIC* c. 1246: “Supputatio diei festi, itemque diei abstinentiae et ieiunii, facienda est a media nocte usque ad mediam noctem, salvo praescripto can. 923.”

Thus the obligation of rest pertained to the entire day calculated in the normal way from midnight. However, the same was not true for the obligation to attend Mass. The time for the celebration of Mass on feast days was governed by a separate canon that pertained to all days, not just feast days:

The beginning of the celebration of Mass shall not occur earlier than one hour before first light or later than one hour after noon.<sup>7</sup>

The only exception to this norm was the celebration of the first Mass of Christmas which began at midnight.<sup>8</sup>

Looking back over the development regarding the day and time of Mass throughout history, the following can be summarized. The first Mass was celebrated in the evening hours on a Thursday. Very quickly thereafter the focus shifted to celebrating Mass in commemoration of the resurrection rather than connecting back to the historical time and day of the Last Supper. This consisted principally in the shift to the placing of the weekly assembly on Sunday. The time for Mass still seems to have varied from place to place and no written restrictions to the morning hours can be found until the time of Pius V in 1566.<sup>9</sup> By 1917, although the law then allowed Mass to be celebrated on every day of the week, the time for Mass was entirely restricted to the morning. This was somewhat of a break with the more fluid history, but seems to have been aimed primarily at maintaining a connection between the celebration of the Eucharist and the morning appearances of Jesus after the resurrection.

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<sup>7</sup> 1917 *CIC* c. 821 §1: “Missae celebrandae initium ne fiat citius quam una hora ante auroram vel serius quam una hora post meridiem.”

<sup>8</sup> 1917 *CIC* c. 821 §2.

<sup>9</sup> Edward J. Mahoney, “Evening Masses,” *Clergy Review* 27 (1947) 410.

*Evening Masses*

The 1917 code made morning masses the norm but, as is often the case with canon law, the law allows for exceptions. The exception already mentioned for midnight Mass on Christmas is contained right in the code. Yet, the same canon indicates this is only allowed for Christmas and “not for other [Masses] without apostolic indult.”<sup>10</sup> This would seem to imply that Mass could in fact be celebrated outside of the morning hours if one obtained the alluded to apostolic indult. In the early twentieth century and into the 1950s, requests for these indults began to become public and more frequent. As will be shown below, these indults were only granted in favor of those who could not otherwise attend a morning Mass and were clearly exceptions to the norm. Some examples will now be considered.

The earliest published indult to canon 821 appears to be one given by the Commission for Russia in 1929. Unfortunately, the motivation for requesting the indult is not known, nor is the original request public, but the response follows:

An Indult of the Commission for Russia, 25 Nov., 1929, authorizes Bishops and Administrators Apostolic in Russia to permit the celebration of Mass and the reception of Holy Communion in the afternoon or evening, on condition that a Eucharistic fast of four hours from noon be observed.<sup>11</sup>

In addition to allowing the “afternoon or evening” time for the celebration of Mass, reference is also made to two related issues that will continue to play a part in future indults for the time of Mass, namely the law governing when Holy Communion can be distributed<sup>12</sup> and the required fast

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<sup>10</sup> 1917 *CIC* c. 821 §2: “non autem alia sine apostolico indulto.”

<sup>11</sup> Commission for Russia, Indult [Private], November 25, 1929: *CLD* 2: 202.

<sup>12</sup> 1917 *CIC* c. 867.

before the reception of Holy Communion.<sup>13</sup> As adjustments continued to be made to the starting time for Mass, new practices were also introduced regarding the reception of Holy Communion and the required fast before such reception.

In the above indult for Russia, no reason is given for granting the indult, but one can surmise that the lack of Catholic clergy and difficulty getting the dispersed Catholic populations to Mass would make holding to the strict morning requirement for Mass problematic if not impossible. It is the very nature of an indult granting a dispensation from a universal law that the situation requiring the indult be an exceptional situation. Whereas this can be inferred from the above Russian indult, other examples are more explicit about their exceptional nature. For example, in 1946 the Archbishop of Paris, Cardinal Suhard, received an indult for prison chaplains to be able to celebrate Mass in the afternoon if “the material requirements or regulatory requirements do not allow the prisoners to assist at morning Mass.”<sup>14</sup> The exceptional nature of the indult is made even more explicit by the final line of the text indicating, “These privileges remain in force as long as the extraordinary reasons which have motivated the request last.”<sup>15</sup>

By far, the event that caused the biggest increase in requests for indults from the morning Mass requirement was the Second World War. The unusual requirements of providing Mass during wartime led to some unique legislation accommodating the time of Mass. Already in 1940, Pope

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<sup>13</sup> 1917 *CIC* c. 858.

<sup>14</sup> Edward J. Mahoney, “Indult for Afternoon and Midnight Mass,” *Clergy Review* 27 (1947) 421: “les dispositions matérielles ou les dispositions du règlement ne permettent pas à tous les captifs d’assister à la messe matinale.”

<sup>15</sup> *Ibid.*: “Ces privilèges resteront en vigueur tant que dureront les motifs extraordinaires qui ont déterminé la requête.”

Pius XII issued a motu proprio addressing the situation of holding Mass in countries where a “Black-out” had been ordered.<sup>16</sup> In 1941 German bishops were given permission for evening Masses on Sundays and weekdays “as need dictated.”<sup>17</sup> The previously mentioned indult given to Cardinal Suhard was applied to prisoners of war. Finally, American priests who were serving as military chaplains and other priests serving those in the military were given the special permission of celebrating Mass up to 7:30 pm on Sunday and weekdays without exception.<sup>18</sup>

The permissions for evening Masses given during the war were clearly intended as exceptional concessions for extraordinary circumstances. However, the experience of these evening Masses proved to be a popular exception. The German bishops in particular had made wide use of the faculty given to them to permit evening Masses during the war and seemed determined to continue after the war.<sup>19</sup> When in 1948 some priests in Berlin raised concerns about continuing with the indult practice, they were given the following directive:

If evening Mass produces good results, as undoubtedly is the case, no one should hesitate about celebrating it as widely as possible: in cities and industrial areas, especially, it ought to be celebrated every day. The clergy will be glad to open up to the faithful a new source of grace. As day begins with Mass, so the day can close with it. The holy Sacrifice at the close of the day is a climax towards which the work of the whole day is directed.<sup>20</sup>

Additional permissions to continue with evening Masses were eventually given throughout Europe. If the difficulty of attending morning Mass during battle was sufficient to allow evening

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<sup>16</sup> Pius XII, motu proprio *Cum bellica conflictio*, December 1, 1940: AAS 32 (1940) 529-530; English translation: “Midnight Mass, in Countries Where ‘Black-out’ Is Ordered by Law During War,” *CLD* 2: 202-3.

<sup>17</sup> Gerald Ellard, “How Near is Evening Mass,” *American Ecclesiastical Review* 122 (1950) 331.

<sup>18</sup> Sacred Congregation of Sacraments, Rescript, April 30, 1942: *CLD* 2: 620.

<sup>19</sup> Ellard, “How Near is Evening Mass,” 332.

<sup>20</sup> *Ibid.*, 333.

Mass, what about difficulties unrelated to war? In giving permission for evening Masses in Poland in 1948 it was noted that “a large part of the Polish workers would otherwise have no possible chance to attend divine service.”<sup>21</sup> While the availability of evening Masses increased after the war, they were still seen as exceptional and only for those who could not attend morning Mass. Even so, this still applied to a large number of people in the working population. As the French Jesuit H. Perrin put it colloquially, “It is not normal or right for Mass and Communion to become the special prerogative of those who have nothing to do – old women, the well-to-do.”<sup>22</sup> Bishops from around the world would thus continue to put pressure on higher Church authority to allow a more liberal celebration of evening Masses.

*Apostolic Constitution Christus Dominus*

In the years following World War II, little by little word began to spread that various bishops had been given permission to authorize evening Masses in their diocese. This led to more requests from bishops in various parts of the world. The praxis at the time was for individual ordinaries to request an indult from the Holy See in order to permit the celebration of Mass at times outside of the dictates of the 1917 code, that is in the afternoon or evening hours. While there are no published examples of requests being denied, the process was still a very exceptional one. This changed on January 6, 1953, when Pope Pius XII issued the apostolic constitution *Christus*

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<sup>21</sup> Ibid., 337.

<sup>22</sup> Ibid., 335-6.

*Dominus*.<sup>23</sup> The primary topic of the letter was the reform of the Eucharistic fasting requirements. The 1917 Code of Canon Law required a fast from all food and even water from midnight until before receiving Holy Communion.<sup>24</sup> By 1953 indulgences were regularly being given to the fasting requirements. The Holy Father noted the following in his letter:

It should nevertheless be noted that the times in which we live and their peculiar conditions have brought many modifications in the habits of society and in the activities of common life. Out of these there may arise serious difficulties which could keep men from partaking of the divine mysteries if the law of the Eucharistic fast is to be observed in the way in which it had to be observed up to the present time.<sup>25</sup>

The same “peculiar conditions” of the times that gave cause for modifying the fasting requirements were also to be applied to the time at which Mass could be celebrated.

While speaking of some of the exceptional cases that had necessitated an easing of the restrictions on the Eucharistic fast, the Holy Father noted the following regarding also the priests:

In the first place, it is evident to all that today the clergy are not sufficiently numerous to cope with the increasingly serious needs of the faithful. Especially on feast days they are subject to overwork, when they have to offer the Eucharistic Sacrifice at a late hour and frequently twice or three times the same day, and when at times they are forced to travel a great distance so as not to leave considerable portions of their flocks without Holy Mass. Such tiring apostolic work undoubtedly weakens the health of priests.<sup>26</sup>

He likewise mentions the new case of factory workers:

Furthermore, since the introduction of machines for every sort of use, it very often happens that many workers—in factories, or in the land and water transportation fields, or in other public utility services—are employed not only during the day, but even during the night,

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<sup>23</sup> Pius XII, Apostolic constitution *Christus Dominus*, Jan. 6, 1953: AAS 45 (1953) 15-24; English translation: “Eucharistic Fast: Apostolic Constitution Establishing New Discipline,” *CLD* 4: 269-277.

<sup>24</sup> 1917 CIC c. 858.

<sup>25</sup> *Christus Dominus*, paragraph 11.

<sup>26</sup> *Ibid.*, paragraph 12.

in alternate shifts. As a result, their weakened condition compels them at times to take some nourishment. But, in this way, they are prevented from approaching the Eucharist fasting.<sup>27</sup>

After further explicating the special circumstances of missionaries, mothers, students, and others,<sup>28</sup> he ends with a positive note summarizing why indulgences have been granted and why a more permanent reform is needed; above all it is “so that renewed piety towards the Eucharist may be all the more readily increased.”<sup>29</sup> In previous generations, calls for relaxed fasting and Masses outside the strict confines of the morning hours were seen as a laziness that many feared would cause a decrease in reverence for the Eucharist. Now, Pope Pius XII was relaxing the fasting rules and allowing wider use of evening Masses precisely because he felt that such changes would lead to a “renewed piety towards the Eucharist.”

While the letter was primarily concerned with changes to the fasting laws, it is not hard to see how the same desire for indulgences to the fasting laws was also motivating the desire behind requests for evening Masses. The idea was to allow more easily the faithful to participate at Mass and receive the sacrament of the Eucharist. For this reason, it is perhaps not so surprising that this letter on the Eucharistic fast also deals with the issue of evening Masses:

If the circumstance calls for it as necessary, We grant to the local Ordinaries the right to permit the celebration of Mass in the evening, as we said, but in such wise that the Mass shall not begin before four o'clock in the afternoon, on holy days of obligation still observed, on those which formerly were observed, on the first Friday of every month, and also on those days on which solemn celebrations are held with a large attendance, and also, in addition to these days, on one day a week; with the requirement that the priest observe a fast of three hours from solid food and alcoholic beverages, and of one hour from non-alcoholic beverages. At these Masses the faithful may approach the Holy Table, observing

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<sup>27</sup> Ibid., paragraph 15.

<sup>28</sup> Ibid., paragraphs 14,16-17.

<sup>29</sup> Ibid., paragraph 20.

the same rule as regards the Eucharistic fast, the presumption of Canon 857 remaining in force.<sup>30</sup>

The key provision of *Christus Dominus* regarding evening Masses was that there was no longer a need for bishops to request an indult from the Holy See to permit evening Masses. The regulation of evening Masses was now left to the discretion of local ordinaries with the few restrictions mentioned. Most notably, such evening Masses could not begin “before four o’clock in the afternoon.” This will be a key a point of discussion in the next chapter regarding the time of anticipated Masses.

Given the popularity of evening Masses leading up to this point and the numerous requests for indults from the Holy See, it is not surprising to learn that the new permission given to ordinaries was immediately put into widespread use. In fact, the new use of evening Masses became so popular that requests were made for the provisions of *Christus Dominus* regarding fasting to be extended also to morning Masses and the permission for evening Masses be extended to every day of the week. On March 19, 1957, Pope Pius XII issued a motu proprio acceding to these requests:

Having taken into consideration the considerable changes which have occurred in working and office hours and in all social life, We deemed it advisable to comply with the insistent requests of the Bishops and have therefore decreed:

1. Ordinaries of places, excluding vicars general who are not in possession of a special mandate, may permit Holy Mass to be celebrated every day after midday, should this be necessary for the spiritual welfare of a considerable number of the faithful.

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<sup>30</sup> Ibid., Rule VI.

2. Priests and faithful, before Holy Mass or Holy Communion respectively, must abstain for three hours from solid foods and alcoholic liquids, for one hour from non- alcoholic liquids. Water does not break the fast.<sup>31</sup>

Following this expanded permission, it was necessary to issue a few clarifications regarding some things that had not been changed. First, although the concessions were seen as a way to allow more people to participate in Holy Mass, they were still to be considered exceptions. Several responses from the Holy See clarified that in fact the Code of Canon Law had not actually been altered; rather exceptions had been made:

As a matter of fact, the provision in can. 821, §1 has not been abrogated. Consequently, one cannot say that Mass can now be celebrated *by law* in the evening.<sup>32</sup>

Likewise, the law regarding when Holy Communion could be distributed had not been changed. This was not a blanket permission for Holy Communion to be distributed at any hour for any reason. It could only take place in the evening if done as described in *Christus Dominus*.<sup>33</sup>

Despite the technical legal clarifications regarding the nature of the new permissions, what was clear was that the normal experience of the faithful attending Mass was changing. Yes, there were exhortations that the tradition of fasting from midnight be maintained<sup>34</sup> and that evening Masses were really supposed to be for those who could not attend Mass in the morning.<sup>35</sup> Yet the desire that the traditional way remain the normal way soon began to fall to the wayside. As is often

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<sup>31</sup> Pius XII, motu proprio *Sacram Communionem*, March, 19, 1957: AAS 49 (1957) 177-178; English translation: "Eucharistic Fast: Extension of the Provision of '*Christus Dominus*,'" *CLD* 4: 286-288.

<sup>32</sup> Holy Office, Response [Private] "Questions on the *Sacram Communionem*," June, 1957: *CLD* 4: 289.

<sup>33</sup> Holy Office, Reply [Private] "The *Sacram Communionem* Changes Nothing in the Law as to When Holy Communion May Be Distributed," April 13, 1957: *CLD* 4: 288.

<sup>34</sup> *Christus Dominus*, Rule I.

<sup>35</sup> *Ibid.*, Rule VI.

the case, when one is suddenly permitted to do what had previously been forbidden there is a sort of increased desire to exercise this new right. Natural desires for novelty aside, the real desire behind the permission for evening Masses was the truly noble wish that the faithful be able to participate more fully in the celebration of the Eucharist. Rather than fearing that relaxing the rules would lead to a problem in loss of piety, the new rules were intended to be part of the solution, one that would lead to a new flourishing of Eucharistic devotion and active participation by the faithful.

### *Conclusion*

The introduction of evening Masses into the normal experience of the faithful was a wildly popular change to the law in the latter half of the last century. Even before the celebration of the Second Vatican Council the desire for a more active participation by the laity in the Mass can be seen in allowing more frequent celebrations and at more convenient times. Even though the changes were almost universally regarded as positive, there was also some concern the making Mass so convenient might make it seem less special. Perhaps more significantly, a pattern was established whereby an indult, something exceptional by nature, eventually came to be the rule. The restriction of Mass to the morning hours had been the law for centuries and now, in the course of a few years, evening Mass was not only allowed but growing in popularity. If the Church could change her legislative practice to allow Mass at a more convenient time, perhaps there were more laws that could change to make attending Mass even more convenient. A monumental change of just this sort will be the subject of the next chapter.

## Chapter 2

### Anticipated Masses

#### *Introduction*

After changing the law such that Mass could be celebrated in the evening, a new question arose that, at first, would seem to be completely unforeseen. Since Mass could now be celebrated in the evening, why not allow Mass on Saturday evening to fulfill the obligation to attend Mass on Sunday? Just as Chapter 1 followed the gradual introduction of evening Mass, this chapter will follow the similar introduction of what have come to be known as “anticipated Masses.” For reasons that will be explained below, this is the term used to describe Masses celebrated, first by indult and later by law, in the evening before Sunday or a holy day for the purpose of fulfilling the obligation to attend Mass the following day.

#### *Historical Background*

The possibility of fulfilling the precept of attending Mass on Sundays and feast days by attending Mass the evening before came about in much the same way that evening Masses did. Beginning in the 1960s, various individual bishops began to publicize indults they had received from the Holy See allowing such permission for truly exceptional circumstances. Word of such indults was spread privately until a more public announcement was made over Vatican Radio on June 12, 1964:

The faithful can also satisfy the Sunday precept of holy Mass by assisting at the celebration of the divine service in the afternoon of Saturday in churches specifically designated by the local ecclesiastical authority. The Sacred Congregation of the Council, at the request

of local Ordinaries, granted the faculty to celebrate holy Mass after first Vespers on Saturday together with the valid discharge of the Sunday precept. It is left to the prudent judgment of the Ordinaries to indicate the times, localities, and churches which will enjoy this faculty as has already been done in some dioceses of Italy, Switzerland, and Argentina.

Among the considerations which have prompted this concession at the present time are: the enormous and ever increasing frequency of weekend trips and of skiing excursions for whose patronizers the schedules of departure and return make it at least difficult to fulfill the Sunday precept; the situation in which numerous mountain villagers find themselves where, during the long periods of isolation brought about by accumulation of snow, part of the inhabitants would not be able to get to church and can at present have contact with the priest on Saturday; the serious dearth of clergy in some countries in which at present the priest by being able to celebrate four Sunday Masses including that on Saturday, will meet the greater number of the faithful.<sup>1</sup>

The announcement seems to have come as a surprise to many people and was the source of some immediate confusion. To whom did this permission now apply and how did one make a request? Was this a general permission or could it only be obtained for things similar to the exceptional circumstances mentioned in the address? Most importantly, was the Church changing her teaching on the nature of Sunday by shifting worship to Saturday evening? Apparently there was enough confusion that a “clarification” was broadcast four days later on June 16, 1964:

To render precise the message transmitted by us which was not understood by all within its lawful terms - in relation to some indults granted by the Sacred Congregation of the Council in determined localities during special religious exigencies due, among other reasons, to the development of modern tourist trends, it must be specified: 1) that no change has occurred in the general character of the Church’s discipline relative to the Sunday precept and, therefore, Sunday is the day consecrated to our Lord whether as an act of collective homage or as an act of individual obligatory worship; 2) the said precept embraces a twofold obligation: one of a positive character (to hear holy Mass); the other of a negative character (abstention from servile work); 3) in order always to make easier the fulfillment of the obligation to hear holy Mass and to eliminate its regrettable nonfulfillment and at the same time for the lamentable lack of clergy, the faculty of satisfying the Sunday precept by a Mass heard at Vespers on Saturday has been granted at the request of some diocesan Ordinaries where these special and other exceptional causes

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<sup>1</sup> Vatican Radio, Announcement, (June 12, 1964); English translation: “Fulfillment of Sunday Mass Obligation on Saturday,” *CLD* 6: 670-671.

prevail. These concessions, which are relatively rare, are always exceptions to the general law. The discipline of the Church, which since apostolic times has considered Sunday as “the Lord’s day,” remains unchanged.<sup>2</sup>

The above announcements provide valuable insight into the thinking that was behind the introduction of this special permission. Two key points can be discerned in these early days. First, the permission to fulfill the Sunday obligation on Saturday was clearly an exception. This is implicit in the fact that the permission was not a universal grant but merely an extension of an indult that could be granted to individual bishops if they so requested. The exceptional nature is made further explicit by the description of circumstances that gave rise to the permission. While mention of ski trips and vacation does point to some notion of convenience for those at leisure, it remains clear that the primary reason for the permission is because people were *unable* to attend Mass on Sunday. This could be because of a situation brought about by their own choosing, such as vacation, but the reason repeated multiple times is that the exceptional permission was given due to a lack a clergy. To put it succinctly, one can say that the permission to fulfill the Sunday obligation of Mass attendance on Saturday was in no way given for the mere convenience of the faithful, but for those who, regrettably, could not worship on Sunday, primarily due to a lack of clergy. The second key point contained in the announcements was the reminder that the indult removing the “Sunday obligation” was limited simply to Mass attendance. The more fundamental requirement was that Sunday be observed truly as “The Lord’s Day.” While this includes the required attendance at Holy Mass, it also includes the above mentioned rest from servile work. The “clarification” announcement of the June 16<sup>th</sup> draws attention to the fact that the permission

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<sup>2</sup> Vatican Radio, Announcement, (June 16, 1964); English translation: “Fulfillment of Sunday Mass Obligation on Saturday,” *CLD* 6: 671-72.

to fulfill the obligation of attending Mass at a Mass on Saturday does not remove the second obligation of rest on Sunday.

With regard to the rest required by the law, it is opportune to note here the connection with the original commandment of God to keep holy the sabbath. It is common in modern times to hear people assume that the ability to fulfill the Sunday Mass attendance obligation on Saturday has something to do with a so-called “Jewish” understanding of time. It is true that the Jewish sabbath traditionally and contemporaneously begins at sunset on Friday evening, the “day before” the sabbath. While this would seem to fit with the idea of celebrating Sunday Mass on Saturday evening, such thinking is nowhere to be found in the Church’s statements regarding permission for Saturday evening Mass. On the contrary, statements at the time continued to recognize that the day, as understood in both the Code of Canon Law and in the liturgical books, as being a twenty-four-hour day running from midnight to midnight. This is made even clearer by the fact that the Jewish sabbath not only begins at sunset but also ends at sunset on the day of the sabbath. The Church allowed and continues to allow that Mass be celebrated on Sunday all the way up to midnight and still fulfill the obligation. Additionally, there is no requirement of rest on Saturday evening, only beginning from midnight.

From the above it is clear that the Church was not saying that Sunday should now be understood as beginning on Saturday evening. Further witness to this is given by one of the first questions that was raised by those who had been granted permission; they wanted to know which Mass texts they should use on Saturday evening. It may seem logical today that the Sunday Mass texts would be used on Saturday evening by those fulfilling their obligation, but this was not the understanding at the time. In giving permission for attending Mass on Saturday evening to fulfill

the Sunday obligation, there was no explicit permission to use the Sunday Mass texts on Saturday. The initial practice from June 1964 until September of 1965 was therefore to celebrate the Mass of Saturday, using the permission for evening Masses, and to do so under the normal evening Mass conditions mentioned in the previous chapter. With the new indult for fulfilling the Sunday obligation, an evening Mass on Saturday would then count for Sunday.

During this initial phase from 1964 to 1965, the Sacred Congregation of the Council was the dicastery issuing indults to bishops allowing the fulfillment of the Sunday Mass obligation on Saturday. However, as questions about which Mass texts to use arose, these inquiries were considered liturgical questions and were thus being received by the Sacred Congregation of Rites. In 1965 the following question and answer was publicized by the congregation:

“Which Mass is to be celebrated when, in virtue of an indult from the Apostolic See, the precept to assist at Mass on a feast may be satisfied by a Mass celebrated on the preceding evening?” The unofficial reply was: “It is better to say the Mass of the Sunday or of the feast together with a homily and the prayer of the faithful.”<sup>3</sup>

The fact that it was “better” to use the Sunday texts did not seem enough to satisfy those looking for an official pronouncement, so on September 25, 1965 Cardinal Larraona, prefect of the Sacred Congregation of Rites sent the following letter to Cardinal Ciriaci, prefect of the Sacred Congregation of the Council, clarifying the matter:

Many local Ordinaries have previously requested from the Sacred Congregation of the Council the faculty to permit the faithful entrusted to them in their dioceses to satisfy the precept of hearing Mass on Saturday evening or on the evening before a holy day of obligation. These Ordinaries have now requested of the Sacred Congregation of Rites that at evening Masses of this kind use be made of the liturgical texts for the subsequent Sunday or feast.

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<sup>3</sup> Sacred Congregation of Rites, Response “87,” *Notitiae* 1 (1965) 307; English translation: “Anticipated Sunday or Holy Day: Arrangement of Mass,” *CLD* 6: 673.

After having attended to the reasonableness of the Ordinaries' petition and wishing to provide a simpler way to expedite both requests from the Apostolic See, this Sacred Congregation of Rites requests that, whenever the Sacred Congregation of the Council grants to local Ordinaries the faculty to permit the faithful entrusted to them in their dioceses to satisfy the precept of hearing Mass on Saturday evening or the evening before a holy day of obligation, Your Eminence will, in the respective rescript, please make mention that, in such cases, by order of this Sacred Congregation, *the liturgical texts* of the subsequent Sunday or feast *must be used* and the homily and the prayer of the faithful must *not* be omitted in accord with the provisions of the instruction of the S. C. Rit., 26 Sept., 1964/ nn. 53-56.<sup>4</sup>

The requirement of the homily and the prayer of the faithful on Sundays and holy days was a new addition to the Mass following the Second Vatican Council. By requiring their inclusion in Saturday evening Masses under the indult it is clear that the intention was that the anticipated Mass on the prior evening have the same character as the festal Mass on the following day.

The letter quoted above, while indicating the praxis of the curia in granting indults for fulfilling a Mass attendance obligation on the previous evening, was really no more than an internal memo. This lasted until May 4, 1967 when the Sacred Congregation of Rites issued an instruction on Eucharistic worship entitled, *Eucharisticum Mysterium*.<sup>5</sup> The new instruction essentially made public and official what had been the internal praxis:

Where permission has been granted by the Apostolic See to fulfill the Sunday obligation on the preceding Saturday evening, pastors should explain the meaning of this permission carefully to the faithful and should ensure that the significance of Sunday is not thereby obscured. The purpose of this concession is in fact to enable the Christians of today to celebrate more easily the day of the resurrection of the Lord. All concessions and contrary customs notwithstanding, when celebrated on Saturday this Mass may be celebrated only in the evening, at times determined by the local Ordinary. In these cases the Mass celebrated is that assigned in the calendar to Sunday, the homily and the prayer of the faithful are not to be omitted. What has been said above is equally valid for the Mass on

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<sup>4</sup> Sacred Congregation of Rites, Letter [Private], September 25, 1965: *Notitiae* 2 (1966) 14; English translation: "Anticipated Sunday or Holy Day: Arrangement of Mass," *CLD* 6: 673-74.

<sup>5</sup> Sacred Congregation of Rites, Instruction *Eucharisticum Mysterium*, May 25, 1967: AAS 59 (1967) 539-573; English translation: "Instruction on Eucharistic Worship," *CLD* 6: 518-549.

holy days of obligation which for the same reason has been transferred to the preceding evening.<sup>6</sup>

Note again that there is no mention of any “Jewish” understanding of Sunday beginning on Saturday evening. Rather, the reason for the permission is made clear in the instruction; it is to allow the fulfillment of the obligation “more easily” by the faithful. This is clearly not some new interpretation of time but, rather, an administrative act of ecclesiastical authority. Thus the language, as it had previously, continued to refer explicitly to “the evening before,” making clear that Saturday evening remained part of Saturday and not Sunday. Fulfillment of the obligation on Saturday was granted as an exception.

The instruction *Eucharisticum Mysterium* did not give a general universal permission for fulfilling the Mass attendance obligation on the evening before a day of obligation. Rather, it explained the details of the use of an indult when such indult was granted. Bishops still had to explicitly request an indult from the Apostolic See to permit the faithful to fulfill their obligation on a preceding evening. Such permission was granted to bishops in the United States in 1970 through an indult communicated collectively to the newly formed National Conference of Catholic Bishops:

On January 10, 1970 the Sacred Congregation for the Clergy granted the request that the faithful, where in the judgment of the Ordinaries it is pastorally necessary or useful, may satisfy the precept of participating in Mass in the afternoon hours of Saturday and the days before holydays of obligation. The indult, for a period of five years, is granted to local Ordinaries and is to be used in accord with n. 28 of the Instruction on the Eucharistic Mystery (Congregation of Rites, May 25, 1967).<sup>7</sup>

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<sup>6</sup> *Eucharisticum Mysterium*, 28.

<sup>7</sup> Bishops’ Committee on the Liturgy, “Anticipation of Sunday Mass,” *Newsletter* 6 (April-May, 1970) in Bishops’ Committee on the Liturgy, *35 Years of the BCL Newsletter* (Washington, D.C.: United States Conference of Catholic Bishops, 2004) 223.

One may note with curiosity the phrase, “in the afternoon hours.” This phrase had not appeared since the 1964 broadcast on Vatican Radio, mentioned at the beginning of this chapter. From that point, in every official document and correspondence, only the term “evening” had been used. The indult states the permission is to be used in accord with n. 28 of *Eucharisticum Mysterium* treated previously which uses the word “evening” exclusively. It would seem then the use of “afternoon” should not be interpreted as changing any understanding of what time the obligation to attend Mass could be fulfilled. The “evening before” was the understood time and thus the practice was to continue using the provisions for evening Masses originally communicated by Pius XII.

The above indult for the United States was renewed for another five years on December 14, 1974.<sup>8</sup> It was renewed a final time on June 13, 1979.<sup>9</sup> The 1979 renewal granted the customary five-year indult. However, this permission would be unnecessary before its expiration as the new Code of Canon Law promulgated in 1983 would take up the issue directly.

### *Conclusion*

This chapter has sought to trace the gradual introduction of the concept of anticipated Masses through the granting of indults in the 60s and 70s. As was the case with the introduction of evening Masses, the indults proved to be very popular and would eventually become the law. Perhaps the most interesting thing about this process is that there were almost no objections to

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<sup>8</sup> Sacred Congregation for Clergy, Indult [Unpublished], December 14, 1974; Referenced: “Anticipation of Sunday and Holyday Mass,” *CLD* 9: 722.

<sup>9</sup> Sacred Congregation for Clergy, Indult [Unpublished], June 13, 1979; Referenced: “Anticipation of Sunday and Holyday Mass,” *CLD* 9: 722; Bishops’ Committee on the Liturgy, “Anticipated Masses: Faculty Renewed,” *Newsletter* 15 (July-August, 1979), in *35 Years of the BCL Newsletter*, 675.

what would seem to be a monumental change. The Church was using her power of governance to say that the command of divine law to keep holy the sabbath could now extend even to the day before the normal understanding of the obligation. Would such a change have unforeseen consequences? The pastoral answer to this question is beyond the scope of this thesis. Yet, what will become very clear in the next chapter is that a seemingly simple legal change, the allowing of anticipated Masses, resulted in quite a bit of legal confusion and the need to answer questions that were certainly unseen previously.

## Chapter 3

### The 1983 Code of Canon Law and Current Practice

#### *Introduction*

Things were simpler when Saturday was just Saturday and Sunday was just Sunday. There were no questions of what Mass to celebrate on Saturday evening, or when Saturday might “count” for Sunday. The introduction of evening Masses and anticipated Masses detailed in the previous chapters changed all that. The apparent goal of making it more convenient for the faithful to attend Mass and fulfill their obligation had begun to take root through the indults granted in previous decades. Yet these changes also brought new questions, both legal and liturgical. The 1983 Code of Canon Law answers some of these, but even today pastors frequently have questions about how the law is to be applied any given situation. This chapter seeks to explain clearly the current law regarding anticipated Masses and answer some of the more common questions that arise as a result of this law.

#### *Indults Become Law*

With the promulgation of the new Code of Canon Law in 1983, a number of the indults discussed previously became law. On the general issue of what time Mass can be celebrated on any given day, recall that the 1917 Code of Canon Law specified a window beginning an hour before sunrise and lasting until one hour after noon. This would remain the law until the promulgation of the new code. However, as already shown, beginning in the 1950s, indults for

other times had regularly been given by Apostolic See. In 1963, Pope Paul VI gave bishops the following faculty:

To permit priests, for a just cause, to celebrate Mass at any hour of the day and to distribute communion in the evening, but with due observance of other requirements of the law.<sup>1</sup>

In practice, permission for Mass “at any hour of the day” seems to have been given widely. It was therefore not surprising that the new Code of Canon Law in 1983 made this universal law:

The celebration and distribution of the Eucharist can be done at any day and hour except those which the liturgical norms exclude.<sup>2</sup>

The original introduction of evening Masses detailed previously in this thesis was the occasion for fierce debate, with many arguing strongly that Mass should remain in the morning. By 1983 it seems not to have been much of an issue at all. Today, Mass is regularly celebrated at every hour of the day without much thought that one time would be any more fitting than another.

Tangentially related to the issue of evening Mass was always the question of the Eucharistic fast. The original requirement of the fast from midnight was no doubt a key contributor to the desire to attend Mass early in the day and all but precluded evening Mass. Indults for evening Masses therefore always carried new instructions for the Eucharistic fast, first three hours, then eventually reduced to one hour. The new Code of Canon Law made the one hour fast the universal practice:

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<sup>1</sup> Paul VI, motu proprio *Pastorale munus*, November 30, 1963: AAS 56 (1964) Faculty #4; English translation: “Faculties and Privileges Granted to Local Ordinaries by *Pastorale Munus*,” *CLD* 6: 372.

<sup>2</sup> *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983) c. 931: “Eucharistiae celebratio et distributio fieri potest qualibet die et hora, iis exceptis, quae secundum liturgicas normas excluduntur.”

A person who is to receive the Most Holy Eucharist is to abstain for at least one hour before holy communion from any food and drink, except for only water and medicine.<sup>3</sup>

Given the normal length of Mass before Communion, the “fast,” if one can call it that, plays little role today in choosing a time for Mass.

Finally, the new Code of Canon Law resolves the need for indulgences concerning the requirement to attend Mass on Sundays and holy days. Until 1983, the law still required attendance on the day itself, from midnight to midnight. As shown previously, beginning in the mid-1960s the Apostolic See began to grant indulgences for the faithful to fulfill the Mass attendance requirement on the evening before Sunday or a holy day. This remained a special grant of the Apostolic See to individual bishops or conferences all the way until 1983 when the law was changed:

A person who assists at a Mass celebrated anywhere in a Catholic rite either on the feast day itself or in the evening of the preceding day satisfies the obligation of participating in the Mass.<sup>4</sup>

The rest of this thesis will discuss various aspects of the present implementation of this canon.

### *What Time is Evening*

One of the most frequent questions, and recent causes for debate, surrounds the interpretation of what canon 1248 means by “evening” (*vespere*). In this regard, it is helpful to recall the context from which the right described in the canon first arose as an indulgence. The permission for “evening Mass” came first, as detailed in Chapter 1 of this thesis. It was only later

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<sup>3</sup> Canon 919 §1: “Sanctissimam Eucharistiam recepturus per spatium saltem unius horae ante sacram communionem absteineat a quocumque cibo et potu, excepta tantummodo aqua atque medicina.”

<sup>4</sup> Canon 1248 §1: “Praecepto de Missa participanda satisfacit qui Missae assistit ubicumque celebratur ritu catholico vel ipso die festo vel vespere diei praecedentis.”

that the idea of having an evening Mass on Saturday to fulfill the Sunday obligation came about, as detailed in Chapter 2 of this thesis. Therefore, when indults were given for fulfilling the Mass attendance obligation on the evening before a feast, there was at least a decade of experience of what Mass in the “evening” meant. Mass in the evening meant following the norms for such Masses as detailed by Pius XII in the previously discussed apostolic constitution *Christus Dominus*. Specifically, this meant that an evening Mass, could not begin before 4:00 p.m.<sup>5</sup>

One problem with using the norms for evening Masses to apply to anticipated Masses is that the concept of “evening Mass” as a strict genre had begun to be relaxed somewhat in the mid-1960s. From 1953 until 1963 there were only two “categories” for the time of Mass. Either Mass was in the morning according to the 1917 Code, or it was in the evening according to *Christus Dominus*. Had anticipated Masses been introduced then, there would have been no question about whether Mass at 2:00 p.m. on Saturday could count for Sunday because Mass was not allowed at 2:00 p.m. on Saturday or any day. However, when anticipated Masses were in fact introduced, Paul VI had given bishops permission to allow Mass at any hour of the day. It therefore becomes less clear whether the tradition of “evening Mass” as understood at that time would have automatically been the understanding for the time of anticipated Masses or whether the relaxed permission for Mass at any hour would have pushed the idea of “evening” earlier into the afternoon.

The above context for the introduction of anticipated Masses is helpful by way of background, but additional insight can be found in considering the code revision process that

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<sup>5</sup> *Christus Dominus*, Rule VI.

produced the final 1983 text. In 1980 when the words “evening of the preceding day” were added to what would become the new canon 1248 (then canon 1199 of the 1980 schema), the commission responded to a question raised regarding the intention of the new proposed canon:

A certain clarification is desired regarding the phrase “evening of the preceding day”. Does this mean that the precept of Sunday Mass can be fulfilled by participating at any Mass in the evening hours of Saturday? Or does it mean that a faculty is always required?

R. With consideration, a general formula is adopted so that casuistry and anxieties might be avoided. Certainly the precept is fulfilled by participation at any Mass of the evening hours of Saturday.<sup>6</sup>

The response might have been more helpful had the question been simply, “What is the earliest time that can be considered evening?” As it is, the question is concerned more with what the new canon means for the previous system of obtaining an indult to have Saturday evening Mass count for Sunday. The questioner wants to know if the Masses in the “evening of the preceding day” still require a faculty in order to count. Yet, the response from the commission does give some helpful insight into what limits there might be on the understanding of “evening.”

The commission’s response indicates that no faculty will be required any more. The reason given for this is instructive. They say that this has been done “so that casuistry and anxieties might be avoided.” In other words, no faculty will be required because they do not want the faithful to have to worry about whether the correct permission was obtained such that Saturday evening would count for Sunday. Under the new code, if you participate at Mass on Saturday evening, it

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<sup>6</sup> Pontifical Commission for the Revision of the Code of Canon Law, “Can. 1199,” *Communicationes* 15 (1983) 251-252: “Quaedam desideratur clarification circa locutionem ‘vespere diei praecedentis’. Significat quod praeceptum Missae dominicalis adimpleri potest per participationem ad quamlibet Missam die sabbati horis vespertinis? Aut significat quod semper requiritur facultas? (Pater quidam).

R. Consulto formula generalis adhibetur ut casuistica et anxietates vitentur. Certissime adimpletur praeceptum per participationem ad quamlibet Missam die sabbati horis vespertinis.”

counts for Sunday. Period. There is no need to worry. While the desire to save the people from “casuistry and anxieties” was given here in reference to the previously needed permission for Saturday evening Mass, it could also be helpful in asking the further question, “When is it evening?”

The original question to the commission asked for a clarification as to what is meant by the phrase “evening of the preceding day.” The response that the precept is fulfilled at “any Mass on Saturday evening” does not really seem to answer the question. As just detailed above, the response was given more in regard to the need for a faculty rather than as a clarification as to when is evening. However, there seem to be two ways in which the response could help interpret what is meant by evening. First, the fact that the commission saw no need to clarify what was meant by evening could point to the fact that there was no confusion about this. As proposed previously in this thesis, perhaps everyone was already familiar with what evening Mass meant; it meant starting no earlier than 4:00 p.m. and needed no further explanation. A second interpretation could be that the desire to avoid “casuistry and anxieties” should also be applied to determining the time at which Mass on Saturday would count for Sunday. If the faithful should be free from worrying about whether a Mass counts or not, perhaps the commission is saying that no firm time for evening was given so that the people would not have to worry about whether a Mass counted or not.

While the desire for the faithful to be free from anxiety about fulfilling their obligation was clearly the goal, not providing a definite time for understanding the beginning of evening seems to have the opposite effect. The faithful have a definite obligation to attend Mass on Sunday or the evening before, yet there is no definite legislation on when this obligation can begin to be fulfilled. Far from removing anxiety, this seems to be the occasion for creating anxiety. The faithful have a

right to know without doubt that they have fulfilled the law. This would seem to necessitate giving a definite time for when one can begin to fulfill the obligation.

In first allowing Mass in the evening, Pius XII chose to provide a definite time for the beginning of evening and he gave 4:00 p.m. While this legislation no longer has legal force under the new Code of Canon Law, the time of 4:00 p.m. still seems a fitting time to fix the beginning of the window for fulfilling the Sunday obligation. Using the Liturgy of the Hours as a guide, one may note that among the “daytime” hours are found Midday and Midafternoon. Typically, these hours are prayed at noon and 3:00 p.m. The earliest that Vespers or Evening Prayer would usually be prayed would be the following hour or 4:00 p.m. Perhaps this is even what led Pius XII to pick exactly this time for the earliest understanding of evening. Even if there is no canonical definition of evening, the traditional understanding of the evening hour of vespers helps form the correct understanding:

Vespers is so-called because it is an evening prayer, an evening song. It was recited when the sun had already set, and darkness covered the earth. Originally the *lucernarium*, a religious ceremony accompanying the lighting of the evening lamps, opened the Vesper service.<sup>7</sup>

As things stand today, it must be admitted that there is no fixed time in the legislation defining at what hour the faithful may begin to fulfill their Sunday Mass obligation on Saturday.

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<sup>7</sup> Wilfrid Tunink, “The Spirit of Vespers,” in *For Pastors and People; National Liturgical Week 1950*, ed. Wilfrid Tunink (Conception, MO: The Liturgical Conference, Inc., 1950) 61.

Some canonists argue for 4:00 p.m. following Pius XII.<sup>8</sup> Others make a case for 2:00 p.m.<sup>9</sup> or even as early as noon.<sup>10</sup> It seems difficult at best to understand how noon could be the hour of vespers; when exactly would Midafternoon be? The only definitive answer limiting how early Mass counting for Sunday can begin was in response to a request that Mass on *Friday evening* count as Mass on Saturday which would in turn count for Sunday. At least for this one case, the response was that Friday was in fact too early.<sup>11</sup> If the desire is to avoid casuistry and anxiety about the Sunday obligation then perhaps the following would be a good practice: Masses that are regularly scheduled on Saturday evening for the purpose of fulfilling the Sunday obligation should not begin before 4:00 p.m. Yet, if the faithful should be unable to attend any Mass from 4:00 p.m. Saturday to midnight on Sunday then they either would not be bound by the obligation or, maybe, a 2:00 p.m. wedding Mass or other Mass on Saturday could count. Although the time may be unclear, what is clear is that it is Sunday that we are meant to keep holy. The earlier we push this into the

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<sup>8</sup> John M. Huels, “Canon 1248, Time of Anticipated Masses, Opinion,” in *Roman Replies and CLSA Advisory Opinions 1989*, ed. William A. Schumacher and Lynn Jarrell (Washington, DC: Canon Law Society of America, 1989) 98-99; John M. Huels, “Feast Day Observance,” in *New Commentary on the Code of Canon Law*, ed. John P. Beal et al. (New York/Mahwah, NJ: Paulist Press, 2000) 1445-1446.

<sup>9</sup> Luigi Chiappetta, “Commentary on Canon 1248,” in *Il codice di diritto canonico: commento giuridico-pastorale*, ed. Francesco Catozzella et al., 3<sup>a</sup> ed., lib. 2 (Bologna: EDB, 2011) 522.

<sup>10</sup> José Antonio Abad, “Commentary on Canon 1248,” in *Exegetical Commentary on the Code of Canon Law*, English language edition ed. Ernest Caparros et al. (Chicago and Montreal: Midwest Theological Forum and Wilson & Lafleur, 2004) 3/2: 1901. The text gives no reason to support the claim that noon on the previous day would be an acceptable hour for anticipated Masses. However, here and in other Spanish language commentaries, the Latin “vespere” is normally translated by the Spanish “tarde.” The Spanish language does not usually make a distinction between the times commonly known as “afternoon” and “evening” in other languages. From noon until it is dark, it is “tarde.” It is therefore correct to translate “vespere” as “tarde,” but it seems problematic to then argue backwards that since “tarde” means any time after noon that the canon can therefore also be interpreted so broadly as to say that noon is in fact “evening” or “vespere.”

<sup>11</sup> Sacred Congregation for Clergy, Response [Private] (1977) *L'Attività della Santa Sede nel 1977*: 481; English translation: “Friday Mass Not Allowed as Substitute for Sunday Mass,” *CLD* 8: 869.

afternoon hours of Saturday, the more we lose sight of the whole point which is to keep holy the Lord's Day.

### *Which Mass to Celebrate*

After answering the question of what time an anticipated Mass can be held, there next arises the question about what Mass should be celebrated. This is really two questions. The first is the question of which Mass texts the priest should use at a Mass that would commonly be considered an anticipated Mass, that is a Mass held on a day and time such that one could reasonably assume that the majority of people are there to fulfil a Mass attendance obligation for the following day. The second question is, regardless of which Mass texts are chosen, does it make a difference for fulfilling a Mass attendance obligation? In short, does it matter which Mass is celebrated in order to have it "count" for fulfilling the next day's obligation?

The first question is really a matter of liturgical law rather than canon law narrowly understood. Interestingly, the present liturgical books do not address the issue of what Mass to celebrate on Saturday evening for anticipated Masses. For holy days, there are a few remaining proper vigil Masses for certain feast days and these will be treated separately below. Since the current law gives no indication as to what Mass texts to use, it seems one should follow the previous instructions that Masses celebrated on Saturday evening as anticipated Masses for fulfilling the Sunday obligation should use the Mass of Sunday with the creed and prayer of the faithful.

As to the second question about what Mass "counts" for Sunday, canon 1248 allows the faithful to fulfill their obligation of participating in the Mass on Sundays and holy days by assisting

at a Mass “celebrated anywhere in a Catholic rite.”<sup>12</sup> So long as the liturgy celebrated on Saturday evening is Mass in a Catholic rite, it counts. It is clearly the intention and ideal situation that those who fulfill their Sunday obligation on Saturday evening would normally attend an anticipated Mass in which they hear the same readings and prayers as those who gather the following day. However, this is not required. Not only does the Mass not have to use the Sunday readings to count, it could be a Mass completely unrelated to Sunday such as a confirmation, wedding, or even a funeral. To make the point perfectly clear, the Mass need not even be in the Latin rite. When asked specifically about a wedding or funeral on Saturday evening counting for Sunday, the Congregation for Clergy replied that “A Catholic satisfies his obligation by attending any Mass celebrated on Saturday evening or the vigil of a Holy Day of Obligation.”<sup>13</sup> To summarize, what ultimately matters for whether a Mass “counts” or not is solely the time at which it is celebrated. If it is Saturday evening or the evening before a day of obligation, then it counts. The faithful need have no further anxieties.

### *Back to Back Feasts*

Prior to the introduction of anticipated Masses, the Mass of the day was always used from midnight to midnight. Even when the permission for evening Masses was used, Mass on Saturday evening was still the Mass of Saturday, just like any other day of the week. The permission for

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<sup>12</sup> Canon 1248 §1: “ubicumque celebratur ritu catholico.”

<sup>13</sup> Sacred Congregation for Clergy, Response [Private] “Any Mass Satisfies Anticipated Sunday/Holyday Obligation,” April 3, 1971: *CLD* 10: 190.

anticipated Masses and the requirement that the following day's Mass with its proper texts be used created a new potential conflict. What if a feast day falls on Saturday or Monday? If Saturday is a feast day, what Mass should be celebrated on Saturday evening, the festal Mass or the anticipated Mass of Sunday? If there is a feast day on Monday, should the Mass of Sunday be used on Sunday evening, or would it be the anticipated Mass of the Monday feast? These questions were addressed by the Sacred Congregation for Divine Worship with the issuance of an official "note" on the instruction, *Eucharisticum mysterium*. They first state,

These and like cases cannot be resolved by means of a general rule because of differing pastoral considerations and the different customs of the faithful.<sup>14</sup>

The note then goes on to offer the following which it refers to as "guidelines:"

In the case of a Sunday following a holyday or vice versa, the best way to achieve completeness in the observance of the entire liturgical day is to apply to the celebration of an evening mass what is laid down in the case of evening prayer, namely: "If the same day were to call for celebration of evening prayer of that day's office and evening prayer I of the following day, evening prayer of the day with the higher rank in the Table of Liturgical Days takes precedence; in cases of equal rank. Evening prayer of the actual day takes precedence" (General Norms for the Liturgical Year and the Calendar no. 61).<sup>15</sup>

After a brief note about proper vigil Masses which will be treated below, the document concludes by again noting that the discretion that the local Ordinary has:

In the light of pastoral circumstances, the local Ordinary is to indicate at the beginning of the year in the diocesan liturgical calendar the practice to be followed throughout the diocese; when pastoral reasons seem to dictate preference of the one Mass over the other, he may even, if necessary, depart from what has been said in the present document.<sup>16</sup>

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<sup>14</sup> Sacred Congregation for Divine Worship, Note on *Instructio 'Eucharisticum Mysterium,'* on the Mass of a Sunday or holyday anticipated on the preceding evening, May 1974: *Notitiae* 11 (1974) 222-223; English translation: International Commission on English in the Liturgy, *Documents on the Liturgy, 1963-1969, Conciliar, Papal and Curial Texts*, (Collegeville, MN: Liturgical Press, 1982) [Hereafter, *DOL*] 448 no. 3837.

<sup>15</sup> *Ibid.*, no. 3839.

<sup>16</sup> *Ibid.*, no. 3841

One of the changes with the new missal promulgated after the Second Vatican Council was that the Commemoration of the Faithful Departed (All Souls Day) would no longer be transferred to Monday when November 2<sup>nd</sup> fell on Sunday. This new norm was applicable for the first time when, in 1975, All Saints Day and All Souls Day fell on Saturday and Sunday respectively. It provided the opportunity for a response from the Sacred Congregation for the Sacraments and for Divine Worship providing a concrete example of implementing the guidelines addressed in the previous paragraph:

The following communication was issued by the S. C. for the Sacraments and for Divine Worship regarding evening Mass on 1 November, 1975, since the 2<sup>nd</sup> of November falls on Sunday in 1975. On next Sunday, the norm provided for the celebration of the Commemoration of the Faithful Departed on Sunday will find application for the first time. And so, in conformity with what has been prescribed by the conciliar *Constitution on the Sacred Liturgy*: “The liturgy of the deceased should express more clearly the paschal character of Christian death.” Various persons have inquired what Mass must be celebrated in the evening of the 1<sup>st</sup> of November. As has been already published at its own time in *Notitiae*, 10 (1964), 222-223, in a case of concurrence between two holy days, the evening Mass is that of the liturgical day of higher rank. As a result, in the present case, the Mass to be celebrated on the 1<sup>st</sup> of November will be that of the Solemnity of All Saints.<sup>17</sup>

The above response of 1975 is obviously given in accord with the “guidelines” presented from 1974. Here there is no mention of discretion, but simply an indication of what is to be done. It can be concluded that, while the normal situation is that Mass in the evening before Sunday or a holy day of obligation would normally be the anticipated Mass of the following day, there are exceptions. In the above example, even if the majority of people attending Mass on Saturday evening November 1<sup>st</sup> are there to fulfill their Sunday obligation, the Mass is not that of the Sunday, All Souls, but is that of November 1<sup>st</sup>, All Saints, it being the higher ranking feast. Similar

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<sup>17</sup> Sacred Congregation for the Sacraments and Divine Worship, Letter (October 29, 1975) *Notitiae* 11 (1975) 349; English translation: “Concurrence of All Saints Day and All Souls Day,” *CLD* 8: 868.

situations of back to back feast days will mean that, occasionally, faithful attending an evening Mass will celebrate the Mass of the higher ranking day regardless of what obligation they intend to fulfill. It should be clearly observed, however, what was stated in the previous section regarding what Mass fulfills an obligation. It does not matter which Mass is celebrated for fulfilling an obligation; only the time of celebration matters.

### *Two Obligations on the Same Day*

The occurrence of feast days on back to back days as described above gives rise to one additional issue. The law allows the faithful to fulfill their obligation to attend Mass during a window beginning with evening the day before a feast and ending with midnight on the day itself. When two feast days occur back to back, there is an overlapping period of time which would fall into the window of time allotted for both days. The faithful have until midnight on the first feast day to fulfill their obligation but, beginning with evening of that day, they are also entitled to fulfill their obligation for the following day. Given that it has already been shown that the specific Mass texts used have no bearing on the fulfillment of the obligation, an interesting question arises: Can attending one Mass celebrated in this window of overlapping time fulfill the obligation for both days? That is, can attending Mass on the evening of the first feast day fulfill the obligation of that day (since it is before midnight) and also of the following day (since it is evening)?

There are essentially two approaches to this question. The first observes that when two days of obligation coincide on the same day, such as Christmas and Sunday, the faithful can fulfill both obligations at a single Mass. One could of course attend Mass in the evening of the 24<sup>th</sup> and then again on Christmas Day but, strictly speaking, attending Mass just on Christmas Eve or just

on Christmas Day would fulfil the obligation for both Christmas and Sunday. This would seem to establish the principle that fulfilling multiple obligations at a single Mass is possible in keeping with the law. Using this reasoning, one could apply it to the situation of back to back feast days. There is a period of time where attending Mass falls within the window for both obligations and thus a single Mass could fulfill both obligations. This is the position taken by Ian B. Waters in an advisory opinion published by the Canon Law Society of America.<sup>18</sup>

A second opinion considers the situation of back to back feasts from a more liturgical frame of reference. The celebration of Sunday is the primary feast day of each week and takes precedence over all but the most important feasts. Only in the case of a feast of the Lord or a solemnity falling on a Sunday would a feast actually take precedence over the Sunday. In this case there would be only one obligation to attend Mass. However, when a feast day falls on Saturday or Monday, the celebration of Sunday as the Lord's day retains its proper distinctiveness, including its own proper obligation. Liturgically, there are two separate feasts being celebrated on two separate days, each with its own proper obligation. Even though there is a period of time that would overlap for the fulfilling of either obligation, this would not remove the fact that there are two distinct obligations to attend Mass. This is the position taken by Brian Dunn in an advisory opinion published together with the one cited in the previous paragraph by the Canon Law Society of America.<sup>19</sup>

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<sup>18</sup> Ian B. Waters, "Canon 1248, The Concurrence of Liturgical Days and the Obligation of Assisting at Mass, Opinion," in *Roman Replies and CLSA Advisory Opinions 2008*, ed. Joseph J. Koury and Siobhan M. Verbeek (Washington, DC: Canon Law Society of America, 2008) 112-113.

<sup>19</sup> Brian Dunn, "Canon 1248, The Concurrence of Liturgical Days and the Obligation of Assisting at Mass, Another Opinion," in *Roman Replies and CLSA Advisory Opinions 2008*, ed. Joseph J. Koury and Siobhan M. Verbeek (Washington, DC: Canon Law Society of America, 2008) 113-121.

In what might be regarded as a third interpretation, John Huels proposes that both of the above opinions are reasonable and that one could therefore point to the presence of a doubt of law.<sup>20</sup> The presence of such a doubt would require an interpretation which would be the least restrictive or burdensome. If the obligation to attend Mass is considered a burden, then one could argue, as Huels does, that the faithful should be able to fulfill two obligations at one Mass so as not to be burdened with additional obligations.

A final consideration, a point considered by both Dunn and Huels, is a response by the Congregation for the Clergy regarding this question. The following dubium was proposed to the congregation:

Whether the faithful who attend Mass on Saturday, 15 August, would fulfill the double precept of hearing Mass on Saturday, feast of the Assumption, and Sunday, 16 August?

The congregation responded,

“Negative” to the above case and to all analogous cases. The indult by which the faculty is given to fulfill the obligation of attending Mass on the evening of a Saturday or of a feast day of obligation is generally granted in view of rendering easier the fulfillment of such a precept, without prejudice of keeping every Lord’s Day holy.<sup>21</sup>

Although this response was not an authentic interpretation and remains at the level of a private reply, it at least represents the *praxis curiae* and would seem to weaken the argument for a continuing doubt of law. Even if one were to continue to hold, with either the reasoning of Waters

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<sup>20</sup> John M. Huels, “Canon 1248, Double Precept Fulfilled at One Mass, Opinion,” in *Roman Replies and CLSA Advisory Opinions 1989*, ed. William A. Schumacher and Lynn Jarrell (Washington, DC: Canon Law Society of America, 1989) 96-98.

<sup>21</sup> Bishops’ Committee on the Liturgy, “Fulfillment of Holyday and Sunday Mass Precept,” *Newsletter* 10 no. 11 (November 1974) in Bishops’ Committee on the Liturgy, *Thirty-Five Years of the BCL Newsletter* (Washington, DC: United States Conference of Catholic Bishops, 2004) 450.

or Huels, that one could technically fulfill two obligations at once, the opinion of Dunn shows that, at the very least, this is not in keeping with the spirit of the law and ought not be done.

### *Bination and Trination*

A priest is normally allowed to celebrated Mass only once per day with the following exception:

If there is a shortage of priests, the local ordinary can allow priests to celebrate twice a day for a just cause, or if pastoral necessity requires it, even three times on Sundays and holy days of obligation.<sup>22</sup>

This faculty for a second or third Mass is often referred to colloquially as “bination” and “trination.” Since the introduction of anticipated Masses requires the use of the Sunday or festal Mass texts on the preceding evening, a question is sometime raised regarding what constitutes a Mass “on Sundays and holy days of obligation.” Would an anticipated Mass celebrated on Saturday evening be counted as a Mass on Saturday or a Mass on Sunday? Would it make a difference depending on which texts were used?

The point has been raised multiple times in this thesis that in allowing the fulfilling of a Mass obligation on the evening before a feast day, the Church is in no way saying that a feast day actually begins the evening before; there was no shift to a so-called “Jewish” understanding of a day beginning at sunset as is sometimes assumed. Rather, the code continues to refer to all time according to the canonical definition of time as made clear in canon 202:

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<sup>22</sup> Canon 905 §2: “Si sacerdotum penuria habeatur, concedere potest loci Ordinarius ut sacerdotes, iusta de causa, bis in die, immo, necessitate pastorali id postulante, etiam ter in diebus dominicis et festis de praecepto, celebrent.”

In law, a day is understood as a period consisting of 24 continuous hours and begins at midnight unless other provision is expressly made.<sup>23</sup>

Allowing a Mass obligation to be fulfilled the evening before a feast day is not an example of “other provision” being made for the understanding of a day. On the contrary, canon 1248 specifically refers to fulfilling the obligation in the evening of the “preceding day.”<sup>24</sup> If the code had intended to use a different definition of time for feast days it could have said that a feast day begins the evening before the day and no mention of the “preceding day” would have been necessary since the feast day would have already canonically begun. As it is, the definition of time given in canon 202, that is a day running from midnight to midnight, governs all the issues of law considered in this thesis.

Employing the required canonical definition of a day to the question of bination and trination on feast days, it is clear that an anticipated Mass celebrated on Saturday evening is a Mass of the day of Saturday, not Sunday, even if the Sunday texts are used. It would therefore count as the one Mass a priest may celebrate on a weekday, or one of the two Masses a priest could celebrate on a weekday if he has the faculty for bination. This point is made abundantly clear when one considers that, when permission was given for anticipated Masses, bishops immediately began to make requests of Apostolic See for indulgences permitting the celebration of a third Mass on Saturdays and days preceding holy days of obligation.<sup>25</sup> The need for such indulgences makes sense when one

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<sup>23</sup> Canon 202 §1: “In iure, dies intellegitur spatium constans 24 horis continuo supputandis, et incipit a media nocte, nisi aliud expresse caveatur.”

<sup>24</sup> Canon 1248 §1: “diei praecedentis.”

<sup>25</sup> Some examples for the United States include: Sacred Congregation for the Sacraments, “Trination on Saturdays and Days preceding Holydays,” January 20, 1970: *CLD* 7: 616; “Trination,” January 20, 1973: *CLD* 8: 517; and “Trination,” October 28, 1976: *CLD* 10: 145.

considers that an average parish on any given Saturday might easily have a morning Mass, a wedding or funeral, and then the Saturday evening anticipated Mass. Note again that the texts used for the various Masses do not matter. With the faculties for bination and trination, a priest could conceivably celebrate the exact same Sunday Mass texts twice on Saturday evening and three times on Sunday for a total of five. As was the case for the faithful fulfilling their obligation, the texts used for the Mass make no difference, only the time of celebration.

### *Vigil Masses*

Speaking colloquially, the term “vigil Mass” is often used to describe a Mass celebrated on the evening before Sunday or a holy day. This is done to alert people that the Mass celebrated will be that of the next day’s feast and not the day itself; the Mass is thus intended for those desiring to fulfill their feast day obligation in the evening of the preceding day. While specially designating such Masses can be helpful, using the term “vigil Mass” in all cases is problematic. As will be discussed below, there are actually proper vigil Masses for certain feasts. Most of the Masses celebrated on Saturday evenings are not vigil Masses properly speaking but are designated more aptly by the term “anticipated Mass.” This is the term used in the documents of the Church and correctly reflects the fact that such an evening Mass is in actuality the festal Mass of the next day but celebrated on the evening of the day before for the convenience of the faithful.

As just mentioned above, there are certain feasts that do have a proper vigil Mass whose texts differ from those of the following day. The tradition of keeping a vigil before a major feast day is a practice that goes back to the earliest days of the Church. The original meaning has its origin in the keeping of a night watch anticipating the next day’s feast, as is seen in the restored

practice of the solemn vigil of Easter, the “Mother of all Vigils.”<sup>26</sup> However, there has also been the long practice in the Church of keeping the entire day before a feast as a vigil. Prior to the Second Vatican Council, vigil days before a feast took on a penitential character in preparation for the feasting to come. Mass was celebrated in the morning, there being no evening Masses, with violet vestments. Fasting and abstinence were maintained throughout the day.

With the introduction of anticipated Masses, a question arose regarding the use of the proper vigil Masses in the Missal. Since Mass was now allowed in the evening of the day before a feast, would it not make sense to use the proper vigil Mass texts at that time as they were originally intended? At first, only the most important feasts were considered:

The Mass celebrated on the evening before Pentecost Sunday is the present Mass of the Vigil, with the Creed. Likewise, the Mass celebrated on the evening of Christmas Eve is the Mass of the Vigil but with white vestments, the Alleluia and the Preface of the Nativity, as on the feast. Nevertheless it is not permitted to celebrate the Vigil Mass of Easter Sunday before dusk on Holy Saturday, certainly not before sunset. This Mass is always that of the Easter Vigil, which, by reason of its special significance in the liturgical year and in the whole Christian life, must be celebrated with the liturgical rites laid down for the Vigil on this holy night.<sup>27</sup>

With the publication of the new postconciliar missal, it was decided to return all the vigil Masses to a place more in keeping with their nocturnal origin by making them evening Masses. The Sacred Congregation for Divine Worship gave the general principle in the new *General Norms for the Liturgical Year and Calendar* issued on March 21, 1969:

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<sup>26</sup> For an in depth look at the restoration of the Easter Vigil to its traditional place of a night watch and model for all vigils under Pius XII, see Shawn P. Tunink, “Holy Week in the 1950s: The Liturgical Reforms of Pope Pius XII” (S.T.L. Thesis, University of St. Mary of the Lake, 2013).

<sup>27</sup> *Eucharisticum Mysterium*, 28.

Solemnities are counted as the principal days in the calendar and their observance begins with evening prayer I of the preceding day. Some also have their own vigil Mass for use when Mass is celebrated in the evening of the preceding day.<sup>28</sup>

With the new missal, regular “weekday” Masses are to be celebrated in the mornings of the day before a feast and the traditional practice of a penitential day of preparation has been lost.

The celebration of a vigil prior to a major feast is a praiseworthy ancient custom without doubt. However, it is doubtful that the modern practice retains much if anything of the spirituality of a traditional vigil. Even though the present vigil Mass texts retain their character of looking forward to the feast to come the next day, most of the faithful in attendance at the vigil of feast in modern times would consider themselves to have adequately celebrated the feast day by attending the vigil; few today would attend a vigil Mass and then return the following day for the festal Mass. This raises the question of whether the use of the vigil Mass texts could be considered optional. There is a legitimate concern that most of the faithful present in the evening before a feast are not there in the mindset of an anticipatory vigil. There also seems to be a concern, albeit a lesser one, that priests would like to avoid having to write two homilies for two different sets of readings. Despite these concerns, the Congregation for Divine Worship clarified the obligatory nature of the vigil Masses:

On vigils of solemnities having a special vigil Mass (Christmas, Nativity of Saint John the Baptist, Saint Peter and Saint Paul, Assumption) this Mass is said even if the vigil falls on a Sunday.<sup>29</sup>

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<sup>28</sup> Sacred Congregation of Rites, *General Norms for the Liturgical Year and Calendar*, March 21, 1969 (Vatican Polyglot Press, 1969) 11; English translation: *DOL* 442 no. 3777.

<sup>29</sup> Sacred Congregation for Divine Worship, Note on *Instructio ‘Eucharisticum Mysterium*, 3; English translation: *DOL* 448. no. 3840.

The third edition of the Roman Missal has now added a proper vigil for Epiphany as well as an extended vigil of Pentecost similar to that of the vigil of Easter.

The presence of these proper vigil Masses could be seen as a pastoral challenge or even an inconvenience in light of present Mass attendance habits in the evening preceding feast days. However, they also provide the occasion to explain the traditional notion of a vigil. The line quoted above stating that the observance of solemnities “begins with evening prayer I of the preceding day” is often misinterpreted. The day before a feast day is in fact not the feast day. It is the “observance” of the solemnity that begins the evening before, and this observance is meant to be a time of prayer and preparation, not the full celebration of the feast itself. Rediscovering the proper understanding of a vigil may be an important corrective to help the faithful recover the proper observance of Sunday and the fact that Saturday evening is not Sunday.

### *Conclusion*

The seemingly simple change of allowing a Mass obligation to be fulfilled on the previous evening turns out to be not so simple in light of all the legal complexity just considered. It is obviously important that pastors of souls become familiar with the answers to the questions considered in this chapter as these questions are often raised by the faithful. The faithful have a clear obligation to attend Mass and thus have the right to a clear answer as to how that obligation may be fulfilled. As this chapter has shown, such a “clear” answer is not always possible. While the intent of the change in law allowing anticipated Masses was to allow the faithful to more easily fulfill their obligation, there remain certain aspects that naturally lead to confusion. Pastors of souls must be knowledgeable not just in the law, but most especially in the spiritual purpose behind the

law. The desired outcome of all the legal changes and challenges is that the faithful more easily and faithfully be present at the celebration of the Mass. Good pastors will know both the law and the sheep and how the law, even with its complexity, is applied for the good of the sheep.

## Conclusion

The sanctification of time and the keeping of the yearly calendar of feasts has always brought with it some complexity, even from the days of our Jewish ancestors. The introduction of anticipated Masses and fulfilling Mass obligations on days before a feast has obviously brought additional complexity and it is hoped that this thesis has helped to explain some of the more detailed points. However, amidst all the complexity of law, it is important not to make the same mistake the Jewish leaders had made at the time of Jesus. With all these human laws it is easy to forget that the primary law being observed is of divine origin. God created the sabbath. It was his initiative and he himself told us what he required: solemn rest and holy convocation. While the Church has rightly used her power of governance to flesh out the details of the obligation, there can also be a danger of allowing human legislation to cloud the underlying divine precept. This was the case at the time of Jesus and was the cause of his frequent criticism of the Jewish practice of the sabbath in his day.

Having now considered many details of the Church's legislation concerning the obligation to attend Mass on Sundays and holy days, it is helpful remember the context with which this thesis began. Despite the great amount of Church law on the subject, the obligation of keeping holy the sabbath is initiated by God, not the Church. The intent of human legislation must therefore be at the service of ensuring adherence to the divine legislation. By way of conclusion to this thesis, it might be helpful to consider the historical evolution demonstrated across all three chapters and ask two questions. First, what was the goal of the legislation; how did the Church hope to protect the divine law with her ecclesiastical law? Secondly, did it work?

In answer to the first question, the Church has taken an approach opposite that of the Jewish leaders in history. The Jews started with God's commandment, to keep holy the sabbath day, and then used human laws to build a "fence" around the law. The idea was to make it more difficult to violate the divine law by placing more restrictive human laws in the way. The unfortunate result of this was that it also made keeping the original commandment much more burdensome and was thus the cause for the rebukes of Jesus. On the contrary, in the Church's legislation on keeping the sabbath, as many obstacles as possible have been removed. If one could summarize the underlying principle behind the entirety of the reform presented in this thesis, it would be the desire to maximize the convenience of the faithful. Evening Masses were introduced to make it more convenient to go to Mass. Anticipated Masses were allowed to make it easier to fulfill a Mass obligation. It is all about convenience and reducing burdens. Therefore, in answer to the first question, it seems obvious that the law intended to make attending Mass and fulfilling one's obligation more convenient, with the implied goal that more people would in fact attend Mass.

In answering the second question, "Did it work?" consider first this letter to the editor written by a priest in 1949 just as evening Masses were beginning to be introduced and long before the idea of anticipated Masses. Consider his assessment of what he predicts would be the result of increased "convenience" regarding Mass:

To the Editor: - I think it about time that someone calls a halt to all this excitement over "the Mass of the future"; precisely, I mean the point that comes in for a lot of lobbying – afternoon Mass. Look around you now. What is happening? Parish after parish has put in its schedule a 12, or 12:15 or even 12:30 Mass on Sunday. The result is enough to make any discerning priest heartsick. Week after week and month after month these Masses are crowded. and few of those present have any idea of receiving the sacraments with anything that approaches regularity. And as for tardiness and leaving early! An observer could scarcely tell when Mass is beginning and ending, the way the church doors keep swinging throughout the holy Sacrifice. I'm afraid we have made a god of "convenience" and

“accommodation,” and afternoon Mass would only be more incense before the idol. It is the spirit of faith that needs resurgence, not an increasing of the ease with which an obligation can be “disposed with.” It is not the world of work, but of pleasure, that has made our time-table difficult. To give in to that is tragedy. Do not the advocates of the “new look” for the Sunday time-table see any connection between morning Mass and sanctification of the Lord’s Day – *starting* at least in some hour of the morning? Or are they satisfied to have a negative attitude – assuming there is nothing unholy in taking advantage of an all-morning sleep? If they want to increase devotion and attendance at the Mass, and the afternoon Mass is their answer, then let them work towards that end for week-days, when the “world of work” is truly the obstacle. As for Sundays, may the pastors and priests of our parishes preserve the *whole* day for God!<sup>1</sup>

Without a doubt, each of the legal innovations presented in this thesis were introduced with the good intention of making Mass more convenient so that more of the faithful would attend. Yet, one cannot help but see a description our own day in the prediction of this priest to the editor. Evening Masses were introduced for those who could not attend in the morning. Anticipated Masses were introduced for those who could not attend on Sunday. Now, Saturday evening anticipated Masses are filled with the faithful often desiring to get their Mass attendance obligation “out of the way,” while then largely ignoring the requirement of solemn rest and keeping holy the sabbath day that follows. Most tragically, the majority of the faithful no longer attend Mass at all on Sundays. Making Mass so incredibly convenient may have had the unintended consequence of making it seem cheap and therefore not really all that important. It is hoped that this thesis has provided some understanding of the requirements of the current law and their historical background. The question of the intent of this legislation seems clear, but the more important question, “Did it work?” remains to be judged by history.

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<sup>1</sup> Justin T. Kane, “Afternoon Mass,” *Worship* 23, no. 7 (1949) 327.

## Bibliography

### Primary Sources

Bishops' Committee on the Liturgy. *35 Years of the BCL Newsletter*. Washington, D.C.: United States Conference of Catholic Bishops, 2004.

———. "Anticipated Masses: Faculty Renewed." *Newsletter* 15 (July-August, 1979).

———. "Anticipation of Sunday Mass." *Newsletter* 6 (April-May, 1970).

———. "Fulfillment of Holyday and Sunday Mass Precept," *Newsletter* 10 no. 11 (November 1974).

*Canon Law Digest*, 13 vols. and Index 1934-2009.

*Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983).

*Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (Rome: Typis Polyglottis Vaticanis, 1917).

Commission for Russia. Indult [Private], November 25, 1929. In *CLD* 2: 202.

Holy Office. Response [Private] "Questions on the *Sacram Communionem*," June, 1957. In *CLD* 4: 288-289.

———. Response [Private] "The *Sacram Communionem* Changes Nothing in the Law as to When Holy Communion May Be Distributed," April 13, 1957. In *CLD* 4: 288.

International Commission on English in the Liturgy. *Documents on the Liturgy, 1963-1969, Conciliar, Papal and Curial Texts*. Collegeville, MN: Liturgical Press, 1982.

Paul VI. Motu proprio *Pastorale munus* (November 30, 1963) AAS 56 (1964), 5-12; English translation: "Faculties and Privileges Granted to Local Ordinaries by *Pastorale Munus*." In *CLD* 6: 370-378.

Pius XII. Apostolic constitution *Christus Dominus* (January 6, 1953) AAS 45 (1953) 15-24; English translation: "Eucharistic Fast: Apostolic Constitution Establishing New Discipline." In *CLD* 4: 269-277.

———. Motu proprio *Cum bellica conflictio* (December 1, 1940) AAS 32 (1940) 529-530; English translation: "Midnight Mass, in Countries Where 'Black-out' Is Ordered by Law During War." In *CLD* 2: 202-3.

- . Motu proprio *Sacram Communionem* (March, 19, 1957) *AAS* 49 (1957) 177-178; English translation: “Eucharistic Fast: Extension of the Provision of ‘*Christus Dominus*.’” In *CLD* 4: 286-288.
- Pontifical Commission for the Revision of the Code of Canon Law. “Can. 1199,” *Communicationes* 15 n. 2 (1983) 251-252.
- Sacred Congregation for Clergy. Indult [Unpublished], (December 14, 1974); Referenced: “Anticipation of Sunday and Holy Day Mass.” In *CLD* 9: 722.
- . Indult [Unpublished], (June 13, 1979); Referenced: “Anticipation of Sunday and Holy Day Mass.” In *CLD* 9: 722.
- . Response [Private] “Any Mass Satisfies Anticipated Sunday/Holyday Obligation,” (April 3, 1971). *CLD* 10: 190.
- . Response [Private] (1977). *L’Attività della Santa Sede nel 1977*: 481; English translation: “Friday Mass Not Allowed as Substitute for Sunday Mass.” In *CLD* 8: 869.
- Sacred Congregation for Divine Worship. Note *Instructio ‘Eucharisticum Mysterium,’* on the Mass of a Sunday or holyday anticipated on the preceding evening, (May 1974) *Notitiae* 11 (1974) 222-223; English translation: International Commission on English in the Liturgy, *Documents on the Liturgy, 1963-1969, Conciliar, Papal and Curial Texts*, 448 no. 3837-3841.
- Sacred Congregation for the Sacraments, “Trination on Saturdays and Days preceding Holydays” (January 20, 1970). In *CLD* 7: 616.
- . “Trination” (January 20, 1973). In *CLD* 8: 517.
- . “Trination” (October 28, 1976). In *CLD* 10: 145.
- Sacred Congregation for the Sacraments and Divine Worship. Letter (October 29, 1975) *Notitiae* 11 (1975) 349; English translation: “Concurrence of All Saints Day and All Souls Day.” In *CLD* 8: 868.
- Sacred Congregation of Rites. *General Norms for the Liturgical Year and Calendar*, March 21, 1969 (Vatican Polyglot Press, 1969). English translation: International Commission on English in the Liturgy, *Documents on the Liturgy, 1963-1969, Conciliar, Papal and Curial Texts*, 442 no. 3767-3827.
- . Instruction *Eucharisticum Mysterium* (May 25, 1967) *AAS* 59 (1967) 539-573; English translation: “Instruction on Eucharistic Worship.” In *CLD* 6: 518-549.

———. Letter [Private], (September 25, 1965) *Notitiae* 2 (1966) 14; English translation: “Anticipated Sunday or Holy Day: Arrangement of Mass.” In *CLD* 6: 673-74.

———. Response “87,” *Notitiae* 1 (1965) 307; English translation: “Anticipated Sunday or Holy Day: Arrangement of Mass.” In *CLD* 6: 673.

Sacred Congregation of Sacraments. Rescript, April 30, 1942. In *CLD* 2: 620.

Vatican Radio. Announcement, (June 12, 1964); English translation: “Fulfillment of Sunday Mass Obligation on Saturday.” In *CLD* 6: 670-671.

———. Announcement, (June 16, 1964); English translation: “Fulfillment of Sunday Mass Obligation on Saturday.” In *CLD* 6: 671-672.

### Secondary Sources

Abad, José Antonio. “Commentary on Canon 1248.” In *Exegetical Commentary on the Code of Canon Law*, English language edition ed. Ernest Caparros et al., 3/2: 1900-1902.

Beal, John P. et al., eds. *New Commentary on the Code of Canon Law*. New York/Mahwah, NJ: Paulist Press, 2000.

Caparros, Ernest et al., English eds. *Exegetical Commentary on the Code of Canon Law*, edited by Ángel. Marzoa, Jorge Miras and Rafael Rodríguez-Ocaña, 5 vols. Chicago and Montreal: Midwest Theological Forum and Wilson & Lafleur, 2004.

Chiappetta, Luigi. “Commentary on Canon 1248.” In *Il codice di diritto canonico: commento giuridico-pastorale*, edited by Francesco Catozzella et al, 3<sup>a</sup> ed., lib. 2. Bologna: EDB, 2011: 522.

Dunn, Brian. “Canon 1248, The Concurrence of Liturgical Days and the Obligation of Assisting at Mass, Another Opinion.” In *Roman Replies and CLSA Advisory Opinions 2008*, edited by Joseph J. Koury and Siobhan M. Verbeek, 113-121.

Ellard, Gerald. “How Near is Evening Mass.” *American Ecclesiastical Review* 122 (1950) 331-344.

Huels, John M. “Canon 1248, Double Precept Fulfilled at One Mass, Opinion.” In *Roman Replies and CLSA Advisory Opinions 1989*, edited by William A. Schumacher and Lynn Jarrell, 96-98.

———. “Canon 1248, Time of Anticipated Masses, Opinion.” In *Roman Replies and CLSA Advisory Opinions 1989*, edited by William A. Schumacher and Lynn Jarrell, 98-99.

- . “Feast Day Observance.” In *New Commentary on the Code of Canon Law*, edited by John P. Beal et al., 1445-1446.
- Kane, Justin T. “Afternoon Mass.” *Worship* 23, no. 7 (1949) 327.
- Koury, Joseph J. and Siobhan M. Verbeek, eds. *Roman Replies and CLSA Advisory Opinions 2008*. Washington, DC: Canon Law Society of America, 2008.
- Mahoney, Edward J. “Evening Masses,” *Clergy Review* 27 (1947) 409-411.
- . “Indult for Afternoon and Midnight Mass,” *Clergy Review* 27 (1947) 420-21.
- Peters, Edward. *The 1917 Pio-Benedictine Code of Canon Law in English Translation with Extensive Scholarly Apparatus*. San Francisco: Ignatius Press, 2001.
- . *Incrementa in progressu 1983 Codicis iuris canonici*. Montreal: Wilson & Lafleur, 2005.
- Schumacher, William A. and Lynn Jarrell, eds. John M. Huels, *Roman Replies and CLSA Advisory Opinions 1989*. Washington, DC: Canon Law Society of America, 1989.
- Tunink, Shawn P. “Holy Week in the 1950s: The Liturgical Reforms of Pope Pius XII.” S.T.L. Thesis, University of St. Mary of the Lake, 2013.
- Tunink, Wilfrid. “The Spirit of Vespers.” In *For Pastors and People; National Liturgical Week 1950*, edited by Wilfrid Tunink, 60-62. Conception, MO: The Liturgical Conference, Inc., 1950.
- Waters, Ian B. “Canon 1248, The Concurrence of Liturgical Days and the Obligation of Assisting at Mass, Opinion.” In *Roman Replies and CLSA Advisory Opinions 2008*, edited by Joseph J. Koury and Siobhan M. Verbeek, 112-113.