

Publications of the
CATHOLIC CHVRCH MVSIC ASSOCIATES

MUSICAE · SACRAE · MELETEMATA

edited

on behalf of the
Church Music Association of America

by

Catholic Church Music Associates

Volume 2

CRUX ET CITHARA

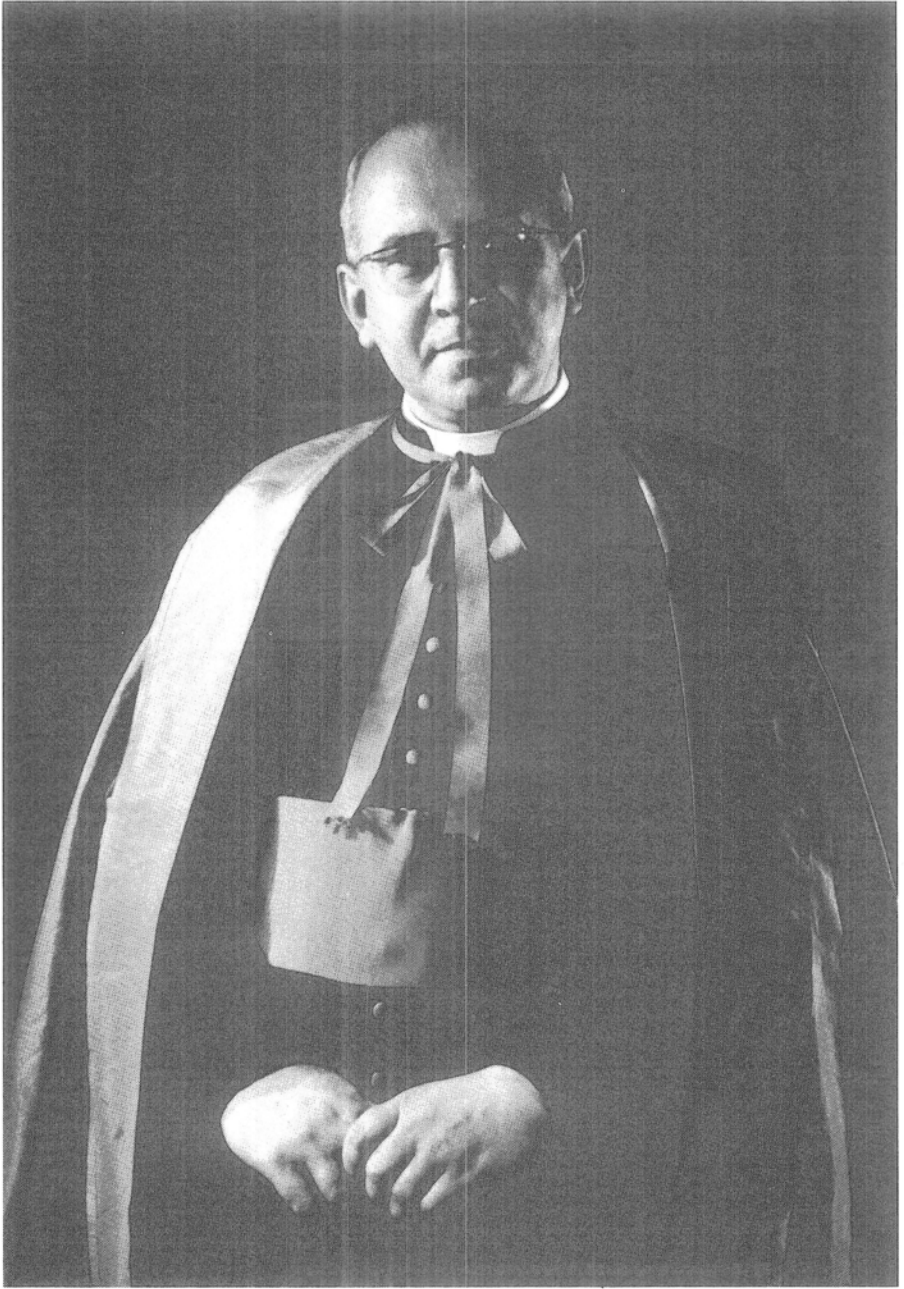
CRUX ET CITHARA

Selected essays on liturgy and sacred music
translated and edited
on the occasion of the seventieth birthday of Johannes Overath

by

ROBERT A. SKERIS

Altötting 1983
Verlag Alfred Coppenrath



Johannes Brath

*Tho' much is taken, much abides, and tho'
We are not now that strength which in old days
Moved earth and heaven; that which we are, we are:
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find and not to yield.*

ALFRED, LORD TENNYSON

Publication has been made possible in part through a grant from the Dom
Mocquereau Foundation/New York.

Cum permissu superiorum ecclesiasticorum.

Copyright © 1983 by Robert A. Skeris

Printed in Germany by

Gebr. Geiselberger, Altötting

All rights reserved under International and Pan-American Conventions.
No part of these translations may be reproduced in any form without
written permission of the publisher, except for brief passages included in a
review appearing in a magazine or newspaper.

Foreword

The subtitle of this book indicates its twofold purpose. As the second volume in the series *MVSICAE SACRAE MELETEMATATA*, this collection of essays on liturgy and sacred music intends to contribute to that ongoing "colloquium, quod sola caritate erga veritate ducatur" (Gaudium et Spes, Art. 92), for which the participants are to prepare themselves in such a way that they "partes suas agere possint" (Gaudium et Spes, Art. 43). Though nearly twenty years have gone by since those words were written, the need which prompted them is as acute today as it ever was.

The event which occasions this publication justifies its other purpose: documentation, albeit partial, of significant developments in the area of liturgy and church music during the past thirty years, especially as these have been associated with the efforts and accomplishments of the jubilarian.

It was felt that both purposes could best be served by presenting the essays which follow, in translation, to a larger audience. For their generous cooperation, a sincere word of thanks must be said to all of the authors involved, as well as to Rombach & Co./Freiburg, Bärenreiter Verlag/Kassel and the International Society for Copyright Law in Munich. The illustrations are reproduced through the courtesy of P. Bouserath/Sieglar (frontispiece), the Pontificia Commissione di Archeologia Sacra/Roma (p. 85), Amt der Niederösterreichischen Landesregierung/Lichtbildstelle Wien (p. 32), Editions E. Houvet (cliché Franceschi) of Chartres (p. 20), Fotografia Pontificia Giordani/Roma (p. 184) and Verlag Ars Sacra/Fotowerkstatt Maria Laach (p. 275).

Since the editor has performed his task without the help of secretaries, research assistants or typists, the stereotyped expressions of gratitude otherwise customary at this point, are superfluous. However, the volume could not have been published without the financial assistance tendered by generous benefactors, nor without the idealism of Director Josef Bornheim and his devoted staff. To all of them, there applies the verse of the antique poet Kallimachos: "Thou shalt find them numbered among the good."

Maria Laach, at Eastertide 1983

The Editor

Contents

CRUX ET CITHARA

Page 11

Johannes Hatzfeld

SACRED MUSIC

Page 21

MUSICAL ART WITHIN THE LITURGY

Page 25

MUSIC OUT OF THE SPIRIT OF THE LITURGY

Page 27

CHRISTUS MUSICUS

Page 30

Johannes Overath

LOVE OVERFLOWS IN SONG

Page 31

CHURCH MUSIC AND THE REFORM OF COPYRIGHT LAW

Page 35

THE AUTHOR AND THE INTERPRETER OF MUSIC

Page 41

MUSIC AS INTELLECTUAL PROPERTY

Page 45

THE ENCYCLICAL *Musicae Sacrae Disciplina*
OF 25 DECEMBER 1955 AND THE COMPOSER

Page 49

BEQUEST AND COMMISSION

Page 56

THE OFFICE OF THE CHURCH MUSICIAN:
A GENUINE APOSTOLATE

Page 64

MUSIC AND FAITH

Page 70

THE MEANING OF MUSICA SACRA AND ITS NOBILITY.
REFLECTIONS ON THE THEOLOGY OF CHURCH MUSIC

Page 73

| | |
|------------------------------------|--|
| <i>Max Baumann</i> | CATHOLIC CHURCH MUSIC TODAY Page 86 |
| <i>Johannes Overath</i> | REPORT OF THE PROVISIONAL PRESIDENT Page 91 |
| | THE ROLE OF THE CHURCH MUSIC SCHOOL TODAY Page 101 |
| <i>Heinrich Flatten</i> | ON THE LEGAL SITUATION OF MUSICA SACRA AFTER THE SECOND VATICAN COUNCIL Page 108 |
| <i>Johannes Overath</i> | SACRED MUSIC SINCE THE COUNCIL Page 122 |
| <i>Georg May</i> | REMARKS ON ECCLESIASTICAL LEGISLATION AFTER THE SECOND VATICAN COUNCIL, WITH SPECIAL ATTENTION TO LITURGY AND CHURCH MUSIC Page 129 |
| <i>Johannes Overath</i> | MUSIC AT THE SERVICE OF THE SACRED Page 156 |
| | THE LITURGICAL AND MUSICAL INNOVATIONS OF THE SECOND VATICAN COUNCIL Page 169 |
| | PROVISIONS OF THE CONCILIAR CONSTITUTION Page 185 |
| <i>Josef Friedrich Doppelbauer</i> | CONTEMPORARY PROBLEMS IN LITURGICAL MUSIC Page 204 |
| <i>Joseph Cardinal Ratzinger</i> | THEOLOGICAL PROBLEMS OF CHURCH MUSIC Page 214 |
| <i>Leo Scheffczyk</i> | THE NATURE AND IMPLICATIONS OF THE CULTIC MYSTERY Page 223 |
| <i>Johannes Overath</i> | COPYRIGHT LAW AND CONGREGATIONAL SONG Page 231 |
| <i>Winfried Aymans</i> | CONTINUITY AND DEVELOPMENT IN ECCLESIASTICAL LEGISLATION REGARDING GREGORIAN CHANT IN THE LIGHT OF VATICAN II Page 236 |

Winfried Schulz

CHURCH MUSIC AND COPYRIGHT LAW PROTECTION
IN THE FEDERAL REPUBLIC OF GERMANY.

Toward the re-codification of copyright law
as it applies to cultic music.

Page 244

Johannes Overath

SANCTA SANCTE (St. Pius X)

Page 270

Archbishop D. Simon Lourdasamy

EVANGELISATION AND CULTURE

Page 276

BIO-BIBLIOGRAPHICAL REFERENCES

Page 285

Crux et Cithara

In an age of leaflet missals, loose-leaf songbooks and disposable participation aids, the helpful hymnologist recalls with pride an age when a measure of stability, permanence, and indeed elegance in such matters was highly esteemed, despite all the turmoil of the times.

DAVID GREGOR CORNER O. S. B. (1585/1648), abbot of Göttweig in Lower Austria, was one of the most successful composers and compilers of congregational hymnals in Catholic Austria during the first half of the seventeenth century. His "Geistliche Nachtigal der Catholischen Teutschen," a book of more than 600 pages containing over 180 hymn tunes, was posthumously published at Vienna in 1649. The volume, well laid out and carefully printed, has an elegant engraving on the title-page in the allegorical style fashionable at that time. On the left side of the title cartouche, we see King David in full royal regalia, including crown and ermine cape, resting his right hand upon a large triangular harp (or kithara, as the instrument was known to the Greeks.) The opposite side of the cartouche shows the Pope, clad in mozzetta and wearing the tiara, with a large metropolitan cross in his right hand.

The central position of these figures, and above all their attributes, indicate that through them, CORNER intended to express something about the contents of his hymnal and its purpose. For what is represented here is nothing other than the cross and the harp, *crux et cithara*, symbolising worship and music, cult and culture. The relationship is primeval, since as soon as man's worship of his Maker is expressed not only in signs but also in words, then music becomes an essential part, and not merely an additional one, of the total integration of worship. It is therefore not surprising that the great ages of faith have found ways to express this truth in the very disposition of the church building, for example (see fig. 2 at p. 32), or in stained glass windows such as those at Chartres, which point to the link between cultic sacrifice and cultic music as personified in the kingly priest Melchizedek and the kingly musician David (see fig. 1 at p. 20). And since the essays which follow are concerned with various aspects of the very same relationship, it was only natural that the title CRUX ET CITHARA should suggest itself.

I

Some of what follows is more documentary in nature, and marks certain developments which have taken place during the past thirty years, from the International Society for the Renewal of Catholic Church Music (I.G.K.) and the Cologne Diocesan Caecilian Federation to the establishment by POPE PAUL VI of the Consociatio Internationalis Musicae Sacrae or the jubilee of the world-famous Regensburg Church Music Academy. Of particular importance are the articles documenting the reform of copyright law during the past generation, especially as this affects the composer of church music. Building upon the treatment of music as intellectual property, for example, or copyright law and congregational song, the meaty essay on the re-codification of copyright law as it applies to cultic music can fairly be regarded as an excellent summary of significant recent development in this area, and will surely prove helpful in countries where such progress toward a satisfactory solution has perhaps not been made as rapidly as has been the case in central Europe.

The occasion upon which this volume appears affords an opportunity to remark with gratitude and admiration the fact that almost all of the developments just mentioned are associated in one way or another with the name of Johannes OVERATH. The same is true of virtually all the other essays in this book. When the definitive liturgico-musical history of the period from 1950 onward is one day written, this remarkable personality will surely play an important role in any balanced assessment of a generation which has experienced so many and such rapid changes in cult and culture. Hence it is but natural that much of what he has inspired is reflected and further developed in so many of the studies which make up the larger body of the present volume.

The on-going discussion to which this publication intends to contribute, is multi-faceted, to say the least. The principles from which any discussion of liturgy and sacred music must begin, along with impulses toward their application in practise, are set forth here in the commentaries upon the *documenta ecclesiastica* which begin with the Motu proprio of 1903 (J. HATZFELD) and proceed via the encyclical *Musicae sacrae disciplina* of 1955 and the 1958 Instruction all the way up to the post-conciliar Instruction "Musicam sacram" of 1967. The two articles dealing with the Second Vatican Council and *musica sacra* are of fundamental importance, since they were written by the sole surviving church musician who was an eyewitness to the genesis and development of Chapter 6 of the Liturgy Constitution, from the antepreparatory stage up to the final vote in St. Peter's. Furthermore, these articles contain lengthy citations from highly significant original documents which appear here in English for the first time. Anyone seriously interested in learning the *mens legislatoris* as an indispensable aid to proper understanding of the conciliar pronouncements on *musica sacra*, must take into account the evidence presented here.

Canonists, too, contribute to the discussion with their analyses of conciliar and post-conciliar documents (H. FLATTEN, G. MAY, W. AYMANS), and the reactions and remarks of composers such as MAX BAUMANN or J. F. DOPPELBAUER, though separated by an interval of fifteen years, reveal that the problems which followed in the wake of the sweeping changes made after 1964 have not all been resolved. Theological aspects of the discussion have been treated by important dogmatic and pastoral theologians (e. g. L. SCHEFFCZYK, J. OVERATH, Cardinal RATZINGER), and their reflections on the nature and implications of the cultic mystery, for example, or the meaning of *musica sacra* and its nobility, are so valuable because they are so enlightening.

The volume concludes with a statement which points into the future, because as a result of the last Vatican Council the *ecclesia hujus temporis* has increased its efforts toward a realistic acculturation in non-European lands, with a view to the future (indeed, the very nature) of the *Una Sancta Catholica*. From this point of view, the address of the Most Reverend Secretary of the Sacred Congregation for the Evangelisation of the Nations assumes a programmatic significance.

II

The following pages desire to contribute modestly to a *colloquium* which appears to be as lively as ever. The questioning continues. For example, in the spring of 1983 a study seminar was held in the adult education centre at Wildbad Kreuth to discuss the topic "Religion and Art Today." The more than one hundred participants treated the subject in a very broad sense, most frequently as "The Church and Art." Among the views most often voiced: the iconography of Christianity was regarded in principle as no longer really capable of realisation; the images of the

Bible were rejected as no longer easy to depict. (Of course, one may doubt whether the alleged “mysticism” of abstract art is a great improvement in this respect.)

The core of the dilemma appears to be that we are beginning to observe in the ecclesiastical realm what is long since old hat on the modern art “scene” (whose spokesmen do not tolerate any pluralism, but merely endure it): substitutes for religion, mixed with plainly commercial interest, are being canonised. A few of the artists present, mainly architects and sculptors who work on ecclesiastical projects, refused to accept the all too facile distinctions which seemed to lurk in the background among the many art historians and critics present at the seminar: that art associated with the Church is more likely to be bad than art which has no relationship with the Church. (In this connexion one recalls the examples of a generation ago at Audincourt, Assys, Vence or Ronchamp, which one has grown accustomed to regarding as great art, even without looking at them.) Some of the questions raised by the artists themselves are indeed worthy of consideration: if the Church herself no longer has the answers, then how can the artist be expected to have a reply at hand? Is it possible that the abandonment of Christian iconography could mean that the Church is coming to an end?

Such questions indicate that even in this post-conciliar age the relationship between *cult and culture* is not a completely harmonious one. It is therefore all the more noteworthy that on 28 January 1983, in his address to the bishops of the Bavarian Free State gathered at Rome for their visit *ad limina apostolorum*, POPE JOHN PAUL II stressed the fact that cult and culture are really inseparable. He stated that the last Council has been blamed for destroying the appeal to man’s sensitive faculty, for reducing the liturgy to a mere banal intelligibility, and for trivialising the sacrament. The Holy Father admitted that there has been a good deal of puristic misunderstanding during the course of the liturgy reform, but claimed that the Council itself in no way intended to minimise the aspect of glorification in worship.

In point of fact, the past two decades have witnessed the rise – also within the Catholic Church in America – of a liturgical situation which tends to resemble the symptoms mentioned by the Supreme Pontiff. Though these symptoms are especially noticeable at large-scale mass events, a constant process of indoctrination also deprives worship services at the parish or small-group level of their necessary characteristics of praise and adoration.

Thus Bishop NORBERT F. GAUGHAN, himself consecrated in 1975, reports increasing dissatisfaction with liturgy “as presently experienced” in the twenty years which have elapsed since the promulgation of Vatican 2’s Liturgy Constitution. The prelate cites a number of witnesses. None is an advocate “of the ‘good old days’ of liturgy,” though all complain of the loss of mystery in our worship.

For example, publicist DAN HERR of the Thomas More Association “put it this way in Notre Dame magazine (October 1982): ‘Despite their good intentions, liturgists demystified our worship, including its cornerstone, the Mass. Something vital, if intangible, was lost with the changes, and thus far apparently no one knows what to do about it. Way back in the ’50s, a lot of us were positive that ‘Englishing’ the Mass would solve all sorts of problems. . . . It proved far less successful than we had hoped. . . . What to do to bring the mystery back to the Mass is far from clear.’”

A well-known columnist writes in *Commonweal* that what he finds lacking in many liturgies is “a sense of mystery, the knowledge that in gathering to celebrate the Eucharist, we are doing something important. . . .” And scholar JOHN NOONAN Jr. is quoted as feeling “some diminution in the connexion between ‘Catholicism and culture.’”

The good bishop seems inclined to join another Commonweal author in viewing language as the culprit: "The absence of mystery may be in words. . . . in the ambience of present, not-so-inspiring language. We have created a generation of those who speak only of 'joy,' 'happy' and 'al-leluia.' . . . The language problem lies in the dullness of the colloquial, devoid of uplift, enrichment and strength from the past. We are heirs of the hackneyed language of television, and uninspired translations mistakenly done to take liturgical language 'down to the people,' instead of to lift them up to the grandeur of words to help us praise His glory . . ." His Grace's point is of course well taken. But one will still be permitted to ask whether the "language problem" is indeed the chicken? Or is it merely the egg?

Bishop GAUGHAN's observations are confirmed by a lay observer of "the Catholic Church in modern America" who laments that the Church "is abandoning her greatest asset: her mystery." He points out quite clearly that "the deliberate casting aside" of the symbols and mystery of a sacramental Church "is doing more harm to the living faith than the combined persecutors of Nero's Rome, Elisabethan England and Communist Poland could ever hope to do." Hard words, these: but although history clearly shows that open persecution actually swells the ranks of the faithful, hard statistical evidence indicates that "in America today, the faith suffers. Mass attendance is down, so are vocations, and about the only figures increasing are the number of abortions and instances of violent crime." The author concludes by admitting that there are many reasons for this, but says the primary cause is the fact that "the Catholic Church in America seems to have lost that essential touch with the divine: we no longer understand our own symbols."

The secular press, perhaps understandably, often conveys a more vivid impression of the situation. To cite but one example: after modestly pointing out in public print that "the current crop of Catholic hymns used in the Mass and other services" was "pretty bad" and indeed "sappy," Midwestern columnist BILL GRANGER received "a lot of mail" in reply. One housewife wrote, "Everyone I know is appalled at what has happened in our once beautiful Catholic church. These hymns are something else, but when we object to them, our pastors ignore us." (Including those pastors otherwise so sensitive in defence of 'human rights'?) A medical doctor responded, "You're right on the money about the hymns, but what can we do about it?" Columnist GRANGER: "The answer is, Probably nothing." (Where is the bishop who can prove his reply false?) A non-Catholic lady who passed the open doors of the neighbouring Catholic church of a Sunday, described what she heard: "The organ and the choir were so drippy, so sappy. . . . I frankly was glad to be heading to another church. . . ." (It is surely permitted to observe that what is today referred to as "evangelisation" sometimes operates in strange ways. . . .) A husband and wife wrote that "To us, the hymns are like Broadway musicals," thus unwittingly confirming the de-sacralisation associated with such developments. In view of this fact, it is small consolation that a representative of a centre for pastoral liturgy at a well-known university agrees with GRANGER's judgment: "Your son's parody of the ditty 'Hi, God!' affirms my own instinct that as theology the song is heretical, and as music it is drivel. It is not, shall we say, 'worthy' of the God we worship. It is, however, fairly typical of the kind of thing that should have been laid to rest in the '60s." (Obviously, this did not occur. Is it impolite to inquire why not?)¹

1 Part of the answer surely lies in the fact that "in the '60s" the liturgical establishment in the United States and elsewhere was busily promoting precisely "the kind of thing" that "is not, shall we say, 'worthy' of

The only consolation which GRANGER can offer his readers is to pass on a suggestion that those who might like to attend an “old” Mass and hear some “old” hymns could attend a Solemn High Mass at a church of the “Anglo-Catholic branch of the Episcopal Church, sometimes called ‘high church.’” (Surely this casts an interesting sidelight on the subject of “cult and culture” in what the late Cardinal BENELLI termed the “conciliar Church.”) Columnist GRANGER’s concluding observation is noteworthy. He speaks of “old” hymns in quotes, he says, “because I am not talking about the GEORGE M. COHAN days of religion here – all the changes came about mostly in the last ten years, and thousands of hacks were set at work inventing new church music to rival HÄNDEL, BACH, BEETHOVEN, MOZART . . . and didn’t succeed.”

the God we worship.” The chronology of this development in America can be traced out with a fair degree of accuracy. At the National Catholic Educational Association convention held in New York from 19/22 April 1965, in an address on liturgical renewal and the student Mass, a prominent Benedictine monk urged the “folk Mass” as a means of worship for high school students. With the beginning of the new school year that fall the press began to report the emergence of “contemporary Masses” in Catholic colleges and high schools.

Church authorities were not unaware of these developments. On 25 January 1966, Cardinal LERCARO, head of the Liturgy Consilium in Rome, sent a letter to all episcopal conferences stressing that the sacred character of liturgical music, both the singing and the instruments, must remain intact: “Everything that has a profane flavour ought to be banned from the sanctuary. In order to achieve the liturgy’s goal of glorifying God and edifying the faithful, His Eminence wrote, the Church has no need to resort to “rather doubtful means” or even to methods “recognised by general consensus as harmful.” A number of U. S. bishops reacted promptly, placing restrictions on the use of certain instruments (including guitars). On 18/19 February 1966 the Music Advisory Board of the Bishops’ Committee on the Liturgy met at Xavier College in Chicago, where the liturgical use of “folk music” and guitars, particularly for students, was vigorously debated. It became very clear that the most influential members of the Board were especially anxious to have an approving statement from the whole Board. And as a matter of fact, a considerably modified (though approving) *votum* was finally passed – by just one vote.

In June 1966, the press reported that the “use of guitars instead of the organ was given a green light by the U. S. Bishops’ Commission on the Liturgical Apostolate,” though in church law it is not possible for an episcopal conference to delegate any of its legislative authority to one of its committees.

In August 1966, in spite of vigorous opposition from certain members of the Music Advisory Board, the Fifth International Church Music Congress directed to the Holy See a resolution against “music which readily conjures up in mens’ minds a jukebox, a dance bar or commercially oriented entertainment music.”

On 29 December 1966, the Sacred Congregation of Rites and the Liturgy Consilium issued a joint statement clearly prohibiting profane music in church. At a press conference, Consilium spokesman BUGNINI indicated that “jazz” Masses and instruments such as the guitar were meant.

On 5 March 1967 the Sacred Congregation of Rites in cooperation with the Liturgy Consilium issued an Instruction on sacred music in the liturgy, entitled “*Musicam sacram*.” The purpose of the Instruction was to “expound more fully certain relevant principles” of the Liturgy Constitution. Following (as did the Council) the *Motu proprio* of ST. PIUS X (which is apparently not regarded as an obstacle of any kind), the document understands by the term “sacred music” “that music which, being created for the celebration of divine worship, is endowed with sanctity and excellence of form,” explicitly listing Gregorian chant, sacred polyphony old and new, sacred music for the organ and other approved instruments, and congregational hymnody, exactly as did the 1958 Instruction. The purpose of this *musica sacra* is described by citing the Liturgy Constitution, Art. 112.

In February of 1968 the U. S. Bishops’ Committee on the Liturgy approved a statement on “The Place of Music in Eucharistic Celebrations” and recommended it for consideration by all. The statement stresses the “principle of pastoral celebration” and states that “The primary goal of all celebration is to make a humanly attractive experience. . . . Music, more than any other resource, makes a celebration of the liturgy an attractive human experience.”

On the subject as a whole, see R. SCHULER – J. OVERATH (eds.), *Sacred Music and Liturgy Reform after Vatican II* (Rome-St. Paul 1969) 5/27. For the situation in Italy during the ‘60s, see D. CELADA, *Arcobaleno Beat* (Roma 1969).

A possible explanation is suggested by an official of an American musicians' organisation, who is cited by reporter LIZ O'CONNOR as saying that the "development of church music is in its infancy, because 'Right after Vatican II, we lost both our texts and our melodies. We lost the poetry of our texts as well as the melodic lines.' He feels that efforts at solving this problem are important and should be encouraged, since 'We need to recognise that liturgy and culture are related. So there is need to integrate culture and liturgy through music,' for it is through music, far more than through language, that integration comes about." Of modern composers and their efforts, this official says that "Our church musicians are doing a form of popular music. But there is definitely a folk art form developing in church music," if one understands the term as it might be applied e. g. to a painting by Grandma MOSES. "It is 'music that has a high degree of participation in it,' in which the *quality is measured by participation and the intensity of the experience*, not by tonal purity or the technical excellence of the musicians' performance. (Emphasis added.) It has a functional aspect: it's designed 'to gather the assembly or to lift the assembly in praise – it's music that points beyond itself.'"

An associate director of religious education in an East coast diocese, who is also a board member of the National Federation of Diocesan Liturgical Commissions, says of the music being written today that "while standards continue to be important, 'the search for the eternal in terms of high art is not really where the question is. The problem is the conversion of people.' Before Vatican II, the cleric continues, 'it was pretty much assumed that people knew what belonged in church and what didn't.' At the turn of the century, he relates, POPE PIUS X issued a document on church music which called for music that was beautiful, universal and holy. According to this religious educator, the Pope wanted to restore what he considered traditional church music – Gregorian chant and Renaissance polyphony. "That was an improvement on the state of church music at the time, but it was also a dead end. Art can't keep going back and imitating itself: what you get then is imitation music. Besides,' continues the priest, 'there is nothing intrinsically sacred about the music we call sacred music: surely the holiness of God and God's People can be expressed in many ways. The problem is related to the search for symbols in our society. . . .'"

There is another way out of the dilemma. "One can, of course, simply sidestep the whole issue. 'I never intended any of my songs as a liturgical song' repeats composer RAY REPP. 'All my music was written for me. I didn't write it to be used at Mass – other people decided it should be used in church.'"

Some are admittedly less positive about the music which resounds today in American churches. A music professor who teaches in a university graduate program in music and liturgy, says that "The music that seems to be working best is informal music," music that makes people feel "warm and cuddly," even though "that's not very substantive." "Music is the expression of the people, but it also helps form the people," points out the professor. "The kind of music that we currently have is not very good for formation." "A steady diet of warm, cuddly music can be compared to a steady diet of sugar-coated cereal for a youngster. 'I don't think that's going to build church.'" The professor also deplores the fact that serious artists are not writing for the church, primarily because they cannot make a living doing so. "The church as an institution has invested no money in art."

The mention of dollars recalls a deeper problem symbolised by "the lawsuit brought some years ago by music publisher F. E. L. against the Archdiocese of Chicago and several other church entities. The suit dealt with widespread violations of the copyright law on the part of

groups and individuals who made their own compilations of folk-Mass lyrics.” According to composer REPP, “‘It’s about time that the Church became aware of some of the implications of the gospel values we’ve been proclaiming,’ like justice for artists. . . . REPP feels that when carpenters, plumbers and public utilities start contributing their services, ‘then maybe artists can be expected to do so.’ . . . The F. E. L. suit was valuable in raising the consciousness of many people in the Church about the justice issue involved. But, REPP admits, ‘I’m a little bit embarrassed to have been a part of that whole thing.’ F. E. L. publicity regarding the suit has stressed justice for the artists involved, but ‘almost none, if any, of the profits will ever come back to the composers.’”

III

According to the will of the last Vatican Council, church music at the service of the liturgy, as “sacred melody united to words,” is *pars integralis* of the liturgy. But it is also the special intention of the Liturgy Constitution to promote the “*actuosa participatio fidelium*” in the liturgy. In the official English texts, this is rendered as “active participation.”

After almost two decades of post-conciliar liturgical practise, we must admit with regret that along with the efforts toward “active participation” of the faithful at Holy Mass, concessions to triviality and banality have been made in the area of congregational singing which can no longer be reconciled with the definition of liturgical music as *pars integralis* of the liturgy. Then, too, there have appeared, for choir and congregation, compositions of constantly diminishing quality. As plagiarisms generally constructed in great haste, pseudo-Gregorian vernacular altar chants for the priest, English “Gregorian” and psalmody cannot be regarded as forms of “true art” such as are demanded by Vatican 2 (Liturgy Constitution, Art. 112). The fact that the “church mice” (RUSSELL KIRK) can put up with such a “makeshift” for years and years, verily surpasseth all comprehension.

In view of the unusually large quantity of religious and liturgical compositions produced in recent years, especially those labeled “appropriate for youth,” current discussion may not overlook the fact that because of developments in copyright law and for the sake of commercial profit the producers of music are all too easily tempted to insist upon their copyright privileges even in the case of a first composition – and that even though it is far from certain that the public will even accept the product. Here, it is evident that as a consequence of the general de-sacralising of our liturgy, the short-lived but commercially quite lucrative area of “pop” music and its “hits” is penetrating the sacred precincts of the sanctuary.

In the Church, it has become fashionable to talk a great deal about “culture” these days, but in the area of musical culture, and against the backdrop of our regrettable musical situation in cult, it is not easy to perceive any improvement. Liturgical and musical commissions at all levels in the Church take decisions which are divergent and indeed often contradictory. But it cannot be denied that there still exist today centres which promote exemplary church music according to the will of the Church. However, in an ocean of misdirected mediocrity and because of the primarily didactic orientation of our worship services, such centres have no regulative effect upon the situation as a whole. The time is therefore ripe for responsible authorities to take energetic measures which can bring about a change for the better in liturgical and musical practise.

Such measures might include, for example, putting Article 116 of the Liturgy Constitution into effect by providing, on all Sundays and holydays, as far as possible in all larger churches, a High Mass with “Gregorian chant” (Art. 116/1) and choral polyphony of all stylistic periods, including contemporary compositions (cf. Art. 116/2). Further, stress should be placed upon Catholic congregational hymns which have developed organically over the centuries – not least the psalm-hymns! – for use at Holy Mass, in catechesis, and at childrens’ or youth services. Such suggestions, of course, can only be put into practise when the training of deacons and candidates for the priesthood seriously follows the oft-repeated directives of the Church regarding sacred music. So long as this does not take place, one can only say with the prophet of old, “Planctus est, et erit in planctum.”

IV

Even the increased emphasis on congregational singing in the vernacular has not succeeded in definitively clarifying the relationship between the subjective and individual as against the objective and social elements in liturgical worship.²

Various ways of viewing this relationship, so complex because ultimately rooted in human nature itself, were influential in shaping the beginnings of the “liturgical movement,” and indeed are still decisive today. An attempt to characterise the two principal approaches may be presented at this point, even at the risk of over-simplification.

The first approach concentrated upon “*bringing the liturgy down*” to the level of the people, so that they could “participate actively” in it. Programmatic for this “popular liturgical” approach of e. g. PIUS PARSCHE and his associates was the famous statement uttered by LAMBERT BEAUDOIN O. S. B. at the so-called “Mechelen event” on 23 September 1909: “Il faut démocratiser la liturgie.” In terms of this approach, singing is the single most important form of the “active participation” of the faithful, indeed, it is the “role” of the faithful. Liturgical song thus has a “function” to fulfill, and it is in terms of this “function” that it must be judged.

The second approach preferred to *lead the people upward* to the “heights” of the Church’s liturgical prayer, so that they could “participate actively” in it. Typical is this statement by a prominent advocate of the viewpoint, ABBOT ILDEFONS HERWEGEN: “The liturgy does not express primarily and principally man in his own suffering and struggle, his wishes and his feelings. The liturgy is not anthropocentric, but is rather the expression of the life and experience of the ecclesiastical community as the mystical Christ.”³ In terms of this approach, *musica sacra*, as sacred song joined to words, is a necessary or integral part of the solemn liturgy, and hence is directed to the same purpose as is the liturgy itself: the glory of God and the sanctification of the faithful.

Though it often appears that there are today two distinct “camps” amongst church musicians, the “functionalists” and the “integralists,” the fact is that the last Vatican Council called for *actuosa participatio populi* while simultaneously pronouncing *musica sacra a pars integralis litur-*

2 Cf. e. g. R. GUARDINI, Das Objektive im Gebetsleben: JbLw 1 (1921) 117/25.

3 J. HERWEGEN, Gedanken über christliche Kunst, in Lumen Christi = Der katholische Gedanke 8 (München 1924) 69/106, 143/54, here 144.

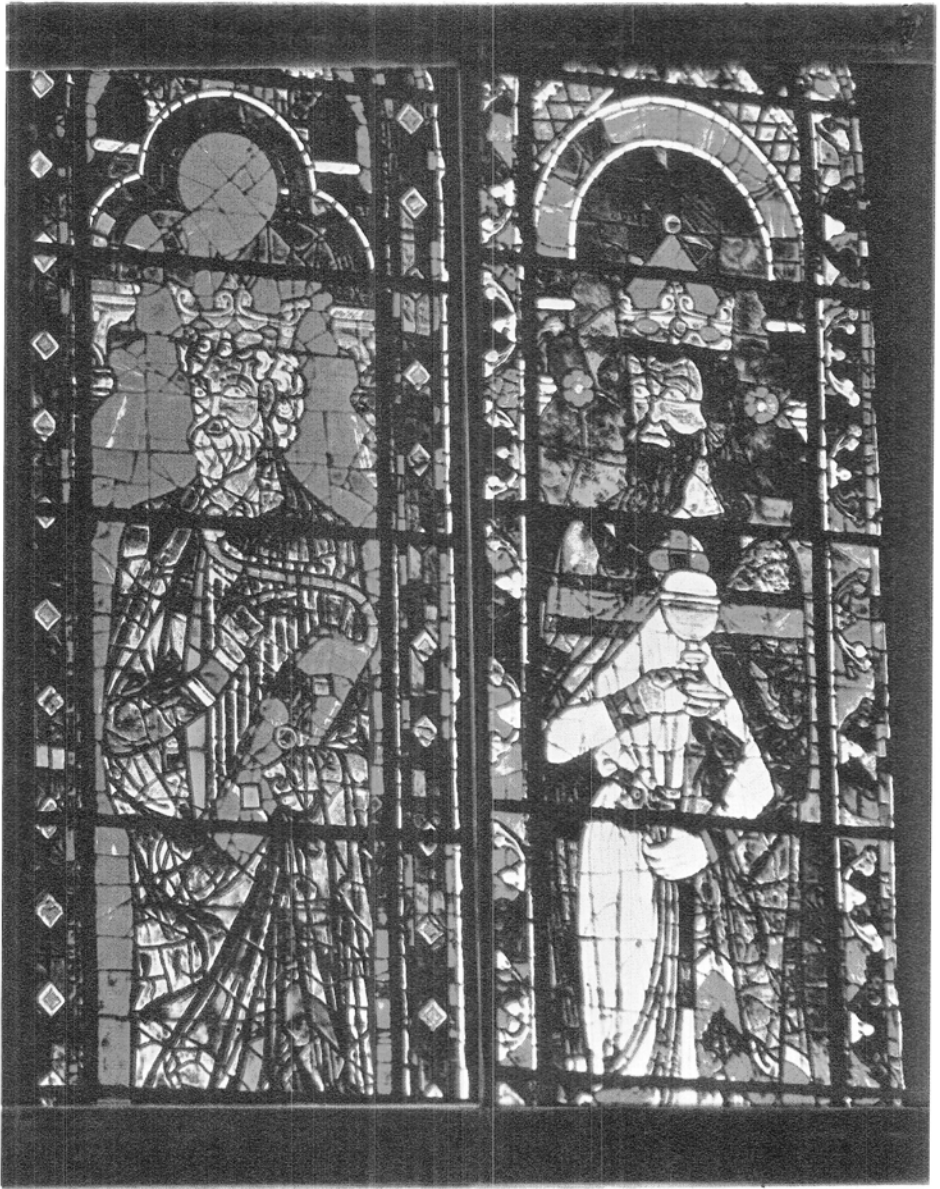
giae sollemnis.⁴ Critical here is the correct understanding of *actuosa participatio populi*, which is authoritatively clarified in Art. 15 of the 1967 Instructio “Musicam sacram”: *participatio actuosa* (in perfect harmony with Articles 11 and 30 of the Liturgy Constitution) must be *primarily interior* (in primis interior sit oportet), but it should also be exterior, i. e. a manifestation of the primary *participatio interior* (attamen etiam exterior esse debet, idest quae interiorem participationem manifestet). *Participatio interior* is therefore the cause, and not the effect of *participatio etiam exterior*. Listening to the liturgical chanting of the ministers or the *musica sacra* of the choir is a completely legitimate form of *participatio actuosa*: Edoceantur quoque fideles ut, ea auscultantes, quae ministri aut schola cantant, mentem suam ad Deum extollere, per interiorem participationem, contendant.

The need of the hour is clear: *edocere. Eja, fratres, pergamus!*

Literature

- Bishop N. F. GAUGHAN, *Mystery and Language: Our Sunday Visitor* (1 February 1983) 7.
 B. GRANGER, *Chorus sings blues on new Catholic music: Chicago Tribune* 136 No. 313 (9 November 1982) Sec. 1, p. 2.
 W. MCGURN, *Where has the mystery gone?: Our Sunday Visitor* (13 February 1983) 7.
 W. J. MÜLLER, *Tagungsbericht: Kirchennah schlecht, kirchenfern gut? “Religion und Kunst” in Wildbad Kreuth: Bayernkurier* 34 No. 9 (5 March 1983) 29.
 N.C.E.A. *Bulletin* 62 (1965) 297.
 L. O’CONNOR, *Making Church Music: Sign* (Dec. 1980/Jan. 1981) 20/3.
 L’Osservatore Romano, ediz. cotidiana, 29 January 1983; ediz. settim. tedesca 13/5 (4 February 1983) 1, 10; here 10. Compare also Archbishop R. G. WEAKLAND, *Sensory deprivation and liturgy: Catholic Herald Citizen* (5 January 1980), where the prelate writes, “Perhaps, however, the greatest weakness (of the liturgical reform after Vatican II) was the insensitivity to the other senses. Since people worship with all their being, all senses come into play. Liturgy . . . must appeal to the eye and nose and ear without being Hollywoodish or maudlin. . . I do hope that the decade of the ’80s will correct some of the sensory deprivation our liturgy in the ’70s suffered.”

4 In view of this, and in light of the apparent interest in “cult and culture” even at high levels within the Roman Church, it is a curious – nay, incredible! – fact that not long ago, the Most Reverend Chapter of the Patriarchal Vatican Basilica of St. Peter’s disbanded their church choir, the Cappella Giulia, and that a prominent institute of studies whose “aim is to lead to a fuller understanding and implementation of the teachings of Vatican II on the liturgy” offers courses in, among other things, such subjects as the principles of liturgical adaptation, religious psychology and even “Hermeneutics and criticism of liturgical documents” – but appears to ignore completely an element which Vatican II (!) clearly called a *pars integralis* of the liturgy: *musica sacra*. When the cedars of Paradise shall tremble, what shall the bush of the desert do?



Detail of the western-most lancets in the north Rose Window at Chartres: priesthood and music at the service of divine worship, illustrated by the Old Testament Kings David and Melchizedek.

Sacred Music

JOHANNES HATZFELD

Church music must be true art, since in no other way can it have that effect on the mind of those who hear it which the Church intends of music in her liturgy. ST. PIUS X.

First of all, the term “church music” refers to music which is performed in church or at least is intended for that purpose. But almost spontaneously, a question arises: What *kind* of music must this be, in order to be worthy of the honour of “speaking up” in the church?

We are all familiar with the difference between *liberal* and *applied* art. This distinction refers simply to a difference in type, not in value: no value judgement is included in these terms. This must be stressed quite emphatically, and the proof is evident from the fact that thousands of works of applied art surpass just as many of liberal art – though the opposite is admittedly just as often the case. The first and original art was always and everywhere APPLIED art which proceeded from the need to decorate one’s house or one’s room etc. LIBERAL art is simply a daughter of applied art, and the proof of this is easily available to everyone who takes a look at the history of e. g. Egyptian and Greek art. To an artist who would swaggeringly say, “I only practise liberal art – art for art’s sake – and not applied art”, demanding that one should for that reason alone rate him several dollars higher, I would reply: “My friend, I wouldn’t give you a nickel for your ‘liberal’ art if it is ‘liberal’ but not art (which is often the case, as knowledgeable Thebans claim).” Any art is worth only as much as it says, and works of art which say nothing can be found in both camps. Instead of “applied” art one can also say “serving” or “ministerial” art, which perhaps makes the matter somewhat clearer.

Now church music is “serving” or “ministerial” art, not “liberal” art. And to what extent does it serve or minister? Here, we must go back to the word “liturgy”. Liturgy is the worship of God, is public worship of God, is public worship of God regulated and ordered by the Church. Within the framework of this worship, church music must take the place assigned to her according to place, time and text, and she must fulfill this role in the spirit of the liturgy. Holy Mass, for instance, the “liturgy” in the deepest and truest sense, is a multiform but interconnected Whole: a multiplicity of things is summarised and combined, so to speak, into a great and powerful unity. One could correctly term the Mass “the Holy Ghost’s greatest work of art”. Note that we are describing the Mass here as a work of art. But it is not possible here to describe in detail how, for example, the text of every single Holy Mass (which of course varies in many details, depending upon the individual day) is built up according to very delicate, sensitive viewpoints which – consciously or unconsciously – are artistic. There, everything advances gradually from the humbly penitent opening rite to the confidently imploring Kyrie, over which in the Introit the main thought of the feast has spread its glory or its melancholy, its strength or its devotion through Gloria and Credo all the way to the jubilant Sanctus. And then, after silence has spoken more eloquently at the very height of the Mystery, at the Consecration, than all the words uttered earlier, the feast-day thought begins a gradual descent in a graceful line via Benedictus, Pater noster and Agnus Dei, reaching its eloquent conclusion at the *Ite Missa est* . . .

And yet when we have all this, we really have basically a wonderful framework or skeleton, a scaffolding which however according to the will of the Church should be intensified to a still deeper effectiveness by being clothed and fleshed out, so to speak, through all the arts in their most noble form. Architecture, painting, weaving, carving etc. unite with poetry and music to give a perfect *form* to this exalted *content*. It has always been true that wherever Christ was, art was also present, and this is why the history of the Church to a great extent is simultaneously a history of art.

Religion and art are two inseparable magnitudes simply because the highest sensible form belongs to the noblest spiritual content – and this, religion indeed has. There is nothing more certain than this, and nothing easier to grasp. No one can contest this fact because we are simply too conscious of the truth that reverence before the Divine demands that it be so – even when the essence of our nature would not be involved. And yet one sometimes has the feeling that even among Catholics (who in this point are numbered among the elect!) there still lives a little bit of old JOHN KNOX's spirit, which once said that images of Our Lady were simply "painted boards". A purely aesthetic Catholicism is bad, but an unaesthetic Catholicism is even worse. In addition to the active type, there is also a *passive* iconoclasm!

The arts which are at the Church's service combine into a very special form at the celebration of Holy Mass, where they join in the one powerful, harmonious chord of a total work of art. And from the aesthetic of this "Gesamtkunstwerk" there flows the aesthetic of the individual art of Musica Sacra.

In the total work of art there comes full circle – but in a higher order – the line which proceeds from ministerial art in the direction of liberal art, and then bends back once again to ministerial art. The name "Gesamtkunstwerk" (which is actually of more recent vintage than the reality it denotes) has fallen into a certain discredit in our day. Today, the forces which had found their focal point in the person of RICHARD WAGNER are once again diverging, and indeed by their very nature they could scarcely do otherwise. *To a certain degree*, art shares the fate of Penelope's cloak. Even before it became fully clear that Wagner had not succeeded in attaining the very Ultimate (even though he did achieve the most outstanding results possible for a genius on the basis of the level of the individual arts at that time), the links which the Master of Bayreuth had forged around the amalgamated arts had already begun to loosen. Once again the arts each began to go their own ways, and within each art the individual types and subdivisions did likewise. And whenever, along the main line of the Gesamtkunstwerk, the path seemed to be blocked, then by a sort of natural compulsion the impulse toward progress had to give vent to a diversion for the individual arts. Analysis followed upon synthesis, but in reality this analytic process is simply a newer, deeper and broader gathering of strength for the following synthesis, which must follow, indeed *will* follow – as surely as the concept of a comprehensive work of art is the dream which all civilised peoples dream. And so, if today there is relatively little theoretical or practical interest in the Gesamtkunstwerk, this is no reason for us to emphasise less this particular aspect of the liturgy, much less to conceal it temporarily. Man as man (abstracting for the moment from the theoretician in man, who sometimes compels practical activity to follow his course) will always be fascinated by this ideal because it corresponds to one of his deepest inner longings: namely, to grasp *from all sides at once* the things which because of our imperfection we normally can grasp only from one side. That which is – and will remain – possible for us in thought only *successively*, we try to present to the soul in art all the more doggedly as *simultaneous*. And it is not the place here to decide whether we attempt this because of a well-founded

presentiment of the ultimate possibility of satisfaction, or because we are preoccupied with a charming delusion. It is enough that the liturgy, conceived as a Gesamtkunstwerk, touches strings in man's heart which are always tightly strung, and which produce a lively resonance. The liturgy need not fear the constantly recurring "itio in partes" of the arts, indeed the further development of the individual arts which is thereby initiated, can only profit the liturgy.

And furthermore, the bond which unites the arts in the liturgy is much more real than that which must exercise its unifying power in the profane Gesamtkunstwerk. The very idea of a Gesamtkunstwerk excludes any individual art from holding a place within it as its *own* purpose. It is only the *whole* which is the *work* of art, and if we find a work of art *within* a work of art, then that is a sign that the attempt has not entirely succeeded. The comprehensive work of art does not resemble the famous Chinese boxes, one of which includes all the others. The Gesamtkunstwerk rather consists in a juxtaposition and togetherness of the parts, like an organic body. But if parts are to make a whole, then each part must be made with a view to the whole, not complete and finished within itself but rather with appropriate connecting surfaces for the other parts, so that one part can increase the effectiveness of the other and – one is almost tempted to say, operate more by "counter"-radiance than by radiating its real self. And only then will the result be a picture in which we find no harsh colours in sharp and biting contrast to each other, but rather (as it were the result of reflected light) a totality expressed only through the whole – not through a summation of the parts but as a result of their being ordered and referred to one another. It is primarily the larger intellectual and spiritual complexes which can be expressed through the Gesamtkunstwerk, i. e. deeper ideas which can be made perceptible to the senses through it. And this Larger or Greater, which is superior to the Whole, gives something of itself to each of the individual arts involved, and this "Something" is more than a mere substitute for whatever the art relinquished of its independence. Not only men, but things, too, *grow* with higher goals and purposes.

And so in the Gesamtkunstwerk it is only as *applied* art that the individual art can even be considered. It is natural to look for a parallel in the individual work of art as something with which everyone is familiar, for after all, the *principles* of art are constant in all of its branches, even though they are occasionally bent and modified by special purposes. Just as in the individual work of art all the parts must fit in and harmonise with the whole, so too no less in the Gesamtkunstwerk – all the individual parts must harmonise with the totality. Or what would people say about a painter who paints a child's portrait but depicts one hand in the dimensions of a man's hand – simply because hands are his "strong point"?! The portrait could be as beautiful as we might want, but we would constantly see only the huge hand ostentatiously claiming all our attention. Here, the harmony would be disturbed – and no art is possible without harmony. And this is only a very crass example: more sensitive spirits regard it as unpleasant if the colouring and the drawing are not in perfect balance.

Therefore when the Church claimed the totality of the arts for her worship, she had to see to it that these principles were followed, and not merely for artistic reasons, but out of liturgico-pastoral motives as well. After all, devotion and religious contemplation are so tender and fragile that any disharmony can give them the death blow, and indeed will do so in every case except that of especially disposed natures. The extreme delicacy of such transitions is illustrated by the scruples of St. Augustine, who also struggled for clarity in the question of the point at which devotion ends and mere artistic enjoyment begins, i. e. the moment when religious devotion is replaced by the artistic variety. The fact that these scruples referred precisely to the musical por-

tions of worship, and to them alone, is quite significant in another sense. And this is basically why the Church has not merely the right but the duty of indicating as exactly as possible the place of each and every art in her worship. She did this by balancing off very conscientiously the liturgical and the artistic factors, whereby the supreme purpose of the Whole furnished the firm and true starting point. And this Whole grew with the years – but as an organism, in which everything grows simultaneously while the framework remains – although it too grows. Now, when one of the arts leaves the place assigned to it and pushes itself into the foreground, then the Whole loses exactly as much beauty as it loses in harmony. It may well be that the art which steps out of its framework thereby achieves greater and deeper effects *for itself*, but to precisely the same extent it damages the total impression. One may rejoice at this as a musician or a painter or a sculptor etc., but as an artist one must regret it – to say nothing of the liturgical point of view.

Musical Art within the Liturgy

JOHANNES HATZFELD

Sacred music, as an integral part of the liturgy, shares the general purpose of the liturgy, namely, the glory of God and the sanctification and edification of the faithful. ST. PIUS X

Church music must take that place in the *Gesamtkunstwerk* of the liturgy which the Church has assigned to it – and one cannot say truthfully that this place is an insignificant one! Music must resound when its time comes, and be silent when it is past. It is only the high society mesdames who go to church to be seen; the purposes of church music are quite different. Further, church music must present the *text* prescribed by the Church, a requirement whose justification is obvious.

It is plain that a church music which does not fulfill these first two conditions cannot claim to be “liturgical” music, since it destroys the purely *external* harmony which even the simple soul can grasp. Such music becomes a disturbing element in worship, which because disturbing, also works destructively – like the unbearable people who, in any group, can only hear themselves do all the talking. The history of church music shows that not every musician and not every epoch had the gift of respecting these limits. And if today (thanks to the influence of the Caecilian Society) offences in this matter are more seldom, I would still like to see less fear of sacred silence than is found in many churches. Many an organist could prove his good taste here...

Universally binding rules are difficult of discernment here. But by nature and essence, art is “obtrusive” – if one is permitted to use this expression in a nobler sense – indeed, art *must* be “obtrusive” if it is to attain its goal. And of all the arts together, music possesses this characteristic to the highest degree. This fact should make us reflective and cautious, and it casts an explanatory light on the reservations of St. Augustine mentioned earlier. As much as music is able to elevate, so much is it also able to crush and to overwhelm. A *Missa sollemnis* and a parish High Mass are incongruent concepts – to take a solid example which could just as easily be duplicated in the opposite direction! As a rule, secular musicians have little patience with such “liturgical hair-splitting”, and often feel justified in speaking of narrow-minded Philistinism and the like. It is appropriate to point out to such persons that for decades they have been wandering about with Beethoven’s Third Leonore Overture from one end of the “Fidelio” score to the other, all the while complaining that the overture smothers the drama, regardless of whether it is played at the beginning, in the middle or at the end, and then finally concluding that it is best to omit the overture from “Fidelio” performances entirely. This reference to their own artistic reservations will teach them to better understand similar reservations in church music. In any event, it is desirable that practising church musicians be influenced more by this point of view, which they generally take into account unconsciously.

To counter a possible objection right here: we admit that there indeed exist very fundamental differences between the *Gesamtkunstwerk* of the Mass and one on the boards – always thinking here in purely artistic terms. The basic difference is that in the case of the Mass, text and action are fixed and firm once and for all. Now that is simply a peculiarity of this type of *Gesamt-*

kunstwerk, of which, by the way, it may be doubted that it really is an artistic disadvantage. But if someone wants to wrangle about this, he is cordially invited to sit down and try to pull out of his shirt sleeve a new liturgy to a new text, which will be the equal of the customary old one. I think that he will very soon be converted. Here, the liturgical distress of contemporary Protestantism speaks a very clear language. The reproach that the old Mass texts are “worn out” or “washed up” need not be taken all too literally – the truth exhausts itself just as little as does the sun which shines upon it, and the complex of emotions contained in the Mass texts is as old as the inhabited earth, and as new as the men who live upon it. Should one not seek the culprit elsewhere? The parable of the fox and the grapes is still in today’s readers, just as it was a hundred years ago. Even a Schubert had so much inner musicianship as to venture to set a playbill to music: surely the most prosaic thing which can be imagined. And this is certainly a sign of how terribly “literary” our music has become, namely that people no longer expect to find anything worthwhile in the ancient liturgical texts which are so rich in tension and excitement, and instead react musically only to some extraordinary stimulus. Apart from that, a musician who must obtain from somewhere else the text and scenario for a musical drama (and this is the rule, since poet-musicians are not products of education but of nature, which succeeds once in every hundred attempts), is not in a very different situation from that of the composer of a Mass.

These, then, are the preconditions which must be fulfilled if church music is going to fit into the framework of the liturgy even in a merely external way.

Music out of the Spirit of the Liturgy

JOHANNES HATZFELD

Sacred music must eminently possess the special qualities of the liturgy, especially holiness and goodness of form, from which a further characteristic, universality, will follow spontaneously. ST. PIUS X

Church music must perform its task *in the spirit of the liturgy*. This means that both in its content and in its performance, church music should grow out of the liturgy – flesh of its flesh and blood of its blood. Church music should resemble a characteristic fragrance which streams forth from the sacred action, resonant incense of the soul. Moreover, in its best form, church music is the *breath* of the liturgy – at least of the solemn liturgy, which is all that is being discussed here. It is the purpose and task of church music to unfold the emotional content of the text according to its liturgical position and significance, thereby making the meaning of the text more easy to grasp and affecting both heart and mind, thus impelling the auditor to greater interior participation in worship. This is impossible for a music which has not even experienced a tiny breath of the spirit of the liturgy, and instead simply parallels the liturgy rather than really going into it and then coming out again, the way the breath does in a man. Ultimately it is the musician who sets the keystone upon the edifice of the Gesamtkunstwerk, in the sense that he gives to the Whole its inner compactness, simultaneously stressing and reconciling the one with the other, mediating between feast day and festivity, between text and action, between sanctuary and nave, and in so doing creating between all of these elements a living spiritual link, so that one lives in and is borne up by the other. If the sacrifice is the soul of the *corpus liturgicum*, then one can call sacred music the warm blood which pulses through this body.

This is quite sufficient to indicate (admittedly in its most ideal conception) the task of the ecclesiastical composer, conductor and singer. But precisely this most noble view seems the only one permissible here, and to obscure it would always involve harm to sacred music, as has happened more than once in the past.

At the same time, however, this view discloses the reefs on which all three could go aground. HE WHO DOES NOT HIMSELF LIVE IN THE LITURGY, CANNOT INTRODUCE OTHERS INTO THE LITURGY. The ecclesiastical melodies are supposed to be born out of the spirit of the text, and out of the liturgical situation. When that is the case, and when they are sung in a corresponding fashion, then it is as though the art of church music takes the devout hearer by the hand, in order to lead him effortlessly to where he must be – namely, at the centre of the celebration of the Mystery. Such a church music makes it easy for the faithful to find an interior link with the liturgy, to feel themselves as co-offering, and to pray along with the Church in that state of mind called for by the season, the feast, the concrete liturgical moment. When, for instance, on the feast of the Seven Dolours the “Stabat Mater” resounds in a musical garment created out of the most profound meditation, than that is something quite different from praying it silently. Silent prayer can of course be accompanied by the same reactions, the same state of mind – but are these of comparable depth and strength? The musical sounds, on the other hand, effortlessly call forth in us that precise feeling of intimate sympathy with the pain-

wracked Mother of Sorrows, which leads directly into sorrow for our own sins. JULIUS LANGBEHN was right when he said that "A painted or chanted 'Ecce Homo' is worth more than a written or spoken one". And what a world of expression is contained just in those Gregorian chants which everyone knows! In the *Ite-* and *Benedicamus* intonations, the *Gloria* and *Credo* intonations, the *Prefaces*, the *Pater Noster*, the *Alleluia* . . . When in the course of the *Easter Vigil* liturgy the triple *Alleluia* resounds, then whether one will or not – it is *Easter*; the jubilation is irresistible, even if a great stone lay upon the heart. The *sung sermon* of sacred song disposes the entire heart of the hearer for truth and grace, quite as much as the *spoken sermon*.

As far as the composer in particular is concerned, there can be no doubt that if his work is born of the liturgical spirit, then it will also be genuine liturgical art indeed, whether this be simple like MOZART's "Ave verum", or richly polyphonic like the six- and eight-part *Masses* and *motets* of Palestrina and Lassus. It is quite inconceivable that one who has really immersed himself in the spirit of the liturgy could create something which would contradict the liturgy. And it is just as inconceivable that the result of this process can be anything other than artistic, because the liturgy itself is artistic highland, like a lofty plateau. There is no doubt but that this is what prompted ST. PIUS X to call "true art" one of the primary characteristics of truly sacred music, "since in no other way can it have that effect on the minds of those who hear it which the Church intends of music in her liturgy". There was a time when people thought that the waste and scraps from a musical workshop were quite good enough for ecclesiastical compositions. That which is most necessary is lacking in this view. One can of course stuff dolls with sawdust, but that is not creating forms filled with pulsating life. He who cannot or will not give his best to the Church, should consider the fact that he can put his shavings and parings to much more lucrative use in three-quarter time. Not much less mistrust (although doubtless all good will) should be shown those idealists who write nothing less than a complete *Mass* as their *Opus 1*. "One should always drown the first dogs and the first operas," said KARL MARIA VON WEBER – a procedure which in the case of *Masses* is quite definitely preferable. Exceptions, of course, will always have to be admitted, but I cannot think of a single case in which church music suffered an irreparable loss because some "Mass, *Opus 1*" was not performed. After all, the *Mass* is the pinnacle of church-musical art, and a little too good for mere composition exercises. It really pains one's heart to see the things on the market which pass for works of "liturgical art" – and they are performed! Often enough one can tell at a glance that the composer is familiar with neither the old masters nor the moderns (by which I do *not* mean church composers!), and that he has been unable to find even one original note to express what he had to say. "Imitation is the original sin of art," says DEUTINGER.

And similar conclusions, based on the same premisses, apply to the *singer* and the *conductor*. The more he realises the nobility of the church musician's profession and his apostolate, the more he will be filled with a lively sense of responsibility for his ministry. Total work of art – liturgical *Gesamtkunstwerk*: those are the two poles on which the practising church musician must orient his activity. And of these, the work of *art* is the lowest branch, without which no one is either worthy or capable of climbing up to the second limb, the *total* work of art, and all the more so regarding the third, the *liturgical Gesamtkunstwerk*. All of this must go hand in hand with a good musical judgement, solid musical training and an eye for artistic necessities on the part of the conductor. But the most necessary element is a warm, well-founded interior *relationship to the liturgy and the church year*. For it is the conductor's task to choose from the treasury of sacred music that which in each case corresponds to the spirit of the Church, of the litur-

gy, and of the concrete occasion. Here, nothing is allowed which would contradict the spirit of the liturgy, nothing which would not do justice to the sublimity of the Mystery being celebrated, nothing which could suffocate it with an excess of means which at another time might be quite appropriate. At the same time, a good many (otherwise so easily forgotten) factors must be considered, for example the vocal forces at one's disposal, their greater or lesser intelligence and maturity, the acoustics of the church, and so on.

The more difficult part of the conductor's task is then to perform, together with his singers, the chosen pieces in such a way that the goal will be achieved. And here the principal requirement is the ancient principle of the Church Fathers: *Non voce, sed corde canere*. It is not enough to have grasped the musical structure of the composition. The singers, too, must be introduced to the reality which lies behind the music, to the mysterious relationships between text and tune, between music and sacred action. The singers must at least begin to grasp all of this, for they may not remain mere machines which produce sounds.

All bad taste will be avoided if both singers and conductor always remain conscious of the fact that just as church music is a *ministerial art*, so too they themselves are simply one part of the Whole, and they should take great pride in doing their part worthily and without exceeding its limits at any point. The Church demands of the composer that he be merged in the Whole instead of being self-seeking. And the Church asks the same of conductor and choir. Both should constantly strive to transpose themselves, their hearts and minds, into the liturgical atmosphere of the day. Only one who lives with the church can find the right tone, which speaks to the heart. When this is lacking, then all that remains is mere mechanics, the profane clangour of a machine shop, a degradation of musical art to which is joined the mischief and scandalous behaviour in church which is unfortunately somewhat more than the exception these days. In sacred music, it is the Church herself who raises her voice, and the ecclesiastical composer, the conductor and of course the singers are nothing less than the mouth of the Church. In this regard all of them have a glorious past which reaches back into the twisting, smoke-blackened passageways of the catacombs. Here is a great tradition to be upheld, an inheritance to be preserved. To this end, may there never be lacking that genuine pride which makes all sacrifice easy!

Today, as always, it must be our continuing task to raise the artistic level of our choirs higher and higher. This level can really never be high enough, for one thing because of the relentless principle that whoever stands still is already retreating, but most of all because only the best can be considered good enough for worship. FRANZ WITT once gave a felicitous description of the seriousness and responsibility of the conductor's office by saying that *conducting an inspired composition* demands as much careful preparation as a good sermon. And according to FRANZ LISZT a conductor should not be a mere oarsman!

Christus Musicus

JOHANNES HATZFELD

Now do each of you join in this choir, taking your pitch together from God, and sing with one voice through Jesus Christ to the Father, that He may hear you.

St. Ignatius of Antioch

He it is Who raises His voice in the liturgy! And it was to Him that one of the speakers at a Eucharistic Congress sang a wonderful song of praise in tones of exaltation. We can see Him as He strides from the Upper Room out into the world, as He crosses hill and dale, pacing off century after century in sacred sound. "Through the kneeling nations He walked on, onward through history, which is the megaphone of His voice, and the saints and the virgins, the priests and the monks and the children followed Him: five continents joined in the harmony of the spheres which His tongue had set in motion. And now He touches our own age with the rhythm of His lips – see how He approaches, and His resonant, resounding breath moves like incense through the fumes of the factories, and the voices of the passionate cities sink like a Sabbath in the streets. Millions gather around the Divine Singer, drawn like clouds after the rising sun, and the highways resound to the beat of their marching feet, and their eyes shine with the Son's reflection. Their song is like the roaring of the sea as it says its evening prayer, and like tempest blasts striking the waves, so they fill the air with Hosannas to the highest heaven: Blessed be He Who intones the promise of salvation from a musical mouth! O, if only this could one day be realised: that all the peoples of our twentieth century would join in this triumphal procession of Christus Musicus!"

You singers with your conductors! You are primarily called to cooperate here! You are the voice of the *Christus Musicus*. Make yourselves spiritually and artistically worthy of Him, and you will find many to follow your songs in their souls. And perhaps you will even find some for whom your song is the voice crying in the wilderness of their lives, which they can follow in order to find Him of Whom that first voice crying in the wilderness was the Precursor: Christ the Lord.

Love overflows in Song

JOHANNES OVERATH

The Spirit of truth, Who proceedeth from the Father...
He shall glorify Me. (Joh 15/26, 16/14)

The choir has sent our “Veni, Creator Spiritus” to God on high, in order to invoke the Spirit of God upon us and upon our convention in the service of new church music.

Wherever a community congregates in living faith around Christ’s altar of sacrifice, there the statement of Acts comes alive and is verified: “And they were all filled with the Holy Ghost, speaking the magnalia Dei, the wonderful works of God” (Acts 2/4, 11). After all, we are at this very moment celebrating *the* wonderful work of God, the one and eternal sacrifice of Jesus Christ in the Most Holy Eucharist. We would be unable to do this, were there not present within us God’s Spirit, whose cooperation is always required if we are to celebrate a Eucharist worthy of Almighty God. Did not Our Lord Himself say, in the Upper Room, “The Spirit of truth, who proceedeth from the Father, He shall glorify Me?”

And so it is that ever since He was sent forth on Pentecost morning, the Creator Spiritus continues to proclaim, through men filled with the Spirit, the wonderful works of God in the celebration of sacred liturgy. Here, human beings filled with the Spirit give joyful voice to the New Song of the Redeemed which was first intoned in the Father’s honour by the Word made Flesh, when He entered this world as the founding Father of a new humanity. Indeed, Christ’s life and work of redemption IS the “New Song” to the Father in heaven. And it is His Holy Spirit Who communicated Himself in tongues of fire to His apostles and disciples, Who made their tongues eloquent, and allowed them to join in His “New Song” to the heavenly Father. In the same spirit the bishop and martyr Ignatius admonished the Christians, “Take your pitch together from God, and sing with one voice through Jesus Christ to the Father, that He may hear you...” (Ad Eph. 4/2). And if no one is able to say “Lord Jesus” from a believing heart “but by the Holy Ghost” (1 Cor 12/3), then neither is anyone capable of praising the Father through Christ if not in the Holy Spirit. And thus the Church’s worship is at all times the work of the Holy Spirit, because “the Spirit of truth, Who proceedeth from the Father, He shall glorify Me”!

Church musicians from many lands feel themselves united in this enriching belief. Confiding in the Creator Spiritus, they put their human spirits and their human voices at the service of the sacred liturgy. Decisive here is not some particular nationality, but rather the Psalmist’s ideal: “Let every spirit praise the Lord!” (Ps 150/5). “But the (Holy) Spirit blows where He wills.” He does not permit Himself to be captured, one cannot tie Him down, because the Holy Ghost is divine life, and mysterious, as is all life. He can only unfold His full activity when men make room for Him within themselves, when they become empty for Him, indeed give up their human spirit in order to receive the divine Spirit, just as on the cross the Saviour gave up His human spirit so that we could receive the Divine Spirit. The Spirit is only active where a selfless, indeed self-bestowing love is present. It is *such* a love which with the unction of the Spirit amalgamates men of all nations in the one language of love, in the language of music inspired by the Holy Ghost. *Such* a love is the inexhaustible fountain from which song gushes forth in streams incen-



The choir organ in the monastery church of Zwettl/Lower Austria as architectural counterpart to the pulpit. This arrangement, which can also be found in other Austrian churches such as Lillienfeld or Wilhering, vividly stresses the role of the organ in the apostolate of preaching, since in the language of music the organ “can powerfully lift up mens’ minds to God and higher things” (Sacrosanctum Concilium, art. 120).

santly new. *Such* a love is the fiery tongue of the Pentecostal Spirit Who makes men truly creative! This love “is poured forth in our hearts by the Holy Ghost,” Who is given to us (Rom 5/5). And it is in this love, therefore, that the whole world rejoices with very great joy (Preface of Pentecost). However, mere words are unable to do justice to such exultation of the heart, to such joy in the Spirit, which actually compels one to break forth in the “jubilat^o” of song (St. Augustine, *Enarrat. in ps. 32*). A man who has been touched by God’s Spirit necessarily becomes a man who sings before God! Verily, in new church music, too, there find fulfillment those words of Our Lord: “The Spirit of truth, Who proceeded from the Father, He shall glorify Me!”

My dear friends in Christ! All of you present in this noble sanctuary can hear, at this Holy Mass, the ancient words of the liturgy clothed in the raiment of music old and new, in the imperishable melodies of Gregorian chant and in the magnificently artistic polyphony of a contemporary master who has made himself your spokesman in a very special way by desiring to touch all of you with your hymn “Holy God, we praise Thy name”, so that your hearts resound together with the voices of the choir, as is only appropriate for those who share in the sacrament and the sacrifice of the New Covenant.

May this song be for all of you no mere reflection of earthly harmony, but also a mirror of God’s glory. However, this requires a hearing which is not merely corporeal, but is profoundly interior, and comes from the depths of the heart. Such interior listening demands more than the mere reception of sound and its physical vibrations. Here the spiritual side, the Invisible of a deeper and broader world reveals itself to us. Are not the angels, those pure spirits, the representatives of this spiritual world? And is it not instructive that these spiritual beings are portrayed as *singers*? And that is also why the sacred music which you are hearing is not a forlorn and orphaned sound in this world, but is rather the sign of harmony between the visible and the invisible world of God. Hence this interior hearing ultimately leads to an encounter with God. The sung word and the sacred action of the liturgy lead us to hear and hearken to God. And this Listening becomes Receiving, and what is received will grow until we “belong” completely to God, and obey Him in all things.

There is too little listening of this sort in our religious life today. Perhaps we talk too much about the divine mysteries and at the same time pay no attention to them. We do not let them “speak” to us enough. We do not allow them sufficient repose and the quiet which they after all require in order to become effective. Are there not a great many people today who suffer because of God’s stillness and silence in the face of evil in the world, or because of the many enigmas and obscurities in our lives? We would like to see God, to be overcome by Him and by His greatness. Perhaps our distress is so great precisely because we cannot bear God’s silence, because we are no longer able to hearken to the Divine Will which is accomplished therein.

And yet listening is taken so seriously in the liturgy! How often does the Saviour’s word resound in our ears, “He that hath ears to hear, let him hear” (Mt 11/15). And what an admonition is contained in the psalm verse, “They have ears and hear not” (Ps 113/6). Just as the priest must carefully prepare himself to preach the Word of God, and just as church musician and singer should interiorly adjust themselves to the proclamation of God’s wonderful works through sacred music, so too must all of us prepare ourselves to listen, since it is always a case of readying the soul for the Holy Ghost’s governance. The more deeply we hear, the more we will belong to God; the more profoundly we hearken, the more self-evident will be our obedience to God, and the more we receive as listeners, so much the more will we be filled with Holy Spirit.

And it is He Who will make instruments of us, tools and organs of His love, each of us in the place to which we have been called. And then there will be blessed giving and taking, a sacred exchange between God and man. All of us recall the portrayal of Pope St. Gregory, that great singer on the Throne of Peter, with the dove of the Holy Ghost! Organum Spiritus Sancti, the Church calls him: instrument of the Holy Ghost. And who does not know the visionary and chantress of the German Middle Ages, St. Hildegard, who was called the “zither of the Holy Ghost”! She and all singers and hearers of God’s praise are touched by the love of the Holy Ghost and called to be instruments, tools and organs of His love. To all – singers as well as listeners – there applies the dictum of St. Augustine: Where love is present, what can be lacking? And where love is not present, what else can be of help?

May our lips chant the hymn of love,
may our lives sing the hymn of love as well!
May oneness of hearts produce a unison of voices,
so that in the raiment of beauty
truth and love may shine forth
into our jejune lives. Amen!

Church Music and the Reform of Copyright Law

JOHANNES OVERATH

The topic of "Church Music and the Reform of Copyright Law" which is to be treated during this convocation, might appear at first glance to be anything but festive. Nonetheless, the International Society for New Church Music (IGK) regards it as one of its special tasks "to promote the free artistic development of creative talents in church music" (cf. the constitution and bylaws of the Society enacted at Frankfurt in 1930). This task, which also includes questions concerning copyright law, will always be part of the Society's future and not of its past, because as long as the divine Creator Spiritus is alive in God's Church there will always be another new generation of young composers emerging. May this new generation constantly preserve that spirit which in 1930 one of the founding fathers of the IGK clothed in these words:

It is extremely difficult to write music full of responsibility and inner commitment in the midst of a music and a music business which have no inner responsibility. Therefore I also admire the courage of those who wish to attempt it – and that not because of some whim, but because of a new religious awakening of their own musicianship. (H. LEMACHER)

In addition to Gregorian chant, the proper chant of the Roman church, and polyphony, which has grown organically out of the liturgy, new music both vocal and instrumental has a definite place within the precincts of the Church. In his encyclical "Mediator Dei" POPE PIUS XII stressed that "the music of our own day and modern choral music are not to be excluded from Catholic worship."

If they conform to the liturgical directives of the Holy See, "then our churches must admit them since they can contribute in no small way to the splendour of the sacred ceremonies, can lift the mind to higher things and foster true devotion of soul. One would be straying from the straight path were he to disdain and reject polyphonic music or singing in parts."

Hence our Society strives primarily "to promote and cultivate contemporary Catholic church music and to influence it liturgically and artistically in the sense of a development appropriate to our time and its ideal" (Statutes, Frankfurt 1930). This is the purpose of our annual international church music conferences with their liturgical worship services, representative public concerts and popular singing sessions. Thus in a certain sense our Society practises a kind of intellectual or spiritual patronage. For understandable reasons, real material patronage is impossible for us.

Centuries ago, composers found their patrons among the princes of the Church and state. After the familiar social and economic revolutions had made it impossible to continue promoting art in this way, there gradually developed the idea of author's rights, namely that a composer has a right to compensation for his compositions. And so we should be able to assume that given the wide diffusion of music, composers could have devoted themselves completely to their creative work, free of all economic worries. But in spite of the Copyright Law of 1901, even today composers are generally speaking still not protected adequately enough. And of course the purely material pre-conditions are much more favourable in the case of composers who have not devoted themselves to church music, than they are for the so-called church composers. Al-

though it is quite justifiable to expect that *a church composer will write for the Church's liturgy out of an interior sense of religious obligation*, on the other hand the material preconditions for artistic creation must also be present. It would be a great cultural misfortune if the creation of church music were to be negatively influenced by the fact that creatively talented musicians, for reasons of economic need and concern, would no longer enter the service of *Musica sacra*, but would concentrate on other areas of music because there they could expect compensation for the performance of their works. Up to the present, the situation here in Germany is such that composers receive no royalties for their compositions which are performed during worship services. None of the other artists called upon by the Church, such as painters, sculptors or architects, is expected to donate his work or his efforts free of charge. The same problem exists in other countries. Similar considerations prompted the Swiss episcopal conference in past years to concede to their church music composers that which is, out of simple justice, conceded to any other creative artist. Accordingly, since 1942 Swiss church composers receive the royalties due them for works performed at worship services.

If it is only natural that in an International Society of Authors the situation regarding copyright law – varying as it does so greatly from country to country – will appear in a very special light, and indeed practically demands a more uniform treatment, then in this very year a discussion of the topic in Germany has in fact become quite necessary, since the Federal Ministry of Justice has presented for public discussion *proposals for the reform of copyright law*. These affect the church musician as well. In this context we are concerned with considering the principles involved and not merely our own private interests.

The widespread theoretical and practical denial of the right to intellectual property allows us to understand the great divergence of opinions on this question, even among those who attach the greatest importance to their reputations as apostles of social justice. Among our own countrymen there are, for example, certain circles which are quite willing to earn a profit from music but are not at all inclined to allow the creative artists (whose intellectual property they use to make their profits) a just share in those profits. In such cases of practical offences against justice it is often not a matter of malice, but simply a failure of the positive law and a disregard by lawgiver and populace for that which constitutes intellectual property, and which the author can claim as his right.¹

HEINRICH LEHMANN, law professor at Cologne, sees the deepest reason for this situation in the fact the presently valid German civil law quite strongly favours property interests over human beings and their labour. Man was not the centrepiece of the legal order. It was only the social and economic upheavals of the last half century which have paved the way for a more general understanding of the fact that our previous civil law was not sufficiently person-oriented, not sufficiently taking into account the precedence of living human beings over lifeless objects such as real property. The development of labour law brought about the first inroads in this hierarchy of legal values, which had previously given to *property law* the pride of place.

In its opening article, the West German Federal Constitution acknowledges that the dignity of the human person is inviolable, and that all civil authority is obliged to respect and protect it. Since Articles 2 and 3 guarantee the general right to unimpeded development of the personality,

1 On this point compare the remarks of the well known moral theologian GUSTAV ERMECKE in his article „Zum Schutz des geistigen Eigentums“ which appeared in W. RICHARTZ (ed.), *Urheberrechtsreform – ein Gebot der Gerechtigkeit* (Berlin 1954) 15/30.

the recognition of a general law of individual persons can no longer be disputed, not even by contemporary civil law.

However, during the course of this development a few special rights of personality have been provided with special legal protection, above all the laws applying to the author's personality. Attempts were made to protect the relationships of an author of an intellectual creation to his work (which relationships were comprehended in the term "intellectual property") in such a way as to take into account the difference between intellectual and real property. Unfortunately, however, too much attention was sometimes paid to previous commercial customs which had arisen out of the conviction that intellectual property was *hors de la loi*. The delimitation of authors' rights as personality values in contradistinction to real property did not merely permit the more suitable accommodation of legal protection to their specific nature. It also made it possible to worsen this legal protection in comparison to that afforded to real property.

This explains the regulation of copyright law in works of musical art as it is contained, for example, in Par. 27 of the Statute of 9 June 1901. According to this law, performances do not require the composer's permission – in other words the composer receives no compensation for the performance – if the performance is not for profit and the audience is admitted free of charge. Furthermore, such performances without the consent of the authorised person are also permitted in the following cases:

1. at popular festivals, with the exception of music festivals.
2. if the receipts are intended exclusively for charitable purposes and the performers receive no compensation for their efforts.
3. if the performances are completely private, i. e. sponsored by societies or organisations solely for their own members and their households.

And if the many exceptions in this paragraph seem in fact to curtail the author's right, then the best justification which can be offered is the frequent claim of "Duly considering previous customs..." And these, of course, could only develop out of a disregard for intellectual property.

One would thus have been quite justified in expecting that the draft proposal of the statute on the reform of copyright law published just this year, would have contained a basic revision of precisely these paragraphs. But the fact is that the proposed changes, quite contrary to all expectations, curtail even more the natural rights of the author. According to the new Par. 46 of the proposal, which lists the exceptions to the law, public performances of works are permitted without the composer's permission and without any sort of recompense

1. when the execution or performance takes place at popular festivals, with the exception of music festivals;
2. when the execution or performance takes place at an ecclesiastical or civil ceremony to which the audience is admitted free of charge;
- 3–5. at youth or welfare events as well as industrial celebrations.

Both Par. 27 of the previous law and Par. 46 of the proposed "revision" amount in practise to *expropriation of the author without any compensation*. In view of the fact that the Federal Constitution recognises the general principle of indemnity or compensation for the expropriation of real property, this development creates a very unfavourable impression.

The motivation as explained in the draft proposal is as follows:

Works of literature, science and art created by authors form the cultural possession of a nation. The exclusivity of authors' rights may not retard cultural development and the progress of science. Hence the rights of authors must be limited at the point where the cultural interests of the general public demand it. Accordingly, this draft proposal follows existing legislation by providing for limitations of the rights of use in the interest of the author himself, but in view of changed conditions draws the boundaries of copyright law in some instances more broadly, in other cases more narrowly than does the existing legislation. (Par. IV 1 b)

In order to limit the rights of authors as much as possible, the explanation just cited from the draft proposal appeals to the *social* obligation of copyright law. To this we must reply, with the Cologne jurist HEINRICH LEHMANN:² As though the possession of real property were not *also* a law with social obligations, as though Art. 14 Par. 2 of the West German Federal Constitution did not expressly stipulate that property carries obligations with it, and that the use of property should *also* serve the general welfare! But the social obligation of copyright is supposed to be, according to the explanation cited earlier, a limitation which is immanent in copyright law because of the social nature of the legal order. But – is the situation really any different regarding the possession of material goods?

LEHMANN holds that these are all more or less formal explanations which extract from an a priori conception the desired conclusions. Even the generalised argument that the social obligation of copyright law would lead to limitations of other kinds, does not in any way prove that precisely in the case of copyright law an expropriation without compensation would have to be permissible to an even greater extent. Plainly, an author builds to a very special degree upon what others have created before him. This is why cultural life – from which creative persons receive stimulation and suggestions – also demands their giving. But it is not at all clear why an author should make available to the general public free of charge his very own creation, in which his personality is expressed – especially when in the case of material goods (which primarily serve the selfish interests of the owner and today, after such goods have already been distributed, are no longer acquired in the primordial sense) an expropriation for the sake of the common good is generally permissible only when compensation is paid.

It is precisely the greater value of an intellectual creation for the general public which flatly contradicts an expropriation without compensation to the disadvantage of the creator. Or do we really want to pretend that the greater the value of a creation or of a work to the community, the more permissible is a compulsory expropriation of the creator, without any compensation? This would in fact amount to punishing the fine arts, and especially the art of church music, which is capable of transporting us to a better world. If the principle of “*Res fructificat domino!*” is valid at all, then it applies with even greater force to the inner abilities of an author, since a man can possess nothing more personally than these. We are not attempting here to minimise the legal protection for material goods in any way, but it is nonetheless necessary to pay greater attention to the labour and the achievements of intellectually creative persons, precisely because of the importance of intellectual earthly possessions! The very existence of intellectual property laws has been energetically disputed on the grounds that there exists no such thing as “intellectual”

2 On this see H. LEHMANN, *Die Neuordnung der Güterwelt nach ihrem wahren Lebenswert*, in W. RI-CHARTZ, (ed.), *Urheberrechtsreform – ein Gebot der Gerechtigkeit* (Berlin 1954) 7/14.

property, only “physical” or “corporeal” property. The intellectual content is allegedly not palpable, as is the sensible form or “package” in which the content is presented and in which it can be reproduced.

However, as soon as a creative idea has left the mind of the creator in the sense that it has been objectified as a word or a work, then this idea enters the legal sphere and becomes an object of the creator’s ownership. And at this point the natural law begins to protect this intellectual property, and the law of the state must follow the natural law. One of the specific characteristics of a musical work of art is that it must be *performed*.³ In other words, it manifests itself as intellectual property in the perceptible form of sound. This concretising of a musical creation in its performance is the object of intellectual possession. According to Catholic moral teaching, the power of control over intellectual property includes the right of preservation and the right of use or disposition. In this context we are primarily interested in the author’s rights of use or disposition.

The owner cannot completely separate his intellectual property from himself as its cause, since his intellectual achievement remains non-transferably linked to him inasmuch as it is his very own product. But he is quite free to allow others to share therein through communication. Whether this takes place free of charge or for some compensation, i. e. whether or not the intellectual property is turned to economic profit, is completely at the disposal of the owner and his free choice. In other words the owner’s rights of use include the right to communicate his work to others, to share it with them, and this right in turn includes the right to economic exploitation of the work. The latter right involves a social obligation in light of the common good, and this even more so than the right of preservation. Various types of expropriation are possible: by way of penalty, or in an emergency, for instance in the case of intellectual property whose preservation or full utilisation is of the very greatest importance to the community and which cannot be guaranteed for the common good in any other way than through expropriation. Such a measure is defensible in conscience only when full compensation is paid.⁴

These principles form the basis for the press release published by the church music spokesman of the West German Bishops’ Conference, H. E. Dr. WILHELM KEMPF of Limburg, after the signing of the contract between the West German dioceses and the German authors’ society GEMA in 1953:

By means of this contract the German bishops acknowledge the importance of church music and desire to promote further artistic creation by recognising the rights of authors. The contract thus confirms the claim of the composers to appropriate legal and material protection for their works, which enables them to concentrate upon fruitful artistic creation.⁵

Although it is true that this contract was negotiated on the basis of the previously valid legislation, it is equally true that the negotiations made abundantly clear to all parties the need for a reform of copyright law. If in the case of worship services or adult education human efforts and

3 Compare J. OVERATH, Musik als geistiges Eigentum, in W. RICHARTZ (ed.), Urheberrechtsreform – ein Gebot der Gerechtigkeit (Berlin 1954) 31/8.

4 ERMECKE, op. cit. 24 ff.

5 Officially published in e. g. Amtsblatt des Bistums Limburg (27 June 1953) No. 108.

material objects are used in return for payment, then one cannot simply presume that the owners of intellectual property will offer their possessions free of charge.

Our reflection upon these principles has shown clearly that we are not so much interested in making a business out of musical art – least of all in the sanctuary of the liturgy! – but that our sole concern is to stress the elementary right of the creator to his work and to forestall legal exceptions which infringe upon his natural right. By way of conclusion, a few concrete suggestions may be allowed.

1. A fair remuneration for composers, and consequently also for composers of church music, must be based primarily upon the performances which have actually taken place. This remuneration may not be limited to the mere royalties from the sale of sheet music, as was the case in the past, all the more so since actual sales of serious works do not even cover the costs of printing in every case. In consideration of the fact that music really exists only when it can be heard and thus also manifests itself in performance as intellectual property, it is quite easy to understand why it is so completely unjustifiable to want to disadvantage the creator of musical works precisely in his performance rights.

2. Hence all concerned should acknowledge a claim to remuneration for musical performances within the liturgy, and should strive for a practical settlement involving adequate payment. In the process we must of course take into consideration the cultic character of liturgical music, which as *art for God* essentially distinguishes it from every other type of music. Without going into details here, for the sake of the dignity of divine worship all matters pertaining to annual declarations, judgement and valuation or the process of appraisal should be placed in the hands of a commission responsible for worship, i. e. an ecclesiastical commission.

3. These measures would lay the foundation for a genuine musical copyright law within the church, and simultaneously stimulate continuous development in the creation of church music. Moreover, the public proclamation of such an ecclesiastical sense of justice would prick the consciences of those preparing a new copyright law, which after all should be dictated solely by the spirit of justice.

Permit me to close with these words from the Holy Father's message to the 75th annual Katholikentag held last year at Berlin:

The Catholic faith values rights more highly than power, above all human rights and certain rights of the personality and of families. These are primordial and inalienable. They exist prior to any form of earthly power, even prior to the power of the state, whose obligation it is to acknowledge and to support them.

The Author and the Interpreter of Music

JOHANNES OVERATH

In discussing the rights of performing artists, especially in the field of music, reference is constantly made to those economic and legal problems which have arisen for both author and performing artist as a result of the various acoustical and optical possibilities for recording and reproducing musical works.¹ These will have to be a primary concern of the legislature, whose reflections must necessarily begin with the nature and specific character of the matter which is to be regulated by law.

In the case of a musical work of art we distinguish between the work in the strict sense, and its realisation in performance. Parallel to the composers we have the practising musicians who actually perform the work created by the author. Strictly speaking, the title of "artist" belongs only to the "creator" of the work of art, and he is not fungible: no one can really deputise for him. However, the practising musician is also regarded as a musical artist, and this the more so in proportion to his ability to "re-create" the author's work, i. e. the more he can give the *one* interpretation which corresponds adequately to the composer's intentions.

In terms of time and precedence, the work created by the composer is primary, whereas the performing artist's service to this work appears secondary. But in contemporary musical life one very often gets the impression that the interpreters of a work are more highly esteemed and more admired than the composer and the work which he has created. This discrepancy in today's musical practise has often been pointed out.²

On this basis one can understand that the far-reaching demands made by the interpreters, calling for legal protection of their artistic accomplishments, seem to find a larger echo in certain circles than the struggle of the real authors for the preservation of their elementary rights. The apparently insignificant role played in this process by the nature and special characteristics of the relationships between author and interpreter is shown above all by the fact that simultaneously with the performing artists, the entire recording industry is making strenuous efforts to obtain legal protection of performances.

Hence it appears highly appropriate that before undertaking any legal reflections we consider the relationship of author and interpreter in light of the philosophy of art.

The term "Art" is an abstract concept of a general nature. What art actually is, can only be recognised from the viewpoint of the living human being, since art is rooted in man's personal existence, which stands in relation to something vis-a-vis man. Man's creative power is a specific and fundamental attitude of the human being in relation to the world. The artistically creative human being does not react to the world in a merely receptive way, as does the thinking and learning person, but gives creative shape to it. He actually creates a new reality, the work of art, by manifesting his *natura individua* while shaping anew the matter presented to him. The work of art produced by the creative artist bears his characteristic traits; it is a piece of himself. Every

1 On this see E. SCHULZE, *Der Künstler und die Technik*, in: *Leistungsschutz = InterGU Schriftenreihe* 5 (Berlin-Frankfurt/M. 1958) 5/57.

2 J. OVERATH, *Musik als geistiges Eigentum*, in: W. RICHARTZ (ed.), *Urheberrechtsreform – ein Gebot der Gerechtigkeit* (Berlin 1954) 33.

creative artist can only produce according to the type and extent of his own possession of being. Creation “out of nothing” is something which, strictly speaking, does not exist in this world.³

According to MARTIN DEUTINGER, art is “the subjective spirit directly and immediately embodying itself. Not every person with ability is thereby an artist, just as not everyone who can think at all is thereby a deep thinker or, in the emphatic sense of the word, a philosopher. An essential part of being a philosopher is the originality and freshness of his thoughts . . .”⁴

One expects of a real philosopher that he be a genuinely independent thinker who “thinks ahead” for others.

But just as not everyone with the ability to think deserves the name of a real thinker in the distinguishing and emphatic sense of the word, so too not everyone with ability deserves the name of an “artist.” Art, even more so than thought, rather makes its presence known in a certain originality, and it is only where ability comes to complete realisation as the *primordial and immediate expression* of an intuitive idea that art appears in its distinguishing glory and power. But wherever art is unable to reveal this power in the material *immediately and freely*, there art, the queen, is not present herself, but merely one of her subordinate maidservants.⁵

On this view, then, the reproduction of a composition by the interpreter is simply service to the work produced primarily, immediately and freely by the music’s creator.

Attempts have often been made to draw a parallel between the thought process and the process of artistic creation. After all, perception and thought are also fundamental attitudes of the human being in relation to the world – but they are the complete antithesis of man’s creative power. In the process of thinking, man absorbs into himself, so to speak, something which stands apart from but is related to his consciousness: he interiorises something which is in itself plain. But with the help of his creative power, man is able to render objective his own inmost life. In other words, in the artist’s ability we find the precise opposite of the thinking process.

Furthermore, the point of departure for both behaviour patterns i. e. of ability and of thinking, is quite different. The starting point for thought is necessity and the law, whereas art takes its origin from freedom and the power to do something creative. The former has only movement as its criterion of life; the latter, which involves transforming an objective state of affairs, testifies to the higher power of life, which is not simply in itself able to move, but in the strict sense able to cause movement. The *originality* of the artist’s interior life, which is quite the contrary of the general regularity which marks incipient thought, constitutes the specific essence of the artist. Strictly speaking, it is the spirit working in him which is the real artistic genius. Thinking persons feel compelled to search and investigate until they have moved ahead through the obvious

3 On this see H. LANG, Gottes gute Welt, in N. LAUER (ed.), Speyerer Studien I/3: “If I love to say, ‘God created the whole world, but Mozart’s music was created by Wolfgang Amadeus Mozart,’ then I understand the closest approximation to be that which is most readily comparable to God’s creative action, because music has no material preconditions: music is born at the deepest interior level, and that is where music is also first heard. And yet music also presupposes the whole world of ordering laws, including those which govern the starry heavens. Music presupposes that God ‘calculates,’ as the ancient Greeks so profoundly put it. And all of us know that for the Greeks, music was the expression of mathematical order, something infinitely spiritual, quite supersensual, a ‘higher philosophy,’ which even Beethoven still felt it to be.”

4 M. DEUTINGER, Grundlinien einer positiven Philosophie: Die Kunstlehre, 4. Teil (Regensburg 1845) 67 ff.

5 *Op. cit.*, 68.

contradictions to the unity which explains everything. Similarly, persons in whom the opposite traits of ability, of shaping and forming predominate, are impelled to depict in a special independent shape that which is in itself one, to vivify (in other words) the raw material with the breath of the spirit. And still others are called to make their mark upon the world by acting with energetic strength and by commanding through moral superiority, ruling and directing the world according to their will.

All of man's other activities are therefore essentially different from the artist's creating and forming, which in a totally new and surprising way produce something in free originality which had not previously existed. M. DEUTINGER is quite right when he emphasises that *geniality, productivity* and *originality* belong to the artist's very essence.

To reproduce something which already exists exteriorly is quite unworthy of art, indeed, is not art at all. Of course, this applies in the strict sense only to the plastic arts.

But a more precise distinction is necessary when we are dealing with a musical work of art. One really expects more from a musical interpreter than that he be a mere imitator. The result of his re-creation is not to be compared with a copy. Here again one notes a special difference between music and all the other arts. Reference has been made in another context to the fact that music first begins to "exist" when it resounds.⁶ From this we may conclude that the creation and the performance of a musical work of art are more than just intimately related: they must be regarded as a totality.⁷ On the basis of what has been said up to this point, it should be a simple matter for the competent judge to determine the extent of the "artistic" activity of both author and interpreter with reference to this totality.

He alone is the author who creates artistically in the strict sense of the term. It is "a contradiction in itself" to speak of a "creative interpretation,"⁸ since strictly speaking *the concept of simple re-creation abolishes the concept of creation.*

To assist in bringing a composition to life, i. e. to interpret it, does not give birth to *an artistic form which exists essentially by itself*, but is rather simply *the after-effect of a primary effect whose real cause is the creator of the music.* It is the author alone who immediately reveals his artistic powers in terms of the given raw material, in tone and rhythm, and who exercises his supremacy over the form. From this immediacy there flows the productive potency of the creative artist. He is and remains the creator of his work, while the re-creator becomes an artist in the wider sense because of his ability, which empowers him to re-create, even though this ability does not appear as the primordially *first and immediate* expression of an intuitive idea.

Now the artistic achievement of the re-creator is most perfect when it coincides with the will of the composer and of his work, so that the personality of the performer becomes, so to speak, invisible. ALEXANDER BERRSCHE is completely correct in stressing that a perfectly pure reproduction is nothing more than the work itself, "and we honour it most highly when we involuntarily create the impression that we had forgotten it out of sheer enthusiasm for the work."⁹

6 J. OVERATH, *op. cit.*, 34.

7 NIC. HARTMANN defended the thesis that the transfer of an already existent but not yet sensibly perceptible work of art into the new level of existence implied in performance, was an indication of genuine authorship. Nonetheless, in our context the concept of authorship cannot be construed narrowly enough, i. e. in the sense of an originally and immediately creative artist. See N. HARTMANN, *Ästhetik* (Berlin 1953) 121 ff., 210 ff.

8 H. PFITZNER, *Werk und Wiedergabe* (Augsburg 1929) 21.

9 A. BERRSCHE, *Trösterin Musika* (München 1949) 716.

It is plain from what has been said that the creative work of the author must be clearly distinguished from the achievement of the performing artist.

Lawyers and politicians must take into account this essential difference between creative work and performing art. Only the author deserves to exercise exclusive rights over every conceivable use of the property which he has created, whereas the demands of the performing artist – especially those which are made on the basis of recording techniques – can be met in an equitable way according to the degree of artistic achievement with the help of solutions anchored in labour law.

Music as intellectual Property

JOHANNES OVERATH

At first glance, it might appear unusual to discuss music from a moral and legal point of view. In the past fifty years, however, the many inventions in the field of mechanical reproduction and technical “replaying” of music have so greatly increased music’s monetary significance that it is necessary to reform earlier legislation in order to protect those who create music and their legal claim to the fruits of their own artistic talent and efforts.

If the principle of “Res fructificat domino!” is still valid at all, then it applies with even greater force to the inner abilities of an author, since nothing can be possessed more personally than these.¹

It is not at all a question here of minimising the importance of legal protection for material goods. It is, rather, necessary to pay greater attention to the work and the products of intellectually creative persons, and this because of the importance of spiritual and intellectual earthly possessions. In the past, the very existence of intellectual property laws was disputed on the grounds that there was no such thing as “intellectual” property, only “physical” or “corporeal” property. On this view, the intellectual content would not be palpable, but only the sensible form or the wrapping in which the content is presented and in which it can be reproduced. However, even the defenders of this view agreed in principle that the author had a right to the fruits of his genius.

G. ERMECKE is quite right in emphasising² that before any legislation can be enacted, it is necessary to investigate the nature and specific characteristics of the matter to be regulated by law, as well as its relationship to the community. Thus we must consider *the task, the nature and the special characteristics of music, above all its origin, its manifestations and its relationships to man as well as to human society.*

Musical creation takes place in the intellectual sphere. In order to enter the legal sphere and thus come to enjoy the legal protection it deserves, music must manifest itself in a work perceptible to the senses. Along with poetry and pantomime, music is numbered among the *energetic arts*, i. e. those artistic creations which are events occurring in the course of time and which can be experienced at first hand. As far as its material is concerned, music is poles apart from the works of plastic art, painting, sculpture, architecture etc. In spite of the kindred relationship between music and the other energetic arts, there are also great differences: while it is the very purpose of music that it resound, i. e. *be performed*, it is not at all essential that poetry be declaimed. The basic purpose of a printed book is not that it serve as the matter for a public recitation, though of course this possibility always exists. A book’s purpose is fulfilled when it is read. Furthermore, there are many books which are not even suitable for declamation. Pantomime, the third of the energetic arts, can be omitted from our consideration here because – apart from poetic dance – it does not presume an “intellectual creation” in the real sense of that term, but each time is born

1 This idea was already emphasised strongly in the “Moral Theory” of Jesuit FR. J. P. GURY (Regensburg 1858) 294.

2 G. ERMECKE, Zum Schutz des geistigen Eigentums, in W. RICHARTZ (ed.), Urheberrechtsreform – ein Gebot der Gerechtigkeit (Berlin 1954) 15/30, here 18.

anew out of the impulse to play. A sheet of music, however, can have no other meaning than that the notes *written or printed* upon it should be made to resound.

Music, which is formed out of a very transitory and quickly perishable element, namely tones, cannot be exiled to manuscript paper.

Indeed, notation itself is not completely capable of expressing in detail all of the rhythmic nuances and dynamic shadings which belong to the expressive performance of a musical work of art according to the ideas of its creator. Since the 18th century there have been published a vast number of treatises dealing with the problem of performing music artistically. The performing artist, conductor, instrumentalist or vocalist must therefore, out of his own most personal and interior experiencing of whatever brought the author to create his musical work of art, quite literally re-create the work. And thus a musical work of art really only comes alive in performance, where it becomes experienceable and tangible, all the more so when the re-creative artist is able to reproduce the work according to the composer's intentions. The (perhaps long since deceased) creator of the music steps into the present and speaks anew to his listeners in his language which all men can understand. The *compositional talent* which God bestowed upon him during his lifetime, which schools and teachers could indeed regulate and promote but never procure, and which was a precious possession of this particular personality, remains even today an earthly possession whose value cannot lightly be overestimated – and from which we continue to benefit. It is precisely as a piece of property bound up with a personality, nay more: as the still living intellectual property of his individual personality (BACH, BEETHOVEN, MOZART, JOHANN STRAUSS and others), that music always relates to its listeners here and now. As much as we desire to recognise the re-creative artist's importance in the so-called *artist's fee*, how much more important it is to prevent the degradation of the remuneration due the music's creator into an *all too cheap payment*. As a matter of fact, this discrepancy still exists in contemporary musical life.

Should it prove impossible to locate the physical heirs of important deceased authors, would it not be appropriate to look for "spiritual heirs," i. e. for contemporary composers who as masters of so-called entertainment music or serious music really cannot live from the royalties charged for the performances of their works? The publication of contemporary works is so expensive that there is no longer any proportion between the royalties to be expected for the composer from the sale of the printed music (normally ten percent of the copies sold, if not indeed even less) and the purely artistic result of the composer's labours, not to mention the work of art which in certain cases results.³ *The mere fact of publication cannot indicate whether or not a musical work is or will be really alive: this depends solely upon the number of performances.* Recognition of the fact that music really "exists" only when it resounds and hence also manifests itself as "intellectual property" in the perceptible form of sound, should be reason enough to give music special legal treatment as *sensibly perceptible (even though immaterial) property*, in contradistinction to all other types of intellectual property.⁴

3 It has been suggested that the mere purchase of the printed music should carry with it permission for public performance. Abstracting for the moment from any consideration of the principles involved, it may be replied that this proposal would necessarily raise the price of the printed music, and this circumstance would demand above all of private performers unreasonably great sacrifices in purchasing music, since they would be forced to pay as well for those who benefit from the performances or even make a profitable business of them. On this see the remarks of W. RICHARTZ in GEMA-Nachrichten (1953) Nr. 18, p. 51.

4 This special characteristic of music in comparison with the other types of intellectual property has not been considered in the professional literature of jurisprudence. See, for example, ALLFELD, *Das Urheberrecht an Werken der Literatur und der Tonkunst* (München 1928) 53 ff.; RUNGE, *Urheber- und Verlagsrecht* (Bonn 1948) 230 ff.; ULMER, *Urheber- und Verlagsrecht* (Berlin 1951) 91 ff.

It is of the essence and special nature of intellectual property, and especially of music, to include creation and reception – in the case of music, creation, re-creation and reception. Music necessarily leads from the individual to the community. Music's specific characteristic is that it does not exist solely in the shape given it by the composer, but that it only comes alive when this form is received by hearing human beings or by a group or community of listeners, i. e. when a bridge is built by music between human beings. How important is music's role in worship, where she becomes a mediatrix between men and God; how important too for interpersonal relationships, in education,⁵ in promoting a spirit of community, in her potential for healing spirit and body – indeed, even in politics, music plays a role.⁶ One thinks here of the enthusiastic words written by the famous Abbot of Göttingen, DAVID GREGOR CORNER, praising in the preface to his hymnal (1631) the important role played by music in human life.

The attractive sweetness and the powerful effect of singing is great, indeed almost unbelievable, for it can influence and even change the most hardened spirits. Plainly, no class on earth is so noble, no office so burdensome, no person so bad but that it could be touched and softened by attractive singing. Small infants in the cradle, adults performing their hard work, clerics in the churches, laity in their homes, kings in their palaces, soldiers in the field, the wanderer by day, the watchman by night, farmers and artisans with the sweat rolling from their brows – all rejoice and are strengthened in their tears, worries, sufferings, burdens and labours by an uplifting and pleasant song.

The “live” artistic performances of earlier days (which are and will always remain the roots of a genuine musical culture) have been joined in our own day by the many possibilities for mechanical re-playing of music: radio, phonodiscs, tape recordings. This is not the proper place either to deal with the dangers which these new possibilities pose for musical life as a whole, or to elucidate the positive opportunities offered by these technical means to a music education and music promotion with clear goals. Our reflections are rather more concerned with *this question: to what extent can music as intellectual property be co-possession of an in itself unlimited number of persons, i. e. to what extent can music become common property?* With regard to *unison folksong* the question is easy to answer, since the creator of a folksong “creates” in the truest sense of the word by drawing upon the common man's world of experience, and thus becomes the spokesman of the people with one explicit purpose: that his song very soon be on everyone's lips. Here it may be assumed that the author must agree to a temporal limitation of his property rights, perhaps fifty years after his death, precisely because the exact limits of his property can no longer be determined accurately. After a period of time, such a song becomes de facto common property, all the more so as practically anyone has the possibility of realising the song in sound by performing it. This may also apply to the dance tunes of today insofar as it is a case of genuine “hits” of the most extensive and lasting popularity, though normally the average hit tune has a very short life span.

In order to avoid misunderstanding, it should be stressed quite emphatically that *music at popular festivals* and the unison folksong or dance tune mentioned above, are two totally different things. Of course, at contemporary popular festivals one does not hear unison folksong in

5 Here compare Plato's ethos doctrine.

6 On this see K. G. FELLNER's lecture “Man and Music” delivered at the International Music Congress in Vienna, 1952.

the real sense of the term, quite apart from the fact that people would scarcely be satisfied today with a simple folksong sung in unison. One of the principal characteristics of popular festivals today is that all those who take part in arranging and producing them do so with the explicit intention of earning a profit.⁷ As a rule, one cannot participate in such an event if one has no money. And if folk songs or folk music were to be performed instrumentally, then the bands or orchestras would surely not play without some sort of compensation, financial or otherwise, and the organisers who hired the musicians would do so with the very definite intention of increasing their receipts through the musical performances. Hence it is quite impossible to regard our contemporary “popular festivals” and genuine “folksong” as two areas which belong together since they are so intimately related.

The music played at contemporary popular festivals by performers hired for this purpose cannot be considered *common property*. Indeed, no piece of either serious or “pop” music can really be taken possession of by the community or by the public.⁸ In my opinion, the previous temporal limitation of music copyright law stipulated by earlier legislation did not sufficiently take into consideration *the individuality of the author and of his work*. Though they are directed to listeners, all works of serious as well as entertainment music are essentially determined and conditioned by the individual personality of the artist. These works will have one of two effects. Either they will awaken in the listeners sentiments, feelings and mental images which point toward higher realms and give a foretaste of that which normal daily life is never quite able to achieve, i. e. directing the thoughts of the listeners to a transcendental world – or they serve the intellectual recreation and pleasure of men in the area of the playful and the entertaining. In itself, music is always ambiguous. When linked to a text, music of course becomes bilingual, but the intellectual constraint which arises therefrom forces continual adherence. In this context we shall not discuss the good and evil possibilities of music with a text.

With this work, which forever remains his own personal intellectual property, the musically creative artist makes a unique contribution to the enrichment of human life, and hence human beings always remain indebted to him, even – depending upon the significance of the work of art – into distant future generations. As long as there exist material earthly possessions which are not declared “for the sake of the common good” to be common property – without compensation! – then it is simply incomprehensible that *musical earthly possessions which are so important for human beings and which remain linked to a personality as long as attempts are made to realise them faithfully according to the ideas of the composer*, should be deprived, after a certain number of years, of the legal protection due them.

In conclusion, it should be stressed that the purpose of this exposition was not to make a business out of musical art, but rather solely to emphasise *the elementary right of the composer to his work and its use*.

7 On this see W. RICHARTZ, Schützenfeste und Musikaufführungsrecht, in GEMA-Nachrichten (1953) Nr. 18, pp. 51 ff.

8 In contrast to the provisions of the present law, the obligation of paying royalties should not be limited temporally in the case of serious and “pop” or “entertainment” music. However, for reasons of promoting culture it would be worthwhile to consider the payment of performance fees fifty or eighty years p. m. a. to the *real bearers of the intellectual inheritance*, namely the contemporary composers of music both serious and “popular.” Compare the ideas on this subject expressed in the first part of this paper.

The Encyclical “Musicae sacrae disciplina” of 25 December 1955 and the Composer

JOHANNES OVERATH

It is the great merit of MARTIN DEUTINGER to have pointed out the importance of the “*Numine afflatur*” for art in general, thus clarifying its religious purpose. RAPHAEL included the same “*Numine afflatur*” in his representation of Poetry. As a matter of fact, as soon as mankind forsakes its religious enthusiasm, then spirits are impoverished, forms become empty and earthly, the vivifying word becomes a mere spiritless phrase. The relation between art and religion is so intimate that the inner richness of art depends upon religious worship. Indeed, we can say that the content of art will be poor in direct proportion to the poverty of the worship under whose influence art stands.

We therefore have reason enough to begin our working sessions with an orientation which does not deal with external shaping or with stylistic questions of musical art, but which desires to plunge deeply into the inner world of the ecclesiastical composer, in the firm conviction that everything Outward, as an effect of the Inward, is ultimately decided within. In contrast to the Antique period, the Christian artist gives precedence to content over form: “art for art’s sake” is deliberately excluded at the outset.

All of the problems, tensions and crises of artistic life will not be solved from the outside, for example by discussing questions of style. The real decision is always taken in the soul of the Christian artist.

Of course the strength which we derive from the religious realm is extra-musical in nature, in the sense that it cannot give us “material” for music. This is why POPE PIUS XII, in his encyclical “*Musicae sacrae disciplina*” of 25 December 1955, explicitly emphasises that he does not desire to establish aesthetical or technical laws concerning the noble art of music:

It is the intention of the Church, however, to protect sacred music against anything that might lessen its dignity, since it is called upon to take part in something as important as divine worship. On this score, sacred music obeys laws and rules which are no different from those prescribed for all religious art and, indeed, for art in general.

Although the Holy Father clearly stresses the special inner laws of musical art, he warns quite as clearly against the view that

artistic inspiration is free, and that it is wrong to impose upon it laws and standards extraneous to art, whether these be religious or moral, since such rules seriously injure the dignity of art, and place bonds and shackles on the activity of an inspired artist.

The special inner laws of musical art are therefore relative. Both art and works of art are always to be judged solely according to their clear agreement with man’s highest and ultimate end.

The ordination and direction of man to his ultimate end – which is God – by absolute and necessary law based on the nature and the infinite perfection of God Himself is so solid that not even God could exempt anyone from it. This eternal and unchangeable law commands that man himself and all his actions should manifest and

imitate, so far as possible, God's infinite perfection for the praise and glory of the Creator. . . . Art certainly must be listed among the noblest manifestations of human genius. Its purpose is to express in human works the infinite divine beauty of which it is, as it were, the reflection. . . . the freedom of the artist is in no way restricted or destroyed, but actually ennobled and perfected, when it is made subject to the divine law.

The presupposition that an ecclesiastical composer may not limit himself to a lower level of technical and artistic training than any of his colleagues in the realm of secular music, is in no way minimised when the Pope expounds the need for a religious culture of the soul – not least of artistic persons. If this applies to all artists, it surely applies in a very special way to the religious and the ecclesiastical artist in the real sense of the term, since the only purpose of religious art is to give the faithful the greatest aid in turning their minds piously to God through the works it directs to their senses of sight and hearing. The encyclical gives the reasons for this in the following terms:

Consequently, the artist who does not profess the truths of the faith or who strays far from God in his attitude or conduct should never turn his hand to religious art. He lacks as it were that inward eye with which he might see what God's majesty and His worship demand. Nor can he hope that his works, devoid of religion as they are, will ever really breathe the piety and faith that befit God's temple and His holiness, even though they may show him to be an expert artist who is endowed with visible talent. Thus he cannot hope that his works will be worthy of admission into the sacred buildings of the Church, the guardian and arbiter of religious life. But the artist who is firm in his faith and leads a life worthy of a Christian, who is motivated by the love of God and reverently uses the powers the Creator has given him, expresses and manifests the truths he holds and the piety he possesses so skilfully, beautifully and pleasingly in colours and lines or sounds and harmonies that this sacred labour of art is an act of worship and religion for him. It also effectively arouses and inspires people to profess the faith and cultivate piety. The Church has always honoured and always will honour this kind of artist. It opens wide the doors of its temples to them because what these people contribute through their art and industry is a welcome and important help to the Church in carrying out its apostolic ministry more effectively.

This much is quite clear: piety alone is not enough, art alone is not enough – it is only the combination of both, in proper proportion and balance, which results in an ecclesiastical work of art. “Lumen de lumine,” “light from light” was the pious but graphic phrase used by the mediaeval theorists to describe the relationship of the contrapuntal voices to the *cantus firmus*. JOHN BAPTIST HILBER once pointed this out, and then drew the following conclusion:

For the creative musician, this lumen-de-lumine concept must be the highest formula and the pivotal point of all his work – not merely in music but in the spiritual and religious realm above all. Light from the light of eternity should fall upon his intentions and his intonations, upon scores and keyboard, upon souls and vocal cords, so that they all can weave a part of the magnificent garment of the Deity – and that in bright light!¹

1 J. B. HILBER, Was ist katholische Kirchenmusik?, in J. OVERATH (ed.), Musica Sacra als Lebensinhalt = ACV Schriftenreihe 7 (Bonn 1971) 13/24, here 20.

II

What makes a person an artist is the ability to take thoughts and sentiments which have become an inner experience, and express them in a form perceptible to the senses, a form which is a perfect image of the inner event. In the area of religious experience, the artist's piety is of course extremely important, above all in its nature or character: Is it decidedly individual in nature? or has it been formed by the religious community? It is not enough that a composer of liturgical music possess religious depth in an individualistic sense. A genuine ecclesiastical composer, who desires to serve the liturgy, must also draw from the community spirit of the liturgy in order to accomplish anything for the benefit of the community. In the past, the feeling of religious community had almost disappeared as the result of a one-sided cultivation of individual piety. This is one of the decisive reasons for the periods of decline in the church music of earlier ages. The more the composer of liturgical music is able to penetrate into liturgical community life and into the depths of the praying Church's spirit, the more stimulation he receives while simultaneously deepening and promoting the community itself.

That which all the members of the community think and feel without being able to express in sensibly perceptible form, is precisely what the composer, on the strength of the charism bestowed upon him, and on behalf of all the members of the community, should express in artistic terms through his work of art. Such is the composer's apostolate, of which the Holy Father enthusiastically says in his encyclical:

Therefore when We praised the manifold power and the apostolic effectiveness of sacred music, We spoke of something that can be a source of great joy and solace to all who have in any way dedicated themselves to its study and practise. All who use the art they possess to compose such musical compositions (note that the composers are named before all others!), to teach them or to perform them by singing or using musical instruments, undoubtedly exercise in many and various ways a true and genuine apostolate. They will receive from Christ the Lord the generous rewards and honours of apostles for the work they have done so faithfully. Consequently they should hold their work in high esteem, not only as artists and teachers of art, but also as ministers of Christ the Lord and as His helpers in the work of the apostolate. They should likewise show in their conduct and their lives the dignity of their calling.

III

The encyclical speaks at length of both *liturgical* and *religious* music. The dignity of liturgical music receives special emphasis. At the beginning of this century, ST. PIUS X had already spoken of church music as an "integral part of the liturgy," thus rejecting the widespread view that church music was simply a backdrop, a stage-setting or a framework for the liturgy. Today we are once again conscious of liturgical music's Christological reference. It has become for us the "vox Christi" itself, which intones the New Song of the Redeemed in community with Christ, the *sacerdos et musicus*.

Quite in the spirit of the saintly POPE PIUS, the "precious treasure of Gregorian chant" which is "immediately joined with the Church's liturgical worship" is said to "constitute an almost inexhaustible source from which musicians and composers draw new melodies." Great care is to be taken that it be performed "properly, worthily and reverently," and this primarily

because of its holiness, i. e. its relationship to the Christ-mystery of the liturgy. This "example of true art" should "sound forth without corruption or diminution" in Catholic churches throughout the entire world so that the faithful, wherever they may be, will hear music that is familiar to them and experience in this sign of universality, with much spiritual consolation, the wonderful unity of the Church. Hence it is above all the composer of liturgical music whose sacred duty it is to respect the will of the supreme ecclesiastical lawgiver that the Gregorian chant remain "associated with the Latin words of the sacred liturgy." It is precisely the artistically sensitive ecclesiastical composer who as the professionally qualified guardian of the artistic ideal should be especially watchful here, in contrast to all the inartistic experiments of Gregorian chant in the vernacular.

However, the Holy Father's praise and commendation of Gregorian chant is not intended to exclude vocal polyphony from worship, since

If this polyphonic music is endowed with the proper qualities, it can be of great help in increasing the magnificence of divine worship and of moving the faithful to religious dispositions.

The POPE goes on to point out that during recent decades the works of the old composers "have been carefully studied and proposed as models to be imitated and rivalled by modern composers."

So it is that in the basilicas, cathedrals and churches of religious communities these magnificent works of the old masters and the polyphonic compositions of more recent musicians can be performed, contributing greatly to the beauty of the sacred rites. Likewise We know that simpler but genuinely artistic polyphonic compositions are often sung even in smaller churches.

Finally, in the spirit of earlier papal legislation the Holy Father points out the duty of respecting the liturgical laws, warmly encourages progress in the arts, and mentions among the musical instruments that have a place in church not only the organ, but other instruments as well, among them in first place and for the first time the violin and other stringed instruments played with the bow, so long as they play nothing profane, nothing clamorous or strident and nothing at variance with the sacred services or the dignity of the place.

In this context we should also recall the autograph letter of POPE PIUS XII to the late THEODORE CARDINAL INNITZER on the occasion of the Second International Church Music Congress at Vienna, dated 21 July 1954:

Propriety naturally dictates a becoming respect for traditional church music, but nevertheless the house of God should open its portals to the New, which, following the path of the Golden Age of church music, is composed by gifted artists and animated by a truly Catholic spirit, even though expressed in modern style using contemporary techniques. The goal will be the harmonising of Old and New so that a path is opened for a kind of music which will be pleasing to the Almighty, and make it possible for the faithful to send up their prayers with new spirit, borne aloft on its wings to the throne of the Almighty.

Before concluding our consideration of the individual types of liturgical music, I should like to make public the contents of a letter sent by the papal Secretariate of State to the President-General of the Federated Caecilian Societies on 13 April. The letter summarises briefly the tasks set for German-speaking church musicians:

The encyclical creates the favourable conditions under which the Federated Caecilian Societies, too, can go on working in theory and in practise on the basis of its hallowed tradition, continuing to develop for the benefit of the parishes and congregations. Receptive to the possibilities which present themselves, the agenda of your Federation will primarily consist in the faithful realisation of the papal guidelines, especially regarding the living promotion of Gregorian chant and the polyphonic High Mass, both of these in the language of the Church herself. In addition, the choirs belonging to your Federation will continue to cultivate the vernacular congregational hymn which is so important for popular devotions of all kinds, and which may be used at Holy Mass where the encyclical expressly allows it.

And now I should like to refer briefly to those passages in the encyclical which deal with congregational hymnody in the vernacular.

We are not unaware that, for serious reasons, some quite definite exceptions have been conceded by the Apostolic See. We do not want these exceptions extended or propagated more widely, nor do we wish to have them transferred to other places without due permission of the Holy See. Furthermore, even where it is licit to use these exemptions, local Ordinaries and the other pastors should take great care that the faithful from their earliest years should learn at least the easier and more frequently used Gregorian melodies, and should know how to employ them in the sacred liturgical rites, so that in this way also the unity and the universality of the Church may shine forth more powerfully every day.

Where, according to old or immemorial custom, some congregational hymns are sung in the vernacular after the sacred words of the liturgy have been sung in Latin during the solemn Eucharistic Sacrifice, local Ordinaries can allow this to be done "if, in the light of the circumstances of the locality and the people, they believe that (custom) cannot prudently be removed" (CJC can. 5). The law by which it is forbidden to sing the liturgical words themselves in the vernacular remains in force, according to what has been said above.

Surely these words express with all desirable clarity *the Holy Father's intention* in this matter. It will not do to make an intention of the Holy See out of a very clearly enunciated concession. In the words which follow, the encyclical refutes the objection that the Latin cultic language constitutes a hindrance to pastoral-liturgical efforts:

In order that singers and the Christian people may rightly understand the meaning of the liturgical words joined to the musical melodies, it has pleased Us to make Our own the exhortation made by the Fathers of the Council of Trent. "Pastors and all those who have care of souls" were particularly urged that "often, during the celebration of Holy Mass, they or others whom they delegate explain something about what is read in the Mass and among other things, tell something about the mystery of this most holy Sacrifice. This is to be done particularly on Sundays and holydays" (Council of Trent, sess. 22, de sacrificio Missae, can. 8).

This should be done especially at the time when catechetical instruction is being given to the Christian people. This may be done more easily and readily in this age

of ours than was possible in times past, because translations of the liturgical texts into the vernacular tongues and explanations of these texts in books and pamphlets are available. These works, produced in almost every country by learned writers, can effectively help and enlighten the faithful to understand and share in what is said by the sacred ministers in the Latin language...

Hence We can do no less than urge you, venerable brethren, to foster and promote diligently popular religious singing of this kind in the dioceses entrusted to you. There is among you no lack of experts in this field to gather hymns of this sort into one collection, where this has not already been done, so that all of the faithful can learn them more easily, memorise them and sing them correctly.

This encyclical does not speak about the people taking part in the official Divine Office, but explicit mention is made of congregational hymnody at popular devotions, pious processions, pilgrimages and other religious events. At this meeting, we shall thus have to treat questions of ecclesiastical hymnody in addition to matters concerning the composition of Masses for the liturgy in Latin. Hence our agenda includes the opportunity to discuss both the question of the through-composed congregational hymn and the elaboration of a congregational version for the Hours of the Divine Office featuring psalm hymns.

In this encyclical, the Holy Father stresses *the pastoral importance of religious music* in a manner unique in the history of papal directives on church music.

We must also hold in honour that music which is not primarily a part of the sacred liturgy, but which by its content and purpose greatly aids religion. This music is therefore rightly called religious music. The Church has possessed such music from the beginning and it has developed happily under the Church's auspices. As experience shows, it can exercise great and salutary force and power on the souls of the faithful, both when it is used in churches during nonliturgical services and ceremonies, or when it is used outside churches at various solemnities and celebrations.

The tunes of these hymns, which are often sung in the vernacular, are memorised with almost no effort or labour. The mind grasps the words and the music. They are frequently repeated and completely understood...

We in the German-speaking lands are fortunately rich in religious music. Think of the oratorios, Passion music, motets, the great treasure-trove of ecclesiastical and religious song, the many valuable religious folksongs and art songs. In order to set a new goal for religious music significant in pastoral and paedagogical terms, our meeting agenda includes a lecture on "Sacred Scripture and Sacred Music." Since the last IGK convention at Augsburg featured a presentation entitled "Music in Search of the Poet," we want to seize the opportunity of examining the *Book of Books* more closely, in order to receive from an expert some suggestions drawn from this most precious source of the word and of literary style. Perhaps such suggestions can give new emphasis in Catholic circles to a religious music at the service of proclaiming God's Word.

In conclusion, it may be pointed out that the final passage of the encyclical eloquently stresses the unity of musical life. With these words I should like to conclude my remarks on "The Encyclical and the Composer."

It is Our hope that whoever in the Church supervises and directs the work of sacred music under your leadership may be influenced by Our encyclical letter to

carry on this glorious apostolate with new ardour and effort, generously, enthusiastically, and strenuously.

Hence, We trust that this most noble art, which has been so greatly esteemed throughout the Church's history, and which today has been brought to real heights of holiness and beauty, for its part may produce this auspicious effect: that with stronger faith, more flourishing hope and more ardent charity the children of the Church offer in their sacred edifices the praises due the Triune God, expressed in worthy forms and with melodious songs.

May it produce even outside the walls of churches – in Christian families and gatherings of Christians – what St. Cyprian so beautifully wrote to Donatus, “Let the sober banquet resound with Psalms. And if your memory be good and your voice pleasant, approach this work according to custom. You give more nourishment to those dearest to you if we hear spiritual things and if religious sweetness delights the ears.”²

2 ST. CYPRIAN, *Epist. I ad Donatum*, 16: CSEL 3 (1868) 16 11. 8/14 HARTEL.

Bequest and Commission

90th Anniversary of the Cologne Archdiocesan Caecilian Federation

JOHANNES OVERATH

In the Archdiocese of Cologne, both clergy and laity have always been very interested in the noble task of *Musica sacra*. This is made plain not only by the attendance at today's celebration, but also through a glance at the chronicle of the Cologne Archdiocesan Caecilian Federation.

The Archdiocesan Federation recalls its foundation ninety years ago, and in so doing casts a backward glance at the last hundred years of church music history. There are two reasons for this: first of all to recall in gratitude our spiritual forebears, and secondly in order to reflect *in the spirit of this tradition upon the tasks posed for sacred music in the present*.

The Regensburg reform movement of WITT found relatively early acceptance in our diocese. It was in 1869 – only a year after FRANZ XAVER WITT established the Allgemeiner Deutscher Cäcilien-Verein – that FRIEDRICH KOENEN, at that time conductor of the Cologne Cathedral Choir, laid the groundwork for a diocesan Caecilian Society which blossomed rapidly and was successfully established even in the remotest deaneries and the smallest parishes of the old Archdiocese.

Archbishop PAULUS MELCHERS took a particular interest in the young organisation. As early as 2 December 1868 he approved for the Archdiocese of Cologne the statutes of the Allgemeiner Deutscher Cäcilien-Verein which had been founded at Bamberg in that year. Furthermore, he was one of the 29 bishops from the German language area who on the occasion of the Vatican Council signed a petition requesting POPE PIUS IX to grant official ecclesiastical approval to the Allgemeiner Deutscher Cäcilien-Verein. The Holy Father granted this request on 16 December 1870 in a special *breve*, “*Multum ad movendos animos*,” which made of WITT's private initiative an ecclesiastically commissioned “*Associatio*” of pontifical law.

In addition to Regensburg, Cologne too may be regarded as the place where church music renewal was born.

In view of the limited time at our disposal, permit me to select from the history of the Archdiocesan Caecilian Federation only three important events upon which to comment:

1. the awakening and animation of church choirs by the first diocesan President, FRIEDRICH KOENEN.
2. the introduction of the Vatican chant editions during the pontificate of St. Pius X by the second diocesan President, CARL COHEN.
3. the first steps toward surmounting Caecilianism under the third diocesan President, JOHANNES MÖLDERS.

In the years which witnessed the establishment of the Archdiocesan Caecilian Federation, the idea of a reform of church music was already half a century old in the Rhineland. As a result of these efforts, which were made the guidelines for church music work by the Provincial Council of Cologne in 1860, the Cologne Cathedral Choir was re-established in 1863 and the then 34 year old assistant FRIEDRICH KOENEN was placed in charge by Cardinal VON GEISEL. From the

very beginning of his term as cathedral choirmaster, KOENEN cultivated close contacts with the men of the Regensburg reform circles. Hence it was but natural that the constituent assembly of the Diocesan Caecilian Federation elected him as first diocesan President in 1869.

I

TWO of FRIEDRICH KOENEN's closest collaborators from the very beginning were FRANZ NEKES, who functioned as secretary of the Diocesan Federation, and HEINRICH BÖCKELER, who in 1881 succeeded in establishing the first church music conservatory in the Rhineland: the St.-Gregorius-Haus at Aachen. And in the spirit of the guidelines laid down by the Cologne Provincial Council, joint efforts were concentrated upon Gregorian chant and classical polyphony. The greater part of the burden was borne by enthusiastic teachers interested in church music, and by church musicians, organists and choirmasters trained in BÖCKELER's school. It was precisely the cooperation of the teachers which made possible the establishment of boy choirs in comparatively many parish churches. These groups not only performed the Gregorian chants but they also furnished the unchanged voices for the treble parts of polyphonic pieces. Since the Cologne Provincial Council had strictly forbidden mixed choirs which included female voices, it was only natural that wherever it was not possible to establish boys' choirs, male choruses multiplied in parish churches. The result was that on the one hand compositions for male chorus, of course written in the so-called "exclusively valid ecclesiastical style," gained more and more ground, indeed, works of classical polyphony were even arranged for mens' voices. And on the other hand, the classical works for mens' and boys' voices were performed relatively more seldom. In 1913, the *old Archdiocese* boasted 833 choirs made up of 18,207 men and 8,316 boys. (In the Archdiocese today: 18,130 male voices, 16,660 female voices and 3430 boys' voices.)

In spite of all the admitted artistic limitations, the result taken as a whole is quite respectable, even though it cannot be disputed that the number of purely male voice choirs was by far the greater, especially in the smaller parishes. These developments were favoured and strengthened by PIUS X's *Motu proprio* "Inter pastoralis officii," which in the meantime had been declared the juridical code of church music. Of course, this document forbade the participation of women's voices in church choirs for the universal Church.

The Great War ineluctably led to a change in the choral situation. Male choruses which were no longer able to exist were in many cases replaced by female choirs. The number of boys' choirs also continued to shrink, and hence the Cologne Diocesan Synod of 1922 was forced to renounce a contemplated prohibition against the formation of female choirs. In his address to the annual meeting of the Archdiocesan Caecilian Federation at Neuß in 1926, Cardinal SCHULTE described the situation of church choirs at the time, and simultaneously interpreted the legislation in our Archdiocese. In doing so, His Eminence expressly referred to the fact that because of the strict rules of the Cologne Provincial Council, the majority of parish choirs could only be made up of mens' voices. Here are Cardinal SCHULTE's exact words:

What this limitation meant in artistic terms of regression and a lowered level of achievement, I need not explain at great length to real church musicians who know how little church music for male chorus possesses any real artistic value. It is quite impossible in such a situation to speak of performing any kind of classical poly-

phony at all. As a matter of fact, during the course of the past decades the differences between a church choir and a secular glee club have become almost obliterated among us, in a most depressing manner. This implies no reproach against the zeal and the relatively high level of many performances by male choruses. . . . May the confusion and uncertainty which resulted from the different types of church choirs and which harmed church music itself, finally come to an end in our Archdiocese! The motto for our situation can only be: Establish church choirs in which the boys' treble voices are not lacking.

In recent years, the directives of POPE PIUS XII have ended the discussion regarding the make-up of church choirs. The most recent papal statement on church music, the Instruction of the Sacred Congregation of Rites dated 3 September 1958, states that "It is highly desirable that cathedral churches and at least the parish churches or other ones of major importance, have their own permanent musical choir or schola cantorum, i. e.: a choir of mens' and boys' voices. But where such a choir cannot be established, the organisation of a choir of the faithful is permitted, whether this be a mixed choir, or entirely of women, or of girls only." It is expressly required that such a choir must have its place outside the sanctuary or communion rail.

But in spite of everything, the Church's wish has remained the same: "to promote by all possible means the musical education of boys." Quite apart from the constant traditions of the Church, it is precisely the music of the old classic composers themselves which was conceived and written expressly for the voices of the "pueri cantores," and through their vocal charm, boys' voices are able to awaken more enthusiasm for true devotion and real prayer than any other type of vocal ensemble, no matter how highly trained it may be.

This desire of the Church, however, will only be able to be fulfilled correctly if all the necessary preconditions are first of all created. These include not only the corresponding training of our church musicians for this special task, but the cooperation of our Catholic elementary school teachers as well, as far as they are in a position to help at all these days. And another precondition is the establishment of public singing schools or musical secondary schools organised on the pattern of the mediaeval choir schools, such as exist today at only two cathedrals in all of Germany.

II

We turn now to a second event in the history of the Diocesan Caecilian Federation: the introduction of the new chant during the pontificate of ST. PIUS X by the second diocesan President, CARL COHEN. Who can forget his efforts on behalf of introducing the Vatican chant editions, especially the chant courses which he organised at so many places in the Archdiocese! The Cologne Chant Course of 1910 was a pioneer effort which bore fruit far beyond the boundaries of the diocese and won many friends for the reforming work of ST. PIUS X, indeed placed it upon solid footing in our Archdiocese. Among the lecturers at that Course was one of the members of the Pontifical Commission, the famous chant scholar Prof. PETER WAGNER from Fribourg.

In our part of Germany, the chant reform of PIUS X encountered serious difficulties, which do not need to be described here in detail. The Archbishop of Cologne, ANTONIUS CARDINAL FISCHER, had published as early as 6 May 1909 a decree on the introduction of the Vatican Gradual in which he expressed the wish "that the Caecilian Society, which has done so much for sacred

song in Germany, will take pride in joining ranks behind the Holy Father, following his wishes and directives in every respect.”

In cooperation with the Düsseldorf church music publishing house of L. SCHWANN, diocesan President COHEN provided for the SCHWANN editions of the authentic Roman chant, which later became internationally famous.

Here, it should first of all be emphasised that in all ecclesiastical directives, Gregorian chant is given pride of place over all other types of music at worship.

Gregorian chant, which is supposed to be used at the liturgical offices, is the sacred song of the Roman Church. The Church has watched over the chant with assiduous diligence, according to ancient and venerable tradition, arranging it and singing it even today according to the copies which correspond to the ancient tradition. The Church regards her chant not only as the actual musical expression of her praise of God, but in the words of ST. PIUS X as “an effective means of pastoral care.”

POPE PIUS XII called it “cantus sacer, Ecclesiae Romanae proprius et principalis,” property and principal song of the Roman Church. In the multiplicity of its forms, Gregorian chant is *more liturgy than music*. Its supreme artistic position lies in the fact that in the chant, music and liturgy form an organic unity. Hence its essence must not be grasped merely as music or art, but rather precisely as liturgy. Chant is not a beautification, a decoration of the liturgy – it is liturgy itself, turned into sound. In his most recent book “A Composer’s World,” at pp. 134 ff. PAUL HINDEMITH emphasises the outstanding liturgical and artistic value of Gregorian chant:

Take one of the more florid melodies, such as those sung at Easter time or on Whitsunday, which will doubtless be considered by every musician of any taste the most perfect, the most convincing one-line compositions ever conceived. Of course in order to fully understand their overwhelming linear power, you cannot restrict yourself to just reading or hearing them. You must participate in singing these melodic miracles if you want to feel how they weld the singing group into a spiritual unit, independent of the individualistic mannerisms of a conductor, and guided only by the lofty spirit and the technical excellence of the work.

And so it is quite understandable that the Instruction of 1958 expressly protects Gregorian chant in a threefold way:

1. through the safeguard of the Latin liturgical language in general, without considering the way in which it is set to music;
2. through the safeguard of the Latin language for the chant in particular, and
3. by protecting the Gregorian melodies themselves.

Gregorian chant must be the fountain of youth in which church musicians and choir singers should repeatedly immerse themselves, since it is after all the standard for all cultic music of the Roman church. And one need not fear that an all too zealous study of Gregorian chant will call forth a *reactionary state of mind*. There are works of art which, when they have passed a certain point, no longer grow older but become younger. Thus there was a time when BACH’s St. Matthew Passion was old. Today, it is no longer old – for us it is simply beyond time and space. And this also explains the curious paradox that the study of such works of art can never tend in any *direction* but that of *healthy progress*. This applies in a very special way to Gregorian chant. If Gregorian, which grew up simultaneously with the liturgy, represents the ideal of all church music, then every other kind of music is the more liturgical, the more it allows the *Gregorian*

spirit to come alive once again. In other words, the attitude is decisive, not the style or its musico-technical possibilities.

In the present, we are faced with two tasks regarding Gregorian chant:

1. to faithfully guard and cultivate the bequest of St. Pius X, placing it in the service of liturgical piety.

2. Above all, may the heart's desire of this holy Pontiff come to fulfillment: that the chant, insofar as it pertains to the people, be given back to the people!

But of course today it has become almost proverbial that Gregorian chant in Latin, indeed the liturgical language of Latin in general is simply unintelligible, that this circumstance is the great obstacle to popular participation in the liturgy, which St. Pius X, the great renewer of the chant, wanted to promote through the singing of chant. Nevertheless, it is claimed that the Latin liturgical language, which the universal Church retains for the sake of unity in cult and creed, makes real participation of the people impossible. People cannot participate in something which they do not comprehend. The statement appears quite attractive, and one could almost assume it were beyond all discussion – if it were not for the fact that the liturgy itself corrects the statement – by allowing us to participate in things which we do not comprehend but must simply believe! *Praestet fides supplementum sensuum defectui*. In any event, we must admit that it is a completely different matter when we are dealing with the sacramental signs of salvation, or with the word which is to prepare for the reception of Holy Communion. For all that, here one should not overlook

1. the fact that the Universal, which links peoples and nations together, is a value which should not be abandoned, and

2. the fact that helps and bridges are available in sufficient numbers to lessen any difficulties which may actually exist.

No one of good will is excluded from the meaning of the liturgy. Such persons are certainly less so than our forebears in the faith, of whom however it is claimed that they lived their lives without any real and direct contact with the liturgy. But in actual fact they loved their Church, and lived out the “Year of the Lord” much more intensively than many of us. They knew the meaning and the names of the Sundays, the festivals and seasons of penance, they knew many of the daily Gospels from memory, were at home in the lives of the daily saints – and all of this without Latin and without a German liturgy – *simply because it all concerned them, and because they allowed it to concern them*.

Accordingly, contemporary difficulties of liturgical participation lie somewhat deeper. And they will not be automatically removed by merely proclaiming the texts in the vernacular. Even today, proclamation in the real sense of the term is a matter of education, catechesis and preaching. It appears to me as though the real reason is a general change in life styles: perhaps there is a lack of *faith* and *charity*, of *hunger* and *thirst* for salvation and justice, of concrete *realisation* of Christianity and parochial life. Only such soil can bring forth new sprouts, new harvests, new forms of expression which prove themselves genuine through inner necessity and unity. We do not have them as yet, and that is reason enough to continue cultivating the genuine, traditional creations of liturgical music, to leave their unity untouched, and to listen to their heartbeat in word and deed, even if these works present some difficulties to our understanding.

For it is surely good that there exist depths which one cannot penetrate completely at first glance, and values for whose possession it is quite worthwhile to expend much effort, *indeed to*

change one's life. Every Roman Catholic priest must be firmly convinced that *obedience always brings God's blessing.* It makes the heart calm and peaceful, and enables us to discover God's will. Obedience prevents unreflected anticipation and that haste which destroys more than it edifies; it forestalls the interference caused by the human desire to dominate, which falsifies so much that is good. Accordingly, if some clerical and lay circles within the Federated Caecilian Societies for the German language area display a certain reserve toward individual liturgical excesses, and are of the unanimous opinion that one should not merely call attention exclusively to the *concessions* made by the Holy See in the German language area, but should work according to the real *intentions* of the papal directives, then this is due to genuine love and concern for the pastoral-liturgical reforms of St. Pius X and his successors on the Chair of Peter, all of whom up to the present have always appealed to the sainted Pope of our century in this question.

III

The third important event in the history of the Cologne Archdiocesan Caecilian Federation is not so much the reorganisation following the Great War, but rather the fact that the then diocesan President Prof. JOHANNES MÖLDERS knew so well how to incorporate into the work of the Diocesan Federation and thus render possible the effective development of the new creative talents which had gathered primarily around the composer Prof. HEINRICH LEMACHER in the so-called "Cologne School" of composers. But in saying this we by no means want to overlook those musicologists and educators at the Cologne Conservatory to whose efforts the archdiocesan organisation is so deeply indebted: the chant scholar and cantor Fr. DOMINIKUS JOHNER O. S. B. from the archabbey of Beuron; then the talented interpreter of ecclesiastical music, musicologist Dr. WILHELM KURTHEN; and finally the important music educator EDMUND JOSEF MÜLLER.

In the Rhineland, during the 1920's, in addition to cultivating Gregorian chant and classical polyphony, a great deal of interest and understanding was shown toward *contemporary church music*, especially that new church art for which ANTON BRUCKNER and MAX Reger had prepared the way. As a result, in the Diocesan Caecilian Federations of Cologne and Aachen the so-called "Caecilianism" was already overcome, and with it the spirit of the Caecilian Society's catalog or "white list," both of which can only be understood in light of the intellectual and cultural conditions of their time. Of course, we may not overlook the fact that compositions valuable in their own way were also produced by some of the representatives of the strict "Caecilian" tendency.

With this in mind, it is easy to understand why from the very beginning there was much more than mere close contact between leading church musicians of the Rhenish Caecilian Federations (HEINRICH LEMACHER, KASPAR ROESELING, HERMANN SCHROEDER, HEINRICH WEBER – to mention just a few – and of course THEODORE BERNHARD REHMANN, cathedral choirmaster and diocesan President in Aachen) and the "International Society for the Renewal of Catholic Church Music" (IGK = Internationale Gesellschaft zur Erneuerung Katholischer Kirchenmusik), which held its first convention at Frankfurt in 1930. In point of fact, these Rhenish composers actually enkindled a particular kind of fundamental change in church music. And so, during the intellectual reconstruction which followed the Second War, it proved possible for these men to merge the IGK with the Allgemeiner Cäcilien-Verband in 1956, thus uniting all talents in order to guarantee in future the unity of *Musica sacra* (be this liturgical or religious music), while cultivating and promoting all of music's powers to heal and to sanctify life.

Musical development has not remained at a standstill. The Allgemeiner Cäcilien-Verband has no intention of isolating itself from the stream of life and ongoing development. The organisation will be forced to reject all decadent imitation as dishonest and uncreative – as it is in any art. On this point, the encyclical “Mediator Dei” of Pius XII has the following to say:

It cannot be said that modern music and singing should be entirely excluded from Catholic worship. For, if they are not profane nor unbecoming to the sacredness of the place and function, and do not spring from a desire of achieving extraordinary and unusual effects, then our churches must admit them.

And in 1954 POPE PIUS XII wrote to the Second International Church Music Congress at Vienna:

Propriety naturally dictates a becoming respect for traditional church music, but nevertheless the house of God should also open its portals to the new, which . . . is composed by gifted artists in a true Catholic spirit, though with modern means of expression and contemporary technique.

Throughout the contemporary discussion regarding dodecaphonic techniques, serial music or pointillistic compositions, the church musician possesses a very precious norm: *the binding link with the human voice, the connexion with living human beings singing in the presence of the Lord.*

PAUL HINDEMITH, who is not a church musician, in fact rejects the so-called “twelve-tone” technique (“A Composer’s World”):

These construction rules have been set up arbitrarily and are not based upon musical facts of any kind. This technique is not willing to accept as a standard either the physical affinity of musical tones or the *varying degrees of difficulty in vocal polyphony*, much less other facts of natural musical solidarity or proven usefulness. The technique is to be rejected, at least as long as we want to preserve music from total mechanisation and *to maintain the equal rights of the human voice.*

Of course the day is long since past when people erroneously believed that there were, absolutely considered, such things as “churchly” or “unchurchly” chords. Comparison with the contemporary style of secular music reveals obvious parallels: the richness of dissonances over great arches of tension resulting from the priority of linearity and polyphony, free treatment of dissonances, harmonies without a clear tonal centre and free-rhythmic shapes, exclusion of functional major-minor harmony, expansion of tonality.

Without cutting itself off from the general development of music, church music retains its firm position in the midst of novel experiments by insisting upon the link with the human voice. It is in this direction that composers will have to seek a contemporary expression in their works, even in those for modest and very modest circumstances.

These and other questions affecting church music today must first of all be treated at the supra-diocesan level. And only thereafter can the detailed work begin at the diocesan level. So it was that in the years since the Second War a number of questions were carefully considered in the Allgemeiner Cäcilien-Verband, especially *the pastoral care of church choirs*, because music without a soul cannot sing God’s praises. But in its very essence, church music is the praise of God, and hence the Church must show a genuine pastoral concern for its choirs, so that they can sing not only wholeheartedly but with their whole soul. Closely related to this is the question of

the musical education of future priests, which is still lacking a suitable textbook conceived from the viewpoint of the future pastor of souls. For some three years, a study commission within the Allgemeiner Cäcilien-Verband has been working to close this gap. And there are other problems as well: questions related to the rise of mechanical and electronic music, and connected with this questions dealing with bells and the construction of pipe organs; questions about the role of church music in contemporary cultural life, especially *the proclamatory role of religious music* in this context; questions of church music publications at the service of scholarship and practise; and above all questions raised by the efforts at liturgical renewal. Here we are confronted with important tasks, such as the active participation of the congregation at High Mass (this morning in the cathedral we acquainted ourselves with some of the results of these efforts!) and the musical shape of the participated Low Mass. It is precisely in this last area that the *penetration of musical dilettantism* must be prevented; it is here and there connected with an ill-concealed indolence regarding the art of church music and hence also toward church choirs.

It is the duty of *church musicians* to administer wisely both the immense and magnificent inheritance of an art-filled past, and the honourable creation of ecclesiastical art in the present. Are people still aware that the praises of God throughout the Christian centuries, filled as they are with the highest art, from Gregorian chant up to the present, actually represent the most glorious gallery of sounds belonging to the praying Church? Is all of this to disappear in the tireless experimentation of the present age, which is in any event quite thoroughly confused as it is?

The art of church music must be taught and learned. It is necessary to achieve and to maintain a correct point of view and a valid appraisal in the midst of the confusing polemics and the pseudomodern amateurism of our time. The Church may not degenerate into a laboratory for experiments.

One does not become a church musician by oneself. Instead, called to this high vocation out of religious motives, the church musician must pass through a varied and strenuous training.

And amidst all of this, whether at the diocesan or supra-diocesan level, it must remain quite clear that it is not the organisation alone which fulfills these church-musical tasks, but rather the *individual personality*. An organisation can merely arouse a feeling of togetherness, on the basis of such fellowship work out common guidelines and suggestions, and give to the individual support and ideals for his efforts. Organisation for its own sake is pointless, even when such a tradition may be present. *The pre-condition for any serious work* in Church music is in an inward direction the deepening of a church musical consciousness, of a sense of responsibility for liturgy and art, and of the experience that in the case of church music it is not a matter of abstract artistic questions but rather *always* a matter of *man and his prayer to God*. From this then there will naturally result a responsibility for Christian art within the general intellectual and spiritual life of our own day. All of this can be summarised in a sentence of the founding father, FRANZ XAVER WITT: "We desire nothing other than to promote the practical application of that which the Church herself has commanded regarding music, and which she justifiably expects as a contribution by sacred music to her apostolate."

The Office of the Church Musician:

A genuine Apostolate

JOHANNES OVERATH

The Church's Instruction on Sacred Music and the Sacred Liturgy of 3 September 1958, which has been announced as the subject of this paper, may fairly be regarded as a summary of all the ecclesiastical directions issued during the past two decades on the subject of *Musica sacra*. The 118 articles of this final document published during the pontificate of Pius XII contain concrete rules for practise ultimately derived from the two great encyclicals of Pius XII "Mediator Dei" on the sacred liturgy (1947) and "Musicae Sacrae Disciplina" (1955) on sacred music. Unfortunately, a whole series of lectures would be required in order to discuss these fundamental documents in detail.

Let us therefore concentrate our attention today upon the basic ideas of these ecclesiastical pronouncements, namely:

1. *the theological position of church music, and its theological dignity; and*
2. *the significance of liturgical and religious music in the Church's apostolate which flows from its theological position and dignity.*

I

Church music, the church musician and the creation of church music all receive their lofty dignity from that eternal and unchangeable law which commands, in the words of the encyclical *Musicae Sacrae Disciplina*, "that man himself and all his actions should manifest and imitate, so far as possible, God's infinite perfection for the praise and glory of the Creator." (II)

The meaning of all creation is to imitate and glorify God.

That which is created – whether it belongs to the reign of pure matter, as the sea or the mountains; or to the realm of organic life, as the plant and animal; or to the sphere of spiritual things, as a work of art, a cultural epoch, a community, or the spiritual person itself – exists only in order to imitate and glorify God inasmuch as it fulfills the divine idea in its regard and simultaneously unfolds the fulness of values to which it is ordained. For all values – goodness, beauty, the mystery of life, the noble light of truth, and even the dignity of being as such, as opposed to nothingness – all these are rays which radiate from God's being, Who is all holiness. Whatever is good and beautiful, all that possesses a value, is a reflection of His eternal light and imitates God according to its own fashion.

All these values are not only like a dew falling from heaven but also an incense rising to God. For by this very token, to be a value is to be a glorification of God. Whatever is, praises God through that inner preciousness which marks it as having been drawn out of the indifferent...

Man alone can make a conscious response to God's endless glory. He must first of all respond to each value as a reflection of God with joy in that which has a value, with enthusiasm, respect, love; and above all he must adoringly love and lovingly adore God, Who is the fulness of all values. For this glorification of God

voiced in loving adoration represents quite a new dimension of glorification, a different degree of reality, as new as the personal being of the Subject being awakened and penetrated with lucid consciousness, and radically different from that of all impersonal being. The ultimate dignity of man consists precisely in that he can consciously adore and glorify God.¹

Considered under this aspect, all art – but especially the art of religious music – deserves its high position and is justifiably called “God’s granddaughter.” This renders art fit to occupy an important place in the worship of God.

Accordingly, it necessarily follows that the Church is keenly aware of her co-responsibility for art, though she is not concerned with technical or merely aesthetic questions. But the Church un masks the so-called “art for art’s sake” point of view – which allows art to be practised for its own sake – as a degrading error, thus leading the artist away from that pseudo-freedom which refuses to recognise any moral or religious restraints upon artistic inspiration and indeed views such restraints as bonds which hamper artistic creation. Instead, the Church leads the artist toward that true freedom which is aware of man’s ultimate goal – of God, in Whose service art comes into its kingdom.

This is why the art of church music has always been considered an integral part of Christian worship, and has travelled a long path toward perfection throughout the centuries. Though the journey was sometimes slow and arduous, sacred music has gradually progressed to a high degree of perfection, “namely from the simple nobility of the Gregorian melodies to great and magnificent works of art, to which not only the human voice, but also the organ and other musical instruments add dignity, majesty and a prodigious richness.”

Thus *Musica sacra* is “a fiery tongue of the Holy Ghost.” In the language of music she still proclaims today the Word of God as a beacon for our footsteps, the law of God as the rule of our conduct, the very heavens of God as the goal of our earthly pilgrimage. Sacred music desires to lead to God: it is one of the magnets with which God desires to draw all things to Himself. Therefore *Musica sacra* can only be a language of love, which will be understood by all men, no matter what barriers, linguistic or otherwise, may separate them.

II

The church musician serves the fulfillment of this exalted task. . . . In the ecclesiastical directives this service is correctly termed an *apostolate*.

All who use the art they possess to compose such musical compositions, to teach them or to perform them by singing or using musical instruments, undoubtedly exercise in many and various ways a true and genuine apostolate. They will receive from Christ the Lord the generous rewards and honours of apostles for the work they have done so faithfully. Consequently they should hold their work in high esteem, not only as artists and teachers of art, but also as ministers of Christ the Lord and His helpers in the work of the apostolate. (Musicae sacrae II)

In the Church of Jesus Christ there are many types of apostolic activity. But Christ Himself is wellspring and archetype of every kind of apostolate. Christ handed on His mission as the

1 D. VON HILDEBRAND, *Liturgy and Personality* (New York 1943) 11/13.

Apostle sent from the Father into the world. From the moment that this mission was handed on, there have been men called by God to this apostolic service, which desires nothing other than to cooperate in God's loving concern for men, which is ultimately the concern that God be glorified in all things. All Christians are called to share in this concern, and to continue Christ's apostolic work among all peoples and in every age. In virtue of the universal priesthood, the artist, the church musician and the choir member – each of whom has been incorporated into Christ through Baptism – is also called to perform those general acts of worship which are included in the vocation of every child of God. Regardless of the variety of activities in which the priesthood of the laity can be expressed, all of them participate in the threefold apostolic mission of the Saviour: in His preaching, His priesthood and His function as shepherd. Unless it shares in this threefold mission, the apostolate of church music can neither be correctly evaluated nor indeed exercised.

1.

As “servants of Christ and fellow-workers in His mission” both the creative and the practising church musician take part in *the preaching and teaching mission of Christ*. Musica sacra, too, is called to pass on to all peoples and all ages Jesus Christ as the eternal Word uttered by the Father into the world, to allow Jesus Christ to shine resplendent as the light of knowledge, and to allow Him to resound as the reflected splendour of God's glory in rhythm and sound. In this way, church musicians and choir singers proclaim *Christ* and *His message* with the resources of musical art. Because she is “nobilissima atque ingenua ars,” music of all the arts can do this most forcefully.

In the art of *liturgical* music God's Word experiences an expression which is capable of stirring and deeply affecting the whole man. It is God's Word and the Church's, sanctified through the faith and the love of the centuries. In the Kyrie, whose strains span the centuries separating the early days of the Church from our own, the church musician confesses his firm faith in Christ the Lord: Christos Kyrios. He is privileged to bear the angelic message of Bethlehem onward through the ages in the Gloria. The Credo of apostles and councils takes shape and form through his lips. To him is entrusted the Sanctus which Isaias had already heard in his visions. With the Benedictus he greets the Lord in words which, as the Saviour Himself said, the very stones would cry out, were the disciples to weary of them. And in the Agnus Dei he points, as did the Beloved Disciple, to HIM Who alone is able to take away the sins of the world. A great many similar examples could be cited out of the fulness of the Church's liturgy!

Furthermore, even *religious* music can serve the proclamation of the faith. the encyclical of 1955 specifically emphasises that also such music is to be held in honour

which is not primarily a part of the sacred liturgy, but which by its content and power greatly aids religion. This music is therefore rightly called religious music. The Church has possessed such music from the beginning and it has developed happily under the Church's auspices. As experience shows, it can exercise great and salutary force on the souls of the faithful, both when it is used in churches during non-liturgical services and ceremonies, or when it is used outside churches at various solemnities and celebrations. (Musicae sacrae II)

And as a matter of fact, performances of religious oratorios, Passion music, “spiritual concerts” and Hausmusik are of great pastoral significance. For instance, how many people today never hear a sermon on the Passion except when they listen to a Passion of J. S. BACH?

In this context, special emphasis must also be placed upon the *proclamatory function of the vernacular congregational hymn*.

The tunes of these hymns, which are often sung in the language of the people, are memorised with almost no effort or labour. The mind grasps the words and the music. They are frequently repeated and completely understood. Hence even boys and girls, learning these sacred hymns at a tender age, are greatly helped by them to know, appreciate and memorise the truths of the faith. Hence they also serve as a sort of catechism. These religious hymns bring pure and chaste joy to young people and adults during times of recreation. They give a kind of religious grandeur to their more solemn assemblies and gatherings. They bring pious joy, sweet consolation and spiritual progress to Christian families themselves. Hence these popular religious hymns (Volksgesänge) are of great help to the Catholic apostolate and should be carefully cultivated and promoted. (*Musicae sacrae* II) ... Those in charge of the religious instruction of boys and girls should not neglect the proper use of these effective aids. Those in charge of Catholic youth should make prudent use of them in the highly important work entrusted to them.

(*Musicae sacrae* III)

What St. Peter in his first Epistle (2/9 ff.) so enthusiastically testifies regarding the universal priesthood applies as well to the proclamatory mission of *liturgical and spiritual-religious music* in all of its primordial freshness and power: "You are . . . a chosen priesthood. You should proclaim his wondrous deeds, who hath called you out of darkness into his marvellous light."

2.

Because of its participation in the prayer and sacrifice of Christ, sacred music actually acquires a *priestly duty*. The more intimately it is connected with the altar, the greater the dignity and force of *Musica sacra*. As liturgical musical art it is, according to the Catholic conception, a part of the "public worship which our Redeemer as Head of the Church renders to the Father, as well as the worship which the community of the faithful renders to its founder, and through Him to the heavenly Father" (*Mediator Dei*, 1947). Sacred music indeed enters more intimately into divine worship than many other liberal arts, such as architecture, painting and sculpture, since it has an important place in the actual performance of the sacred ceremonies and rites themselves. In the process, sacred music should enliven the liturgical prayers of the Christian community and render them more fervent.

The dignity and lofty purpose of sacred music consists in the fact that . . . it should make the liturgical prayers of the Christian community more alive and fervent so that every one can praise and beseech the Triune God more powerfully, more intently and more effectively. The power of sacred music increases the honour given to God by the Church in union with Christ, its Head. Sacred music likewise helps to increase the fruits which the faithful, moved by the sacred harmonies, derive from the sacred liturgy. These fruits, as daily experience and many ancient and modern literary sources show, manifest themselves in a life and conduct worthy of a Christian. St. Augustine, speaking of chants characterised 'by beautiful voice and most apt melody,' says: 'I feel that our souls are moved to the ardor of piety by the sacred words more piously and powerfully when these words are sung than

when they are not sung, and that all the affections of our soul in their variety have modes of their own in song and chant by which they are stirred up by an indescribable and secret sympathy'. (St. Augustine, Confessions 10/33 = MPL 32/799 ff.; *Musicae Sacrae* II)

On the basis of what has been said thus far, it is more than understandable that the encyclical of Pius XII and above all the Instruction of 3 September 1958 expound anew the artistic and liturgical *pre-eminence of Gregorian chant*. It is expressly ordered that the chant be most widely used in the performance of the sacred liturgical rites, and that it be performed properly, worthily and reverently. Finally, it is the Church's desire that the Gregorian chant remain closely connected to the Latin words of the sacred liturgy.

In order that singers and the Christian people may rightly understand the meaning of the liturgical words which are clothed in musical melodies, the encyclical recalls the ecclesiastical prescriptions which enjoin the explanation of the liturgical texts in sermons and catechetical instructions.

Although Gregorian chant receives high praise and commendation, special emphasis is placed upon polyphonic church music, which is not to be excluded from the rites of the Church. Ancient and modern polyphony arising out of the spirit of the liturgy is recommended. In addition to the organ, stringed instruments are capable of being admitted to liturgical use. The rich treasury of liturgical song should not only be preserved and protected against destruction but also against any diminution and deterioration.

The privileged position of church music within the sanctuary of the liturgy makes the church musician and the choir singer into an instrument of Christ: through Christ he offers up spiritual sacrifices, acceptable to God (1 Pet 1/6); he makes audible to his fellow men the "voice of Christ" as the glorification of the Father which echoes through the ages in the liturgy of the Church. Church musicians and choir members comply with the admonition of the martyr-bishop Ignatius of Antioch (Ephesians 4/2): "Take your pitch together from God, and sing with one voice through Jesus Christ to the Father, that He may hear you!"

This is surely the distinctive characteristic of the liturgico-musical apostolate: to sing one's prayer and to pray one's song. Only he is capable of such an apostolate, who takes to heart the motto of St. Augustine: "Cantare amantis est – love breaks forth in song." The Saint is referring to that love for Christ which expresses itself in joy and emotion, in readiness and zeal; he means the state of being so "filled up" with Christ that one simply cannot remain silent and alone, but desires to – indeed, must! – overflow in song.

The prayerful character of *Musica sacra* demands of liturgical music and of the church musician the ultimate in authenticity: artistic ability plus religious conviction. A purely natural talent, be it musical, artistic or vocal, does not suffice to qualify us for this service of prayer. The pre-condition of this liturgico-musical apostolate is rather a living relationship with Christ.

This prayerful character of *musica sacra* plainly imposes a serious obligation upon the church musician – if the singing of our church choirs is not to sink to the level of a mere "music-making event" and the "*munus liturgicum*," the liturgical office, is not to become something lifeless.

Only he who prayerfully strives, in the spirit of the prophet Isaias, for the cleansing of his own heart and lips may dare to enter into the service of the singing and praying Christ, and to become an *instrumentum Christi*.

Finally, it is as instructress and moulder of the community that church music also shares in Christ's function as shepherd. Wherever a church musician or a church choir is conscious of the fact that his office is Christ's service, there will always be present a sense of commitment to the ecclesiastical community. Although a church choir is capable of *helping form a sense of community* in parish life even beyond the framework of the liturgy, it is nevertheless the liturgical community service which must take precedence, in the spirit of St. Paul: "In all wisdom teach and admonish one another by psalms, hymns and spiritual songs, singing in your hearts to God..." (Col 3/16).

The educational effects produced by church music in the entire musical life of the Western world would be difficult to overestimate. In terms of music history alone it would be a simple matter to prove the truth of JAKOB BURCKHARDT'S statement that cult or worship and religion are the pre-condition for every culture. And, one may add: of a healthy musical culture as well. In its educative and formative influences upon the musical life of the Western world, the cultic music of the Church of Jesus Christ represents a core element of Western culture.

And today, in an age of the increasingly menacing predominance of mechanical reproduction of music on radio and television, on records and on tape, a very special cultural task devolves upon church music precisely because it appears that church edifices are rapidly becoming the only places in which elementary singing and music making take place. Furthermore, church music is of great significance for the preservation of music in home and family, in schools as well as in the population at large. If man's artistico-spiritual capacities were to continue to recede, it would amount to destroying a portion of his own self-realisation.

The ecclesiastical guidelines refer in many places to the educational and formational significance of church music. The Holy Father POPE PIUS XII above all links his admonition to cultivate popular religious hymns with his hope for the "disappearance of worldly songs which because of the enervating quality of their melodies or the frequently voluptuous and lascivious words that go with them are a danger to Christians, especially the young, and their replacement by songs that give chaste and pure pleasure, that foster and increase faith and piety" (Musicae sacrae III). It would surely testify to imprudence, if such an effective aid to the apostolate were to be held in low esteem or indeed completely neglected.

May the noble intention of this encyclical be fulfilled: that all who are called and commissioned for the service of the church music apostolate may

carry on this glorious apostolate with new ardour and effort, generously, enthusiastically and strenuously. These renewed efforts will auspiciously bring it about, that this most noble art, which has been so greatly esteemed throughout the Church's history and which today has been brought to real heights of holiness and beauty, will be developed and continually perfected and that for its part, it may produce this auspicious effect: that with stronger faith, more flourishing hope and more ardent charity the children of the Church offer in their sacred edifices the praises due the Triune God, expressed in worthy forms and with melodious songs.

(Musicae sacrae IV)

Music and Faith

JOHANNES OVERATH

Upon publication of the pontifical document canonically erecting the *Consociatio Internationalis Musicae Sacrae*, I extend to all church musicians of the Catholic world a first and most sincere greeting, along with the equally cordial invitation to cooperate in this international undertaking which embraces both clergy and laity in a spirit of charity and mutual respect.

Together with all those who are prepared to cooperate in developing our *Consociatio*, we respectfully express our gratitude to our Holy Father, POPE PAUL VI, for rendering possible this joint effort in the service of Holy Mother Church. We are also happy to offer our kindest respects to His Eminence ARCADIO M. CARDINAL LARRAONA, Prefect of the Sacred Congregation of Rites and President of the Conciliar Commission on the Liturgy, whom the Holy Father has named Protector of the *Consociatio*.

A special word of thanks is due to that indefatigable inaugurator of international cooperation amongst church musicians, the President of the Pontifical Institute of Sacred Music and Honorary President of our *Consociatio*, Mons. IGINIO ANGLÉS, for all his efforts and sacrifices to preserve and develop sacred music as part of the Church's apostolate.

Sacred music is not an end in itself. Hence it is only fitting that at the very outset of our work, we reflect on the basis of our "ministerium."

Music from the Faith

Sacred music cannot exist or be effective without faith. It comes from faith in God the Father to Whom belong the hearts and voices of all peoples; it comes from faith in Jesus Christ, God-made-Man, Who is present when the Church prays and sings (Liturgy Constitution, art. 7); it comes from faith in the Holy Ghost, the Creator, Who inspires us to express worthily our sentiments of praise and love of God; finally, it proceeds from faith in the Church, One and Holy, whose venerable heritage of a precious tradition has been entrusted in a special way to church musicians.

Since it is rooted in the faith, sacred music will also reawaken the faith of others. Our apostolate of sacred music presupposes the burning enthusiasm of faith – a faith that overflows in deeds and imprints its mark on every detail of our lives. Only if the foundations are solid, shall we see the edifice of sacred music built anew, for the glory of God and the sanctification of the faithful.

Music for the Faith

If it can be said that sacred music is a more intense form of prayer, then it presupposes the same spirit of faith found in all prayer. Like anything obtained from God through prayer, sacred music requires persons with faith; and like everything bestowed by God, it must be given back

to Him. As POPE PIUS XII pointed out so clearly in his encyclical “*Musicae Sacrae Disciplinæ*” (1955, II), if an artist is ignorant of the truths of the faith, or if his thoughts and actions have separated him from God, then he lacks that spiritual outlook which would enable him to see what is demanded by the worship of Almighty God.

We cannot hope that his work, deprived of religious inspiration – even if done with a certain skill and technical ability – can ever arouse that faith and devotion which we associate with the house of Almighty God and His Divine Majesty. Hence the artist’s work can never become worthy of being admitted into the temples by the Church, the judge and guardian of the religious life. On the other hand, when the artist has a deep faith and leads a life worthy of a Christian, he will act out of motives of love of God, and will use all the gifts he has received from God to serve religion. He will try his utmost to express and show his faith and devotion through music and song, skilfully, with grace and dignity, so much so that this sacred use of art will be, for himself, an act of worship and religion, and for the faithful a powerful stimulus to be more fervent in professing their faith and in leading a holy life.

Music worthy of the Faith

It is not enough that the church musician fulfill his noble apostolate with a vigorous faith. He must also use his God-given talents and develop them through careful professional training. For after all, it is a question of *sacred* music, a “fellow steward of the liturgy” (PIUS XII), of which only such music is truly worthy which is really artistic in itself as well as in its performance. This is why the Church “approves of all forms of true art which have the requisite qualities, and admits them into divine worship” (Liturgy Constitution, art. 112).

The Church’s constant concern for sacred music’s *bonitas formæ*, excellence of form, is evident from the succession of papal directives over the centuries. There should be no room in the Church for any kind of musical amateurism. The masterpieces of art with which Christians over the centuries have praised God, and the inherited treasures of sacred music both liturgical and non-liturgical, oblige church musicians to uphold these noble traditions by rendering a service which is genuinely artistic. This applies in a special way to Gregorian chant, religious polyphony, congregational singing (whether liturgical or simply religious) and to liturgical organ music.

The Second Vatican Council “considers Gregorian chant as specially suited to the Roman liturgy, and that it should be given pride of place in liturgical functions.” In its great variety of forms, Gregorian chant is more liturgy than music. Its artistic priority is based upon the fact that in it, liturgy and music coalesce into an organic unity. But it seems that the artistic value of Gregorian chant – a value that transcends time – is appreciated more outside the Church than within. In his book “*A Composer’s World*” (Cambridge 1952) the well-known composer PAUL HINDEMITH wrote the following words of high praise for Gregorian chant:

Take one of the more florid melodies, such as those sung at Eastertide or on Whitsun, which will doubtless be considered by every musician of some taste the most perfect, the most convincing one-line compositions ever conceived. Of course, in order to fully understand their overwhelming linear power, you cannot restrict

yourself to merely reading or hearing them. You must participate in singing these melodic miracles if you want to feel how they weld the singing group into a spiritual unity, independent of the individualistic mannerisms of a conductor, and guided only by the lofty spirit and the technical excellence of the work.

With regard to polyphony, Pius XII requires “the presence of a choir capable of performing it artistically.”

Since congregational song (both in Latin and in the vernacular) is to be enthusiastically encouraged (Liturgy Constitution, artt. 54, 118), it devolves upon the church musician to look for old and appropriate new forms of religious songs suited to the congregation. However, congregational song is in no way to be regarded as a field for experimentation by amateur musicians. We are ready to welcome and promote all contemporary forms of music; nevertheless, we cannot abandon the ancient but still valid rule of “nil profanum” – nothing profane.

From the purely domestic or internal point of view it is not merely a matter of artistic questions, but rather always a question of man’s prayer to God. Above and beyond this, the church musician bears a share of the responsibility for Christian art within contemporary culture. This applies even more so to our work among peoples with their own musical traditions. In order to show proper esteem for this indigenous music and to give it a suitable place in the musical practice of the Church, it is necessary to establish schools and institutes for the scientific study of the problems of music in the mission lands. Such institutions can then present solutions which are worthy of divine worship.

The C. I. M. S. desires to unite in active collaboration all who devote their professional energies to sacred music, either in the field of study and research, or as composers and performers. To this end the Consociatio will from time to time send a bulletin of information to its members. It will also offer opportunities to exchange ideas and make contacts, with a view to contributing to the realisation of those great goals of our holy Faith which sacred music, as part of the Church’s apostolate, also desires to serve.

The Meaning of Musica Sacra and its Nobility

Reflections on the Theology of Church Music

JOHANNES OVERATH

Our hearts and our ears are still resounding to the chant of Psalm 102, with which we sang our hymn of thanks to God's unbounded goodness in the solemn Pontifical Mass marking the centennial of the Federated Caecilian Societies for the German-speaking countries:

Bless the Lord, all ye his angels:
You that are mighty in strength, and execute his word,
hearkening to the voice of his orders.
Bless the Lord, all ye his hosts:
You his ministers, that do his will.
Bless the Lord, all his works:
in every place of his dominion,
O my soul, bless thou the Lord.

The singer of this hymn of praise is an honest and convinced optimist on the basis of his faith, a person who is fully conscious of human wretchedness and yet believes in the power of divine Love to surmount all difficulties. His ideas are elevated beyond the realm of the merely accidental and temporal to the level of universal validity. Hence we, too, may make them our own on this joyous jubilee.

Bless the Lord, all ye his angels,
hearkening to the voice of his orders . . .
You pure, singing spirits
who are the starting-point, the pattern and the goal
of our liturgico-musical service,
allow us to comprehend anew
the meaning and nobility of *musica sacra*
by realising your nature.
Bless the Lord, all ye his hosts:
You his ministers, that do his will.
During today's jubilee celebration,
may this challenge of the Psalmist go forth
to all those who according to the will of God
have dedicated their life's work to *musica sacra*:
the professional church musicians, the composers
and the scholars, the teachers and the conductors,
the choir directors and the organists,
but also to the hosts of our choir singers.
Bless the Lord, all his works:
in every place of his dominion.
Among the great works of His might and mercy

we may well direct our gaze today in gratitude
above all toward those works which are revered
by believers and non-believers alike
as the miracle of sacred music.
Bless the Lord, all ye his angels, all ye his hosts, all his works!

1.

Following the Preface we heard the angelic hymn of praise, and filled with joy, joined the choir and the celebrant in confessing

the true and everlasting Godhead: we adore distinction in persons, oneness in being, and equality in majesty, which the angels and archangels, the cherubim also and the seraphim do praise, never ceasing to cry out as with one voice: Holy, Holy, Holy Lord God of Hosts.

Heaven and earth are full of Your glory. Hosanna in the highest! Blessed is he who comes in the name of the Lord. Hosanna in the highest!

This “hymn of God’s majesty,” as it is called in the Roman preface texts, and above all its position in our earthly liturgy, make clear to us the theological meaning and value of *musica sacra*.

In the liturgy of St. John Chrysostom, this “Cherubic Hymn” is always sung by the choir, and indeed in these most expressive and significant words:

We, who mystically represent the Cherubim, sing the Thrice-holy hymn to the life-giving Trinity.

In these words the Eastern liturgy makes an important theological statement about the liturgical choir and its musical duty: in the liturgy as it is performed on earth, each singer mystically represents one of the Cherubim. At the same time, these words emphasise that the singer (or the liturgical choir) does not merely “contribute to the worthy elaboration of the celebration of Mass,” but rather that he represents the song of the angels. In the hierarchy of the angels, the Cherubim hold an especially prominent place, very near to the throne of God Himself. When we compare the position of the Cherubim to the position or role of the choir in the liturgy, we begin to realise what a high place is allotted the choir in the Divine Liturgy of St. John Chrysostom, which is so filled with a spirit of reverence for God’s presence.

Among the previous Roman Prefaces it was only the Pentecost Preface which in addition to the Trinity Preface attributed the Tersanctus hymn to the heavenly choirs alone, without reference to the community of the earthly liturgy, thus also making the choir in the Western Latin liturgy the representative of the angels. In all the other Prefaces we find instead the words “We pray you that our voices, too, may be joined with theirs, . . .” and it is worthy of note that in the new Prefaces we find only this version.

The theological position which views the liturgical choir as the representation of the singing angels has inspired works of the highest value both in Gregorian chant and in the art of polyphony. What more noble mandate could a gifted composer have, than to depict for us through the artistic resources of music the heavenly hymn of God’s glory which was vouchsafed to us in the vision of Isaias the prophet!

Scholarly discussion has often enough made it clear that the term “una voce” (and for that matter, the other formulations found in the Preface as well) do not refer to performance practise.

It will suffice at this point to refer to REINHOLD HAMMERSTEIN's study of the "Music of the Angels" which was published in 1962.

If the great art forms of the Sanctus were to be banished from the solemn liturgy and nothing allowed other than acclamatory forms, meaning forms of congregational singing, then we would not only have to record a further dismantling of the cultic element in contemporary liturgical practise. No, the moat separating East and West in the liturgy and its theological foundations would also have been deepened, now that the Greek "Kyrie" appears to be suppressed more and more in daily liturgical practise.

We owe it to a special intervention of the Holy Father that – contrary to the text proposed by the Liturgy Consilium – the polyphonic Sanctus and with it the polyphonic Ordinarium Missae were explicitly safeguarded in Art. 34, Par. 1 of the Instruction "Musicam sacram" issued on 7 March 1967. The text does this "according to the customary norms," and distinguishes clearly from other forms of the High Mass, namely: the second paragraph of Art. 34 begins with the words "In aliis casibus," in other cases. Here, there are treated the various forms of High Mass "cum populo activo" such as formed the centre of attention in the work of the ACV and the international church music congresses long before Vatican 2. These forms will continue to be cultivated in future, taking into account their limits as well as their possibilities.

Although the Instruction "Musicam sacram" had expressed itself quite clearly, we cannot ignore the fact that in their publications, certain voices never tire of representing the polyphonic Sanctus in the liturgy as incompatible with liturgical reform. For example (and in complete contradiction to Art. 34 Par. 1 of the Instruction "Musicam sacram") a German diocesan *ordo* for the current year contains the following directive:

The Sanctus is the concluding acclamation to the Preface, and hence must be sung by the congregation together with the celebrant. Here, the congregation should no longer permit itself to be replaced by the choir.

This opinion cannot be justified by either the Council or the Instructio. It rather reproduces that opinion which can indeed be found in the draft of the March 5 Instruction, but which was changed by the Holy Father in the sense of a clear "both-and."¹

Furthermore, in various ways people are steadfastly attempting the theoretical devaluation of music in the liturgy, either with the help of false theological and historical notions or by concentrating exclusively on the "ministerial" role of music, making it practically a non-essential accessory and completely ignoring it as an integral part of the liturgy.

On 12 November 1962 in the *aula* of St. Peter's, H. E. Jaime Cardinal de BARROS CÂMARA of Rio de Janeiro made a very convincing statement about the often falsely interpreted designation of church music as "handmaiden of the liturgy." He pointed out that church music should be an *ancilla liturgiae* in terms of its behaviour (*quoad actionem*) but not in terms of its essence (*quoad naturam*). By its very nature, church music is and remains (as the teaching of the Church puts it) "a necessary and integral part of the solemn liturgy."

1 Those who fear that the Canon Missae will be covered up by a Gregorian or polyphonic Sanctus sung by the choir, are reminded of the short form among the newly permitted eucharistic prayers, though the serious religious reservations brought up by H. URS VON BALTHASAR against a constant audible recitation of the Canon remain valid. In *Wer ist ein Christ?* (Einsiedeln 1966) 37 ff. he notes that many miss "the spiritual realm of stillness with which we veil the Mystery" . . . How can the Christian community "remember the hour of its own birth, indeed celebrate that hour as present here and now, in faith and sacrament, without sinking into the depths of adoration? But where is this adoration in our very newest worship services?"

During this centennial we may remark with gratitude that the Cardinal Archbishop of Rio de Janeiro whom I have just cited, learnt to love the music of the Church from the German Franciscan Fathers in Brazil. This is above all the merit of the famous priest-musician Fr. PEDRO SINZIG O. F. M., who all during his life remained in close contact with the composers in the ACV.

2.

In contemporary liturgical practise one can unfortunately observe a theological and musical devaluation of the Sanctus, indeed a devaluation of the previous artistic musical structure of the Missa Romana as a whole. This is not connected solely with the problem of liturgical language and an overly externalised notion of *actuosa participatio populi*, but is also rooted in the anthropocentrism of contemporary theology. Thus the celebration of the Eucharist has meaning only as a mutual encounter among human beings. The cultic and sacred character of the celebration of Christ's sacrifice, which transmits the grace of redemption and is directed towards the glorification of God, is called into question.

A well-known professor of religious studies at a German university (who is incidentally a convert to Catholicism) wrote the following lines to me a few months ago in reference to a discussion we had had two years earlier about the question of liturgical language.

At that time, I intended with my criticism something totally different than the progressivists who are devastating the Church today. For a while, these people thought I was one of them, and I thought that they intended the same thing as I did. But in the meantime I have noticed that it is really a question of a very basic decision, one so simple that any graded-schooler can understand it: who comes first, God or man? On this question the Church is already *de facto* divided. And so today it seems to me totally unimportant, *passé* and a distraction from essentials to go on arguing about such things as I still thought were debatable two or three years ago. I view things a little more relatively, in relation to what is more essential. For example: the introduction of the vernacular at Holy Mass . . . is good, IF it brings the people closer to God (and this is all that I had meant). But if it leads to "de-sacralising" the Mass, to denying sacrifice and transsubstantiation, and to making of Holy Mass a mere demonstration of neighbourliness in remembrance of a departed person who had a special talent for neighbourliness and was above all capable of transcendence, . . . – well, then I would a thousand times prefer to remain with things as they were before the Council . . . God knows, I did not join the Church to re-discover here what I could have had in more original form in Neo-Protestantism. But thank God that nothing about the Church can confuse me. I remain loyal to those who are concerned with GOD FIRST, and not to the anthropologists and anthropocentrists . . .

He who is familiar with the musico-liturgical tradition of Holy Church, her treasury of musical art and its theological and liturgical foundations, knows all too well that the Christian theocentric experience of music was always opposed to anthropocentric notions.

There is no doubt that the real reason for the crisis of *musica sacra* in the liturgy of our own day is this rationalistic and modernistic thinking which undermines even the very foundations of our faith.

In connexion with the theological conception of Teilhard de CHARDIN the existence of immaterial creatures is called into question. Supported by Holy Writ and the faith of the Church, which she proclaimed at the IV Lateran Council,² for example, we shall reject all attempts to abandon the world of the angels during the course of what is called “de-mythologising.” On the contrary, we shall acknowledge that angels exist.³ But nonetheless it is understandable that an age of such theological confusion finds it difficult to achieve a theological view of *musica sacra* in the light of a theology of the angels.

Once we have recognised this fact, we can understand how through the use of slogans like “the doubtfulness of everything cultic” or “opposition between the Gospel and a cultic worship of God,” people in future regard the term “music” as more pertinent than “sacred music,” and this in spite of the fact that the Holy Father chose the *arenga* or thematic opening words “Musica sacra” for the Roman Instruction of 5 March 1967 in preference to the theologically meaningless “Cantum et musicam” proposed by the Liturgy Consilium. Similarly, in their 1967 “Message to all those commissioned by the Church to teach the Faith” the German bishops clearly stated that a liturgy which would conceive of itself as a mere social ritual, as a stylised re-affirmation of Christian brotherliness, would miss the real mark: praise of God and therein its service to man’s salvation.

Therefore the liturgy does not merely seek to serve the sanctification of man, but she desires to be and in fact is the public worship of the Church in the Holy Ghost through Christ to the glory of God the Father. Hence de-sacralising the liturgy can in no way be our task. Liturgy is the clearest sign that Christian life does not exhaust itself in openness to the world and to men, but rather finds its real meaning in openness to God Who has created us, redeemed us in Christ and sanctified us in the Holy Ghost.

The tendency toward de-sacralisation clearly shows that the “genera musicae artis” which have grown up organically in and out of the liturgy are regarded as a hindrance to development.

And thus it becomes clear why the distinction between sacred and profane or “lascivum vel impurum” constantly stressed in all the ecclesiastical guidelines, is being increasingly eradicated, and why entertainment music is being brought into the liturgy as a consequence. Such tendencies, observed by church musicians, are not merely signs of “storm and stress” among ignorant and musically illiterate youths, but can unfortunately be found at all educational levels within the Church.

Here, the small flock within an ecclesiastical federation of professional church musicians is confronted with an extremely difficult task of education and formation, first of all in the music schools, but also in the form of public events sponsored by the schools and the diocesan directors of church music, by our diocesan presidents within the ACV and their helpers. FRANZ X. WITT was in his time still able to count on the Catholic teachers and the Catholic schools, because he knew that a singing congregation and a parish choir can only be built upon the firm foundation of the schools. Today, necessity forces us to seek other possibilities. Strong personalities in the field of church music, in addition to cathedral and parish choirs, are the last remaining bastions – if they have not fallen victim to unenlightened liturgical innovators in the meantime. In many places, the situation of our choirs is unfortunately quite hopeless. Nonetheless, we

2 DENZINGER-SCHÖNMETZER 800.

3 Cf. HEIMO DOLCH, Teilhard de Chardin im Disput (Köln 1964) 27 ff.

may not give up, but in view of the real Christian meaning of our lives and with a firm faith in the supernatural dimensions of our Holy Church as these have been set forth so clearly in the dogmatic Constitution "Lumen gentium," we must remain faithful to our high task and our ultimate purpose: the glorification of God, which unites heaven and earth in the liturgy.

In spite of all the professional, technical and perhaps even human problems we will not allow our belief in the religious and apostolic meaning of our work to be taken from us. We are quite aware that no human being can glorify God unless he be empowered and called to do so through the grace and love of Christ. It is only the person who has been penetrated by the rays of redeeming grace who is able to join in singing the New Song of the Redemption. And the same source gives rise, in the spirit of ST. BENEDICT, to the "Dominicum servitium," service rendered directly to the Lord Himself, which reaches its climax in the Opus Dei, which "takes precedence of everything" (Rule, 43). And ST. HILDEGARD says the same thing: "The sisters perform the service of the angels by constantly singing their prayer, hour for hour."⁴ It is only possible for heavenly and earthly liturgy to become one because in the God-Man Jesus Christ heaven and earth have ratified a new covenant, and because in Him the harmony destroyed by original sin has been restored. In our truly divine liturgy we experience the complete reality of this chorus composed of singing spirits and us poor earthly pilgrims, when we are permitted to pray

By Him and with Him and in Him are ever given to Thee, God the Father Almighty, in the unity of the Holy Ghost all honour and glory, for ever and ever, . . .

or when we are allowed to join directly in the chant of the angels at the Gloria and the Sanctus of the sacred liturgy which encompasses heaven and earth, in spite of all the earthly woes and human misery which may perhaps surround or even burden us.

And even though there is an essential difference of rank between heavenly and earthly liturgy, the Lord Who Himself appears in the liturgy, represents the heavenly liturgy, and He it is Who establishes the connexion with our lowliness. For after all, it is only "through Him the angels praise" the majesty of God the Father (Preface), just as it is through Him alone that we here below become living instruments of the heavenly liturgy.

As singers, the pure spirits form through Him and with us this community which encompasses heaven and earth. Hence the pure spirit as singer is – and indeed must be – source, model and eschatological goal of our liturgico-musical service. The dignity and rank of *Musica sacra* are grounded in him, quite independent of any historical changes. The relationship of liturgical musical art to the heavenly liturgy is more direct than that of all the other arts which serve the liturgy. Thus it is a truly holy music, *Musica sacra*, whose essence can only be grasped and shaped by men who have been redeemed and sanctified. Only holy music is worthy of God. But God is spirit, and hence such music must be "worship in spirit and in the truth" (Joh 4/24).

3.

One of the pioneer spiritual leaders of the liturgical renewal, who helped make accessible to us the ancient wellsprings of new strength without ever dreaming of a "reform" in the sense of an "involution" detrimental to healthy growth, ABBOT ILDEFONS HERWEGEN of Maria Laach, described the idea of transfiguration in the liturgy as the inner principle which creates art – a principle which formed the liturgy, beginning from within, as an art work of well-proportioned

4 MPL 197/487.

beauty. And alongside this interior artistic principle, he did not ignore some of the external factors such as the community nature of liturgical worship and its special character as *actio*. But for the Abbot, the concept of transfiguration was nonetheless the primary artistic principle of the liturgy in general, "to the extent that in this concept there is expressed the decisive point of the entire liturgy, namely the mediation of divine grace, and because historically considered, this concept has given form and shape to our liturgy."

It is precisely the liturgy's character as prayer which impels it in the direction of art. In prayer, man elevates himself above all that is earthly to God, his soul immerses itself in the knowledge and love of endless Beauty, and if mere words wish to reproduce even approximately all that so profoundly moves the spirit and the emotions, then the language of prayer must in some way, even if ever so faintly, reflect the eternal light of beauty. And when it is a matter of uttering, in the name of the Church and in inspired, elevated, noble form only that which is *objective*, meaning thoughts and yearnings common to all Christians, so that each individual can rediscover his own experience in the words of the liturgy, then here it is only the poet who may speak up (and for a musical statement, only the artist) as herald of the heart. Hence it is in the nature of things that liturgical prayer becomes poetry, which is also why the Psalter has been the Church's classic school of liturgical prayer.

The songs of David play a predominant role in the Church's liturgy.⁵ And liturgical works of musical art were also inspired by the Psalter and developed into masterpieces of overpowering greatness. Believing in the transfiguration of man and of the world, the music of Christian worship grew and developed in East and West: the precious melodic art of Gregorian chant, the rich art of vocal polyphony in its various stylistic periods up to the present, congregational hymnody, and not least the art of the organ-builder and the organist in the liturgy.

This treasury of church music old and new is Paschal faith in song, which promises us humans "the future abode" and which is created out of and for the liturgy, whose centrepiece is the *Missa Romana*. In spite of all our concern for the differing needs of individual cultures and language areas throughout the whole Catholic world it is our duty to defend a mature and fully developed musical art for the liturgy both in Europe and in lands which are culturally related.

It is surely one of the incomprehensible paradoxes in the post-conciliar Church that precisely the Gregorian chant is appreciated much more outside the Church than in our own ranks! The greatest contemporary composers – masters who are fluent in the artistic language of our own times – are dismayed by what has happened in the Catholic liturgy. Among them are persons of other faiths who sincerely deplore above all the immoderate use of the vernacular, which in many places has led to the complete displacement of *Musica sacra* written to Latin texts – and that in flagrant contradiction to the clear prescriptions of the Council.

Here, we may be permitted to refer to several *errors* which are often alleged in opposition to the liturgical use of church music bound up with the Latin language.

Some persons compare works of *Musica sacra* in Latin to museum pieces, and all those who serve such music professionally and liturgically with museum custodians. Disregarding the religious and theological meaning of such music, these voices concede that it may perhaps be culturally significant, but claim it is irrelevant in today's liturgical and pastoral terms. What can be said in reply?

There are a number of important differences between musical works of art and works of the plastic or graphic arts exhibited and preserved in museums. Our reflections, however, are con-

5 I. HERWEGEN, *Alte Quellen neuer Kraft* (Düsseldorf 1920) 26 ff.

cerned with only one difference, and that essential: a piece of sculpture or a painting, as a completed work of art, is in safe keeping at a museum, where it can be viewed by visitors. Quite the contrary is true of a musical work of art, which in order to exist in sound requires living human beings, artistically trained interpreters who out of the impulse of the moment are capable of recreating the work in the real meaning of the word. In this context, a purely external performance, even though technically impeccable, would not be worthy of the liturgy. Liturgical music presupposes praying singers and singing persons who pray. In the ministry of liturgical music, therefore, *Musica sacra* which has arisen out of the faith and the spirit of the liturgy actually becomes a supra-temporal language which speaks, prays, interprets and proclaims all the more vigorously, the more its interpreters not merely mouth it, but also bear it in their hearts. In short, the effectiveness of *Musica sacra* also depends upon the degree to which its interpreters are fitted for recreating it in the real sense of that term, and for making it into a living language.

This supra-temporal language of *Musica sacra*, which is directed primarily to the irrational levels in men and which assures a feeling of security under the paternal roof of liturgical worship for men of all tongues in spite of everything that separates people in an age of developing vernacular liturgy, may not "lose its voice" in a healthy liturgical reform – if the reform really desires to reach modern educated persons at all. We are all aware of the extraordinarily great interest in liturgical music outside of the Church: concert programs and the production of phonograph records prove it. Thus the exclusive cultivation of congregational singing, not least one which would be textually and musically unsatisfactory if not inferior, would lead to a decline in liturgical quality, quite apart from the loss of musico-theological substance.

A second error which ignores the special nature of liturgical art music as a language *sui generis*, is the demand for immediate intelligibility of the text in Gregorian chant or ecclesiastical polyphony. It must be presumed that the text is understood, and hence the texts belong in the hands of the faithful, for with a view to the future it would be fateful to wish to make prayerful interior participation in the liturgy depend entirely upon direct and immediate hearing and understanding. According to St. Thomas Aquinas, it is not necessary to understand the words in order to hear liturgical music in a way which promotes piety:

... even though many do not understand what is being sung, nevertheless they grasp the motive for singing, namely in praise of God, and this is enough to arouse devotion (II-II q. 91, a. 2).

But today, most churchgoers are able to read, which was not true in St. Thomas' day. It is rather the case that modern men expect to be given a copy of the text or the libretto when they listen to music linked with words. In the concert hall, for example, this has long been taken for granted. How much more should we make it our business to do the same in the solemn liturgy, so that the musical work of art will not be degraded to mere aesthetic background noise, but in its religious power of expression will be able to attain its fullest pastoral-liturgical significance.

In the process of hearing and experiencing music in a religious context, and in the liturgy, it is perhaps only on the basis of the text and the musical expression connected with the text or the liturgical *actio* that meditation becomes possible, i. e. a higher form of prayer, which can rise all the way up to *compunctio cordis* or stirring of the heart, which St. Augustine actually calls one of the effects of cultic music. In view of this possibility alone, the singing of the choir can scarcely be excellent enough. Choral song is of the greatest pastoral importance when it is a case of the interiorisation of our liturgy. *Musica sacra* which is both liturgical and artistic does more to foster living interior participation in the liturgy than does continuous talk from ambo or altar.

Hence we are grateful to the Holy Father because in his message to the Fifth International Church Music Congress at Chicago and Milwaukee in 1966 he called for the preservation and promotion in the liturgy of precisely the great works of *Musica sacra* created by inspired composers and reserved for the choir. To listen with devotion and genuine emotion to God's praise in a work of art as it rings out through the intermediation of a musician called by God to artistic interpretation, is thoroughly active participation in the liturgy, in the spirit of Art. 15 of the Instruction "Musicam sacram." Nothing could be more wrong than the demand for uninterrupted speaking during worship. Years ago, the great pastoral theologian and artistic expert Bishop JOHN MICHAEL SAILER (whose balanced remarks on the question of liturgical language are still eminently worthy of consideration today) admonished his priests: „Do not expect such great wonders from the vernacular."⁶ With good reason, the conciliar Church also speaks explicitly of the need for a "sacred silence," meaning thereby the willing reception of church music masterpieces as well. Since art music is able to interpret God's word and His praise much more powerfully and effectively than is possible for any mere speaker, the Church has always shown herself to be the protectress of the art of liturgical music.

And so today, on our anniversary, if we stand up for a re-vivifying of the Church's great musical tradition in the liturgy, we are not merely fulfilling the wishes and the will of those idealistic priests and laymen who a century ago laid the groundwork for the activity of our international federation and with high hearts set about the renewal of church music. We rather do so in the awareness which IGOR STRAVINSKY expressed this way:

A living musical tradition is no mere witness to a past which has drawn to a close. Rather, it is a living power which stimulates and instructs the present. One must start from the tradition in order to create something new. In this way, tradition assures the continuity of the Creative.

A music which because of its origin and its spirit we correctly call "sacred," must remain a sacred obligation for us. We may not withhold its healing and hallowing powers, from contemporary man least of all.

4.

But our own age is also called to join in the New Song of the Redemption – in our own language. Even so, our own age is bound by the word of the Lord: God is a spirit, and they that adore Him, must adore Him in spirit and in truth (Joh 4/24). However, a new music of "adoration," musically and humanly considered, can only flourish in the soil of faith, which brings forth artists blessed with talent and not mere hit parade stars, where music and quality automatically involve each other; in a soil which, determining even the child's development, does not bring forth unbridled rhythm and ecstasy or superficial "show biz" amateurism, but rather reverence, tact and respect as well as genuine ability to accomplish something, to mould a work of art through mutual effort – which only then can become worthy of the Deity. A glance at the back issues of the Society's journal clearly shows that in their lectures and instructions, the founder of the Federated Caecilian Societies and his successors as President-General have never tired of pointing out two important qualities of the church musician and above all of the liturgical composer: his ecclesiastical and liturgical way of thinking, and a thorough professional training. The prayer recited by the priest-celebrant over the deacon before the proclamation of

6 J. M. SAILER, *Neue Beiträge zur Bildung des Geistlichen* 2 (München 1819²) 169.

the Gospel at solemn Mass contains two important words: “digne et competenter,” worthily and fitly, may he proclaim the Gospel with professional competence. This prayer should be the preface to all invitations to liturgical composition issued by the Church. And only our best composers should venture to write new liturgical compositions – only such composers as maintain living contact with contemporary musical life in addition to being at home in the great tradition of *Musica sacra*. They must bear within themselves a vocation to the prophetic ministry of the creative church musician. Not without reason did St. Benedict call the Psalmist David a Prophet. He fulfilled his prophetic office in the artistic form of his prayer and song; he articulated, interpreted and proclaimed whatever God inspired him to say. Similarly, the liturgical composer also prays, interprets and proclaims the sacred text and elucidates the liturgical *actio*. Music has a very special ability to fulfill this prophetic ministry in the solemn liturgy.

It must be said explicitly that a merely recited liturgy quite obviously remains great and sacred in its essence, but even non-musical persons will perceive that it makes a great difference whether an Alleluia or a Gloria, for instance, or the Credo is sung or merely recited. However, it is only the truly inspired and genuinely gifted artist who is able to sing creatively and convincingly, the way ST. FRANCIS did in his “Canticle of the Sun.” The Saint had long since “known” the content of his Canticle, but he had to experience in himself the “*Numine afflatur*” before he could express what he knew in a form which had the power to permit this ineffable emotion to overflow onto other listeners as well. The more a rationalistic way of thinking were to prevail in the liturgical reform (as even very active liturgical reformers fear will be the case with the projected “*Missa normativa*”), and the more the numinous element were to be suppressed in the liturgy, the less chance there is for a new liturgical work of art to arise – and this would be a sign of a liturgico-religious rather than an artistic vacuum. In a manner deserving of thanks, the Most Rev. Bishop of Regensburg has called attention to the danger of “Enlightenment” thinking for the liturgy reform. I refer to His Excellency’s lecture on the post-conciliar situation of the Church, a lecture which in the meantime has attracted attention far beyond the borders of Germany. Along with a great many Catholics, church musicians are especially grateful for the bishop’s statement, not least when he says:

The widespread discontent with certain liturgical innovations and with the complete elimination of Latin – in contradiction to the spirit as well as the letter of the Council – is distinctly characterised by the correct intuition that the numinous element is an essential part of religion. And perhaps it was a mistake not to have involved psychologists of religion in the liturgical reform. On this point, RUDOLF OTTO’s book “The Sacred” is by no means superceded, and what he says there about the *Tremendum* and the *Numinosum* and the *Mysterium* deserves attention even today. In his lecture on “The Renunciation of Beauty,” REINHARD RAFFALT indirectly refuted all the objections which are alleged against the so-called “hyper-solemnisation” of the liturgy these days, even at liturgical conventions. In saying this, we are not applying this idea at all to those parts of the liturgy of the word whose whole thrust is toward proclamation and thus should be done in the vernacular, even though here, too, we should always remain aware that the Word of God is and always will be a mystery – even when it is proclaimed.

It is the great merit of MARTIN DEUTINGER to have pointed out the importance of the “*Numine afflatur*” for art, thus clarifying its religious purpose. As a matter of fact, as soon as man-

kind forsakes its religious enthusiasm, then spirits are impoverished, forms become empty and earthly, the vivifying word becomes a mere spiritless phrase. The connexion between art and religion is so intimate that the inner richness of art depends upon religious worship. Indeed, we can say that the content of art will be poor in direct proportion to the poverty of the worship under whose influence art stands.⁷

Music which is merely “constructed” or a decadent imitation possesses no fiery spark of the Divinity, even if it were to borrow its musical materials from Gregorian chant, and even though it be commissioned by the highest authority.

As much as we must and do strive for new vernacular chants for the congregation – chants appropriate to the liturgy! – we also have to stress quite as strongly that artistic choral music cannot be replaced by congregational song. All of us know that in Jewish Temple worship, the choir was clearly superior to the congregation, as is also the case in the liturgies of the Eastern Church. In contrast, there is an opinion widespread among us (an opinion which quite misconstrues the prophetic task of the liturgical choir!) that the singing of the choir is to be regarded as a mere substitute for those parts which are really to be sung by the congregation. Such a view, however, cannot be justified either from Holy Writ or from history. It is an error to call the liturgical choir a hindrance to congregational singing, and to regard it as simply an instrument of aestheticism. From the theological and liturgical point of view it is impossible to falsify the task of the choir more completely, and it is impossible to misinterpret more superficially either Gregorian chant or the art of vocal polyphony.

At the present, it is unfortunately difficult to escape the impression that a remarkable discrepancy exists between artistic standards in architecture, sculpture and the arts and crafts on the one hand, and artistic standards in the area of new liturgical chants on the other. And it is also appropriate to compare the sums of money expended for both areas of art, though of course the creative spirit cannot be aroused by money alone. The obvious underestimation of artistic creation in the field of liturgical music makes clear how minimally wide circles in the Church are really interested in the particular laws of *Musica sacra*, its theological meaning and importance, and above all its liturgical task.

May the centennial of the Federated Caecilian Societies help us to reflect upon the precious legacy of *Musica sacra* which is linked with the name of this episcopal see and with the names of Bishop SAILER, the priest-musicians CARL PROSKE and FRANZ X. HABERL, and not least the founder of the ACV, FRANZ XAVER WITT. Upon this spiritual, liturgical and artistic foundation there arose an impressive church music reform movement which spread far beyond the boundaries of the German-speaking countries. In our mind’s eye we see today the many church musicians, the cathedral and parish choirs whose names and accomplishments are part of the history and the efforts of this professional organisation of church musicians. This ceremony is not intended to be a just evaluation of their efforts and their accomplishments. Our task is rather to emulate their faith, to make our own their principles and their ideals, and above all to match their spirit of loyalty to the Church in our own time. In view of the task given us according to the will of the Church, namely to create, with the necessary assistance of the Creator Spiritus, a new *Musica sacra* out of the spirit of tradition, we may profitably recall a statement of St. AUGUSTINE

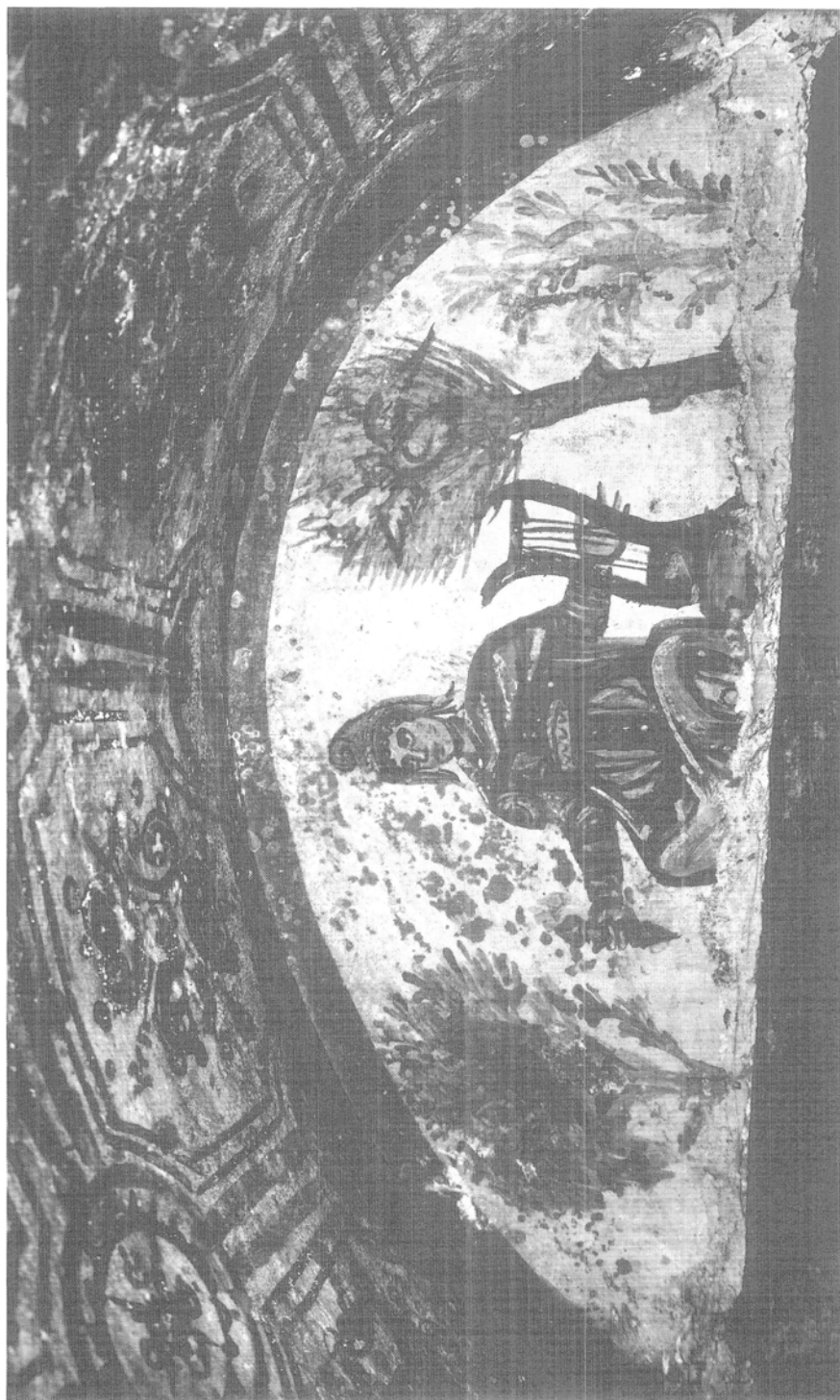
7 J. OVERATH, Die Enzyklika “*Musicae Sacrae Disciplina*” vom 25. Dezember 1955 und der Komponist, in *Idem* (ed.), *Musikalisches Brauchtum*. FS LEMACHER = ACV Schriftenreihe 1 (Köln 1956) 9/18, here 9.

which POPE JOHN XXIII often quoted: Be assured, my brethren, that the extent of your love for the Church determines how much you possess of the Holy Ghost.

By way of conclusion, this wise admonition of Bishop JOHN MICHAEL SAILER:⁸

If with your right hand
you resolutely hold fast to the Old which is tried and true,
and at the same time offer your left hand
to a disciplined introduction of what is *best* among the New,
then give your heart to the One eternal Truth alone,
which always renews itself in the Old,
and in the New does not deny its ancient beauty.

8 J. M. SAILER, *Neue Beiträge* 2 (note 6) 87.



Christus/Orpheus, catacomb of Ss. Pietro e Marcellino/Roma (ca. 390 A. D.). The basically religious significance of music, which was perceived even in primitive cultures, was re-interpreted in the Christus/Orpheus images of palaeo-Christian art.

Catholic Church Music Today

Is the contemporary composer still needed?
Where are his possibilities – and his limits?

MAX BAUMANN

I have quite deliberately formulated my subtitle as a question. I intend thereby to make clear at the outset how problematic it is even to discuss such a topic in a time of ecclesiastical and musical re-structuring.

We are all aware that Catholic church music today presents the two sharply distinct faces of pre- and post-conciliar forms which in practise continue to exist side by side. Where a high level of musical culture had previously prevailed, people in most cases remained conservative after the Council. On the other hand, the so-called innovations were warmly greeted, especially in musically less important locations, as animation of community worship, since one had, after all, nothing to give up. In view of this discord interior and exterior, it cannot be my task here to report objectively facts which are familiar to all of us. Objectivity can all too easily conceal the consequences in all their details. Rather, I propose to view the problems quite consciously from the artist's perspective, that is, from the perspective of the composer of Catholic church music.

And this brings us to our first point: is the contemporary composer still needed? It would of course be possible to dispose of this point with a single sentence – on condition that the artist were to understand the word “need” as a summons to subordinate himself to the innovations of the reformers without any personal reflections and without stating his own point of view. I regard my task here, however, as much more complex, since I perceive as a “need” the fact that the composer bears a twofold responsibility: his responsibility as a believing Catholic, and his responsibility as a musician. Does not the Liturgy Constitution speak repeatedly of “respect for the Church's tradition”? Is it not the artist's duty to recall – to himself and to all his fellow believers – the need of drawing upon, of creating anew out of the spiritual and artistic heritage of the Church? Once I disengage myself from this cultural tradition, how could I possibly achieve a new and valid expression within the realm of sacred music which has grown up organically for two millenia? We will only be able to create a new and adequate music in accord with Christian doctrine when we first make an effort to re-animate within ourselves the musico-spiritual core of the whole liturgy – the Gregorian chant. “Spirituality” has always been mentioned as a characteristic property of Gregorian chant, a property which expresses itself in “style”, i. e. in the unity of expression, sound and form. How urgently the composer of today needs precisely this spirituality, out of which a PALESTRINA was still able to create his polyphonic Masses!

Speaking of PALESTRINA, he too stood at a crossroads on the path of musical development, and he too had to deal with the demands of a Council, and to fuse spiritual heritage with contemporary techniques and personal style into a higher unity.

At this point a brief critical retrospect seems necessary. If we compare PALESTRINA's Masses with those of MOZART, then the liturgical value and artistic rank of MOZART's Masses – in comparison with his secular works – seem to me somewhat problematic. A BRUCKNER Mass, on the other hand, draws from deeper spiritual reserves than, say, a Mass composition by RHEINBERGER. And if we consider finally our contemporary “Jazz Masses”, we search vainly for some ar-

tistic value, for “style” in the sense referred to above, as unity of form and expression. Is it not my duty as a musician – and thus also a “need”? – to say this loudly and clearly to our self-assured and historically-minded contemporaries?

This retrospect shows what a responsible task has been set for the composer of sacred music, namely to combine modern forms of expression with timeless spiritual content in the sense of an artistically honest statement which alone will be able to exercise a sanctifying influence upon human beings.

In this connexion I must emphatically reject a method widely used and legitimate in the secular world: musical experimentation, because this would not so much open new possibilities for modern forms of expression as it would instead give full licence to the ill-advised profanation of sacred music and thus also to non-art.

“We must have the courage to experiment.” I cannot accept this thesis of Cardinal DÖPFNER’s because to do so would be to deny spirituality as the primeval source of the creative act. Both creation out of such a spirituality, and the grasp of that spirituality through hearing, require the interior effort of an individual person, and this cannot be achieved by mere simplification of the liturgical act.

Hence I invite you to meditate anew upon these words of URBANUS BOMM:

In a very specific sense, the liturgy and its forms of presentation (including, therefore, liturgical song and liturgical language) will always contain a foreign element – foreign in the sense of the Higher, the Universal, indeed ultimately in that sense in which divine Revelation itself will forever remain an appeal from another world, namely in terms of its content.

And so I am not speaking as a traditionalist or a conservative reactionary when I repeat: Gregorian chant is *contemporary* art and not a merely historical heritage. It is perpetually necessary for the very existence of the contemporary artist and indeed of all Christendom.

Our reflection upon the essence of worship flows naturally into the question of musical possibilities and limits for a contemporary composer.

If you were to expect that I would now be consistent and advocate a modern imitation of Gregorian chant, you would have completely misunderstood me. I am firmly convinced that MARTIN DEUTINGER’s frequently quoted maxim is still valid today: “Imitation is the original sin of the mentally sluggish.” The point is made with especial clarity by the amateurism of “German Gregorian”.

What possibilities does the liturgy reform in fact offer for contemporary creation of sacred music? Is it really true that the masters of ecclesiastical composition have many more opportunities today than they have had for centuries, as Cardinal DÖPFNER claimed in his enthusiastic reply to questions posed by young musicians last year? Theoretically, I would reply “Yes”, since according to plan, all the possibilities of artistic participation in the action of the Mass are open to the composer. Thus the Ordinary of the Mass allegedly offers broad possibilities for new melodic creations. The required participation of the people as a singing congregation, however, forces the composer to abandon his modern style, not to mention multivoiced choruses. He must naively prove himself to be an inventor of easily singable unison melodies which appeal to the popular taste – and this in an age in which the genuinely profound folk songs have been replaced by superficial, hackneyed “hits”. Does the invention of such primitive song-like cries really require a composer at all? Or is this not rather a task for the tunesmith, as he is more appropriately called

along Tin Pan Alley? Furthermore, any such “popular art” which is organised from above reflects all too easily a caricature of art such as is expressed in a comparable way by the songs in praise of “progress” sung in totalitarian states. In practise, therefore, this alleged possibility turns out to be an impossibility.

Quite frankly, I have always had my doubts about excessive emphasis on congregational singing. Song, in my opinion, springs from a very specific emotional and spiritual situation, in order to manifest itself spontaneously as community song. Perhaps an example can help clarify my meaning. During the most recent occupation of Czechoslovakia, thousands of persons suddenly stood in the path of the Soviet tanks and sang – *una voce*, as it were! – the national anthem. For me, that is genuine folk song, such as cannot simply be transposed into any kind of circumstance.

The theoreticians of our liturgical reform want to achieve this rare enthusiasm simply through what is termed “structural worth” within the Mass (e. g. at the Sanctus), in the sense that the congregation *must* sing at that point. If it were true that each member of the congregation could produce, at a moment’s notice, the same holy enthusiasm which I have just described in an exceptional case, then that would be genuine community song, spontaneous praise of God which we would have to approve unconditionally even though it does not necessarily require a high artistic content. And unfortunately, since only the theoreticians of the liturgy reform think this way (admittedly according to their best lights), for me it remains a matter of “singing when ordered to do so”, which falsifies the intended meaning. But on the other hand, when I hear a *choral* Sanctus by one of our masters, I am perfectly able to ratify by re-experience the enthusiasm which the composer has genially (because uniquely) captured here, without being impeded by my own incapacity for artistic expression.

Is it not one of the basic tasks of every priest and choir (and thus ultimately of every composer too) in an act of service *for* the people to arouse that very holy enthusiasm which the mere external busyness of the individual rather hinders than helps? Thus the discrepancy between one’s own limited possibility for expression and the ability to ratify by re-experience, through hearing, would be reconciled, and the congregation would once more be able to participate actively in the sense of genuine attentive hearing and participatory acclamation, as in days of yore.

Here, we should recall an admonition of JOHANNES OVERATH: “How imperilled is the man who is no longer able to give ear and hearken attentively! His perception of the truth is limited, in the question of justice he remains biased, and then charity will surely be violated.” And how often the Psalmist reminds us to listen to God’s word and to hearken to the choir of angels, in order to open the deepest recesses of our being to the mysteries of the Supernatural! For us musicians, listening and hearkening attentively are the real goals of our art and our witness, and not mere efficacious activation, “in order that everyone can play along.” If all of us could once again achieve this insight, then the choir would also have regained its meaningful musical function.

Within the celebration of Holy Mass, there is actually very little time for the composer to make a liturgical statement through church music – distributed among choir and organ, between polyphonic Proper and modern organ music. But music is an art which occurs within a definite period of time. Previously, composers and performers had the possibility of filling out a cyclic form of approximately 45 minutes’ duration, in order thus to lead the congregation to genuinely religious reflection. But today’s mini-forms cannot really amount to more than musical sketches, limited in both artistic and religious, meditative eloquence. This is another reason why I cannot reply with Cardinal DÖPFNER’s evasive optimism to the serious question raised by the

young musicians as to whether the reforms are going to force church music even further into the background. His Eminence loftily replied that the vital force of faith would find a solution to the problems, and I simply look at the concrete possibilities (or, to put it more clearly, the very tightly drawn boundaries) for sacred music today: they give rise to an extremely negative prognosis.

This sketch of the possibilities and limits for Catholic church music *today* would be one-sided if I did not supplement the ideal aspect with the material side. You will forgive me for citing some hard statistical facts.

Up until the present, the Catholic Church freely gives all of ten thousand marks annually to the GEMA for distribution to her composers. At that rate, each composer can calculate for himself his own living wage. If we compare this sum to the honoraria which the Church as a matter of course pays to architects, then the result can only be termed grotesque: on the basis of this annual sum of ten thousand marks for all of Catholic church music, the costs of just the Stations of the Cross, for example, in Queen of Martyrs Church at Berlin would pay for all of the church music for the next hundred years!

Previously, when a composer wrote Latin Masses or Propers they could be sung all over the globe in the *sancta ecclesia catholica*. Today, since works in the vulgar tongue are called for, their radius of action is limited to one language area, since textual adaptation would naturally destroy the unity of text and melody. For very existential reasons, however, composer and publisher are also interested in a wide diffusion of their works. At the moment, no publishing house is willing to accept Latin Mass compositions for publication, since customers today do not buy them. Hence if he wants to exist at all, the publisher is forced to swim with the tide of the times. And the composer who refuses to do the same is, from a publications viewpoint, dead. My plea for Latin as cultic language and as a unique tonal language is thus based partly upon practical calculations regarding publication, and partly upon artistico-liturgical considerations. Was it not a unique tradition of the Catholic church to offer Holy Mass in a spiritually sublimated cultic language which was understandable for the faithful all over the world? The reformers are only too glad to forget that even today, the Liturgy Constitution calls for Mass in Latin as the most noble form of worship.

The Janus-like aspect of our liturgy reform is mainly due to the fact that musicians and composers were almost entirely excluded from the committees of experts. And now, with forced optimism, the cry is raised: "Create new and more beautiful music!" In this process, we here in the Federated Caecilian Societies would have had a good deal more specialised work to do in the earlier sense of the term. After all, during the first hundred years of our existence it was always considered our most sacred duty to synchronise spiritual heritage with modern forms of expression in a prudent manner. Current trends seem to overrun this judiciousness, and that casts a shadow over the great event of our centennial. In comparison with other countries, Germany has had up to now a high standard of church music, but now the exaggerated zeal of our reformers has placed us on the level of the developing nations, as though there had been no true Masses in our churches before the Council.

In such a situation, the composer of Catholic church music has but one alternative: to emigrate into the concert hall. Masses, cantatas, Passions – all of these works which earlier had a legitimate place within the Church are today performed outside of the liturgy. And the large audiences at these concerts clearly show that modern man, too, needs interior reflection and recollection.

In the course of these remarks I have referred several times to the spiritual heritage of our liturgy. I have done so not out of subjective fanaticism for a high art form, but rather on the basis of my credo as a believing Catholic who is also a composer. Indeed, I would go so far as to claim that humility in the face of the spiritual and artistic values of our ecclesiastical tradition leads us into the heart of a much more profound question, namely to the question of the very meaning of worship itself.

Is worship really supposed to be at the mercy of all too changeable trends, with a sacro-liturgical form which changes from one day to the next? Do we actually believe that such concessions to the momentary spirit of the times will in fact re-activate Catholic Christendom? Or are we not rather victims of a delusion in mistakenly believing that a moment's outward activity is really a strengthening of the faith?

My urgent question and challenge is this: should not worship, as a fixed and sustaining element of Christian faith tradition, rather represent the spiritual refuge and the interior support of modern man in a short-lived, rapidly changing world? Is it not true that contemporary man, more urgently than ever before, needs a deep faith such as still speaks directly to us in the venerable forms of earlier epochs?

Report of the Provisional President

JOHANNES OVERATH

Honorable members of CIMS and delegates of the bishops' conferences, I extend to you all a most hearty welcome to the Second General Assembly of CIMS.

I

As you know from the invitation to this general assembly, according to a letter of His Eminence, Cardinal Cicognani, Secretary of State to His Holiness, dated 30 November 1968, the Holy Father established a commission entrusted with the revision of the statutes and with the preparation of the election of the praesidium according to the new statutes, "in order to give to CIMS a structure which fully and completely expresses its goals as an institution and its promotion of Musica sacra in harmony with the venerable tradition of the Catholic Church and the guide-lines of the Second Ecumenical Vatican Council". Finally, the duration of the temporary commission's competence was set at six months.

The goals of the CIMS are stated in the introduction to the chirograph *Nobile subsidium liturgiae*, of 22 November 1963, where it says:

1. That all those who dedicate themselves to the noble art of Musica sacra might be more closely united among themselves and with the Holy See;
2. That the same Holy See might have some sort of international institute which would inform it about the needs of Musica sacra and would carry out in practice the decisions of the highest ecclesiastical authority about Musica sacra;
3. That above all missionaries would receive help in solving the difficult and important questions regarding church music in the mission countries, and that the various attempts in this field might be coordinated in a fitting manner;
4. Finally, that works about Musica sacra might be published and the study of the traditional inheritance of the past might be promoted.

Hence it was necessary for the conference held in Rome in the fall of 1967 to recommend the creation of special committees within the CIMS for the various areas of professional endeavor (musicology, Gregorian chant, polyphony, congregational singing, organ music, etc.), so that each committee might be prepared to reply more quickly and more efficaciously to the questions proposed by ecclesiastical authority.

For the revision of the statutes, the Holy See gave the following detailed guidelines to the commission:

1. Better description of the relationship between CIMS and the Sacred Congregation for Divine Worship as well as the bishops' conferences;
2. participation of the delegates of the bishops' conferences in the voting at the general assemblies of CIMS;
3. Suppression of the various categories of membership set forth in the chirograph of 22 November 1963;
4. The naming of the executive officers of CIMS should take place independently of international congresses.

(Cf. letter of His Eminence, Cardinal Cicognani, Secretary of State to His Holiness, 30 November 1968, Protocol Number 107727).

Appointed to this commission were Monsignor FIORENZO ROMITA, Subsecretary of the Sacred Congregation for the Clergy, Father EUGENE CARDINE, OSB, and Monsignor DOMENICO BARTOLUCCI, Maestro della Cappella Musicale Pontificia, all of whom I would like to thank once more with my whole heart for their wonderful cooperation. The commission prepared a draft of the new statutes according to the guidelines given by the Holy See, which I presented to the Cardinal Secretary of State on 28 February 1969, with the request for its examination and approval.

On 8 May 1969, I informed the Secretariate of State that the competence of this commission lasted for six months and thus was about to expire on 30 May without having been able to fulfill its second task, viz., the preparation of the election, since the approbation of the statutes had not yet been given.

On 27 May 1969, the Substitute Secretary of State to His Holiness wrote that the draft of the new statutes was undergoing "a minute examination", but as yet had not been approved. However, approval, could be expected shortly.

In his letter of 12 June 1969, His Eminence, Cardinal VILLOT, Secretary of State, sent the text of the new statutes of CIMS which had previously been approved by the Holy Father on 28 May 1969, ad quinquennium and ad experimentum.

The competence of the commission was extended to 30 September 1969, so that the general assembly of CIMS, whose purpose is to elect the praesidium according to the new statutes, could be prepared.

According to the recommendation of the approved new statutes, I have, in cooperation with the other members of the commission, arranged for the printing of the statutes as well as the inviting of the bishops' conferences, to whom were sent copies of the statutes along with other necessary information, and finally the invitation to the members of CIMS themselves.

In order to save time, invitations were sent directly from Cologne to all those inscribed as members before the end of 1966. These were in their hands by the middle of July. Members inscribed between 1 January and 14 October 1967, were able to be invited only at the beginning of September, because the membership file which was in Rome could not be consulted during the summer vacation. I ask you kindly to consider and bear with the circumstances in case the invitation would have reached one or the other of you somewhat late, since the secretariate of CIMS is temporarily vacant.

With today's general assembly, and more precisely on 30 September, the competency of the interim commission expires, and I may be allowed to express the wish and the hope that the undesired inactivity of CIMS will come to an end and that with the election of a new Praesidium the activity and development of the CIMS, as these have been specified by the Holy Father in the terms mentioned earlier, may go forward with God's blessing.

The interim commission was only able to concentrate on the two tasks entrusted to it: revising the statutes according to the guidelines given by the Holy See, as well as convoking today's general assembly and the necessary election.

You will naturally expect from me what has already been asked in writing by many members, i. e., that I give at least a short explanation of why CIMS has been inactive during the last two years.

Hence I have decided that the first point of today's agenda shall be a report about the activity within CIMS since the first general assembly in Chicago in 1966.

Because Father JOSÉ LÓPEZ-CALO voluntarily resigned his office as Secretary of CIMS on 30 June 1968, it is necessary formally to accept the report of the secretary. Hence Father has asked that his books be properly examined and handed over to the newly elected praesidium.

In connection with the first point on our agenda, I have requested Monsignor ROMITA to give a commentary on the new statutes.

This afternoon we will conduct the balloting and discuss the formation of our subcommittees, without thereby anticipating the newly elected praesidium.

For the sake of better understanding, it has been made possible for us to conduct this afternoon's session in a hall with simultaneous translation facilities. We will meet at the Generalate of the Pallotine Fathers, which is located at Via dei Pettinari, 64, near the Ponte Sisto. We shall begin this afternoon punctually at four o'clock.

Perhaps I may request that you offer a donation to help meet our high expenses. This donation can be given directly to Miss GABRIELLA ORELLI, the former secretary who has placed herself at our service today. To Miss ORELLI and to all of you who will contribute I extend my heartiest thanks.

II

The report on the activity within CIMS since the first general assembly in Chicago in 1966 can be made very brief, because the praesidium elected at the conference in Rome in October 1967 lacked approbation, and CIMS without legally valid officers was forced into inactivity.

Even during the conference of October 1967, controversy about the legal validity of the election arose, although the praesidium was elected with great unanimity. Besides, it must be recalled that at the validly convoked first general assembly in Chicago in 1966, the election of a new praesidium was postponed until the conference to be held six months later in Rome. This proposal received unanimous approval *with only one contrary vote*.

During the verbal and written discussion which followed between competent authorities, and also in view of the discussion about the structure of CIMS itself which took place at the first general assembly, the Holy See found it opportune to revise the earlier statutes, and in fact to clarify them in certain points. And hence, the Holy Father named an interim commission which was announced on 30 November 1966. Its work has already been described in detail above.

It is perhaps appropriate to make clear that the non-approbation of the elected praesidium was in no way based on evaluation of the personal or professional qualifications of those elected. This has been expressly emphasized on the part of the Holy See. (Cf. among others, the letter of the Apostolic Delegate to the United States, 11 January 1969, Prot. No. 143/69).

At the first general assembly in Chicago, the election of the new praesidium was postponed until 7 March 1967, in Rome. Partly because of my sudden illness, it was postponed a second time until 12–14 October 1967. Our information bulletin, *Musicae Sacrae Ministerium*, carried reports about the progress of this conference and published several of the short papers given concerning current problems of *musica sacra* (Cf. MSM 1968, No. 2). With the resignation of our secretary at the end of June 1968, our periodical had to suspend publication temporarily.

Toward the end of 1968, the German edition of the proceedings of the Fifth International Church Music Congress appeared. It was followed a few months later by the English edition.

This first major publication of CIMS is dedicated to our venerable honorary president, Monsignor HIGINIO ANGLES, rector of this Pontifical Institute, which is, I might say, the actual home of CIMS in Rome. To Monsignor ANGLES I wish to express the special thanks of CIMS for all his loyalty and his untiring help. Unfortunately, the condition of his health does not allow him to be with us today. I believe I will be acting as you wish, if we send him a telegram expressing our best greetings and wishes along with the thanks of CIMS.

The Fifth International Church Music Congress, especially the study days held at Chicago in 1966, were recognized by the Holy Father in his address to the Consilium on 13 October 1966.

We have every reason to be grateful to the Holy Father for his concern about the problems and the worries of the church musician, which he demonstrated during the preparation of the Instruction *Musica Sacra* of 5 March 1967.

Contrary to certain voices and other proposals, this Instruction received the clear and significant arenga “*Musica Sacra*”, whereby the first important words of the Instruction take a strong position against all attempts to desacralise *Musica sacra*.

The decisive concept of *actuosa participatio populi* (the main theme of the study days at the Chicago Congress) is, in this Instruction, authoritatively interpreted as the participation of the whole man, which must first be interior, and only then expressed outwardly through singing, speaking and gestures. However, this explicitly includes listening to the Word of God and to *Musica sacra* in the liturgy.

Article 34 expressly permits, according to the customary norms, the use of the polyphonic Ordinary of the Mass which throughout music history has been known as the *Missa Romana*.

In the various forms of its Masses, the Cologne congress of 1961 offered convincing proofs that the form of the traditional Latin high Mass, according to the liturgical and artistic guidelines of the Church, formed out of the treasury of Gregorian chant and polyphony, is possible even *cum populo activo*. The well-known historian, Hubert JEDIN of Bonn, in an article entitled “Church History and Crises in the Church”, expressed concern, in view of today’s “liturgical crisis,” for the preservation of “the immortal creations of our church music” in the liturgy. It is all the more regrettable that a liturgist in Rome, influential in the contemporary work of reform, recently criticised this heritage as concert hall music.

Here there is revealed the widespread error which sees in the singing of the choir a hindrance for community singing and in the choir itself an instrument of aestheticism. In a theological and liturgical sense, it would hardly be possible to falsify the choir’s task more completely. Furthermore, the liturgical polyphony of the *Missa Romana* must not be superficially misinterpreted, even apart from the fact that such incorrect interpretations clearly contradict the text of the Instruction. Regarding the destructive use of the word “aestheticism” one is reminded of the treatment of religion, worship and beauty by DIETRICH VON HILDEBRAND in his book, “The Trojan Horse in the City of God”.

In creating melodies for vernacular texts the Instruction encourages respect for the character and laws of each language, as well as regard for the nature and individual characteristics of each people (Art. 54). You all know how these important regulations are regarded and respected in practice: very little, if indeed at all. Hence there arises the necessary, if difficult, task for our creatively gifted composers to take up the challenge and not abandon the wide field of opportunity in vernacular composition to second-rate composers or mere dilettantes.

We should remark in passing that composition to such high standards takes time, if only to fulfill the textual requisites calmly and with professional skill. Furthermore, even small parishes must be included in this creative vision, for otherwise they will fall into the dreadful danger of becoming a madhouse of experimentation with every possible substitute form.

This morning I have chosen only a few of the questions and points which were debated even before the publication of the Instruction. In the Instruction these questions found a professionally acceptable formulation without, however, being respected in practise, as has sometimes been the case with papal guidelines in the field of sacred music even in pre-conciliar days.

The Congress in Chicago has already taken a position regarding the musical and textual problems created by the publication of the *Graduale Simplex in usum minorum ecclesiarum*. In this connection I refer you to the address of Prof. JOSEPH LENNARDS as well as to the resolutions of the Fourth International Church Music Congress at Cologne in 1961.

For reasons which are well-known, direct cooperation of the CIMS in the preparation of the new *Ordo Missae* was impossible. Careful study of the new *Ordo Missae*, however, reveals that if one presumes a positive attitude toward the Roman liturgy on the part of the various ecclesiastical authorities, then one can in future continue to make use of the musically developed and matured forms of the *Missa Romana* which are bound up with the Latin language. But when one looks at contemporary conditions caused by unfortunately widespread arbitrariness, then one is not inclined to optimism in estimating the extent to which these possibilities will be used in actual liturgical practise.

III

As priests and laymen who see in their work in sacred music a genuine apostolate among the many carried on within the Church of Christ, and who have carried on their work for decades not only according to the highest professional standards but under a far-reaching pastoral aspect, we have the right and duty to reflect on *sacred music, worship and the Church in our changing times*, and to bring our thoughts to the attention of the competent authority.

To sum up briefly our viewpoint in CIMS as professional advisors to the ecclesiastical authority, I may be permitted to recount not only certain events of recent years in the field of sacred music, but also to refer to certain circumstances which may perhaps help us to achieve the correct viewpoint and properly evaluate both the often confusing theological, liturgical and musical polemic and the pseudo-modern amateurism of our days.

Even though CIMS as an organization was forced to remain inactive for two years, the tasks and efforts of its individual members remained generally the same. Certain developments, although they contradict the will of the Council, unfortunately indicate an increasingly greater theological and musical devaluation of the traditional artistic and musical structure of the *Missa Romana* in the theory and practise of certain liturgical centres. Heretofore it has been impossible to express our position in this regard satisfactorily in our professional journals. Furthermore, the number of our subscribers can in no way be compared to those who receive the propaganda literature for vernacular liturgy. The continually repeated error propagated in this literature, and the musical experiments in liturgical practise connected with this propaganda, stem not only from a lack of scholarly and artistic expertise, but also from a merely external concept of *actuosa participatio populi*, as well as from the problems of liturgical language. The real roots, however,

of these errors are to be found in the *anthropocentric thrust of contemporary theology*. Those who are familiar with the liturgical and musical tradition of the Church, her treasury of musical art and its foundation in theology and worship, know all too well that the *genuine Christian theocentric experience of music* must always stand in opposition to the anthropocentric conception.

Here is the fundamental reason for the aversion (one might even say outright hostility) toward mature liturgical musical art within the circles of intolerant reformers.

This intolerance was naturally also directed against the efforts of some individual members of CIMS in schools, articles and in lectures, since these members of CIMS of course attempted to follow the will of the Council and in spite of all difficulties to preserve in the solemn liturgy the Gregorian and polyphonic music which is bound up with the Latin language. CIMS not only has an obligation toward the patrimony of sacred music, in obedience to Vatican II, and for many factual reasons of musical significance, but it also has an obligation to create new liturgical music, a responsibility it knows full well for purely musical reasons. This has been underlined by the members both at the congress in Chicago and in *Musicae Sacrae Ministerium*. An open-minded examination of the congress program in Milwaukee proves that this did not remain a matter of mere words.

New music which can be taken seriously by professionals excludes mere sterile imitation. With such amateurish imitations the so-called New would be on the wrong track from the very outset. This applies to all attempts to fit the Gregorian melodies to the vernaculars. This is pure rationalistic drawing-board music far removed from the originality, individuality, productivity and genius of the artist, and even farther removed from the "numine afflatur" of the artistically creative liturgical church musician.

In many of the productions of the multitude of second-rate composers, who today feel themselves called to turn out new liturgical songs, there is lacking the most elementary musical craftsmanship which could indeed be supplied by even a minimum of professional training, although such training cannot "make" an artist. But without such professional training, without good schools, without spiritual and artistic roots in the great tradition of the Roman liturgy and its music, there can be no real composers and no new liturgical music either in Latin or in the vernacular. If we wish to honor someone with the title of creative musician or composer, of the type the Church is seeking today in all languages, then for the sake of the task assigned to such a person he cannot be a mere ecclesiastical ghetto composer, but must be a musician and artist who knows the musical language of his age and his people and who is able to speak out in musical life even outside the liturgy.

In the contemporary discussion about twelve-tone technique, serial and pointillist composition, various types of aleatory music, and the use of contemporary sound sources, the church musician, for the sake of a healthy contemporary musical culture from which a living church music may never prescind, is called to refer continually to an important regulatory norm, viz., to music's connection with the human voice, the living voice of the human being singing to God in the liturgy. It is only this connection with singing human beings which will prevent music in general from being totally mechanized (cf. PAUL HINDEMITH, "A Composer's World").

When masters of contemporary composition such as PAUL HINDEMITH, IGOR STRAVINSKY and many others, have been and continue to be concerned with calling attention to the danger of total mechanization in our musical development, how much more must the contemporary church musician be concerned with protecting living and inspired singing and music-making in the

worship of the Church, from the danger of total and impersonal mechanization. But what can be said about the opinion expressed by an otherwise well-regarded Father of the Council who in the discussion of *Musica sacra* on 13 November 1962 suggested that recordings of choral music should be allowed in the liturgy! With all due respect to the recording industry, the living human voice was simply not meant to be replaced in the liturgy by mechanical devices, which would mechanize our “prayer in spirit and in truth”. What is valid for the love of God is also valid for singing and making music before God, that it be “with thy whole heart, with thy whole soul, and with thy whole mind” (Matt 22/37).

What contradictions are present in the opinions and experiments that today claim to be progressive! On the one hand, people attempt to make out of the liturgy a social ritual, a mere demonstration of human togetherness, and meanwhile they forget that the liturgy is the public worship of the Church in the Holy Spirit through Christ to the honor of God the Father (cf. Letter of the German Bishops, “On the Contemporary Proclamation of the Faith”, 1967). The decisive question is: is liturgy primarily the worship of God or the worship of man?

He who wants to transform the celebration of the Eucharist into a mere human encounter will find himself compelled to deny the sacral and cultic character of the Sacrifice of Christ which was directed to the glory of God and the dispensing of the graces of Redemption. This would mean that neighbourliness had replaced the *Gloria Dei*, and then of course we would no longer need a *Musica sacra* created *Soli Deo Gloria*. Indeed, such a *Musica sacra* would then appear too restrictive and out of date; the difference between the sacred and the profane traditionally stressed by the Church would appear as a fateful mistake in dire need of correction; and consequently the liturgical music previously directed to God would have to be replaced by popular entertainment music directed to mere men. The experiments with jazz or so-called rhythmic music which can be observed in the liturgy today are understandable only against the theological background of anthropocentrism, which then quite logically abandons the sanctuary with the explanation that the “house of God is everywhere” (Cf. the Vesper broadcast from Stuttgart on German TV, 13 Sept. 1969.) Furthermore, this trend which sees only the horizontal and is blind to the vertical dimension of worship, calls itself pastoral and modern, because it thinks it has finally discovered the “real” man.

The very same so-called progressive voices, however, do not recognize that the musical experiments which they put into practice are directed more to the body than to the spirit of man, and thereby fall victims to the danger of a merely technical, mechanical music-making in which man will be replaced by the instrument or mechanical device. He who wishes to compose new liturgical music in the true sense of the word must above all be conscious of the vertical dimension in worship, i. e., the *Gloria Dei*, for then his work will serve to inspire men to prayer. Furthermore, a genuine composer cannot find living expression in the mere imitation of historical art forms. It still remains true that the distinctive quality of ecclesiastical art lies in the Church’s vivifying of contemporary artistic expression, as K. G. FELLNER convincingly explained at the Congress in Chicago. The time is past when people believed that there are, absolutely speaking, churchly and unchurchly chords. HERMANN SCHROEDER, in comparing genuine modern church music and the contemporary style of secular music, lists the following clear parallels:

“The whole realm of dissonance resulting from the great arches created by the priority of linearity and polyphony; the free handling of dissonance; the freely shifting harmony and free rhythmical forms; the elimination of functional major-minor harmony; and the broadening of tonality.” (Cf. J. OVERATH, *ACV: Gestalt und Aufgabe*, Köln 1961.)

Without prescinding from musical development in general, *Musica sacra* retains its firm position in the midst of contemporary experiments because of its link with the human voice. It is in this direction that composers must find a contemporary expression in their compositions both for liturgical congregational singing and for medium and small choirs.

The genuine musician fully understands the difficulty of this task; it is only professionally incompetent people who misunderstand the composer's caution and reserve. I will mention only one difficulty: the creation of congregational melodies for liturgical prose texts – a novum in the history of congregational singing. The German hymn, for example, makes use only of poetic texts. Since as a rule the competent authorities and those responsible for the work of reform do not exercise the necessary patience or caution, there arise hasty attempts at solutions which cannot be professionally satisfactory.

When *in response to serious artistic reservations*, reference is made in the same breath to the "spirit of poverty and simplicity" so necessary in today's liturgy in order to overcome the former "triumphalism," then one must content himself with the bitter admission that the content of art is always poor when worship itself is poor, since art itself stands under the influence of worship, and art is always a truthful mirror of life.

MARTIN DEUTINGER expressed it this way:

"As soon as men lose their religious enthusiasm, the spirit is impoverished, the forms become empty and earthly, the vivifying word becomes a mere spiritless phrase. The connection of religion and art is so close that the inner richness of art is dependent upon religious worship".

How many false consequences must flow from the fateful error which attempts to identify the true spirit of poverty with impoverishment of the divine liturgy, and liturgical art forms with "triumphalism"!

A living religion is unthinkable without art, because the concept of religion implies the inclusion of the whole man with all his powers, hence also sets the highest tasks and goals for the artistic impulse.

A German priest-musician commented in this connection:

"There is a piety which is quite content to remain carefully within the boundaries of orderly reason, like a visitor walking demurely between the rows of carefully trimmed yew hedges in a formal garden. But there is also a piety which overflows from a brimming heart, like white-hot lava from a volcano. This latter is the piety of the saints – and of the artists. And if it is not to burn out, then it needs to be fueled with great thoughts, indeed, with mysteries. Has rationalism, which prides itself on making everything so "reasonable", "clear and transparent", "simple", "understandable", ever produced a great art in the course of its career in history? The glowing piety of the saints and artists has from the beginning accompanied the daily offering of Christ in this world and has given its dimensions to the wondrous structure of the liturgy, which we see endangered both in its treasure of a hallowed tradition and in the new experiments of today with their widespread disrespect for the professional".

IV

In conclusion I would like to refer to the speech given by our Holy Father on 14 October 1968 to the Consilium in which he mentioned the many abuses on the part of over-enthusiastic innovators. Above all, he pointed out the abuse which wants to "remove the sacred from liturgical worship and replace the holy by the common-place and the everyday". In the spirit of these words of the Holy Father, on the spiritual and theological basis of the patrimony of sacred music and in living and responsible contact with the musical life of our day, we want to understand and strive for our goal in CIMS. Following the will of the Council, we stand for co-existence of Latin and vernacular liturgy, in which Latin retains its pre-eminence. The Latin liturgy will also remain in the future an important element of the Church's unity, which can be served by the cultivation of the Gregorian chant and polyphony bound up with the Latin language. This important apostolic task can easily be overlooked in the confusion of today's innovations. In this regard, technical, economic and political factors in the life of people today are forcing an ever more intimate union of peoples, because the decisive problems of mankind can only be solved by a united world. What great service can the Church of Christ not render in this regard, filled as she is not only with the spirit and ethos of God's revelation, but also with a worship that is common to all nations! With all due respect to the differing cultures and their consideration in the liturgy, the necessity of a liturgy which binds and unites all people must not be overlooked. We may rest assured that after thesis and antithesis the synthesis will follow.

It has always been thus in the Church of Christ: as the society of Christ's disciples grew materially and spiritually, it was more and more penetrated by a flood of worldliness. As a stormy mountain stream seeks a channel on the plain in which its floods are contained, so the freedom of the apostolic age demanded a law, original enthusiasm demanded a rule, living faith demanded dogma and divine worship demanded ritual order. Deep within the organism of the Church was enough glowing lava to prevent the form from becoming too rigid. Life and form stood under tension, which sometimes swung to one extreme and other times to the opposite. The organism of the Church always managed to overcome illnesses with its inner vital strength and repel foreign bodies that attacked it.

Today the Church of Christ stands at a new and difficult crisis whose symptoms can also be seen in the field of sacred music, but whose real roots lie much deeper. The Church stands in opposition to a world whose civilization is more developed than its culture, a world which has shown capabilities for thought and for enjoyment which almost reach the pathological. Meanwhile, within the Church herself people try to catch up with the world and thus expend more serious effort on enforcing changes in (so-called) "historically changeable forms and structures" than on realising the Christian ideal and cultivating the genuinely religious.

Therefore, it is not surprising that even in the work of liturgical reform, the zeal for simplification and intelligibility has concentrated more on external changes than on the much more important interiorisation and simplification of our piety.

In order to bridge the gap between the Church and the world, which has affected even the depths of the individual personality, and has divided both mankind and men within themselves, people try to open themselves to the world in a misunderstood *aggiornamento* which often takes on grotesque forms. The crisis goes to the very heart of life itself, and one must have a firm faith in the divine life within the Church in order to hope for a happy resolution of the crisis.

The question of truth is largely excluded from the dialogue with our separated brethren. One looks in vain in this dialogue for any sign of reserve which would be respectful toward the convictions and experience of the past. Does the teaching authority of the Church not seem necessary here as protectress of the traditional legacy of truth! It is necessary that just as in the time of the Protestant Revolt in the sixteenth century, small groups be formed which will love the Church and her precious inheritance without reserve: her truth and the splendor veritatis in her art, in the art forms of her prayer and faith, above all in her *Musica sacra*. Since we call ourselves *church* musicians, this seems to me to be our sacred duty.

Exactly one year ago today, I spoke to the church musicians of the German language area on the occasion of the celebration of the centennial of the ACV. I could find no better way to conclude my address than with a warning from the wisdom of the Bishop of Regensburg, JOHN MICHAEL SAILER, who still knew of the splendor veritatis. I would like to repeat this admonition for you today:

If with your right hand you resolutely hold fast to the Old which is tried and true, and at the same time offer your left hand to the disciplined introduction of what is *best* among the New, then give your heart to the *One, eternal truth alone*, which always renews itself in the Old, but in the New does not deny its ancient beauty.

The Role of the Church Music School today

JOHANNES OVERATH

... When His Excellency, the Most Reverend Bishop entrusted to me, as one of the friends of Msgr. HABERL, the honourable task of saying a few words here today, it seemed to me less desirable, and not at all in the sense of my dear friend, to list each and every post he has previously held in his life, or to describe his meritorious service on behalf of the spirit and the great tradition of the Regensburg Church Music School. Rather, it seemed much more appropriate to speak of the cause which he has served here, and for which he is to continue to serve in Rome: *namely, the role and the significance of church music schools in our time.*

The time at my disposal does not allow me to give a historical or laudatory description of the founding and the work, as part of the Caecilian reform movement, of the Regensburg Church Music School, which served as the model for the establishment not only of a Pontifical Institute of Sacred Music in Rome by POPE PIUS X, but *also for other church music schools* throughout the world.

Allow me instead to express a few thoughts about *the tasks that face a church music school at the present time*, not only in light of the goals set for church music (and for church music schools) by the II Vatican Council, but also and above all, in relation to contemporary music.

I

What does Vatican II say about the need for, and the goals of, education in church music?

Granted the intimate connection between church music and liturgy (which Vatican II, wholly in accord with the spirit of POPE ST. PIUS X, especially emphasised in its Constitution on the Sacred Liturgy), it would seem that the provisions of articles 15 to 17 concerning liturgical education also apply logically to liturgical music, since, as *musica sacra*, such music cannot be a mere "art for art's sake", but rather is art which forms an integral part (*pars necessaria vel integralis*) of the solemn liturgy, a "holy" art, that is, one which differs from the profane in form and expression. *Musica sacra* thus bears within itself a responsibility toward high art, since it must be at once worthy of the worship of God, and capable, in its power of expression, of spiritually edifying or "building-up" men.

Hence, from the essence of liturgical music there follow several consequences:

1. There can be no genuine liturgical education without church music, and vice versa, as both musicology and liturgiology have successively demonstrated in many instances. One-sided specialisation, or a lack of cooperation between these two disciplines, has hindered, even today, many efforts at liturgical reform.

2. It is not only the well-intentioned musical experiments of amateurs who lack the necessary professional qualifications in church music, which contradict the nature of liturgical music, but also the purely musical approach, which disregards both the worship of God and the praying man. A clear insight into the rules determining the meaning and goal of sacred music laid down

by Vatican II should suffice to bring about the abandonment – if only because of their origin and associations – of those experiments with jazz and beat music in worship which have unfortunately become customary in some places today. Such music, through its associations, can only serve to promote a profane musical experience, foreign to prayer. The addition of a few religious words to such music does not alter the basic situation. We must never forget that music as such is a language, which can be understood even without words.

However, it is something entirely different if a truly creative musician knows how to amalgamate into his compositions worthwhile elements from jazz, or especially from spirituals.

In contemporary composition, however, this art, which presumes a certain originality and eminent skill, has up until now been vouchsafed only to the great composers. Indeed, we encounter worldly elements in the liturgical compositions of the past. Genuine church music is never a ghetto music, but always stands in living contact with the music of its time. Therefore, genuine church music will in a certain sense call extra-ecclesiastical music back to its home, in order to allow it to contribute its share to the ultimate destiny of creation and of man: the *gloria Dei!* But success in this process of artistic fusion has been granted only to the great composers such as BACH or PALESTRINA or BRUCKNER, or in our own time to STRAVINSKY or MESSIAEN. At best, the church music school can try to smooth the path to such eminent skill, but it can never impart the originality which it is only God's to give.

3. *Musica sacra* is indeed liturgy: a necessary and integral part of the liturgy itself. It is not a mere stage-setting, nor a kind of Muzak like the recorded music or radio playing in trains, planes, or cars, in shops and in factories (which is, in any case, a sign of dangerous mechanisation and serious harm). *Musica sacra*, as an element of the liturgy itself, demands interior spiritual participation and concentrated, attentive listening in order to work its full effect. Hearing must lead to living witness. What good is knowledge, even of theological questions, when men no longer possess the capability of living in faith? Active singing and music-making, one of the best ways of experiencing this, is not possible for every individual man. Nevertheless it remains a goal of man's general education in humanity, in the self-realisation of men, just as a living liturgy since Vatican II demands a singing community. Right there a special task is marked out for church music education. In addition to its scholarly obligations it must always have the musical laity also in view – the singing church. Is it not precisely today that we notice the developments in music in general being restricted more and more to the laboratory, thus leading directly to an extreme of “art for art's sake”, and cutting the ground from under the reality of men themselves? In this sense the church music school becomes one of the last outposts of a healthy popular musical culture, especially since the ever-increasing loss, in our elementary schools, of teachers trained in church music.

Thus we see that careful consideration of the essence of liturgical music, as the Council has defined it, can arrive at some basic general guidelines for church music education.

Nevertheless, the sixth chapter of the Constitution, *De Musica Sacra*, contains some detailed directives, especially in article 115. Here we find the recommendation “. . . to found higher institutes of sacred music wherever this can be done”. In addition, church musicians “. . . must also be given a genuine liturgical training”.

In Article 114, we read: “The treasury of sacred music is to be preserved and fostered with very great care”, and in article 117, “The typical edition of the books of Gregorian chant is to be completed; and a critical edition is to be prepared of those books already published since the restoration of ST. PIUS X”.

The other prescriptions of this chapter of the Constitution regarding Gregorian chant, polyphony, organ playing and construction, and congregational singing all presume the existence of the church music school, and in a sense determine its curriculum.

In similar fashion the instruction *Musicam Sacram*, published on 5 March 1967, clearly describes, in article 4, the purpose of sacred music as an integral part of the liturgy, in sharp contrast to present tendencies toward desacralisation: "... the glory of God and the sanctification of the faithful". The Instruction expressly adds that "... only that music can be called sacred music which, being created for the celebration of divine worship, is endowed with a certain holiness and goodness of form." Article 4 continues: "The following are treated here under the title of *musica sacra*: Gregorian chant, sacred polyphony, in its various forms both ancient and modern; sacred music for the organ and other approved instruments; and ecclesiastical popular singing, be it liturgical or simply religious".

Article 52 speaks of the special purpose of the "higher institute": "Above all, the study and practice of Gregorian chant is to be promoted, because, with its special characteristics, it is a basis of great importance for the cultivation of church music". In addition to preserving the treasury of church music great emphasis should also be laid on the creation of new forms of church song (cf. article 52).

Work done in conformity with these clear educational guidelines will make sense only if the Latin High Mass is not merely tolerated as an exception but retains its legitimate place in the order of service of our parish churches as well as our cathedrals. A liturgical reform which dispenses completely with the Latin language stands in clear contradiction to the will of the Council, entirely apart from the fact that it has the effect of a new "Iconoclasm" toward our precious heritage of liturgical musical art.

If the Council has indeed prescribed, as part of the musical training of missionaries, the study of non-Christian musical traditions, so that an organic, Christian musical development can be prepared in such mission lands, then how much more are we bound to preserve, with all our strength, the Christian musical culture which has developed in our Western nations through the course of so many centuries!

The Pontifical Institute of Sacred Music in Rome has a very special role to play in relation to the study of musical traditions in mission countries.

He can call himself a church musician for whom a good school, working according to the will of the Council, has made the treasury of sacred music become his spiritual and artistic home. Such a church musician also possesses standards by which to judge new creations, above all new vernacular liturgical songs. Only he will be competent to judge whether a composition is fit for the liturgy.

From among such church musicians, who do not guard the treasury of *musica sacra* like a crematory urn filled with ashes, but rather keep the living flame aglow, there will perhaps one day come, in the continuity of God's creative gifts, a composer who is capable of fulfilling what article 59 of the Instruction *Musicam Sacram* says about composers: "Let them examine the works of the past, their types and characteristics, but let them also pay careful attention to the new laws and requirements of the liturgy, so that 'new forms may in some way grow organically from forms that already exist', and the new works will form a new chapter in the musical history of the church, one not unworthy of its past".

It should be superfluous to point out that such an organic growth is not to be understood in the sense of a merely amateur production which would contradict all artistic principles.

It should also be observed, vis-à-vis present practise in liturgy and church music schools, that the Instruction of 1967 urgently recommended the preservation of the treasury of church music, especially the study and practise of Gregorian chant, not only to the church music schools but also to the "...seminaries, the novitiates and houses of study of religious of both sexes, and also other Catholic institutes and schools..." (cf. article 52). The discord between clergy and church musician which can, unfortunately, all too often be observed in contemporary liturgical practise, has a very real basis in the fact that the church music education of the clergy has been neglected, in spite of the directions of the Popes of this century, and of the Vatican Council. In the musical blunders of the present we are but suffering the consequences for the devaluation or outright neglect of these educational directives. What good are all the conciliar recommendations for musical and liturgical education, when they are not even respected by all those in responsible positions!

II

What are the tasks of the church music school vis-a-vis the musical life of our time?

If it is true that no religion has made such complete use of music as has Christianity, and if it is also true that the Church has actually written the most important chapters in the history of Western music, we must nevertheless say of the nineteenth century, and even more of our own, that as a result of social and legal changes (one thinks, for example, of the development of copyright laws) the church, as a source of commissions for new music, has receded more and more into the background. When in spite of this an artist composed spiritual and liturgical music, he did so as a rule on his own private initiative, for since the developments of the nineteenth century the composer was no longer bound principally to the service of the church. ANTON BRUCKNER, for example, still wrote church music even though after he moved to Vienna he no longer held a regular church position. MAX Reger, who comes out of the tradition of great organists, always maintained close ties with the church organist's art in his compositions.

In the realm of contemporary music, one can observe in the case of ANTON VON WEBERN, for example, that during the Great War he turned more in the direction of religious themes, while remaining musically a loyal follower of ARNOLD SCHÖNBERG. WEBERN's canonic setting of Latin Passion texts in free, atonal chromaticism (Op. 16) was followed in 1924 by the "Three Spiritual Folksongs" (Op. 17), composed in SCHÖNBERG's twelve-tone style.

In 1926 IGOR STRAVINSKY began the series of his sacred compositions with a *Pater Noster*. In 1930 there followed the "Symphony of Psalms", composed "to the glory of God". His "Mass" in a purposely archaic polyphonic style appeared in 1947. He uses brief tone rows in the "Mass" although it is not yet entirely dodecaphonic. In 1956 he published the *Canticum Sacrum*, and in 1958 the *Threni*, both in the full twelve-tone style of SCHÖNBERG and VON WEBERN.

Among the group of French musicians known as *La jeune France*, the most prominent composer is OLIVIER MESSIAEN, organist of the church of S. Trinité in Paris. Although his main profession is that of organist, his compositions are of pioneering significance for contemporary music since the end of the Second War.

A follower of MESSIAEN is the young Cologne composer KARLHEINZ STOCKHAUSEN, who in his religious work "The Song of the Three Young Men in the Fiery Furnace" follows serial techniques, and works with electronic media.

Even in this brief survey of the religious music of contemporary composers, we encounter the beginnings of diverse tendencies in the musical life of our time. In the meantime, the development has proceeded apace. One might well say that just as our concept of the world has been considerably expanded with the advent of atomic power and space flights, so contemporary music has shattered the tonal system which was valid up to now, and broadened its horizons through atonality, twelve-tone techniques, serialism and chance music; through research into the world of sounds; through new, technical sources of sound; and through electronics. The contemporary composer feels himself set loose in an entirely new and free world of sound.

Our traditional system of notation is no longer sufficient. Pitch, strength and timbre of the sounds require new symbols. A traditional score is to a certain extent pointless and unserviceable in contemporary music, since it cannot express the "new sounds". From this point of view the contemporary musician must re-think his craft in totally different terms.

In the face of this musical revolution, one instinctively asks, "Can such experiments in sound and timbre still be included under the concept of "music"? But if we really believe in the unity of art and life, then does not the creator of these seemingly chaotic sounds really interpret for us the fierce disturbances of our age? Of a time which questions everything? Even the basic principles of musical art are being questioned. A so-called "music" is being newly-discovered. Instruments are often used in ways foreign to their original purpose, and the human voice is definitely being replaced by the microphone and the tape.

At such a time, everything appears to be permitted. This is also true not only for contemporary art, and for the seriously-striving contemporary artist, but also for the hangers-on of both, who perhaps are interested only in profits. Serious professional criticism is often incapable of judging clever experiments, or it sometimes fears being branded as reactionary. Perhaps we need new standards, without abandoning the old traditional standards of great masterworks of the past.

Religious themes will not be lacking even in avant-garde works as long as believing men remain creatively active, as the course of musical development up to now has demonstrated they can be, especially since religious music, in contrast to strictly liturgical music, is more free in its choice of musical means.

Nevertheless, another question presents itself. Are these new musical or sonic phenomena useable in the liturgy? In light of the radical tendencies in electronic and aleatory music, and in serialism in all its forms, the question must, in my opinion, be answered negatively. All these efforts have one thing in common: the rejection of any concept of melody, which means the exclusion of the singing human being. However, the centre of all liturgical musical art is and remains the human being, praying and singing before God. Man as singer must therefore be both norm and correction for any musical development that calls itself liturgical.

In his book "The Foundations of Music in Human Consciousness", the Swiss conductor ERNEST ANSERMET analyses contemporary musical tendencies and comes to this conclusion: "One cannot disobey the law of tonality because it is the law of our hearing". This, however, appears to be precisely what atonality and dodecaphony are trying to do, not to mention electronic music. Works using the serial or pointillistic technique all too often leave the impression that they have suppressed every traditional type of melody and harmony in order to produce shock effects in dynamics and timbre. No wonder, then, that this type of new art has fallen into an esoteric loneliness in spite of all sorts of encouragement, above all by the radio stations, which pay generous commissions but still can only broadcast this music exclusively on late-night pro-

grams. Perhaps the fact that this music is so far distant from singing man also explains the great abyss which separates the creators of such works from their potential audiences.

The fact that this new music is not, and cannot be, particularly conducive to congregational singing, should not need any further explanation. Against this background the emphasis given to congregational singing in the liturgy by Vatican II is all the more significant. Congregational song, especially in the vernacular, has to have a melody. Musical themes or motives can indeed be constructed; a melody, however, demands inspiration. A genuine melody is never a product of mere intellect – it never arises from the mere routine work of a craftsman. It flows out of a composer from more or less irrational sources, even though intellect and craftsmanship can perhaps contribute something to its final formal expression. Folksong is the real native homeland of melody. Melody is a succession of tones with inward and outward symmetry, more or less complete in itself, and exhibiting a definite proportion. This cannot be said unconditionally of every musical theme. In music history, the closer we approach the present, the more complicated becomes this creation, until it can scarcely be called “melody” any more.

If we can rejoice greatly over the emphasis on congregational singing in the liturgy, we must also remember how very necessary it is that we have gifted melodists to compose the “new song”, melodists who have achieved that distinction by going through a good schooling. As long as we have at our disposal a well-preserved treasury of solid congregational hymns, we should not encumber congregational song with musically worthless constructions. In this respect the German-speaking countries are in an enviable position compared with other countries. This by no means implies that the liturgical song of our own time should be neglected, but it does mean that we should disabuse ourselves of the illusion that we can create in a few years what took centuries to grow up organically. In face of this situation, the contemporary church music school can do great service in the cause of preserving a healthy popular musical culture, for singing people – in family, school, and church – form the very centre of such musical culture. And of course we still have our choirs, whose value can be underestimated only by people of very unrealistic outlook. Only a professionally qualified church musician can do justice in all respects to a choir and a congregation; a church musician who is artistically rooted in the great musical tradition of the church, while open to all of today’s new musical phenomena; who is loyal in fulfilling his liturgical and musical responsibilities; who is firm in distinguishing genuine liturgical music from profane and inartistic forms.

I would like to conclude with a thought from the French philosopher GABRIEL MARCEL, expressed in his opening address at the 1965 Salzburg Festival, which I should like to apply to *musica sacra*. He called music the “homeland of the soul”. If that is true of music in general, it is true in a much deeper sense of *musica sacra*. It is a fact which we cannot imagine as non-existent, that the world in which we live, which forms us and also deforms us, is increasingly characterised by “alienation” and “homelessness”. Thus we may well ask, with GABRIEL MARCEL: Are not the atonality and increasing mechanisation of contemporary music eloquent signs of this fact? If such be the case, then we would have to preserve and perhaps defend the “homeland of the soul” in the *musica sacra* which has grown up organically in the course of so many centuries. This “homeland of the soul” – in what PAUL HINDEMITH called the “melodic miracles” of Gregorian chant, in the exalted art of PALESTRINA’s polyphony, in the organ works of J. S. BACH (to mention only a few examples from the treasure-trove of sacred music) – which one might characterise as a comforting reflection of that other homeland in the next life, must remain accessible to the ear of man, even in the liturgy of the future. This is all the more so because what appears to be

an almost universal repudiation and levelling of spiritual values is attempting to despoil our spiritual home on earth with its constant yearning for innovations.

My dear priestly friend FERDINAND HABERL: on your way from your home Regensburg to Rome, may this "homeland of the soul" remain with you! May this saying of Cardinal FAULHABER be our wish for you: May your church music endeavors in Rome serve not only the culture of the soul, but also the soul of every culture! To this end, from all our hearts, God's blessing!

On the Legal Situation of Musica Sacra after the Second Vatican Council

HEINRICH FLATTEN

During Holy Week 1971, West German television broadcast a study in cultural criticism by REINHARD RAFFALT on the subject of "The Decline of the Roman Tradition in the Catholic Church". The program began with a sharp contrast: film clips of two different ways of shaping the Sacrifice of the Mass were shown in immediate succession. The first clip showed a bishop celebrating a Pontifical High Mass in the form familiar over the centuries, in one of Rome's historic churches. Clothed in full pontifical vestments and with his mitre on his head, the bishop strode in the company of deacon and subdeacon toward an altar ablaze in Baroque glory, as the venerable melodies of the Gregorian chant filled the sacred space. And then, abrupt change of scene: to a Mass celebrated by Salesian Fr. LUTTE in one of those Roman suburbs which so resemble a barracks. The service was held in a sober, barren, every-day sort of room, and the normal work-table was used as an altar, around which the participants were seated. The celebrant wore nothing which would even have identified him as a priest. One of the girls in the group read from the Gospel, those present spoke with one another, and then this order priest spoke over the chalice and the white breads on the table the Last Supper account from the Holy Scripture. It seemed as though everything had quite consciously been excluded which, even in externals, would have raised the event out of the profane up to the level of the sacred and the numinous. The television program referred to it as a "Discussion-Mass without Liturgy".

The sharp contrast was deliberately intended to be provocative. The Catholic liturgy, as it has developed through the centuries, amounts to a mature work of art which, surrounding the core bequeathed and commanded by the Saviour, has brought forth in architecture, painting, sculpture and the arts of literature as well as of music, forms whose purpose it is to lead men from the values of culture and beauty into the centre of the mystery. But today, not a few in the Catholic church – indeed, not least many clerics! – consciously desire to abandon and destroy this bond between mystery and culture, between nature and supernature. People are supposed to renounce a distinct cultic language, the sacred configuration of churches and forms of worship, Gregorian chant and polyphonic Masses. And this is to be done not merely out of necessity, where in primitive conditions the means and possibilities for solemn celebration of the liturgy are lacking, but in principle. In the post-conciliar age, many persons consciously intend to banish from the Church's liturgy every vestige of the culture that the Church herself did so much to create.

The author of this television program made it quite clear how deeply he regretted the Church's retreat from culture. At the close of the program, the camera focussed upon one of PAUL VI's audiences in St. Peter's. In spite of the different races and skin colours, the different origins and levels of education, the thousands gathered in the basilica met in the unity of the Credo, sung together in Latin by all present. And as the Gregorian melody carried the words "Et unam sanctam catholicam et apostolicam Ecclesiam" upwards into Michelangelo's mighty cupola, the commentator concluded on a note of pessimistic resignation: If steps were not taken to curb these tendencies in the contemporary church, then the time would not be far off when no

more Catholics would still be found able to pray the Credo together in Latin or to sing it together in Gregorian chant. At best, one would be able to think back, with fading memories, to a music which no one recognised any more, and to a language which nobody understood any longer.

Is such bleak pessimism in fact justified? Herewith is offered an analysis of the contemporary situation regarding a significant segment of sacred culture: the realm of *Musica sacra*. Our analysis is admittedly limited to the *legal* situation, in that the presently valid norms applicable to church music will be sketched in their broad outlines. Here, of course, one must not succumb to the illusion that the norm is automatically an accurate reflection of reality. It is entirely possible that actual conditions here and there (or, for that matter, often) may lag seriously behind the norm. In any case, our analysis of the legal situation has a twofold goal in view. On the one hand it will allow us to see the high rank which church authority, at least, attributes to the treasures of *Musica sacra*. On the other hand it will indicate the chances which we have, by using the possibilities offered in the law, to carry over the religious and cultural values of church music through a Present often blind to real values into a more open Future.

The analysis of the legal situation of church music will proceed in three main stages:

1. the directives of the II Vatican Council;
2. the decrees implementing the conciliar Constitution;
3. the new Order of Mass.¹

I. The Liturgy Constitution of the II Vatican Council

The conciliar directives on church music are found in the Constitution on the Sacred Liturgy, which was promulgated on 4 December 1963 in St. Peter's. Two points in the Constitution are relevant to our theme: a primary principle for the shaping of any liturgy, and the detailed directions concerning *Musica sacra*.

1. The principle of *actuosa participatio*

As the primary principle against which every liturgical form is to be measured, the Council stressed *actuosa participatio*: active, living participation of the faithful. This idea is at the same

¹ The basic legal sources will be cited hereafter with the following abbreviations:

Lit. Const. = II Vatican Council, *Constitutio de sacra Liturgia* of 4 December 1963: AAS 56 (1964) 97/138. English translation in ABBOTT-GALLAGHER, *The Documents of Vatican II* (New York 1966) 137/77.

Instr. Mus. = SCR and Consilium ad Exsequendam, *Instructio de musica in sacra liturgia* of 5 March 1967: AAS 59 (1967) 300/20. English translation, USCC (Washington 1967).

1 Instr. Lit. = SCR and Consilium, *Instructio ad executionem Constitutionis de sacra Liturgia recte ordinandam* of 26 September 1964: AAS 56 (1964) 877/900. English translation, NCWC (Washington 1964).

2 Instr. Lit. = SCR and Consilium, *Instructio altera ad executionem Constitutionis de sacra Liturgia recte ordinandam* of 4 May 1967: AAS 59 (1967) 442/8. English translation, USCC (Washington 1967).

3 Instr. Lit. = SC for Divine Worship, *Instructio tertia ad Constitutionem de sacra Liturgia recte exsequendam* of 5 September 1970: AAS 62 (1970) 692/704. English translation, CRUX Publications (Albany 1970).

Miss. Rom. 1970 = *Missale Romanum ex decreto Sacrosancti oecumenici Concilii Vaticani II instauratum auctoritate Pauli Pp. VI promulgatum*. Editio typica (Città del Vaticano 1970).

Inst. gen. = *Institutio generalis Missalis Romani*, in *Miss. Rom.* 1970, 15/92.

time the basic principle which runs throughout the entire Liturgy Constitution. Thus the Council says:

Mother Church earnestly desires that all the faithful be led to that full, conscious and active participation in liturgical celebrations which is demanded by the very nature of the liturgy (and which for) the Christian people . . . is their right and duty by reason of their baptism. In the restoration and promotion of the sacred liturgy, this full and active participation by all the people is the aim to be considered before all else; for it is the primary and indispensable source from which the faithful are to derive the true Christian spirit.² Repeatedly, the Council stated, an ongoing reform of the liturgy must inquire whether liturgical texts and rites, signs and forms are really suited to assist the Christian people toward *actuosa participatio*.³

But what are we to understand by the term *actuosa participatio*? Were it to be understood as demanding, unconditionally and in every last detail, an external activity, then the death sentence would have indeed been passed on wide areas of church music. The idea of the congregation singing along in a polyphonic Mass, or in many Gregorian compositions, is obviously quite impossible. However, the concept of *actuosa participatio* cannot be limited in this fashion, at least if one does not want to disregard the spiritual nature of man. There is a genuine, indeed a very high level of activity, which can exist even when there are no signs of external activity. Who would deny that the scholar at his desk, totally sunk in contemplation of a problem without putting even one sentence on paper, is engaged in a very intense activity? Yes, even in stillness, in silence, in the absorption of meditation it is possible for a man to rise to the heights of spiritual activity. Who has not experienced this when listening to J. S. BACH's St. Matthew Passion in the concert hall? The listener does nothing externally, and yet in his attentive listening there takes place a very active experience at first hand. The same thing happens when a Benedictus of, for example, an ANTON BRUCKNER grips the listener at holy Mass, disposes him for the *elevatio mentis ad Deum*, and conducts him into the very heart of the Eucharistic Mystery. Absolutely no external motion: and nonetheless a supremely effective participation in spirit and mind, in heart and affections. Without a doubt, a genuine and living *actuosa participatio*.

Certainly there is also another form of *actuosa participatio*, in which the faithful pass over from their silent participation to a common recitation or singing that is also an external activity. This does not, however, alter the fact that silently listening to a Gregorian chant or polyphonic setting of a Mass text performed by the choir, represents a completely legitimate form of *actuosa participatio*.

2. Detailed conciliar directives on sacred music

That the active participation of all the faithful in the liturgical celebration was understood by the Council itself in this sense, is convincingly demonstrated by a close examination of the detailed conciliar directives on sacred music.

The Council expressly prescribed that Gregorian chant, as the music proper to the Roman liturgy, be given pride of place in liturgical services, and that other kinds of sacred music, especially polyphony, are by no means excluded from liturgical celebrations.⁴ When the selfsame

2 Lit. Const. art. 14.

3 Cf. Lit. Const. art. 21.

4 Lit. Const. art. 116.

Council which framed its entire Liturgical Constitution under the guiding principle of *actuosa participatio*, at the same time desires and encourages the traditional *Musica sacra*, then it is abundantly clear that the Council, for its part, sees absolutely no obstacle to the *actuosa participatio* of all the faithful in Gregorian chants or polyphony sung by the choir.

The II Vatican Council acknowledged the high rank of *Musica sacra* within the liturgy:

The musical tradition of the universal Church is a treasure of immeasurable value, greater even than that of any other art. The main reason for this pre-eminence is that, as sacred melody united to words, it forms a necessary or integral part of the sacred liturgy. . . . Therefore sacred music increases in holiness to the degree that it is intimately linked with the liturgical action, whether by expressing prayer more winningly or fostering unanimity, whether by enriching the sacred rites with greater solemnity. The Church indeed approves of and admits into divine worship all forms of true art which are endowed with the necessary qualities.⁵

In this connection, the pre-eminence of any sung liturgy over the merely recited is also emphasised:

Liturgical action assumes a more noble form when the sacred rites are solemnly celebrated in song, with the assistance of sacred ministers and the active participation of the people.⁶

Hence the Council makes it obligatory to cultivate sacred music:

The treasury of sacred music is to be preserved and fostered with the greatest care. Choirs must be diligently promoted, especially in cathedral churches; but bishops and other pastors of souls must be at pains to ensure that, in any sacred action to be performed in song, the whole body of the faithful may be able to contribute that active participation which is proper to them, according to the norms of Articles 28 and 30.⁷

Regarding the various forms of church music, among which Gregorian chant, polyphony and hymns are mentioned by name, the Council decrees in greater detail:

The Church acknowledges Gregorian chant as proper to the Roman liturgy: therefore, other things being equal, it should be given pride of place in liturgical services. But other kinds of sacred music, especially polyphony, are by no means excluded from liturgical celebrations, so long as they accord with the spirit of the liturgical action, as laid down in Article 30.⁸

Religious singing by the people is to be skillfully fostered, so that in devotions and sacred exercises, as also during liturgical services, the voices of the faithful may ring out according to the norms and requirements of the rubrics.⁹

5 Lit. Const. art. 112.

6 Lit. Const. art. 113.

7 Lit. Const. art. 114.

8 Lit. Const. art. 116. Article 30, cited here, clearly calls for the participation of the people in the acclamations and responses.

9 Lit. Const. art. 118.

In respect of the peoples of some countries (particularly in the mission territories) who possess their own indigenous musical culture, the Council further determined to grant an appropriate role to this music in the shaping of the liturgy.¹⁰

By way of summary one could say that the will of the Council might be expressed thus: duty towards Gregorian chant, rights regarding polyphonic church music, encouragement for religious congregational singing.

The question of the cultic language – whether Latin or vernacular – plays no small role in carrying out these conciliar directives, especially where Gregorian and polyphony are concerned. Clearly, the maintenance of the treasures of church music in chant and polyphony is only possible if Latin, even though it no longer claims exclusivity, is assured of room to exist as a cultic language.

The council itself has created, to a sufficient degree, the necessary conditions for the continued vitality of the great works of the musical tradition.

Indeed, the II Vatican Council decreed that the use of the Latin language in the liturgy is to be retained.¹¹ According to the will of the Council Fathers, it has not been left to preferences of the faithful, or even to those of an episcopal conference, whether or not the liturgy will be celebrated exclusively in the vernacular. The retention of the Latin language in the liturgy has been made obligatory by the Council.

True enough, the Council did not want to prescribe the Latin language, solely and exclusively, for the liturgy. In fact, in Masses celebrated with the people, it allowed the use of the vernacular. It was to be the concern of the episcopal conferences to make a judgement here, though in any case their decision needed the confirmation of the Holy See.¹² The complete Mass was by no means opened up for the use of the vernacular; for this purpose it was chiefly the readings, the prayer of the faithful and (depending on local conditions) those parts of the Mass which pertain to the people, which were to be chosen.¹³ Thus, for example, the episcopal conferences could not allow the vernacular for the Preface and Canon.

How little inclined the Fathers of the Council were to lend a hand to the practical elimination of Latin as a cultic language by allowing the vernacular, is best seen in the fact that the Liturgy Constitution immediately prescribes:

Nevertheless steps should be taken so that the faithful may also be able to sing or to say together in Latin those parts of the Ordinary of the Mass which pertain to them.¹⁴

– for example, the Gloria or the Credo. Precisely here lies a significant directive for church music: if it is the explicit will of the Council that the faithful (for example) are to be able to sing the Gloria or the Credo together in Latin, then indirectly there is being expressed here the obligation of regularly celebrating Mass with Latin Gregorian chant. And not merely occasionally, but with such frequency and constancy as are needed to make the singing of these Latin texts a genuine possession of the faithful.

10 Lit. Const. art. 119.

11 Lit. Const. art. 36/1.

12 Lit. Const. art. 36/3.

13 Lit. Const. art. 54.

14 Lit. Const. art. 54.

Looking back at the Liturgy Constitution, one would certainly have to agree that in general the Council here laid down a legal foundation which should have been able to serve as the basis for fruitful work in the field of sacred music.

II. The Decrees for the Implementation of the Conciliar Constitution

Several regulatory decrees followed the Liturgy Constitution, and it will now be our task to examine whether they have preserved the same serviceable legal basis as the Council.

These decrees were issued by Roman dicasteries between 1964 and 1970:

1. the First Instruction on the Implementation of the Liturgy Constitution, dated 26 September 1964;
2. a special Instruction on Church Music, issued on 5 March 1967;
3. the Second Instruction on the Correct Implementation of the Liturgy Constitution, of 4 May 1967;
4. the Third Instruction on the Implementation of the Liturgy Constitution, published on 5 September 1970.

The first three documents were issued jointly by the Congregation of Rites and the Liturgy Consilium, the last by the new Congregation for Divine Worship, which had replaced the old Congregation of Rites.¹⁵

It would go far beyond the limits of this discussion to even attempt to sketch the many ramifications of the detailed regulations contained in these instructions. Limiting ourselves to the highlights will, however, suffice for the goal we have set here. In general one can certainly say that in essence, the Instructions stand on the same clear legal basis as the conciliar Constitution. Nonetheless, a certain tendency toward wider concessions cannot be denied. This generally remains beneath the threshold, but here and there breaks through to the surface.¹⁶

1. The First Implementation Instruction of 1964

Though this first Instruction does not expressly repeat the conciliar obligation of retaining Latin in the liturgy, it nevertheless remains within the framework of this conciliar regulation.

The Instruction clearly lists those texts of the Mass for which episcopal conferences were authorised to allow the vernacular:

- a) Epistle, Gospel and Prayer of the Faithful;
- b) depending upon local circumstances, the chants of the Mass Ordinary: Kyrie, Gloria, Credo, Sanctus, Agnus Dei; and further Introit, Intervient Chant, Offertory, and Communion;
- c) acclamation, greeting and dialog; the words at the Communion of the faithful, and finally the Pater noster with introduction and embolism.¹⁷

¹⁵ The sources are cited completely in Note 1 above.

¹⁶ One example may suffice here: a deviation from the previous Latin rite, which in 1964 (1 Instr. Lit. no. 48 G) was only mentioned as a possibility, was later, in 1967 (Instr. Mus. no. 35) expressed as a recommendation.

¹⁷ 1 Instr. Lit. no. 57.

Authorisation to use the vernacular in the other parts of the Mass, i. e. those sung or spoken by the priest alone (e. g. oration, Preface, Canon) is however reserved exclusively to the Holy See.¹⁸

The Instruction expressly emphasises that missals for liturgical use must contain the Latin text in addition to the vernacular translation.¹⁹ It might be helpful to point out that up to the present, this regulation of the law has not been abrogated.²⁰

Two provisions of the First Instruction affect church music directly. As the conciliar Constitution had done, we are here once more admonished:

Pastors of souls shall carefully see to it that the faithful also know how to say or to sing together in Latin those parts of the Ordinary of the Mass which pertain to them, especially in the simpler melodies.²¹

Here again there is laid down indirectly the obligation of repeatedly celebrating Mass with Latin Gregorian chants, for without such regularity the faithful would hardly be able to achieve the required mastery of the texts.

Special attention should be called to the provision of the First Instruction dealing with new melodies for liturgical texts in the vernacular. The document requires that new musical settings of vernacular texts to be sung by the celebrant and the ministers be approved by the competent episcopal conference.²² By analogy, previous approbation of the bishops' conference is also required for the melody of the German Pater noster in the Mass.²³ Thus a barrier of sorts is erected, in order to restrict arbitrary compositions.

2. The Sacred Music Instruction of 1967

Since the 1967 Sacred Music Instruction was entirely devoted to this one subject, it naturally goes into much greater detail. Here only a few points will be emphasised, with the reminder that they represent a very small selection from the many detailed church music norms to be found here.

The Instruction characterises the *missa in cantu* as the highest form of the liturgy in these words:

Liturgical worship is given a more noble form when it is celebrated in song... Indeed, in this form prayer is expressed in a more attractive way, the mystery of the sacred liturgy and its hierarchical and community nature are rendered more clear, unity of hearts is more profoundly achieved through the union of voices, minds are more easily raised to heavenly things by the splendour of the sacred rites, and the whole celebration more clearly prefigures that heavenly liturgy which is enacted in the holy city of Jerusalem.²⁴

18 1 Instr. Lit. no. 58.

19 1 Instr. Lit. no. 57, conclusion.

20 It is a very suspicious testimonial of poverty that the responsible persons in Germany have up to the present not been prepared to make such editions available. In foreign countries one finds exemplary bilingual editions.

21 1 Instr. Lit. no. 59.

22 1 Instr. Lit. no. 42.

23 1 Instr. Lit. no. 48 G.

24 Instr. Mus. no. 5.

Finally, the significance of community singing is seen in the fact that it makes the “ecclesial” aspect of a liturgical celebration more evident.²⁵

The standard for shaping the liturgy continues to be the theme song of the Council: *actuosa participatio*, the living participation of the entire celebrating community. Fortunately the Instruction refers to the difference between internal and external *participatio actuosa*, and unmistakably demands: an internal participation must, above all else, be present, in the sense that the faithful join their minds and hearts to what they say, or hear. Granted, an external participation should also supervene, in the sense that the entire congregation manifests externally – in gestures and bodily attitudes, in acclamations, responses, and song – what they feel interiorly.²⁶ In any case, the degree to which the entire congregation can actively participate in singing will differ according to local conditions and objective data. In this regard the abilities of the congregation concerned, and the degree of difficulty of the music chosen, will certainly not be the last factors to be considered. The Instruction clarifies this by using the example of polyphonic Masses, for it explicitly recommends honouring, encouraging and using multi-voice compositions from the traditional heritage of *Musica sacra*,²⁷ which of course can only be performed by a choir. The one thing which must be avoided at such celebrations is the total exclusion of the congregation from participating actively in song.

To be deprecated (so says the Instruction) is the usage of entrusting to the choir alone the entire singing of the whole Proper and of the whole Ordinary, to the complete exclusion of the people’s participation in the singing.²⁸

In any case, the congregation should sing the following pieces:²⁹

the responses to the greeting and prayers of the priest; the acclamations at the Gospel;
the dialogue at the beginning of the Preface;³⁰
as a rule³¹ the Pater Noster sung by the people with the priest; the responses to the final blessing and to the dismissal formula *Ite missa est*.³²

The Sacred Music Instruction justly insists that no one should merely be satisfied with the minimum participation at every Mass, but that the entire congregation should be led to a greater share in the liturgical singing. Even the Proper of the Mass, at least in the form of easier refrains,

25 Instr. Mus. no. 42.

26 Instr. Mus. no. 15.

27 Instr. Mus. no. 50 C.

28 Instr. Mus. no. 16 C.

29 Compare the basic level of sung participation in Instr. Mus. no. 29, taking into account that which is “prescribed” or “only recommended” in nos. 33/5 regarding the participation of the congregation in the individual songs.

30 That the participation of the people in the singing of the Sanctus is not, according to the Sacred Music Instruction, stringently prescribed, is clear from Instr. Mus. no. 34.

31 Compare Instr. Mus. no. 35.

32 As a matter of fact, the Sacred Music Instruction does not contain such a summary listed in this exact form, but one can infer it approximately from the norms given (cf. note 29 above). Full clarity on the required minimum of popular participation in singing was only brought by the General Introduction to the new Roman Missal: “The people’s acclamations and their answers to the priest’s greetings and presidential prayers constitute that minimum of active participation which is to be given by the congregation in every form of Mass; at least this much active participation is required to express and to foster the unity of communal action.” (Inst. gen. no. 15)

is not excluded here. But the Instruction adds a wise self-limitation at this point: *quantum fieri potest*,³³ to the extent that it is possible according to conditions. In conclusion, we call attention to the important prescriptions of the Sacred Music Instruction regarding musical settings of vernacular texts. Of translators, the following is required:

In preparing vernacular versions of those parts which will be set to music, especially the Psalter, experts should take care that the text be faithful to the Latin and at the same time suitable for setting to music. The nature and laws of each language must be respected, and the features and special characteristics of each people must be taken into consideration. . .³⁴

Then the composers of church music are addressed directly:

This tradition, together with the laws of sacred music, should be carefully respected by composers in their preparation of the new melodies.³⁵

Musicians will enter upon this new work with the desire to continue that tradition which has given the Church, in her divine worship, a truly abundant heritage. Let them examine the works of the past, their style and characteristics, but let them also pay careful attention to the new laws and requirements of the liturgy, so that 'new forms may in some way grow organically from forms that already exist' (Lit. Const. art. 23), and the new work will form a new part of the musical heritage of the Church, not unworthy of her past.³⁶

And concerning experiments with new musical settings, the Instruction gives this salutary admonition:

New melodies for the vernacular texts certainly need a period of trial in order that they may attain a sufficient maturity and perfection. However, anything done in church, even if only for experimental purposes, which is unbecoming the holiness of the place, the dignity of the liturgy and the devotion of the faithful, must be avoided.³⁷

3. The 2nd and 3rd Implementation Instructions of 1967 and 1970

These documents make very few legal determinations which directly affect sacred music. The 2nd Instruction, from 1967, offers practically nothing. It should however be mentioned that according to this Instruction the Canon of the Mass may be spoken aloud³⁸ and that the episcopal conferences are furthermore empowered to allow the vernacular in the Canon.³⁹

The 3rd Implementation Instruction (1970) clearly has as its goal the halting of arbitrary experimentation with the prescribed liturgy. He who keeps this in mind will not be surprised that the decree did not everywhere encounter reciprocal affection.⁴⁰ As the Instruction makes clear,

33 Instr. Mus. no. 33.

34 Instr. Mus. no. 54.

35 Instr. Mus. no. 54.

36 Instr. Mus. no. 59.

37 Instr. Mus. no. 60.

38 2 Instr. Lit. no. 10.

39 2 Instr. Lit. no. 28.

40 Cf. Herder-Korrespondenz 24 (1970) 557/9.

the renewal of the Mass liturgy called for by the Council has, with the publication of the new Roman Missal, reached a certain stage of completion. Hence, after years of experiments and attempts, it is once again time to insist upon the unified celebration of the multiplicity of possible forms among which the new liturgy of the Mass offers such a broad choice. The Eucharist should be a *signum unitatis et vinculum caritatis* even in its outward form.⁴¹

Of significance for church music is this prescription of the 3rd Instruction: where no alternative choices are explicitly offered, one may not arbitrarily change or substitute for the prescribed liturgical texts.⁴² Hence one can use only the approved liturgical books at holy Mass. The episcopal conference should see to it that only such music and instruments are permitted for use in worship, as actually fulfill the requirements of sacred music.⁴³ In future, all experiments are to cease, even where they have previously been allowed.⁴⁴

Anyone who is aware that the liturgy is a living organism can only approve of such warnings against constant tinkering and endless experimentation. The man who transplants a tree into a new orchard, and trims its branches, but then does not allow it to grow and ripen in peace and quiet, would be wantonly condemning it to death. After all the necessary transformation, changes and reforms there is nothing our living liturgy needs more than steadiness, permanence and balance, without which it simply cannot thrive.

III. The New Order of Mass

Mention of the new Roman Missal brings us to the third section of our treatment, which is concerned with the New Order of Mass. The new Roman Missal with the changed Order of Mass was published some years ago by POPE PAUL VI's Apostolic Constitution of Holy Thursday (3 April) 1969. A few days later (on 6 April 1969) the Congregation of Rites released the extensive General Introduction to the Roman Missal, a collection of rubrics for the celebration of the holy Sacrifice of the Mass including no less than 341 numbered paragraphs. Although the New Order of Mass was not compulsory, it could be used optionally as of Advent 1969. Some of the essential changes were already known, such as the penitential act at the beginning of Mass in place of the prayers at the foot of the altar, or the choice between four different Canons, or the removal of the words "*mysterium fidei*" from the formula of consecration. The new arrangement was to become binding on the whole Church in general by the beginning of Advent (28 November) 1971, at the latest, for the episcopal conferences were at the same time notified to make the New Order of Mass compulsory in their territories by that date. This was the situation as envisioned in the Roman regulation of 1969.⁴⁵

41 3 Instr. Lit., preface.

42 3 Instr. Lit. no. 3, beginning. A broad spectrum of choices among the liturgical texts is offered in Inst. gen. nos. 313/25. And even greater freedom of choice is provided for Masses in smaller gatherings (the so-called "group Masses"). Compare the Congregation for Divine Worship's *Instructio de missis pro coetibus particularibus* of 15 May 1969: AAS 61 (1969) 806/11. But even in these "group Masses" it remains obligatory to take the readings from the Sacred Scriptures and not from some other source, and to choose only from the prescribed liturgical texts for the Preface and Canon of the Mass.

43 3 Instr. Lit. no. 3 C.

44 3 Instr. Lit. no. 12.

45 *Sacra Congregatio pro Cultu Divino, Instructio de Constitutione Apostolica "Missale Romanum" gradatim ad effectum deducenda* of 20 October 1969: AAS 61 (1969) 749/53, no. 7.

However, in the meantime the Sacred Congregation for Divine Worship, in its Notification of 14 June 1971^{45a} called off the deadline of 28 November 1971, and left the decision to a large extent in the hands of the episcopal conferences involved: the conferences should set the date on which the vernacular editions of the new Roman Missal approved by it and confirmed by the Apostolic See “sive ex toto sive ex parte in usum recipi possint vel debeant”. As is clear from the words “possint vel debeant”, a notable area for independent decision has been reserved to the episcopal conference. It can make the translation of the new Roman Missal obligatory; it can also rest content with allowing the optional use of the new texts. And only if the episcopal conference were to prescribe the new translation as obligatory, would the new *Missale Romanum* also become obligatory in Latin Masses, as of the same date.

How does the new Missal change the situation for sacred music? The legal situation remains essentially the same, for it is based on the norms of the conciliar Constitution and the subsequent Implementation Instructions, and hence it offers a secure foundation for fruitful church musical activity in the future. Attention should, however, be directed to two details, since here certain dangers are to be feared.

1. The new liturgical calendar

The first threat arises from the renewed liturgical calendar which is joined to the new Roman Missal. The new arrangement of the church year and the liturgical calendar have the laudable aim of making more clear the structure and relationship of the festal seasons, as well as rendering more evident the orientation of the entire church year around the Paschal Mystery. In order to accomplish this aim, it was necessary to cut away much that had, in the course of the centuries, covered and overgrown the clarity of the structure. For the sake of the goal one simply had to have the courage to in fact undertake such a measure.

Obviously, from the point of view of sacred music, such steps cannot be taken without threatening valuable pieces in the church music tradition. Two examples will perhaps make this clear. In the future there will no longer be an octave of Pentecost. The Paschal season closes with the 50th day after Easter, with Pentecost Sunday itself: the expansion of an octave from Pentecost Monday until Saturday falls out entirely. Those who are acquainted with the Gregorian gems in the Masses of this Pentecost octave will certainly find it a painful loss if they simply vanish.

In order to allow the self-contained unit of the 40-day Lent to appear with greater clarity, that which had extended itself in front of Lent like a sort of vestibule or forecourt, namely the pre-Lenten period with the Sundays of Septuagesima, Sexagesima and Quinquagesima, has also been eliminated. The Intros of these very Sundays contain melodies of great expressive power. What a great loss, if the “*Circumdedderunt me gemitus mortis*” of Septuagesima or the “*Exsurge, quare obdormis Domine*” of Sexagesima were no longer to resound in our divine worship!

45a *Sacra Congregatio pro Cultu Divino, Notificatio de Missali Romano, Liturgia Horarum et Calendario* of 14 June 1971: AAS 63 (1971) 712/15. The decisive sentences read: “The Episcopal Conferences should take care that the vernacular translation and edition of their liturgical books is completed as soon as possible. However, considering the special difficulties involved in preparing these books, the Conferences are to set the day from which the translations, approved by them and confirmed by the Apostolic See, may or must (*possint vel debeant*) be used, either in whole or in part. From the day on which vernacular translations of this type become compulsory in liturgical celebrations in the vernacular, only the renewed form of the Mass and the Liturgy of the Hours will be mandatory for use by those who continue to use the Latin language.”

However, not all of the Gregorian pieces of the eliminated feasts have been completely banned from the Missal. A few, though, do seem to have disappeared completely. Others, again, reappear in some other place in the Missal. Thus, for example, one finds the Introit "Circumdederunt" hidden in the corner of the Saturday in the fourth week of Lent, and the "Exsurge" in the mass "For any necessity". The prudent observer, however, will have to admit that every chant which can no longer be sung regularly on a Sunday, is thereby condemned to a woe-fully meagre existence.

Here it may well be in order to take the initiative in saving these religious and musical values by requesting the Holy See to allow the optional use of other pieces from the standard *Graduale Romanum* as replacements for the proper chants prescribed in the new liturgical books. In fact, the General Introduction to the Roman Missal is already that good-hearted, and allows, in no. 26, instead of the prescribed Introit, the use of some other text approved by the episcopal conference, provided that it is suitable to the worship service in question, and to the nature of the day or liturgical season concerned. Much the same is true for the other chants of the Proper.⁴⁶

In such a case Rome could scarcely deny a similar generous freedom of choice when it is a case of the antiphons of the old *Graduale Romanum*, hallowed as they are by ancient tradition. With such approval of the Holy See a choir would then have the freedom, for example, of performing the introit "Circumdederunt" on a Sunday of their choice, provided that it is suitable to the character of this Sunday. Powerfully expressive Gregorian melodies could thus be saved from oblivion and made fruitful for the religious life.

2. The singing of the Ordinary

A second threat to church-musical values emerges almost unnoticed when one studies more closely the directives of the General Introduction on the singing of the Ordinary of the Mass. In the first place it is noteworthy that the norms have turned out very differently for the various parts of the Ordinary. Thus, for example, for the Gloria it is prescribed that "the Gloria is to be sung by everyone in common, or in alternation between choir and congregation, or by the choir alone".⁴⁷ In other words great openness, which allows freedom for various musical forms. But the situation is different with the Sanctus. As the General Introduction orders in no. 55 b, the Sanctus is to be sung by the entire congregation in common. No exception is mentioned. What this means for church music is at once clear: a polyphonic Mass could no longer be performed as a unity at the service, for at least the Sanctus would have to be omitted, so it could be sung by all present. A polyphonic Sanctus and Benedictus (so often the most worthwhile movements of such compositions) could thus in future be heard only in museums or concert halls, for they would be banished from the living atmosphere of the liturgical celebration as soon as the new Missal were made obligatory.

The development in this direction was already evident in the Sacred Music Instruction of 5 March 1967, at least in its German translation: "The Sanctus . . . should as a rule be sung by the whole congregation together with the priest."⁴⁸

This is simply a downright mistranslation. The original Latin text reads differently: *Praestat ab universo coetu de more cantari*. But *praestat* means, It is more appropriate, it is more apt

46 Compare Inst. gen. no. 36, 50, 56 I.

47 Inst. gen. no. 31.

48 Instr. Mus. no. 34/2.

and opportune, that the Sanctus usually be sung in common by the entire congregation. In other words, no constantly binding norm, as would appear according to the erroneous German translation, but simply an earnest recommendation to conduct oneself so as a rule. Over and above this, the word “*praestat*” applies only to non-polyphonic Masses, since for polyphonic Masses it is expressly stated in no. 34, par. 1 of the Instruction that they can be performed by the choir “*suetis normis*”. Making a clear distinction here, no. 34, par. 2 of the Sacred Music Instruction then continues: In *aliis casibus*, therefore not in the case of a polyphonic Ordinary. And only for these other cases is the congregational singing of the Sanctus urged. In other words, sufficient room to manoeuvre was provided here, so that, deviating from the rule, in the case of a polyphonic Mass the Sanctus and Benedictus could also be performed in polyphony.

What was thus regulated in more or less elastic fashion in 1967 now receives, in the General Introduction to the New Order of the Mass, the character of a binding rule without exception: the Sanctus is to be sung by the entire congregation. The inner reason for this rule is to be found in the quality which the General Introduction attributes to the Sanctus. It calls the Sanctus an acclamation, the concluding acclamation to the Preface. And every acclamation must be sung or said by the congregation. This is (so it says in no. 15 of the General Introduction) the minimum of *participatio actuosa* which is expected of the assembled faithful in every form of the Mass.

Those whom it concerns should once more seize the opportunity and request of the Apostolic See that one be allowed to interpret the provision of the General Introduction (no. 55) concerning the congregational singing of the Sanctus in the sense of the Church Music Instruction of 1967, namely, that it is to be understood only as an earnest recommendation for normal circumstances, which however leaves the door open to meaningful exceptions.

One will certainly rejoice if the Sanctus is consistently sung by the entire congregation. But one must also retain the possibility of legitimate exceptions, for the sake of greater variety and freedom in shaping the celebration of the Mass, so that the church musician is not forced, in case he chooses a polyphonic Mass, to mutilate a work of art into a torso.

These are the two significant desiderata which could be expressed concerning the General Introduction to the new Missal. Apart from this, however, the new Order of the Mass offers, in harmony with the will of the Council, a basis in law which can afford a sufficient scope of activity for the requirements of sacred music, at least in its basic demands. If church music practise were in no worse condition than its legal basis, one would have no need to complain. Here and now we should put into actual practise the various possibilities offered in the legislation.

Let us flash back to that scene in the television program which we recalled at the outset: around the Holy Father in St. Peter’s basilica are gathered thousands of believers representing many nations and languages from all over the world – and yet they are *one* heart and *one* voice in the Credo sung together in Gregorian chant. Is it true, as the dour prediction of the television author would have us believe, that this will soon be a thing of the past? Our summary of the legal situation of church music proves quite clearly that such a development would by no means accord with the will of the Church and the intention of the Council. But what good are legal norms and determinations if we ourselves do not see what is really at stake? We should not permit treasures for which those outside the Church envy us, to be tossed overboard like lifeless ballast, above all because we are so aware not only of the cultural value but also of the religious power of sacred music. Granted, we cannot succeed without personal effort. But it is also going to depend

on us, on our willingness, on our sense or responsibility that in a few decades this scene in St. Peter's does not actually belong to a dead past, and that in the future both of those things will remain living realities: a music with which one is still familiar, and a language that one can still understand – even in the year 2000.

Sacred Music since the Council

JOHANNES OVERATH

The Constitution on the Sacred Liturgy proclaimed in St. Peter's on December 4, 1963, devoted an entire chapter to sacred music. Before we begin considering the individual prescriptions of the Constitution, it is most appropriate to contemplate carefully the key concept of the Council, namely the *actuosa participatio populi*, the living participation of the people.

Thus Article 14 of the Constitution says
"Mother Church earnestly desires that all the faithful be led to that full, conscious and active participation in liturgical celebrations which is demanded by the very nature of the liturgy (and which for) the Christian people . . . is their right and duty by reason of their baptism. In the restoration and promotion of the sacred liturgy, this full and active participation by all the people is the aim to be considered before all else; for it is the primary and indispensable source from which the faithful are to derive the true Christian spirit."

This principle is of such decisive significance for every step in the liturgical reform, that at its first international congress in Chicago/Milwaukee (1966) the international church music organization founded by the Holy Father, POPE PAUL VI, the Consociatio Internationalis Musicae Sacrae, concentrated, by agreement with the Holy See, on one single theme: the *actuosa participatio populi* and its consequences for music according to the norms of the Constitution on the Sacred Liturgy. This one subject was fully discussed by specialists from the theological, liturgical, paedagogic-pastoral and artistic points of view.¹ This congress received words of approving recognition in the address of the Holy Father to the liturgy Consilium in Rome on October 13, 1966.² The results of the thorough and complete studies at Chicago were reflected at least in part in the Instruction *Musicam sacram* promulgated on March 5, 1967. Thus, Article 15 authoritatively interprets the decisive concept of *actuosa participatio* as a participation of the entire human person, a participation which first of all is interior and then expresses itself exteriorly in song, speech and gesture. But at the same time Article 15 expressly insists on *listening* to the word and to sacred music as a legitimate form of living, active participation.

The most important goal of all pastoral efforts inevitably remains this *living interior participation* in the liturgical event, whereas external activity will, depending on place and circumstances, have its limits, which must be respected for many reasons, not only musical ones, nor merely for the sake of intensifying our liturgy.

The most widely used American version of the Constitution on the Sacred Liturgy (in Abbott-Gallagher, *The Documents of Vatican II*), translates *actuosa participatio* as "active participation." This translation obviously places too strong an accent on the external activity, but perhaps it also explains the often-encountered aversion toward the masterpieces of church music – which can, of course, only be listened to – and hence toward choirs. Of course congregational singing should be encouraged in every possible way. But the spiritually and artistically more valuable riches of sacred music, in Gregorian chant and polyphony, require, as Article 15 puts it, that

1 See the Congress proceedings, "Sacred Music and Liturgy Reform after Vatican II" (Saint Paul 1969).

2 AAS 58 (1966) 1148/9.

“the faithful should also be taught to unite themselves interiorly to what the ministers or choir sing, so that by listening to them they may raise their minds to God.”

Many somewhat feverish apostles of renewal overtax their congregations Sunday after Sunday with highly dubious experiments of such a nature that many of the faithful in despair seek out churches with “quiet” Masses or with a Latin high Mass. This is clearly the result of an all too one-sided procedure which in turn is based upon a false understanding of the concept of *actuosa participatio*. With all due respect and appreciation for living congregational singing, one should not bend the bow too far and go to extremes in making demands on the congregation.

At the first symposium of church musicians from East and West in Salzburg in 1971, Prof. HEINRICH FLATTEN, professor of canon law in Bonn, presented a detailed treatment of the contemporary legal situation regarding sacred music. In the course of his paper Prof. FLATTEN laid special emphasis on the correct interpretation of the key concept of *actuosa participatio*:

Were it to be understood as demanding, unconditionally and in every last detail, an external activity, then the death sentence would indeed have been passed on wide areas of church music. The idea of the congregation singing along in a polyphonic Mass, or in many Gregorian compositions, is obviously quite impossible. However, the concept of *actuosa participatio* cannot be limited in this fashion, at least if one does not want to disregard the spiritual nature of man. There is a genuine, indeed a very high level of activity, which can exist even when there are no signs of external activity. . . . Yes, even in stillness, in silence, in the absorption of meditation it is possible for a man to rise to the heights of spiritual activity. Who has not experienced this when for example . . . a *Benedictus* of ANTON BRUCKNER grips the listener at holy Mass, disposes him to “raise his mind and heart to God,” and conducts him into the very heart of the Eucharistic mystery. Absolutely no external motion: and nonetheless a supremely effective participation in spirit and mind, in heart and affections. Without a doubt, a genuine and living *actuosa participatio*. Certainly, there is also another form of *actuosa participatio*, in which the faithful pass over from their silent participation to a common recitation or singing that is also an external activity. This does not, however, alter the fact that silently listening to a Gregorian chant or a polyphonic setting of a Mass text performed by the choir represents a completely legitimate form of *actuosa participatio*.

By considering the *detailed prescriptions on sacred music* in Chapter VI of the Constitution, H. FLATTEN comes to the convincing conclusion that the Council understood the participation of the faithful in the liturgical event in this broad sense:

1. “The musical tradition of the universal Church is a treasure of immeasurable value, greater even than that of any other art. The main reason for this pre-eminence is that, as sacred melody united to words, it forms a necessary or integral part of the sacred liturgy. . . .” (Article 112)

2. As a consequence of the high liturgical rank of the traditional *Musica sacra*, there follows the admonition of Article 114: “The treasure-trove of sacred music is to be preserved and fostered with the greatest care. Choirs must be diligently promoted. . . .”

3. These “riches of church music” include Gregorian chant, the polyphony which grew out of the spirit of the liturgy, religious congregational singing, and liturgical organ music. In greater detail the conciliar text continues:

The Church acknowledges Gregorian chant as proper to the Roman liturgy: therefore, other things being equal, it should be given *pride of place* in liturgical services. But other kinds

of sacred music, especially polyphony, are by no means excluded from liturgical celebrations, so long as they accord with the spirit of the liturgical action, as laid down in Article 30 (Article 116).

This reference to Article 30 is meant to assure the participation of the congregation in at least the acclamations and responses.

4. "Religious singing by the people is to be skillfully fostered, so that in devotions and sacred exercises, as also during liturgical services, the voices of the faithful may ring out according to the norms and requirements of the rubrics." (Article 118)

5. "In the Latin Church the pipe organ is to be held in high esteem, for it is the traditional music instrument, and one that adds a wonderful splendor to the Church's ceremonies and powerfully lifts up man's mind to God and to heavenly things" (Article 120). Other instruments are allowed only with limitations, "only on condition that the instruments are suitable for *sacred* use, or can be made so, that they accord with the *dignity* of the temple, and truly contribute to the *edification* of the faithful" (Article 120).

6. Article 113 unequivocally emphasises the pre-eminence of the sung liturgy over the merely recited when it says: "Liturgical action assumes a more noble form when the sacred rites are solemnly celebrated in song, with the assistance of sacred ministers (deacon and subdeacon) and the *actuosa participatio* of the people."

In light of these detailed church music prescriptions in Chapter VI, the canonical analysis of Prof. FLATTEN arrives at the following clear conclusion:

When the selfsame Council which framed its entire liturgical constitution under the guiding principle of *actuosa participatio*, at the same time desires and encourages the traditional *musica sacra*, then it is abundantly clear that the Council, for its part, sees absolutely no obstacle to the *actuosa participatio* of all the faithful in Gregorian chants or polyphony sung by the choir.

An unbiased interpretation of *actuosa participatio* arrived at by openminded study of the Constitution on the Sacred Liturgy can help prevent false and one-sided explanations of the will of the Council. In similar fashion we must hold fast to that which the Council laid down in Article 36 concerning the *duty of preserving* the Latin language and concerning the *permission* for the vernacular. The regulations for the fostering of the "riches of church music," Gregorian chant and polyphony are meaningful only when a definite place in the liturgy remains assured for Latin as a language of worship. That the Council by no means intended to encourage in practice the factual suppression of Latin as a cultic language by allowing the vernacular is clear from the fact that in Article 54, after rendering possible the use of the vernacular "in the readings and in the prayer of the faithful," plus "as local conditions may warrant in those parts which pertain to the people," the Council immediately adds the prescription that care is to be taken "that the faithful may also be able to say or to sing together in Latin those parts of the Ordinary of the Mass which pertain to them" (*Kyrie, Gloria, Credo, Sanctus, Benedictus, Agnus Dei*). From this H. FLATTEN correctly concludes that

"If it is the explicit will of the Council that the faithful are to be able to sing the *Gloria* or the *Credo* together in Latin, then indirectly there is being expressed here the obligation of regularly celebrating Mass with Latin Gregorian chant. And not merely occasionally, but with such frequency and constancy as to make the singing of these Latin texts a genuine possession of the faithful."

The reader can answer for himself the question as to how this is being carried out in contemporary liturgical practice. *In every place* where congregationally sung Gregorian chant

Masses had taken root, the carefully cultivated “plant” is *still* alive: thus Catholics from every nation are still able to sing in common at international pilgrim shrines or at international gatherings. But what is the situation of music education in Gregorian chant for children and the youth? During the Council, an opinion was voiced to the effect that now the era of the silent spectator at the liturgy was coming to an end. This may have been true in areas which, before the Council, had neglected pastoral liturgy. But it has already become clear that among the many millions in international tourism, for example, the age of the silent spectator has just begun – that is, if our Catholic people still feel themselves to any extent bound to attend Mass on Sundays and feastdays in foreign countries, when not one word of Latin still reminds them of the *Catholica Ecclesia*. The unrestricted use of the vernacular which has unfortunately become customary is really not the mark of a pastoral care of souls tailored to the needs of the hour. In the various language areas people are working on common forms of song for both ministers and people. But what is happening on the international level for the sake of unity in the world-wide Church, when the Latin liturgy – contrary to the will of the Council – is disappearing more and more from liturgical practice? How necessary it is to cultivate the Latin high Mass in cathedrals, monastery churches and parishes, above all where men of various nationalities come together! What people have had to experience since the Council, in the area of multi-lingual Masses – and on the international level, at that! – has been anything but “edifying.” All due respect to the particular laws and special customs of “local churches,” but God preserve us from “provincialism” in the liturgy of the world-wide Catholic Church! From this point of view all true friends of the Latin liturgy which unites all nations, and its magnificent music, are grateful to the Holy Father for opposing certain anti-musical tendencies in the postconciliar reform and explicitly safeguarding the polyphonic Ordinary of the Mass (which musicologists refer to as the *Missa Romana*: that inestimably rich profusion of “Masses” from every century between the Middle Ages and the present, whose listing includes the names of the great geniuses of music history). According to the Instruction *Musicam sacram* of 5 March 1967, Article 34 § 1, the polyphonic *Ordinarium Missae* can in the future still be sung *suetis normis*, “according to the customary norms,” *i. e.*, by the choir. In fact this form of the high Mass is placed in high relief compared to the other forms, among which the congregationally sung Gregorian chant Mass deserves our special attention.

From their experiences every Sunday, most readers know all too well how little these clear, balanced prescriptions of the Constitution (1963) and the implementing regulations of the Instruction *Musicam sacram* (1967) have been and are being observed in actual practice up to the present. Many, in fact, dare to proclaim: the Council is *passé*.

It could be said that almost all the conciliar texts referring to the retention of Latin as a liturgical language have been completely played down in the instruction given to the people concerning liturgical reform, and indeed with a vengeance in more recent liturgical practice. Recently, A. BEAUJÉAN published a contemporary musical meditation in *Hi-Fi-Stereophonie*.³ He referred to the thesis expounded by RÜDIGER ALTMANN “in a very intelligent essay” entitled “Farewell to the Churches,”⁴ namely that “The future of the churches probably lies solely in the restoration of worship and not at all in the much-discussed ‘opening toward the world’.” Even apart from its source, one should seriously reflect on this proposition, and not merely out of concern

3 June 1972, pp. 517ff.

4 *Der Spiegel* (1970) No. 28.

for church music either. One would in any case have to agree with A. BEAUJEAN when he opines that “the swing of the pendulum was too heavy, indeed too hectic, to prevent the inevitable reaction of a swing in the other direction called for by the laws of nature.”

One of the most important statements of the Council is the prescription (in Article 119) that *the indigenous musical culture* in Africa and the Asiatic countries (among other lands) was to be taken into consideration in shaping the liturgy in these areas. The Christian musical culture which has been able to develop among us in the West in the course of more than a millenium, must first begin in these parts of the globe. Indeed, here the gate has been opened wide in the sense of the *Catholica Ecclesia*, the all-embracing Church: but it is precisely here that we are still in the very beginnings, as far as international church musical work is concerned. There is no lack of projects – just a lack of expert manpower and financial possibilities.

However, it will not do to import into Europe the birth pangs of an organically growing, developing Christian African music so that here at home amateurs can inflate their sense of self-importance with jazzoid experiments on the (supposed) playground of the liturgy. These “jazzoid imbecilities under the unholy alliance of pastoral work with public relations,” as A. BEAUJEAN correctly apostrophises them in the article referred to above, should once and for all be made impossible in the liturgy of today.

When we consider contemporary church music, then we must acknowledge the continuing validity of this statement by Prof. HEINRICH LEMACHER, a leading teacher of composition:

“Contemporary sacred music cannot justify its existence by assimilating itself to secular music. In the church, the hallowed room for praying to God, the Christian expects a different music from that of the concert hall or the night club. This does not mean that church music, considered purely technically, as music, should stand apart from the stream of development, even though she cannot follow the contemporary avantgarde every last step of the way, because of her link with the singing human person in the liturgy. She must always, however, correspond to the dignity of God’s house.”

As the primary goal of worship, the glorification of God demands a music worthy of God. The conviction that only the highest artistic quality can make music worthy of God runs all through the writings of theologians and music theoreticians since the Middle Ages, and in this connection it must be recalled that liturgical musical art is bound to the liturgical word of the text, which is authoritatively fixed and cannot be changed at whim.

But today, when the Sacrifice of the Mass is made into an act of mere interpersonal relationships between men – indeed, when the sacred and cultic character of the sacrifice of Christ, which is ordered to the glorification of the Father, is questioned – then it can come as no surprise that the boundaries between the sacred and the profane are being blurred and, for example, a youth band with its instruments moves from the basement into the church (although the band itself perhaps has a stronger faith than those who have unleashed the trend toward desacralisation with their anthropocentrism).

Such aberrations have nothing in common with contemporary sacred music. A genuine contemporary music for “worship in spirit and truth” can unfold and develop – musically and humanly considered – only on the basis of a faith in the supernatural dimensions of the liturgy which links heaven and earth; a basis which nourishes gifted artists instead of hit-parade stars; a basis where music and quality postulate each other; on a basis which, even as it influences the development of the child, does not bring forth unbridled ecstasy or monotonously ostinato

rhythms, or superficial "show-biz" amateurism. But rather we need reverence, tact and consideration, in addition to the ability to actually accomplish something, in order to create through mutual effort a work of art which only as such can become worthy of God.

In Article 121 the conciliar Constitution turns especially to the creative church musician with the wish that he "increase the store of treasures" of church music. New settings should be created, "which have the qualities proper to genuine sacred music, and are not confined to works which can be sung only by large choirs, but provide also for the needs of smaller choirs and for the active participation of the entire assembly of the faithful." It is required that the text must "always be in conformity with Catholic doctrine." The Sacred Scriptures and the liturgy should serve as the chief sources of texts. The Sacred Music Instruction of 1967 offers special suggestions regarding compositions with vernacular texts. Thus, for example, the character and laws of each language are to be respected, and the features and special characteristics of each people must also be taken into consideration (Article 54). The melodies for the parts which concern the priest and ministers should, as far as possible be common ones for each language area (Article 58). Composers should study earlier works, the forms and characteristic types of the past, not however ignoring the new requirements, so that the "new forms may in some measure grow organically from forms that already exist," and so that the new works will form a new part of the musical heritage of the Church "in no way unworthy of the past" (Article 59).

To produce works of the quality demanded here takes time, for one thing in order merely to create the necessary textual prerequisites in calmness and with expertise. Today it is necessary to cultivate the new field of the future with the patient confidence of the sower. That which is to come forth as new melodies for the altar chants, for the choir and for the people, "may not be some mechanically contrived, pseudomodal hack-work hastily thrown together for the sake of quick sales" (J. B. HILBER). Even though it be very simple, it must rather be inspired, completely valid art, which will outlast the excitement and agitation of today and still be effective tomorrow. The hitherto released vernacular altar chants adapted to Gregorian formulae do not represent a satisfactory solution, since the break between text and music cannot be concealed permanently. Most of the flood of new vernacular experiments will disappear as quickly as it came. From among the Ordinaries and Propers composed in German for choir and congregation, one could point to several pieces by our leading composers as workable solutions. That which, for example, took hundreds of years to ripen and develop in the case of Gregorian chant, cannot be achieved in the vernacular in the space of a few years, but only after a longer period of development both textual and musical. When one reflects on the many different languages in the world, and the variegated musical and cultural conditions among the various peoples, one can only be thankful that in Gregorian chant and polyphony, because of their link with the Latin language, we possess not merely an irreplaceable treasure of cultic song which belongs to all peoples, but also a high and common standard for that which is to be newly created. Against this the New must prove its validity.

Apart from these special questions of vernacular compositions for the liturgy, the creative church musician of today is faced with the artistic problem of writing truly contemporary liturgical music. Spiritual themes are indeed represented in the avantgarde works of contemporary musical life, since non-liturgical religious music is naturally more free in its choice of techniques than is music restricted to the liturgy. Up to now, only a few individual twelve-tone compositions have made their way into the liturgy. In this connection the question arises, whether or not the newer and the most modern tonal phenomena are useable in the liturgy. In view of the radi-

cal tendencies in electronic and aleatory music, as well as serialism in all its forms, I am of the opinion that the answer is, "No." For one thing is common to all of these efforts, namely, the rejection of any melodic concept whatever, which means the exclusion of the singing human person. On the contrary, the center of all liturgical musical art is and will remain the human person, singing and praying in the presence of God. Hence the singing human person must be the regulative and corrective influence on any development in liturgical music.

It is superfluous to continue stressing the point that an atonal "music" which is characterised by shock-effects in dynamics and tone colors, and which suppresses all the traditional categories of melody and harmony, is not and can never be conducive to congregational singing. Against this background of today's musical revolution it is all the more important to note the stress on congregational singing in the liturgy. Obviously a melody is required for congregational song, even in the new congregational parts in the liturgy. A musical motive or theme can indeed be constructed, but a real melody requires artistic inspiration. A genuine melody is not the mere product of abstract intellectual activity. This is precisely why we should not burden contemporary congregational singing with musically worthless constructions so long as we have a repertory of hymns of proven quality.

At this point we may be allowed a comment upon the discussion concerning the standard German national hymnal which has recently become so spirited. In comparison with all other nations, the German language area is in the very enviable position of possessing a large patrimony of time-tested congregational hymns for the entire church year. Among these are 74 „Einheitslieder“ common to all the German dioceses, and a further 63 so-called „regional Einheitslieder“ common to the dioceses of Northwest Germany. After some twenty years of earnest effort these hymns have become the common property of many churchgoers. It was the West German Bishops' Conference which, after years of work by a committee of experts, approved these common hymns and ordered their use at worship.

After all this time, one should definitely not change either the texts or the tunes of these well-known hymns, especially not the first verse of the texts! This is not the place to explain in detail that many of the changes being proposed are simply questions of judgement, which should be decided in favour of the versions which have already become so widely familiar.

The new standard national hymnal will contain quite enough new hymns and chants which will have to prove their own worth by really becoming "folk-song". How necessary it is in such a period of transition to retain a hard and fast core repertory of unchanged hymns! Here, one should by no means overlook the conditions of contemporary musical life which are so unfavourable to real "folk-singing." Neither should the situation in our schools be forgotten – nor the consideration due the faithful, who are becoming tired of the constant liturgical experimentation.

One can only hope that our choirs and professionally trained church musicians will also perdure into the future, for the lack of appreciation still so often encountered in ecclesiastical circles is scarcely indicative of openness to the times. It is urgently necessary that the pastorally significant salutary effects of a healthy church music be revealed to those called to the priesthood in our day, so that in the parishes there will develop between liturgy and church music a close cooperation which will be fruitful for both, a cooperation which must remain not only rooted in the great musical tradition of the Church, but also open to worthy new musical phenomena of our time, true and faithful in fulfilling its liturgico-musical task, and firm in the demarcation of worship music from profane and inartistic forms.

Remarks on Ecclesiastical Legislation after the Second Vatican Council with Special Attention to Liturgy and Church Music

GEORG MAY

I. The relationship between conciliar and papal legislation and the instructions for its implementation

Every legal system and every code of laws must give one and only one reply to any question put to it. If varied and mutually contradictory intentions are expressed by various legislative organs, then the principle of “*Lex superior derogat legi inferiori*” must be applied. This simply means that the order of precedence among such contradictory norms is determined by the hierarchical relationship of the issuing bodies. The norms of lower instances may not contradict those of higher authorities. And if the same authority issues contradictory norms, then the conflict must be resolved by applying the principles “*Lex posterior derogat legi priori*” and “*Lex specialis derogat legi generali*” (Later law prevails over earlier, particular law prevails over general law.).

Supreme authority in the Church belongs to the *pope* and to an *oecumenical council*, in other words to the pope alone or to the pope together with the college of bishops. A conflict between pope and general council is impossible because the pope is head of such a council, which cannot take place without him.¹ Both pope and general council can publish laws with provisions so detailed that special norms for implementation are superfluous. Often, however, the supreme ecclesiastical legislator rests content with the publication of laws which merely outline the legal regulation of a particular matter, and commissions subordinate lawgivers to issue directives for implementation. Indeed, quite apart from such a specific commission, the authorities responsible for the enforcement of a law can consider themselves empowered to enact whatever norms are necessary for implementation. Here, the subordinate authorities must respect the limits placed on their competency, since the authorisation to issue implementation instructions does not confer the right to develop one’s own ideas on the law. It is simply a case of authorisation to specify the provisions of the law to be applied. Implementation instructions are meant to complete the structure whose foundations are laid down in the law, and not to build a new edifice of their own.

As already mentioned, there is no relationship of subordination between a general council and the pope. When a pope carries out the instructions of a council, he is not thereby implying the council’s superiority, since there can be no doubt that he has the right to ignore conciliar decrees, indeed to abrogate them in whole or in part. Of course, norms of this kind can scarcely claim to be carrying out a council’s wishes. To the extent that the pope declares his desire to fulfill a council’s decrees, his legislation must be measured against the texts of that council. And as a matter of fact, the present Pope has often repeated his explicit intention of following the Council

1 G. MAY, Das Verhältnis von Papst und Bischöfen auf dem Allgemeinen Konzil nach dem CIC: TThZ 70 (1961) 212/32.

in his legislation, and of furthering its accurate implementation. Consequently, the legal norms he has published are to be judged by the standard of the Council.

1. Conciliar legislation and implementation instructions

a) Conciliar legislation

The Second Vatican Council voted upon and passed a series of lengthy texts treating almost all areas of the Church's life.² The heterogeneous types and varying degrees of importance among these documents are clear even externally, in their length and the variety of titles. Thus we find "dogmatic" constitutions, a "pastoral" constitution, and a (normal) constitution in addition to "decrees" and "declarations". And in terms of contents, the literary quality, rank and binding force of the texts vary widely. Appeals, declamations and proclamations stand side by side with historical passages and descriptions of the (then) current situation. Authoritative sections alternate with thanksgivings, acknowledgements, exhortations, warnings and explanations of motivation. The legally relevant portion of the Second Vatican Council, namely its legislation, suffers from weaknesses too numerous to be listed here even summarily.³ It is above all clarity which is so often lacking. This makes implementation very difficult, since the execution and application of a law depend upon how it is interpreted. And the interpretation of an ambiguous law cannot normally be clear and convincing.

The lack of precision found in almost all authoritative portions of the conciliar texts is a consequence of the intention of the conciliar Fathers to speak "pastorally" and not "juridically", allegedly in order to be listened to attentively.⁴ All too many of the Fathers were influenced by a theology which is "allergic" to law and hence as a rule also "allergic" to precise language. But now we are in the fatal situation of seeing that which was intended "pastorally" in fact interpreted "juridically". In other words, these pastoral utterances are studied with a view to determining their juridical relevance, and of course this must be done if the conciliar statements are to be considered binding at all. But it is a risky business to transpose preachy, devotional rhetoric into precise legal norms. The often watery and indefinite statements of the Council actually encourage a chaos of interpretations. And sure enough, the *interpretation* of the conciliar documents has indeed brought to a head a number of serious, indeed irreconcilable differences. Completely incompatible viewpoints are held and defended by appeals to the Council.⁵ Even those who go beyond the Council, or consciously deviate from it, usually claim that the Council sanctions their actions. To be sure, in not a few instances the departure from both letter and spirit of the Council is very plain. But often, when contrary positions confront each other, one will have to conclude "non liquet", since the one side will be unable to prove that its view of what the Council really meant is the inescapable conclusion to be drawn from the texts, whereas the other side will not be able to show that this view undoubtedly contradicts the very same conciliar texts. As a matter of fact, the texts are ambivalent. They can either be quoted in support of both sides, or neither of them.

2 A convenient edition is X. OCHOA, *Index verborum cum documentis Concilii Vaticani Secundi* (Roma 1967).

3 See my review in *Erasmus* 20 (1968) 71/88.

4 On this concept see H. PFEIL, *Tradition und Fortschritt im nachkonziliaren Christsein* (Freiburg i./Br. 1969) 9/19.

5 For instance, the controversy between Cardinal Daniélou and the union of major religious superiors reported in the *Deutsche Tagespost* no. 145 (6 December 1972) 5.

Admittedly, the conciliar texts are sometimes interpreted in a shockingly amateur way, and with an impudence which reads into the actual conciliar documents precisely those views which stood no chance of acceptance during the Council itself.⁶ This aspect harmonises perfectly with the postconciliar theological and canonistic milieu, a great deal of which has completely abandoned the principles of scientific work and instead pays homage to wishful thinking, in other words has transmuted scholarship into ideology. Apart from more subtle errors, in most cases it is not attempted, indeed not even felt necessary to subdivide conciliar legal matter into legally binding statements as against merely programmatic utterances, or to distinguish empowering clauses from statements of purpose.

b) Implementation instructions

In general, the direction taken by the implementation of the council is usually not the result of a convincing interpretation of conciliar texts, most of which are in any case much too indefinite to support any course of action convincingly. Some implementation decrees admit this quite openly, e. g. the Instruction of the Secretariate of State dated 31 March 1969, which speaks of the "indications and counsels" (*indicia et consilia*) given by Vatican II.⁸ There are only a few implementation decrees which can claim to be the sole legitimate way in which the texts in question are to be understood. In most cases, other solutions would have been equally possible without departing from the will of the Council in any way. Indeed, in not a few cases an impartial understanding of the conciliar texts would have suggested quite different paths toward implementation, and in such cases the instructions issued must be regarded as deviating from the Council. Many implementation instructions are either a compromise or simply the results of the progressivist seizure of power in the Church.

No one, for example, can prove that the majority of postconciliar stipulations concerning liturgy and church music are necessary conclusions drawn from the pertinent conciliar texts. The Liturgy Constitution⁹ directs that the *Ordo Missae* be examined with a view to facilitating the pious and active participation of the faithful, among other things (art. 50). The First Implementation Instruction of 1964¹⁰ regards this as justification for allowing joint recitation of the Our Father by priest and people (no. 58 G), and indeed the Instruction "Musicam Sacram" of 1967¹¹ makes this permission into the rule (no. 35: *convenienter profertur*). Plainly, from the conciliar directive nothing can be concluded as to the permissibility or the appropriateness of singing or reciting the Our Father in common. This question was to be decided by the experts. But the opinion of the liturgists on this point was and is anything but unanimous.¹² The party in favour of common recitation carried the day within the competent congregation. If the other group had prevailed, then the opposite norm would have appeared in the implementation in-

6 G. MAY, *Deutung und Mißdeutung des Konzils*: AfkKr 135 (1966) 444/72.

7 On this see the articles by G. MAY, *Auflösbarkeit unauf löslicher Ehen and Die Mischehe in ökumenischer Sicht*: MThZ 20 (1969) 230/41; *Theologie des Abbaus*: Criticón 1 (1970) 21/4; *Wie unauflöslich ist die Ehe?*: AfkKr 140 (1971) 74/105; *Die Krise der theologischen Fakultäten*: Der Fels 4 (1973) 44/50.

8 AAS 61 (1969) 334.

9 AAS 56 (1964) 97/138.

10 AAS 56 (1964) 877/900.

11 AAS 59 (1967) 300/20.

12 J. A. JUNGSMANN, *Missarum Sollemnia* (Wien 1962⁵) 2/355-7; E. J. LENGELING, *Die neue Ordnung der Eucharistiefeyer = Lebendiger Gottesdienst 17/18* (Münster 1970) 101, 182; B. FISCHER, *Volk Gottes um den Altar* (Trier 1970³) 107/11; KL. GAMBER, *Ritus modernus* (Regensburg 1972) 34. See also J. FURBERG, *Das Pater Noster in der Messe = Bibliotheca Theologiae Practicae 21* (Lund 1968).

struction. Thus the claim that community recitation of the Our Father is the will of the Council, is at the very least impossible to prove.

To take another example, the Liturgy Constitution calls for a revision of the rules which govern the *shaping of the material things used in worship*, among which article 128 mentions “the noble form, location and security of the eucharistic tabernacle”. No one can prove that the recommendation to remove the Blessed Sacrament from the main body of the church (found in the General Instruction to the Roman Missal, no. 227) accords with the will of the Council. Admittedly, the literal meaning of the text does not allow a convincing proof of the opposite view either, although one can say in general that radical innovations had no prospect of finding majority support from the Council Fathers, who would not have supported a proposal to remove the Eucharist from the main body of the church.¹³

The most likely assumption is that the majority of the Fathers were confident that the Holy See would succeed in retaining control of post-conciliar developments and in finding judicious solutions to the problems posed by implementation of the Council.

The Liturgy Constitution provides that the Holy See is to enumerate the instances in which *Holy Communion under both species* is to be allowed (art. 55). The three instances mentioned as examples in the Liturgy Constitution were multiplied in the Decree of the Congregation of Rites dated 7 March 1965¹⁴ and increased yet again by the Instruction “Eucharisticum mysterium” of 25 May 1967.¹⁵ The General Instruction to the Roman Missal (no. 76) went even beyond this. And finally, in the Instruction of 29 June 1970 the Holy See completely abandoned the principle that it should decide when Holy Communion might be received under both species. Instead, it was left to the individual episcopal conferences to decide above and beyond the occasions listed in the General Instruction to the Roman Missal, when the local Ordinaries could allow Communion under both species.¹⁶

And of course the fate of the *Latin language* in the liturgy of the post-conciliar Church is a real tragedy. The path followed by the legislation in this matter, from the Liturgy Constitution “Sacrosanctum Concilium” up to the Notification issued by the Congregation for Divine Worship on 14 June 1971¹⁷, can only be termed apostasy from the letter and spirit of the Council.¹⁸ The Council had declared itself in favour of a greater use of the vulgar tongue in those services celebrated with the participation of the people. The Council’s purpose was plainly “pastoral”, i. e. it wished to extend somewhat the sphere allotted to the vernacular, inasmuch as the active participation of the faithful in the glorification of God through the Church’s worship would thereby be made easier. However, the elevation of the vernacular to the dignity of a liturgical language was not to diminish the preeminence of the Latin tongue. Post-conciliar developments have departed widely from these principles. These very developments have created or tolerated a

13 G. MAY, Die Prinzipien der jüngsten kirchlichen Gesetzgebung über die Aufbewahrung und Verehrung der heiligsten Eucharistie, in *Jus Populi Dei. Miscellanea in honorem Raymundi Bidagor* (Roma 1972) 3/519-55, here 536 ff. See also *Der Fels* 3 (1972) 363/5.

14 AAS 57 (1965) 410/12.

15 AAS 59 (1967) 558 ff. Cf. *Institutio Generalis Missalis Romani* no. 242.

16 AAS 62 (1970) 664/6 (no. 2).

17 *Notitiae* 7 (1971) 215/7.

18 On this see these two articles by G. MAY, *Umfang und Grenzen des Gebrauches der Landessprache in der Liturgie nach der Gesetzgebung des Zweiten Vatikanischen Konzils: ÖAfr 18 (1967) 16/94* and *der Gebrauch der Volkssprache in der Liturgie nach der Konstitution des Zweiten Vatikanischen Konzils über die Heilige Liturgie vom 4. Dezember 1963*, in: *Liturgie und Glaube. Sammelband der Schriftenreihe Una Voce Deutschland* (Regensburg 1971) 17/38.

situation in which the Latin language leads an unreal existence in wide areas of the so-called Latin church, indeed appears condemned to extinction. In part, the very regulations which claim to implement the pertinent directions of the Council so unequivocally violate them, that every attempt at harmonising them is doomed to failure. For example, the Liturgy Constitution allows the use of the vernacular in Masses celebrated with the people (art. 54). But the Notification allows a priest who says Mass without a congregation to use either Latin or the vernacular. One can only conclude that the Notification contradicts the Council.¹⁹

The construction of a "soviet" system is another clear example of a departure from the will of the Council. Art. 26 of the Decree on the Lay Apostolate²⁰ says that in dioceses, as far as possible, there should be "councils" in which clergy, religious and the laity appropriately cooperate in order to promote the Church's apostolic activity. In Germany, these councils have regularly been transformed into decision-making bodies in which the lay folk can outvote the pastor, thus making a mere executive organ of the council out of the priestly head of the community, who at the most retains the right to veto resolutions of the council.²² Thus the few hints in the decree "Apostolicam Actuositatem" are shockingly far removed from the system of councils, at least as it has developed in the German language area.²³

A painful omission in the implementation of Vatican II is the ignoring of certain directives which are opposed to the direction which the post-conciliar Church has taken under the influence of progressivism. Thus, for example, the promulgation of implementation instructions has largely ignored the stipulation of the Liturgy Constitution, art. 116, which says that in principle *Gregorian chant* should be given pride of place in liturgical services. It is most significant that the instruction "Musicam sacram"²⁴ limits the preeminence of Gregorian chant to liturgical functions in the Latin language (no. 50). The General Instruction to the Roman Missal does not even mention Gregorian chant any more, merely saying that it would be desirable (no. 19) if the faithful were able to sing at least some parts of the Mass Ordinary in the Latin language.²⁵

On the whole, it can be said that the Council did not wish to overturn or demolish but rather in principle to go forward cautiously and promote further development. This was of course demanded by the pastoral motive which set the tone for the Council's statements.²⁶ But when the texts of the Second Vatican Council are examined together with the instructions for their implementation, one cannot avoid the conclusion that in not a few instances the continuity in many aspects of the Church's life has been rudely interrupted. Progressivist theologians and bishops, by either taking advantage of the ambivalence of the conciliar texts or applying the fa-

19 G. MAY, Zur liturgisch-musikalischen Rechtslage, in J. OVERATH (ed.), *Magna Gloria Domini. Die liturgische Musik in den Kathedralen, Abteikirchen und ecclesiae majores nach dem Vaticanum II* = Publications of the C. I. M. S. (Roma 1972) 13/39, here 37.

20 AAS 58 (1966) 837/64.

21 See nos. 6 and 12 of the decree "Presbyterorum Ordinis" in AAS 58 (1966) 991/1024.

22 KL. MÖRSDORF, Die andere Hierarchie. Eine kritische Untersuchung zur Einsetzung von Laienräten in den Diözesen der Bundesrepublik Deutschland: AfkKr 138 (1969) 461/509.

23 See also R. POTZ, Pastoralrat und Domkapitel. Überlegungen zur Stellung bischöflicher Beratungsorgane: ÖAfKr 23 (1972) 69/96. A clear case of postconciliar legislation departing from the norms of the Council is mentioned by J. LEDERER, Die Neuordnung des Dispensrechtes: AfkKr 135 (1966) 415/43 here 438 ff.

24 AAS 59 (1967) 300/20.

25 See A. BEAUJEAN, Untergang der Gregorianik?: UVK 2 (1972) 292/8.

26 For example, the Liturgy Constitution (art. 23) forbade the introduction of innovations unless the good of the Church genuinely and certainly requires them.

miliar “salami tactics” of proceeding one slice at a time, have succeeded in eliminating a great many traditional values, not least the Church’s liturgical and musical heritage.

2. Papal legislation and implementation instructions

It is customary to distinguish *immediate* and *mediate* papal laws. Immediate laws are promulgated by the Pope himself, whereas mediate laws are published by some agency deputising for the Holy Father. Immediate papal laws appear in various forms depending upon the importance of the subject matter, though these different forms do not determine any order of precedence among the laws they contain. But mediate papal laws, on the contrary, are not all equal to each other either in form or in relative rank. Thus, for instance, there is a great difference between a general decree of some congregation and a “directory”.

It is readily understandable that most persons would automatically assume a higher rank for immediate laws in comparison with mediate papal laws. In fact, such an assumption cannot be justified. By means of a special confirmation the Pope can at any time replace his immediate norms with mediate ones, e. g. modifying the norms of the Codex Juris Canonici through an instruction of some congregation. But if this special papal confirmation is lacking, then immediate papal legislation takes precedence over mediate legislation. This simply means that in principle, a mediate law cannot make provisions which contradict an immediate law.

The hierarchical structure of the Church implies that papal legislation takes precedence over the legislation of lower hierarchical bodies. However, the Church’s legal system is in general governed by the principle of protecting the laws of lower instances. One effect of this principle, in can. 22 CJC, is the provision that general (papal) law repeals particular (episcopal) law only if it contains an explicit statement to that effect, i. e. a repealing clause. Here, it is of course presumed that the legislators subordinate to the Pope have remained within the limits of their competence and have thus promulgated valid laws, since if the limits of competency are not observed by subordinate legislators, their laws are invalid. When papal law revokes the law of a subordinate instance, it does so completely, i. e. abrogates it totally.

The fact that the Holy Father plays a part in establishing the legislation, i. e. the *interpositio auctoritatis* by way of acceptance, ratification or consent, by no means elevates the norms issued by bishops or episcopal conferences to the level of papal law. Papal legislation and those norms of bishops’ conferences or bishops which agree with the papal laws, are compatible.

a) Papal legislation

Two preliminary remarks are necessary in order to understand post-conciliar papal legislation as well as the legislation of the Roman Curia, which assists the Pope as his deputy. The Pope doubtless intends to maintain the Church’s functional efficiency. But it does appear as though his priorities have shifted curiously. History shows that without the necessary firmness, diplomatic flexibility is insufficient to contain the centrifugal forces in the Church. Earnest exhortation is not always enough to preserve order, even in a spiritual community. Indeed, avoidance of conflicts with episcopal “colleagues” can only harm the Church if it be made the supreme principle in the exercise of the Petrine office. Under such leadership, the Roman Curia is to some extent inhibited, to some extent it has slipped out of control. Its homogeneity is no longer preserved. In the bosom of the Curia itself there has existed, for the past few years, the very same fateful pluralism which cripples and divides the Church, prevents the concentration of strengths and hinders clear decisions. This pluralistic confusion is undeniably reflected in the laws promul-

gated. Just as in parliamentary democracies the coalition partners divide among themselves all power in government and in the parliament, so too the norms issued today by the Roman Curia usually represent, at best, compromises between the divergent views and often are merely the results achieved by a momentarily victorious party.

It is no longer rare to find parts of one and the same law contradicting each other in form or in content.

The contradictory provisions of the *Instruction "Memoriale Domini"* of 29 May 1969²⁷ concerning the administration and the reception of Holy Communion, have been pointed out elsewhere.²⁸ These contradictions were caused by two successive redactions of one and the same law which attempted to reconcile the Irreconcilable: the customary way of administering Holy Communion, and the new practise which arose in Holland and which gives rise to most serious misgivings. In spite of the clear wishes of bishops from all over the world favouring the traditional manner of distributing Holy Communion, the Pope capitulated to the pressure exerted by certain episcopal conferences or their presidents and ordered the concession of a practise conceived in disobedience. Against its better judgement, the competent instance of the Roman Curia was forced to take this papal directive into account in an appendix or codicil to its already completed Instruction.

There are also striking contradictions in the legislation governing the *reservation of the Blessed Sacrament*.²⁹ Indeed, contradictions occur not only in documents issued successively (and in alleged conformity with Vatican Two) but even in one and the same law, from one paragraph to the next. This is the case, for example, with paragraphs 53/54 of the instruction "*Eucharisticum Mysterium*" dated 25 May 1967.³⁰ The only explanation for such contradictions is that a higher authority induced the author of this instruction, the Consilium ad Exsequendam, to quote in par. 54 another instruction, "*Inter oecumenici*", which at that time was barely three years old. Unfortunately, however, this higher authority was not influential enough to demand, as logic would have dictated, the deletion of the contradictory par. 53.

At the beginning of par. 12 of the instruction issued by the Congregation for Divine Worship on 5 September 1970,³¹ it is stipulated that only this Congregation may permit *liturgical experiments of any kind*. A few paragraphs later, where the document speaks about adaptations in the liturgy according to par. 40 of the Liturgy Constitution, we find a list of the conditions under which liturgical experimentation is permitted without previous approval from the Sacred Dicastery. Instead, the Congregation merely requests a report on the experiences gathered after the experiment has been concluded. This state of affairs makes clear that here, too, the lawgiver was not strong enough to maintain, without modification, a principle considered to be necessary.

The Instruction of 1 July 1972³² dealing with the special cases of *admitting other Christians to eucharistic Communion in the Catholic Church* requires of a Protestant, who in an emergency wishes to receive Holy Communion in the Catholic Church, the precondition of a belief in the

27 AAS 61 (1969) 541/5.

28 G. MAY, Die sogenannte Handkommunion. Ein Beitrag zur Praxis der kirchlichen Rechtsetzung in der Gegenwart, in *Liturgie und Glaube* 95/146, here 124/7.

29 G. MAY, Die Prinzipien der jüngsten kirchlichen Gesetzgebung über die Aufbewahrung und die Verehrung der heiligsten Eucharistie, in *Liturgie und Glaube* 171/98. See also *Der Fels* 4 (1973) 52/6.

30 AAS 59 (1967) 539/73.

31 AAS 62 (1970) 692/704.

32 AAS 64 (1972) 518/25. See also *Der Fels* 3 (1972) 106/8.

Eucharist which accords with Catholic teaching and thus contradicts the teaching of his own community regarding the Lord's Supper. Apart from emergency situations, the Protestant takes part in the Lord's Supper within his own community – and there, of course, with a view of the Lord's Supper which contradicts the Catholic doctrine of the Eucharist. In other words the law-giver (in this case the Secretariate for the Promotion of Christian Unity) assumes that in the one case the Protestant participates in the Lord's Supper within his own community as a believing Protestant, in the other case goes to Holy Communion in the Catholic Church because he shares Catholic beliefs,³³ i. e. one and the same person simultaneously bears within his heart two mutually exclusive doctrines concerning the Holy Eucharist. Such spiritual confusion results from trying, out of sentiment and emotion, to reconcile absolute contradictories.

When the laws promulgated by the Supreme Pastor of the Church, or by instances deputising for him, are so imbalanced and indeed contain contradictions similar to the examples cited, then one cannot expect such norms to be very effective. One must rather fear that one of two things will occur: only those laws will find acceptance which cater to fashionable trends, whilst the others are ignored, or else the subjects of the law will simply ignore it because it is impossible of application.

b) Implementation instructions

Just as the instructions for implementing the conciliar decrees in fact often diverged widely from these official texts, so too the corresponding instructions often differ from the papal legislation they are intended to implement. It is a well-known fact that in Germany, so-called *communion in the hand* was introduced in deliberate disobedience to the laws in force and with the encouragement of the chairman of the bishops' conference, Cardinal DÖPFNER.³⁴ And after the Pope had allowed his agreement to the legalisation of this disobedience, in the instruction "Memoriale Domini", to be wrung from him, some strange things happened. The indult issued by the Congregation for Divine Worship concerning the introduction of communion in the hand in the individual countries contradicted the higher norm of the instruction "Memoriale Domini".³⁵ And the regulations issued by the bishops on the basis of the indult exceeded the limits of both the instruction and the indult.³⁶

The Congregation for Divine Worship published on 15 May 1969 an instruction on *Masses for special groups*,³⁷ and the West German bishops issued their own implementation instructions on 24 September 1970.³⁸ Unfortunately, however, these latter contradicted the Roman instruction on several points. The norms of the German bishops permit the substitution of a dialogue homily for the sermon at group Masses, whereas the instruction of the Sacred Congregation explicitly forbids this in no. 6 D. The German guidelines envision changes in the collect, secret and post-communion prayers as well as an addition at the Canon (Preface) which is not even delivered by the priest. The Instruction of the Sacred Congregation strictly forbids the use of non-approved texts (no. 11 A). According to the German guidelines, at group Masses celebrated in a

33 See Der Fels 3 (1972) 244/6.

34 G. MAY, Die sogenannte Handkommunion. Nachtrag zu Heft 5 der Schriftenreihe Una Voce: UVK 1 (1971) 190/5.

35 MAY, Die sogenannte Handkommunion 127/32.

36 *Ibid.*, 136 f., 138.

37 AAS 61 (1969) 805/11.

38 Amtsblatt München und Freising (1970) 392/401. See also J. ZIMMERMANN, Gruppenmessen: UVK 1 (1970) 50/4.

room used for worship the priest “should” (!) wear the alb, stole and chasuble, outside of such a room “at least” alb and stole. “In extraordinary cases” the vestments prescribed to be worn by the priest in the administration of the other sacraments “can still be regarded as sufficient”, though at least the stole must always be worn. In contrast, the instruction of the Sacred Congregation demands that the vestments conform to existing norms in number, form and quality (no. 11 B) and refers to nos. 297/310 of the General Introduction to the Roman Missal, where alb, stole and chasuble are prescribed for the priest celebrating holy Mass, except when the liturgical regulations governing the chasuble provide otherwise, as for instance at the Easter Vigil (nos. 299, 81). Further, the German guidelines provide that at group Masses, one “should” stand up “at least” during the Canon. The instruction of the Sacred Congregation prescribes that the adoration owed to God is to be paid to the sacrament and sacrifice of the Eucharist even in the behaviour of the participants (no. 5 C), and that the ritual gestures and the ceremonies of the celebrant, as well as the attitude of the participants, must be those prescribed for normal Masses (no. 11 C). In other words, the provisions of nos. 20/22 of the General Introduction to the Roman Missal are to be observed, and these prescribe standing much more often, indeed call for kneeling at least at the Consecration.

There are two reasons why the German Bishops’ Conference departed from the norms of the higher legislator. First, they are afraid of provoking censure and resistance from progressivist theologians if they remain loyal to papal norms. Secondly, under the chairmanship of Cardinal DÖPFNER the German bishops’ conference has become completely dependent upon these progressivist theologians.³⁹

In one particular case, the instructions for the implementation of an immediate papal decree issued by the West German episcopal conference must actually be regarded as an attempt to set aside papal norms burdensome to the German episcopate. POPE PAUL VI promulgated the *motu proprio* “*Matrimonia Mixta*” on 31 March 1970.⁴⁰ Par. 1 states that the marriage of two baptised persons, one of whom is Catholic and the other non-Catholic, is prohibited by the impedient impediment of mixed religion. Par. 2 recalls that the marriage of a Catholic and a non-baptised person is prohibited by the diriment impediment of disparity of cult. The Church is prepared to dispense from both impediments, “provided there is a just cause” (no. 3). Now a dispensation is by its very nature an auxiliary measure for exceptional cases. It does violence to the law, and hence may be permitted only for grave reasons. This is why the granting of a dispensation always requires a just and reasonable cause (can. 84 CJC). A dispensation granted without such a reason is illicit, and if given by an inferior to the Pope both illicit and invalid. (An inferior is one who, though he has the power to dispense, is inferior to the maker of the law from which he dispenses.) In other words, the lawgiver himself is bound by the law he has established in the sense that the suspension of the law’s obligatory force may not take place arbitrarily, but only on the basis of factual considerations. Now, the implementation instructions to the *motu proprio* “*Matrimonia mixta*” issued by the German⁴¹ and Austrian⁴² episcopal conferences claim that in Ger-

39 On this see Erasmus 23 (1971) 903/25; W. SIEBEL, Manifest des innerkirchlichen Säkularismus. Zu Karl Rahners „Strukturwandel“: Rheinischer Merkur No. 50 (15 December 1972) 31.

40 AAS 62 (1970) 257/63.

41 Amtsblatt München und Freising (1970) 336/52. On this see G. MAY, Kritische Bemerkungen zu den Ausführungsbestimmungen der Deutschen Bischofskonferenz zum Motu Proprio „*Matrimonia mixta*“ vom 31. März 1970 über die rechtliche Ordnung der konfessionsverschiedenen Ehen: UVK 1 (1970) 54/8.

42 ÖAfk 21 (1970) 349/53.

many and Austria there is present “in every case” a reason for dispensation according to no. 3 of the *motu proprio*. If this were true, then the law of marriage impediments would be pointless, at least for Austria and Germany. Both bishops’ conferences obviously believe this since they decree the automatic granting of the dispensation in every case, and thus the just and reasonable cause required for the granting of a dispensation actually replaces the very meaning of the law, which is effectively negated by the actual practise of granting dispensations. In other words, dispensation is used like a means of legislation. By constantly and automatically granting the dispensation the two episcopal conferences have in fact substituted their own supposedly better legislation for the allegedly inadequate papal law. When a dispensation is automatically granted in every case to which the law applies, then the exception has become the rule. It has quite correctly been said that it is more honest to abrogate a law from which one constantly dispenses, than to leave the law in force and thereby destroy the credibility of the entire legal system.⁴³ Plainly, both episcopal conferences presume to judge whether or not the matrimonial impediments of mixed religion and disparity of cult are still justifiable today. Their judgement is negative. With their practise of granting automatic dispensations the bishops have, within their territories, completely nullified the law itself because they regard it as impossible of application. Thus the dispensation is deprived of its own specific character and instead transformed into a means of expressing and rendering effective the opposition of these two bishops’ conferences to a papal law. Authorisation to grant dispensations (i. e. to exempt someone from the law in a specific case) is something essentially different from authorisation to issue general exemptions (i. e. to make laws).

And something quite similar occurs in the case of dispensation from the *obligation to observe the canonical form of marriage*. According to no. 9 of the *motu proprio* “*Matrimonia mixta*”, dispensation from the canonical form may be granted “if serious difficulties stand in the way of observing the canonical form”. According to the will of the papal legislator, “serious difficulties” are thus the reason for a dispensation. And what do the bishops make of this? The implementation instructions of the Austrian and German hierarchies provide for a dispensation “in the event that the couple is not willing to be married in a Catholic ceremony”. In effect, this amounts to waiving the reason required for the dispensation (“serious difficulties”) and instead calling the opposition of the partners to the law the “reason for the dispensation”. Here too, the dispensation is made to serve a purpose which contradicts its very nature. Simultaneously, the law is deprived of its normative force, since a law which is applied only to those subjects who accept it and not applied to subjects who oppose it, lacks all binding force. Indeed, it transforms itself from a norm into a mere counsel. The granting of dispensations in this fashion is very conducive to destroying the very prescriptions requiring the canonical form for marriage, and indeed this is presumably the goal of some of those who originated the practise.⁴⁴ Here again the bishops are attacking a papal law: the very instructions for its implementation are used as a lever to overturn the law. This is presumably what Cardinal DÖPFNER meant when he said that it was possible for the bishops “to develop this dispensation... even further”.⁴⁵

43 See G. LUF, *Allgemeiner Gesetzeszweck und Justa Causa Dispensationis* (Anmerkungen zu einem aktuellen Problem): *ÖAfKr* 23 (1972) 97/106 here 103.

44 G. MAY, *Die Mischehenfrage auf der ersten Generalversammlung der Bischofssynode*: *ÖAfKr* 21 (1970) 233/66.

45 *Amtsblatt München und Freising* (1970) 271.

DÜPFNER dealt with another matter in a similar fashion when in opposition to the law in force⁴⁶ he made the exception into the rule. Presently valid law states that laicised priests can serve as religion teachers only in exceptional cases. But in the Archdiocese of Munich and Freising, every laicised priest can in principle count on being allowed by DÜPFNER to teach catechism. It remained for the state Department of Education, on the basis of its reservations, to restrict the Archbishop's circumvention of the law.

The gradual spread of such frivolity regarding dispensations has not escaped the attention of the Holy See, which in at least one area has called upon the bishops to take seriously the obtaining of dispensations. In connexion with the reduction of clerics to the lay state, the Sacred Congregation for the Doctrine of the Faith strongly insisted that a dispensation from the obligations assumed with the reception of sacred orders be not granted as it were automatically, but that proportionately serious reasons (*rationes proportionate graves*) be required for such dispensation. The document also contains a list of reasons considered insufficient by the Congregation.⁴⁷

These examples indicate that it was a serious mistake to grant such generous faculties for dispensation⁴⁸ to the bishops in recent years. The bishops are not any more equipped to deal with the plenitude of newly granted faculties than are the bishops' conferences,⁴⁹ which are especially unsure in handling legal matters.⁵⁰ The Pope's right to confirm the laws of episcopal conferences (which also include instructions for the implementation of papal laws) does not, in most cases, effectively prevent mistakes. There are two reasons for this. First, careful examination of the countless norms uninterruptedly produced by the episcopal conferences simply demands too much of the Roman Curia. Secondly, experience has shown that the bishops' conferences are extremely sensitive about their prerogatives, and today the Curia's forbearance toward the conferences is so great that an eventual reprimand can only be expected in the case of a really egregious blunder.

The many serious aberrations of the *Dutch pastoral council*⁵¹ were in the event most vigorously exposed by private persons⁵² and not by the Roman Curia, which is admittedly powerless to a large extent. If the example of the relevant provision of the *motu proprio* "Matrimonia mixta" (no. 12, which states that the bishops' conferences merely have to inform the Holy See of their implementation instructions) sets a precedent, then the Holy See has indeed ceased to oblige the bishops' conferences to submit their legally binding decisions to Rome for approval, as was prescribed in par. 38, no. 4 of the decree "Christus Dominus".⁵³

46 AAS 63 (1971) 308 no. 4E.

47 AAS 64 (1972) 642 (26 June 1972).

48 Here, see primarily the *motu proprio* "De episcoporum muneribus" of 15 June 1966: AAS 58 (1968) 467/71.

49 See G. MAY, *Die Deutsche Bischofskonferenz nach ihrer Neuordnung*: AfkKr 138 (1969) 405/61.

50 For instance M. PESENDORFER, *Zur Aufführungsgesetzgebung der Österreichischen Bischofskonferenz zum MP "Matrimonia mixta"*: ÖAfKr 23 (1972) 16/33.

51 See the letter of PAUL VI to Cardinal Alfrink, dated 24 December 1969: AAS 62 (1970) 66/9.

52 M. SCHMAUS - L. SCHEFFCZYK - J. GIERS (eds.), "Exempel Holland". *Theologische Analyse und Kritik des niederländischen Pastoralkonzils* (Berlin 1972); *Der Fels* 3 (1972) 18 ff., 54/6, 82/4.

53 For a recent example of waiving confirmation in an important matter (appointment of bishops), see now AAS 64 (1972) 387 art. 2/2, 390 art. 10.

II. The making of laws

1. Permanence as a characteristic of law

Permanence is part of the very concept of law. Since permanence is universality in time, only a perpetual norm is universal and abstract. If laws rapidly supercede one another, then they lose this essential characteristic of law and become mere measures. The effectiveness of any law depends to a great extent upon its permanence. Only laws which are permanent can guarantee legal certainty and predictability. Norms which may be revoked at any time are unreliable and awaken mistrust. The subjects of such norms do not exert much effort to acquaint themselves with them. Further, the task of interpreting laws is meaningful only if the legislation possesses a certain permanence. Jurisprudence cannot stay abreast of a "legislation" which constantly supercedes itself; under such conditions, jurisprudence indeed becomes superfluous because no longer needed.

Formerly, prudent ecclesiastical legislators were quite aware of the value of permanent laws. To take one example, the legislative program of Giles ALBORNOZ (1300/67), whose Constitutions established the legal code of the papal states, consisted simply in strict enforcement of the existing laws rather than in creating a multitude of new ones.⁵⁴

Of course, the required permanence does not exclude modifications of the law. No one requires that law be immutable – not even ecclesiastical law. But on the other hand one can justifiably require that the law be observed and applied as long as it remains in force and is not legally altered, and that any changes be necessary, useful and carefully considered.

2. Profusion and fluctuation of norms

a) Profusion

The post-conciliar period is typified by an extraordinarily copious production of norms at all levels of ecclesiastical legislation. For years, the Church has been literally flooded with norms, rules, and guidelines. And it is not only the Holy See which uninterruptedly issues norms, some of which are of considerable length. Bishops' conferences, synods and individual Ordinaries are constantly turning out rules in variegated profusion. Even for the experts it is no longer easy to survey the entire field. And in some cases it is the episcopal conferences themselves which are trying to contain the flood of new liturgical laws, because they cannot keep pace with the required translations and the preparations for introducing the new texts.⁵⁵ The "boom" in legislative activity coincides with a low point in the religious life of priests and people such as has not been seen for a very long time. Considering this abnormal legislative activity, one is reminded of TACITUS' lapidary statement, "Corruptissima republica plurimae leges" (Ann. 3/27): the most corrupt republic has the most laws.

Today, regulations with allegedly binding force appear under all sorts of names. In the area of *papal legislation* the customary forms of mediate and immediate papal laws have been retained. Examples of recent *apostolic constitutions* might include the new order of penance "Pae-

54 A. ERLER, Aegidius Albornoz als Gesetzgeber des Kirchenstaates (Berlin 1970) 12.

55 One example: on 15 May 1969 the Congregation for Divine Worship set the date for the introduction of the new rite for the baptism of infants as 8 September 1969: AAS 61 (1969) 548. Less than two months later, the date was shifted to 29 March 1970: AAS 61 (1969) 549 f. because several episcopal conferences had declared the first date for the introduction of the new rite to be impracticable.

nitementi”,⁵⁶ the document regulating indulgences “Indulgentiarum doctrina”,⁵⁷ the reform of the Roman Curia through the decree “Regimini ecclesiae univerae”⁵⁸ or the promulgation of the missal of PAUL VI in “Missale Romanum”.⁶⁰

The “Litterae Apostolicae Motu proprio datae” have been especially frequent. For instance, by way of implementing the conciliar decree on the communications media PAUL VI established the Pontifical Commission for the Communications Media with the motu proprio “In fructibus multis”.⁶¹ By way of implementing “Veterum Sapientia”,⁶² the Apostolic Constitution of JOHN XXIII, PAUL VI founded a Pontifical Institute for Advanced Studies in Latin by means of the motu proprio “Apostolica sollicitudo”.⁶³ Diocesan bishops were granted many faculties and privileges through a motu proprio (“Pastorale munus”)⁶³ whereas religious superiors received comparable faculties through a *rescript* (“Cum admotae”) of the Secretariat of State.⁶⁴

A great many more *Instructions* have been published in recent years, primarily in matters liturgical. The Sacred Congregation of Rites issued a trio of instructions for the correct implementation of the Constitution on the Sacred Liturgy.⁶⁵ And in addition, this Congregation has issued many other instructions.⁶⁶ Other congregations, too, have frequently issued norms in the form of instructions. Some examples: the Congregation for the Doctrine of the Faith issued new laws governing mixed marriages in the instruction “Matrimonii sacramentum”,⁶⁷ the Congregation of Bishops published an instruction on the pastoral care of migrants,⁶⁸ the Congregation for the Discipline of the Sacraments published an instruction improving administrative procedures in cases of ratum non consummatum marriages,⁶⁹ and the Congregation for Religious has issued several instructions for its own subjects.⁷⁰ The Secretariat of State issued an instruction concerning the vestments, titles and insignia of cardinals, bishops and lesser prelates,⁷¹ while the Pontifical Council for the Instruments of Social Communication issued a “pastoral instruction”⁷² in fulfillment of the directions given in the decree “Inter mirifica” (no. 23)⁷³ of the Second Vatican Council. The congregations also issued many new laws in the traditional form of the *decretum*. Thus the Congregation of Rites decreed a new formula for the distribution of

56 AAS 58 (1966) 177/98, 17 February 1966.

57 AAS 59 (1967) 5/24, 1 January 1967.

58 AAS 59 (1967) 885/928, 15 August 1967.

59 AAS 61 (1969) 217/27, 15 April 1969.

60 AAS 56 (1964) 289/92, 2 April 1964.

61 AAS 56 (1964) 225/31, 22 February 1964.

62 AAS 57 (1965) 775/80, 15 September 1965.

63 AAS 56 (1964) 5/12.

64 AAS 59 (1967) 374/9.

65 AAS 56 (1964) 877/900, 26 September 1964; AAS 59 (1967) 442/8, 4 May 1967; AAS 62 (1970) 692/704, 5 September 1970.

66 AAS 57 (1965) 1010/13, 23 November 1965; AAS 59 (1967) 300/20, 5 March 1967; AAS 59 (1967) 539/73, 25 May 1967; AAS 60 (1968) 406/12, 21 June 1968; AAS 61 (1969) 541/5, 29 May 1969; AAS 61 (1969) 749/53, 20 October 1969.

67 AAS 58 (1966) 235/9.

68 AAS 61 (1969) 614/43, 22 August 1969.

69 AAS 64 (1972) 244/52, 7 March 1972.

70 AAS 61 (1969) 103/20, 6 January 1969; AAS 61 (1969) 674/90, 15 August 1969; AAS 63 (1971) 318 ff., 8 December 1970.

71 AAS 61 (1969) 334/40, 31 March 1969.

72 AAS 63 (1971) 593/656.

73 AAS 56 (1964) 145/57.

Holy Communion,⁷⁴ the publication of the *Graduale Simplex*⁷⁵ and the revised privileges of minor basilicas.⁷⁶ The Congregation of Bishops published a decree on faculties and dispensations for Latin America and the Philippines.⁷⁷ Clarifications were issued in the customary form of a *declaratio*.⁷⁸

The *directorium* is a new type of document implementing the Second Vatican Council.⁷⁹ Some examples: on 14 May 1967 and 16 April 1970 the Secretariat for the Promotion of the Unity of Christians published the two parts of an "Oecumenical Directory",⁸⁰ while the Congregation for the Clergy issued general directories for the pastoral care of tourists⁸¹ and for catechetical instruction.⁸² These directories merely present the general principles which are to guide the episcopal conferences and individual bishops in drawing up particular legislation,⁸³ and the contents of these directories are normative only to a limited extent. In the General Catechetical Directory, the obligatory portions are clearly distinguished from the mere suggestions and proposals.⁸⁴

Similarly, upon publication of its "Fundamental Principles of Priestly Formation"⁸⁵ the Congregation for Catholic Education stated (in no. 2) that (only) the principal paragraphs were binding, but noticed that this did not make sufficiently clear just which paragraphs were in fact "principal". Hence, in a footnote the Congregation gave some indications intended to help recognise the "principal" paragraphs, but admittedly even these were not much help. The different degrees of obligation attached to individual provisions of the "Fundamental Principles of Priestly Formation" are stressed at various points in the document itself, for instance in no. 7, where we are told that the document was composed "hic ad modum codicis, illic ad modum directorii".⁸⁶

The Council for the Laity published a directory of international Catholic institutions which modestly calls itself a "document of orientation".⁸⁷

In addition to all of this, we encounter a new form of mediate papal law in the unpretentious shape of a *notificatio*.⁸⁸ On the strength of a special confirmation by the Pope, *notificationes* can in fact derogate the law of the CJC⁸⁹ and conciliar directions.⁹⁰

Finally, the *episcopal conferences* and the *bishops* have turned out a vast patchwork of laws, decisions, orders, directives, guidelines, implementation decrees and pastoral guides. In many

74 AAS 56 (1964) 337ff., 25 April 1964.

75 AAS 57 (1965) 407.

76 AAS 60 (1968) 536,9, 6 June 1968.

77 AAS 62 (1970) 120/22, 6 December 1969.

78 For instance AAS 62 (1970) 179 = Congregation for the Oriental Churches, 25 March 1970; AAS 62 (1970) 184/8 = Christian Unity Secretariat, 7 January 1970; AAS 63 (1971) 250ff. = Congregation for Catholic Education, 1 February 1971; AAS 64 (1972) 237/41 = Congregation for the Doctrine of the Faith, 21 February 1972.

79 See the grouping of *Directoria generalia et specialia* in no. 44 of the decree "Christus Dominus": AAS 58 (1966) 696.

80 AAS 59 (1967) 574/92; AAS 62 (1970) 705/24. On these documents see G. MAY, *Fragen zum Ökumenischen Direktorium I. Teil: TrThZ* 78 (1969) 150/60.

81 AAS 61 (1969) 361/84, 27 March 1969.

82 AAS 64 (1972) 97/176.

83 AAS 62 (1970) 706.

84 AAS 64 (1974) 98.

85 AAS 62 (1970) 321/84, 6 January 1970.

86 AAS 62 (1970) 324, no. 7.

87 AAS 63 (1971) 948/56, 3 December 1971.

cases, the categories to which these documents belonged were either not clear or simply false. For example, commands were not distinguished from laws. Indeed, in other cases newly published norms bore no designation at all.

There are several reasons for the flood of norms which for years has been sweeping over the Church. First of all, many legislators in the Church desire to harvest what they regard, correctly or not, as the "fruit of the Council". Others wish to see the results of the "movement," which has been keeping the Church in suspense for years, made obligatory for all by means of norms. They are not entirely wrong in believing that laws such as we have today will be impossible to pass in a few years, i. e. after the Church will have found herself once again. In the process, not a few overestimate both the value of the reforms and the strength of the law, and live with the rather hybrid notion that the norms they have created will of themselves lead to a new flowering of the Church's life. However, the production of norms is in itself no sign of the Church's vitality, but rather – at least in this massive concentration – an indication of the crisis affecting the Church. Finally, the drafting of legislation in the Church today suffers from many defects, some of which will be discussed below. The defects are quickly recognisable and this leads to the call for change.

b) Fluctuation

The extremely rapid fluctuation of norms in the post-conciliar Church is both shocking and suspicious. Most of these norms last only a few years, in some cases not even that long.

The classic example of constantly changing legislation is the *Eucharistic fast*.⁹¹ Within a period of twelve years the fast required of communicants was repeatedly reduced until only a minimum requirement remained. For the past twenty years, one change has followed upon another in the celebration of the *Easter Vigil* and, for that matter, *Holy Week* in general,⁹² and we have no guarantee that the present rules will be any more permanent.

The reform of the rubrics dated 23 March 1955⁹³ was followed by that of 25 July 1960,⁹⁴ which was in turn superseded by the reform of 4 May 1967.⁹⁵ And finally, the "General Instruction on the Roman Missal" created a completely new situation. The procedural norms for the *laicisation of clerics* communicated to local Ordinaries and major religious superiors on 3 February 1964 were replaced by new ones on 13 January 1971.⁹⁶ A new altar missal appeared in

88 Congregation for the Doctrine of the Faith: AAS 58 (1966) 445, 14 June 1966; Congregation for Divine Worship: AAS 63 (1971) 712/15, 14 June 1971; Secretariat of State: AAS 63 (1971) 841, 29 November 1971.

89 G. MAY, Die Aufhebung der kirchlichen Bücherverbote, in K. SIEPEN – J. WEITZEL – P. WIRTH (edd.), *Ecclesia et Ius = Festgabe Audomar Scheuermann* (München 1968) 547/71. On 11 April 1970 the Congregation for the Doctrine of the Faith sent a circular letter to all chairmen of the bishops' conferences informing them that in future, the cathedral chapter was no longer to be the bishop's "senate" in the administration of the diocese (as provided by can. 391 § 1 CJC and no. 27 of the decree "Christus Dominus"), but that the priests' senate was to perform this function: AAS 62 (1970) 464 no. 10.

90 MAY, Zur liturgisch-musikalischen Rechtslage 36 ff.

91 Can. 858 CJC; AAS 45 (1953) 15/24, 47/56; AAS 49 (1957) 177 ff.; AAS 56 (1964) 212; AAS 57 (1965) 186.

92 AAS 43 (1951) 128/37; AAS 44 (1952) 48/63; AAS 47 (1955) 838/47; AAS 48 (1956) 153 ff.; AAS 49 (1957) 91/5; AAS 57 (1965) 412 ff.; AAS 61 (1969) 217/22.

93 AAS 47 (1955) 218/24, 418 ff.

94 AAS 52 (1960) 593/740.

95 AAS 59 (1967) 442/8.

96 AAS 63 (1971) 309/12, 303/8. See also *AbI. München und Freising* (1973) 125.

1965,⁹⁷ and two years later⁹⁸ it was obsolete. The regulations for conducting the Synod of Bishops were published on 8 December 1966 and changed on 24 June 1969,⁹⁹ in fact changed once more on 21 August 1971.¹⁰⁰ On 6 April 1969 the Congregation of Rites published the General Instruction on the Roman Missal.¹⁰¹ Barely six months later, on 18 November 1969, the competent Congregation for Divine Worship was already forced to admit that the Instruction was a failure at many points.¹⁰² As the corrections and improvements were published, it became clear that changes had been necessary in some fifty different cases, and some of these were of great significance.¹⁰³ The Instruction of the Congregation for Divine Worship of 20 October 1969 prescribed that the bishops' conferences were to impose the new *Ordo Missae* by the first Sunday of Advent 1971 at the latest, i. e. 28 November 1971.¹⁰⁴ But before the date had arrived, it was revoked in the *notificatio* of 14 June 1971.¹⁰⁵ Since then, the episcopal conferences may themselves decide upon the definitive introduction of the new Order of Mass.¹⁰⁶ The last ten years have witnessed the publication of at least fourteen documents concerning the *construction and interior fittings of churches*, which in the judgment of an expert in the field in some cases contradict each other on essential points, although (or perhaps because?) they were published in rapid succession.¹⁰⁷

There are a number of reasons for the rapid fluctuation of norms in recent years. First of all, there is the fact of the widespread and rapidly increasing deterioration in the Church, whose different stages the legislators are breathlessly attempting to arrest. Successive changes in the laws are normally characteristic of a downward trend: toward moral and legal minimalism, toward the elimination of all that is burdensome, toward accommodation with the conduct of a disordered world and with Protestantism.¹⁰⁸ Because the legislators are a party to approving, by "laws," the facts resulting from the rebellion, these "laws" lose their authoritative character and become mere reports on the situation.

Not infrequently the legislation bears the marks of hurriedness, indeed of overhaste. Sometimes even the printers cannot keep up with the changes: when liturgical books leave the printery, they are in part already obsolete. This phenomenon can be explained by the legislators' haste to create norms which cater to contemporary wishes and trends. These, of course, fluctuate rapidly, and the circles which create or promote such trends show little patience. In threatening tones they demand rapid changes, and the ecclesiastical legislators try to gratify their wishes before their angry frowns explode in protests and other spectacular deeds.¹⁰⁹ The "subjects of the law" who are incited by progressivist theologians, often do not even wait for the promul-

97 AAS 57 (1965) 408 ff.

98 AAS 59 (1967) 442/8.

99 AAS 61 (1969) 525/39.

100 AAS 63 (1971) 702/4.

101 AfkKr 139 (1970) 156.

102 Notitiae 5 (1969) 417 ff.

103 Notitiae 6 (1970) 177/90. Further, see A. TINZ, Liturgiereform und kein Ende: UVK 1 (1970) 41/6, 77/80; Th. KURRUS, 90 Jahre liturgische Reformen: Anzeiger für die katholische Geistlichkeit 80 (1971) 463/5.

104 AAS 61 (1969) 749/53, no. 7.

105 AAS 63 (1971) 712/15.

106 See UVK 2 (1972) 98.

107 UVK 2 (1971) 221.

108 See W. SIEBEL, Liturgie als Angebot. Bemerkungen aus soziologischer Sicht: Der Fels 3 (1972) 74/8.

109 See G. MAY, Niedergang und Aufstieg der Seelsorge: Der Fels 3 (1972) 201/10.

gation (not to mention the end of the *vacatio legis*) before taking advantage of the new possibilities and permissions. The *diocese of Feldkirch/Austria* was constrained to point out that announcements concerning ecclesiastical laws and regulations in the press or on the air have no legal force. No one is *entitled* to appeal to such reports, just as no one is obliged to *obey* them, especially since such reports are often transmitted in abbreviated and incomplete form. The clergy were therefore requested "in their own interest" to await the publication of any new regulations in the official diocesan paper "in order to avoid the danger of having to correct themselves later on."¹¹⁰ The haste with which norms are produced today leads to imprecision and incompleteness of the laws, which then of course must subsequently be corrected and expanded. For instance, when the bishops noticed that in the new missal there was no rubric governing the mention of the Ordinary's name in the Canon, the Congregation for Divine Worship promptly issued a decree to regulate the matter.¹¹¹

Militating against the permanence of norms in recent years is the extraordinarily frequent issuance of laws "*experimenti causa*"¹¹² or "*ad interim*."¹¹³ To a certain extent, the subjects of such laws regarded them as invitations to assist in seeing to it that the lawgiver collected enough (negative) empirical data to induce him to modify the law in the desired (i. e. progressivist) direction.¹¹⁴ Hence in many places it is quite normal these days to pointedly designate newly promulgated ecclesiastical legislation which does not conform to the progressivist mentality, as "provisional" and thus call it into question from the very beginning. The tactic is used not merely by certain theologians, but by high-ranking churchmen as well, as the following examples make clear. Franciscan friar G. SOBRERO regarded the norms for the use of the vulgar tongue in the Divine Office contained in the Instruction of 23 November 1965 as "*un compromesso destinato ad essere sorpassato dagli avvenimenti*".¹¹⁵ The Instruction "*Matrimonii sacramentum*" had no sooner been issued by the Congregation for the Doctrine of the Faith on 18 March 1966 when Cardinal BEA, head of the Secretariat for the Promotion of the Unity of Christians, emphasised its provisional character and thus encouraged the watchful Protestants to put more pressure on the Holy See.¹¹⁶ The archbishop of Munich and Freising, DÖPFNER, announced on 5 July 1970 that even the *motu proprio* "*Matrimonia mixta*" of 31 March 1970 possessed "a certain transitional character".¹¹⁷

Especially detrimental to the faithful observance of existing laws was the permission for *experimentation* provided in many areas, for example in religious orders¹¹⁸ and in the litur-

110 ÖAfKr 20 (1969) 236 ff.

111 AAS 64 (1972) 692/4, 9 October 1972. For the Missal of Pope St. Pius V, see the *Ritus servandus in celebratione Missae VIII/2*.

112 For instance AAS 58 (1966) 757, 758; AAS 61 (1969) 120, 540 ff.

113 For example AAS 62 (1970) 179. The trial period for the norms introduced by the *motu proprio* "*Ecclesiae Sanctae*" was to last until the new Code of Canon Law was issued, though the possibility of even greater limitation was left open (*nisi interdum ab Apostolica Sede aliter providendum sit*): AAS 58 (1966) 757, 758.

114 For instance G. MAY, *Mischehe heute. Fakten und Gedanken* (Mainz 1970) 241.

115 G. SOBRERO, *La celebrazione dell'Ufficio divino: Studi Francescani* 65 (1968) 200/16, here 211 ff.

116 G. MAY, *Das neue Mischehenrecht. Werdegang und Inhalt = Kreuzring-Bücherei vol. 44* (Trier 1966) 167; G. MAY, *Mischehe heute* 16.

117 ABL. München und Freising (1970) 267.

118 AAS 61 (1969) 690, no. 17; AAS 62 (1970) 549; AAS 64 (1972) 393 ff. See also *L'Année canonique* 16 (1972) 27/9.

gy.¹¹⁹ In his *motu proprio* “*Ecclesiae sanctae*” PAUL VI had announced that “*Experimenta contra ius commune, prudenter quidem facienda, pro opportunitate libenter a Sancta Sede permitentur*”:¹²⁰ experiments which run counter to common law – and they should be embarked upon with prudence – will be readily authorised by the Holy See as the need arises. No doubt he had not the slightest presentiment of the forces he was thus to unleash. As a matter of fact, in most cases permission for experimentation is not even sought or the limitations not observed; things are turned completely upside down under the pretext of conducting experiments, and then the authors or instigators of the experimentation declare that the conditions created by the experimentation can no longer be reversed, meaning that the legislator must legalise them by passing the appropriate law. In many cases, this is precisely what happens, no matter how one explains the permissiveness of the ecclesiastical lawgiver.

In their retreat before accomplished facts, the lawgivers are in some cases not even able to observe due methods of procedure. In many instances of abolishing norms there is no longer any legal revocation of the earlier law, tacit or expressed. One “hears”, as it were surreptitiously, that certain laws are no longer in force. Thus, by means of a decree issued by the Congregation for the Doctrine of the Faith on 15 November 1966 the Christian world learned that canons 1399 and 2318 of the Code of Canon Law had been abrogated.¹²¹ The same Dicastery announced the abolition of the “Index of Forbidden Books” in a *notificatio*.¹²²

A new form, which enables the lawgiver himself to bypass existing law without abrogating it, is the *suspensio*, i. e. the provisional or temporary annulment of a law.¹²³ The penalties established for those who violate a nuns’ enclosure were declared inoperative (*vigore carent*) until the promulgation of the new Code of Canon Law.¹²⁴

3. Consequences

The consequences of all this permissiveness, inconsistency and illegality are fateful.

a) Uncertainty

The countless legal changes which have succeeded one another so rapidly have called forth a great deal of uncertainty among the faithful and among church officials as well. No one can say with certainty which laws are in force, and which are no longer binding. Some regard all previous legislation as obsolete. The *motu proprio* “*De Episcoporum muneribus*” considered it necessary to declare solemnly that the laws contained in the Code of Canon Law, together with all the laws promulgated by the Church since then and not revoked, were still in full force unless the Second Vatican Council publicly (*aperte*) abolished them either totally or partially.¹²⁵

Furthermore, the constant changes in all areas of ecclesiastical life have strengthened the view that there is no limit at all to the changes in the Church.¹²⁶ And thus the uncertainty of the

119 AAS 56 (1964) 111 no. 40, 112 no. 44; AAS 57 (1965) 412.

120 AAS 58 (1966) 776 II, 6.

121 AAS 58 (1966) 1186.

122 AAS 58 (1966) 445.

123 AAS 62 (1970) 549 ff.; AAS 64 (1972) 393, 2 February 1972. A suspension of faculties: AAS 63 (1971) 841.

124 AAS 61 (1969) 690 no. 16, 16 August 1969.

125 AAS 58 (1966) 468.

126 Compare the typical statements of a French priest in UVK 2 (1972) 320.

faithful also extends to the areas of divine law as well as dogma¹²⁷ and morals. Unconcerned with earlier decisions of the Church's supreme magisterium and in general without any hindrance from today's representatives of the magisterium, teachers and preachers equipped with the canonical mission to teach are spreading heterodox ideas in many places. The doctrinal collapse has serious consequences in the area of law, since the faithful ask why they should observe the disciplinary rules of the Church if much more important Church doctrines of faith and morals can be violated with impunity.

b) Awareness of the law has diminished

Under such circumstances it is hardly surprising that awareness of the law is growing weaker among the faithful. Indeed, the very feeling of legality has largely atrophied among our Catholic people. It is no exaggeration to say that in the Church, respect for the law has almost completely disappeared. The spirit of disobedience is spreading to epidemic proportions. Offences against the law both secret and open are constantly increasing. In a few cases, theologians openly called for the non-observance of existing laws without even being called to account by the competent local Ordinaries.¹²⁸

Were they to do so, the theologians would presumably counter with the argument "Et tu". After all, angry protests against the Church's legal structure and her leadership were first uttered by certain bishops who began by accusing the Roman Curia of circumscribing their scope of activity, proceeded by forcing upon or extorting from a weak pontiff the measures they desired, and ended by arbitrarily modifying papal laws (if they did not ignore them completely) or else promulgating their own "laws" in contradiction to the general law of the Church. Today we have actually reached a point where many episcopal conferences or individual bishops either simply take no notice of irksome papal norms, or do not publicise them among their clergy and layfolk. Thus, for example, there are mediate papal laws which have not been generally publicised in Germany. One thinks here of the embarrassing Third Instruction on the Correct Implementation of the Constitution on the Sacred Liturgy issued on 5 September 1970¹²⁹ and of the General Catechetical Directory published by the Congregation of the Clergy on 11 April 1971.¹³⁰

A typical case of open disobedience by bishops' conferences is the *postponement of First Confession* until two or more years after First Holy Communion, a practise introduced in total disregard for existing law. But equally typical is the Holy See's reaction in the General Catechetical Directory, which expressly mentions the principle that deviations from the general practise of the Church are not allowed without the approval of the Holy See. And then, all that the document says is that the existing custom of First Confession before First Holy Communion should be retained, though promptly – so to speak, as a concession to the rebellious episcopal conferences – the possibility of a penance service in connexion with the reception of the Sacrament of Penance is stressed. Further, the Holy See's sympathetic understanding of the special circumstances prevailing in different areas is also emphasised. The bishops are requested not to depart from existing practise without having previously consulted the Holy See. Where the new (albeit unauthorised) usage has already been introduced, the bishops' conferences are invited (velint) to re-

127 G. MAY, Das Glaubensgesetz, in A. SCHEUERMANN – G. MAY (edd.), *Ius Sacrum = Festschrift K. Mörsdorf* (München 1969) 349/72.

128 G. MAY, Die „Protestanten“ gegen das Grundgesetz: *Der Fels* 2 (1971) 232.

129 On this see UVK 1 (1971) 145.

130 AAS 64 (1972) 97/176.

study the experiments. Should the conferences desire to prolong the experiments, they should consult the Holy See and coordinate their plans with the Curia, which will be pleased to hear from them.¹³¹ It would be very difficult to imagine a greater mitigation of what had taken place, or a more complete abdication of the highest ecclesiastical authority.

An egregious offence against the common law is the introduction of the *lay homily* by the West German bishops' conference. The law is clear: can. 1342 CJC forbids all laymen, even though they be religious, to preach in the church. The Constitution on the Sacred Liturgy (art. 35 § 4) provided, under certain circumstances, that a deacon or other person deputed by the bishop might conduct a Bible service. The First Instruction on the Proper Implementation of the Constitution spoke more clearly of a deacon or a layman who presides at the service. While the deacon is to preach a homily, the layman is supposed to read a homily chosen by the bishop or the parish priest (art. 37). In other words neither the conciliar Constitution nor the instructions for its correct implementation grant permission for laymen to preach in the church. Nonetheless, at its meeting of 15/17 November 1970 the West German bishops' conference stipulated that laymen were allowed to preach in the church.¹³²

The whole affair was made much more serious by the granting of permission for laymen to preach even during Holy Mass. The bishops' resolution did not even bother attempting to appeal to some sort of authorisation: it is usurpation of authority pure and simple. And the West German bishops did not retract their resolution even after the Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council, in a decision confirmed by the Holy Father on 11 January 1971, held that the words of the General Instruction on the Roman Missal (no. 42) do not mean that laymen may also preach the homily during Holy Mass.¹³³

When bishops behave in this way towards the Holy See, they encourage others to imitate them. The same theologians consulted by the bishops as their "advisors" were unwilling to submit to the bishops in the event that the episcopal decision differed from the "advice" of the theologians. Even before the laws were promulgated, the theologians announced that they would not abide by laws which were not to their taste, and after promulgation the laws were simply ignored.¹³⁴ As a rule, the guardians of the law observe these developments in complete inactivity, as though they did not know what was happening, and reassuring themselves by pointing to the alleged need for gathering empirical data, indeed appealing to an often doubtful authorisation to permit experimentation they secretly sympathise with the illegal undertakings or in fact even declare openly their agreement with the transgressors of existing law. And of course every precedent which is not immediately gainsaid, weakens the law. And thus there has developed a state of affairs in which most bishops are no longer in control of the situation in their own dioceses. Violations of laws are tolerated as a rule if they are perpetrated by personalities or groups which either are uncompromising or able to mobilise so-called public opinion in their favour. Today, even the best laws which ecclesiastical legislators might issue have no prospect of

131 AAS 64 (1972) 175 ff. See also AfkKr 140 (1971) 517/21; ABl. München und Freising (1973) 131; Der Fels 4 (1973) 84/6.

132 ABl. München und Freising (1971) 94/7. On the effects, see UVK 2 (1972) 317 ff.

133 AAS 63 (1971) 329. In December 1972 the prefect of the Congregation for the Clergy demanded in writing that the West German bishop's conference revise its resolution to conform to this decision: Deutsche Tagespost no. 3 (5/6 January 1973) pp. 1 ff. The bishops' conference refused to make any substantial change. See Der Fels 4 (1973) 56/9.

134 For example, ABl. München und Freising (1970) 200.

being executed in practise if the theological opinion-makers are opposed. Practically all of the Church's penal law is treated as though it were obsolete.

III. How laws come about

The nadir of ecclesiastical legislation which has been reached today can perhaps be recognised most clearly in the manner in which laws are made.

1. Motives

The motives or reasons for a law are the purposes which the law is intended to serve. In recent years, laws often contain long explanations of their intended motives. However, such reports must as a rule be used with caution by those desiring to investigate the roots of a law, since they often camouflage the real motives in order not to disclose the full extent to which ecclesiastical authority has been eroded. One must often read between the lines in order to discover the real reasons for a law. Thus, for example, the stipulation of a *retirement age for cardinals*¹³⁵ was not at all prompted by the diminishing powers of the elderly cardinals or by the good of the Church, but quite simply intended to decimate the so-called conservative bloc within the Roman Curia.

a) Expediency

The ecclesiastical laws being promulgated today both by the Holy See and (especially) by the episcopal conferences are very strongly characterised by expediency. It is not primarily factual needs which are decisive for the drafting and promulgation of legislation, but rather external considerations. The desire to satisfy the (progressivist) theological advisors, the (liberal) opinion makers and as many others as possible, results in compromises and minimalistic solutions which do more justice to progressivist liberal ideas and Protestant desires than to the concerns of the Church, i. e. the glory of God and the salvation of souls.

Expediency, namely the urge to fulfill the tirelessly repeated demands of Protestantism, is the reason behind the changes made in recent years regarding *ecclesiastical legislation governing mixed marriages*. These changes have caused enormous damage in the pastoral care of souls. Expediency, namely consideration for bishops seeking power and influence, led to the establishment of the *Synod of Bishops*, for which there is no need.¹³⁶ Expediency led to the introduction of countless changes in the Church's *liturgy*, which was thereby supposed to be rendered more "attractive".¹³⁷ The fruit of expediency is compromise. Since there still are – even in the postconciliar Church – many forces which hold fast to genuine Catholic values and oppose any signs of wishy-washiness, it is not always possible for the progressivist party to enshrine all of its ideas undiluted in the new norms. Protestantising tendencies have to be harmonised with an uninterrupted Catholic course. The new *Rite of Holy Mass* published on 3 April 1969¹³⁸

135 AAS 62 (1970) 810/13.

136 H. BARIÓN, *Das Zweite Vatikanische Konzil. Kanonistischer Bericht (III): Der Staat* 5 (1966) 341/52, here 345/8.

137 W. SIEBEL, *Liturgie als Angebot. Bemerkungen aus soziologischer Sicht* (Berlin 1972).

138 AAS 61 (1969) 217/22.

exemplifies a typical compromise between the (even more radical) demands of the innovators and certain concessions to the liturgical heritage of the Church with startling resemblance to the Old Catholic rite.¹³⁹ Since the factual needs of the Catholic faith and the pastoral care of souls were not the decisive factors, but rather considerations of expediency (such as “adapting” and oecumenism), the whole undertaking was a failure and satisfied no one, except perhaps its authors. In some cases, the opportunistic desire of bishops and episcopal conferences to satisfy the so-called “modern” theologians was the only decisive reason for legal regulations. It is to just such a desire that such fateful undertakings as the Dutch “Pastoral Council” and the “Joint Synod of the West German Bishops” owe their very existence. The Netherlands are a shocking example of what can happen when in a given country the Catholic Church abandons itself for even a few years to the direction of progressivist theologians and bishops whom they advise.

When all is said and done, expediency is an insufficient motive for legislation, because it is too subjective. Further, expediency does not accord well with the rule of law. The tendency to enact laws of expediency is in fact inimical to the law, since it misuses the law for tactical purposes and this offends against the concept of justice itself. Finally, legislative expediency does not even pay off in practice, because it neglects the real problems and concentrates instead upon objects of discretion. The complaisant legislation of recent years has not helped the Church, but rather has caused her serious harm.

b) Legislation “from below”

In not a few cases, laws have literally been forced upon or bullied from the legislator. We have reached the point today where there exists in many areas “legislation from below”. Concrete action, i. e. undisguised disobedience, has become fashionable. Ominous predictions of resultant divisiveness are uttered against proposed legislation.¹⁴⁰ And then as a rule the legislators give in to such pressures. And so there arises an almost universal belief that anyone who supports a particular project or opposes a particular law will be rewarded in the end by having the legislator officially enact the project he supports, or officially modify the disputed law according to the wishes of the protestors – if only he makes his wishes known with sufficient emphasis, with appropriate volume, with a corresponding group of followers and with the help of influential friends. The persistence of the opposition carries the day. This applies above all to the *liturgy*.¹⁴¹ Here it has rightly been said that “Practically all of the innovations which are obligatory today were at one time – in some cases just a few years ago! – strictly forbidden”.¹⁴² In spite of the prohibition they were practiced, propagated in writing, accepted by bishops and sanctioned by the Holy See – sometimes against its better judgement. Today, the procedure has become almost a reflex action. The Holy See is aware of it, and indeed reckons with it. In fact the Holy See seems content when it is merely informed. Thus in the case of the “adaptation” of the *papal enclosure of nuns* it was merely required that the unauthorised innovations be reported to the competent Roman Congregation within six months.¹⁴³ Nothing more was demanded. The

139 KL. GAMBER, Kritik am neuen Ordo Missae: Anzeiger für die katholische Geistlichkeit 79 (1970) 58/60; L. SALLERON, La nouvelle Messe (Paris 1970).

140 G. MAY, Die „Protestanten“ gegen das Grundgesetz: Der Fels 2 (1971) 232; Allgemeine Zeitung/Mainz (5 January 1973) No. 4, P. 2.

141 Some recent examples are mentioned in Der Fels 3 (1972) 259, 293.

142 TH. KURRUS, Die „herzlosen“ Mitbrüder: Anzeiger für die katholische Geistlichkeit 79 (1970) 53/8, here 53.

143 AAS 61 (1969) 690 no. 17, 15 August 1969.

developments which led to the legislative introduction of *communio in the hand* are paradigmatic and indeed passing strange.¹⁴⁴ Some years ago a number of priests, following the lead of their Dutch neighbours, began on their own private authority to distribute Holy Communion in a different way, by practising and propagating communion in the hand. This encouraged others, above all immature communicants, to join them in transgressing the law then in force. The practise, introduced in open defiance, did not escape the notice of the shepherds of the Church, but hardly a one of them insisted energetically that existing law be obeyed. In fact, some (like the archbishop of Munich and Freising) made themselves patrons of a practise born of disobedience and declared that priests no longer needed to obey the existing law. The Holy See resisted this changed form of distributing Holy Communion. Unsuccessful attempts were made to obtain permission in individual dioceses for communion in the hand. This did not discourage Cardinal DÖPFNER and his friends, for they no longer wished to win back to obedience that portion of their priests and people which disobeyed the existing law governing the distribution of Holy Communion – a law whose violation these bishops had tolerated or encouraged. It may be that they lacked not only firmness but also the humility which would have been prepared to admit that duties of vigilant supervision had been neglected. In order to avoid the personal embarrassment of having to put an end to their toleration and encouragement of disobedience, they audaciously expected that the Holy See would make good their own omissions by legalising the illegality through papal legislation. Their calculations proved correct. The Pope capitulated. This chain of shameful events is nothing but capitulation before a state of affairs born of disobedience.

c) Unwillingness to accept responsibility

The ecclesiastical legislators, who are constantly being censored by theological journalists (e. g. the “Herder Correspondence”) and led by theological advisors (who pressure the legislators if their wishes are not granted), are increasingly unwilling to accept responsibility, in their norms, for specific actions of their subjects, i. e. to oblige them unequivocally. With increasing frequency they set their minds at rest by seeking an apparently easy solution which is applauded in certain fashionable circles but which in fact shifts the difficulties and the conflict onto the shoulders of those obliged to obey or apply the law. In order to avoid a decision, they take refuge in generalities and indefinite legal terms, which are based upon tactical considerations. Since the legislator has neither the courage nor the strength to enact unambiguous laws, he falls back on vague generalities. Dilatory compromises in wording are especially popular, i. e. ambiguous formulas which put off decisions and allow for varying (often indeed contradictory) points of view.

The Constitution on the Sacred Liturgy, for instance, called for a revision of the *Order of Mass* with a view to greater clarity and to facilitating the active participation of the faithful. The rites were to be simplified, but with “due care being taken to preserve their substance”. Duplications and superfluous additions were to be removed, lost elements restored (no. 50). This directive leaves practically everything wide open.¹⁴⁵ What is in fact the “substance” of the rites? Just which “duplications” are meant? Which elements were “added with little advantage”? During

144 G. MAY, Die sogenannte Handkommunion. Ein Beitrag zur Praxis der kirchlichen Rechtsetzung in der Gegenwart, in: Liturgie und Glaube 95/146.

145 See also BR. KLEINHEYER, Erneuerung des Hochgebetes (Regensburg 1968) 13 ff.

146 Kurze kritische Untersuchung des neuen „Ordo Missae“, in: Liturgie und Glaube 67/92.

the Council, no one worried very much about such questions. High-sounding phrases had been coined which appeared to satisfy everyone – but only because each person understood them to mean something different. Open conflict was inevitable as soon as concrete decisions were required to carry out the directives, e. g. when the Offertory prayers were radically changed and new Canons were introduced.¹⁴⁶

Another example is the *legislation on mixed marriages* enacted by PAUL VI. Its decisive weakness is the fact that the question of the religious education of the children remains undecided, “not solved but rather concealed”.¹⁴⁷ The touchstone, however, for the quality and pastoral usefulness of any legislation on mixed marriages is precisely the manner in which it deals with the upbringing of the children. If this question is not clearly settled at the time of the wedding, most mixed marriages will follow the natural downward trend and slip back into Protestantism.

The role of the bishops is perhaps even more lamentable than that of the Holy See. The very same people who never could get enough faculties from the Holy See now demonstrate quite clearly that they are not equal to the demands placed upon them by such delegated authority.¹⁴⁸ The most recent rules on fasting issued by the West German bishops, for instance, only a few years ago, scarcely contain any concrete statement about the necessary works of penance. They rely upon “mature consciences”, meaning that they practically forego the doing of any penance at all.

2. Lack of determination and the interpolation of incompetents

Good legislation demands two essential prerequisites: the firm determination of authority, and a few outstanding experts. Unfortunately, both are lacking today, to the detriment of the laws being enacted.

a) Lack of determination

Once a good legislator has recognised the necessity of his legislative program, he must persevere in carrying it through against all opposition from interested parties. The great reforms throughout the Church’s history were all accomplished in this way. Today, however, we can scarcely speak of determination on the part of the ecclesiastical legislators – at best, in very limited areas. Most of them are constantly at a loss, vacillating, allowing themselves to be pushed and pulled by external forces. They often enact laws halfheartedly and with great uncertainty because they foresee that the course of events will simply bypass their directives. Then they abandon their projects lightheartedly or water them down after opposition has once formed and are not at all inclined to procure respect for their norms, if necessary with the threat of penalties.¹⁵⁰ It is probably because he is so impressed with the so-called principle of collegiality that the Church’s chief shepherd appears less and less willing to make necessary decisions and to

147 KL. MÜRSDORF, *Matrimonia mixta. Zur Neuordnung des Mischehenrechtes durch das Apostolische Schreiben „Matrimonia mixta“ Papst PAULS VI. vom 31. März 1970: AfkKr 139 (1970) 349/404, here 394.*

148 See the comments of Cardinal Seper, Prefect of the Congregation for the Doctrine of the Faith, in *Der Fels* 3 (1972) 249.

149 ABl. München and Freising (1970) 403/06.

150 A. SCHEUERMANN, *Der strafrechtliche Schutz kirchlicher Ritualvorschriften*, in W. DURIG (ed.), *Liturgie Gestalt und Vollzug* (München 1963) 272/85.

stand by them¹⁵¹ against a presumed majority or even against only an influential minority of the bishops. Most episcopal conferences and individual bishops are notoriously weak. To a very great extent they are controlled by their theological advisors, and they are more afraid of the mass media than they are of the final accounting on Judgment Day.

b) Interpolation of incompetents

Today, in order to avoid the confrontations anticipated after laws have been published, a growing number of persons is consulted before the laws are promulgated. For example, in the area of papal law the whole episcopate is consulted,¹⁵² or all of the bishops' conferences.¹⁵³ For episcopal legislation the priests' senate is consulted.¹⁵⁴ Very often, those consulted are either not competent to give an opinion on the projected legislation because they lack the necessary knowledge, experience and breadth of view, or they are only able to express their own interests and wishes without taking the overall picture into account. In other words, they succumb to the tendency toward quiet indolence. In many cases, legislative proposals are actually discussed in public. Here, the danger is that opposition may form early, and the gates may be opened for agitation. It is a well known fact that today, those who have mastered the trick of making themselves heard among the faithful belong almost exclusively to a certain intolerant party working towards the destruction of the Church. For years, theologians who spread destructive and fateful assertions have been rewarded with appointments as advisors to bishops, the episcopal conference and the Joint Synod of the West German Bishops. For years, demoralising periodicals have been published under the very noses of the bishops, indeed with their permission. By tolerating and promoting these persons and their efforts, many bishops have practically become the prisoners of their own weakness.

The confusion and self-abdication of the legislator reached its all-time low in the so-called *Joint Synod of the West German Bishops*. From the outset, the very concept of this undertaking (presumably following the Dutch "model") was dogmatically and legally false. The statutes of the Synod create the impression that priests and layfolk could function as legislators in the church, whereas in reality only residential bishops or the bishops' conferences are (local) lawgivers. It was only the changes made when the Congregation for Bishops confirmed the statutes which restored the proper perspective at least to some extent, in that legislative authority was clearly reserved to the episcopal conference or the local Ordinary, with the other Synod participants in a purely advisory capacity.¹⁵⁵ Here is a shocking example of how legislators voluntarily renounce their authority and evade their responsibility.

3. Shifting of competency

The unwillingness of ecclesiastical legislators to accept responsibility bears another exotic fruit: the shifting of competency to other levels of authority.

151 Characteristic is this statement regarding the Synod of Bishops in 1971: *Beatissimus Pater Sibi relinquit examen, postea omni cum diligentia instituendum, quo ponderabit, an et quas propositiones, quae in synodalis Coetus votis continentur, in praeceptiones vel agendi normas converti expediat*: AAS 63 (1971) 897.

152 AAS 58 (1966) 775, no. 43; AAS 61 (1969) 544.

153 AAS 62 (1970) 464, 465; AAS 63 (1971) 943 ff.; AAS 64 (1972) 97.

154 AAS 62 (1970) 463, no. 8.

155 W. AYMANS, *Synode 1972, Strukturprobleme eines Regionalkonzils*: AfkKr 138 (1969) 363/88; *Idem*, *Ab Apostolica Sede recognitum. Erwägungen zu der päpstlichen Bestätigung des Statutes für die „Gemeinsame Synode der Bistümer in der Bundesrepublik Deutschland“*: AfkKr 139 (1970) 405/27.

a) In the area of papal law

Since the Fathers of the Second Vatican Council could not bring themselves to utter a clear Yes or No to the introduction of the *married deacon* in the universal Church, they passed the decision on to the bishops' conferences.¹⁵⁶ The Holy See displays increasing inclination toward transferring legislative (and administrative) decisions to lower levels, namely the bishops' conferences.¹⁵⁷ In doing so, the Holy See evades its own responsibility and saddles others with it, aids and abets the dissipation of the law and the spread of minimalism, and supports the centrifugal forces within the Church. And at the same time the Holy See sets in motion a whole chain of legislative activities which would have been superfluous had the Holy See itself found the courage and decisiveness to make its own norms.

b) In the area of the episcopal conferences

Since the Second Vatican Council, the episcopal conferences have moved in as a new hierarchical level between the individual bishops and the Pope. The steadily increasing volume of business which the conferences must transact calls forth a twofold effect: on the one hand a great proliferation of the bureaucracy and the concomitant – and dangerous – increase in the conference chairman's power, and on the other hand a shift of the decision-making into the committees or into the hands of their "experts", since the plenary assembly of a conference is no longer in a position to render a well-founded and carefully considered opinion on matters presented to it. And so the episcopal conferences have become voting machines instead of deliberative bodies. As a rule, an episcopal conference today merely formulates the legal command, while the actual content of the law is determined by the committees. However, in these committees the tone is usually set by representatives of the "theology of dissolution". Most members of the episcopal conferences feel themselves secure and dispensed from responsibility through the efforts and the applause of the progressivist theologians.

c) In the area of episcopal law

According to canons 335§ 1 and 362 CJC, the bishop is the legislator, indeed the only legislator, in his diocese. But today the legislative authority of an individual bishop is threatened in a twofold way, from above and from below.

First of all, the episcopal conferences continually absorb more and more of the individual Ordinary's competency. More and more matters are reserved for the decision of the conference. In a thicket of laws succeeding one another so rapidly, it is often no longer clear to an individual bishop just where to find the boundary between his own competency and that of the conference. Hence most Ordinaries show a tendency toward leaving almost all matters to be ordered by the episcopal conference. Furthermore, in a legislative collective such as the conference most individual bishops feel themselves exonerated and protected. Such self-renunciation is gradually undermining the position of the individual bishop as legislator, and strengthening the power of the bishops' conference or its managers. The episcopal conferences are developing into centralistic power complexes with authority over entire countries, thus condemning smaller units such as ecclesiastical provinces to a mere shadowy existence. In view of such concentrations of pow-

156 AAS 57 (1965) 36, no. 29.

157 For example, Congregation for Catholic Education: AAS 63 (1971) 250 ff., 1 February 1971; AAS 64 (1972) 532 no. IV, 533 no. VIII b and X, 539 no. IV, 540 no. VII b; Congregation for Divine Worship: AAS 63 (1971) 713, 14 June 1971: in usum recipi possint vel debeant.

er, not much remains of the widely heralded "autonomy of the local church". Indeed, the gravitational pull of some conferences is so strong that it even affects areas beyond the conferences' boundaries. Thus episcopal conferences of smaller lands follow in the wake of their larger neighbours and adopt their ideas and norms, often with all their mistakes and defects. To the extent that an individual bishop still has any competency whatever, he normally then succumbs to the undertow caused by dioceses headed by "progressive" bishops, i. e. prelates who aid and abet the dissolution of the Church. There is scarcely an individual Ordinary who can avoid granting some concession which has been allowed in a neighbouring diocese. The process is always the same: some one bishop proves to be permissive and introduces (though perhaps with a heavy heart) some questionable practise in his diocese. The unmistakably slanted mass media immediately make this laxity known. Supporters of the change in other dioceses triumphantly point to the example of this one bishop, request the same of their own Ordinary, instigate groups and panels to pass resolutions, and thus create pressure before which the majority of bishops, relatively speaking, very quickly capitulate. They too tolerate the unfortunate change, and finally legislate it.

Lastly, even in the area of legislation the "soviet" system of "councils" is beginning to show the disastrous effects which were to be anticipated and in fact had been predicted. These councils interfere with the legislative process, demand the right to have a say in the drafting of legislation, and indeed even act as lawgivers themselves in some cases. Weak bishops seek protective cover for their legislative programs from their councils.¹⁵⁸

Concluding assessment

For centuries, the Catholic Church was heiress and protectress of Roman jurisprudence and legal art. Civil law has learned and borrowed much from her. All of this has changed since the Second Vatican Council. With what REINHARD RAFFALT called "the end of the Roman principle", it appears that the Church's function of teaching the nations how to administer justice has also come to an end. Order in the Church has been dissolved. To a wide extent, anarchy rules in doctrine and discipline. The bearers of ecclesiastical authority appear to have abdicated their place in favour of pseudo-authorities. Legislation and the administration of justice have reached a new low. As a result, the Church is disintegrating into pluralistic confusion, losing its power of attraction and its missionary strength as well. In order to achieve a genuine reform, much will yet have to happen in the Church. But one thing is certain: unless respect for the law is restored, a re-ascent to the heights is impossible.

158 G. MAY, *Bemerkungen zu dem Rätssystem in der Diözese Meißen nach den Dekreten I und II der Diözesansynode des Jahres 1969*: TrThZ 80 (1971) 308/15. In some instances priests' senates have usurped powers which even local Ordinaries do not possess. For an example, see the minutes of the 6th meeting of the Second Priests' Senate of the Diocese of Mainz held on Monday, 20 November 1972 in the major seminary at Mainz, p. 5, agenda point no. 8/1.

Music at the Service of the Sacred

JOHANNES OVERATH

I

In a manner deserving of thanks, the organisers of this centennial observance of the Regensburg Church Music School (which is today officially known as the “Academy of Catholic Church Music and Music Education”) have taken the opportunity not only to sponsor a choice program of festival events during Whitsuntide of this year, but also to publish a copious Festschrift dealing with fundamental and current questions regarding *Musica sacra*, but not thereby ignoring a century of local history.

The imposing volume is dedicated to the subject of “*Musica sacra* with many variations.”

The reflections which follow are simply intended to discuss a few basic aspects of the same topic, in particular the relationship of music and liturgy, which in turn must be considered against the background of the relationship between religion and art in order to arrive at correct conclusions for both training in and the practise of church music.

Because of the limited time at our disposal, it is impossible to treat all the details of this very complicated topic, and thus many points can only be mentioned and not exhaustively discussed.

The publications of FRANZ XAVER WITT, founder of the church music reform movement in the last century, indicate that from the very beginning, the need for a special school to train professional church musicians was clearly evident. The renewal of church music could not prosper without a school, as WITT himself repeatedly stated in 1868, the year the Federated Caecilian Societies were founded.

But the spiritual and artistic foundations of this reform movement had been laid long before.

Without wanting to ignore the beginnings of a renaissance of classical vocal polyphony in other places at about the same time, it must be admitted that from the very beginning, the Regensburg reform was meant to help intensify and interiorise the celebration of the liturgy. Thus, on the occasion of this jubilee, we shall confine ourselves to those events which brought about what is still known today as the “Regensburg Tradition.” It is impossible to speak of this “Regensburg Tradition” without mentioning in the same breath that great collection of CARL PROSKE which bore the momentous title “*Musica divina*” – divine music. PROSKE’s work cannot be understood and appreciated apart from the name of the famous bishop of Regensburg, JOHN MICHAEL SAILER, for it was he who laid the spiritual groundwork for a new evaluation of church music. In addition to SAILER’s theological efforts against the profanation of worship, another positive factor was the interest of SAILER’s friend, King LUDWIG of Bavaria, for the monarch’s influence also helped overcome the deterioration of church music. Finally, we must mention the church music decrees promulgated at Regensburg by Bishop Valentin RIEDEL, particularly the statute of 1857, which introduced for use in the diocese PROSKE’s “*Musica divina*” and JOHN G. METTENLEITER’s “*Enchiridion chorale*” for the purpose of restoring a music at the service of the sacred.

But let us begin by considering SAILER’s theological ideas. During his years as university professor at Dillingen, Ingolstadt and Landshut, SAILER was often misunderstood, and though he was only consecrated a bishop at the age of 71, he has quite rightly been called “the saint of a

new era." In 1826, SAILER had ordained to the priesthood the former Prussian county physician Dr. CARL PROSKE. The musically talented PROSKE came to know his bishop not merely as one of the great pastors of the day, but also as a man of great genius who even as professor had courageously opposed the secularising tendencies of the time, and who recognised that the decisive reason for the deterioration of liturgical music at that time was the fateful abyss between religion and art.

The situation in SAILER's time possessed many traits similar to those of our own day. As a pastoral theologian, SAILER was primarily concerned with the intensification and interiorisation of worship, especially the celebration of the Holy Sacrifice.

As early as 1808, he delivered an academic lecture to the professors and students of the University of Landshut on "The Alliance between Religion and Art." The lecture attracted a good deal of attention, and SAILER later included it (in the form of 23 theses) in his monograph "On Worship and Liturgical Studies." The first chapter of this monograph is introduced by an informative note which shows how well he was aware that in questions dealing with the liturgy, his listeners were not entirely unprejudiced. He says:

In order not to inhibit non-partisan judgement of my lecture, I did not preface it with a motto. I want to make up for that lack now: It was my intent in that lecture to set down the *semina* or seed kernels of all genuine liturgy... without once using the words "liturgy" or "liturgical studies."¹

And in his treatise "On Worship and Liturgical Studies" he proceeds to show that these seedlings are indeed contained therein, for he begins by stating "the basic principle of all liturgy," namely the glorification of God, which must spring from the heart, i. e. from the basic vernacular language of all worship. In this context we can also find his critical appeal, "Do not expect such great wonders from the vernacular." In other words: the introduction of the vulgar tongue into the liturgy does not guarantee that the liturgy will be celebrated in the basic vernacular language of the heart, which alone is truly able to serve the *Gloria Dei!*

SAILER begins his Landshut lecture by discussing certain extreme points of view current at that time. One of these was that art debases religion to a mere empty aestheticism, and hence anything aesthetic was to be sharply separated from religion. On the other hand, it appeared as though the younger generation above all knew nothing but a merely aesthetic religion, "in order to escape the dry rationalism (of the Enlightenment types)."

In contrast, SAILER answers the age-old question about the correct relationship of religion and art with this thesis:

Religion is leagued with art through an alliance which is neither accidental nor preconcerted, but rather necessary and essential, and which did not arise yesterday or today, but which is everlasting.

How does he prove his thesis?

For SAILER, the term "religion" here does not mean "simply political religion, which makes of the Eternal a mere succour of the Temporal," nor does it mean "the religion of bare concepts which never touches the heart, never inspires life," nor yet a "purely aesthetic" or a "purely moralistic religion" which appeals solely to the emotions or exclusively to the will. SAILER means rather "the one, true, eternal religion... the religion of the first human beings, religion as man's

1 J. M. SAILER, *Neue Beytraege zur Bildung des Geistlichen* 2 (München 1819²) 59.

living predisposition toward God, older than all error and all idolatry" – in short, the religion which "revealed itself in the incarnate Christ with all the fulness of that brilliance which will . . . remain until the end of the world."

Anyone who desires to grasp the essence of religion will have to regard it as more than a dead concept, an empty sign or a hollow phrase. He must needs consider it as a vital, interior existence, as a "form of life."

This one, true and everlasting religion, as spirit and life, "has an ineradicable instinct to reveal itself, to make itself perceptible, visible, audible, palatable," indeed to form for itself a "body," because this religion "is a flame from the higher and everlasting world which simply cannot remain concealed." It must move and penetrate man's receptive heart. Thus religion has within itself the predisposition and "the driving force to become Church, to appear and to live as Church in this world," the while "christening with the fire of its spirit the religious predisposition present in men.

Now, according to SAILER, whatever renders a man's interior life externally perceptible to eye and ear, and represents externally the Incomprehensible and the Ineffable, is "art" in the broadest sense of the term. And whatever permits the life of interior religion to become "exterior," is "sacred art" in the widest sense of the term.

This "sacred art" does not rest content with having "expressed the life of interior religion . . . through buildings, paintings, statues and the like," but "impelled by a fulness of enthusiasm, . . . it does not rest until it has made the convictions of religion more audible in sacred speech, and the emotions of religion much more stirring in heavenly songs, consecrating the human voice as the interpretive organ of religion, so that singing and instructing, . . . she proclaim only the wonderful works of God . . . sacred art does not rest until she has made a wonderful mutual consonance out of the tones produced by men, by the organ, and . . . by other instruments, tuning them all to the song of the spheres until the whole has become heavenly music, and the mighty Hallelujah of the higher choirs in Heaven echoes and re-echoes in the lower choirs on earth."

As the epitome of all the fine arts, this "sacred art" fulfills its highest calling by serving interior religion and depicting or expressing it externally. This occurs in architecture, sculpture and painting, in poetry and in music. But the sacred flame which spontaneously reveals itself from a thousand overflowing hearts "falls back even more inflammable upon the hearth from which it arose." The alliance between religion and art is therefore twofold: art does not merely assist religion in an outward fashion, but she also assists religion in an inward direction. "The selfsame music, for example, which reveals inner devotion also preserves, strengthens and heightens devotion wherever it is present, just as it arouses devotion wherever it is not yet present."

In SAILER's words, this twofold alliance of religion with art is both essential and necessary. "A religion which were to give up this alliance with the fine arts" would be contradicting itself, indeed is dead. "Just as it is proper to eternal Love to utter Itself in an eternal Word, the Logos, and to make this eternal Word known through creation, the governance of all things and through the Redemption, so too it is impossible for religion to shut itself up within itself – the impulse to reveal itself is quite as much a part of religion's nature as it is part of the Father's very nature to utter the eternal Word," which was made flesh and dwelt among us.

Small wonder, then, that art makes use of the most precious things the earth bears in her womb – gold, silver, gems – and inspires human genius to high creativeness, in order to give expression to the "monuments of its effort" toward God.

Over a century and a half ago, SAILER too had to deal with the reference to Christ's poverty: "Humanity," said the wise men of the day, is our most precious possession. Those elements of a religion which manifest it externally but do not directly promote the ideal of the humane, "are worthless."

SAILER points out that the reproach is nothing new. Who does not think at once of the precious ointment of the sinful woman in the Gospel? "What was the good of that precious aromatic ointment? It diminished fraternal charity and was an extravagant prodigality; the money used to buy the ointment should rather have been given to the poor."

Today, this old error is making the rounds once again, and even more reprehensibly when people demand "the spirit of poverty and plainness" for the renewed liturgy in order to overcome a hitherto prevalent "triumphalism" in symbol and in music. It was MARTIN DEUTINGER who a century ago stated the sad truth that the content of art will be poor in direct proportion to the poverty of the worship under whose influence art stands. Art is always an unerring reflection of life. The moment mankind forsakes its religious enthusiasm, then spirits are impoverished, forms become empty and earthly, the vivifying word becomes a mere spiritless phrase. The relationship between religion and art is so intimate that the inner richness of art actually depends upon religious worship.

What fateful results are always caused by the error which attempts to identify the true spirit of poverty with impoverishment of the divine liturgy, and liturgical art forms with "triumphalism"!

Without art, a living religion is inconceivable because the very concept of religion implies that it involves the whole man with all his abilities, and consequently also bestows upon man's artistic impulse great powers as well as high tasks. In this connexion, the well-known German priest-musician JOHANNES HATZFELD once remarked that there is one type of piety which is quite content to walk earnestly within the carefully pruned yew hedges of orderly reason. But, he added, there is also another type of piety which can be compared to white-hot lava, for it bubbles up from overflowing hearts. This second type, he concluded, is the piety of the saints – and of the artist. And if it is not to burn itself out, it needs to be fed with great thoughts, indeed, mysteries. Or is it perhaps true that Rationalism (which prides itself on making everything so "reasonable," so "clear and transparent," "simple" and "more easily understandable") ever produced a great art during the course of its appearance in history?

The alliance of religion with art was not formed just recently: it has always existed, and will always continue to exist. And so SAILER comes to this conclusion:

Mankind cannot eradicate religion from the earth because religion is eternal, and mankind cannot separate sacred art from religion because the *concordia* of religion with art is essentially necessary. . . . Just as the Christian religion once was born from the blood of the martyrs as from a divine seed, so too will sacred art once more be recalled to life from amid the ruins of the arts – and that despite the vandalism of all ages.

SAILER of course knows quite well that the fine arts can also become unholy, since, as he says, "they are also a human product Hence they must have deviated from their inborn nobility to the precise extent that men themselves have done so. In other words, men have fallen away from the idea of art just as much as they have fallen away from the idea of religion. If the

Whole collapses, the parts collapse with it." SAILER observes and soberly judges the art of his own day "in a threefold garment":

1. There is an art which wears the garments of the slave, which lives in a state of the most profound abasement, which serves death. . . . As soon as fine art permits herself to be degraded by flattering the folly of the age and by singing the praises of vice, then instead of a free princess she has become a vile slave.
2. In addition to this degenerate art there is also a fine art in every-day garb, which serves the cause of . . . merriment . . . in order to help people forget their troubles for an hour. With frisky tunes she banishes care, and beautifies social life with happy jest and pretty pictures . . . This is the fine art which remains at the midpoint between her high origin and her precipitous downfall.
3. Far removed from art in slave's garments, and immeasurably more sublime than the art in work-a-day garb, there stands art arrayed in festive raiment; she quaffs from the springs of the primeval homeland. This daughter of Heaven serves only the Sacred; she is resonant praise of God.

We have already noted that with the theological ideas of his Landshut lecture on the alliance of religion and art, the pastoral theologian SAILER desired to express some insights which are decisively important in answering key questions about the "essence of the liturgy" and about the "supreme principle of all liturgy." Hence he prefaced his later treatise on worship and liturgical studies with the content of this lecture, reduced to 23 guiding principles and introduced with this remark:

These are the preliminary points of agreement, and they are as clear, certain and incontrovertible as the basic elements of art and religion have become for each individual. But they are also so fruitful that they bear within themselves the most important question about all liturgy – as well as the correct answer to that question.²

Against the background of SAILER's guiding principles on the relationship of religion and art, in which as SAILER himself put it "the seed kernels of all genuine liturgy" are already contained, we can understand CARL PROSKE's efforts to investigate the historical development of liturgical music and in the process to collect ancient works of church music. After ordination by Bishop SAILER in 1826, PROSKE was named choral vicar and later canon of the collegiate chapter at the Old Chapel in Regensburg. There he published his memoranda on the reform of the cathedral music, and thence he undertook three trips to Italy for purposes of research. He also established the music library which bears his name today, and which enabled him to evaluate and publish many valuable compositions. Among these, the four-volume collection "Musica divina" is particularly well known, along with the two volumes of selected Masses he edited.

In an article he published in 1962 about the Regensburg Tradition, AUGUST SCHARNAGL, the watchful guardian of the library and of PROSKE's literary remains, quoted a brief note which PROSKE had jotted down long ago. This handwritten note recalls the spiritual legacy of Bishop SAILER and expresses the goal of his efforts at reform in two fundamental ideas:

1. Genuine church music does not serve worship, it forms an integral part of prayer and of the liturgy as a whole;

2 On the foregoing as a whole, see J. M. SAILER, *Neue Beytraege* (note 1) 1/148–60, 2/59–65; in the new revised edition published at Sulzbach in 1839: pp. 163/76, 243/50.

2. Genuine church music is not intended to beautify and decorate worship, either. In a substantial way, taking shape out of the depths of the Church's inner life, church music bears the image of that genuine beauty which never grows old – and which is far more sublime than all mere artistic intentions.

Thus, because true and genuine church music is an integral part of liturgical prayer (in other words: for the sake of its prayerful character) PROSKE searched (in accord with SAILER's spirit, in other words in order to intensify and interiorise the liturgy) for that music which is most appropriate for the liturgy. His desire was "a reform of head and members," a "return to the pure wellsprings of sacred, primeval song." For PROSKE, Gregorian chant was the "codex of liturgical song," "the Holy Writ of church music." He had a very high estimation of the liturgical value of classical vocal polyphony, not least because in it "there dwelt only the impression of lyrical meditation and contemplation." Although he did prefer a cappella performance, one may not call him an opponent of liturgical music with instrumental accompaniment, just as he did not dispute the rank of congregational hymnody. PROSKE was much too faithful a student of his fatherly friend SAILER to forget the good bishop's unprejudiced observation:

As liturgically fitting as a good solid hymn is when sung . . . by a devout congregation, it will nonetheless make way for full-throated music from a well-filled choir loft on feast days. And why not? Monotony is no more essential to the liturgy than is poverty of ecclesiastical forms.

Many will confirm the truth of this statement in view of their daily experiences in the experimental laboratory of contemporary liturgical reform, especially when one is helplessly exposed to so-called simple "folk-songs" within the liturgy, be these paedagogic-catechetical or sentimental and trivial in nature.

When one considers the essence of the liturgy in SAILER's spirit, then the basic claim of liturgical singing, whether by choir or congregation, is not functional but substantial. In the spiritual realm, content and meaning is to a large extent determined by its relevance. For example, where ecclesiastical song is supposed to meet the need for human brotherliness or social efforts, or is even used as a superficial means of animation, it might find use at some sort of community celebration or other which may well be important in its own right – but which in fact falls far short of the importance of that which worship is and should be. Within the sanctuary we shall have to permit the nature of the liturgy itself to make its demands upon us, i. e. just as faith demands knowledge, so too the worship of God, the divine cult, demands art – especially an artistically appropriate *Musica orans*, a praying music, which is in fact a necessary and integral part of the solemn liturgy.

Only a musical art worthy of the Deity bears within itself, in a substantial way which takes shape out of the depths of the Church's inner life, the image of that genuine beauty which never grows old, as PROSKE put it, a beauty which goes far beyond mere artistic intention because it is an emanation of the divine Beauty.

Here, "beauty" is not taken as meaning the autonomous object of a philosophy of aesthetics, but rather as a part of the great metaphysical context of the transcendental properties of being: *unum, verum, bonum* and *pulchrum*. Since the link between religion and art was broken, art became autonomous and for many, a substitute religion. Religion and beauty, however, belong together. The world will only appear to us in its full beauty when we view it as God's work of art – God Whose Spirit in the very beginning "hovered over the waters" as the principle of all

formation. For a religious person, artistic meditation easily and spontaneously passes over into religious adoration. If beauty be harmony, and beauty of soul be harmony of soul, then it is justified to say that no power is able to create the harmonies and produce the beauty of soul which religion is able to call forth. A human being is never more beautiful than when he is adoring. A child at prayer, a mother at prayer, a praying man whether scholar or unskilled labourer, is a picture of uncommon beauty. In religion, and above all in the most essential act of religion: in prayer, all the powers of body and soul are concentrated upon Almighty God, and thus the repose of recollection here matches the agitation of the highest activity. There is no other power capable of awakening such perfect consonance as in the souls of praying communities. In the liturgy, religion enters into a most intimate alliance with art, above all with music. When a religious community comes into existence as a praying community, it can find no more fitting expression of its religious attitudes and feelings than that purposeless play in which some have also located the essence of the Beautiful: dance in the case of the primitive peoples, music and drama at higher levels, and in the Roman Catholic liturgy the realisation of the perennially Paschal "Exsultent divina mysteria," the jubilant celebration of the divine mysteries in sacred music, in an artistic language which all men can understand because it knows no bounds. Such music has become, in the expression of Cardinal FAULHABER, a fiery tongue of the Holy Ghost which speaks eloquently through the ages, bringing to all men the good news of redemption and eternity, of love and security, of forgiveness and everlasting Paschal joys!

II

The church music reform movement which began at Regensburg in the nineteenth century owes its theological foundation to Bishop JOHN MICHAEL SAILER.

Among the literary remains of Canon CARL PROSKE there is a brief note describing the essence of *Musica sacra* according to SAILER which explains the Church's constant demand that sacred music, viewed from the essence of the liturgy, must be true art.

Genuine church music is an integral part of prayer and of the liturgy as a whole; it is not intended to beautify and decorate worship, either. In a substantial way, taking shape from the depths of the Church's interior life, church music bears the image of that genuine beauty which never grows old – and which is far more sublime than all mere artistic intentions.

True art in the liturgy cannot be "art for art's sake – l'art pour l'art," cannot be a so-called "liberal" art.

The distinction between applied and liberal arts does not imply a difference in value. The proof is in the fact that countless works of applied art surpass just as many of liberal art – though the opposite can also be the case. However, the first and original art was always applied art.

When we speak of art in the liturgy, we refer to a "serving" or "ministerial" rather than "applied" art, since this seems more appropriate to the situation of an "art for God."

The reference to church music as "ancilla" or handmaid of the liturgy in so many ecclesiastical pronouncements points up its "ministerial role," as is also the case in the Liturgy Constitution of Vatican 2. But it is just this designation which is so often misinterpreted, indeed construed as a denigration – depending on the degree of pastoral and theological esteem for *Musica sacra* in the liturgy. Hence one of the Council Fathers quite correctly pointed out during the conciliar discussion that church music is a "handmaid of the liturgy" in terms of its behaviour, but not in terms of its nature. Church music is in fact a necessary and integral part of the solemn liturgy, and as such eminent among all the other arts in the service of God. Despite assertions to

the contrary, it should be stressed once again that this definition of church music is not found for the very first time in the Liturgy Constitution of the last Vatican Council. It is instead the oft-asserted conviction of the fathers of that church music reform movement which originated at Regensburg, and thus it is no wonder that we already find the definition in Pius X's *Motu proprio* on church music issued in 1903.

In spite of this state of affairs and above all in spite of the unambiguous conciliar text, it is astonishing that in widely publicised commentaries upon the Liturgy Constitution of Vatican 2 even the recognised liturgical historian JOSEF ANDREAS JUNGSMANN, as well as his fellow Jesuit KARL RAHNER with HERBERT VORGRIMLER, arrive at interpretations which completely contradict the Council's text on church music.

After referring to the definition of *Musica sacra* as a "necessary and integral part of the solemn liturgy," JUNGSMANN speaks of the Council as "elevating the rank" of church music, but then claims that the very same Council has abandoned "the ideal of a High Mass surrounded with great musical splendour."

However, if there can be any talk of an "elevation in rank" for *Musica sacra*, then it took place over sixty years ago at the hands of St. Pius X and not at the hands of the last Vatican Council. And as far as the High Mass is concerned, the Council explicitly says in Art. 113 of the Liturgy Constitution that "the liturgical action is given a more noble form" when three conditions are fulfilled:

1. that the service be conducted solemnly (*sollemniter*) in song;
2. that deacon and subdeacon take part; and
3. that the congregation participate actively.

In Art. 114 which follows immediately, the text continues: the *Thesaurus Musicae sacrae* (the treasury of traditional church music) should be preserved and fostered "with the greatest care" (*summa cura*). And almost involuntarily, the question arises: does not this prescription in a Liturgy Constitution apply to the liturgy?

Those for whom the logic of the text itself is insufficient are referred to the letter sent by the Holy See to the Fifth International Church Music Congress held in 1966 at Chicago and Milwaukee. The letter says in part:

The Council commanded that (the treasury of sacred music) "be conserved and promoted with the greatest care." Such conservation and promotion are evidently not intended to take place outside that environment in which and for which sacred music was born, but rather within the practical liturgical execution, for "the glory of God and the sanctification of the faithful" which the Constitution itself defines as the final purpose of sacred music.³

In complete opposition to this statement of the Holy See, the commentary of RAHNER and VORGRIMLER follows the same line as JUNGSMANN (who depreciates music of high artistic value in the liturgy) and describes the treasury of sacred music as unserviceable for the liturgy because true art, as it is present in church music, can "from its nature, which is esoteric in the good sense, scarcely be harmonised with the nature of the liturgy and with the supreme principle of the liturgical reform."⁴

3 *Notitiae* 2 (1966) 292/3.

4 K. RAHNER-H. VORGRIMLER, *Kleines Konzilskompodium* (Freiburg 1967²) 48.

What a multitude of problems for church musicians and their choirs have been caused during the last few years since the Council by such commentaries, which in fact cannot be reconciled either with the text of the Council or with the nature of the matter at hand!

If we want to call the art of liturgical music in the liturgy "esoteric" and reject it, then of course we really do not need any academies of church music any more – though the Council, by the way, explicitly recommends them! – and the centennial of the Regensburg Church Music School would be a grand funeral!

JOSEPH RATZINGER, dogmatic theologian at the University of Regensburg, describes the direction in which such a fateful "pastoral liturgy" leads:

In those years (which have gone by since the Council), that frightening impoverishment has steadily become more darkly perceptible which arises when in the Church one shows useless Beauty to the door and instead subordinates oneself exclusively to "usefulness." But the cold shivers which are caused by a liturgy which lacks splendour since the Council, or simply the boredom which this liturgy provokes with its appetite for banality and its lack of artistic aspirations, do nothing to solve the problem. However, this development has at least created a situation in which we are once again in a position to ask questions.⁵

As a matter of fact, it would indeed be very desirable if the theologians would devote a little more attention to the theological and philosophical basis of art and of music in particular.

Hence, church musicians are grateful to the Regensburg dogma professor not only for his theological article in the jubilee volume of the Church Music School, but also for pointing out the contradictions in this matter between the statements made in the commentary of RAHNER-VORGRIMLER and the expressed will of the Council. Moreover, in Art. 34 of the Instruction „*Musica sacra*” of 5 March 1967, the use of a polyphonic *Ordinarium Missae* (generally known in music history as the *Missa Romana*), is explicitly permitted "suetis normis," i. e. according to the customary norms. And that in this process it is possible to sing a High Mass "cum populo activo," i. e. with active participation of the congregation, has long since been demonstrated by the musical programs of church music conventions and congresses both before and after the Council.

This discussion reveals an error which is unfortunately widespread today, namely that choral song is a hindrance to congregational singing, and that the choir is merely an instrument of aestheticism – one which of course must be devaluated!

From the theological and liturgical point of view, it is impossible to falsify the task of the choir more completely, nor is it possible to misinterpret more superficially either Gregorian chant or the art of vocal polyphony – quite apart from the fact that this erroneous opinion flatly contradicts the official texts of the Liturgy Constitution and the Music Instruction.⁶

How much more positive was the pastoral evaluation of musical works of art which have grown organically out of the liturgy by a pope like PIUS XI, when he said:

Yet who does not know how many works of high artistic achievement have been handed down to posterity by our forefathers, who were undeterred by difficulties

5 J. RATZINGER, Zur theologischen Grundlegung der Kirchenmusik, in F. FLECKENSTEIN (ed.), *Gloria Deo Pax Hominibus*. FS Kirchenmusikschule Regensburg = ACV Schriftenreihe 9 (Bonn 1974) 39/62, here 41.

6 Cf. J. OVERATH, *The Meaning of Musica Sacra and its Nobility*, p. 73 in this volume.

because imbued with the zeal of piety and the spirit of the liturgy? Nor is this to be wondered at, for whatever proceeds from the interior life of the Church transcends even the most perfect works of this world.⁷

As long as devout listening to music in the liturgy remains a legitimate form of *actuosa participatio* – of living participation in the liturgical event, in the spirit of Art. 15 of the 1967 Instruction “*Musicam sacram*,” then the liturgical use of musical art meant principally to be listened to does not contradict the basic intention of the liturgy reform, but rather can only further it. The question is, which is more pastorally efficient: active congregational singing, or devoutly listening to music which is capable of expressing the ineffable aspects of the mysteries of a divine liturgy in a higher language – the language of music?

Over a century ago, MARTIN DEUTINGER was already repeating his insight that where there is no cult, there is no religious art and culture, either. And the greatest artistic accomplishment always took place within the compass of the sacred, indeed, one could also say: of the cultic. In the case of artistic creation, however, it is not a matter of mere knowledge concerning the Sacred, for at best, this would suffice to produce a piece of skilled handicraft. Real art in conjunction with the Sacred makes its appearance only when an artistically gifted human being is touched and moved by the Sacred.

But if a person wants to give shape to the Sacred, then he must meet the very highest standards, even in artistic techniques. The Sacred withholds itself from the artistic amateur in the same way it also withholds itself from the amateur at Christian living, who then runs about as the caricature of a saint.

Where the Sacred is no longer recognised and accepted as sacred, there the artist no longer falls on his knees before it, and then whatever he produces is mere routine or – blasphemy, as JOHANNES HATZFELD phrased it decades ago.

Since her earliest days, the Church has always had to struggle to guarantee the sacredness of her music (J. GELINEAU).

A basic requirement for liturgical music is that it be holy. “Hence it must be free from all that is profane, both in itself, and in the method of its performance” (St. PIUS X).

Over against a delimitation from the “lascivious and unclean” (in the words of the Council of Trent) or the “profane” (in the words of the Codex Juris Canonici), the last Vatican Council calls the liturgical celebration an “*actio sacra praeexcellenter*,” a sacred action surpassing all others. And of church music, the Liturgy Constitution plainly states: “Therefore sacred music will be the more holy, the more closely connected it is with the liturgical action.”

And so the more alive and vital the interior connexion between the sacred event, the “sacred action surpassing all others,” and sacred music in the artistic expression of its proclamation or adoration as well as through the musicians and singers who perform it, so much the more holy such a music will be – so much the more does such a music realise in practise the petition of Our Lord: Hallowed be Thy Name!

But there exists today a group of theologians – overrepresented, moreover, in terms of publicity – which with the slogan “de-sacralisation” in the renewal of liturgical forms is calling for men to overcome the categories of Sacred and Profane. Naturally, this also involves the elimination of any really sacred music. In the area of liturgical music, we realise that it is a case of something more than merely theoretical confrontations when we experience the inroads of trivial en-

7 AAS 21 (1929) 33 ff.

tainment music intended to animate the listeners, music which is in truth not oriented on the "Up There" of the liturgy, but rather toward that which allegedly appeals "Down Below," and with its stereotyped rhythms affects hands and feet more than hearts and minds.

In this regard we should take to heart what JOSEPH RATZINGER in his article on the theology of church music, cited earlier, says about the cultic music of heathen religions.

In many cases this type of music aims at bringing about even an ecstasy of the senses through rhythm and melody, but in fact does not thereby take the sensual into the spiritual, but rather attempts to swallow up the spiritual into the sensual and redeem it through such ecstasy. But in such a sensual shift (and as it recurs in modern "rhythmic music") God, the salvation of man, is localised quite differently than in Christian faith. The system of coordinates for existence, for the cosmos as a whole, is laid out very differently, indeed is wholly contrary. Here, music can really become a "temptation" which leads men astray – not toward purification but rather toward stupefaction. Music which desires to be a means of adoration needs to be purified; only then can it actually purify and elevate.⁸

Music within the sanctuary of the liturgy may not "destroy the spiritual area of stillness with which we veil the mystery."

The supporters of de-sacralisation are in flat contradiction to the official decrees of Holy Church, including the most recent ones such as the General Instruction to the New Order of Mass. In these decrees, it is not only the liturgy which is termed *actio sacra praecellenter* (a sacred action surpassing all others). The church building itself is called *aedes sacra*, sacred edifice, whereby its solemn consecration is presumed. And in exactly the same way music in the sacred liturgy is emphasised as *Musica sacra* in the programmatic opening words, the so-called "aren-ga," with which the 1967 Instruction begins. The title of the Instruction "De Musica in Sacra Liturgia" is therefore to be understood in the sense of the *aren-ga* "Musicam sacram," which is indeed self-evident from the contents of the Instruction.

The predicate "sacred" expresses no more and no less than that these things, these objects, and hence also this music, are ordered or assigned to the divine sphere.

"Profane," by contrast, does not precisely mean "unholy," although the Unholy does indeed exist.

The philosopher JOSEPH PIEPER has devoted special attention to these questions, and he arrives at the following conclusions in thesis-like form:

Of all the phenomena to which the quality of "sacredness" or "sacrality" can be attributed, whether it be the hallowed location, the sacred time or even the consecrated person (the priest) – of all these phenomena, first of all, the sacred action deserves the highest ranking, simply because the special assignment to or co-ordination with the primeval and absolutely "Sacred," by reason of which all of these things are termed "sacred," becomes reality in the most intense manner within the *actio sacra*, the sacred action.

It is in relationship or with reference to the sacred action of Holy Mass (during which the reality of God Himself becomes really present among us) that first of all the person, say of the priest, and then also the church building, the festival time,

8 J. RATZINGER, Zur theologischen Grundlegung (note 5) 56.

the utensils and also the music are called – and indeed actually are! – consecrated and “sacred.”

Secondly, every general concept of the “Sacrum” (the Sacred) includes the boundaries and limitations which separate it from the area of average, normal, everyday life – which of course is not thereby devaluated (as many interpreters of the contrast “sacred-profane” falsely claim). To be sure, within the precincts of the Sacred other standards are valid, and other norms of behaviour than those otherwise customary. These too can be demanded of men, indeed they are quite natural, since it is part of man’s very nature *not* to be limited to the human and the everyday. How disconsolate we would be if we had to live in or rather be walled into a de-sacralised world, a world which was nothing more than “worldly,” only the Everyday and the Commonplace, without the possibility of occasionally going beyond the Here and Now . . . into that greater area of existence intended for us by God – and that in a very real sense, primarily in the sacred action of the real encounter with God.⁹

In the context of reverence and respect for the Sacred, JOSEPH PIEPER refers to the necessary establishment of those boundaries which lie between the sacred action and the homely Everyday. He feels it is very problematic to begin and end the Holy Sacrifice with some sort of secular greeting formula. He points out that it is not really possible to stand at the Altar of Sacrifice clad in liturgical garments, and mouth a commonplace formula of greeting to a congregation which by genuflecting and crossing itself has made clear its entrance into other – in fact, sacred – precincts. Such things may well take place at normal secular gatherings, says PIEPER, but when they occur within the sacred precincts, then that is something dreadful which furthermore will wear off quite soon. There are quite enough Biblical formulae of salutation which would be more in place here, and more conducive to the interiorisation of the *Opus Christi*, the *summum sacrum* among us.

And in announcing the music to be performed, too, church musicians should speak a language which is appropriate to the liturgy and not use the vocabulary of secular concert life.

Decisive in all these preliminary questions is our ultimate attitude to this basic question: Is the liturgy really a sacred action in the strict sense, in the course of which God Himself becomes present in Jesus Christ? – or is it simply a matter of an event in which nothing real actually occurs which would in principle surpass the merely human? Once this preliminary question has been answered, nothing more need be said.

Against the background of the spiritual legacy of the Regensburg Church Music School and on the basis of Bishop SAILER’s theology we have attempted to discuss some fundamental aspects of the relationship between worship and art, and in particular a music at the service of the Sacred.

We may well conclude to the supreme importance of making our own the spiritual and theological foundations of that music which out of conviction we term sacred, *sacra* – and this not least for a church music school, along with its duty of educating artists and church musicians comprehensively in church music old and new, in those tongues permitted by Holy Mother the Church.

On their centennial, I can think of nothing better to wish the Regensburg Academy of Catholic Church Music and Music Education, its administration and teachers and all of its students, than much happiness and blessed activity

9 J. PIEPER, “Entsakralisierung”? (Zürich 1970) 40/1, 56/7.

at the service of a music arising from faith,
at the service of a music for faith, and
at the service of a music worthy of the faith,

whose holy and healing powers we may not withhold from people, least of all from contemporary man!

The Liturgical and Musical Innovations of the Second Vatican Council

JOHANNES OVERATH

Soon after the legal promulgation of the first Constitution of the Second Vatican Council *De sacra Liturgia* by PAUL VI in the *aula* of St. Peter's at Rome on 4 December 1963, translations of the authentic Latin text into various languages were published, along with more or less copious commentaries. On occasion, however, in questions concerning the pastoral, liturgical and artistic evaluation of the various kinds of *musica sacra*, one-sided interpretations were given – indeed, interpretations actually hostile to music. This was especially true in connexion with *actuosa participatio populi*, with Latin High Masses involving Gregorian chant and polyphony, and with technical questions concerning the relationships of text and music in attempts at a vernacular Gregorian as well as the musical laws of congregational song in the liturgy.

In view of the controversies within the Church today concerning theological, liturgical and pastoral questions, in which appeals are so often made to a mere vague “spirit of the Council,” an objective historical presentation is advisable. This presentation will not only quote the well known official texts of the Council but will also make use of previously unpublished conciliar documents.

Antecedents

The history of events leading up to the Liturgy Constitution of Vatican 2 can neither ignore nor treat merely in passing the development of church music since the awakening of the liturgical and musical reform movement in the nineteenth century. Characteristic of these reform efforts in the last century was the combined desire to renew both the liturgy and its music, and this explains the first papal ordinance of St. PIUS X concerning church music, the *Motu proprio Inter pastoralis officii sollicitudines* of 22 November 1903. (Sixty years later to the day, the Council Fathers voted on the entire Liturgy Constitution with 2,158 ayes and only 19 nays.) Since the Pope desired to “renew all things in Christ,” it was naturally his “first and most ardent wish that a true Christian spirit flourish and be kept always by all the faithful” (Introduction to the *Motu proprio*). The primary concern of his renewal was the “holiness and dignity of the churches in which Our people assemble, in order to acquire that spirit from its first and most indispensable source, by taking an active part (*ex actuosa . . . communicatione*) in the sacred mysteries and in the solemn public prayers of the Church.” The same Pontiff characterises *musica sacra* as an “integral part of the liturgy” which is therefore “directed to the general object of this liturgy, namely the glory of God and the sanctification and edification of the faithful.”

A “greater emphasis upon the pastoral viewpoint” or a greater “elevation in rank” for church music never existed either before or after PIUS X.

It is very curious that J. A. JUNGMANN should speak of the Council as “elevating the rank” of church music,¹ and simply astonishing that he should see an allegedly “greater emphasis upon

1 J. A. JUNGMANN, in *LThK Council Volume 1* (Freiburg 1966) 95.

the pastoral viewpoint” in the revision of the schema by the Conciliar Commission on the Liturgy. In opposition to the official spokesman at the council, the *relator*, JUNGSMANN calls this “a rather thorough revision” of the schema, whereas the *relator* speaks of “only a few changes, which have more to do with the form than with the content,” and in fact clearly states that “the original text” remained “almost unchanged” (see the *relatio* of the spokesman, Abbot-Ordinary CESARE D’AMATO O. S. B. as well as the remarks on Articles 112 and 113 below).

The Council made its own the definition of *musica sacra* in the solemn liturgy which had been given by PIUS X in the *Motu proprio*, thus confirming the view that a solemn liturgy without *musica sacra* is to be regarded as a mutilated liturgy.

The papal decrees on liturgy and church music subsequent to the *Motu proprio* of 22 November 1903² are all based upon the repeatedly emphasised organic connexion of *musica sacra* and liturgy. This link is especially stressed in the Instruction of 3 September 1958 on *Sacred Music and the Sacred Liturgy* in the sense of PIUS XII’s encyclicals *Musicae sacrae disciplina* and *Mediator Dei*: “Everyone is aware that sacred music and the sacred liturgy are so closely linked that laws and norms cannot be given for one while ignoring the other” (Introduction).

The unusually frequent papal pronouncements on church music issued in the first half of our century formed the basis for musico-liturgical work in schools, monasteries, professional organisations and diocesan institutions. What great exertions were made in theory and practise, for example, to introduce the official chant books of the Vatican Edition to the choirs! In the generation between the two World Wars there developed in some places, under the direction of pastors supportive of popular liturgy, parishes with services celebrated in exemplary fashion, in which the community Mass and the Low Mass with hymns were just as much a part of the permanent schedule as was the Latin High Mass sung by the congregation in Gregorian chant. Even congregational Vespers and Compline were relatively frequent. The Catholic youth movement acquired by “conquest” not only the old hymns but the Gregorian chant as well. The increasing participation of the laity in liturgical services led to the publication in 1938 of a “Chant Missal” for Sundays and holydays which went through five editions up until 1966.

In addition to their efforts on behalf of *cantus gregorianus*, we cannot fail to mention the zeal with which thousands of parish choirs contributed to the splendour of solemn worship by learning and performing liturgical compositions from every epoch.

Even though the *Motu proprio* of PIUS X was often falsely interpreted, for instance in its emphasis on the Palestrina style, in that people declared this to be the only style suitable for church, we still cannot ignore the fact that the radical change in contemporary music around the turn of the century also permeated church music, although gradually and at first in individual cases. Especially important in this connexion was the “International Society for the Renewal of Catholic Church Music” (IGK) in Frankfurt/Main, founded by younger composers who had become better acquainted at the “International Musical Summer” in 1927. The IGK was so significant because it brought about an awakening in church music and introduced contemporary music both instrumental and vocal into the liturgy. And the composers of that generation simply took it for granted that their new church music must have already “absorbed Gregorian chant and PALESTRINA,” because “No one can build on thin air. Here are wellsprings which may never

2 Pius XI, Apostolic Constitution *Divini cultus sanctitatem* of 20 December 1928; PIUS XII, Encyclical *Mediator Dei* of 20 November 1947 on the liturgy; PIUS XII, Encyclical *Musicae sacrae disciplina* of 25 December 1955 on sacred music.

be allowed to cease flowing. But they should serve as irrigation and not as crutches or wooden legs.”³

The IGK and the ACV were organisationally united on 30 June 1956 with a view to the totality of musical life and out of a sense of responsibility for a healthy development of church music in close connexion with contemporary musical life, at the service of liturgy *and* the pastoral care of souls. In spite of all efforts toward a music appropriate for the liturgy, a music which naturally must accept greater limitations in the use of musical means, it would be difficult to overestimate the importance of religious music, which extends beyond the sphere of the liturgy. Thus Pius XII's encyclical *Musicae sacrae disciplina*, which led to the merger of IGK and ACV in 1956, retains its importance for healthy musical development in the Church, even after Vatican 2.

In speaking about the liturgical and musical pre-history of Vatican 2, and in spite of all the ecclesiastical guidelines for liturgy and church music, we may not omit the many abuses in this area. These quite naturally had to appear wherever the papal prescriptions were ignored. Thus in 1928 Fr. DOMINIKUS JOHNER O. S. B. gave a detailed report on the observance and the non-observance of Pius X's *Motu proprio*.⁴

The disregard for papal directives on church music and liturgy, especially regarding the vital importance of training in church music for seminarians so often stressed by the Church, necessarily had serious consequences, not least because ever since the liturgical institutes were founded, international study sessions in the years following World War Two increased their demands for the vernacular in the liturgy as being pastorally necessary – quite contrary to the pastoral-liturgical conception of St. Pius X. In this process, the musical problems which unavoidably arose, and their necessary consequences for the preservation of the precious inheritance of all earlier *musica sacra* composed in the liturgical language of Latin as well as for the composition of artistically defensible music which would be necessary in all languages, could not be and were not assessed in a manner appropriate to their great importance. Undoubtedly this is the basic reason for the lack of impartial cooperation between liturgists and church musicians noted primarily during the last two decades immediately preceding the Council.

In order to obtain a comprehensive overview of the pre-history of Vatican 2 in the field of liturgy and church music, it is also necessary to study the programmes of liturgical music presented at the international meetings of professional church music organisations. Of especial importance here are the international church music congresses inaugurated under the leadership of the president of the Pontifical Institute of Sacred Music (IGINIO ANGLÈS) at Rome in 1950 and continued at Vienna (1954), Paris (1957) and Cologne (1961). Unfortunately, the resolutions passed at these congresses did not always receive the attention they deserved.

Preparation of the Conciliar Decision

On 25 January 1959 in the Basilica of St. Paul's without the Walls at Rome POPE JOHN XXIII announced an oecumenical council, whose main purposes he set forth in greater detail in

3 H. LEMACHER, *Kirchenmusikalischer Zeitstil* (1961).

4 D. JOHNER, *Zum Jubiläum des kirchenmusikalischen Motuproprio Papst PIUS' X.: Benediktinische Monatschrift* 10 (1928) 425/36. See also J. OVERATH (ed.), *Sacred Music and Liturgy Reform after Vatican II* (Rome/St. Paul 1969) 109.

his encyclical *Ad Petri Cathedram* of 29 June 1959. The bishops of the world were invited to propose subjects for consideration at the Council. The twelve large volumes containing wishes and suggestions from all over the world have not yet been published.* A relatively large number of the proposals dealt with liturgical questions, and this may certainly be traced back to the various international study sessions on the renewal of the liturgy held during the decade of the Fifties. At the beginning of 1960 the Pope appointed a Central Commission, ten Preparatory Commissions and two Secretariates. Among these commissions was the *Pontificia Commissio de sacra Liturgia Praeparatoria Concilii Vaticani II*. President of this Commission was GAETANO CARDINAL CICOGNANI, secretary Fr. ANNIBALE BUGNINI C. M. The Commission had 23 members and 36 consultors. The schema or draft of the Liturgy Constitution was completed on 1 February 1962. Because formulations used in the translations and commentaries have given rise to controversies, we cite here the original Latin text of those articles in the draft schema which are significant for *musica sacra*.

24. [*Lingua liturgica*]. Latinae linguae usus in Liturgia occidentali servetur.

Cum tamen «in non paucis ritibus vulgati sermonis usurpatio valde utilis apud populum existere» possit, amplior locus ipsi in Liturgia tribuatur, imprimis autem in lectionibus et admonitionibus, in nonnullis orationibus et cantibus.

Sit vero Conferentiae Episcopalis in singulis regionibus, etiam, si casus ferat, consilio habito cum Episcopis finitimarum regionum eiusdem linguae, limites et modum linguae vernaculae in Liturgiam admittendae Sanctae Sedi proponere.

41. [*Lingua*]. Linguae vernaculae in Missis cum populo congruus locus tribuatur, imprimis autem in lectionibus, oratione communi et nonnullis cantibus, ad normam articuli 24 huius Constitutionis.

77. [*Lingua adhibenda in recitatione Officii divini*].

a) Iuxta saecularem traditionem Occidentalis Ecclesiae, in Officio divino lingua latina clericis servanda est.

b) Monialibus, necnon sodalibus, sive viris non clericis sive mulieribus, Institutorum statuum perfectionis, in Officio divino, tam in choro aut in communi quam a solo celebrando, a proprio Ordinario, annuente Sancta Sede, concedi potest ut lingua vulgari utantur.

c) Quivis Officio divino adstrictus, si Officium divinum una cum fidelibus laicis, vel cum iis qui sub a) et b) nominantur, lingua vernacula celebrat, suae obligationi satisfacit, dummodo textus versionis sit legitime approbatus.

78. [*Officium divinum in choro vel in communi*]. Cum Officium divinum sit vox Ecclesiae Deum publice laudantis, choro obligati et omnes in communi celebrantes munus sibi concreditum quam perfectissime, sive interna animi devotione, sive externa agendi ratione, peragant.

Praestat insuper ut Officium divinum in choro et in communi, pro opportunitate, cantetur.

CAPUT VII (of the schema) DE MUSICA SACRA

Musica traditio sanctae Ecclesiae thesaurum constituit inestimabilem maxime excellentem, inter ceteras artis expressiones, cum Musica sacra efformet necessariam Liturgiae sollemnis partem et directe sacram Actionem comitetur. Efficaciam spirituales sacri concentus in cultu divino laudibus extulerunt sancti Patres atque Romani Pontifices, qui hac nostra praesertim aetate, praeunte sancto Pio X, Musicam sacram «ad fontes» revocantes, ipsius characterem ministerialem dominici servitii pressius ostenderunt. Etsi relationes statuuntur, limites tamen in generibus musicis haud ponuntur, cum Ecclesia omnes verae artis expressiones, debitis praeditas dotibus, amplectatur et in cultum admittat.

* On this see now the 14 volumes of "Antepreparatoria" published by the Vatican Polyglott Press as part of the Acta et Documenta Concilio Oecumenico Vaticano II Apparando, Series I.

Normas ac praecepta ecclesiastice traditionis et disciplinae secutum, prae oculis habens finem ultimum Musicae sacrae, qui «gloria Dei est, sanctificatio exemplumque fidelium»¹, Sacrosanctum Concilium ea quae sequuntur statuit.

90. [*Natura Musicae sacrae*]. Musica sacra tam nobilem in Liturgia locum ex Patrum traditione habet, ut ei velut ancilla seu ministra famuletur², modo orationem suavius exprimens vel unanimitatem fovens, modo ritus sacros maiore sollemnitate comitans. Tanto ergo pulchrior et sanctior erit, quanto actioni liturgicae arctius connectetur.

91. [*Liturgia sollemnis principem locum tenet*]. Forma nobilior celebrationis liturgicae est Liturgia sollemnis, lingua latina celebrata, cum participatione populi.

Ut autem fideles et scholae cantorum ad Liturgiam sollemniter celebrandam progressive ducantur, gradus ipsorum captui et conditioni accommodati statuuntur.

Proinde sit Conferentiae Episcopalis in singulis regionibus proponere ut nonnulli cantus lingua vernacula peragi possint, ad normam articuli 24 huius Constitutionis.

92. [*Participatio fidelium numquam excludenda*]. Quamvis thesaurus artisticus Musicae sacrae summa cura servandus et fovendus sit³, et scholae cantorum assidue provehendae, Episcopi ceterique animarum pastores sedulo provideant ut in qualibet sacra actione, vel sollemnissima, universus fidelium coetus actuosam participationem sibi propriam in cantu praestare possit⁴.

93. [*Institutio musica*]. Magni habeatur institutio et praxis musica in Seminariis, in religiosorum utriusque sexus novitiatibus et studiorum domibus, necnon in ceteris institutis et scholis catholicis; ad quam institutionem obtinendam, magistri, qui Musicae sacrae docendae praeficiuntur, sedulo praeparentur⁵.

Cantores vero et musicae artifices, praeter musicam, solida formatione liturgica donentur, iuxta Ecclesiae traditionem et pastorem populi utilitatem quibus eorum servitium spiritu ac mente perficiatur⁶.

Fideles quoque, iuxta ipsorum conditionem, sicut in sacra Liturgia ita in cantu sacro opportune edoceantur, «ut vocem suam sacerdotis vel scholae vocibus, ad praescriptas normas, alternent»⁷.

94. [*Cantus gregorianus et polyphonicus fovendus*]. Ecclesia Romana cantum gregorianum agnoscit tamquam suae Liturgiae proprium: ideo in actionibus liturgicis, ceteris paribus, principem locum obtineat⁸.

Alia tamen genera Musicae sacrae, praesertim vero polyphonia, in celebrandis divinis Officiis minime excluduntur, dummodo fidelium actuosam participationem ne impediunt, neque dignitati, gravitati et sanctitati Liturgiae repugnent.

1 PIUS X, Motu Proprio *Tra le sollecitudini*, 22 nov. 1903, n. 1.

2 Ex tota traditione eruitur Musicam sacram in Ecclesia non adhiberi propter seipsam, quatenus artis opera, sed ad divinum cultum decore exercendum. Quod Urbanus VIII in decreto n. 823 S. C. Rituum diei 21 februarii 1643 enuntiavit his verbis: Musica sacrae Scripturae, non haec illi inservire debet; Musica Missae, non Missa Musicae famuletur. Eundem Musicae sacrae characterem ministerialem dominici servitii, nostra aetate pressius ostenderunt Romani Pontifices. Sanctus Pius X eam vocat humilem ancillam Liturgiae (Motu Proprio *Tra le sollecitudini*, n. 23), Pius XI ancillam nobilissimam (Const. Apost. *Divini cultus*, 20 dec. 1928: AAS 21 [1929] p. 35), Pius XII: Liturgiae quasi administram (Litt. Encycl. *Musicae sacrae*, 25 dec. 1955: AAS 48 [1956] p. 12).

3 PIUS XII, Litt. Encycl. *Musicae sacrae*: AAS 48 (1956) pp. 18–20; S. RITUUM C., *Instr. de Musica sacra et sacra Liturgia*, 3 sept. 1958, nn. 48–49: AAS 50 (1958) p. 646.

4 Ex. gr. etiam in Missis Pontificalibus, saltem Symbolum et Sanctus generatim a populo cani deberent. Cf. *Prima Romana Synodus*, 1960, art. 576, § 1, n. 2: «In sollemnioribus Eucharisticis Sacrificiis praestat ut *Credo* ab universo populo gregorianis modulis cantetur».

5 PIUS XI, Const. Apost. *Divini cultus*, n. IX: AAS 21 (1929) p. 40.

6 PIUS X, Motu Proprio *Tra le sollecitudini*, n. 25; PIUS XI, Const. Apost. *Divini cultus*: AAS 21 (1929) p. 39; PIUS XII, Litt. Encycl. *Mediator Dei*: AAS 39 (1947) p. 589; Litt. Encycl. *Musicae sacrae*: AAS 48 (1956), pp. 23–24; S. RITUUM C., *Instr. de Musica sacra et sacra Liturgia*, nn. 115–117; cf. etiam Epistolam S. C. DE SEMINARIIS ET STUDIORUM UNIVERSITATIBUS *De Musicae sacrae studio in seminariis fovendo*, 15 augusti 1949: AAS 41 (1949) pp. 618–619.

7 Cf. PIUS X, Motu Proprio *Tra le sollecitudini*, n. 27; PIUS XI, Const. Apost. *Divini cultus*, V–VI: AAS 21 (1929) p. 38; PIUS XII, Litt. Encycl. *Musicae sacrae*: AAS 48 (1956); p. 23; S. RITUUM C., *Instr. de Musica sacra et sacra Liturgia*, n. 98.

8 Cf. PIUS X, Motu Proprio *Tra le sollecitudini*, n. 3; RITUUM C., *Instr. de Musica sacra et sacra Liturgia*, n. 16.

Eximii autem artis musicae viri incitentur non tantum ad modos conscribendos qui a maioribus scholis cantorum cani possint, sed praesertim ad modos etiam componendos qui parvis quoque scholis conveniant et actuosam participationem totius communitatis fidelium foveant.

95. [*Editio typica librorum cantus gregoriani compleatur*]. Compleatur editio typica librorum cantus liturgici; immo paretur editio magis critica librorum iam editorum post instaurationem s. Pii X.

Pariter, altera paretur editio simpliciores modulos continens, in usum minorum ecclesiarum.

96. [*Cantus popularis religiosus*]. Cantus popularis religiosus sollerter inculcetur, ita ut in piis exercitiis et in ipsis liturgicis actionibus, iuxta normas et praecepta rubricarum, fidelium voces resonare possint⁹.

Cantus ad catholicae fidei doctrinam plene sint conformes, breves et faciles, lingua utantur plana et modulatione simplici. Verba autem a tumida et inani profluentia sint immunia¹⁰ ac deriventur potissimum ex sacra Scriptura, specialiter ex psalmis et canticis biblicis, et ex fontibus liturgicis, sive orientalibus sive occidentalibus.

97. [*Musica sacra in Missionibus*]. Cum in regionibus Missionum gentes inveniantur quae propria polleant traditione musica, magnam partem in earum vita religiosa ac sociali habente, huic musicae respectus debitus necnon locus congruus praebetur, tam in efformando earum sensu religioso, quam in cultu earum indoli aptando. Quapropter magnae curae sit in apostolatu missionario hanc musicam christianam tam in scholis quam in officiis sacris promovere. Commendatur, insuper, etiam instrumentorum indigenorum ad usum liturgicum aptatio, in quantum indoli cultus christiani respondent¹¹.

98. [*Organum et instrumenta musica*]. Organum est instrumentum musicum traditionale Ecclesiae occidentalis ad sacros ritus maiore sollemnitate donandos.

Cetera vero musica instrumenta, de iudicio et consensu loci Ordinarii in cultum divinum admitti possunt, quatenus usui sacro aptari possunt, templi dignitati congruunt, atque communi fidelium actuosae participationi favent.

Nova technicae artis inventa ad sonos producendos vel transmittendos, in sacris celebrationibus Ecclesia haud respuit, dummodo sonitum omnino decorum gratumque edant et talia instrumenta, non modo mere mechanico seu automatico, sed directa et personali artificis actione tractentur¹².

9 Cf. PIUS XII, Litt. Encycl. *Mediator Dei*: AAS 39 (1947) p. 590; Litt. Encycl. *Musicae sacrae*: AAS 48 (1956) pp. 20–21; *Ordo Hebdomadae sanctae instauratus*, dom. II Passionis, n. 20; S. RITUUM C., *Instr. de Musica sacra et sacra Liturgia*, n. 15.

10 Cf. PIUS XII, Litt. Encycl. *Musicae sacrae*: AAS 48 (1956) p. 20.

11 Quaedam Missae cum melodiis localibus iam conscriptae sunt in Africa, in Sinis, in India, instrumentis quoque indigenis comitantibus.

12 Cf. S. RITUUM C., *Instr. de Musica sacra et sacra Liturgia*, n. 60 s.

The draft of the Liturgy Constitution now went to the Central Commission, which made a few changes without affecting the substance of the schema.

At the solemn opening of the Council on 11 October 1962 the Council Fathers were given the *Schema Constitutionis de sacra Liturgia* as the fifth volume in the series of other draft documents.

The Council's first business was to constitute the Conciliar Commissions. Two-thirds of the 24 members of each commission were elected by the Council, one-third named by the Holy Father. The Spanish Curia Cardinal LARRAONA became president of the Conciliar Commission on the Liturgy as successor to Cardinal CICOGNANI, who had died in the meantime. Franciscan Fr. FERDINANDO ANTONELLI was appointed Secretary in place of Fr. BUGNINI.

Discussion of the liturgy schema began on 22 October and ended on 13 November 1962. A total of 253 Fathers spoke on the subject during that time. Meanwhile, the Conciliar Commission on the Liturgy had also begun its work on 22 October 1962. In order to fulfill its task of examining the suggestions for improvements made by the Conciliar Fathers and then work out new versions of the texts *ad mentem Patrum* (according to the mind of the Fathers), several Subcommittees were formed, each headed by a bishop with several *periti*. The subcommittee

for *musica sacra* was chaired by Bishop CESARE D'AMATO O. S. B., Abbot of St. Paul's without the Walls in Rome. The following *periti* were members of the subcommittee: Abbot JEAN PROU O. S. B. of Solesmes; HIGINIO ANGLÉS, President of the Pontifical Institute of Sacred Music in Rome; JOHANNES OVERATH, President-General of the Federated Caecilian Societies for the German-speaking countries; and JOHANNES WAGNER, secretary of the Liturgical Institute at Trier.

This subcommittee worked out the text of the new Chapter VI *De musica sacra*. The results of these labours within the subcommittee for *musica sacra* were first of all reported by Abbot-Ordinary D'AMATO to the full Conciliar Commission on the Liturgy. Here, individual points were once again discussed, and then the full Commission voted on the new text as well as the report (*relatio*) of Abbot-Ordinary D'AMATO.

Whereas the introduction and the first chapter of the Liturgy Constitution were voted upon in the *aula* of St. Peter's toward the end of the first public session of the Council, the other chapters (including Chapter VI *De musica sacra*: 30 October) came to a vote during the second public session.

On 29 October 1962 in the *aula* of St. Peter's Abbot-Ordinary D'AMATO gave his report on the revised text of Chapter VI *De musica sacra*. On the next day 2,080 Fathers voted in favour of the new chapter on *musica sacra*, 6 Fathers voted against it and 9 desired further additions. On 22 November Abbot-Ordinary D'AMATO replied to these proposals, and to the additional suggestions made concerning Chapters V and VII. A vote on the additions desired in Chapters V, VI and VII was then taken: the results were 2,149 ayes, 5 nays and 2 invalid ballots.

He who desires to learn the will of the Second Vatican Council on the subject of *musica sacra* must not rest content with studying the text of Chapter VI and the history of its origin. To be sure, Chapter VI is especially dedicated to church music, but it is equally necessary to look to the totality of what the Liturgy Constitution says. It is above all necessary to consider those basic articles which are so decisively important for church music, among others Art. 24 of the draft = Art. 36 of the final Constitution, as well as Art. 41 of the schema = Art. 54 of the Constitution.

Fundamental axioms

For the textual interpretation of the Liturgy Constitution we still have at our disposal, according to canon law (Can. 18 CJC), a legal norm of interpretation in the link between the text to be explained and the intention or mind of the concrete legislator formed before the law was passed. The concrete legislator in this case is the Council Fathers present and voting. Hence the importance of the *relationes* or explanatory reports about the revised texts given in the *aula* of St. Peter's before these texts were voted upon.

The *relator* who dealt with the fundamental axiom on liturgical language (Art. 24 of the schema = Art. 36 of the Constitution) in the *aula* was the Bishop of Ghent, KAREL JUSTIEN CALEWAERT. The *via media* in the language question stressed in this *relatio* has long been abandoned in post-conciliar liturgical praxis, after a tendency to repress the Latin liturgical language had already become evident in the implementation instructions of the *Consilium ad exsequendam Constitutionem* (which had been established on 25 January 1964) as well as in the guidelines of various episcopal conferences.⁵ In direct opposition to this tendency is the admonition of

5 Cf. Sacred Music and Liturgy Reform (note 4) 11 ff.

Bishop CALEWAERT's *relatio* concerning Art. 24, now Art. 36. He said: "But we explicitly desire that a special admonition be added to the chapter dealing with the Mass in order to prevent that when the faithful from various lands and different tongues gather as pilgrims they will find it impossible to pray together."

This admonition concerning the Latin language desired by Bishop CALEWAERT and the Conciliar Commission on the Liturgy in the chapter dealing with the Mass, met with a good reception in the *relatio* concerning Art. 41 of the schema = Art. 54 of the Constitution presented by the Bishop of Mallorca JESUS ENCISO:

The corrections proposed regarding the use of the vernacular are quite contrary:

1. Some of the Fathers desire that nothing be changed. But this contradicts the pastoral intention of the Council.
2. Others, on the contrary, judge that the whole Mass should be said in the vernacular. But to banish the Latin language from the Mass entirely would contradict the principle already established in Art. 36.
3. It appears that a *via media* should rather be followed, one which is already indicated in the schema and which has the support of more Fathers, although in varying degrees.
 - a) Many Fathers expressed themselves in a general way, saying that they supported the use of the vernacular or that the vernacular should be permitted in the catechetical part of the Mass, or at least for this part of the Mass.
 - b) More concretely, other Fathers said the vernacular could be allowed for the Scripture readings, the prayer of the faithful and in certain congregational songs.
 - c) Another Father proposed that the text read "but primarily in the readings and in some prayers and chants." With him we can count other Fathers who desire certain prayers in the vernacular.

This Commission has tried to find a formula somewhere between the two concrete proposals b) and c) which could be accepted by all the Fathers or at least by the majority of them. In order to achieve this:

1. We wanted to formulate in such a way that those who desire to celebrate the whole Mass in the Latin language cannot impose their view upon others; and similarly, those who wish to use the vernacular language in some parts of the Mass cannot force the first group to follow their practise.

Hence, in accordance with the norm established in Art. 36 we have conceded an appropriate place to the vernacular tongue, but we have not said "*should* be given" but rather "*may* be given," as foreseen in Art. 36 which has already been voted upon. Therefore no one who desires to say the whole Mass in the Latin language will find that door closed to him, just as no one who wishes to use the vernacular tongue in some parts of the Mass will find that particular door closed, either.
2. Only one thing is commanded in this article: "Nonetheless steps should be taken so that the faithful may also be able to say or to sing together in Latin those

parts of the Ordinary of the Mass which pertain to them.” Here we are simply responding – and that quite willingly – to the wish solemnly expressed by Bishop CALEWAERT in his excellent *relatio* to the Council Fathers concerning Art. 36, when he said “After carefully considering the matter, we are of the opinion that all details should be assigned to the respective articles of the chapters which follow. But we have explicitly desired that a special admonition be added to the chapter dealing with the Mass, in order to prevent that when the faithful from various lands and different tongues gather as pilgrims they will find it impossible to pray together.” The same wish was expressed by other Fathers in discussions before the *aula*.

3. For the different parts of the Mass in which the vernacular can be used – and we do not expressly exclude any part, although the opinion of those Fathers who exclude the Canon is surely worthy of consideration – we establish a method by which such use can be achieved.
 - a) For the Scripture readings and the prayer of the faithful, to which the reasons in favour of the vernacular apply in a very special way, the competent authority will be that *auctoritas territorialis* of which we spoke in Art. 36. The special nature of these parts is indicated by the word “primarily” or “in the first place.”
 - b) The other parts of the Mass, in the Ordinary as well as in the Proper, we divide into two groups, namely those said or sung by the faithful, and those said or sung by the priest. For the former, the same *auctoritas territorialis* mentioned in Art. 36 will be competent, whereas Art. 40 applies to the latter.

Let no one be disturbed when he notes that Art. 54 says nothing explicit about the chants; because in Chapter VI *De musica sacra*, Art. 113 states “As regards the language to be used, the provisions of Art. 36 are to be observed; for the Mass, Art. 54; etc.” Therefore the provisions of this Art. 54 apply both to the spoken and to the sung parts...

In connexion with this *relatio*, the remarks of J. A. JUNGSMANN in his commentary⁶ to Art. 54 are instructive, since they show how many voices were raised in favour of clearly limiting the permission for the vernacular.

The change from “should be given – *tribuatur*” to “may be given – *tribui possit*” shows what pains were taken to reassure the great number of Fathers who opposed the vernacular. It is made explicit that no one is obliged to use the opportunity for the vernacular.

Before we discuss in detail the provisions regarding *musica sacra*, it is necessary to examine more closely the key idea of Vatican 2’s Liturgy Constitution: *actuosa participatio populi*, which has been the basic concern of the liturgical movement ever since the *Motu proprio* of St. PIUS X. It is also “the guiding principle which permeates the entire Liturgy Constitution.” HEINRICH FLATTEN quite rightly asks, “But what are we to understand by the term *actuosa participatio*”? Were it to be understood as demanding, unconditionally and in every last detail, an external activity, then the death sentence would have indeed been passed on wide areas of church music.

6 J. A. JUNGSMANN, LThK Council Volume (note 1) 57.

The idea of the congregation singing along in a polyphonic Mass, or in many Gregorian compositions, is obviously quite impossible. However, the concept of *actuosa participatio* cannot be limited in this fashion, at least if one does not want to ignore man's spiritual nature. There is a genuine, indeed a very high level of activity which can exist even when there are no signs of external activity. Who would deny that the scholar at his desk, totally sunk in contemplation of a problem without putting even one sentence on paper, is intensely active? Yes, even in stillness, in silence, in the absorption of meditation it is possible for a man to rise to the heights of spiritual activity. This is the experience of anyone who listens attentively to a concert performance of BACH's St. Matthew Passion: externally he does nothing, and yet in his concentration an active reexperiencing takes place.

It is no different than when a Benedictus of, for example, an ANTON BRUCKNER grips the listener at Holy Mass, disposes him for the *elevatio mentis ad Deum*, and conducts him into the very heart of the Eucharistic Mystery. Absolutely no external motion: and nonetheless a supremely effective participation in spirit and mind, in heart and affections. Without a doubt, a genuine and living *actuosa participatio*. Certainly there is also another form of *actuosa participatio*, in which the faithful pass over from their silent participation to a common recitation or singing that is also an external activity. This does not, however, alter the fact that silently listening to a Gregorian chant or polyphonic setting of a Mass text performed by the choir, represents a completely legitimate form of *actuosa participatio*.⁷

The translation of the Liturgy Constitution published by the liturgical commissions of the German-speaking countries translates *actuosa participatio* as "active participation." Plainly, this translation gives too much emphasis to the external activity, but it also explains the widespread indifference toward masterpieces of church music which can only be heard – and thus also explains the indifference toward church choirs.

From JUNGSMANN's statement "that no area of the liturgy was affected by the reform as profoundly as was church music," it is clear that he considers choral song as an obstacle to the "active" participation of the congregation.⁸ This biased interpretation of *actuosa participatio* and its fateful effects were clearly corrected in the Instruction "Musicam sacram" of 5 March 1967, which in Art. 15 B stresses listening to music in the liturgy as a "completely legitimate form of *actuosa participatio*" (H. FLATTEN).

In view of such factually unsupportable statements by J. A. JUNGSMANN, here and in other places, it is hardly surprising that in liturgical articles written for the youth (to take just one example out of many) even after 7 March 1965, High Masses at which for example a polyphonic Ordinary is sung are spoken of as "pitifully stunted forms of the Eucharist."⁹ This misleading thesis should be compared with Art. 34 of the abovementioned Instruction of 1967.¹⁰

7 H. FLATTEN, On the Legal Situation of Musica Sacra after the Second Vatican Council, p. 110 in this volume.

8 J. A. JUNGSMANN, LThK Council Volume (note 1) 94.

9 See Der Jungführer, No. 1/2 (Verlag Haus Altenberg; August 1965) 94.

10 J. OVERATH, Eine notwendige Klarstellung: Musica sacra CVO 85 (1965) 337. English translation in Musicae Sacrae Ministerium 3/1 (1966) 14/20.

The Report to the Fathers in the Aula of St. Peter's

The genesis of the formulations in the chapter on *musica sacra* is clarified by the *relatio* of H. E. CESARE D'AMATO O. S. B., Abbot-Ordinary of St. Paul's and member of the Conciliar Commission on the Liturgy. It was delivered in the *aula* of St. Peter's on 29 October 1962 and dealt with the emendations which had been proposed.

Venerable Fathers!

Those of you who have spoken in the *aula* about Chapter VI of the schema on the sacred liturgy, which concerns *musica sacra*, were quite pleased with it. Hence few critical observations were made, so that the Commission on the Sacred Liturgy was pleased to retain the original text practically as it was, introducing but a few changes which concerned the form more than the content.

In general, the critical observations of the Fathers were accepted. However, a few of them will not be found in the revised text because they dealt too much with details, whereas the schema was supposed to contain only general norms and higher principles. The present *relatio* nonetheless intends to summarise not a few points which can serve as directive support for efforts after the Council.

Herewith the Commission on the Sacred Liturgy presents the emended text which was approved almost unanimously.

GENERAL OBSERVATIONS

Three general observations were made regarding the chapter on *musica sacra*:

1. The chapter is too long and hence Chapter VII should be combined with Chapter VIII to form one chapter. The Commission considered the requests to combine Chapter VI with Chapters VII and VIII, or to combine Chapter VI with Chapter VIII, and because of the special laws of the material itself made one Chapter out of the earlier Chapters VI and VIII while retaining the chapter on *musica sacra* as Chapter VI.
2. The substance of ecclesiastical tradition is to be enriched, and the treasury of *musica sacra* increased by new works. The Commission kept this principle in mind, but for the sake of brevity we are not presenting an even longer text.
3. The compilation of a codex of *musica sacra* or at least a specialised section on *musica sacra* within a codex of the sacred liturgy should not be omitted. The Commission on the Sacred Liturgy discussed this question in its meeting on 23 November 1962, after an emendation to Art. 16 had been proposed in the *aula* according to which several Fathers desired a codex of the sacred liturgy. But since the matter did not yet appear to be mature, the Commission decided against acceding to this wish, although it did not express a negative *votum*. Consequently the Commission did not wish to treat the matter of a codex for *musica sacra*, either.

Foreword, now Art. 112

Two changes are proposed in the foreword: the addition of one word and the subtraction of another. The first very minor change is the substitution of the word

“universal” for the earlier “holy,” in order to indicate clearly that the Eastern Church is also included here, according to the opinion of the Fathers of the Council. The other change is introduced in order to express more appropriately the function of *musica sacra* in the liturgy. Some of the Fathers requested this, and hence the Commission agreed to delete the word “handmaiden” (*ancilla*) which appeared in Art. 90, from which the present text derives in part. Furthermore, the Commission agreed to the request of another Father concerning the connexion between song and the liturgical words. Consequently, the foreword now begins as follows: “The traditional music of the Universal Church is a treasure of inestimable value, singled out from among all the other forms of artistic expression primarily because as sacred song intimately united with the words it forms a necessary and integral part of the solemn liturgy.”

In line 5, the words ‘cum Sacra Scriptura’ have been added. In the opinion of one Father, these words recall the basis of *musica sacra* established by God Himself. The subtraction involves these words from line 9: ‘Etsi relationes statuatur, limites tamen in generibus musicis haud ponuntur.’ A sentence like this is not particularly clear; it remained in place, however, when the original text dating from August 1961 was later abbreviated. Furthermore, the words ‘in generibus musicis’ are true only in a technical sense, and it seemed better that nothing of a purely technical nature should be said at this point. When these words are omitted, the most important thing still remains (namely the supreme principle), in the words ‘The Church approves of all forms of true art (which possesses the qualities required) and admits them into divine worship.’

After unanimously approving the emended text of the foreword (now Art. 112), the Commission presents it to the vote of the Fathers.

Concerning Art. 90

Since the content of this article can be found almost verbatim in the emended Art. 112, the former Art. 90 has been deleted as superfluous. One Father asked that the nature of *musica sacra* be presented in greater breadth and depth, but the Commission felt that Art. 112 was sufficient in this respect. The omission of this article was unanimously approved by the Commission.

Concerning Art. 91, now 113

Two points were primarily indicated by the Fathers:

- a) the corresponding doctrine from the encyclical *Mediator Dei* on the pre-eminence of the solemn liturgy should be repeated here, and
- b) the language question.

There are those who expressly desire the deletion of the phrase ‘lingua latina celebrata’, and on the other hand there are those who expressly ask that these words be retained, even though by the very nature of the case this is not necessary.

To the Commission on the Sacred Liturgy it appeared more opportune not to propose a definition of the solemn liturgy and not to explain its meaning at greater length, primarily for reasons of brevity. As a matter of fact, the changes made in the text explain in the best possible way the essential characteristics of the more solemn liturgical action, namely song and the assistance of sacred ministers in ad-

dition to the participation of the congregation, which as an external note is greatly to be desired.

The phrase 'lingua latina celebrata' is omitted because in the second section of this amended article the matter, according to the wishes of the Fathers, is sufficiently provided for. Nor do we intend thereby to ignore the requests of those Fathers who desire the solemn High Mass to remain unchanged; no change has been introduced into this article. Only norms already voted on and approved by the Fathers have been used here. The second paragraph can be omitted because it is already presented elsewhere in the schema on the liturgy. The problem of Gregorian chant and the Latin language which is latent here, cannot be passed over in silence. A number of Fathers made expert comments on the subject, affirming that the union between genuine Gregorian chant and the Latin language is a necessary one. Nonetheless, some wish that Gregorian chant may also be sung in the vernacular language.

This question was discussed at great length and from all angles in the Subcommission for Musica Sacra as well as by the full Commission. Finally, however, the Commission felt it best not merely to abstain from deciding the question of the union between the Latin language and Gregorian chant, but not even to pre-judge the matter in any way. Therefore the emended text of this article says nothing precise about the language in (Gregorian) chant, but leaves this to norms given elsewhere, without distinguishing between liturgical texts which are sung and those which are merely read. Thus neither the defenders of *latinitas* in Gregorian chant nor those who desire freedom in the language of Gregorian chant will probably be completely satisfied. Nevertheless, it did seem more prudent not to decide this question even implicitly, in order that Gregorian chant's true nature as art not be mutilated, and that pastoral care not be hindered in any way.

The article was approved by the Commission with but one dissenting vote.

Concerning Art. 92, now 114

In the *aula* it was requested that the office of the *schola cantorum* be defined, the hierarchical order in the performance of liturgical chant be laid down, and the participation of the congregation be specified. In consideration of the principle that too many details were not to be introduced into the text, the request was denied, although its importance is beyond doubt. The request of another Father in connexion with a mandate for the Unity Secretariate to propose a new text concerning the use of the vernacular was likewise rejected, since the matter is sufficiently provided for in Art. 113. The changes made here concern the form alone and present no problems, as is clear from the unanimous approval expressed by the Commission.

Concerning Art. 93, now 115

The Fathers made a number of extremely detailed proposals which do not really contain any emendations but rather facilitate the more appropriate fulfillment of the norms already enunciated in the article. It was the unanimous opinion of the Commission that the first section should be retained in its original form, the only addition being a recommendation for the institutes of sacred music. Furthermore,

the *pueri cantores* are expressly mentioned at the request of one of the Fathers. The last paragraph is deleted because it simply repeats principles enunciated earlier.

Concerning Art. 94, now 116

The critical observations of the Fathers regarding this article pertained more to the ways and means of applying it in practise. The emended text herewith proposed by the Commission – unanimously, save for one vote – is in fact identical with the original text; the only changes made are in the form.

The last paragraph, omitted here, is more appropriate in the new Art. 121.

Concerning Art. 95, now 117

With one purely formal change the original text was retained by unanimous vote of the Commission. Nevertheless, the Commission desires that the *relatio* – with a view to furthering post-conciliar efforts – make its own the proposal of one Father, namely: “that in the preparation of simpler melodies the Gregorian chant not be mutilated.”

Concerning Art. 96, now 118

Omitting a few small indications given by the Fathers, though admitting that these should be taken into account in pastoral work, the Commission unanimously agreed to retain the present text with the addition of the word “sacrisque” in the sense of Art. 13 of the liturgy schema, which has been approved earlier.

The other paragraph omitted here will be inserted at a more suitable place, namely in the new Art. 121.

Concerning Art. 97, now 119

The text of the schema was considered too vague or also difficult of application. Nevertheless, the Commission unanimously proposes that the text be retained, with the addition of the word “praesertim” in the first sentence, as several bishops have requested. In the next phrase, we propose to replace “musicam christianam” with the words “traditionalem earum gentium musicam,” since we are not referring here to Christian music, but rather to indigenous, indeed traditional music, as any attentive reader of the text can clearly see. Instead of “in apostolatu missionario” the text now reads “in institutione musica missionariorum,” which in the judgment of one Father more clearly expresses the thought of the Council Fathers. And at the end, the phrase beginning “Commendatur, insuper” has been deleted because enough has been said on that point in Art. 120.

The petition of two Fathers who desired the explicit statement “cantus gregorianus semper praeferendus” or “cantu gregoriano non excluso” seems unnecessary, since the matter has been dealt with in principle by Art. 116.

Concerning Art. 98, now 120

The Fathers desired a more appropriate description of the organ’s role as well as its greater use. In a certain sense we have acceded to these requests by adding two phrases. The first, “magno in honore habeatur” refers to the use of the organ; the second to its importance or task: “atque mentes ad Deum ac superna vehementer extollere.” One Father asked for more norms governing the use of instruments,

but this did not seem necessary to the Commission. However, for the sake of (conceptual) uniformity and agreement with other parts of the schema, we propose “de iudicio et consensu auctoritatis territorialis competentis” in place of “iudicio et consensu Ordinarii loci.”

The last section has been deleted because this question actually does not pertain directly to the Commission. Furthermore, the greater precision which had been requested, as well as a re-consideration of the reasons for prohibiting mechanical instruments (author’s note: phonograph records etc. are meant here) were considered less opportune for the *aula*.

In order to avoid any confusion in the terminology, the word “tubulatum” has been added at the beginning of the article (to “organum”).

This article was approved unanimously by the Commission, with one dissenting vote.

Concerning the new Art. 121

As a matter of fact, this article can scarcely be called new, since not only the content but to a great extent the very words have been borrowed from other parts of the schema.

A first section has been added in accordance with the wish of one Father that “the bishops do not disdain the work of the musicians in the Church,” and with the request of another Father that “poets and musicians be stimulated to create new religious songs.”

The second section is borrowed from Art. 94, but with the omission of the word “praesertim,” as desired by another Father.

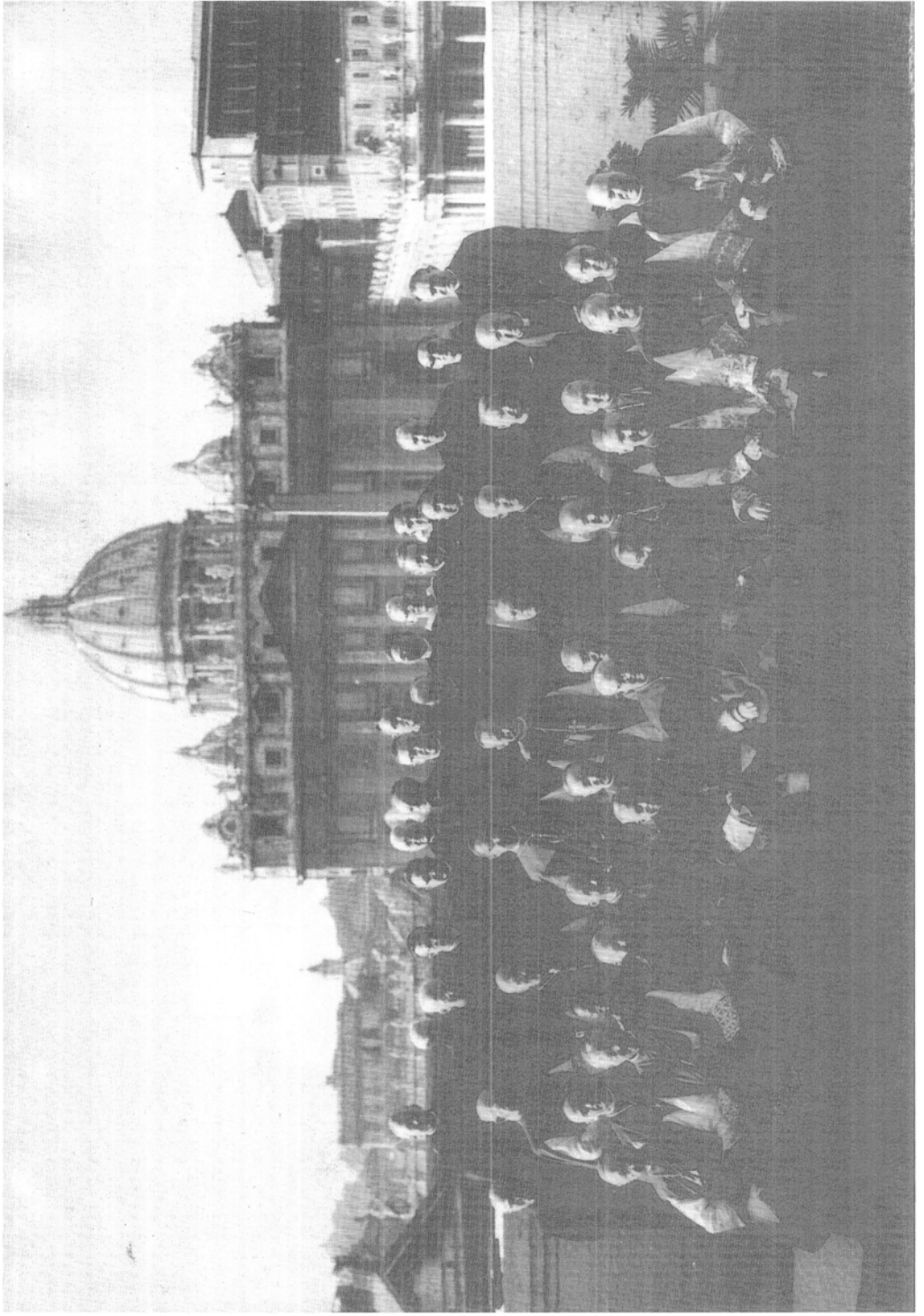
The third section corresponds in part to the wishes of one Father and is taken from the former Art. 96. The words “breves et faciles” were deleted at the suggestion of another Father.

The Commission voted unanimously in favour of proposing this new text.

Conclusion

We now present to the vote of the Fathers the text of Chapter VI in which practically everything has been retained as it stood in the original text; a few changes were introduced in order to express with greater clarity and completeness those things which might faithfully correspond with the opinion of all the Fathers. And finally, Venerable Fathers, allow me to thank you for your kind attention to my report...

An historic document: the Conciliar Commission on the Sacred Liturgy of the Second Vatican Council, posed on the roof of the building housing the offices of the Sacred Congregation of Rites at Rome. *Front row seated:* Giacomo Cardinal Lercaro (fourth from left), Arcadio M. Cardinal Larraona (fifth from left); *first row standing:* Abbot-Ordinary Cesare d’Amato O.S.B. (third from left), Fr. Fernando Antonelli O.F.M. (sixth from left), Abbot Jean Prou O.S.B. (seventh from left); *last row standing:* Mons. Johannes Overath (far left), Mons. Igino Anglès (sixth from left), Mons. Johannes Wagner (third from right).



The Conciliar Commission on the Sacred Liturgy of the Second Vatican Council.

Provisions of the Conciliar Constitution

JOHANNES OVERATH

Texts

CAPUT VI DE MUSICA SACRA

112. Musica traditio Ecclesiae universae thesaurum constituit pretii inestimabilis, inter ceteras artis expressiones excellentem, eo praesertim quod ut cantus sacer qui verbis inhaeret necessariam vel integram liturgiae sollempnis partem efficit.

Profecto sacros concentus laudibus extulerunt cum Sacra Scriptura, tum sancti Patres atque Romani Pontifices, qui recentiore aetate, praeunte sancto Pio X, munus Musicae sacrae ministeriale in dominico servitio pressius illustrarunt.

Ideo Musica sacra tanto sanctior erit quanto arctius cum actione liturgica connectetur, sive orationem suavius exprimens vel unanimiorem fovens, sive ritus sacros maiore locupletans sollempnitate. Ecclesia autem omnes verae artis formas, debitis praeditas dotibus, probat easque in cultum divinum admittit.

Sacrosanctum igitur Concilium normas ac praecepta ecclesiasticae traditionis et disciplinae servans finemque Musicae sacrae respiciens, qui gloria Dei est atque sanctificatio fidelium, ea quae sequuntur statuit.

113. Formam nobiliorem actio liturgica accipit, cum divina Officia sollempniter in

CHAPTER VI SACRED MUSIC

112. The musical tradition of the universal Church is a treasure of immeasurable value, greater even than that of any other art. The main reason for this pre-eminence is that, as sacred melody united to words, it forms a necessary or integral part of the solemn liturgy.

Holy Scripture, indeed, has bestowed praise upon sacred song (cf. Eph. 5: 19; Col. 3: 16), and the same may be said of the Fathers of the Church and of the Roman pontiffs who in recent times, led by St. Pius X, have explained more precisely the ministerial function rendered by sacred music in the service of the Lord.

Therefore sacred music increases in holiness to the degree that it is intimately linked with liturgical action, winningly expresses prayerfulness, promotes solidarity, and enriches sacred rites with heightened solemnity. The Church indeed approves of all forms of true art, and admits them into divine worship when they show appropriate qualities.

Accordingly, this sacred Council, keeping to the norms and precepts of ecclesiastical tradition and discipline, and having regard for the purpose of sacred music, which is the glory of God and the sanctification of the faithful, decrees as follows:

113. Liturgical action is given a more noble form when sacred rites are solemnized in

cantu celebrantur, quibus ministri sacri intersint quaeque populus actuose participet.

Quoad linguam adhibendam, serventur praecepta art. 36; quoad Missam art. 54; quoad Sacramenta, art. 63; quoad Officium divinum, art. 101.

114. Thesaurus Musicae sacrae summa cura servetur et foveatur. Scholae cantorum assidue provehantur, praesertim apud ecclesias cathedrales; Episcopi vero ceterique animarum pastores sedulo curent ut in qualibet actione sacra in cantu peragenda univ-ersus fidelium coetus actuosam participationem sibi propriam praestare valeat, ad normam art. 28 et 30.

115. Magni habeatur institutio et praxis musica in Seminariis, in Religiosorum utriusque sexus novitiatibus et studiorum domibus, necnon in ceteris institutis et scholis catholicis; ad quam quidem institutionem assequendam, magistri, qui Musicae sacrae docendae praeficiuntur, sedulo conformentur.

Commendantur insuper Instituta Superiora de Musica sacra pro opportunitate erigenda.

Musicae vero artifices, cantores, imprimis pueri, etiam germana institutione liturgica donentur.

116. Ecclesia cantum gregorianum agnoscit ut liturgiae romanae proprium: qui ideo in actionibus liturgicis, ceteris paribus, principem locum obtineat. Alia genera Musicae sacrae, praesertim vero polyphonia, in celebrandis divinis Officiis minime excluduntur, dummodo spiritui actionis liturgicae respondeant, ad normam art. 30.

117. Compleatur editio typica librorum cantus gregoriani; immo paretur editio ma-

song, with the assistance of sacred ministers and the active participation of the people.

As regards the language to be used, the provisions of Article 36 are to be observed; for the Mass, Article 54; for the sacraments, Article 63; for the divine Office, Article 101.

114. The treasury of sacred music is to be preserved and fostered with very great care. Choirs must be diligently promoted, especially in cathedral churches; but bishops and other pastors of souls must be at pains to ensure that, whenever the sacred action is to be celebrated with song, the whole body of the faithful may be able to contribute that active participation which is rightly theirs, as laid down in Articles 28 and 30.

115. Great importance is to be attached to the teaching and practice of music in seminaries, in the novitiates and houses of study of religious of both sexes, and also in other Catholic institutions and schools. To impart this instruction, teachers are to be carefully trained and put in charge of the teaching of sacred music.

It is desirable also to found higher institutes of sacred music whenever this can be done.

Composers and singers, especially boys, must also be given a genuine liturgical training.

116. The Church acknowledges Gregorian chant as proper to the Roman liturgy: therefore, other things being equal, it should be given pride of place in liturgical services.

But other kinds of sacred music, especially polyphony, are by no means excluded from liturgical celebrations, so long as they accord with the spirit of the liturgical action, as laid down in Article 30.

117. The typical edition of the books of Gregorian chant is to be completed; and a

gis critica librorum iam editorum post instaurationem sancti Pii X. Expedit quoque ut paretur editio simpliciores modos continens, in usum minorum ecclesiarum.

118. Cantus popularis religiosus sollerter foveatur, ita ut in piis sacrisque exercitiis et in ipsis liturgicis actionibus, iuxta normas et praecepta rubricarum, fidelium voces resonare possint.

119. Cum in regionibus quibusdam, praesertim Missionum, gentes inveniantur quibus propria est traditio musica, magnum momentum in earum vita religiosa ac sociali habens, huic musicae aestimatio debita necnon locus congruus praebeatur, tam in fingendo earum sensu religioso, quam in cultu ad earum indolem accommodando, ad mentem art. 39 et 40.

Quapropter in institutione musica missionariorum diligenter curetur, ut, quantum fieri potest, traditionalem earum gentium musicam tam in scholis quam in actionibus sacris promovere valeant.

120. Organum tubulatum in Ecclesia latina magno in honore habeatur, tamquam instrumentum musicum traditionale, cuius sonus Ecclesiae caeremoniis mirum addere valet splendorem, atque mentes ad Deum ac superna vehementer extollere.

Alia vero instrumenta, de iudicio et consensu auctoritatis territorialis competentis, ad normam art. 22 § 2, 37 et 40, in cultum divinum admittere licet, quatenus usui sacro apta sint aut aptari possint, templi dignitati

more critical edition is to be prepared of those books already published since the restoration by St. Pius X.

It is desirable also that an edition be prepared containing simpler melodies, for use in small churches.

118. Religious singing by the people is to be skillfully fostered, so that in devotions and sacred exercises, as also during liturgical services, the voices of the faithful may ring out according to the norms and requirements of the rubrics.

119. In certain parts of the world, especially mission lands, there are peoples who have their own musical traditions, and these play a great part in their religious and social life. For this reason due importance is to be attached to their music, and a suitable place is to be given to it, not only by way of forming their attitude toward religion, but also when there is question of adapting worship to their native genius, as indicated in Articles 39 and 40.

Therefore, when missionaries are being given training in music, every effort should be made to see that they become competent in promoting the traditional music of these peoples, both in schools and in sacred services, as far as may be practicable.

120. In the Latin Church the pipe organ is to be held in high esteem, for it is the traditional musical instrument, and one that adds a wonderful splendor to the Church's ceremonies and powerfully lifts up man's mind to God and to heavenly things.

But other instruments also may be admitted for use in divine worship, with the knowledge and consent of the competent territorial authority, as laid down in Articles 22, § 2; 37; and 40. This may be done, how-

congruant, atque revera aedificationi fidelium faveant.

121. Sentiant musicae artifices, spiritu christiano imbuti, se ad Musicam sacram colendam et ad thesaurum eius augendum esse vocatos.

Modos autem componant, qui notas verae Musicae sacrae prae se ferant atque non solum a maioribus scholis cantorum cani possint, sed minoribus quoque scholis conveniant et actuosam participationem totius coetus fidelium foveant.

Textus cantui sacro destinati catholicae doctrinae sint conformes, immo ex Sacris Scripturis et fontibus liturgicis potissimum hauriantur.

23. Ut sana traditio retineatur et tamen via legitimae progressionis aperiatur, de singulis Liturgiae partibus recognoscendis accurata investigatio theologica, historica, pastoralis semper praecedat. Insuper considerentur cum leges generales structurae et mentis Liturgiae, tum experientia ex recentiore instauratione liturgica et ex indultis passim concessis promanans. Innovationes, demum, ne fiant nisi vera et certa utilitas Ecclesiae id exigat, et adhibita cautela ut novae formae ex formis iam exstantibus organice quodammodo crescant.

Caveatur etiam, in quantum fieri potest, ne notabiles differentiae rituum inter finitimas regiones habeantur.

24. Maximum est sacrae Scripturae momentum in Liturgia celebranda. Ex ea enim

ever, only on condition that the instruments are suitable for sacred use, or can be made so, that they accord with the dignity of the temple, and truly contribute to the edification of the faithful.

121. Composers, filled with the Christian spirit, should feel that their vocation is to cultivate sacred music and increase its store of treasures.

Let them produce compositions which have the qualities proper to genuine sacred music, not confining themselves to works which can be sung only by large choirs, but providing also for the needs of small choirs and for the active participation of the entire assembly of the faithful.

The texts intended to be sung must always be in conformity with Catholic doctrine; indeed they should be drawn chiefly from holy Scripture and from liturgical sources.

23. That sound tradition may be retained, and yet the way be open for legitimate progress, a careful investigation is always to be made into each part of the liturgy which is to be revised. This investigation should be theological, historical, and pastoral. Also, the general laws governing the structure and meaning of the liturgy must be studied in conjunction with the experience derived from recent liturgical reforms and from the indults conceded to various places. Finally, there must be no innovations unless the good of the Church genuinely and certainly requires them; and care must be taken that any new forms adopted should in some way grow organically from forms already existing.

As far as possible, notable differences between the rites used in adjacent regions are to be carefully avoided.

24. Sacred Scripture is of paramount importance in the celebration of the liturgy.

lectiones leguntur et in homilia explicantur, psalmi canuntur, atque ex eius afflatu instinctuque preces, orationes et carmina liturgica effusa sunt, et ex ea significationem suam actiones et signa accipiunt. Unde, ad procurandam sacrae Liturgiae instaurationem, progressum et aptationem, oportet ut promoveatur ille suavis et vivus sacrae Scripturae affectus, quem testatur venerabilis rituum cum orientalium tum occidentalium traditio.

25. Libri liturgici quam primum recognoscantur, peritis adhibitis et Episcopis consultis ex diversis orbis regionibus.

26. Actiones liturgicae non sunt actiones privatae, sed celebrationes Ecclesiae, quae est “unitatis sacramentum”, scilicet plebs sancta sub Episcopis adunata et ordinata.

Quare ad universum Corpus Ecclesiae pertinent illudque manifestant et afficiunt; singula vero membra ipsius diverso modo, pro diversitate ordinum, munerum et actualis participationis, attingunt.

27. Quoties ritus, iuxta propriam cuiusque naturam, secum ferunt celebrationem communem, cum frequentia et actuosa participatione fidelium, inculcetur hanc, in quantum fieri potest, esse praeferendam celebrationi eorundem singulari et quasi privatae.

Quod valet praesertim pro Missae celebratione, salva semper natura publica et sociali cuiusvis Missae, et pro Sacramentorum administratione.

28. In celebrationibus liturgicis quisque, sive minister sive fidelis, munere suo fun-

For it is from Scripture that lessons are read and explained in the homily, and psalms are sung; the prayers, collects, and liturgical songs are scriptural in their inspiration, and it is from Scripture that actions and signs derive their meaning. Thus if the restoration, progress, and adaptation of the sacred liturgy are to be achieved, it is necessary to promote that warm and living love for Scripture to which the venerable tradition of both Eastern and Western rites gives testimony.

25. The liturgical books are to be revised as soon as possible; from various parts of the world, experts are to be employed and bishops are to be consulted.

26. Liturgical services are not private functions, but are celebrations of the Church, which is the “sacrament of unity,” namely, a holy people united and organized under their bishops.

Therefore liturgical services pertain to the whole body of the Church; they manifest it and have effects upon it; but they concern individual members of the Church in different ways, according to the diversity of holy orders, functions, and degrees of participation.

27. It is to be stressed that whenever rites, according to their specific nature, make provision for communal celebration involving the presence and active participation of the faithful, this way of celebrating them is to be preferred, as far as possible, to a celebration that is individual and quasi-private.

This rule applies with special force to the celebration of Mass and the administration of the sacraments, even though every Mass has of itself a public and social nature.

28. In liturgical celebrations, whether as a minister or as one of the faithful, each per-

gens, solum et totum id agat, quod ad ipsum ex rei natura et normis liturgicis pertinet.

29. Etiam ministrantes, lectores, commentatores et ii qui ad scholam cantorum pertinent, vero ministerio liturgico funguntur. Propterea munus suum tali sincera pietate et ordine exercent, quae tantum ministerium decent quaeque populus Dei ab eis iure exigit.

Ideo oportet eos spiritu Liturgiae, suo cuiusque modo, sedulo imbui, et ad partes suas rite et ordinate obeundas institui.

30. Ad actuosam participationem promovendam, populi acclamationes, responsiones, psalmodia, antiphonae, cantica, necnon actiones seu gestus et corporis habitus foveantur. Sacrum quoque silentium suo tempore servetur.

31. In libris liturgicis recognoscendis, sedulo attendatur ut rubricae etiam partes fidelium praevideant.

32. In Liturgia, praeter distinctionem ex munere liturgico et Ordine sacro manantem, et praeter honores ad normam legum liturgicarum auctoritatibus civilibus debitos, nulla privatarum personarum aut condicionum, sive in caerimoniis, sive in exterioribus pompis, habeatur acceptio.

33. Etsi sacra Liturgia est praecipue cultus divinae maiestatis, magnam etiam continet populi fidelis eruditionem. In Liturgia enim Deus ad populum suum loquitur; Christus adhuc Evangelium annuntiat. Po-

son should perform his role by doing solely and totally what the nature of things and liturgical norms require of him.

29. Servers, lectors commentators, and members of the choir also exercise a genuine liturgical ministry. They ought, therefore, to discharge their office with the sincere piety and decorum demanded by so exalted a ministry and rightly expected of them by God's people.

Consequently they must all be deeply penetrated with the spirit of the liturgy, each in his own measure, and they must be trained to perform their functions in a correct and orderly manner.

30. By way of promoting active participation, the people should be encouraged to take part by means of acclamations, responses, psalmody, antiphons, and songs, as well as by actions, gestures, and bodily attitudes. And at the proper times all should observe a reverent silence.

31. In the revision of liturgical books, it should be carefully provided that the rubrics take the role of the people into account.

32. The liturgy makes distinctions between persons according to their liturgical function and sacred Orders, and there are liturgical laws providing for due honors to be given to civil authorities. Apart from these instances, no special honors are to be paid in the liturgy to any private persons or classes of persons, whether in the ceremonies or by external display.

33. Although the sacred liturgy is above all things the worship of the divine Majesty, it likewise contains abundant instruction for the faithful. For in the liturgy God speaks to His people and Christ is still proclaiming

pulus vero Deo respondet tum cantibus tum oratione.

Immo, preces a sacerdote, qui coetui in persona Christi praeest, ad Deum directae, nomine totius plebis sanctae et omnium circumstantium dicuntur. Signa tandem visibilia, quibus utitur sacra Liturgia ad res divinas invisibiles significandas, a Christo vel Ecclesia delecta sunt. Unde non solum quando leguntur ea quae “ad nostram doctrinam scripta sunt” (Rom. 15, 4), sed etiam dum Ecclesia vel orat vel canit vel agit, participantium fides alitur, mentes in Deum excitantur ut rationabile obsequium Ei praestent, gratiamque Eius abundantius recipiant.

Exinde in instauratione facienda generales normae quae sequuntur observari debent.

36. § 1. Linguae latinae usus, salvo particulari iure, in Ritibus latinis servetur.

§ 2. Cum tamen, sive in Missa, sive in Sacramentorum administratione, sive in aliis Liturgiae partibus, haud raro linguae vernaculae usurpatio valde utilis apud populum existere possit, amplior locus ipsi tribui valeat, imprimis autem in lectionibus et admonitionibus, in nonnullis orationibus et cantibus, iuxta normas quae de hac re in sequentibus capitibus singillatim statuuntur.

§ 3. Huiusmodi normis servatis, est competentis auctoritatis ecclesiasticae territorialis, de qua in art. 22 § 2, etiam, si casus ferat, consilio habito cum Episcopis finitimarum regionum eiusdem linguae, de usu et modo linguae vernaculae statuere, actis ab Apostolica Sede probatis seu confirmatis.

His gospel. And the people reply to God both by song and by prayer.

Moreover, the prayers addressed to God by the priest who presides over the assembly in the person of Christ are said in the name of the entire holy people as well as of all present. And the visible signs used by the liturgy to signify invisible divine things have been chosen by Christ or the Church. Thus, not only when things are read “which have been written for our instruction” (Rom. 15:4), but also when the Church prays or sings or acts, the faith of those taking part is nourished and their minds are raised to God, so that they may offer Him the worship which reason requires and more copiously receive His grace.

Therefore, in the revision of the liturgy, the following general norms should be observed:

36. § 1. Particular law remaining in force, the use of the Latin language is to be preserved in the Latin rites.

§ 2. But since the use of the mother tongue, whether in the Mass, the administration of the sacraments, or other parts of the liturgy, may frequently be of great advantage to the people, the limits of its employment may be extended. This extension will apply in the first place to the readings and directives, and to some of the prayers and chants, according to the regulations on this matter to be laid down separately in subsequent chapters.

§ 3. It is for the competent territorial ecclesiastical authority mentioned in Article 22, § 2, to decide whether, and to what extent, the vernacular language is to be used according to these norms; their decrees are to be approved, that is, confirmed, by the Apostolic See. And, whenever the procedure seems to be called for, this authority is to consult with bishops of neighboring regions employing the same language.

§ 4. *Conversio textus latini in linguam vernaculam in Liturgia adhibenda, a competenti auctoritate ecclesiastica territoriali, de qua supra, approbari debet.*

37. *Ecclesia, in iis quae fidem aut bonum totius communitatis non tangunt, rigidam unius tenoris formam ne in Liturgia quidem imponere cupit; quinimmo, variarum gentium populorumque animi ornamenta ac doctes colit et provehit; quidquid vero in populorum moribus indissolubili vinculo superstitionibus erroribusque non adstipulatur, benevole perpendit ac, si potest, sartum tectumque servat, immo quandoque in ipsam Liturgiam admittit, dummodo cum rationibus veri et authentici spiritus liturgici congruat.*

38. *Servata substantiali unitate Ritus romani, legitimis varietatibus et aptationibus ad diversos coetus, regiones, populos, praesertim in Missionibus, locus relinquatur, etiam cum libri liturgici recognoscuntur; et hoc in structura rituum et in rubricis instituendis opportune prae oculis habeatur.*

39. *Intra limites in editionibus typicis librorum liturgicorum statutos, erit competentis auctoritatis ecclesiasticae territorialis, de qua in art. 22 § 2, aptationes definire, praesertim quoad administrationem Sacramentorum, quoad Sacramentalia, processiones, linguam liturgicam, musicam sacram et artes, iuxta tamen normas fundamentales quae hac in Constitutione habentur.*

40. *Cum tamen variis in locis et adiunctis, profundior Liturgiae aptatio urgeat, et ideo difficilior evadat:*

§ 4. *Translations from the Latin text into the mother tongue which are intended for use in the liturgy must be approved by the competent territorial ecclesiastical authority mentioned above.*

37. *Even in the liturgy, the Church has no wish to impose a rigid uniformity in matters which do not involve the faith or the good of the whole community. Rather she respects and fosters the spiritual adornments and gifts of the various races and peoples. Anything in their way of life that is not indissolubly bound up with superstition and error she studies with sympathy and, if possible, preserves intact. Sometimes in fact she admits such things into the liturgy itself, as long as they harmonize with its true and authentic spirit.*

38. *Provided that the substantial unity of the Roman rite is maintained, the revision of liturgical books should allow for legitimate variations and adaptations to different groups, regions, and peoples, especially in mission lands. Where opportune, the same rule applies to the structuring of rites and the devising of rubrics.*

39. *Within the limits set by the typical editions of the liturgical books, it shall be for the competent territorial ecclesiastical authority mentioned in Article 22, § 2, to specify adaptations, especially in the case of the administration of the sacraments, the sacramentals, processions, liturgical language, sacred music, and the arts, but according to the fundamental norms laid down in this Constitution.*

40. *In some places and circumstances, however, an even more radical adaptation of the liturgy is needed and entails greater difficulties.*

Therefore:

1) A competenti auctoritate ecclesiastica territoriali, de qua in art. 22 § 2, sedulo et prudenter consideretur quid, hoc in negotio, ex traditionibus ingenioque singulorum populorum opportune in cultum divinum admitti possit. Aptationes, quae utiles vel necessariae existimantur, Apostolicae Sedi proponantur, de ipsius consensu introducendae.

2) Ut autem aptatio cum necessaria circumspectione fiat, eidem auctoritati ecclesiasticae territoriali ab Apostolica Sede facultas tribuetur, si casus ferat, ut in quibusdam coetibus ad id aptis et per determinatum tempus necessaria praevia experimenta permittat et dirigat.

3) Quia leges liturgicae difficultates speciales, quoad aptationem, praesertim in Missionibus, secum ferre solent, in illis condendis praesto sint viri, in re de qua agitur, periti.

44. A competenti auctoritate ecclesiastica territoriali, de qua in art. 22 § 2, expedit ut instituat^r Commissio liturgica, a viris in scientia liturgica, Musica, Arte sacra ac re pastoralis peritis iuvanda. Cui Commissioni, in quantum fieri potest, opem ferat quoddam Institutum Liturgiae Pastoralis, constans sodalibus, non exclusis, si res ita ferat, laicis in hac materia praestantibus. Ipsius Commissionis erit, ductu auctoritatis ecclesiasticae territorialis, de qua supra, et actionem pastorem liturgicam in sua dictione moderari, et studia atque necessaria experimenta promovere, quoties agatur de aptationibus Apostolicae Sedi proponendis.

45. Eadem ratione, in singulis dioecibus Commissio de sacra Liturgia habeatur,

(1) The competent territorial ecclesiastical authority mentioned in Article 22, § 2, must, in this matter, carefully and prudently consider which elements from the traditions and genius of individual peoples might appropriately be admitted into divine worship. Adaptations which are judged to be useful or necessary should then be submitted to the Apostolic See, by whose consent they may be introduced.

(2) To ensure that adaptations are made with all necessary circumspection, the Apostolic See will grant power to this same territorial ecclesiastical authority to permit and to direct, as the case requires, the necessary preliminary experiments over a determined period of time among certain groups suited for the purpose.

(3) Because liturgical laws often involve special difficulties with respect to adaptation, particularly in mission lands, men who are experts in these matters must be employed to formulate them.

44. It is desirable that the competent territorial ecclesiastical authority mentioned in Article 22, § 2, set up a liturgical commission, to be assisted by experts in liturgical science, sacred music, art, and pastoral practice. As far as possible, the commission should be aided by some kind of Institute for Pastoral Liturgy, consisting of persons who are eminent in these matters, and including laymen, as circumstances suggest. Under the direction of the aforementioned territorial ecclesiastical authority the commission is to regulate pastoral-liturgical action throughout the territory, and to promote studies and necessary experiments whenever there is question of adaptations to be proposed to the Apostolic See.

45. Likewise, by way of advancing the liturgical apostolate, every diocese is to have a

ad actionem liturgicam, moderante Episcopo, promovendam.

Opportunum aliquando evadere potest ut plures dioeceses unam Commissionem constituent, quae, collatis consiliis, rem liturgicam provehat.

46. Praeter Commissionem de sacra Liturgia, in quavis dioecesi constituentur, quantum fieri potest, etiam Commissiones de Musica sacra et de Arte sacra.

Necessarium est ut hae tres Commissiones consociatis viribus adlaborent; immo non raro congruum erit ut in unam Commissionem coalescant.

54. Linguae vernaculae in Missis cum populo celebratis congruus locus tribui possit, praesertim in lectionibus et "oratione communi", ac, pro condicione locorum, etiam in partibus quae ad populum spectant, ad normam art. 36 huius Constitutionis. Provideatur tamen ut christifideles etiam lingua latina partes Ordinarii Missae quae ad ipsos spectant possint simul dicere vel cantare.

Sicubi tamen amplior usus linguae vernaculae in Missa opportunus esse videatur, servetur praescriptum art. 40 huius Constitutionis.

101. § 1) Iuxta saecularem traditionem ritus latini, in Officio divino lingua latina clericis servanda est, facta tamen Ordinario potestate usum versionis vernaculae ad normam art. 36 confectae concedendi, singulis pro casibus, iis clericis, quibus usus linguae

commission on the sacred liturgy under the direction of the bishop.

Sometimes it may be expedient for several dioceses to form between them one single commission which will be able to promote the liturgy by common consultation.

46. Besides the commission on the sacred liturgy, every diocese, as far as possible, should have commissions for sacred music and sacred art.

These three commissions must harmonize their activities. Indeed it will frequently be advisable to fuse the three of them into a single commission.

54. In Masses which are celebrated with the people, a suitable place may be allotted to their mother tongue. This provision is to apply in the first place to the readings and "the common prayer," but also, as local conditions may warrant, to those parts which pertain to the people, according to the norm laid down in Article 36 of this Constitution.

Nevertheless steps should be taken so that the faithful may also be able to say or to sing together in Latin those parts of the Ordinary of the Mass which pertain to them.

And wherever a more extended use of the mother tongue within the Mass appears desirable, the regulation laid down in Article 40 of this Constitution is to be observed.

101. § 1. In accordance with the centuries-old tradition of the Latin rite, the Latin language is to be retained by clerics in reciting the divine Office. But in individual cases the ordinary has the power of granting the use of a vernacular translation to those clerics for whom the use of Latin constitutes a grave obstacle to their praying the Office properly. The vernacular version, however,

latinae grave impedimentum est quominus Officium debite persolvant.

§ 2) Monialibus, necnon sodalibus, sive viris non clericis sive mulieribus, Instituto- rum statuum perfectionis, in Officio divino, etiam in choro celebrando, concedi potest a Superiore competente ut lingua vernacula utantur, dummodo versio approbata sit.

§ 3) Quivis clericus Officio divino adstrictus, si Officium divinum una cum coetu fidelium, vel cum iis qui sub § 2 recensentur, lingua vernacula celebrat, suae obligationi satisfacit, dummodo textus versionis sit approbatus.

must be one that is drawn up according to the provision of Article 36.

§ 2. The competent superior has the power to grant the use of the vernacular in the celebration of the divine Office, even in choir, to nuns and to members of institutes dedicated to acquiring perfection, both men who are not clerics and women. The version, however, must be an approved one.

§ 3. Any cleric bound to the divine Office fulfills his obligation if he prays the Office in the vernacular together with a group of the faithful or with those mentioned in § 2 above, provided that the text of the translation is approved.

Commentary

In the introduction to Chapter VI (Art. 112) the Council speaks of the inestimable value and the dignity of the traditional music of the Church Universal. The text of course does not define *musica sacra*, just as in other places no definitions are given, either. But the text does describe the essence of *musica sacra* by calling it "sacred song intimately united with the words as a necessary and integral part of the solemn liturgy."

It was Bishop WILHELM KEMPF who stressed this point during the discussion in the *aula* of St. Peter's, and in a sermon preached in 1963 he formulated it this way:

It is necessary to revivify in the consciousness of the contemporary Church and above all in the consciousness of the upcoming generation of priests the conviction that sacred music, *Musica sacra*, is not an ornament, not an addition, not a basically superfluous marginal decoration of Christian worship and of Christian piety in general, but rather *pars integralis*, an integral part, indeed an intrinsically high and solemn form of Christian prayer.

In the language of the Church, the Holy Ghost Himself is called the "jubilus Patris et Filii." A liturgy which would want to renounce pneumatic song, the jubilus of an overflowing heart, singing and making music in the Lord, would not only be an atrophy but in fact a denial of its own nature. Thus it is not here a matter of some mere aesthetic categories, but of genuinely theological categories. It is a question of restoring to *Musica sacra* the theological rank she deserves, but which for many reasons she has regretably lost.¹

This description of *musica sacra's* essence was already expressed by Pius X in his *Motu proprio* on church music.

When in a commentary E. J. LENGELING attempts to interpret the phrase "sacred song intimately united with the words" in an extremely restrictive way, he in fact misconstrues the unity

1 Cf. *Musica sacra* CVO 83 (1963) 155.

of a musical work of art, e. g. when the “sacred song intimately united with the words” is introduced, accompanied and concluded by instrumental music. It goes without saying that everything which forms an objectively based artistic unity with the singing of the liturgical word, in a manner which serves the liturgy and inserts itself into the liturgy, necessarily belongs to this *pars integralis* of the liturgy.

The activity of organist, choir, conductor, singers and instrumentalists permitted in the liturgy is a liturgical act. In the otherwise so significant letter of ROMANO GUARDINI entitled “The Act of Worship and the Contemporary Task of Liturgical Formation,”² which speaks at length of the individual elements “of the total (liturgical) act,” one unfortunately finds no mention of the liturgical act of the musician and the singer, which perhaps involves a greater individual effort. Similarly, seeing is quite correctly treated as a liturgical act, whereas listening, i. e. not merely listening to the word but also listening to the sung word – liturgical listening to music – remains unmentioned.

For pastoral – and indeed, for religious reasons – we must insist upon the fact that even in future, song will be a part of Catholic worship, genuine artistic song too, which the congregation hears and meditates upon, thus actively participating on the interior level. And it is taken for granted that there will also be song in which the congregation joins in order to give direct expression to its gratitude and joy, its impetration and its adoration. It will have to be our concern to find the correct proportion in this respect.

Paragraph 2 of Art. 112 assigns to church music “the ministerial function” which it is to fulfill in the liturgy.³ This reminds the reader of the designation *ancilla liturgiae* applied to church music, a designation which in the past was erroneously interpreted depending upon the degree of esteem for *musica sacra* within the liturgy. But as one Council Father quite correctly pointed out, church music is an *ancilla liturgiae* in terms of its behaviour (*quoad actionem*), but not in terms of its nature (*quoad naturam*). In terms of her nature, church music is and will remain “a necessary and integral part of the solemn liturgy,” and that in the sense explained above.

Paragraph 3 of Art. 112 goes on to emphasise that the Church makes use of all forms of true musical art in her liturgy, provided they possess the necessary qualities which make them suitable for the liturgy.

But among all the forms of musical art, Gregorian chant will always have primacy of place in the Roman liturgy, and this (as the text also says) because the chant has organically grown, in the artistry of its forms, with and out of the Roman liturgy and was inspired in the process – precisely in the multiplicity of its forms! – by the liturgical place and the spirit of the Latin language in the Roman liturgy.

The chant is liturgy turned into sound. PAUL HINDEMITH once called the Gregorian chants “melodic miracles,” but as far as their artistic value is concerned, these days they seem to be appreciated more outside the Church than in it. The Church has conceded pride of place to Gregorian chant, but has also made it explicitly possible for all forms of true art to become an expression of the praying and singing Church in the liturgy.

The final paragraph of this first and very basic article is especially important: “Keeping to the norms and precepts of ecclesiastical tradition and discipline and with a view to the purpose of sacred music, which is the glory of God and the sanctification of the faithful, this Sacred Council decrees as follows.” Here, as at other points in the Liturgy Constitution (e. g. Art. 23, among

2 Cf. Liturgisches Jahrbuch 14 (1964) 101.

3 On this see E. MONETA CAGLIO in Ephemerides Liturgicae 78 (1964) 368.

others) there is clearly expressed – in spite of all the desire for and the effort toward the renewal of the liturgy – a great reverence for ecclesiastical tradition, of which the traditional music of the Universal Church is also a part.

Art. 113 states that the more noble form of liturgical action is a sung liturgy with the assistance of deacon and subdeacon and the *actuosa participatio populi*. In practise, it will not always be possible to realise simultaneously all three characteristics of the *forma nobilior* mentioned here. Deacon and subdeacon are not always available. At solemn services in many monasteries and in cathedral churches the congregation will not always be present and hence able to participate. From this point of view it is only song which always appears as an essential characteristic of solemnity, which is irrevocable. However, it should be noted that it is not merely Holy Mass which is spoken of here, but quite generally every *actio liturgica*.

JUNGMANN's interpretation of Art. 113 does not conform to the conciliar text. He writes, "The ideal of a High Mass in a foreign tongue and surrounded by great musical splendour has been abandoned. The participation of the congregation is primary, the people praying and singing together with the clergy regardless of the language."⁴ This Art. 113 speaks of "song" in general, and since the word "sollemniter" has been added, impartial persons will think first of all about chants from the *Thesaurus musicae sacrae* (see Art. 114) and here primarily the *Cantus gregorianus*, "which should be given pride of place in liturgical services, other things being equal" (Art. 116).

Regarding the language to be used, the second sentence of Art. 113 refers to Articles 36, 54 etc., in other words says that the supreme principle of any explanation here is the principle established by the Council in Art. 36 § 1 concerning the preservation, in practise, of the Latin language.⁵ And post-conciliar experiences have also refuted JUNGMANN's next statement in the same place, and that in spite of so much arbitrary capriciousness and aversion toward musical art in the liturgy: "If the vernacular had remained excluded from the *missa in cantu*, then this would have meant – as Bishop VOLK asserted – its almost complete extinction." In fact, the exact opposite has occurred: the Latin High Masses on Sundays and holydays in cathedrals and parish churches are better attended than ever before, and this in the age of post-conciliar reform.

The second sentence of Art. 113 deals with the question of language. Reference is made here to the general provision regarding the use of the vernacular in Art. 36, concerning the Mass in Art. 54, for the sacraments Art. 63 and for the Divine Office Art. 101 (see the *relatio* of Bishop JESUS ENCISO VIANA treating Art. 54 of the Constitution). It is a matter for the competent episcopal conferences, within the scope of Articles 36, 40 and 54 to determine those parts which pertain to the people according to local circumstance.

In the *relatio* presented in St. Peter's before Art. 54 was voted upon, the *Proprium* and the *Ordinarium missae* were divided into these two groups: those which are spoken or sung by the faithful (i. e. by choir and congregation), and those which are spoken or sung by the priest. For the first group, the episcopal conference mentioned in Art. 36 is competent, but for the second group the provision of Art. 40 applies.⁶

In addition to the customary "German (Hymn-) High Mass" permitted in the German dioceses, it will in future be allowed (now that the competent bishops' conference has so deter-

4 J. A. JUNGMANN, in LThK Council Volume 1 (Freiburg 1966) 96.

5 On this see G. MAY, Umfang und Grenzen des Gebrauches der Landessprache in der Liturgie nach der Gesetzgebung des Zweiten Vatikanischen Konzils: ÖAfkR 18 (1967) 16/94.

6 See p. 177 above.

mined) to use the vernacular for the actual liturgical texts from the Proper and the Ordinary. Thus church music is confronted with the difficult task of testing out the possibilities of setting such texts to music.

The translation of these pieces into the vernacular must necessarily and from the outset place the greatest importance upon singability, both as regards the choice of words and the distribution of conceptual accents. The common text of the Mass Antiphoner proposed for the German missals and accepted by many dioceses has already taken this requirement into account.⁷

It accords perfectly well with the idea of liturgical proclamation to have epistle and gospel not merely spoken, but also chanted in the vernacular. To these texts, too, there applies in similar fashion the requirement of taking their singability into account when preparing the translations.

There thus arises what in musical terms is called the difficult question of sung prose. Solutions which are valid for art song and hence presume a capable choir or soloists, are out of the question for congregational song and a priest celebrant.

Special solutions must be sought for congregational song and for the average celebrant of the liturgy who must declaim the epistle and the gospel. Here, it must be noted that the earlier melodic formulae are applicable only to declamation in the Latin language. They cannot be directly transferred to the vernacular.

Attempts in this direction have already been made, e. g. for the International Eucharistic Congress at Munich in 1960. But the experience gained there indicated that in general, the proposed solutions exceeded the ability of the average celebrant. The following ideas may serve as a guideline for future experiments.

The ancient principle of articulating the ideas through appropriate melodic divisions remains decisive in performance. Hence even the first steps at forming the text must carefully observe this articulation of ideas. Thus there is a very practical significance to the placement of structural punctuation marks such as the colon, the semi-colon or the diagonal dash. The comma cannot be used as a structural punctuation mark because it often separates "blocks of words with a combined meaning." Unfortunately, this has not been taken into account in recently published vernacular editions.

If a text is to be heard and perceived not only in its conceptual subdivisions but also as a complete unity, it is necessary to use a continuous recitation or reading tone, i. e. a vocal formula. But this melodic formula must be elastic enough to do justice to the special characteristics of the language in question. Furthermore, its musical character must be appropriate to the content of the text being proclaimed. We should recall here that in her tradition the Church has preserved distinct tones or formulae for the various types of proclamation. The words of the Saviour, of an apostle or of some prophet are in each case something different, and the situation is different again when we are dealing with the declamation of purely narrative texts of Sacred Scripture. Furthermore, the Church always took into consideration in each case the circumstances of the liturgical location. Accordingly, there are simple and solemn tones or special melodies

7 See the Instruction *Sur la traduction des textes liturgiques pour la célébration avec le peuple* published on 25 January 1969 by the *Consilium ad exsequendam Constitutionem de sacra Liturgia*. Section II, no. 36 gives some important pointers for texts "which by their very nature are meant to be sung": *Notitiae* 5 (1969) 3/12, here 10.

for special occasions, as for example the declamation of the genealogies at Christmas and Epiphany.

The purely linguistic circumstances must be considered in setting a vernacular text to music. The melodic formulae for cantillating the Scripture readings should clarify not only the beginning and end of the sense groups or the form of expression (positive statement or question), but should make clear as well the accents or conceptual emphases which occur within the sentences. In the case of concluding formulae it is necessary that they also provide for the many ways in which accents are distributed in the German language. In other words we must expect a great deal of flexibility from such formulae. Of course, if necessary the existing problems can be avoided by the choice of words, but on the other hand this may not lead to an excessive flatness and monotony of vocabulary and sentence structure. In any case, standard texts for epistles and gospels should be prepared with a view to the vocal aspect of their presentation. The same thing applies to the proposed standard text of the Mass Ordinary. The insertion of psalm texts into the antiphons of Holy Mass causes a special problem. In any case, the performance of the psalms should not remain bound to the rigid Gregorian psalmodic formulae and division of verses, but also include thought groups or thought verses. Psalmody remains practically the task of the *schola* or the soloist, but this should not lead to a musical disproportion between psalmody and the antiphon. This is a brief outline of the possibilities and thus also the tasks of church music practise for the use of the vernacular in the *Missa in cantu*. The problem was treated in detail at the 34th General Meeting of the Federated Caecilian Societies for the German-speaking countries at Brixen-Bressanone in 1964.⁸

Art. 114 deals with the preservation and promotion of the *patrimonium ecclesiae* in the area of church music: "Choirs must be diligently promoted." Thanks to almost a century of effort by the ACV, it is superfluous to make special reference to cathedral choirs in the German-speaking countries, but quite necessary in the rest of the Church Universal. The text then continues "Bishops and other pastors of souls must be at pains to ensure that whenever the sacred action is to be celebrated with song, the whole body of the faithful may be able to participate actively, as befits them." Here, two points must be singled out: first, the active participation which "befits" the congregation; and secondly the phrase "may be able to." In other words, the possibilities and limits of congregational singing are mentioned. The article also refers to Artt. 28/30 which deal with some general principles of the liturgical renewal.

Art. 28 says that "In liturgical celebrations, each person, minister, or layman who has an office to perform should carry out all and only those parts which pertain to his office by the nature of the rite and the norms of the liturgy."⁹ Art. 29 goes on to describe in more detail those persons who perform a truly liturgical office: "servers, readers, commentators and members of the choir." And finally, Art. 30 describes active participation in more detail. As means, the article mentions "congregational acclamations, responses, psalmody, antiphons and hymns." Reference is also made to "actions, gestures and bodily attitudes." "And at the proper time a reverent silence should be observed." Art. 31 directs that in the revision of the liturgical books, the new rubrics should also indicate the congregational parts.

⁸ See the report in *Musica sacra* CVO 84 (1964) 211.

⁹ Compare the resolution of the Fourth International Church Music Congress at Cologne in 1961: "In recognition of their liturgical function, the choral chants of the Mass should be equated with the Scripture readings in the sense that the priest should not be obliged to speak them quietly when they have been sung or recited according to the liturgical prescriptions." See the text in IV. Internationaler Kongreß für Kirchenmusik. Dokumente und Berichte = ACV Schriftenreihe 4 (Köln 1962) 236.

The church musician is naturally quite interested in all that concerns the structure of the *Missa in cantu*. Here and there voices are raised on behalf of an exaggerated activation of congregational singing at the expense of choral singing, but one may hope that actual practise will balance out any exclusivity on one side or the other. Definite limits are set for congregational song in a liturgy with alternating Sundays and weekdays, holidays and festivals – that is, unless one actually desired to give musical primitivism pride of place in the liturgy, which surely would not make it any easier for the real pastor of souls to reach modern men. Pastoral liturgy which is truly adapted to the needs of the day cannot renounce the use of music with high artistic quality.

Furthermore, we must take into consideration the fact that there will always be some people who find it difficult to participate actively in song. In recent decades, a great deal has doubtless been done in sermons and catechesis as well as through musical efforts to incite the faithful to community prayer and celebration of Holy Mass. But despite all the efforts toward active community celebration of the liturgy there still are today not a few Catholics who cannot so easily be enticed out of a sphere of prayer which is perhaps all too private and individual. It may be that for such persons, organ music and choral song either Gregorian or polyphonic are perceived as a comforting backdrop which evokes religious sentiments without bringing about communication through active hearing and cooperation. If such an individualistically oriented group cannot easily be moved to active participation in the liturgy, then one may not hold artistic choral music – or let us be concrete: the church choir – to be the culprit. No doubt the reasons lie much deeper. This would be a fruitful field for investigation by all those who are specially concerned with questions of pastoral liturgy.

It is surely easier to talk about active participation of the people and to require it than to make it come true in practise. On this score, a special effort will have to be expected of church musicians in future, just as the church choir will have to become even more of a leader for the singing congregation than may already be the case here and there. Even before the Council a good number of beginnings had been made both in composition and in practise. An unprejudiced review of convention programmes will confirm this, especially for the German language area. In its practical work during the years following the Second World War, the Federated Caecilian Society made intensive efforts, in the spirit of Pius X's liturgical guidelines, to realise the great goal of the liturgical renewal: active participation of the congregation in the Latin High Mass. Otherwise it would have been impossible, for instance in 1961 during the Fourth International Church Music Congress at Cologne, to celebrate every single High Mass with the active participation of the congregation.¹⁰

As far as congregational hymnody in the vernacular is concerned, it must be admitted that the German-speaking countries are far ahead of all other peoples in the area of hymns related to the liturgy. In these lands there is thus no need of overhasty compositions for the vernacular liturgy, but rather of a prudent and professionally responsible advance towards new forms of vernacular singing. After almost a decade of experimentation it must unfortunately be admitted that a wave of musical amateurism could not be prevented, not least because attempts had been made even during the Council to minimise professional objections.¹¹

Art. 115 stresses that the greatest importance is to be attached to “the teaching and practise of music in seminaries, in the novitiates and houses of study of religious of both sexes, as well as

10 IV. Internationaler Kongress (note 9) 24.

11 On this see J. OVERATH (ed.), *Sacred Music and Liturgy Reform after Vatican II* (Roma/St. Paul 1969) 13/16.

in other Catholic institutions and schools. To impart this instruction, teachers are to be carefully trained. . . . Church musicians, singers and especially the choir boys should receive a thorough liturgical training.”

It is of course common knowledge that apart from a few exceptions, musical education and practise in the seminaries was in a bad way even before the Council, and is even more so today. Only a very small percentage of priests today is able to sing in a way which is dignified and truly helpful in proclamation, indeed can even master the priestly altar chants whether in the vernacular or in Latin Gregorian. On 25 December 1965 the “*Sacra Congregatio de Seminariis studiorumque Universitatibus*” published a special Instruction dealing with liturgical education in the seminaries. This Instruction naturally includes important guidelines for education in church music and especially for actual practise in the seminaries. The Instruction was presented to the “*Consilium ad exsequendam Constitutionem de Sacra Liturgia*” as well as to the Sacred Congregation of Rites before being approved by Pope PAUL VI.¹² It is typical of the anti-art mentality prevalent in certain circles today that this important Instruction has been given the silent treatment. Of course, its provisions are in complete contrast to present-day usage concerning the relationship of liturgy and church music in practically all seminaries.

Art. 116 provides that “in liturgical services – other things being equal – Gregorian chant should be given pride of place.” On 15 August 1966 Pope PAUL VI published a letter concerning the cultivation of the Latin liturgy and Gregorian chant in monasteries. This Apostolic Letter “*Sacrificium laudis*” is expressly quoted in the Instruction “*Musica sacram*” of 5 March 1967, Art. 49 – but was not published in the “*Acta Apostolicae Sedis*.”¹³ On 30 September 1966 the Holy Father cited his Apostolic Letter at an audience granted to the world’s Benedictine Abbots assembled for a congress in Rome, stating in part:

Do not take it amiss when We remind you that the norms concerning the use of Latin in praying the Divine Office which We recently issued in Our letter “*Sacrificium laudis*”, also apply to the monks. This should be no new burden for you, but rather a defence of your centuries-old tradition and the preservation of your human and spiritual treasure-trove.¹⁴

Finally, “other kinds of sacred music, especially polyphony, are by no means excluded from liturgical celebrations, so long as they accord with the spirit of the liturgical action, as laid down in Art. 30.”

Art. 117 testifies to the Council’s great respect for PIUS X’s chant reform by saying that the “*editio typica* of the books of Gregorian chant is to be completed.” The logical conclusion is that the official chant editions of the *Graduale* and *Antiphonale Romanum*, among others, therefore continue to remain valid. In view of the present state of chant research, the Council furthermore desires that “a critical edition be prepared of those books already published since the reform of St. PIUS X.” In the case of the edition with simpler melodies for small churches suggested in Par. 2 of this article, the Council is thinking in terms of an edition with traditional Gregorian melodies and not of some abbreviated or mutilated form of the chant (see the *relatio* of Abbot-Ordinary D’AMATO above at p. 179).

12 German translation in H. KRONSTEINER, *Kirchenmusik heute* (Wien-Linz 1967) 61/78.

13 German text in KRONSTEINER, *Kirchenmusik heute* (note 12) 79 ff.; English text in *Musicae Sacrae Ministerium* 3/2–3 (1966) 26/8.

14 Cf. KRONSTEINER (note 12) 81.

The Constitution did not decide the question of whether one may also sing vernacular texts to Gregorian melodies. The question was disputed both in the *aula* of St. Peter's and in the Conciliar Commission for the Liturgy, and it will continue to be disputed in various ways depending upon the languages involved. However, experiments with vernacular Gregorian certainly do not harmonise with either the spirit or the intention of Art. 119.¹⁵

Regarding Art. 118, we note that the "religious singing by the people" recommended here should involve both the vernacular and Latin, as is expressly provided in e. g. Art. 54 regarding the latter for the *Ordinarium Missae*.

Art. 119 concerns itself with the problem of musical accommodation, creating an opportunity to integrate into the liturgy a people's "own musical traditions" and "opening the door" within indigenous musical cultures. The Council is quite aware that the road to serviceable forms is long and difficult. One important presupposition is the education of missionaries so that they can understand these musical cultures in non-European continents. Up to the present, we still lack almost all the prerequisites for solving such musical problems. It is planned to establish a professorship in ethnomusicology at the Pontificio Istituto di Musica Sacra for such questions of musical accommodation.

This field also falls within the radius of action assigned to the Consociatio Internationalis Musicae Sacrae which Pope PAUL VI canonically erected with his chirograph "Nobile subsidium liturgiae" of 22 November 1963.¹⁶ The Consociatio has already cooperated in establishing the Instituto Interamericano de Musica sacra at Quito/Ecuador in 1967.*

The first paragraph of Art. 120 deals with the traditional musical instrument of the Latin Church, the organ. In order to forestall any false interpretations, the text explicitly says "organum tubulatum," the pipe organ. The second paragraph of this article speaks of the "other instruments." To understand this as referring once more to organs, this time in fact "ersatz" or imitation organs, is an offence against elementary logic. It is a case here of instruments which really are "other" than the organs. For our cultural sphere, this paragraph refers unequivocally to the admission of the usual range of instruments already customary in the liturgy. But in lands with other musical cultures, those instruments are meant which are so much a part of these cultures that their use, too, in the liturgy can be taken under consideration provided that they "accord with the dignity of the temple and truly contribute to the edification of the faithful." The texts intended to be sung should be drawn primarily from Holy Writ and liturgical sources.

The characteristics and properties of genuine sacred music mentioned here, are described in the introduction to CHAPTER VI. But all of the fundamental considerations in CHAPTER VII about vestments and sacred vessels also apply to sacred music, especially Art. 123:

The Church has not adopted any particular style of art as her very own; she has admitted fashions from every period according to the natural talents and circumstances of peoples, and the needs of the various rites. Thus, in the course of the centuries, she has brought into being a treasury of art which must be very carefully preserved. The art of our own days, coming from every race and region, shall also

15 On this see Sacred Music and Liturgy Reform (note 11) 16, 163/8 as well as Musica sacra CVO 84 (1964) 202 = URBANUS BOMM, 210 = Memorandum, 214 = MAX BAUMANN.

16 AAS 56 (1964) 231. See also Musicae Sacrae Ministerium 1 (1964) 1 ff.

* The Consociatio has also established an international Institute for Hymnological and Ethnomusicological Studies at Maria Laach; it was solemnly blessed on 3 October 1978 (translator's note).

be given free scope in the Church, provided that it adorns the sacred buildings and holy rites with due honour and reverence. It will therefore be enabled to contribute its own voice to that wonderful chorus of praise in honour of the Catholic faith sung by great men in times gone by.

The basic thrust and the real intention of the Council are nowhere more clearly expressed than in Art. 23:

In order that sound tradition be retained, and yet the way remain open to legitimate progress, a careful investigation – theological, historical and pastoral – should always be made into each part of the liturgy which is to be revised. Furthermore the general laws governing the structure and meaning of the liturgy must be studied in conjunction with the experience derived from recent liturgical reforms and from the indults granted to various places. Finally, there must be no innovations unless the good of the Church genuinely and certainly requires them, and care must be taken that any new forms adopted should in some way grow organically from forms already existing.

Against the backdrop of this expressed will of the Second Vatican Council, the church musician recognises his obligation not to neglect the cultivation – even in future – of that precious legacy of Gregorian chant and of the liturgical works which grew up organically during the long history of sacred music, and which we know as the *thesaurus musicae sacrae*. But the church musician also recognises his duty to take up the great concern of the Liturgy Constitution, namely *actuosa participatio populi*, and to promote it in the spirit of the provisions mentioned above, to which a moderate use of the vernacular also belongs, in accordance with the fundamental principle established in Art. 36.

Contemporary Problems in Liturgical Music

JOS. FRIEDRICH DOPPELBAUER

The church music of today presents a very contradictory picture. It seems that liturgical music has lost its orientation. The liturgical reforms brought fruitful new beginnings, and uncertainties as well. Today's confusion does not resemble a fruitful wilderness capable of producing new harvests, so much as it resembles the Babylonian confusion of tongues. The uncertainty is increased through the efforts of ecclesiastical circles to avoid at all costs any appearance of "backwardness", and to show their "openness" by copying every changing fashion of the day. One is quite willing to allow others to pull one's chestnuts out of the fire.

Indications as to what could be appropriate for the liturgy from a musical point of view should not amount to a rigid corset; they have rather the function of a skin, which is elastic, allowing growth while still giving form. That is far removed from rigid rubricism. If one wishes to separate the chaff from the wheat, it cannot, of course, be done without some criticism, above all in an age which attempts to declare that the chaff is really wheat.

How necessary this is can be shown by means of an example: during a church concert I heard an Our Father composition which made use above all of language as such. The palette ranged from various kinds of speaking through singing all the way to the scream. The piece ended with an exhausted Amen which was scarcely audible. Although it was certainly effective, this piece made an anguished impression. It was a cheerless monologue of varied, individually muttering, screaming, singing men. Such expressionism is not useable in the liturgy, for it suggests that "We can't pray any more". It is the exact opposite of a common prayer. I am not assuming that this composition was conceived for the liturgy, and I understand completely the intentions of the composer even though they do not agree with my own conception of the Lord's Prayer. But I could easily imagine that a lot of people would hit upon the idea of using the piece in a worship service in the belief that it will make their liturgy "relevant" (as the fashionable word has it). My own experience indicates that many composers hardly inquire at all concerning the hidden difficulties of their creative efforts, and if they do so at all, then they deal much more with technical than with ideal matters. It is completely legitimate for people to strive for success. Depending on one's personal attitude, means are chosen which appear suitable for achieving the goal. Many pay tribute to a mere opportunism of success. They keep very diligent watch for the slightest changes in fashionable gestures, are accustomed to rearranging themselves every few years, and try, like the droplets of fat on a bowl of soup, to swim on the top. Many have developed virtuoso talents in this regard.

For serious artistic creation, however, such a foundation is much too meagre, though one can be quite successful in the genre. Sooner or later everyone, especially if he practises a church music which does not desire to be a mere fortuitous mirror of the spirit of the age – or its dis-spirit – must make up his mind what sort of music he is going to be. The artist does not produce any "wares" in the sense of an economic value. Naturally the composer has to deal with the contradiction that music is simultaneously art *and* a product, but that is the material side of his problem. Here we are concerned with the ideal side.

In his "Numbers and God" ERNST JÜNGER writes: "Without the Muses there exists neither personal happiness nor higher spirituality. Their service presumes inner freedom and the cour-

age to make sacrifices. That has always been true; the poet was only summoned when the goods had already been distributed. Poverty remained his privilege. Within a world that is numbered up and counted down he becomes unnecessary, indeed burdensome. The powers that be expect from him a tendentious opportunism in the sense of their own machinations. That produces trumpeter types.”

JÜNGER’s next paragraph also touches our problem more than is evident at first glance. “The atrophy of artistic education leaves hollow spaces behind, which invention makes an effort to fill up.” (JÜNGER distinguishes invention and fabrication. Invention has a purpose, fabrication a meaning.) “The value of poetry is supposed to be marked with a number. Technology penetrates into the world of dreams and images. That would have remained insignificant if other powers had not simultaneously been set free. Demons build their nests in the decaying altars.”

The composer of liturgical music is supposed to create resonant symbols, emblems of the Divine in sound. The normal attitude towards the composer all too easily regards him as a mere “beautifier” or “embellisher” who is ultimately superfluous. It is my view that in the case of liturgical music we are dealing not simply with an additive embellishing, but with the integration of music in the liturgy, even in its simplest and most modest form. Here, a sham art in the sense of the “trumpeter types” cannot suffice. Here the Church, too, stands at a fork in the road: whether she takes over the ant-hill style which is the effect and expression of the mob psychology of our day, especially in the form of a conscious trivialism; or whether she does not drop the demand for a higher spirituality. This demand can apply effectively even to the most modest liturgical music. The whole question is basically one of inner attitude, and not of complicated artistic construction.

The invasion of the interior world by technology will occupy us under the aspect of electronic music. It belongs to the problematic of our own time that hybrid forces are arising, which want to usurp the Christian worship service. The re-interpretation of liturgical actions in the sense of a merely temporal horizontalism has far reaching consequences for the music connected therewith. If cult decays, then the music connected with cult either decays along with it, or makes itself independent of cult.

For the composer, the trivial mass style is less of a temptation than it is for the pastor of souls, who wants to win over the masses for pastoral reasons. In the process, one is willing to put up with the fact that the faith is falsified by kitsch; one comforts oneself with the hope that when one once *has* the masses, one will be able to make up for that later on – first, however, one must *have* them. Such successes are dubious, as are all successes which one tries to achieve through back-door shortcuts. As soon as the masses perceive that something else was really intended, they split off and fall away again. Some declare triviality to be a completely suitable means of expression for religious content, and often join with this an antiartistic attitude. This is supported with the old slogan that there really is no distinction between the sacred and the profane, although that contradicts both the New Testament (driving the money-changers out of the temple!) and the experience of humanity.

Triviality is a diminishing of man’s ability to experience, limiting it to the level of instinctive impulses. As sentimentality, orgiastic enthusiasm, and dressed-up pathos it appeals to man’s lowest level. Liturgical music, on the other hand, must appeal to *all* of man’s levels, including the spiritual and intellectual sphere. But that does not mean it needs to be barren of sentiment. The point at which the trivial makes its inroads is the vernacular language: nobody understands trivialities in Latin. But one should not make the fathers of the popular liturgy responsible for

this. For them, the problem was not posed in all the sharpness with which it is posed for us, because the understanding of theology was by and large still intact then. It was only the appearance of horizontalistic theories (which the sociologist HELMUT SCHELSKY aptly characterised in the motto "From the salvation of souls to social salvation") which made possible the fundamental invasion of the shallow and the superficial. This was all the easier because the mass media had already pre-manipulated the masses in this respect, through a constant irrigation or sprinkling with insipid music.

It would be risky to join in the manipulations characteristic of commercial music. In the long run, people will not allow themselves to be treated like children. Sooner or later the result will be inner withdrawal, or opposing actions. There is no comparison here with earlier times, in which trivial music was just beginning to arise. Corresponding to the struggle against environmental pollution, there will arise movements to protest this constant sprinkling with more shallow and superficial music. Slogans such as "Village without a jukebox" or "No loudspeaker will disturb you here" are the first signs pointing in this direction. The weariness of the pop scene, and the clear withdrawal of one-time initiators of these trends from the tumult and commercial selling, are further indications that the problematic phase of commercial music is only beginning. The difficulties are still to come. One should really be more critical of attempts to get into the swim of things in this area, for otherwise the Church might once more end up on the wrong side.

In the book "New Music since 1945" by H. VOGT, co-author HANS PETER RAISS defines as follows: "Beat is the designation for an extremely orgiastic music whose driving metres and garish harmony are able to suspend temporarily the playing of roles dictated by society, in those who listen to it." Amateur hobbyists pieced together political songs whose surrogate nature, however, did not remain unnoticed. The Left was more alert and keen of hearing than the progressive assistant pastors, for it stoutly resisted this culture industry which bought and sold their own intentions for a profit, and thus falsified them. "The pop scene," says RAISS, "has consolidated itself into the multi-media show: flashing strobe lights and acoustic spectacles, clouds of marijuana smoke and libido-lyrics, films, comics." A new church music for the masses cannot be made of such ingredients, as some dreamers believe. Christian worship is no Dionysian orgy. Simplicity does not have to be trivial. The attempt to "actualise" or make relevant a (supposedly) moribund great art through trivial elements is not really new. During the Renaissance, for instance, people wanted to "enliven" the church music of the Netherlands (whose spiritual presuppositions were no longer understood) by adding elements of the dance music of the day. As a sublimation, this effort succeeded very, very seldom, and when it did, then the process could no longer be recognised as such. Then as now, behind these attempts there stood a lack of original ideas on how to renew art from within itself, and the constantly recurring effort to score cheap and speedy numerical successes. One might say (with HOCKE) that in a certain sense people of that age "jazzed up" great art.

Linked with the attempt to be as relevant as possible, on the broadest possible basis, one can repeatedly observe a tendency toward liturgical horizontalism and functionalism. In an (in itself legitimate) effort at intelligibility one oversteps the boundaries which lead to falsifications. The process amounts to a rationalistic, nihilistic procedure of reduction. Holy Mass becomes primarily a celebration of common humanity and brotherliness: all other aspects recede into the background. In trying to make worship more understandable, all relationships which are more difficult of understanding are either re-interpreted, or simply omitted. The only function left to the

Kyrie is setting the mood, or isolated penance; sometimes it is omitted entirely, since the term "sin" is not especially welcome in many theological circles, and thus why bother with a confession of sins? The Gloria is simply a song of praise, the Sanctus likewise; the Agnus Dei resembles the Kyrie and is a cry for mercy. From this point of view everything ultimately becomes interchangeable. And replaceable. People replace biblical texts with others, because they no longer can or want to make the imagery and the deeper meaning transparent to others. Why make a detour?, they ask. If everything must be explained in any case, then let us rather take a text which is self-explanatory. Unfortunately, these substitute texts practically never provide the same spiritual richness and depth as inspired biblical texts. As a consequence of these re-interpretations, there then arise compositions (called "Masses") on texts which cause religious problems, texts which are very far from the message contained in, say, the Ordinarium Missae. One ends up in subjectivity, and ultimately in the uncontrollable. Then everything is simultaneously true and false. This exclusively horizontal understanding is ultimately based on the view that in the Eucharist, independent of our consciousness, nothing really happens – everything is to be taken in a purely symbolic way. It is regrettable that two groups form as a result: the rigid traditionalists, who are simply unapproachable in view of the blunders of a so-called "renovatio", and the progressivists, who believe that tradition alone is responsible for the difficulties of the present, and who would prefer to change everything radically. The solution actually lies in the middle: "conservare et promovere". Naturally, this has effects on church music which cannot be overlooked.

If the problems of the trivial are primarily paedagogical, then discussion of the theories of the avantgarde brings us to some central questions regarding composing. To what extent is it possible to make use, in church music, of what are known as "progressive techniques"?

When RICHARD WAGNER said, "Boys, do something new," his statement became a slogan or, more correctly, a premiss for any kind of artistic accomplishment at all. But is newness really a completely binding premiss? Taken by and for itself, novelty is no mark of quality. Art can only be good or bad. If novelty were its most essential criterion, then the art of the past could no longer mean anything to us.

Music's material is finite. The formal structural possibilities constantly remain subject in principle to the same basic conditions, which are varied. From the point of view of material, newness is limited. By way of anticipation it should be said that a constant digging through mere material will not bring us any farther. In my view, however, the changes in the spiritual and intellectual aspects are unlimitedly variable. In his book on "European Literature and the Latin Middle Ages," ERNST ROBERT CURTIUS indicates that in literature, certain basic forms have periodically returned since antiquity, and are merely varied and changed. That applies to the other arts as well. In our own day people often seek out the absurd, in the hope that the chaotic conceals within itself possibilities for new material, which reason is no longer capable of thinking up. People want to sail out into unsounded depths, and hope for great new catches of fish. Inspired by CURTIUS, GUSTAV RENÉ HOCHE shows in his book "The World as Labyrinth" that there are two kinds of experiential possibilities, and hence two different creative types: classical and anti-classical. This polarity can be traced through all of cultural history. The classicist strives for clarity, harmony, perspicuity, order, form. The anti-classicist seeks the enigmatical, the mysterious, the disharmonious, the irregular, the formlessly rambling. In art history, anti-classicism has received the name "Mannerism" (which is not to be confused with manneredness!).

In the mannerist, vitality and intellect are immediately and directly combined: the balancing, equalising forces are missing. His art is a mixture of over-heated expression and ice-cold cal-

culatation, or else the irrationally irregular is combined with absence of feeling: an art of the dark or seamy side which is also consciously anti-naturalistic. The classicist has an unbroken relationship to God, whereas the mannerist suffers from God. HOCKE describes the difference this way: "The man with an unbroken natural instinct and without a split consciousness represents God as a shape or figure, as the most divine metaphor, in the pagan religions as well as in Christianity. The mannerist sees God as Will, as Strength, as a more or less abstract configuration of tensions and effects in nature. The basic drive of classicism is toward a personal essence, whereas the Manneristic aims at a precipitous operation or a faceless activity. The classicist represents God in His essence, the mannerist God in His existence."

On the higher levels both of these forms refer to the Absolute. The lower levels lack this reference and degenerate on the one hand into a completely temporal, superficial cult of beauty and functional, utilitarian optimism, flattening out into kitsch, and on the other hand into the unintelligible Destructive and Absurd. Both possibilities of experiencing and creating are mutually related, often enough in one and the same bosom. Great natures succeed in balancing them. Classical clearness gives form to mannerism, while mannerist precipitousness gives tension and depth to classicism, preserving it from stiffness. All the great figures in art are simultaneously classical and manneristic.

To absolutise these two fundamental attitudes onesidedly would be a fateful mistake. HOCKE notes that "After all, the manneristic high points of European intellectual history, in works by personalities subjectively shaken in the depths of their own existence, do not merely prove the high specific beauty and expressive power of great 'anti-classical' works of art. They also frequently make accessible to us extraordinarily suggestive transcendental aspects, and in so doing they also point to special images of the Divinity, the 'dark side' of divinity, so to speak."

The task of the creative artist is to harmonise and to integrate these contradictory natural tendencies. Our problem today is that art, to a large extent, has fallen into complete disintegration; the Infernal is shining through. But the problem cannot be solved by simplistic opposition to all that is problematic and daring. Nor by accepting, in an opportunistic way, a certain development as "historically given," just because it has been predominant for some time now (as I heard at the last CIMS Congress). Now is the time to betake ourselves to the night side of modern art, there to tie up anew the torn threads and thus render re-integration possible. Therefore naive traditionalism is no alternative. Naive traditionalists are frightened and disturbed by whatever is daring, because it reveals the limitations of their own view. That is the "Philistine" at whom the Romantics poked fun, who only grasps that which falls within the circle of his vision – or rather, within the square of his vision, for he can grasp only four-cornered objects. Testing modern theory and practise is like panning and sluicing for gold. Every last tiny particle cannot be integrated. The prerequisite for the success of this undertaking is a renewal in the Spirit, of which Psalm 50 says:

Create in me a new heart, O God:
And renew a right spirit within my bowels.
Cast me not away from thy face;
And take not thy holy spirit from me.

The subject which we must now treat, "Electronic Music and Worship," is an important part of this problematic area. The penetration of technology into art is simultaneously the penetration of inorganic principles into the stratified organism of the work of art. Not the least ad-

vantage of a technical appliance is the fact that it can be disassembled and in certain cases put together again in a different and yet meaningful way. If this principle be applied to art, then the organic nature of the work of art, the fact that it “grew” into a whole, would be called into question, because disassembling a work of art, and re-assembling it in another way, means destroying it.

Since the atomic bomb, everyone realises that technology can bring not only blessings but also destruction. Confrontations concerning issues like environmental protection, atomic power plants and the like show that view points have changed. The feeling of discomfort with technological progress increases in proportion to the insight that technology is indeed able to make life easier, but cannot give life its meaning. The art historian HANS SEDLMAYR deals with these problems in his book “Danger and Hope of the Technological Age”. He defines today’s technology as a technology of the inorganic, and says “Recognition of the fact that the centre of emphasis for the human spirit has shifted to the sphere of the inorganic allows us – with reference to the total reality of the world – to perceive a disturbance in the condition of man. In accord with his very essence, man belongs to the sphere of organic nature and of the spiritual world. He has little or no part in the inorganic sphere, which is extra-human. To shift the emphasis of man’s thinking, creating, working, and living into this zone is a cosmic disturbance. It is a disturbance in man’s microcosmos, in that man now one-sidedly develops those abilities which are fitted to the peculiar nature of the inorganic world, while stunting the growth of those spiritual organs and potencies which correspond to the vital sphere and to the life of the spirit, such as vivid, organic, physiognomic and symbolic perception. Furthermore, this shift in emphasis is a disturbance in the macrocosmic relationships of this earth, by one-sidedly protecting and propagating the inorganic, which affects all areas of life, almost always at the expense of the organic. This leads to the ‘devastation’ of life – of the earth and its water, of the air, of the landscape – and the genuinely spiritual likewise suffers, since it is similarly ‘devastated’. And finally, this shift of emphasis leads to man’s fixation in a sphere unrelated to him – the inorganic sphere, through the denial of the reality of those higher types of existence.” (SEDLMAYR points out that the most varied but currently believed theories of life all assume that the world is constructed in levels or stages, which lead from the realm of inorganic nature through the kingdom of life into the empire of the spirit.) “The essential element of perception (which is not yet common property) consists therefore in having realised that man’s present condition in a technical and industrial age amounts to a serious disturbance, and that this disturbance is fundamentally cosmic and anthropic: only peripherally is it a disturbance in the social or cultural areas. The often-cited cultural malaise comes for the most part from the fact that the men of the ‘inorganic age’ have displaced themselves in a lifeless environment that is not appropriate or natural for them. Man cannot live well in a lifeless environment. As certainly as we recognise this, we also perceive that the step into the Inorganic, which the technical and industrial age has taken, can never be taken back.” SEDLMAYR’s conclusion is that the bruising forward rush of the technical sciences into the realms of the inorganic is a challenge to the human spirit to develop itself in conformity with the reality of the world, and not in conformity with the industrial system. This is also the challenge for art.

From these general considerations, we can draw some conclusions for our subject. Ancient aesthetics distinguished between *sonus* (meaning everything that “resounded” in some way), and *vox* (the voice animated by a soul). There are many intermediate forms, and various values which approximate to one or the other concept. *Vox* does not mean the human voice alone. Instruments also approximate the *vox* insofar as sound is formed through man’s direct and imme-

mediate cooperation, thus becoming the medium of his animate feeling. In the case of the string instruments, for example, it is the sensitive hand which forms the tone, in the case of the wind instruments the human breath. Even in the case of the keyboard instruments, the hand forms the attack, the touch. This is the whole purpose of the required technique. The history of instrumental music shows that the use and handling of instruments is derived primarily from *vox*.

Electronic sound, on the other hand, is pure *sonus*, and indeed at its outermost limit, where sound can pass over into noise. The tone is formed in a completely inorganic way. This gives it the note of artificiality and, in spite of all the refinements, of the dull and denatured. One might opine that precisely this total elimination of the *vox* renders electronic sound especially suitable for the representation of objective or abstract structures, and hence it could theoretically be a medium for the spiritual. But spirituality does not mean lack of the organic element, but rather, filled with the spirit, it transcends and transform the organic.

Electronic music intends to be art. The composer creates directly and immediately with the help of various generators. Magnetic tape irrevocably captures the definitive end product, as in works of the plastic arts. Reproduction takes place through loudspeakers. Interpretation does not take place here. This is a new situation. Whether it really includes hidden new possibilities can however be doubted on the basis of our experiences up until now. Electronic music originated in the meeting of electronic tone production and the principle of seriality, which is a technoid principle insofar as it recognises only quantities and not qualities.

The first purely electronic compositions were catalogues of tone colours rather than compositions in the sense of sonorously structured time. After the first surprises and shock effects had worn off, these sound montages proved to be unsatisfying, and basically capable of little more than illustrative functions. Purely electronic music existed for only a short time. As serial technique lost its fascination, electronic music also atrophied. As absolute music, no single valid work of this type has succeeded. People soon began to include natural sources of sound by way of contrast. The human voice was subjected to technical processes, denatured, and included as a contrast. It is typical that the *vox* is deformed as much as possible into *sonus*. The early electronic works in this mixed technique have religious titles: STOCKHAUSEN's "Song of the Three Young Men", for instance, or KRENEK's "Spiritus intelligentiae, sanctus". In my opinion, these religious titles arise not so much from a basic religious attitude in the sense of a metaphysical reference or connection; the note of the demiurge is perceptible. Such works are rather the expression of a technical intelligence which sets itself up as absolute, which disassembles organic things like the *vox* and re-assembles them in another way. This tendency, and the rigid fixation, appear to contradict the essence of music. Hence there arose the opinion that electronics do not permit of anything genuinely musical, apart from the fact the many mixed forms combining sound and noise should really be called "postmusical". The original hope that one would arrive at completely new forms and structures remained unfulfilled. Once again we are ultimately confronted with basic archetypal forms of construction to which music, whose element is time, is in fact bound.

In this technoid art there manifests itself the spirit of the man of today, which sets itself up as absolute. But STOCKHAUSEN, for example, in the course of his later creative efforts, turns to Oriental meditation practises. The intentions can scarcely be called christian. The inner religious experiences of Christian mysticism bear a different character. For all their strangeness, these Oriental practises appeal to Western man (who feels he is autonomous) insofar as they contain a moment of self-redemption. STOCKHAUSEN's meditation pieces must be seen from this aspect.

Abstracting from their tendency, they are not useable in the liturgy, since they desire to be themselves musical liturgy. In the directions for STOCKHAUSEN'S "From the Seven Days" we read: Play a vibration in the rhythm of your bodily members. Play a vibration in the rhythm of your cells. Play a vibration in the rhythm of your molecules. Play a vibration in the rhythm of your atoms. Play a vibration in the rhythm of the smallest of your component parts to which your inner ear can still reach. With this, we enter an uncontrollable area. Even criticism is meaningless when STOCKHAUSEN says: "... whoever is not on our wavelength will desperately discuss, analyse, talk, and talk: he also wants to have It and becomes deranged, aggressive, destructive, when others simply do It and he cannot, even though he is so-o-o-o intelligent." That is plain enough. The whole episode belongs in a chapter entitled "Art as Ersatz-Religion".

But one should not simply dismiss all this as pure nonsense. These intentions play to a side of man that can be fascinating. It is the reverse side of our benumbed, computerised world, from which man tries to break out into the completely, totally Irrational. However, this Irrational recognises no personal God. Christian worship will never be able to dispense with music in the sense of *vox*. It is the human being whose response is demanded; even in the transferred sense of instrumental music. The action of the human being dare not limit itself to pushing the button which activates independent appliances. One does not completely replace the candles on the altar with electric light bulbs; one still needs bread and wine for the Eucharist, and does not replace them with synthetic nutrients. The (fixed) altar should as a rule be made of natural living stone, and this "according to the symbolic meaning of an altar" (General Instruction of the Roman Missal, no. 263).

Music for the liturgy should make use of those artistic means of expression which benefit man in the entire compass of his essence, that is, including his spiritual structure. Neither pure vitalism, onesided reference to emotions and feelings, nor undiluted abstraction are adequate for this purpose. Novelty is not an absolute value, least of all a novelty limited to the area of means. Novelty has value only when it opens up new spiritual aspects which correspond with the essence of Christianity.

In the Eastern Church the choir represents the chorus of singing angels. Music for the liturgy should be an echo of this angelic music. In the ancient writings, the angels are regarded as the "resounding ones" par excellence. Both Old and New Testaments report on the singing of the angels. It is above all in the Apocalypse that the heavenly liturgy is described. The four cherubim unceasingly chant the Trishagion, the twenty-four ancients sing the triumphal song, and after the judgement the singing of the angels resounds like thunder. St. Gregory Nazianzen asks, "Who of the faithful would doubt that precisely at the hour of the Sacrifice the heavens open wide, and the choirs of angels are present? Then Above and Below are linked, Heaven and Earth, the visible and the invisible, become one". In many variations, the Preface proclaims that we join in the eternal hymn of praise sung by the angels, and that we should sing the Thrice Holy.

What for our forebears was vividly obvious, has today become a faded and colourless notion for us. The angelic powers, the satanic, Purgatory, Paradise: these are views around which people willingly make wide detours in contemporary theology, because they are difficult to reconcile with the image of the world projected by the natural sciences. I am not so much concerned with theological discussions as with the meaning and reference of this image: *musica angelorum*. We are all happy to consider music for the liturgy solely from our purely human point of view, and to demand that it be only a mirror image of ourselves. In such a case it is well to re-

flect upon a point of view outside ourselves, and not to believe that our artistic problems are the highest value – they are artistic problems which often enough degenerate into a deliberate seeking of problems. Typical of this is a statement once uttered in our midst: our age is unfit for affirmation, all we are fit for is the “De Profundis”. But in this obviously superficial sense, what age is fit for affirmation?

The angels chant the hymn of praise, and speak of the “Lord of all powers and principalities,” of which they are themselves a part. Cardinal NEWMAN thought that the angelic powers were the real causes of the laws of nature (*Apologia pro vita sua*). When physics and biology speak of spiritual principles which stand behind causality, that is not too far removed from NEWMAN’S view, and replaces the Church’s symbolism with “working titles”. From this point of view, JOHANNES KEPLER’S harmony of the spheres is likewise a concept which possesses a real value. KEPLER showed that the planetary orbits correspond to musical laws. This train of thought was continued in our time, as harmonic research, by HANS KAYSER, MAX CASPAR, and RUDOLF HAASE. In HAASE’S brochure “The Measureable Unison” (Stuttgart 1976) we read: “Harmonic research shows that in nature there exist musical laws, which form a network of analogies, and thus furnish the earthly world with a (horizontal) structuring; on the other hand there are in both past and present credible indications pointing to real though immaterial correspondences with our earthly world, so that we consider it possible that harmonic structures could also belong to this class of correspondences, which would then run vertically, so to speak, into a dimension inaccessible to our perception.” These conjectured vertical harmonic structures bear a conceptual relationship to the “*musica angelorum*” which is, for us, inaudible.

If it is true that music for the liturgy should be a reflection of the angelic music heard in visions, then such music will not be able to dispense with beauty. To the conscious cult of the ugly there is opposed a courage to cultivate beauty. Beauty, however, is not identical with limited appeal or ability to please. Beauty, as I understand it, knows how to maintain the balance between the abyss, and security in hopeful confidence. To that extent church music could become the opposite number to the precipitous “Modern,” if it renews itself in its spiritual roots, and does not merely exhaust itself in the purely external adaption of attitudes and artistic means which are foreign to its very essence.

The confrontation remains. Church music cannot be an untouched island of faith. By reason of its very essence, the aesthetic ideal of church music will never be able to dispense with the “classical”. Regarding the opposite, anti-classical side, it is true that “Pride and willingness to gamble everything away, fashionable charlatanry, and impudent imitation must be overcome by a constantly alert confrontation with classicism, in other words not with merely classicistic” (G. R. HOCKE). One should, however, guard against becoming selfrighteous. Hence the continuation of the quotation: “On the other hand, our classicists can save themselves from banality and rigidity only when they see in the countenance of their manneristic brother not merely the mark of Cain, but also that common reference to the Absolute.”

Beauty is also characterised by a certain *hilaritas*. This is something which music for the liturgy cannot renounce. Manneristic techniques have no term for it. Beauty possesses an inner order which is not, however, identical with organisation. This limits the total application of manneristic techniques, since they are often based merely upon organisation. Far be it from me to undervalue manneristic art works of high rank, but I wish to speak out quite plainly against any merely fashionable mimicry. Thus a prominent Austrian composer told me quite naively: “I am now composing a serial Mass” and added at once, “It will be tonal all the same.” A twelve-

tone alibi, in other words. If complete panchromaticism is supposed to be the result, then one need not belabour the twelve-tone technique. That is either naive opportunism or pure hypocrisy, depending on how one looks at it.¹

And now a word about Gregorian chant. It was recommended as a standard, but most often only with a one-sided orientation. Chant is of antique-Asian origin, and possesses a great many manneristic irregularities which, however, were smoothed over or completely remoulded in a classicistic sense by Western interpretation. People preferred only this classicistic side, which is why many compositions of recent times, which oriented themselves on it, remained trapped in a classicistic weakness of expression. If chant was used in a different way, the cry arose at once: Not that way! Basically, it was not the chant itself, but a classicistic aesthetic derived from its interpretation, which was proposed as a model. One should really examine the chant much more closely, because in it heterogeneous elements have become a spiritual unity which allows greater range; to that extent, as a fundamental musical gesture of integration, it still represents a model for imitation.

In the Epistle to the Romans PAUL says that the invisible is revealed in the visible, in other words that both are related to each other. To this we might add that the audible is similarly related to the inaudible. "Because that which is known of God is manifest in them. For God hath manifested it unto them. For the invisible things of him, from the creation of the world, are clearly seen, being understood by the things that are made; his eternal power also, and divinity." ROMANO GUARDINI says that: "The world is more than mere 'world'; each thing more than mere 'thing'; and the human eye is more than a mere physio-psychological organ." And we add: Music is more than mere music.

¹ To this it was objected that there are indeed serial compositions which are tonal. That is precisely the point on which opinions are divided. SCHONBERG invented the twelve-tone technique in order to gain systematic control of atonality. In his tonal compositions, which he continued to write at intervals, he did not use this serial technique, since it was not necessary for his purpose. When used "tonally", it becomes an intricate and laborious cantusfirmus technique whose significance is difficult to grasp correctly. Serial technique is an ordering element for atonality, and essentially linked with it. The ordering factors of tonality stand in contradiction to serial technique, and in tonal music, structural concentration is achieved with other means. The appearance of apparently tonal sections seduces opportunistic spirits into an attempt to make ostensible use of a "progressive" technique, and simultaneously do it cheaply. They naturally apply the technique "freely", that is, only to the extent that it suffices for a fictitious proof of their "modern" technique, since it cannot in any case be rigorously applied for the purpose they intend. The result is then what Adorno once called a "soiled diatonic" or watered-down atonality, depending on the side from which one views it; a heterogeneous creature which is neither fish nor flesh.

Theological Problems of Church Music

JOSEPH CARDINAL RATZINGER

The critical situation of church music today is part of the general crisis of the Church which has developed since Vatican 2. We do not primarily intend to discuss the artistic crisis which is affecting church music along with all other forms of art at present. We shall rather discuss the crisis conditioned by the situation of theology, in other words the properly ecclesiastical and theological crisis of church music, which actually seems to have fallen between two widely differing theological millstones which apparently agree only in grinding *musica sacra* down to dust.

On the one side stands the puritanic functionalism of a liturgy conceived in purely pragmatic terms: the liturgical event, it is claimed, should be made non-cultic and reduced to its very simple point of origin, a community meal. Everyone knows that the Second Vatican Council described the position of the individual in the liturgy with the phrase "participatio actuosa," active participation. This concept, in itself quite meaningful, has not seldom led to the opinion that the ideal goal of liturgical renewal is the uniform activity of all present in the liturgy. Accordingly, we have witnessed the reduction of specially prominent tasks and in particular, festive church music was widely considered a sign of an inappropriate "cultic" view which appeared incompatible with general activity. On this view, church music can continue to exist only in the form of congregational singing, which in turn is not to be judged in terms of its artistic value but only on the basis of its functionality, i. e. its "community-building" and activating function. The lengths to which the renunciation of musical quality can go, are illustrated by the statement of a leading German liturgist. After the Council, he declared, none of the traditional church music could satisfy the liturgical norms now in force: everything would have to be created anew. Plainly, in this view liturgical music is not regarded as art, but as a mere commodity.

This is the point at which the first millstone (which we have termed puritanical functionalism) makes contact with the second millstone, which I should like to call the functionalism of accomodation. It has been repeatedly characterised as curious and indeed contradictory, that parallel to the disbanding of church choirs and orchestras, new ensembles often appeared, to perform "religious" jazz. In terms of the impression created, these ensembles were surely no less elitist than the old church choirs. They were not subjected to the same criticism as the choirs, however. Wherever such a transfer was enforced with passionate exclusivity, there was discernible an attitude in which all church music, indeed all previous Western culture was not regarded as belonging to the present and hence could not be a part of contemporary practise, such as liturgy can and must be. Instead, traditional culture is pushed aside into a more or less museum-like state of preservation in the concert hall. This attitude resembles the first one in its exclusively functional way of thinking, which comes into play here not merely as a theory of the liturgy but rather with an importance which is quite basic: the contemporary world is conceived so completely in terms of the functional that the link with history is broken, and history itself can only retain any value at all as a function, namely as an object in a museum. Thus history is completely relegated to the past, and loses all her vital power to shape life today.

These reflections make it clear that in the crisis described above, we are facing a difficult and deeply rooted phenomenon which cannot be dealt with through mere polemics. We need to re-

flect upon the roots of this attitude, in order to be able to overcome it from within. A few of the complicated roots from which contemporary problems have sprung, have become clear from what has already been said. And when we attempt to arrange and complete our insights, we find that we may well say that the problem has four levels.

I. The panorama of problems

1. The first and relatively harmless, superficial level is located in the ancient dilemma of the pragmatism of parish priests versus art's claim to absolute dominion. This dilemma has always existed, and will always do so. Whether we think of St. Jerome's outbursts against the vanity of artists, or recall the archbishop of Salzburg who prescribed to MOZART the greatest permissible length of his liturgical compositions – the friction between two different claims is always identical. Here, one must try to see where each side is right in order to find the common ground upon which they can meet. Liturgy is something done in common, hence intelligibility and the ability to be executed or performed are essential requirements. In a certain sense, art is elitist activity, and thus resists subjection to a set of requirements which are not her own. To that extent there is a conflict rooted in the very nature of things, but the conflict can be fruitful because the matter itself points toward an inner unity which of course must always be sought anew, namely the fact that liturgy is not merely something done in common, but is by her very nature "feast." When exaggerated meal-theories fail to take this fundamental character of the liturgy into account, they no longer explain the essence of the liturgy but rather conceal it. As feast, though, the liturgy thrives on splendour and thus calls for the transfiguring power of art. Indeed, the liturgy is actually the birthplace of art, and it was from the liturgy that art acquired its anthropological necessity and its religious legitimation. Conversely, we can thus say that where a genuine feast no longer exists, art becomes a mere museum piece, and this precisely in its most splendid manifestations. In such a case, art lives on the memory that there once existed such a thing as the feast; its tense becomes the past. But a feast does not exist without liturgy, without a warrant to celebrate which surpasses man, and thus art, too, is referred to liturgy. For its part, art exists on the strength of her willing service to the solemn liturgy, in which she is continually re-born.¹

2. As we have noted, the tension between the parish priest's pragmatism and the artist's absolutism is a perpetual problem on the practical level, though not a problem at the level of basic principles, at least not necessarily so. Much more profound is the question which we previously hinted at in passing, with the word "puritanism". In more precise terms of theology and the history of ideas one would really have to speak of the problem of iconoclasm and iconoclastic riots. In his book "Where is the Vatican heading?" REINHARD RAFFALT impressively describes the manner in which iconoclastic currents burst forth in the postconciliar Church and tries to find a Biblical denominator for this phenomenon. The Church as it used to be, the "old Church" (as he puts it) defined its feeling of existential presence in terms of, say, the parables of the labourers in the vineyard or the lilies of the field; today, casting the sellers out of the temple or the eye of the needle which prevents the rich from entering the Kingdom of Heaven, have moved into the foreground.² As a matter of fact, church history shows that iconoclastic riots broke out repeat-

1 On this see J. PIEPER, *Zustimmung zur Welt. Eine Theorie des Festes* (München 1963²) as well as W. DÜRIG, *Das christliche Fest und seine Feier* (St. Ottilien 1974) with further literature in each case.

2 R. RAFFALT, *Wohin steuert der Vatikan?* (München 1973) esp. 93 ff.; *Idem*, *Musica eterna* (München 1978) 221/31.

edly. In the seventh and eight centuries the Church of Byzantium was excited by this problem in a manner which touched the very nerves of her existence, and thus the Orthodox Church celebrates the Second Council of Nicaea as the "Feast of Orthodoxy," because this Council sealed the victory of images and thus in general the victory of art within the faith. In other words, the Orthodox Church sees in this question the salient point of the Church's existence in general, for on this point the basic decision about our understanding of God, the world and man is at stake.³

Though the Western Church was palpably convulsed by the question during the Carolingian age,⁴ it was really only the Reformation which ushered in the great iconoclastic drama, in which LUTHER sided with the ancient Church against CALVIN and the leftists of the Reformation, the so-called Fanatics or Schwärmer. The earthquake that we are experiencing in the Church today belongs in this historical context: here is the real core of the theological question about the justification for images and music in the Church. The main portion of our reflections will be devoted to the investigation of this question, and hence we shall temporarily postpone it. But at least this much is clear: the problem of church music is not merely a problem for music, but a vital question for the Church herself. And I would add that it is conversely a question for music as a whole and not just for church music, because when the religious ground is cut away from under music, then according to the foregoing considerations music and indeed art itself are threatened, even though this might not be immediately apparent.

3. To be sure, all of this makes quite clear the fact that the *ecclesiastical* crisis of church music cannot be separated from the present crisis of art in general. I understand that MAURICIO KAGEL wrote an opera some years ago which depicts in a reverse direction the history of modern times, and thus ultimately world history, as an utopian myth: the America of the Incas, the Mayas, the Chibchas etc. is not discovered by the Christian Spaniards, but rather Spain and Europe are discovered by the Indians, and liberated from their Christian "superstitions." The myth is intended as an utopian programme: this was the direction in which history should have moved; this would have been progress toward humanity and toward the unity of the world: they could have and should have met in the Pre-Christian and the Anti-Christian. Such images are not only an expression of protest against what is Christian, but are also intended as a cultural option. This disowning of Christian culture and search for new shores of cultural expression are, by way of protest, set over against the Christian world.⁵ And herein lies the symptomatic importance of such images: the demands of Christian culture and of its materialisations which have grown organically within that framework, actually appear as a threat to the men of a world which has once again become heathen. And many aspects of the whole art industry in recent decades can at bottom only be understood as deliberate mockery of that which previously was art, as an attempt to liberate itself from the greatness of art through mockery and ridicule, an attempt to overtake and to supercede art and to regain the ascendancy vis-à-vis a claim with which we are simply unable to catch up.

3 On this see CHR. VON SCHÖNBORN, L'icône du Christ. Fondements théologiques élaborés entre le I^e et le II^e Concile de Nicée (325/787), (Fribourg 1976).

4 See the presentation of F. SCHUPP, Glaube-Kultur-Symbol. Versuch einer kritischen Theorie sakramentaler Praxis (Düsseldorf 1974).

5 The most radical philosophical development of this position is by CL. LÉVI-STRAUSS, especially in *La pensée sauvage* (1962). An example is this sentence at p. 326: "The ultimate purpose of the anthropological sciences is not the production of man but his disintegration." Cited here according to H. U. VON BALHASAR, *Prolegomena = Theodramatik 1* (Einsiedeln 1973) 41. Instructive on the intellectual background is G. MARTELET, *L'Au-delà retrouvé. Christologie des fins dernières* (Paris 1974) 35 ff.

4. Once again, this is connected with the phenomenon of functionalism described earlier, and functionalism is in fact the best description of the way in which today's world exists. In their book "Chance and Risk of the Present," HUGO STAUDINGER and WOLFGANG BEHLER have recently examined in great detail the inclusive character of this functionalism.⁶ They make clear that typically, the machine ultimately becomes the universal stereotype for human beings, that all of reality is reduced to quantitative dimensions and that this reducibility applies everywhere and in principle. Here, there is no longer any place for artistic events which are unique, since all that is unique must be replaced by the merely calculable. Art falls under the laws of the marketplace, and the marketplace abolishes it as art.⁷

All of this should have made somewhat more evident the very limited extent to which the problems of church music today are purely ecclesiastical problems. But conversely, it should also be clear that the problems of the contemporary age and of its culture have something to do with the convulsions racking all that is Christian, and in turn these problems are also strongly influenced by such shocks. Accordingly, the second part of our reflections must be devoted to illuminating the genuinely theological core of the whole question: is Christianity itself, in its very roots, perhaps iconoclastic, and did it therefore bring about artistic creation only through a "felix culpa" (in the sense in which GOTTLIEB SÖHNGEN called Salzburg a *felix culpa*, a princely-episcopal misunderstanding of apostolic succession, but a fortunate one⁸)? Or, is it perhaps the iconoclastic riots which are really un-Christian, so that art and precisely church music would actually be an inner requirement of what is Christian, and thus, along with church music, music in general could constantly draw new hope from this fact?

The inner crisis of Christianity today consists in the fact that Christianity can no longer recognise "orthodoxy" as it was formulated at the Second Council of Nicaea, and actually considers iconoclastic riots to be the primeval condition. All that remains then is either the desperate schizophrenia of joy on account of the fortunate misunderstanding in history, or an awakening to new iconoclasm.

Why is it that the experts today agree that enmity toward art, that Puritan functionalism is the genuinely Christian attitude? As a matter of fact, the idea has a twofold root. The first lies in the fact that the transition from the Old Testament to the community of Jesus Christ appears as escape from the Temple into the worship of the commonplace. Jesus continues the criticism of Temple worship begun by the Israelite prophets, and indeed intensifies it to the point of symbolically destroying the Temple when He cast out the sellers. The crucifixion of Jesus "without the

6 H. STAUDINGER-W. BEHLER, *Chance und Risiko der Gegenwart* (Paderborn 1976) esp. 97/224.

7 The attempt to escape this consequence through a "creativity" which frees itself from anything established in advance and seeks a totally new reality, is futile. The intellectual underpinnings of the attempt to find in this way a new basis for art by dissolving the links to its religious origin have been most impressively elaborated by ERNST BLOCH, for whom the artist is "the absolute breaker of boundaries," "the pioneer at the frontier of an advancing world, indeed a most important component of the world which is only creating itself." Genius is "consciousness which has progressed the farthest." Thus there disappears the qualitatively specific characteristic of art, which is mere anticipation of what is to come. Accordingly, ERNST BLOCH's concept of art quite logically flows into the prediction of a world in which "electric power plants and St. Mark's church" will be identical. For more details, see F. HARTL, *Der Begriff des Schöpferischen. Deutungsversuche der Dialektik durch ERNST BLOCH und FRANZ VON BAADER* = *Regensburger Studien zur Theologie* 18 (Frankfurt 1979).

8 G. SÖHNGEN, *Der Weg der abendländischen Theologie. Grundgedanken zu einer Theologie des „Weges“* (München 1959) 61.

gate" (Hebr 13/12) thus appears to His Apostles as the new cult⁹ and hence as the end of all previous cults. From this, people today conclude that Christianity in the sense of Jesus Christ is opposed to Temple, cult and priesthood; that Christianity recognises no other sacredness and no other sacred space than that of everyday life; that as a consequence Christian worship must also be "profane" – a bit of the commonplace. And wherever cult and priesthood may have once again arisen, then this is simply regression into a pre-Christian stage. Such a profane comprehension of what is Christian of course in turn provokes that twofold reaction of which we spoke at the outset. On the one hand, the festive solemnity of Christian worship must be denied, and with it all previous church music is ushered out the door, since it appears "sacred." And the other reaction is that worship is supposed to be no different than everyday commonplace activity, and music can take part in worship, so to speak, on condition that it be profane.

Such ideas were completely unknown to the growing Church of the early centuries. The Epistles of the New Testament already speak of a rich and by no means profane liturgical life in which the Psalms of Israel were still sung, along with Christian additions in the form of hymns and chants. ERIK PETERSON has shown how in many respects the Apocalypse expands the Temple vision of Isaias, in which mention is made of the cries and utterances of the angels before God. Among other things, the Apocalypse reports more than mere cries: singing, calling, giving glory.¹⁰ The background for this is a differentiation in liturgical usage which opened a new dimension in cultic praise and glorification: the addition of hymnody to psalmody, of song to speech or recitation. In this context, PETERSON refers to a noteworthy text of ORIGEN: "Singing psalms befits men, but singing hymns is for angels and for those who lead a life like that of the angels."¹¹ This much is clear: from the very beginning, Christian worship was the worship of *God* and clearly contrasted with the everyday and the commonplace. Indeed, from the very beginning it was characterised by earnest efforts toward a new form of poetic and musical praise, and this from theological motives.

But on the other hand it is true that Christian worship presupposes a break with the Temple and to that extent is more closely related to the synagogue service than to the Temple liturgy, in any case in terms of its external shape. This implies the omission of instruments; it does not signify a transition into the Profane, but rather a puristically accentuated sacrality. The Church Fathers accordingly described the entire path from the Temple cult of the Old Testament to Christian worship, in fact the path from Old to New Testament in general as a process of spiritualisation. From this point of view they were devoted to a purely word-like liturgy, and at first largely adverse to liturgical splendour on all levels. This is especially true of the father of Western theology, St. Augustine, who furthermore in his area held fast to the prohibition of images as an expression of his theology of spiritualisation, thus exerting a special influence upon the development of the Church and of theology in the West.¹²

Of course it was by no means necessary that the concept of spiritualisation produce only such effects, since great art is after all precisely the result of a maximum of spiritualisation. Here,

9 See my article *Weltoffene Kirche*, in TH. FILTHAUT (ed.), *Umkehr und Erneuerung* (Mainz 1966) 271/91, here 281 ff. For more details on the entire subject of de-sacralisation, see H. MÜHLEN, *Entsakralisierung* (Paderborn 1971).

10 E. PETERSON (tr. R. WALLS), *The Angels and the Liturgy* (New York 1964) 26.

11 *Ibid.*, 27 (= Sel. in psalmos, to Ps 118/71).

12 See F. VAN DER MEER, *Augustinus der Seelsorger* (Köln 1951) 329/74 as well as my article *Zur theologischen Grundlegung der Kirchenmusik*, in F. FLECKENSTEIN (ed.), *Gloria Deo-Pax Homini-bus = ACV Schriftenreihe 9* (Bonn 1974) 39/62.

it is rather the Platonic root in patristic thought which comes to the fore, giving its special cast to the patristic idea of spiritualisation and hence also to the patristic view of the relationship between Old and New Testaments. In a certain sense Plato may be called the discoverer of the spirit in the West, and that is his lasting fame. He describes Humanity as a passage from the Sensible to the Spiritual, as a process of de-materialisation. It is from this point of view that his comprehensive paedagogical program is drawn up. As a genuine Greek, he allots to music a central position in the education of human beings, but even his music pedagogy rests upon the concept of a de-materialisation of music, through which he simply desires to achieve the victory of Greek humanity over the "materialising" music of inherited religions. The basic concept as such is important, but he who constructs a perfect world in a test tube really ends up by doing violence to reality.¹³

To the Fathers of the Church, these concepts seemed like an anticipated explanation of the Christian passage from Temple to Church. And thus they too regarded the musical riches of the Old Testament and Graeco-Roman culture as a part of the sensible, material world which was to be overcome in the spiritual world of Christianity. They understood spiritualisation to mean dematerialisation and hence understood it in a manner which more or less borders on iconoclasm. That is theology's historical mortgage in the question of ecclesiastical art, and it is a mortgage which comes to the fore over and over again during the course of history.¹⁴

II. The foundations of church music in the essence of the liturgy

With these reflections, we have nonetheless progressed toward an answer to our basic question: Viewed in terms of its origin, is Christianity iconoclastic and anti-art? or is it – precisely when it remains true to itself – a summons to artistic expression? We have seen that genuine liturgical activity is essential to Christianity and that precisely in its earliest phase, the New which happened with Christ seems a summons to intensified expression, which is presented as the transition from crying to singing. In order to find the correct solution to our problem, we must now pursue this point of view somewhat further. Let us return to PETERSON's analyses.

He shows that the changes introduced into the Apocalypse as compared with Isaias include the appearance not only of the Seraphim but of articulated and orderly choirs of angels. This in turn is related to the fact that Isaias' vision is strictly localised in the Temple at Jerusalem. Even after the destruction of the Temple, Judaism has always steadfastly believed that God's glory dwelt only in the Temple at Jerusalem. Christians, on the contrary, believe that during Christ's crucifixion, when the veil of the Temple was rent in two, God's glory departed from the Temple and now dwells where Jesus Christ is, namely in Heaven and in the Church which gathers with Jesus. Accordingly, heaven and earth are mentioned as the place where chants of praise are now sung.¹⁵ But this means that the Church is indeed something quite different from the Synagogue which had remained in Jewry after the destruction of the Temple, which the Synagogue never desired or was able to replace. The Synagogue is the site of a purely lay worship service, which as such is also a mere Scripture service. He who desires to reduce the Church to Scripture services conducted by laymen is not practising that which is New in Christianity, but rather equates himself with the Synagogue and omits the path which leads to Christ. The Church, as Church,

13 For evidence of this, consult my article *Zur theologischen Grundlegung* (note 12) 50 ff. and 58 ff.

14 Once again, see my article cited in note 12 as well as the book of CHR. VON SCHÖNBORN cited in note 3, above all pages 77/85: *Origène et les racines de la théologie anti-icônique*.

15 See E. PETERSON (note 10) 16 ff.

accepts with Christ the inheritance of the Temple, although in a modified way. This is expressed liturgically in the fact that the Church does not assemble merely for Scripture readings and prayers, but also to offer the Eucharistic sacrifice. But then this also means that in the external form of her celebration the Church can and must lay claim to the inheritance of the Temple. This implies that the Church's liturgy, which now regards the whole cosmos as its temple, must have a cosmic character, must make the whole cosmos resound. On this point, PETERSON'S comment, though certainly somewhat exaggerated, is basically quite worthy of consideration:

And finally it is not pure coincidence that the mediaeval music theorists begin their treatises by referring to the harmony of the spheres. Since the Church's hymn of praise tunes in to the praises of the cosmos, any consideration of the musical element in the Church's cult must also take into account the sort of praise offered by sun, moon, and stars.¹⁶

What this means *in concreto* becomes clearer when we recall the prayer in Ps. Cyprian which speaks of God as the One Who is praised by angels, archangels, martyrs, apostles and prophets,

to whom all the birds sing praises, whom the tongues of those in heaven, upon the earth and under the earth glorify: all the waters in heaven and under the heavens confess Thee. . . .¹⁷

This text is especially interesting because it discloses, so to speak, the theological principle according to which the „organon“ was understood, for it was simply called „the“ instrument as opposed to all the others. The organ is a theological instrument whose original home was the cult of the emperor. When the Emperor of Byzantium spoke, an organ played. On the other hand the organ was supposed to be the combination of all the voices of the cosmos. Accordingly, the organ music at imperial utterances meant that when the divine emperor spoke, the entire universe resounded. As a divine utterance, his statement is the resounding of all the voices in the cosmos. The „organon“ is the cosmic instrument and as such the voice of the world's ruler, the *imperator*.¹⁸ As against this Byzantine custom, Rome stressed a cosmic Christology and on that basis the cosmic function of Christ's Vicar on earth: what was good enough for the Emperor was quite good enough for the Pope. Naturally, it is not a case here of superficial problems concerning prestige, but it is a matter of the public, political and cultic representation of the mandates received in each case. To the exclusivity of an imperial theology which increasingly abandoned the Church to the Emperor and degraded the bishops to mere imperial functionaries,¹⁹ Rome opposed the Pope's cosmic claim and with it the cosmic rank of belief in Christ, which is independent of and indeed superior to politics. Therefore the organ had to resound in the papal liturgy as well.

¹⁶ *Ibid.*, 29.

¹⁷ *Ibid.*, 22/3.

¹⁸ I gratefully acknowledge here the kindness of the Rt. Rev. Abbot URBANUS BOMM of Maria Laach, who pointed out these facts and referred me to the pertinent literature: D. SCHUBERTH, *Kaiserliche Liturgie. Die Einbeziehung von Musikinstrumenten, insbesondere der Orgel, in den frühmittelalterlichen Gottesdienst = Veröffentlichungen der Evang. Gesellsch. f. Liturgieforschung 17* (Göttingen 1968); E. JAMMERS, *Der gregorianische Choral und das byzantinische Kaisertum: StdZ 86* (1960/61) 445/51; *Idem*, *Musik in Byzanz, im päpstlichen Rom und im Frankenreich. Der Choral als Textausprache* (Heidelberg 1962); E. WELLESZ, *A. History of Byzantine Music and Hymnography* (Oxford 1961²).

¹⁹ A GRILLMEIER, *Auriga Mundi. Zum Reichskirchenbild der Briefe des sog. Codex Encyclius (458)*, in *Idem*, *Mit ihm und in ihm* (Freiburg 1975) 386/419.

Such a borrowing from imperial theology is not regarded with favour by contemporary theological scholarship, which considers such acceptance as “Constantinian” or as “Romanisation,” which is naturally far worse than Hellenisation. As a matter of fact, what has been said thus far suffices to indicate clearly the convincing reasons for the whole process, as well as its logic within a Christian context: this detour made it possible to avoid turning the Church into a synagogue and to carry out in practise the true claim of the Christian faith, which accepts the inheritance of the Temple and surpasses it by far, into the very dimensions of the Universal.

Furthermore, the history of the organ remained a theo-political history for quite a long time: the fact that an organ resounds at the Carolingian court is an expression of the Carolingian claim to equality with Byzantium. Conversely, the Roman usage was transferred to the cathedrals and abbey churches. Less than a lifetime ago it was still customary for the organ to play as background to the abbot’s recitation of the Pater noster in Benedictine abbeys, and this is to be understood as a direct inheritance from the ancient cosmic liturgy.²⁰

And now we are in a position to formulate our thesis: church music with artistic pretensions is not opposed to the essence of Christian liturgy, but is rather a necessary way of expressing belief in the world-filling glory of Jesus Christ. The Church’s liturgy has a compelling mandate to reveal in resonant sound the glorification of God which lies hidden in the cosmos. This, then, is the liturgy’s essence: to transpose the cosmos, to spiritualise it into the gesture of praise through song and thus to redeem it; to “humanise” the world.

A final question remains: the question of sacredness, of the distinction between sacred and profane music. This distinction was very much present in the Church of the early Fathers, but was almost completely buried under a mass of other problems. The first time the problem was posed quite openly was during the separation of profane from sacred culture in the fourteenth century, and then with even more sharpness in the Renaissance culture of the sixteenth century. Ever since the twelfth century and the beginnings of polyphony the question has been posed with increasing urgency, though it was the exile of the Popes at Avignon which made everyone fully aware of the problem, because at Avignon “the French *ars nova* appeared at the papal court, and it must have seemed quite foreign to the officials of the Curia who were so familiar with Roman musical practises . . .”²¹ It was time to inquire anew into the meaning of Christian spiritualisation. Once again the Church found herself in the dilemma between puritanical exclusion of the new developments in general, and an accommodation which both makes the Church lose face and simultaneously eliminates her as a source of human reality. The Constitution „*Docta Sanctorum Patrum*” issued by POPE JOHN XXII in 1324/25 found a path which was more than a compromise in the sense of the arithmetical mean:

It was not polyphony in itself which POPE JOHN XXII rejected, but rather the suppression of the Gregorian melody by a sensually effective polyphony which was far removed from the liturgical function in tonal terms as well as in terms of rhythmic movement . . . and expression.²²

The Holy Father put it this way: “the occasional use of certain consonant intervals superposed upon the simple ecclesiastical chant” was not forbidden, “but always on condition that

20 For this reference, too, I am grateful to Abbot URBANUS BOMM.

21 K. G. FELLNER, *Die Constitutio Docta SS. Patrum Johannes XXII.*, in *Geschichte der katholischen Kirchenmusik* (Kassel 1972) 1/379 ff.

22 *Ibid.*, 379.

the melodies themselves remain intact in the pure integrity of their form . . .”²³ In other words relationship to the text, predominance of the melody and reference to the formal structures of the chant as the point of departure for ecclesiastical polyphony as against a concept of structure which destroys the text, as against the emphasis upon sensual sound effects.

The Council of Trent confirmed and deepened these provisions. In Masses celebrated with singing and organ music, “nothing profane should be intermingled, but only hymns and divine praises;” it should not be a matter of mere empty pleasure for the ear, but the words must be understood by all, so that the hearts of the listeners be drawn (*rapiantur*) to a desire for heavenly harmonies, in the contemplation of the joys of the blessed.²⁴

When the Council speaks of “*raptus*” and of “*desiderium*” (desire) for heavenly harmonies, it is presuming a power to enrapture which mere functional application can never produce. Such an ability to enrapture rather presupposes inspiration, which surpasses the level of the mere Rational and Objective. Incidentally, HUBERT JEDIN has recently shown that the wellknown legend about the *Missa Papae Marcelli* influencing the Fathers of Trent is not mere legend, but that it has a core of historical fact, which he admittedly does not explain in any greater detail: the *composition* must be convincing, and not the theory, which can only follow the composition.²⁵

Of course, one cannot expect timeless recipes in these conciliar texts. Otherwise, succeeding doctrinal statements, such as those made in our own century by Pius X, Pius XII and Vatican 2, would be superfluous. But the structure continues to remain valid: the liturgy demands an artistic transposition out of the spirit of the faith, an artistic transposition of the music of the cosmos into human music which glorifies the Word made flesh. Such music must obey a stricter law than the commonplace music of everyday life: such music is beholden to the Word and must lead to the Spirit.

Hence church music must find its way while constantly contending in two directions: in the face of puritanical pride she must justify the necessary incarnation of the spirit in music, and *vis-à-vis* the commonplace she must seek to point the spirit and the cosmos in the direction of the Divine. When the effort is successful, it is of course a gift; but the gift is not bestowed without the preparation which we offer through our own effort. When this takes place, then it is not a matter of exercising a mere hobby without obligation, but rather of living out a necessary dimension of Christian faith and in so doing, retaining a necessary dimension of what it means to be a human being. Without both of these dimensions, culture and humanity irresistibly decay from within.

23 *Ibid.*, 380.

24 K. G. FELLNER, *Das Konzil von Trient und die Kirchenmusik*, in *Geschichte der katholischen Kirchenmusik* (Kassel 1976) 2/9.

25 H. JEDIN, *Geschichte des Konzils von Trient IV/1* (Freiburg 1975) 208 and 345 note 47, where we read: “The widely publicised version of AGAZZARI, that the *Missa Papae Marcelli* changed the minds of the Council Fathers, was previously . . . regarded as a legend. . . . O. URSPRUNG has shown how probable it is . . . that this ‘legend’ is not entirely lacking in foundation.”

The Nature and Implications of Cultic Mystery

LEO SCHEFFCZYK

The service which church music can and should render to the Church's liturgy is ultimately a service of the *mystery*. Hence it does not seem inappropriate to consider the Christian mystery as the starting point and goal of all work with, and shaping of, the liturgy, without feeling obliged to expect technical norms or palpable practises from such considerations. These can only speak to the faith of men out of a faith in the mystery, thus creating a spiritual *fluidum* or atmosphere which then can also animate the work of church music.

To this end it appears necessary to begin by determining more precisely that which is, in faith, designated as *mystery*.

1. *The original significance of the mystery*

The normal translation *mystery* does not fully reproduce the meaning of the originally Greek concept *mysterion*.¹ By the term *mystery* we customarily understand "hidden facts," or "a thought content which for various reasons is not completely obvious to men," or again, a truth of that nature. That is a predominantly intellectualist conception of *mystery*, and does not do full justice to the originally Biblical understanding of the *mystery*, which has also passed over into the liturgy. If, therefore, one would want to cling to the purely intellectualist understanding of the *mystery*, allowing it to mean only "a mysterious, impenetrable truth," one would start off by missing its true position and significance in both liturgy and cult, since the liturgy does not deal with theoretical truths as such, but (to formulate by anticipation) deals instead with truths which occur and happen, and this after the fashion of signs which are rendered visible.

This view, as hinted earlier, is already rooted in the New Testament, because for the New Testament the concept of *mysterion* (which in itself has many levels of meaning) signifies God's saving plan for mankind,² which is realised in God's words and deeds, i. e. is revealed in history. Since the most complete revelation of God, whether it be understood as word or as deed, took place in the Incarnation of His Son, Christ Himself can also be termed the essential and central *mysterium* of the New Testament, par excellence. According to the Colossians (Col 4/3) and to the Ephesians (Eph 6/19), Christ and His Gospel form the centre of the plan of salvation which embraces man as well as the cosmos: Christ and His Gospel are the *mysterium* in its most concentrated, but also most universal sense. This universal, cosmic dimension is especially significant for our grasp of the *mysterium* in the liturgy – a point which must be made clear at the very outset. In the same connexion, attention may also be called to the fact that according to the understanding of the New Testament, the *mysterium* is something "within the world." "In the *mysterium* a heavenly reality breaks through into the realm of the ancient *aeon*,"³ that is, taken

1 On the philological foundations see G. BORNKAMM: *Mysterion*, in TWNT 4/809–34.

2 On the development of the concept, see K. PRUEMM, *Mysterien von Paulus bis Origines*: ZkTh 41 (1937) 391/445; 43 (1939) 207/25, 350/60; D. E. DAL GRANDE, *Mysterium – sacramentum nella S. Scrittura*: Studia Patavina 4 (1957) 389/93.

3 BORNKAMM 826.

all together it is a unity of the Divine/Invisible with the Creaturely/Visible.⁴ Obviously, the earthly and visible is unable to discover completely and reveal fully the divine mystery: it can only indicate and point toward it.

And so the mystery of salvation is bound up with the category of signs and symbols, which was basically used in Christ's Incarnation as well, insofar as there, all of the human existence and action of the Saviour became a symbol of the divine. Christianity, however, did not understand this symbolism as a simple, abstract reference to the divine, after the fashion of a convention agreed upon among men. The symbolism which was basically established by God in Jesus Christ Himself was understood by Christianity as the very epitome of powerfully operative signs in which the epiphany of God Himself took place,⁵ just as, according to a statement of the Second Epistle to the Corinthians "the light of the knowledge of the glory of God" shone forth "in the face of Christ Jesus" (2 Cor 4/6).

It is indeed no simple "leap" from the unique, historically limited *mysterium* and symbol Jesus Christ to the permanent, supra-temporal symbolism of the sacraments.⁶ On the basis of the absolute and permanent validity of the Christ-event, the Christian-Catholic faith felt itself empowered and in fact bound to make this "leap." It is the "leap" from the unique, historically fixed mystery of Christ to the permanent cultic mystery of the Church, which is rendered present in the sacraments, above all in the Eucharist. What might appear to modern man as a "leap" very difficult of accomplishment, was understood by the Fathers of the Church as a profound inner continuity, when they (for example, with Ambrose, who died in 397) formulated thus: "Christ, You have shown Yourself to me face to face, in Your sacraments I encounter You,"⁷ or the especially characteristic attitude of Leo the Great (died in 461): "What was visible in the Redeemer, has passed over into the sacraments."⁸ Here, of course, one must carefully note the fundamental idea that whatever was visible in the Saviour (as in the sacraments) was not separated from the invisible and the divine. Thus were laid the foundations of the Church's belief that in a certain way the mystery of Christ was continued in the Church's cultic mystery, that it was rendered present in the sacraments. Recent theology, enriched not least by the creative impulses which came from the Benedictine Odo CASEL,⁹ has reflected anew upon this doctrine, developing the idea that in the sacraments, primarily in the Eucharistic Sacrifice, God's saving deeds are accomplished in a mysterious, supernatural way, in fact in a way which includes all of history, in all its dimensions. "Past, present, and future are encompassed in the liturgy, because the *mysterion* of Christ and His salvation embraces the entire extent of history: Christus heri, hodie et in saecula."¹⁰

4 On this see also the detailed recent work of the Brazilian theologian L. BOFF, *Die Kirche als Sakrament im Horizont der Welterfahrung* (Paderborn 1972) esp. 50/81.

5 For the understanding of the *mysterium* as "epiphany", see J. TYCIAK, *Die Epiphanie als Festmysterium*, in: *Theologie der Anbetung* (Trier 1976) 151/9.

6 The stages in this theologically, intellectually and historically significant change from the Greek *mysterion* to the Latin *sacramentum* have been investigated in a copious literature, among others e. g. H. v. SODEN, *Mysterium und Sacramentum*: ZNTW 12 (1911) 188/227. The more recent literature is listed by BOFF, 58 ff.

7 Ambrose, *Apol. proph. David* 12/58 = MPL 14/875.

8 Leo the Great, *Sermo* 74/2.

9 See, among others, his work *Mysterium der Ekklesia* (Mainz 1961).

10 BOFF 75.

2. *The special nature of the cultic mystery*

Nevertheless, one must not overlook the fact that when the *mysterium* of Christ passed over into the Church and her sacraments, there occurred a certain new modification of this *mysterium* which does not actually affect its essence, but which is significant for us. This modification can be summed up in the short sentence: "The saving drama of Jesus Christ has become a cultic drama." It is not easy to overestimate the importance of this statement. It amounts to saying that the salvific event has become a life process of and in the Church. In contrast to the sacrifice of Christ, which He alone offered on the Cross, the Eucharistic Sacrifice is also a true sacrifice of the Church, that is, the community of the faithful, which the Council of Trent explicitly emphasised in these words: that Christ willed "to leave to His Church a visible sacrifice, as the nature of man demands" (DS 1740). Hence the entire Church, concretely the celebrating community, enters into the Eucharistic Sacrifice. Without thereby contributing some added value to the Sacrifice of Christ, which is intrinsically impossible, the Church as the community of the faithful receives the Sacrifice of Christ and renders its own "offering of Christ's offering" – oblatio oblationis Christi. The Church thereby attaches herself to the Sacrifice of Christ, and this by including and deploying every human power, as is indicated by the statement of Trent: "as the nature of man demands." Here is that relatively new element in the cultic *mysterium* and the sacramental sacrifice: whereas on the Cross Christ alone offered the Sacrifice by using His own individual human existence, the plurality of mankind takes part in His continuing sacrifice. This participation is first of all an act of accepting the Sacrifice of Christ, and to that extent an act of receptivity and "allowing it to happen". On the other hand, such an act of accepting, such an attitude of receptivity is not to be equated with purely quietistic passivity. In comparison to the Divine Giver, the acceptance is indeed something passive, just like the beggar's outstretched hand in relation to the giver of an alms. But in itself the gesture of the outstretched, receiving, taking hand which bears the gift farther, is something quite active. Such activity, such cooperation with Christ's sacrifice is demanded by the divine plan of salvation, so that the *mysterium* of Christ becomes the interior possession of mankind, and so that its effect can also fall to the share of the future, until the final goal be reached – that the entire saving event flow back into the glory of the Father (cf. 1 Cor 15/24).

At this point we can once more make clear another difference between the historical *mysterium* of Christ and the cultic mystery of the Church. The *mysterium* of Christ, which was concentrated in the Calvary event, simultaneously represents the downward, descending phase of the work of salvation, which Christ traversed in His "descent" from the world of the Father all the way to the uttermost self-abasement in death. It is at the same time the *katabasis*, which however at the very point of the Cross and the Resurrection begins its turning-point or *anabasis*, namely in the ascent of mankind and the world to God. Here, the cosmic circle of the movement of salvation becomes visible as well, within which the Church's liturgy (admittedly by the power of the crucified and Risen Lord) receives an ascending motion, a thrust forward and upward, the return to the source, in which the Church is to include all of creation and all of its powers, in order to subject them to the Father. This is the concept of the *regressus*, the final and conclusive synthesis of all salvific events in their being conducted to the Father, a concept chiefly applied to the liturgy by Alexandrine theology and ultimately by Maximus the Confessor.¹¹

11 For a more detailed explanation see H. URS VON BALTHASAR, *Kosmische Liturgie. Maximus der Bekenner* (Einsiedeln 1962²) 269ff.

3. *The demands which worship makes on man*

If the Christian cultic mystery so essentially involves man in the dramatic event as both receiver and co-actor, then this gives rise to a number of demands or claims on man, which will not only be religious in nature, but also, and primarily, cultic. The Council of Trent referred to demands of a religious and moral nature in its decrees on the Sacrifice of the Mass, when it declared that the faithful should "draw near to God with an upright and true faith, with fear and reverence, with sorrow and repentance" (DS 1743) if they desire to receive the fruit of this sacrifice. Recent liturgical studies have thought these demands through more profoundly, and made them more explicit. Liturgical theology has worked out the separate theme of "The Liturgy's Image of Man"¹² and achieved noteworthy insights. As a result of such ideas, people have designated the persons who celebrate the liturgy as "men of the community," who leave behind them their existence as individuals. Similarly, under the liturgical aspect man has been called simply "the receiving being" or "the being capable of symbols." These are definitions which always simultaneously make demands on these very men. In a way which corresponds more closely to our present subject, the persons who celebrate the liturgy have also been described as "singing men," and it has been said that "The man of the liturgy is the singing man,"¹³ indeed, in the rightly understood sense, "the enthusiastic man."¹⁴ Especially in view of the required "enthusiasm," one will obviously have to add that this does not refer to the unchaining of natural powers, or wallowing in purely human emotions. Closer examination reveals the required religious and ethical actions to be rooted in the basic posture of faith. But faith is nothing other than willing, open receptivity to the *mysterium*. This is to say that in all its effects and manifestations in those who celebrate the liturgy, faith is determined by and measured in terms of the *mysterium*.

Having said all this, however, in accord with the spiritual and interior character of the ethico-religious realm, we have thus far named and singled out only subjective demands located within man and his inwardness. In the process, the *mysterium* which forms the background for all these demands has obviously been understood more as a theoretical mystery, a mystery of doctrine or truth which urges certain claims. And this means that the specifically cultic mystery in its pure objectivity, its pure symbolic character (and thus also its purely sensible character) has not yet come into play, and its demands on men not yet demonstrated.

Since the cultic mystery, in itself, possesses the character of celebration, it must be taken seriously by men even in its outward shape, as form and expression of the beautiful, that is, in its aesthetic structure. This is so, if by the term "aesthetic"¹⁵ one understands not merely the doctrine of purely sensual beauty, but the doctrine of the order of all apparent things, of the proportion and harmony of everything which can become for man epiphany of the lofty, the noble, indeed the divine itself. Under this aspect the symbol-laden cultic mystery also belongs to the aesthetic order. This remains true even when one reflects on the paradoxical fact that one is dealing here with "apparent" things which do not wholly and entirely exhaust themselves in mere appearance, but simultaneously remain in ultimate obscurity.

12 On this see, among others O. CASEL, *Vom wahren Menschenbild* (Regensburg 1953); J. PASCHER, *Eucharistie. Gestalt und Vollzug* (Münster 1947) 218/42; M. EINIG, *Der heutige Mensch und die Liturgie* (Augsburg 1968).

13 PASCHER 227.

14 PASCHER 228.

15 On this see URS VON BALTHASAR, *Herrlichkeit – Theologische Ästhetik 2* (Einsiedeln 1962) esp. 167/80.

But for the man who enters into the *mysterium*, who must receive this “apparent” of unique dignity and in so doing must also structure it worthily, here too, the *mysterium* makes claims in its shape, appearance, and form.

These are the demands which arise from the liturgy as a work of art or, as has also been said, as “play”. They are the heart of our topic, but one cannot understand them correctly unless one has first discussed the essence of the *mysterium*.

4. *The demands of cultic structure on the men who help to shape it*

In the cultic drama there may not come to the fore just the religious power of the Church as such, whose duty it is to keep watch over the essential rite. In the awareness that the liturgical event includes the entire congregation and the whole man, the Church has also allowed room for man’s abilities and powers of structuring, that is, she has drawn upon artistic creation as expression of the *mysterium*. That this was not inappropriate, could be made clear by demonstrating the inner connection between liturgy and art. Here, this can only be hinted at briefly, by referring to three points of contact between cult and artistic creation. There are similarities in relation to the mystery, which plays a role in both realms; the approximation in the cosmic alignment, and in the symbolic-religious structure of both. Regarding the first point of contact it has often been stressed that art does not simply achieve a mechanical reproduction of reality or a naturalistic likeness of the objective world, but rather that it penetrates with “a profound gaze into the essence of things”¹⁶ and exposes the “great inner recesses”¹⁷ of Creation, which point in principle toward the mystery which is in turn essentially inexhaustible. Admittedly, we are dealing here first of all with the natural mystery of creation which has its centre in man, and not with the supernatural mystery of the redemption. But these mysteries do not stand in isolated juxtaposition, but rather interpenetrate, so that any interpretation of the world’s mystery automatically spills over into the area of the redemptive mystery.

Thus the cosmic dimension is already intimated in every work of art, and this cosmic dimension would also allow us to recognise the cultic drama of the liturgy. Here we find a coincidence of the religio-liturgical and the artistic-natural which is so close, that the difference can fade completely into the background for an instant. MARC CHAGALL captured this instant in words, when he said: “I do not desire to emphasise the religious, art . . . is by its very nature religious, as is everything creative.”¹⁸ Closer examination, however, reveals that art can be religious only by means of and on the strength of its symbolic character, its ability to act as a sign, which in turn reveals a new relationship to the worship of the Church. The outreach toward the mystery of the world, drawn into a cosmic dimension, can only ensue in a symbolic manner, in a medium in which the realities of the mystery and palpable reality come together in a “symballein.” Thus the work of art as a “symbolising of the interior, the mental and the spiritual” is “a natural analogue to the sacrament.”¹⁹ From this point of view it is completely fitting that above all the Catholic conception of faith, which takes seriously the unity of creation and redemption, involves this “sacramental essence” of art in the cultic sacrament, and this not merely for reasons

16 Thus O. MAUER, *Kunst und Christentum* (Wien 1946) 10.

17 On this see H. SCHADE, *Gestaltloses Christentum? Perspektiven zum Thema Kirche und Kunst* (Aschaffenburg 1971) 27.

18 Cited according to W. ERBEN, *Marc Chagall* (München 1957) 16.

19 MAUER 15.

of expediency and custom, but because of the inner congruity of art and cosmic liturgy, which far surpasses any mere functional value.

Plainly, the question which arises at this point goes farther and attempts to discern whether this relationship between art and the celebration of the cultic mystery is also valid for music. The question arises primarily in view of certain historical problems and facts which appear to indicate a certain antithesis between the Christian cultic mystery and music in the form of church music. Thus in spite of the positive evaluation of church music at Vatican II,²⁰ which was repeated at the "Joint Synod of the German Bishops,"²¹ leading theologians declare that "From the viewpoint of its (in a good sense) esoteric essence, genuine art (including church music) can scarcely be harmonised with the essence of the liturgical reform."²² It is in the light of this misjudgement²³ that we must also interpret the critical question, "whether a sung gospel is the proclaimed word of God."²⁴

Now it must be admitted that out of the introduction of music into worship in early Christian times, certain difficulties repeatedly arose,²⁵ but these were due to the conditions of the times, for instance when one thinks of the criticisms of St. Jerome (died 420), who primarily opposed the theatrical style of the younger folk in their singing in church.²⁶ Rather more penetrating is the criticism (or better: the conflict) of St. Augustine (died 431) in his judgement on artistic music in the church, when he expresses the fear of "sinning grievously" insofar as "the music moves him more than the reality being sung." But ultimately, after a struggle, he reaches the positive conviction that "the use of singing in the church may be approved, so that by the delight of the ears the faint-hearted may rise to the world of devotion."²⁷ But it should be plain that for Augustine, as a man of antiquity, and a Platonist to boot, who had converted to Christianity, any reservations did not stem from a fundamental contempt for music within worship, but rather on the contrary from the recognition of music's power to overcome man, and its actually sensual-ecstatic potency,²⁸ which he had experienced in the closed world of paganism: after all, in the antique world music possessed a thoroughly cosmic significance for the shaping and structuring of life. In the Pythagorean conception of the world, music was the expression and revelation of the harmony and number which ruled the cosmos, and in fact was the concretisation and objectification of the cosmic harmony most perceptible to the senses, though it was also burdened with all the ambivalence which is proper to the cosmic powers. In contrast to this view, Augustine experienced the difficulty which he reduced to a formula of classical simplicity, namely that the medium, i. e. the music, could move and impress men more than the "reality which was besung", i. e. the *mysterium*. In other words, it is not so much a rejection of music which speaks through here, but rather concern for music's symbolic, mediating function, which it actually

20 Thus in the Liturgy Constitution, Sacrosanctum Concilium 112/21.

21 L. BERTSCH et al. (edd.), Gemeinsame Synode der Bistümer in der Bundesrepublik Deutschland. Beschlüsse der Vollversammlung 1 (Freiburg 1976) 220 ff. (Beschluß Gottesdienst).

22 K. RAHNER – H. VORGRIMLER, *Kleines Konzilskompendium* (Freiburg 1966²) 48.

23 Criticism has also been uttered by J. RATZINGER, *Zur theologischen Grundlegung der Kirchenmusik*: Klerusblatt 55 (1975) No. 11/263, and see also No. 12/305–8.

24 RAHNER – VORGRIMLER 49.

25 On this see the references in K. G. FELLERER (ed.), *Geschichte der katholischen Kirchenmusik 1* (Kassel 1972); A. COLLING, *Die religiöse Musik* (Aschaffenburg 1957).

26 Comm. in ep. ad Eph. 3/5 = MPL 26/528.

27 Confessions 10/33,50.

28 On this see COLLING 6 ff.

was unable to exercise fully in a world without revelation, without the salvation made accessible by Jesus Christ, so that music was in fact able only to contribute to a mere glorification of this-worldliness. It may well have been a similar concern which, in a later age, moved Thomas Aquinas to state his position regarding the problems of instrumental music arising in his day,²⁹ for he held that through it the spirituality of cult and its central content – namely, the *mysterium* – could suffer harm. One need not overlook the kernel of truth contained in this concern, and yet one must say that the concern is, as a whole, unfounded. This can be maintained not only in view of the success of instrumental church music in its historical development, but also on the basis of the essential truth discussed earlier: the *mysterium* in worship presses for bodily representation, indeed sensible embodiment, and excludes nothing human, because it desires to redeem the entire man and bear him towards God, and this by the inclusion of his own action and cooperation. Hence St. Thomas' profound statement (originally, it is true, restricted to vocal music) also applies to church music as a whole. To the question, why people should sing in church, he replies: "in order to arouse man's devotion towards God" – ad provocandum alios ad laudem Dei.³⁰

From this point of view it is reasonable and justified to regard church music as that essential medium which helps in perfecting the mystery of salvation in its ascending movement to the praise and glorification of God, by taking along, so to speak, the whole man with all his senses. For this task church music is so well suited, that R. GRABER can say of it: "Musica sacra opens for us doors which are otherwise closed; it makes possible for us a more profound penetration into the world of the *mysterium*, and allows us to experience the truth of faith much more strongly and intensively than even the believing intellect can."³¹ This is a bold statement, but one which is not without its justification, especially against the backdrop of our age and a one-sided conception of the liturgy which is all too widespread. The liturgy today seems one-sidedly concentrated on the word, which in its rationality and intellectual clarity is supposed to produce enlightening, clarifying, instructing effects. The lengths to which this has been carried in actual practise, are accurately caricatured in popular references to a so-called "sermonitis".

Although an error already lies concealed behind such a rationalisation of the word, nonetheless against the background of the contemporary situation, a new possibility is offered for Musica sacra, namely, to appeal to the deeper levels of man's soul to open themselves to the transcendent, to raise themselves up toward the *mysterium*.

We cannot ignore the difficulties which confront church music in this endeavour, for instance when Musica sacra is referred to as "esoteric" in the statement of certain theologians cited earlier, or when it is said that church music allegedly does not promote the *participatio actuosa* of the whole congregation in the liturgical act,³² because as artistic music it involves only a few "actors" and also directs itself only to the few. These objections, which in themselves are not difficult to refute, cannot be discussed any further here.

It is, however, perfectly in order at this point to formulate a thought concerning the fundamental demands which are immanent in the very nature of church music, and which result intrinsically from the involvement of Musica sacra in the mystery-event. We are faced here with the much-discussed topic which already surfaced in the problems hinted at by Augustine and Aquinas: how can church music be substantiated or justified as religious cultic music, without

29 Sum. Theol. II-II q. 91 a. 1.

30 Sum. Theol. II-II q. 91 a. 1. ad 2.

31 R. GRABER, *Musica sacra – musica profana* (Regensburg 1975) 10.

32 On this see EINIG 58 ff.

either merely copying older styles (as in Caecilianism), or completely sealing itself off from secular music?

At this point, the claims arising out of the *mysterium* cannot be understood as mechanical rules for craftsmen, but rather as spiritual motives which should animate, lead, and determine in the ideal order. After what has been said, one could locate the epitome of these claims in Augustine's statement that church music is not meant to move and fulfill man in himself, but should rather lead him to recognise the "reality which is besung," and to be moved by it. More precisely, this implies a contrast to the pagan mystery cults, for instance, where man was led through the cultic practices to ecstasy and to a simulated fulfillment which thwarted any movement upward toward transcendence. Christian cult, on the other hand, must point man precisely on the way *towards* transcendence: it dare not simulate to him, specifically in the medium of music, a satisfaction and fulfillment which could only be a natural, temporal, and sensual one. It is exactly this danger to which those modern musical experiments are often unconsciously exposed, which through their driving rhythms appeal primarily to man's sensual side, and precisely *not* open him up to the *mysterium*, but instead cast man back upon himself. In addition to a balanced rhythmic structure, and factoring in the specific character of sacred music, one should above all strive for transparency of harmony, its compositorial transparency, because the men who listen can thus be led onward toward the beauty of the *mysterium*. Moreover, care must be taken that obtrusive instrumentation does not rob men of the opportunity to find access to the privacy of the mystery. *Musica sacra*, therefore, will not concentrate narrow-mindedly on simply impressing and fascinating men with her impressive natural means, but will aim instead at directing man toward the even greater splendour of the divine. This leads as a natural consequence to the ethical demands for a subordinate, "serving" use of these natural means, for their purification, spiritualisation, and transfiguration in light of the *mysterium*. After all, the *mysterium* which church music ultimately serves, is one "of the spirit and of truth" (cf. Joh. 4/23). When church music sees itself as not a law unto itself, but rather as subordinate to the spirit and the truth of the *mysterium*, then she will remain transparent for the *mysterium*, and thus fulfill her proper task: to lead men to joy in God, and to adoration of Him.

Copyright Law and Congregational Song at Worship

JOHANNES OVERATH

Since 1956 the Fulda Bishops' Conference (today: Federation of German Dioceses, a corporation in civil law) makes a voluntary payment for musical performances at worship services, although § 52 of the "Law Concerning Copyrights and Related Protective Measures" of 9 September 1965 prescribes the royalty-free rendition of a published work at a worship service.

On 20 October 1966 the composers involved brought suit in the Federal Supreme court alleging that this provision of the law was unconstitutional. As long as the Supreme Court has not rendered a decision, § 52 remains the subject of debate among constitutional lawyers.

Here, we are interested in only one question: *for which musical performances at worship* did and does the bishops' conference intend this voluntary payment to the composers? In an official letter to the Federated Caecilian Societies (ACV) for the German-speaking countries dated 11 February 1956, Bishop Dr. WILHELM KEMPF wrote that

... this sum is to be distributed by the GEMA according to an ecclesiastical ratio scheme to the authors of polyphonic choral music for voices alone or with instrumental accompaniment, and musical works to be played on the organ. It is unnecessary to regulate this matter in the case of Gregorian chant, *congregational song* to the extent that it has become *common property*, and organ improvisation ...¹

An explicit exemption is thus made for "congregational song (at worship), so far as it has become common property".

This distinction, made and borne in mind by the bishops' conference, was overlooked in the abovementioned court action brought by the composers in 1966 presumably because the complainants are there primarily concerned with the more fundamental revision of § 52 which unilaterally disadvantages the church composers and church music publishers.

Even before the Copyright Law was reformed in 1965, it had been pointed out in the preliminary discussion that *the special nature of unison folk-song* requires *a specific legal treatment*. In the course of this preliminary discussion, the question was raised

to what extent can music as intellectual property be co-possession of an in itself unlimited number of persons, i. e. to what extent can music become common property? With regard to unison folk-song the question is easy to answer, since the creator of a folk-song "creates" in the truest sense of the word by drawing upon the common man's world of experience, and thus becomes the spokesman of the people with one explicit purpose: that his song very soon be on everyone's lips. . . . After a period of time, such a song becomes de facto common property, all the more so as practically anyone can realise the song in sound by performing it.²

From this it follows that in the case of folk-song, i. e. in our case ecclesiastical unison congregational hymns, after even a brief period of repetition it is no longer possible to distinguish

1 E. SCHULZE, Kirchenkomponist und Urheberrecht, in H. LONNENDONKER (ed.), In Caritate et Veritate. Festschrift J. Overath = ACV Schriftenreihe 10 (Saarbrücken 1973) 101/5, here 104. Emphasis added.

2 See J. OVERATH, Musik als Geistiges Eigentum, in W. RICHARTZ (ed.), Urheberrechtsreform – ein Gebot der Gerechtigkeit (Berlin 1954) 31/8.

performances exempt from royalties from such as are subject to payment of royalties. In this connexion we may not forget the spontaneity of community singing in the ecclesiastical sphere, for example on pilgrimages and at processions.

The revision of § 52, which we have every reason to anticipate, should factor in these considerations and exempt congregational song at worship from the payment of royalties, in contradistinction to choral and instrumental works of liturgical music at worship services. After all, in a suit challenging the constitutionality of § 46 of the Copyright Law the Federal Supreme Court has already decided (on 7 July 1971) that when one of his works is *included in a collection* (which normally have unusually large editions!) for church, school or instructional use, the composer is no longer required to make his piece available *without compensation, as was previously the case*. The court's decision in favour of the complainants convincingly explains why compensation must be paid to the composer. But the inclusion of such a work in a collection can take place without the composer's approval. The court makes no objection to the exclusion of reproduction and distribution rights for those collections named in § 46, Par. 1 of the Copyright Law.

Thus for the sake of general interest in free access to cultural goods the composer *cannot prevent* the inclusion of his work in such a collection since *his* vulnerable interests have been *appropriately taken into consideration* through the limitation of includable works, the strictly defined limits of purpose for such collections and the right of prohibition allowed the composer in case of a change in conviction (§ 46, Par. 4 of the Copyright Law).

Whereas the court's decision considers individual points of the common good as applied to school instruction and its proximity to the present, it justifies the inclusion of collections intended for church use by merely referring to the special position of the churches in public life.

But when it is a case of the *prayer books and hymnals of the churches*, then one must take into consideration the fact that the "musical works" included here are exclusively intended for community singing. For the most part these are hymns from many centuries, some of them in the public domain and some of them copyrighted because they have been arranged by editors or the like. The smaller proportion consists of copyrighted contemporary songs. Other chants intended for the congregation, for example the so-called refrains, are to be regarded in the same fashion.

Books intended for school use, on the contrary, though they also take folksongs into consideration, usually include choral settings, motets and the like.

As a matter of course, an *organ book* for the accompaniment of the congregational hymns, with preludes and postludes, is always a necessary part of a church hymnal. Furthermore, the cultivation and promotion of congregational singing in the church requires the involvement of the church choir. From this fact there follows the need for a *collection with choral settings* of tunes from the hymnal.

During the intervening years, the standard national hymnal and prayerbook (EGB) for the dioceses of the German-speaking countries has been published. The total of copies printed has already reached almost five million. In his timely article discussing "Problems with Gotteslob," composer JOSEF FRIEDRICH DOPPELBAUER has convincingly shown that the introduction of this hymnal could become the "starting point for a popular culture in the area of church music." "Hymns . . . serve the general public," but they very soon require "a secondary literature which is derived from the hymns and comments upon them." DOPPELBAUER stresses here the independence of this secondary literature, which involves "hymn settings of all types, hymn-motets and

hymn-cantatas, organ preludes of all kinds, from brief intonations all the way to large-scale chorale fantasies.” He then discusses the legal conditions under which such compositions are possible – or impossible, as the case may be.

Viewed superficially, the problem is easily solved. One need only request from composer and publisher of the hymn permission to make an arrangement, grant them a percentage of the sales of the arrangement, and then everything is quite in order. But reality proves to be different. When permission is granted at all (it can also be denied!), the arrangement fees or the percentage demanded can be so high that the whole effort is not worth it in terms of money or principle either for the arranger or for his publisher. It is a matter of bringing the relationship between the hymn and its elaboration into the proper balance.³

Of course it is true that even in selecting and assembling the hymns, such legal consequences as were valid at the time could and should have been taken into consideration, just as the decision about acceptance or rejection of hymns, new settings and arrangements must always be kept distinct from any thought of private interest, for the sake of the matter itself.

Apart from this, it must be said that the law in force at present is not favourable to the desire expressed by J. F. DOPPELBAUER and, I should like to add, not even consistent in view of the decision of the Federal Supreme Court on 7 July 1971 regarding § 46 of the Copyright Law.

This decision emphasises that it is a matter for the legislature to establish, within the limits set by the contents of the Copyright Law, standards appropriate to the matter which will assure a use corresponding to the nature and social significance of the Copyright Law as well as an appropriate economic recompense (Art. 14, Par. 1, Line 2 of the Federal Constitution). Thus it is also a matter of concern to the legislature that the special inner laws of the material to be regulated by law – here in the area of music for worship – be taken into consideration, just as the lawgiver provides in the Copyright Law for certain restrictions in the interest of promoting art and culture. According to these principles, a composer’s copyrighted works may after publication be included *without the author’s permission* for church, school or instructional use, but *compensation must be paid to the composer*.

There are special reasons for this ruling and they are quite sensible in cases involving unison folksongs, because the composer regards the purpose of his compositional effort as being fulfilled only when as many people as possible make their own the songs he has composed, in other words when the song becomes common property in a way corresponding with its nature. The very nature of the whole matter explains why the law provides for further diffusion without special approval by the author.

Now that the Federal Supreme Court, with its decision of 7 July 1971, has excluded the author’s right of prohibition while simultaneously recognising a claim to compensation, in all consistency the same ruling should be applied to the organ and choir books which necessarily accompany a church hymnal, and this in the sense of and for the sake of encouraging progress in church music, without thereby financially damaging the authors. Incidentally, it may be pointed out that for example the authors of ecclesiastical folk-songs for the new standard hymnal „Gotteslob“ were paid high honoraria which moreover are far out of proportion to the receipts of the church composers for their more substantial liturgical choral and instrumental compositions.

3 J. F. DOPPELBAUER, Probleme um das Gotteslob: Singende Kirche 23 (1975/76) 103.

In any event an exclusion of the right of prohibition for melodists would enable the editors and publishers of collections intended for church use to select the artistically best organ and choral settings. The precondition for this, of course, is “the freedom of artistic elaboration” (DOPPELBAUER).

In the interest of artistic development it would therefore be most regrettable if in the area of unison ecclesiastical folksong excessively narrow limits for musical creation were to be set by the barrier of a rigid and undifferentiated protection of the melodies. HEINRICH HUBMANN considers the protection of melodies in the presently valid Copyright Law to be necessary “in order to thwart the exploitation of borrowed melodies in pop- and entertainment music.”⁴ That may well appear justified in this particular business sector, but in the area of ecclesiastical community song it is precisely a question of preventing such commercial behaviour. We need not fear a development in that direction so long as “the public rendition” of a unison ecclesiastical community song (which should be and is the *common property of the churchgoers*) is not made subject to royalty payments.

Surely we must hail, for reasons of justice, the pending lawsuit of the composers against § 52 of the Copyright Law, which denies to the creators of liturgical music both choral and instrumental any claim to compensation when their works are performed at worship services, so that this special provision of the law which disadvantages church composers and the real publishers of church music may finally be done away with. But just as surely does the 1971 revision of § 46 of the Copyright Law deserve grateful recognition, for in the main it recognised even then the legitimate claim to compensation for a composer of congregational songs when his pieces are included in a collection intended for church use.

The wishes expressed here for a specific legal treatment of congregational hymns at worship are aimed at encouraging progress in church music for the congregation today, for which special opportunities have been created within the Church by the standard hymn tune versions presently available within the German language area.

Hence we must seriously consider the words of J. F. DOPPELBAUER:

It is an established fact that a skilful setting or a larger chorale-motet are interpretations of the hymn which can surpass by far the substance of the “prototype,” as is often the case. A simple hymn setting might still be considered an arrangement, but a hymn-motet is already a composition on a “general theme.” And in the case of a large organ fantasia on a new hymn the relative importance is completely different. The aesthetic and imaginative importance and significance of a large chorale elaboration by BACH or REGER is scarcely comparable to that of the hymns which form the basis of such pieces. It is only sectarian ideologues of hymnology, blind to values, who can equate the two. . . . Just think: how impoverished our church music would be, especially in the area of the vernacular languages, if everything had been copyrighted in the past. To begin with the most simple forms, we would not be able to choose from among several versions of a hymn the one which appears best to us; we would have very few hymn settings (perhaps only the simple original setting – provided the hymn author was even in a position to compose

4 H. HUBMANN, *Urheber- und Verlagsrecht* (München 1973³) 169.

one); we would have scarcely any chorale motets, chorale cantatas, chorale preludes and chorale fantasies! Most great settings and masterpieces would have in fact remained unwritten!⁵

There is thus no doubt but that the rigid protection of melodies anchored in the Copyright Law valid at present, has seriously encumbered further artistic development in the field of congregational hymnody. To be sure, the provision was already present in § 13, Par. 2 of the previous Literature and Music Copyright Law. Whereas the government draft wanted to delete this provision, it was nonetheless retained without differentiation in the new Copyright Law. In the interests of art, this problem should be scrutinised in more detail. This provision of the law must seriously hinder the development of congregational song in the church as well as the development of a musical culture which is close to the people.

5 J. F. DOPPELBAUER, *Probleme* (note 3) 103.

Continuity and Development of Ecclesiastical Legislation Regarding Gregorian Chant in the Light of Vatican 2

WINFRIED AYMANS

The recent history of ecclesiastical legislation in the area of church music offers an opportunity to mark a double anniversary today: on the feast of St. Caecilia 75 years ago (22 November 1903) POPE PIUS X published his “codice giuridico della musica sacra”,¹ as he himself wished his *Motu proprio* on church music to be understood. On the same day, exactly fifteen years ago, there took place in St. Peter’s at Rome the final vote on the schema of the liturgy constitution “Sacrosanctum Concilium”, which, as we all know so well, contains a brief chapter concerning sacred music.²

It is not my task today to comment critically upon postconciliar legal developments in the area of sacred music. To a great extent this has already been done by others.³ Therefore I shall touch upon postconciliar legislation only in passing. This double anniversary is rather an occasion to inquire, with special reference to the legislation concerning Gregorian chant, whether there are any relationships between the two bodies of legislation which are separated by sixty years, namely, the *Motu proprio* of PIUS X and the conciliar Constitution, or whether here as it were two worlds are compared, which actually have nothing to do with each other. In other words, the question is whether in its legislation concerning Gregorian chant, Vatican 2 really amounts to a completely new beginning, or whether the Council in fact marks a certain high point or landmark in a continuous legislative development. In view of the limited time at my disposal, I must restrict myself to a few important points.

1. Nature and task of church music

In his commentary on Vatican 2’s Liturgy Constitution, JOSEF ANDREAS JUNGSMANN, the great name in liturgical studies, claims (even if more or less in passing) that calling “ecclesiastical song an integral part of the liturgy” (cf. SC 112) is a new evaluation.⁴ This opinion however, cannot be sustained; after all, the description of sacred music’s essence as *pars integrans* of the solemn liturgy was in fact the basic principle of POPE ST. PIUS’ legal code of church music.⁵ How-

- 1 MP “Tra le sollecitudini dell’ufficio pastorale”: ASS 36 (1904) 329/39, hereinafter cited as MP. This Italian version is the official text, though a Latin translation followed immediately under the title “Inter plurimas pastoralis officii sollicitudines”: ASS 36 (1904) 387/95, hereinafter cited as MP *Inter plurimas*. Later, F. ROMITA published both texts in a parallel edition, but the Latin text was a completely new translation; hereinafter cited as ROMITA. Cf. F. ROMITA, *Jus Musicae Liturgicae* (Roma 1947) 290/301.
- 2 Chapter 6, articles 112/21. In the Public Session of 4 December 1963, the Schema was officially voted upon and passed as a conciliar Constitution.
- 3 See H. FLATTEN, *Zur Rechtslage der Musica Sacra nach dem 2. Vatikanischen Konzil*, in U. MOSIEK and H. ZAPP (edd.), *Ius et salus animarum = Festschrift Panzram* (Freiburg 1972) 171/99; also G. MAY, *Zur liturgisch-musikalischen Rechtslage*, in J. OVERATH (ed.), *Magna Gloria Domini. Die liturgische Musik in den Kathedralen, Abteikirchen und Ecclesiae Maiores nach dem Vatikanum II* (Roma 1972) 15/39.
- 4 LThK Council Volume 1/97.
- 5 MP n. 1: *la musica sacra, come parte integrante della solenne liturgia, ne partecipa il fine generale, che è la gloria di Dio e la santificazione dei fedeli.*

ever, a few small differences can be discerned. The *Motu proprio* attributes this property to church music in a very general way, whereas the conciliar text limits it to worship music joined to words.⁶ Here the Council was somewhat more precise, but it still followed the line that Pius X actually followed in this matter. This is easily seen in the unique significance which the *Motu proprio* attributes to vocal music: the document even states that the Church's very own proper music is "musica puramente vocale".⁷ A second difference between the two texts is that the Liturgy Constitution calls ecclesiastical chant not merely an integral, but a "necessary or integral part of the solemn liturgy".⁸ It seems to me that here too a certain precision is evident: ecclesiastical song is not only a component of the solemn liturgy in which it is used, but solemn liturgy itself only comes into existence when ecclesiastical song is an integral part of the whole. In other words, liturgy does not exist in its fulness unless "cantus sacer" fulfills its liturgical role within it.⁹

Finally, for a general description of sacred music's task (in addition to the description of its essence), the Liturgy Constitution appeals specifically to St. Pius X who so strongly emphasised the ministerial task of church music in worship. Actually, Pius X emphatically rejected an expansive and theatrical style inspired by the spirit of the world which appeared principally in Italy in the 19th century;¹⁰ of course the liturgy was thereby relegated to a secondary position. As a matter of fact music is simply a part of the liturgy, says the *Motu proprio*, and its humble maid-servant.¹¹ This expression "humilis ancilla liturgiae", which Pius XI changed into "ancilla nobilissima"¹², and the reference to church music as "liturgiae quasi administra" by Pius XII¹³, were all considered in the schema for the Liturgy Constitution.¹⁴ In the final text, however, the statement that church music serves the liturgy "velut ancilla seu administra" does not appear, though the factual statement of the ministerial character of church music is made in the very first article of Chapter 6 of the Constitution.¹⁵

6 Conciliar Constitution "Sacrosanctum Concilium" (hereinafter cited SC) n. 112: "Musica traditio Ecclesiae universae thesaurum constituit pretii inaestimabilis, inter ceteras artis expressiones excellentem, eo praesertim quod ut cantus sacer qui verbis inhaeret necessariam vel integram liturgiae sollempnis partem efficit."

7 MP n. 15.

8 This formulation is based upon a suggestion of Bishop KEMPF: thus J. A. JUNGMANN in LThK Council Volume 1/95. Interestingly enough, the official Italian text of the MP speaks of the "parte integrante"; in MP Inter plurimas this is rendered as "pars integrans", but the phrase is translated as "pars necessaria" in the version given by ROMITA. It is possible that this text suggested the phraseology of the Schema of the Liturgy Constitution, which was as follows: "... cum Musica sacra efformet necessariam liturgiae sollempnis partem..." On this see J. OVERATH, Die liturgisch-musikalischen Neuerungen des II. Vatikanischen Konzils, in K. G. FELLNER (ed.), Geschichte der katholischen Kirchenmusik (Kassel 1976) 2/370-80, here 373.

9 The Council itself did not present a definition of the solemn liturgy. On this see OVERATH, Neuerungen 379 n. 8. That the Latin text of SC 112 connects the words "necessariam" and "integram partem" with "vel", cannot hide the fact that this "or" is to be understood in the sense of "and"; therefore the non-literal translation printed in LThK appears factually accurate. This is confirmed by the fact that in the following paragraph SC 113, solemn song is listed among the other characteristics of the highest form of the liturgical action. Hence it is justified to designate sacred music as a *constitutive* element of the solemn liturgy.

10 MP n. 6 in connection with n. 22.

11 MP n. 23.

12 Const. Ap. "Divini Cultus" of 20 December 1928: AAS 21 (1929) 35.

13 Litt. Encycl. "Musicae sacrae disciplina" of 25 December 1955: AAS 48 (1956) 12.

14 See the evidence presented by J. OVERATH, Neuerungen 373 n. 8.

15 SC art. 112 par. 2/4.

2. The Rank of Gregorian Chant

In his commentary to Article 113 of the Liturgy Constitution mentioned above, JUNGSMANN writes that “The ideal of a high Mass in a foreign language surrounded by great musical splendour, has been abandoned”.¹⁶ If we pass over the language problem for a moment, we must nonetheless note that at least since the time of PIUS X there never existed in ecclesiastical legislation an “ideal” understood in that way. In Article 116 the Constitution itself upholds this principle: “The Church recognises Gregorian chant as being specially suited to the Roman liturgy. Therefore, other things being equal, it should be given pride of place in liturgical services”.¹⁷ Hence for the Council, the ideal situation regarding ecclesiastical song and hence also for the solemn liturgy, is Gregorian chant. But in saying this, the Council neither abandoned anything nor shifted to a new emphasis.

Rather, it loyally reaffirmed what one could call a basic intention of St. PIUS’ *Motu proprio*. The highest qualification of Gregorian chant as THE very own song of the Roman Church and her liturgy comes from the legislation of PIUS X, where this highest rank is first of all explained in terms of liturgical history.¹⁸ For PIUS X, however, the real rationale for the prominent position of Gregorian chant follows from its innermost nature. PIUS X demands three qualities of church music in general: it must be sacred¹⁹, i. e. it must not be profane or create a profane atmosphere either of its own self or in its style of performance; it must be true art, it must finally be universal.²⁰ The Pope sees these qualities realised most completely in Gregorian chant.²¹ Therefore he also regards the chant as the highest model, as it were a standard for all other church music.²² As far as the previously cited “ideal of a high Mass surrounded by great musical splendour” is concerned, we find in the 75 year old *Motu proprio* an express statement that everyone can rest assured that no ecclesiastical function²³ would lose any of its solemnity if it were accompanied by no other music than Gregorian chant. In the following decades this line of thought continues without interruption. Fifty years ago – another anniversary, even though not on the exact day! – PIUS XI stated in his Apostolic Constitution “*Divini Cultus*”: “We hereby declare that chant combined with orchestra is by no means considered by the Church as a more nearly perfect form of music, or more suited to sacred things. It is proper that the voice itself rather than musical instruments should be heard in the churches; that is, the voice of the clergy, singers and congregation”.²⁴ In his commentary on the conciliar Constitution, JUNGSMANN explains the retention of

16 LThK Council Volume 1/96 and on this see also J. OVERATH, *Bestimmungen der Konzilskonstitution*, in K. G. FELLNER (ed.), *Geschichte der katholischen Kirchenmusik* (Kassel 1976) 2/389.

17 The equivalent of this formulation can already be found in the Instruction “*De Musica Sacra*” of 3 September 1958: AAS 50 (1958) 630/3, n. 16.

18 MP n. 3. Here reference is made to the fact that the Roman Church has inherited Gregorian chant from the ancient Fathers, that she preserved and cultivated it for many centuries, that she acquainted the faithful with it, and admitted it as the sole form of music in certain parts of the liturgy.

19 On this see also the further remarks of PIUS XII in “*Musicae sacrae disciplina*”, article 3, par. 3.

20 MP n. 2.

21 MP n. 31, par. 1: “*Queste qualità si riscontrano in grado sommo nel canto gregoriano che è per conseguenza il canto proprio della Chiesa Romana . . .*”

22 MP n. 3, par. 2. Here, Gregorian chant is called “*supremo modello della musica sacra*”.

23 MP n. 3, par. 3: “. . . una funzione ecclesiastica nulla perde della sua solennità . . .”; see also MP *Inter plurimas*: “*sacram liturgiam nihil solennitatis amittere*”; *ROMITA*: “*divinam rem nihil magnificentiae suae amittere*”.

24 German text cited in the original according to S. MAYER, *Neueste Kirchenrechtssammlung* (Freiburg 1953) 1/358.

the primary position for Gregorian chant on the basis of the Church's loyalty to her own history.²⁵ As appropriate as it is, this historical argument, taken by and for itself, would rather go to prove that Gregorian chant is to be preserved only as an archaic museum piece. The Council deliberately limited itself to short, concise statements²⁶; hence it also chose to forego a more precise explanation of why the Church regards Gregorian chant as the Roman liturgy's very own song. In actual fact, therefore, as far as the issue itself is concerned, the rationale remains unchanged, i. e. it is to be sought in the essence and structure of Gregorian chant as well as in fidelity to the Church's history, as long as later decrees of the Council do not exclude such factual arguments. And of that there is no hint. Finally, when JUNGSMANN claims that an exclusive validity for the liturgy is no longer attributed to Gregorian chant²⁷, one would really like to know what is being referred to here. Exclusive validity for the liturgy is not claimed for Gregorian chant either in the *Motu proprio* of PIUS X or in any succeeding legislation up to and including Vatican 2.²⁸ And in the Council's view, nothing has changed as far as the exemplary nature of Gregorian chant is concerned; this can be seen in the fact that for Gregorian chant there is obviously presumed as self-evident something which is expressly demanded of other types of church music, especially polyphony: that it must correspond with the spirit of the liturgy.²⁹ Noteworthy, however, is the context in which the connexion with the "spirit of the liturgy" is made: with reference to Article 30 of the Liturgy Constitution. It is noteworthy because this conciliar statement lists the elements of the external participation by the faithful in the celebration of the liturgy, and so we arrive at a third point in our consideration.

3. Gregorian chant and *actuosa participatio*

One of the basic intentions of the Liturgy Constitution is to guarantee the active participation of the faithful in the celebration of the liturgy.³⁰ Here, the interpretation of the concept "*actuosa participatio*" caused some difficulties at the outset, and in regard to the singing of the Sanctus in polyphonic Masses these difficulties have still not been legally clarified in a completely satisfactory way.³¹ Nevertheless, Gregorian chant does not obstruct the requirements of a living participation of the faithful in the solemn liturgy – it actually promotes such participation. In this question PIUS X pointed the way with his demand that Gregorian chant should also be restored to congregational use, thus enabling the faithful to take a more active part in celebrating God's praises, and the mysteries, according to ancient custom.³² Both PIUS XI and PIUS XII re-

25 LThK Council Volume 1/97.

26 Compare the *relatio* of Bishop CESARE D'AMATO of St. Paul's, pronounced in the aula of St. Peter's on 29 October 1963. A German translation has been published by J. OVERATH, *Neuerungen* 378 n. 8.

27 LThK Council Volume 1/97.

28 Compare PIUS XI, *Const. "Divini Cultus"* of 20 December 1928: AAS 21 (1929) 33/41; PIUS XII, *Litt. Encycl. "Musicae Sacrae Disciplina"* of 25 December 1955: AAS 48 (1956) 5/25; S. C. R. *Instr. "De musica sacra"* of 3 September 1958: AAS 50 (1958) 630/63. To be sure, the MP of PIUS X excluded vernacular songs from the solemn liturgy (n. 7), whereas the Liturgy Constitution allows religious congregational singing "according to the rules and prescriptions of the liturgy" even in liturgical actions strictly so called (*in ipsis liturgicis actionibus*: art. 118).

29 SC art. 112, par. 2

30 See especially SC articles 26/31.

31 Compare the remarks mentioned above in note 3, by H. FLATTEN 187/9.

32 MP n. 3 par. 4: "In particolare si procuri di restituire il canto gregoriano nell' uso del popolo, affinché i fedeli prendano di nuovo parte più attiva alla officatura ecclesiastica, come anticamente solevasi."

peated the idea and pressed it more urgently³³, thus enabling Vatican 2 to reap the harvest of the previous 60 years of development. It is quite understandable that the Liturgy Constitution limited itself to stating general principles and rules. One can regard Article 28 as the main statement concerning *actuosa participatio*, when it says that in liturgical celebrations each person, minister, or layman who has an office to perform, should carry out all and only those parts which pertain to his office by the nature of the rite and the norm of the liturgy. In itself, this fundamental rule is very welcome, but it is actually more equivocal than might appear at first glance. The point of the statement is the distribution of roles between the liturgical leader and the assembly of the faithful in general: it is intended above all to counteract the “omni-function” of the priest celebrant. As far as the assembly of the faithful is concerned, different roles can arise depending upon the situation and the possibilities, e. g. the liturgical service of the acolytes, lectors, commentators, church choir³⁴, as they are listed in Article 29. Considering the congregation as a whole, the minimum demanded is that in addition to actions, gestures, and bodily positions the acclamations, responses, psalmody, antiphons and songs should be promoted and encouraged. Postconciliar legislation (namely the Instruction *Musicae sacram* of 1967) made this more precise by demanding that the congregation should at least sing certain responses and acclamations, and as a rule the *Pater noster* together with the priest.³⁵ This minimum program corresponds perfectly with the prescriptions laid down by the instruction *De Musica Sacra* in 1958 as the first stage of *actuosa participatio*, taking into account the liturgical changes, of course: the *Pater noster* should be sung in its entirety by priest and people, who have more than a mere concluding response to sing. If one regards this 1958 Instruction as the last great pre-conciliar summary of all that the *Motu proprio* had begun, then one is amazed at the program laid out here for the deepening of congregational participation in sung Masses. The second level to be striven for is that the faithful can sing the Ordinary of the Mass, or at least easier parts thereof. And finally the third stage was to make even parts of the Proper accessible to congregational singing, whereby this was above all recommended for seminaries and monastic communities.³⁶

That Vatican 2 was also greatly interested in the widest possible use of Gregorian chant in actual practise, is shown by its recommending the publication of a chant book which would contain the simpler melodies for the use of smaller churches.³⁷ But these efforts were not directed exclusively toward the deepening of *actuosa participatio*, but simultaneously toward the formation of a community which extends beyond the boundaries of the concrete liturgical community, using liturgical song as a means. And that brings me to another point.

33 PIUS XI, Const. Ap. “*Divini cultus*”, n. IX: “In order that the faithful may take a more active part in divine worship, let that portion of the chant which pertains to the Gregorian be restored to popular use. It is very necessary that the faithful taking part in sacred ceremonies should not do so as mere outsiders or mute spectators, but as worshippers thoroughly imbued with the beauty of the liturgy . . . so that they may sing alternately with the priest and the scholae, according to the prescribed rule. In this event we should not find the people making only a murmur or even no response at all to the public prayers of the liturgy, either in Latin or in the vernacular”. German text in the original according to S. MAYER 1/359. Similarly PIUS XII in the encyclical *Mediator Dei* of 20 November 1947, n. 104: AAS 39 (1947) 589. This text was quoted in the Instruction “*De Musica Sacra*” of 1958, n. 22 b.

34 Regarding choirs see the explicit statement in the General Instruction to the Roman Missal of 1969, n. 63.

35 See H. FLATTEN 182.

36 Instr. S. C. R. “*De Musica sacra*” n. 25.

37 SC art. 117 par. 2. Regarding the concept of “*simpliciores modos*” see J. OVERATH, *Bestimmungen* 392 n. 15.

4. The universality of Gregorian chant

The Liturgy Constitution opened a wide area to the use of the vulgar tongue in worship, and this fact was justifiably greeted with enthusiasm by pastors. It is quite a different question, however, whether the onesidedness which has crept into a wide-spread post-conciliar practise, is actually in accord with the text and the spirit of the Council. It is not my task to discuss this question. This much is clear: the program foreseen as stage two in the church music Instruction of 1958 was expressly taken over by the Liturgy Constitution, at least to a certain extent, in its Article 54, Par. 2. Here the Council says: "Nevertheless care must be taken to ensure that the faithful may also be able to say or sing together in Latin those parts of the Ordinary of the Mass which pertain to them." More modest in scope but all the more noteworthy in its rationale, the General Instruction of the Roman Missal of 1969 has the same intention: since Catholics of various languages gather more and more frequently, they should all be able to sing together in Latin at least some parts of the Mass Ordinary, above all the Creed and the Lord's Prayer, in simple settings.³⁸ Here one should remind oneself that ST. PIUS X called "universality" an essential characteristic not only of the liturgy in general, but also of sacred music in particular. The *Motu proprio* understands "universality" as a criterion of church music in the sense that a music linked to one culture may not cause offence even outside its own cultural circle.³⁹ At the same time, Gregorian chant is said to realise in a most exemplary way these essential characteristics and thus also this universality.⁴⁰ In this train of thought the universality of the chant is explained on the basis of its innermost nature, as it were. In his encyclical "*Musicae Sacrae Disciplina*" PIUS XII goes into greater detail regarding the three essential characteristics of sacred music listed by PIUS X. Concerning "universality" he says "... and when Gregorian chant resounds pure and genuine in the Catholic churches of the entire world, then it bears in itself the sign of universality, just as does the holy Roman liturgy, so that regardless of where on earth they may be, the faithful will recognise the familiar melodies and thus feel at home, experiencing the wonderful unity of the Church as a great consolation. Indeed, this is one of the principal reasons why the Church so earnestly desires that her very own Gregorian chant remain inseparably united with the Latin words of the sacred liturgy".⁴¹ In this text from the year 1955, the inner universality of chant, rooted in its essence, is clearly connected with the external universality which promotes the

38 *Institutio Generalis Missalis Romani*, n. 19 par. 3. On this see also B. FISCHER, Abt ILDEFONS HERWEGEN. Eine Würdigung nach dem Zweiten Vatikanischen Konzil, in E.V. SEVERUS OSB, Was haltet ihr von der Kirche? Die Frage des Abtes Ildefons Herwegen an seine und unsere Zeit. Beiträge und Würdigungen aus Anlaß seines Geburtstages vor hundert Jahren am 27. November 1974 gesammelt = BGAM Supplbd. 3 (Münster 1976) 35, where he predicts and in fact demands for the future a reasonable coexistence between international Latin and the various vulgar tongues, "if we do not want to be accused by our descendants of insensibility in the face of a world which is daily drawing closer together". One must remark with gratitude this statement of so reputable a liturgist. But this should not delude responsible persons into assuming that such a "reasonable coexistence" would come about so to speak by itself. A great deal of practical effort is called for here.

39 MP n. 2 par. 4: "Ma dovrà essere universale in questo senso, che pur concendendosi ad ogni nazione di ammettere nelle composizioni chiesastiche quelle forme particolari che costituiscono in certo modo carattere specifico della musica loro propria, questo però devono essere in tal maniera subordinate ai caratteri generali della musica sacra, che nessuno di altra nazione all'udirle debba provarne impressione non buona."

40 MP n. 3 par. 2: "Per tali motivi il canto gregoriano fu sempre considerato come il supremo modello della musica sacra..."

unity of the Church. It is not difficult to recognise how the bridge connects ST. PIUS X via PIUS XII with the Liturgy Constitution, which openly recognises the unifying role of congregational Gregorian chant.⁴² Although the Council deliberately stayed out of the professional artistico-musical discussion concerning the relationship between chant melody and Latin language,⁴³ the Council was nonetheless fully conscious of the fact that in any case the universality of Gregorian chant is also based upon the Latin language connected with it.

5. Scientific and paedagogical treatment of Gregorian chant

Allow me a brief reference to a final point which permits us to recognise the continuity and the development of ecclesiastical legislation regarding Gregorian chant. The Council refers specifically to the “editio typica” of the chant books and calls for their critical revision and completion.⁴⁴

And for the practical preservation and propagation of Gregorian chant it is indeed vitally important that it be cultivated both theoretically and practically in seminaries and religious houses. St. PIUS X expressly demanded this,⁴⁵ but the Liturgy Constitution, too, allows no other conclusion, because in church music education (upon which the Council places great emphasis,)⁴⁶ one cannot simply suppress that form of church music which takes primacy of place in liturgical actions as the very own song of the Roman liturgy.

Summary

The statements and legal prescriptions of Vatican 2 regarding Gregorian chant are tied into the development which began in this area with the Motu proprio “Tra le sollecitudini” of ST. PIUS X, and which was continued and deepened by his successors. Thanks to the fact that Vatican 2 did not have to begin a reform in this area, but could instead benefit from 60 years of reforming work, the basic elements of the legislation regarding Gregorian chant have not been changed by the Council.

From the Motu proprio of St. PIUS X the Council borrowed the description of sacred music’s essence as *pars integrans* of the liturgy, and its ministerial task in the liturgy. Nothing has changed regarding the primacy of Gregorian chant as the very own song of the Roman liturgy. As an especially appropriate possibility Gregorian chant fits in very well with one of the main intentions of Vatican 2’s liturgical reform, since it is suitable for congregational singing of important parts in the liturgy.

41 Encycl. “Musicae sacrae disciplina”, art. III, par. 4. In the following passage the Pope also speaks about the exceptions allowed for certain areas, and demands even in such areas that “the faithful, from their youngest years, learn at least the more simple and more frequently used Gregorian chants, and know by experience how to sing them at liturgical services, so that the unity and universality of the Church may be more clearly evident with each day”.

42 SC art. 116 in connection with art. 54 par. 2.

43 See the report on the schema, published in German translation by J. OVERATH, *Neuerungen* 378 n. 8 and ff.

44 SC art. 117. In the MP of Pius X this reform is mentioned more in passing (n. 3 par. 1).

45 MP n. 25/6.

46 SC art. 115 together with 116.

Further work is to be done, and a complete critical edition to be published on the basis of the “editio typica” introduced by Pius X. Within the framework of the church music training offered in ecclesiastical centres of study, special attention will have to be paid to Gregorian chant as church music of the very first rank, above all because this is the first practical pre-condition to making chant at home in the parishes. Another means to this end can be seen in the Council’s recommendation that there be created an edition containing the simpler chant melodies. In spite of its open attitude to the vulgar tongue in the liturgy, the Council insists that through appropriate measures the faithful be rendered capable of singing together, also in the Latin language, the parts of the Mass Ordinary which pertain to them. This cannot be explained simply in terms of an effort to continue a venerable old tradition. Rather there is involved here the realisation that the universality of Gregorian chant sung in Latin, stressed by St. Pius X and his successors, is a contributing factor to the Church’s unity. Liturgy in the vulgar tongue is an expression of the significance of the local churches and their groupings, a significance which has been rediscovered through the Council. The enrichment of the Church’s pastoral, liturgical and musical life made possible thereby, must not distort our vision of the fact that there lurks here the simultaneous danger of provincialism. The cultivation of Latin Gregorian chant, expressly including congregational singing, must therefore be regarded as a very pressing matter – not in spite of, but precisely because of Vatican 2! Thus it will be possible to express and to strengthen our consciousness of all-encompassing unity in the liturgy, which is the very heart and center of the Church’s life; without this consciousness of all-encompassing unity, multiplicity of forms threatens to lose itself in mere disconnected juxtapositions. If post-conciliar developments have not always been favourable towards Gregorian chant to the desired degree, nonetheless this must not delude us into believing that we are dealing with a primarily legal problem. Rather we are dealing with an attitude, a state of consciousness. Therefore to give Gregorian chant the place it deserves, appears to be a primary task of pastoral practise.

Church Music and Copyright Law Protection in the Federal Republic of Germany

Toward the re-codification of copyright law as it applies to cultic music

WINFRIED SCHULZ

Editor's introduction

The GEMA celebrated its 75th anniversary on 9 February 1979 at Munich. During the ceremonies, the Director-General of the GEMA, Prof. Dr. ERICH SCHULZE, delivered an address which included these passages:

In the thirteenth year of litigation – my lucky number! – the First Senate of the Federal Supreme Court under the presidency of Dr. BENDA declared unconstitutional the law which disadvantages church composers. The judgement states in part: 'There is no convincing reason why appropriate compensation should be denied only to those composers whose intellectual creative accomplishments are the presupposition for any performance of modern church music.'

However, to the credit of the churches it must be said that in spite of the law and the pending litigation they have for many years been making voluntary payments to the GEMA for the church composers. It is only appropriate to mention here the activity of one man who participated in this development, the President of the Conso-ciatio Internationalis Musicae Sacrae in Rome, Professor Dr. JOHANNES OVERATH. But the Supreme Court's decision is important not only for church composers, because there still remain a great many public events which the law (still) in force exempts from compensation.

*Special treatment for cultic music has always been presumed since the earliest efforts toward (originally extra-legal) settlement of claims to compensation for musical performances in the liturgy. (On this see the important address delivered at Fulda on 29 August 1954 by J. OVERATH, published in this volume at pp. 35/40). The key passage reads: "Here (i. e. in administering the copyright law: annual declarations, judgement and valuation, process of appraisal!) we must of course take into consideration the cultic character of liturgical music, which as 'Art for God' essentially distinguishes it from every other type of music." The result of this demand was the "Standing Orders of the Ecclesiastical Evaluation Committee for Music Performed at Worship Services" which the Fulda Bishops' Conference put into effect on 6 November 1956. For the complete text see J. OVERATH (ed.), *Der ACV für die Länder der deutschen Sprache. Gestalt und Aufgabe* = ACV Schriftenreihe 3 (Köln 1961) 135/6).*

The GEMA Board of Directors has repeatedly stressed the great importance of this in fact extra-legal settlement of both churches "in view of the re-codification of copyright law." And regarding the special treatment which copyright law must extend to music in worship, there has always been perfect agreement and unanimity of opinion. On this see e. g. the lecture delivered at Cologne during the Fourth International Church Music Congress in 1961 by E. SCHULZE,

Church Music and Copyright, in: Lectures on Copyright = InterGU Schriftenreihe 25 (Berlin/Frankfurt 1961) 41/50.

It can be expected that together with the churches the GEMA will strive, in the sense of the previous settlement regarding music in worship, for the revision of Sec. 52 of the Copyright Law which has now become necessary.

There is a very current and topical reason for considering in the pages which follow the copyright law protection of church music in Western Germany. The First Senate of the Federal Supreme Court, in its decision of 25 October 1978, expressed its opinion¹ concerning Sec. 52, Par. 1, No. 2 of the Copyright Law, admitting that "the public rendering of a protected work during a worship service, an ecclesiastical celebration or some other event sponsored by the churches or religious groups recognised by the law without the author's permission" is constitutional.² But that the author must make his work "available for such events, regularly and without compensation," contradicts the property guarantee contained in Art. 14, Par. 1, Line 1 of the Federal Constitution.³ Though the amendment to Sec. 52 of the Copyright Law made necessary by this decision has not yet been formulated, the discussion of the legal consequences of this Supreme Court decision began immediately it was promulgated. The thrust of this discussion is of course quite different, depending upon the participants: representatives of the churches, the copyright collecting societies, the publishers or the authors.⁴

The reflections which follow are not intended to channel this discussion in some particular direction, for instance to limit, for the benefit of the churches, the composer's fundamental right to his work and rights of use (usufruct) which flow therefrom. And by no means do we intend through a sterile conservatism to make it more difficult for contemporary (and hence copyrighted) works of church music and their creators to enter our churches. Our purpose is rather to contribute to this discussion a train of thought which we consider fundamentally important, and accordingly to examine it in terms of its relevance and validity for copyright law. The thought can be summarised in this simple sentence: All church music is not the same.

In order to clarify what is meant, it will first of all be necessary to clarify the meaning and content of the term "church music." Here, we must consider and evaluate primarily the official ecclesiastical documents and canonical regulations, since ultimately only the Church herself can say what she regards as her *own* music, i. e. as church music.⁵

Secondly, we shall have to confront this definition with the government norms for copyright, primarily regarding performance, reproduction and use of the work. Since very few areas of the law have experienced so rapid a change in so short a time as the law pertaining to the creative intellect, a third step becomes necessary, namely to review briefly the development of copy-

1 1 BvR 352/71-BVerfG Vol. 49, p. 382 ff. (Official collection). Hereafter cited according to E. SCHULZE, Rechtsprechung zum Urheberrecht = looseleaf collection, supplementary issue 25 as of October 1979 (Munich 1979), abbreviated E. SCHULZE, Rechtsprechung: BVerfG No. 18/1-24.

2 First basic principle in the decision of the First Senate on 25 October 1978, in E. SCHULZE, Rechtsprechung: BVerfG No. 18/1.

3 Second basic principle in the decision of the First Senate on 25 October 1978, in E. SCHULZE, Rechtsprechung: BVerfG No. 18/1.

4 It is scarcely an accident that on 30 November 1978, just 36 days after the Supreme Court decision, the GEMA terminated its lump-sum contract PV/16a No. 1 (1) with the Federation of German Dioceses, effective 31 December 1978. Since then, negotiations are being conducted by representatives of the GEMA and those of the Catholic and Lutheran churches.

5 Our remarks are limited exclusively to the area of the Roman Catholic Church.

right protection for church music in West Germany. And finally, in view of the revision of copyright law which is now necessary, we propose to explain the extent to which the creator of cultic church music can claim the right of usufruct. Here, the inner laws of the material to be regulated must be considered quite as carefully as the actual assignment of usufruct for the composer of such musical works. And thus our consideration of the re-codification of copyright law as it applies to cultic church music will draw the conclusion that there, not only the state but also the Church herself can and indeed must intervene in a regulative fashion.

1. What is church music?

At first glance, the question appears so simple that one is tempted to reply with a simple sentence. Such a one-sentence reply might be, for example, "Church music is music intended for liturgical or extra-liturgical worship services."⁶ If we overlook for the moment the not at all unambiguous distinction between liturgical and extra-liturgical worship services in this context, closer examination reveals that this definition of church music is also problematic to the extent that it presupposes a distinction between church music and religious music. A distinguishing criterion, it is added, is the fact that religious music can also develop in the secular sphere. And when one follows the dictionary's cross reference to "religious music,"⁷ one discovers that "Religious music includes liturgical music (church music), but primarily refers to religious music in the narrower sense of the term, in contradistinction to secular music..."⁸ Already irritated at this discovery, one takes refuge in the term "liturgical music" just mentioned. And on this topic, the identical reference work states that it "resounds at the 'actiones liturgicae' and is 'pars integrans' of the solemn liturgy," and consequently "inseparably linked" with it; in other words no real definition, which the Liturgy Constitution of Vatican 2 generally avoided giving.⁹ JOHN BAPTIST HILBER's reply to our precise question seems to me to be a general but quite useful description, even though it is not a formal definition.

In the widest sense, Catholic church music is that music which is performed in Catholic churches at liturgical and extra-liturgical worship services. It includes the liturgical chants at the celebration of Holy Mass, at the Divine Office and at the other liturgical *actiones* in addition to the songs sung at extra-liturgical services such as devotions or church music festivities. The totality of those chants forms a great arch stretching from the ancient melodies of the Gregorian chant through the many works created over the centuries down to the creations of our own day, in other words unaccompanied song for one or more voices, solo and choral music with organ or orchestra accompaniment, congregational singing and ecclesiastical organ playing.¹⁰

This brief expedition in search of a reply to the query "What is church music?" clearly shows that in the relevant literature there is no agreement on defining the concept of church music, not even among the church musicians and the musicologists. It is easier to define the various

6 Thus K. G. FELLNERER, *Katholische Kirchenmusik*: LThK² 6/233.

7 *Ibid.*

8 H. LEMACHER, *Geistliche Musik*: LThK² 4/623.

9 J. OVERATH, *Liturgische Musik*: LThK² 6/1103.

10 J. B. HILBER, *Was ist katholische Kirchenmusik*, in J. OVERATH (ed.), *Musica Sacra als Lebensinhalt. Eine Auswahl aus Aufsätzen und Vorträgen von JOHANN BAPTIST HILBER* = ACV Schriftenreihe 7 (Bonn 1971) 13.

categories of church music. In view of this state of affairs, one cannot blame the justices of the Federal Supreme Court when, in their decision,¹¹ they sometimes speak of composers "who exclusively compose liturgical music,"¹² in another place of "church music composers"¹³ or "composers of ecclesiastical music,"¹⁴ or again use the expression "composers of religious music."¹⁵

On the one hand this strengthens our conviction that the Karlsruhe decision was in no way intended to make every single kind of church music subject to royalties in future,¹⁶ and on the other hand it also obliges the canonist to explain to the civil legislator, in the interest of an appropriate revision of Sec. 52 of the Copyright Law, the various functions of church music and to call his attention to possible consequences for copyright law.

In the process of searching for the precise meaning of the obviously elusive concept "church music," we shall consider the relevant official ecclesiastical documents. Here it should be noted that the reality expressed in the term "church music" is referred to in both Latin and Italian sources as "Musica sacra". Thus the *motu proprio* "Tra le sollecitudini" of Pius X (22 November 1903), which is regarded as the Magna Charta of church music, includes under the heading "Musica sacra" Gregorian chant, classical polyphony and ecclesiastical compositions in modern style, to the extent that they harmonise with the spirit of the liturgy.¹⁷ Subsequent official documents made no changes.¹⁸ A specific distinction between "musica liturgica" and "musica religiosa"¹⁹ was first made by Pius XII in his encyclical "Musicae sacrae disciplina" of 25 December 1955.²⁰ Pius XII sees the specific note of "musica liturgica" in its intimate link with or proximity to the most sacred action of Christian cult, the Eucharistic Sacrifice.²¹ But he extends the concept to all other cultic music which is a part of the Church's liturgy.²² Hence it will be best to speak of such music as "cultic church music". And for the music referred to as "musica religiosa", one could well use the term "extra-cultic church music".²³

The instruction "De musica sacra et sacra liturgica" issued on 3 September 1958 by the Congregation of Rites in connexion with this encyclical, surely contained the most extensive collection of practical rules in this area issued previous to Vatican 2.²⁴ With a clarity which is un-

11 See note 1 above.

12 E. SCHULZE, *Rechtsprechung*: BVerfG Nr. 18/6.

13 *Ibid.*, 9.

14 *Ibid.*, 7.

15 *Ibid.*, 15.

16 A thought also made plain by the word "regularly" in the second basic principle of the decision: E. SCHULZE, *Rechtsprechung*: BVerfG No. 18/1. HELMUT RIDDER holds the same view: "Finally, the Senate (B. IV) pointed out that beyond the concrete group of cases it could not pass a general judgement for the normal situation of Sec. 52, Par. 1, No. 1 of the Copyright Law." Thus H. RIDDER, *Anmerkung zum Wortlaut der Entscheidung*, in E. SCHULZE, *Rechtsprechung*: BVerfG No. 18, p. 28.

17 ASS 36 (1903/04) 332.

18 See the *Regolamento per la musica sacra in Roma*: AAS 4 (1912) 9; the Apostolic Constitution of Pius XI "Divini Cultus Sanctitatem": AAS 21 (1929) 33/41; the Encyclical of Pius XII "Mediator Dei": AAS 39 (1947) 521/95.

19 AAS 48 (1956) 13.

20 *Ibid.*, 5/25.

21 *Ibid.*, 13.

22 *Loc. cit.*

23 Of it Pius XII says, "We must also hold in honour that music which is not primarily a part of the sacred liturgy, but which by its power and purpose greatly aids religion. This music is therefore rightly called religious music": AAS 48 (1956) 13.

24 AAS 50 (1958) 630/63.

fortunately lacking in subsequent ecclesiastical documents dealing with this legal material, a whole chapter is dedicated to the basic concepts (“notiones generales”),²⁵ almost after the fashion of a scholastic thesis, and we are given a precise definition of that which “sub nomine ‘musicae sacrae’ hic comprehenduntur: a) Cantus gregorianus. b) Polyphonia sacra. c) Musica sacra moderna. d) Musica sacra pro organo. e) Cantus popularis religiosus. f) Musica religiosa.”²⁶ And in order to avoid any possible misunderstanding in applying the concept of “church music,” the Instruction stresses that “The term ‘sacred music’ in this Instruction sometimes refers to ‘singing and playing of instruments’ and sometimes only to the ‘playing of musical instruments’, as can be easily understood from the context.”²⁷ In the event that the literal sense of later official ecclesiastical pronouncements may perhaps not be recognisable with sufficient clarity, we shall, following the rules of canonical interpretation laid down in can. 18CJC, have recourse to the definition laid down here.

Plainly, new tasks and problems for church music have arisen as a result of Vatican 2’s introduction of the vulgar tongue into the liturgy. But as far as the definition of church music is concerned, the Second Vatican Council simply carried on the tradition. Cultic song combined with the words of the liturgy is characterised as a necessary and integral part of solemn worship.²⁸ This connexion becomes more intimate as the relationship to the liturgical action grows more close.²⁹ Less restrictive than the pre-conciliar legislation,³⁰ Vatican 2 approves “all forms of true art which have the requisite qualities, and admits them into divine worship.”³¹

On 5 March 1967 the Congregation of Rites, in the form of an “Instructio de Musica in sacra Liturgia,”³² promulgated a detailed set of rules for the practical implementation of the sixth chapter of the liturgy constitution “Sacrosanctum Concilium.” Referring explicitly to Pius X’s motu proprio “Tra le sollecitudini,” the Instruction defines church music as that music “quae, ad cultum divinum celebrandum creata, sanctitate et bonitate formarum praedita est,”³³ giving what I consider a taxative enumeration³⁴ of all that is included in the term: Gregorian chant, ancient and modern polyphony in its various forms, sacred music created for the organ and other approved instruments, and “cantus popularis sacer seu liturgicus et religiosus.”³⁵ Important for interpreting the definition given in no. 4 B of this Instruction is the footnote which refers explicitly to the 1958 Instruction of the Congregation of Rites mentioned above.³⁶ This shows the

25 No. 1/10 in AAS 50 (1958) 632/4.

26 No. 4 in AAS 50 (1958) 633.

27 No. 11 in AAS 50 (1958) 634.

28 Const. “Sacrosanctum Concilium” Art. 112/2; AAS 56 (1964) 128.

29 “. . . Musica sacra tanto sanctior erit quanto arctius cum actione liturgica connectetur . . .” Constitution, Art. 112/3; AAS 56 (1964) 128.

30 Compare e. g. the protective norms of can. 1264 § 1 CJC or the directives advising extreme prudence in the previously cited Instruction of the Congregation of Rites (no. 11/21, 68/73); AAS 50 (1958) 634/7, 651/2.

31 The text expressly says “. . . easque in cultum divinum admittit,” which literally means “and allows them into the divine cult.” Significant for our definition is the emphasis on *being worthy of the cult*. See LThK² Council Volume 1/95.

32 AAS 59 (1967) 300/20.

33 No. 4a: AAS 59 (1967) 301.

34 This can be deduced from the categorical words of introduction, which exclude an exemplificatory interpretation: “Sub nomine *musicae sacrae* hic veniunt . . .” Thus no. 4b: AAS 59 (1967) 301.

35 *Loc. cit.*

36 *Ibid.*, note 3.

expressed will of the ecclesiastical lawgiver to have the terms understood in the precise sense in which they were defined in the “*notiones generales*” of 1958.

If we now apply these official ecclesiastical statements to our question about the definition of “church music,” then it becomes clear that church music is divided into *cultic* and *extra-cultic church music*. Here, of course, we are always referring to “*cultus publicus*” in the sense of can. 1256 CJC.³⁷ Since public cult or worship can only be performed by persons who act in the name of the Church, i. e. officially, and who are especially deputed for this task through ordination and commission,³⁸ it will be meaningful to subdistinguish in the case of cultic church music as follows:

a) *the officially prescribed cultic chants* of the liturgical officiants (and these are the bishop, the priest and the deacon).

b) *the officially permitted cultic songs* in public worship, which are performed either by a schola, the choir (with or without instrumental accompaniment), the organ or other approved instruments, a cantor (with or without alternation between cantor and congregation) or by the congregation alone.³⁹

Our proposed distinction of cultic church music into officially *prescribed* and officially *permitted*, corresponds with the norms of Vatican 2’s Liturgy Constitution,⁴⁰ with the Instruction “*de Musica in sacra Liturgia*” issued by the Congregation of Rites⁴¹ and with the “*Ordo Missae*” introduced by POPE PAUL VI for the Latin Church in his Apostolic Constitution “*Missale Romanum*” of 3 April 1969.⁴² Although the official chants of the officiants are here prescribed quite exactly and authoritatively,⁴³ the *Ordo Missae* permits a broad spectrum of choices for the officially permitted songs in the liturgy. Indeed, here the ecclesiastical legislator goes so far as to allow, at those moments in the liturgy normally provided for cultic songs, the option of simple recitation⁴⁴ and sometimes in fact even the omission of an antiphon.⁴⁵

37 Can 1256 CJC states: “If worship (*cultus*) is offered in the name of the Church by persons lawfully deputed for this function and through acts which, by institution of the Church, are to be offered only to God, the Saints and the Blessed, the worship (*cultus*) is *public*; otherwise, it is private.” The new Code of Canon Law will not change anything in this definition, since the Pontificia Commissio Codici Juris Canonici recognoscenda has taken it over *verbatim* as can. 50 in Part II of the *Schema canonum libri IV: De Ecclesiae munere sanctificandi* (Typis Polyglottis Vaticanis 1977) 20.

38 Instruction: “*Musicam sacram*” Nr. 13: AAS 59 (1967) 304. Here, because of their specific ministerial function, the servers, lectors, commentators and the “*schola cantorum*” are mentioned by name.

39 Instruction “*Musicam sacram*”, no. 19/20, 22/23, 62/65: AAS 59 (1967) 306, 307, 318.

40 Const. “*Sacrosanctum Concilium*”, Art. 28: AAS 56 (1964) 107.

41 “The correct order of a liturgical celebration demands not merely the due separation and performance of roles, by which ‘each person, performing his role as a minister or as one of the faithful, should do all that the nature of the action and the liturgical norms require of him, and only that.’ It also requires that the meaning and nature of each part and of each chant be carefully observed”. Instruction “*Musicam sacram*,” no. 6: AAS 59 (1967) 302.

42 *Typis Polyglottis Vaticanis*, 1969. Of primary relevance for our question is no. 19 at p. 17/8.

43 Thus, for instance, the norms of the *Ordo Missae* no. 54/5 (*Ibid.*, 24/5) concerning the “*prex eucharistica*” or no. 56 regarding “*invitatio, embolismus*” and “*doxologia orationis dominicae*” (*Ibid.*, 27).

44 E. g. the norms of the “*Ordo Missae*” no. 30 (Kyrie), 31 (Gloria), 36/9 (Graduale), 44 (Credo), 56a (*oratio dominica*) and 56e (*Agnus Dei*): *Ibid.*, 20, 22, 23, 27.

45 Thus, for example, the regulations in the “*Ordo Missae*” governing the Introit (no. 26), sequences (no. 40), Offertory (no. 50) and Communion (no. 56): *Ibid.*, 19, 23, 25, 28.

All the official regulations are quite clear, however, on one point: it is not the primary task of cultic church music to contribute to the beautification or adornment of worship. Rather, cultic church music is “a necessary and integral part” of the liturgy.⁴⁶ In his brief reply to the liturgical historian JOS. ANDREAS JUNGSMANN, JOHANNES OVERATH already pointed out that this definition of cultic church music “does not appear for the first time in the Liturgy Constitution of the recent Vatican Council, but . . . we find it as early as the year 1903 in the *Motu proprio* of Pius X on church music”.⁴⁷ Cultic music, wrote the composer JOHN BAPTIST HILBER, “whether it be Gregorian chant, part music for choirs or the religious song of the congregation, is simply age-old prayer”. It is “an expression of divine worship in music, solemn praise, thanks and supplication. Song at worship is the most solemn fulfillment of our basic duty as creatures: to praise God”.⁴⁸

It is not at all our intention to devalue with this definition of cultic church music the *Musica sacra* which we have in general termed “extra-cultic.” Extra-cultic sacred music, however, has quite a different function, and its own rank and value quite distinct from worship. Official ecclesiastical statements use a variety of terms to express this fact. Some appear not to consider extra-cultic sacred music at all, since they limit themselves to cultic church music alone.⁴⁹ Others consider it to be “a great aid to religion”⁵⁰ but include under the term only that music which resounds in churches or worship areas⁵¹ by way of exception at best, since it is normally performed in concert auditoriums, theatres and assembly halls and not in churches⁵² which are intended for worship services. On this score the general practise since the time of PIUS XII has of course shifted to the extent that on the one hand a great deal more of such extra-cultic music (e. g. motets, cantatas, oratorios, religious music for organ and/or other instruments) is performed in our worship areas (e. g. churches) today, while on the other hand music originally created for the worship service (e. g. choral Masses with and without orchestra, and more recently even Gregorian chant) is increasingly performed today in concert halls.

Presupposing that we are dealing with copyrighted works, a question arises at once: does the purpose intended by the composer of a piece of church music (for instance a choral Mass by a contemporary composer) determine whether the work is to be classed as cultic church music? Or do the detailed circumstances surrounding the performance of such a work determine its cultic or extra-cultic character? And then, how is this cultic and extra-cultic church music to be evaluated from the viewpoint of copyright law, and what possible legal consequences will this have for the Church? What exactly does the term “performance” mean in a sense relevant to copyright law when applied to cultic music? What do “performing rights” mean in this context? Does the concept apply to the area of cultic music at all? Or are the composers of such music to leave empty-handed?

46 Constitution “*Sacrosanctum Concilium*”, art. 112: AAS 56 (1964) 128.

47 J. OVERATH, *Musik im Dienste des Heiligen*, in F. FLECKENSTEIN (ed.), *Kirchenmusik im Gespräch* = ACV Schriftenreihe (Bonn 1976) 105.

48 J. B. HILBER, *Was ist Kirchenmusik?*, (note 10 above) 14.

49 Thus the *Motu proprio* of PIUS X “*Tra le sollecitudini*” (note 17 above), the Apostolic Constitution of PIUS XI “*Divini Cultus Sanctitatem*” (note 18 above), the Liturgy Constitution “*Sacrosanctum Concilium*” (note 28 above) and the Instruction “*Musicae sacram*” of the SRC (note 32 above).

50 Thus PIUS XII’s encyclical “*Musicae sacrae disciplina*”: AAS 48 (1956) 13 and see note 23 above.

51 According to no. 55 of the Instruction of the SRC dated 3 September 1958 this requires written permission from the local Ordinary, who is to grant it only provided that the required conditions be observed: AAS 50 (1958) 648.

52 *Loc. cit.*

2. What is a “performance” of cultic and extra-cultic music in a sense relevant for copyright legislation?

According to Sec. 52, Par. 2, No. 1 of the Copyright Law, the author has the exclusive right “to reproduce his work publicly in non-bodily-form,” which of course includes “performance rights” in particular. The content of this latter is specified in Sec. 19, Par. 2 of the Copyright Law as dealing with the right “to play in public a musical work through personal performance or to produce a work on stage publicly”. In our context the first phrase is important, for there it is a case of publicly playing a musical work through personal performance. HEINRICH HUBMANN takes this to mean “musical performance rights pertaining to the concert platform” in contrast to “stage production.”⁵³

To the extent that (up until the successful court suit)⁵⁴ Sec. 52, Par. 1 of the Copyright Law granted the authors no claim to compensation for the performance of their works “at a worship service, an ecclesiastical celebration or other program sponsored by a church or religious group recognised in public law,” when at such a “performance” the profit motive was excluded, participants were admitted free of charge and no special honorarium was paid to the performing artists – to this extent the decision of the Federal Supreme Court dated 25 October 1978 has eliminated, with specific reference to the property guarantee contained in Art. 14, Par. 1, Line 1 of the Federal Constitution, an injustice to church composers which the Church herself has long recognised. Previously, concert-type performances in an extra-cultic framework at ecclesiastical programs were subject to royalty payments only when one of the conditions named in Sec. 52, Par. 1, No. 1 of the Copyright Law was not fulfilled, e. g. admission was charged. Today, the creator of such church music is legally entitled to the unlimited right to use his work. But how are “performances” of cultic church music at worship to be evaluated in terms of copyright law, i. e. primarily in relationship to the composer’s right to use his work?

It is not at all difficult to see that we are here confronted with a new and quite different legal situation than the one presumed in the provisions of Sec. 15, Par. 2, No. 1 and Sec. 19, Par. 2 of the Copyright Law together with Sec. 52, Par. 1 of the Copyright Law regarding the performance rights there guaranteed and simultaneously (among other things) limited to the advantage of the churches. Previously, the right to use a work was based upon the fact that whoever earned money with a copyrighted work, was bound to share this profit with the author. But according to the Karlsruhe decision of 25 October 1978 this reason does not conform to the property guarantee of Art. 14, Par. 1, Line 1 of the Federal Constitution. In order to do justice to this new situation, we need a clear statement of what is meant by the concept “performance” of cultic music in the church. Here we shall proceed from Sec. 19, Par. 2 of the Copyright Law, which stipulates as an essential element of the concept of “performance,” that a musical work be performed publicly, i. e. be *heard*.

In order that something can be heard, we must presume performers and listeners, and this means that by its very nature, a performance is necessarily intended for others. A performance presupposes an addressee. One must be able to experience a performance, or to take part in its enjoyment. This however means in the case of unison cultic congregational singing (which is, as

53 H. HUBMANN, *Urheber- und Verlagsrecht* (München 1978⁴) 138. This distinction in the copyright law is important because as a result of the law governing the Vindication of Copyright and related laws (UrhWG) of 9 September 1955 (BGBl I/1294 ff.) the concert and the stage performance rights are administered by different collecting societies.

54 See note 1 above.

we have seen, an essential part of the officially permitted cultic song,⁵⁵) that there can be no question of a “performance” in a sense relevant for copyright law. And the new draft of Sec. 52 of the Copyright Law, now necessary, may not disregard the fact that this unison cultic congregational song has its own special nature and laws.⁵⁶

No one who has taken part in a Catholic Mass, for example, with unison cultic congregational singing, would describe it as a “performance”. What actually takes place there is that “*actuosa participatio*” which is demanded by the nature of the liturgy and to which the Christian people are entitled and obliged by virtue of baptism.⁵⁷ Here, there is no non-participating “audience” which attends a “performance” presented to it. Instead, all present are active members of the congregation which praises God by praying through cultic congregational song.

This liturgico-theological consideration is not the only reason which speaks against the erroneous assumption that this is a case of “performance” in a sense relevant for copyright law. There is also a musicological argument which is surely convincing even for those who are less familiar with the Catholic liturgy. The argument is based upon a comparison of the legal judgement regarding folksong and cultic congregational song. Years ago, in connexion with the discussion about copyright law reform, JOHANNES OVERATH had already pointed out the need for a special legal settlement which would do justice to the special nature of unison folksong.⁵⁸ There, it was a case of answering the question of “the extent to which music as intellectual property” could be “co-owned or co-possessed by a basically unlimited number of people.” It is easy to answer the question as it applies to folksong, “because the creator of a folksong becomes a spokesman of the people by ‘drawing upon’, in the deepest sense of the word, the popular world of experience for his creation, with a view to having his song ‘on everyone’s lips’ in a very short time.”⁵⁹ And hence after a short period of repetition – and it goes without saying that this also applies to unison cultic congregational song – it is no longer possible to distinguish between a free performance and one subject to royalties, since everyone, including those with only minimal talent in music, can “perform” (or more correctly, “realise”) such a song.

The situation is quite different in the case of choral and instrumental works which are “performed” in the full and normal sense of the word within the framework of officially permitted cultic music. Here, the performers (choir, orchestra, organist) can be quite accurately distinguished from the listeners, in which process the concept of “public reproduction of a work” plays an important role. According to Sec. 15, Par. 3 of the Copyright Law, this concept applies “as the legal definition for the entire area of rights to the use of a work.” In this sense “events sponsored by societies, clubs and institutions are public not merely when non-members are also admitted, but even when the connexion between the participants or members is not ‘personal’, i. e. close enough.”⁶⁰ Viewed in this light, worship services in the church are public. When, for example, an organist sits down on the organ bench and plays for himself a copyrighted organ piece, then the requirement “publicly” is lacking, and such a “performance” is completely irrelevant in terms of copyright law. But the same cannot be said when a congregation listens to the organist within a worship service or a sacred concert, for then “a musical work is publicly played

55 See section 1 above.

56 For more on this point, see section 3a below.

57 Const. “*Sacrosanctum Concilium*” Art. 14: AAS 56 (1964) 104.

58 J. OVERATH, *Musik als geistiges Eigentum*, in W. RICHARTZ (ed.), *Urheberrechtsreform ein Gebot der Gerechtigkeit* (Berlin 1954) 31/8.

59 *Ibid.*, 36.

through personal performance," in the precise meaning of Sec. 19, Par. 2 of the Copyright Law. And so when the Federal Supreme Court, in its decision of 25 October 1978, recognised the complaint of the 18 church composers and/or their heirs by upholding the view that there is no convincing reason to withhold the payment of appropriate compensation only from those composers whose intellectually creative accomplishments are the prerequisites for performances of modern church music, then in the sense of what has been said above, we can only hail the decision.

But then it also follows that a presentation of contemporary and hence copyrighted works of church music always presumes a performance in a sense which is meaningful and relevant in terms of copyright law. "The creative intellectual accomplishment, which in fact renders a performance possible at all, is the basis for the author's claim to compensation."⁶¹

But in the case of the churches affected by this decision of the Federal Supreme Court, as HELMUT RIDDER points out, the decision amounts to carrying coals to Newcastle. As a matter of fact, the churches have not – as must be explicitly attested in their behalf – displayed the shabbiness which the legislature supposed of them, but instead (as the decision itself notes in Sec. A/IV) they have signed generous royalty contracts with the GEMA without being forced by the legislature to do so.⁶² The essential steps in this development must now be discussed.

3. What has the Catholic Church in West Germany done and what has it omitted with regard to the claims for compensation raised by the composers of cultic church music?

When one recalls that the entire discussion of the concept of intellectual property is rooted in the natural law,⁶³ it is quite logical that the Catholic Church has concerned itself not only in theory but also quite concretely with the copyright interests of ecclesiastical composers and their work, as well as the rights to use such works. Two church music organisations, the International Society for New Church Music (IGK) and the Federated Caecilian Societies for the German-speaking Countries (ACV) took steps to bring about, shortly after the Federal Republic of Germany was founded, a reform of the copyright law which was to take into account the justifiable interests of contemporary church composers.⁶⁴ In this connexion, attention must be called to the efforts of two prominent personalities in church music circles: the composer JOSEPH HAAS and the musicologist JOHANNES OVERATH. The latter, as President-General of the ACV in association with the vice-president of the German National Composers' Federation, Dr. jur. WILLY RICHARTZ (who was a student of the prominent Cologne jurist HEINRICH LEHMANN), quite literally fought for the interests of West German composers, especially composers of sacred music. One of the first fruits of their joint efforts within the IGK was the contract⁶⁵ signed on 18 May 1953 in Osterspai on the Rhine by the Catholic dioceses and several Catholic organisations in West Germany (including West Berlin), and the Society for Musical Performance and mecha-

60 F. K. FROMM-W. NORDEMANN, *Urheberrecht. Kommentar zum Urheberrechtsgesetz und zum Wahrnehmungsgesetz* (Stuttgart 1979*) 154.

61 E. SCHULZE, *Rechtsprechung: BVerfG No. 18/22*.

62 H. RIDDER, *Anmerkung* (note 16) 27/8.

63 More detailed treatment in W. SCHULZ, *Zum Schutz des geistigen Eigentums im System des kanonischen Rechts = InterGU Schriftenreihe 49* (München 1973), above all 14/42.

64 The copyright legislation valid at that time was enacted in 1901 (LitUrhG) and 1907 (KSchG).

65 Published in J. OVERATH (ed.), *Der Allgemeine Cäcilien-Verband für die Länder der Deutschen Sprache. Gestalt und Aufgabe = ACV Schriftenreihe 3* (Köln 1961) 137/40.

nical Reproduction Rights (GEMA). To the contract were added a number of appendices containing in part agreements made earlier.⁶⁶

The motives and the basic attitude of the contracting parties are clearly stated in the press release issued jointly by the authorised spokesman of the Fulda Bishops' Conference, Bishop Dr. WILHELM KEMPF of Limburg, and the GEMA representative, which says in part:

The contract is especially significant because in executing it, the German bishops acknowledge the importance of church music and desire to promote further artistic creation by recognising the rights of authors. The contract thus confirms the claim of the composers to appropriate legal and material protection for their works, which in turn enables them to concentrate upon fruitful artistic creation.⁶⁷

The signing of this contract had an immediate result: more than two hundred lawsuits pending between the GEMA and a large number of Catholic organisations were settled at once, out of court, in amicable compromise. In a "Summary of previous legal efforts regarding claims to compensation for musical performances at worship services" written in 1967,⁶⁸ JOHANNES OVERATH stated with satisfaction that "Since this contract was executed . . . not one single dispute between the GEMA and a diocese or a Catholic organisation has even come up."⁶⁹

On 27 July 1954 the Catholic church composers affected, in association with the Federated Caecilian Societies (ACV) and the International Society for New Church Music (IGK), wrote to the Fulda Bishops' Conference requesting Their Excellencies to assert the correctness of their claim to compensation for musical performances at worship services.⁷⁰ As a result, the Conference passed a resolution which even today can be regarded as the classic official statement of the West German bishops regarding the question at issue. The resolution reads as follows:

The Fulda Bishops' Conference emphasises its full appreciation for the efforts of the church composers to look after their copyrights, and herewith commissions the church music spokesman of the Conference to prepare in its name appropriate proposals which will guarantee, in the administration of performing rights, a proper consideration of the cultic nature of liturgical music.⁷¹

At that stage of the efforts toward reform of the copyright law in West Germany, there is no doubt that the moral effect of such a forceful statement from the German bishops was at first far greater than the material benefits which accrued to the composers by the terms of the contract. In our context, special attention should be paid primarily to the concluding phrase of the resolution just cited, because it clearly shows how, as early as 1954, the guarantee of "proper consideration of the cultic nature of liturgical music" was called for.

66 The appendices include, among other things, a three-tier system of "Royalty fees for serious concerts," an arbitration agreement and a press release with comments on the contract as a whole. *Ibid.*, 141/3.

67 E. SCHULZE, Kirchenkomponisten und Urheberrecht, in H. LONNENDONKER (ed.), *In Caritate et Veritate*. Festschrift J. OVERATH = ACV Schriftenreihe 8 (Saarbrücken 1973) 101/5, here 105.

68 Basically, it is a question here of previously unpublished records of the GEMA which were assembled with a connecting commentary by J. OVERATH, on 10 July 1967. Hereinafter cited as J. OVERATH, Summary.

69 J. OVERATH, Summary 2.

70 The document states in part: "Only in extremely rare cases do church authorities commission a musical work, though it is customary and indeed taken for granted that they give large commissions to painters, sculptors, architects and vestment makers. Plainly, no one expects that these persons will donate their works gratis for the beautification of the liturgy and the edification of the faithful." Cited according to E. SCHULZE, *Kirchenkomponisten und Urheberrecht* (note 67) 103.

71 *Ibid.*, 104.

The Bishops' Committee for Church Music carried out the task assigned to it by the plenary Conference and prepared appropriate proposals whose results were then communicated to the ACV by Bishop KEMPF in a letter dated 11 February 1956. In addition to the sum of DM 10000,—initially agreed upon, it was a question of the recipients and the precise method of distribution. It was decided that this sum should “be distributed to the composers of part music for choirs with and without instrumental accompaniment.” The proposal stated specifically that “A settlement of this type is superfluous for Gregorian chant, for congregational song insofar as it has become common property, and for organ improvisation.”⁷² The Bishops' Committee requested the ACV “in joint consultation with the IGK Board of Directors” to propose “church musicians who are not composers” “as candidates for such an Ecclesiastical Estimates Commission.” As a guideline for arriving at an equitable scheme of distribution, Bishop KEMPF's letter listed three criteria: an assessment of the liturgical suitability, the artistic value and the number of performances of a composition.⁷³

There can be no doubt that the successful accomplishment of the task set by the Episcopal Conference was in large measure due to the cooperation of the IGK and the ACV, to which the annual membership meeting of the IGK “gave its unanimous consent” on 30 June 1956.⁷⁴ Hereafter there was established within the ACV, in addition to the “Study Group for Boys' Choirs,” a special “Study Group for New Religious Music.”⁷⁵ One of the primary goals of the latter group was to represent the interests of contemporary church composers in the very slow process of copyright reform in West Germany. An Estimates Commission was elected, and soon after (on 6 November 1956) the German bishops approved the standing orders for this “Ecclesiastical Estimates Commission for Musical Performances at Worship Services.”⁷⁶ These standing orders specify that the order of the three criteria mentioned above is not arbitrary, since liturgical significance must rank higher than artistic value, which in its turn must take precedence of performance frequency.⁷⁷

As a result of the abovementioned contract with the GEMA dated 18 May 1953 and the previously quoted statement of the Fulda Bishops' Conference in 1954 in addition to the creation of its own ecclesiastical Estimates Commission for Musical Performances at Worship Services, the Catholic Church had taken such a great initiative in copyright questions, that the Lutheran church obviously had no other choice than to grant, “*praeter legem*,” for its own part some compensation to church composers for musical performances at worship services. At a joint meeting on 18 July 1956 in Bonn, attended by employees of the Permanent Representative of the Council of the German Lutheran Church in the West German capital as well as representatives of the Catholic Bureau, it was explicitly confirmed that with regard to the Copyright Law available at that time in draft form “the composer always has a claim to appropriate compensation in the cases mentioned in Par. 46, No. 2, even when the situation mentioned in Par. 46, No. 5 arises.” The minutes state quite clearly: „The participants agreed to this proposal.”⁷⁸ The problems which later arose in connexion with Par. 52 of the Copyright Law were not acute in 1956, since the draft of the new law did not contain this exceptional provision.

⁷² *Loc. cit.*

⁷³ *Loc. cit.*

⁷⁴ Der Allgemeine Cäcilien-Verband (note 65) 57.

⁷⁵ *Ibid.*, 46/7, 57/9.

⁷⁶ The standing orders are reprinted in Der Allgemeine Cäcilien-Verband (note 65) 135/6.

⁷⁷ No. 3, sec. 2 of the Standing Orders, *ibid.* 135.

⁷⁸ This is proved by the excerpt from the written notes of this meeting cited by J. OVERATH, Summary 7.

But even as this exemplary attitude of the West German churches was being publicly praised by highly qualified personages on the grounds that long before the complete reform of the copyright law, "the German bishops had been moved to undertake generous agreements with the composers' representatives, thus attempting to do justice to intellectual creativity in the field of church music,"⁷⁹ there took place a change of opinion in the Catholic Bureau which irritated even the Lutherans, who otherwise reacted quite cautiously in the field of copyright law. In a letter sent by the chancery of the Lutheran Church in Germany (EKD) to representatives of Lutheran church music organisations dated 21 October 1964, senior counsellor VON HARLING stated that "the Catholic Bureau is going to change its opinion expressed in 1956, in favour of a 'new position'." The EKD, he wrote, was not prepared to simply imitate "this drastic change in course by the Catholic Church."⁸⁰

What had in fact happened? What was basically at stake was precisely the obligation of compensating church composers for performances of their copyrighted works at worship services. This has finally been guaranteed by decision of the Federal Supreme Court on 25 October 1978, though earlier it could and indeed should have been fixed by law – in other words, in the definitive formulation of Par. 52 of the Copyright Law. In my opinion, it was the duty of the Catholic Bureau to draw the necessary legal consequences from the 1954 statement of the Fulda Bishops' Conference cited verbatim above. Further, I believe that the Catholic Bureau, in negotiations with the legislature, should have insisted upon the common position reached in 1956 in agreement with the German Lutheran Church. Instead, a group of lawyers representing individual German dioceses, although unfamiliar with the specialised problems and questions of copyright law, drew up for the Catholic Bureau a proposal to the Federal Government which quite simply contradicts the natural law foundations of the doctrine of intellectual property. And during this time there was no lack of warnings and admonitions from Catholic church composers regarding the problems just mentioned,⁸¹ and this long before the final position paper of the Catholic Bureau in Bonn.

The GEMA Board of Directors also wrote to Cardinal FRINGS as chairman of the Fulda Bishops' Conference and pointed out the imminent injustice:

If the proposed draft becomes law, then as a rule church composers would have no claim to compensation and in certain exceptional cases their compensation would have to be paid by the church musician. In churches, it is the normal rule that no profit motive is present, entrance is free and the performing artists receive no special compensation. But now, if the exceptional case arises in which the church mu-

79 Thus HEINRICH LEHMANN at a special session of the International Copyright Society (InterGU) held during the Fourth International Church Music Congress at Cologne on 26 June 1961, published in *Vorträge zum Urheberrecht = InterGU Schriftenreihe 25* (Berlin 1961) 7/8. On the same occasion, ERICH SCHULZE spoke similar words of praise: "By allocating money to pay royalties for music in worship, the church, in a manner deserving of thanks, has recognised the composers' claims even though the civil legislator has not hitherto done so. This has been done by the Catholic Church as well as by the Lutheran Church. . . It is scarcely necessary to explain the great importance of this initiative of the two churches with regard to the reform of copyright law." E. SCHULZE, *Kirchenmusik und Urheberrecht*, in *Vorträge zum Urheberrecht = InterGU Schriftenreihe 25* (Berlin 1961) 46 and see also p. 50.

80 If we abstract for the moment from the somewhat shortsighted and hence not completely justified identification of the Catholic Bureau's opinion with that of the Catholic Church as such, the fact of a "drastic change in course" of this Bureau, in a sense which is antagonistic to the authors' rights of church composers, is quite obvious. On this see also J. OVERATH, Summary 8.

sician⁸² receives a special compensation, then he is supposed to pay the composer his royalty. This can only be described as quite curious. . . . It will therefore be impossible to make clear to anyone why . . . barriers should be erected which (among other things) lead to a much more disadvantageous position for composers in comparison with architects, sculptors, painters, organ builders or vestment makers, from whom no one expects that they freely donate their works to the shaping of the liturgy and for the edification of the faithful.⁸³

Hence the GEMA Board urgently requested both churches "to protest against the new version proposed by the Judiciary Committee . . . and to demand justice for the church composers".⁸⁴

The new Copyright Law was published on 9 September 1965 and took effect on 1 January 1966. During the debate on the new law, deputy Dr. REISCHL, the spokesman for the Legislative Committee in a manner deserving of thanks pointed out in the parliament on 25 May 1965 that the ultimate goal of the copyright law reform must be to insure compensation for every public performance. Two separate lawsuits were nonetheless necessary⁸⁵ in order to correct the injustice caused by the legislator.

In retrospect it is clear that at the very least, the complaint against Par. 52 of the Copyright Law would not have been necessary⁸⁶ if the Catholic Bureau had not departed, in its final statement regarding the government's draft of the new Copyright Law, from the earlier position

81 Thus a vitally interested party, composer MAX BAUMANN, wrote to (the then Chairman of the Fulda Conference) Cardinal FRINGS on 11 January 1965: "It appears that the Catholic side is claiming that a committee of jurists appointed by the bishops does not want to question in principle the authors' claims to compensation, but this committee merely has reservations about a legal exception for the Church. But once a legal claim has been recognised, it cannot simply be ignored with such a justification, and the alleged 'exception' paragraph against the Church transformed into an 'exception' paragraph directed against the legal claim of the composers." BAUMANN refers to the "symbolic acknowledgement sum of DM 10000,— for musical performances at worship services" and goes on to cite concrete figures which vividly demonstrate the justified resentment of the church composers: "Around DM 940000,— were spent just for the Stations of the Cross in the forecourt of (the ultramodern Berlin church) Regina Martyrum, and for the sanctuary picture by Prof. MEISTERMANN an honorarium of around DM 72 000,— was paid. According to the settlement previously agreed to by the churches, with these sums alone one could pay off all musical performances at worship services in all of Germany for the next century. . . . If the text of the law approved in autocratic isolation by the Catholic Bureau is indeed the last word, then in future . . . culturally significant music . . . will be even more disadvantaged." Cited in J. OVERATH, Summary 14.

82 Here, practising musicians are meant.

83 Cited in J. OVERATH, Summary 14/15.

84 *Ibid.*, 15.

85 Here it was a case of the questionable provisions of Par. 46 (E. SCHULZE, Rechtsprechung: BVerfG No. 8) and Par. 52 of the Copyright Law (E. SCHULZE, Rechtsprechung: BVerfG No. 18). And today, after the Supreme Court decisions, when one reads the letters written after a final unsuccessful attempt by J. OVERATH, G. ERMECKE and E. SCHULZE involving the Bishop of Rottenburg, who was the authorised spokesman in these matters at the time (Bishop LEIPRECHT was during those years spokesman of the Copyright Commission in the Fulda Bishops' Conference), then one will not be able to exclude completely the factor of human failure.

86 The government draft of the new copyright law included in Par. 46 the authors' claim to compensation for the inclusion of copyrighted works in collections intended for church, school or instructional purposes. This claim was later expunged from the text after objections were raised by the Federal Council (Bundesrat) on 11 June 1965. It is possible that the churches could not have done anything to change this. See E. J. MESTMÄCKER-E. SCHULZE, Kommentar zum deutschen Urheberrecht = Looseleaf collection, as of 1 July 1976 (Vol. 1, Frankfurt/M. 1976) pp. 1/3 on Par. 46 of the Copyright Law.

based upon the natural law which had been proclaimed by the Fulda Bishops' Conference between 1953 and 1956 – and never retracted.

And no basic change of attitude has taken place during the intervening years.⁸⁷ Although a joint meeting between representatives of the German Lutheran Church and the Catholic Bureau had taken place at Frankfurt as late as 31 January 1967,⁸⁸ the EKD went ahead on its own and on 17 July 1967⁸⁹ concluded a new agreement with the GEMA concerning voluntary payments for music at worship services. In addition to raising the lump sum payment to DM 50 000,—⁹⁰ the agreement contains an explicit statement that as far as possible, the German Lutheran Church would support the composers' efforts toward "a general obligation to pay compensation for every public performance of copyrighted works," and that accordingly the EKD would press for amendment of the Copyright Law.⁹¹

87 This is clear from the correspondence between the GEMA Board of Directors and Bishop KEMPF (letters of 26 September and 8 October 1966 as well as 1 August 1967). In order to judge accurately the situation at that time, I believe it is important to consider a decision taken by the Fulda Conference in 1966. According to the official minutes of the meeting, "On the basis of a letter from the GEMA dated 26 September 1966 stating that in the event of an amendment to the Copyright Law intended to change Par. 52, nothing essential would change regarding the previous agreements between the Catholic Church and the GEMA governing monetary payments to Catholic church composers, the Fulda Bishops' Conference herewith authorises its spokesman for church music to clarify the details of this matter in cooperation with the Lawyers' Commission".

88 The notes of this meeting can only be termed, in JOHANNES OVERATH's phrase, "a document with absolutely no understanding or appreciation of the real problem". It states in part:

"1. The law became a reality only after fifteen years of preliminary work, and since then has not been tested and tried enough in proportion to the long and difficult preliminary work.

2. A constitutional lawsuit is pending before the Federal Supreme Court, and the result must be awaited both by the legislature and by the other parties concerned.

3. It is still completely unclear how Par. 52, Sec. 1, No. 2 of the Copyright Law could be amended. Simple revocation of this provision would lead to results which are not feasible in practise, since it would be technically impossible to gather and list all of the performances which would in that event be obliged to pay royalties.

4. Furthermore, there is no need to change the law, since the interests of the composers could also be satisfied with a contract, which has the advantage of being better able to take into account the special function of music at worship. And in this way it will be easier to avoid the difficulties mentioned above in no. 3." Thus J. OVERATH, Summary 19.

89 The date of 17 July 1967 refers to the ratification of the agreement by the EKD; the GEMA signed the contract on 31 July 1967. Excerpts have been published in: Symposium der Consociatio Internationalis Musicae Sacrae vom 14.–16. April 1971 in Salzburg = InterGU Schriftenreihe 47 (München 1971) 57/8.

90 Thus the provision of No. 2 Par. 2 of the agreement: *ibid.*, 58.

91 *Loc. cit.*, 57. It is in this context that one must understand the irritation felt by the EKD chancellery toward the Catholic Bureau and reflected in VON HARLING's letter of 21 October 1964: "It is possible that at that time the opinion of the Catholic Church somehow influenced the formation of opinion on our side as well. . . . It was precisely the Catholic Church which placed such great stress on the natural law basis of the Catholic doctrine on property, which was also said to apply to intellectual property. We have called this contradiction to the attention of the Catholic Bureau in Bonn." Text in J. OVERATH, Summary 8/9.

So it was that on the occasion of the negotiations with the GEMA regarding a new agreement on musical performances at worship services, the EKD decided "to pursue in parliament . . . an amendment to the Copyright Law for the purpose of changing Par. 52 during the current legislative period." (VON HARLING's letter is dated 14 June 1966.) VON HARLING points out "that the Lutheran Church – in contrast to the Catholic Church – has never before changed its mind on this question and accepted a compromise proposal only because cooperation with the Catholic Bureau could not be achieved in any other way. Now that even this has proven to be fruitless, we shall in future defend our views without regard for the actions of the Catholic Bureau." J. OVERATH, Summary 10.

It would of course be wrong to misunderstand what has been said previously as though it were a mere question of money. A new agreement was reached on 24 October 1968,⁹² “in the spirit of the 1954 decision of the Fulda Bishops’ Conference,” according to which the voluntary payment of the Catholic Church in Germany was raised to DM 50000,—, the same level as the Lutheran Church. The reference to the 1954 decision of the Bishops’ Conference indicates at least that it is not a question of a specific sum of money⁹³ nor merely of “the *interest* of the composers,”⁹⁴ but rather of a *legal claim*. After a long struggle, the Federal Supreme Court has finally recognised this claim of the church composers.

The general statement that even the creators of cultic church music also have a legal claim to rights of usufruct does not by itself sufficiently explain the specific content of such a claim nor the concrete forms it should take. Hence the last part of our reflections upon the re-codification of copyright law as it applies to cultic music, will concentrate upon these questions.

4. To what extent can the composer of cultic church music claim rights of usufruct?

In order to avoid any possible misunderstanding, it should be made clear at the outset that we wish to answer this question in the sense of the Fulda Conference’s decision of 1954 and the resulting position of the Catholic Church in West Germany regarding copyright law arrived at between 1954 and 1956. This position fully respected the natural law basis of every creative author’s claim to usufruct of his work. It is not the purpose of our inquiry as to the extent of a church composer’s claim to rights of usufruct, to trick our contemporary composers of *Musica sacra* out of the benefits to which they are entitled – as it were, just a little more subtly than the Catholic Bureau in the period before and immediately after the Copyright Law reform of 1965. But in the process of replying we shall try to take into consideration the special inner laws of copyright protection for cultic church music. In what do these consist?

a) The special inner laws of the material to be regulated by law:

Neither the ecclesiastical legislator⁹⁵ nor Catholic church musicians⁹⁶ nor leading copyright lawyers,⁹⁷ indeed not even the collecting societies have previously called into doubt the

92 Published in the InterGU Schriftenreihe 47 (note 89 above) 55/6.

93 As of 1 January 1978 the sum to be paid by the Federation of German Dioceses to the GEMA in accordance with the Comprehensive Agreement PV 16a No. 2 (1) totals DM 61 588,33.

94 Thus No. 4 of the notes of the joint meeting of representatives from both churches on 31 January 1967, cited above in note 88.

95 See the official pronouncements regarding the concept of church music cited above in part 1 of our remarks.

96 In addition to the composers cited above (J. B. HILBER in notes 10 and 48, MAX BAUMANN in note 81), JOSEPH HAAS may be regarded as typifying many who have reflected upon “the aptitude of a creatively active musician to be a church composer in general, and the aptitude of an individual musical composition for worship use in particular.” In the process, HAAS has appealed to the spirit “which speaks out of a Mass composition,” saying it is in a certain sense “an identification of the composer’s way of thinking. It is the pastoral-liturgical spirit, the spirit of ‘resonant respect for the liturgical word’.” Thus J. HAAS, *Die Aufgabe des ACV in der Gegenwart*, in J. OVERATH (ed.), *Der ACV für die Länder der deutschen Sprache. Gestalt und Aufgabe* = ACV Schriftenreihe 3 (Köln 1961) 68/86, here 76/7, 79.

97 As typical of many we cite here only E. SCHULZE, *Kirchenmusik und Urheberrecht* (note 79 above): “We must . . . acknowledge a claim to remuneration for musical performances within the liturgy, and should strive for a practical settlement involving adequate payment. In the process we must of course take into consideration the cultic character of liturgical music, which as art for God essentially distinguishes it from every other type of music.” *Op. cit.*, 30.

existence of special inner laws regarding cultic music in the Catholic church. Thus, for example, in its agreement with the Federation of German Dioceses the GEMA expressly stated that it was prepared to "give appropriate consideration to the cultic nature of liturgical music in administering the performance rights."⁹⁸

In our discussion of the definition of church music, we have seen that all types of church music are not the same.⁹⁹ Our reflections made clear that the officially prescribed cultic chants do not enjoy any copyright protection precisely because of their official character. But it is quite another question whether or not the lawgiver is obliged to settle with the author or composer, in terms of labour law, before prescribing one of his compositions as an official cultic chant. In our opinion, from the viewpoint of labour law there is no doubt that this obligation indeed exists.¹⁰⁰ For our present purposes it is important to recall that the mere assignment of a piece of church music to the category of officially prescribed cultic music automatically excludes that piece from the sphere of copyright relevancy. The same is true of the "performance" of such a piece. At the moment in which e. g. such a cultic chant is intoned by the officiating celebrant, we can no longer speak of a "performance" in any sense which is relevant in terms of copyright law. And as a consequence this "facti species" of the officially prescribed cultic chants also remains unaffected by the decision of the Federal Supreme Court on 25 October 1978 regarding usufruct.

We have already explained that the justices at Karlsruhe had no intention of determining the special inner laws of cultic music regarding the various forms of church music, much less their function in worship.¹⁰¹ This is also confirmed by the enumeration of "ecclesiastical functions in the sense of the provision" of Par. 52, Sec. 1, No. 2 of the Copyright Law – an enumeration which cannot be termed representative of either the Catholic or the Lutheran area. Mention is made of "worship service, vespers, weddings, baptisms, Advent services."¹⁰² Quite aware that they have by no means listed all of the "functions" involved here, the justices added the words "... among others..." to the text of the decision.¹⁰³ But in our opinion, the reasoning behind the decision indicates more than mere judicial reluctance to decide questions of detail:

The Constitution does not demand that the author be conceded a right of exclusion for every public performance of his music. *And whether a claim to compensation may also be excluded, depends upon whether the common good is involved*, which after all takes precedence over copyright interests but considers, of course, the principle of proportionality.¹⁰⁴

By expressly rejecting the opinion of the complainants that "in every case of a public performance they are at least entitled to a claim to compensation, if not to the right of prohibition mentioned in Par. 15, Sec. 2,"¹⁰⁵ the Federal Supreme Court is confronted with the question of *when* the composer actually does have a legitimate claim to compensation.

98 The quotation is from the preamble to the abovementioned agreement cited in note 89 above, pp. 55/6.

99 See section 1 above.

100 The point has been discussed in detail by W. SCHULZ, *Das Urheberrecht an liturgischen Texten und Melodien*, in H. LONNENDONKER (ed.), *In Caritate et Veritate. Festschrift J. OVERATH = ACV Schriftenreihe 8* (Saarbrücken 1973) 107/16.

101 See section 1 above.

102 E. SCHULZE, *Rechtsprechung: BVerfG No. 18/9*.

103 *Loc. cit.*

104 E. SCHULZE, *Rechtsprechung: BVerfG No. 18/21*. Emphasis added.

105 *Ibid.*, 22.

The decisive correction made by the Court in the existing law is that, contrary to the provisions of Par. 52, Sec. 1, No. 2, Clause 2 of the Copyright Law, neither free admission nor non-payment of artists' fees to the performers in the sense of Par. 52, Sec. 1, No. 1 may justify withholding compensation from the author. "*The question whether it is justified to exclude the right of usufruct for reasons based upon the common good, can only be answered in terms of the type and significance of the event involved.* . . . It is primarily a question of the nature of the individual event or function."¹⁰⁶ In my opinion, it is precisely here that we find the point of departure for a judicious evaluation of cultic church music in terms of copyright law. It is in fact the "nature," "the type and significance of the event which must be judged" and in terms of this judgement one must then decide whether and when the church composer actually has a claim to compensation. We refer here to what has been said earlier.¹⁰⁷

At the latest since 25 October 1978 everyone agrees that for performances of church music in the extra-cultic area an appropriate compensation must be paid to the author, even when under the provision of Par. 52, Sec. 1, No. 1 of the Copyright Law no admission is charged. But what is the situation with regard to officially approved cultic church music?

Here, we must obviously take into account the "type and significance of the event" in the sense of the Karlsruhe judgement. After all, the explanation of the decision explicitly states that "As far as the public rendering of their works is concerned, the settlement which applies for composers of ecclesiastical-religious music is basically different from that which is valid for composers of secular music."¹⁰⁸ And in our opinion it is an authentically ecclesiastical task for the churches themselves to judge the nature of the individual event, as follows logically from Art. 140 of the Federal Constitution taken together with Art. 137, Sec. 3 of the Weimar Imperial Constitution. These documents clearly state that "each religious group" organises and administers "its own affairs independently within the limits of the law which applies to all." According to the general opinion among experts in church-state law, this means that the Church has the right "to submit the core area of her own affairs to legal regulations which are formed according to the religious self-image and self-understanding of the group concerned. The result of this independent ecclesiastical legislation allowed by the state, is a legal system within the Church which is completely shaped by the Church's own comprehension of her faith, indeed is in fact an act of faith and its proclamation."¹⁰⁹

Part 1 of our reflections has made it sufficiently clear that according to the Catholic Church's comprehension of herself, the cultic music which resounds during the liturgical event belongs to the core area of her church order and thus to the area of canon law. It is the official church regulations mentioned in this context that are meant when in discussing usufruct we refer to the special inner laws of the matter to be regulated by law.

In that case, however, neither the civil legislator nor a special interest group (such as the publishing houses, for example, or the copyright collecting societies), indeed not even the author himself can pass judgement upon the type of usufruct, for instance by demanding royalty payments for unison cultic community song. However, the composer has a legitimate claim to

106 *Loc. cit.* Emphasis added.

107 See sections 1 and 2 above.

108 E. SCHULZE, *Rechtsprechung*: BVerfG No. 18/14.

109 J. JURINA, *Der Rechtsstatus der Kirchen und Religionsgemeinschaften im Bereich ihrer eigenen Angelegenheiten* (Berlin 1972) 114.

appropriate compensation when such a unison cultic folk song is included in a song book of the church. The very special nature of these inner laws is furthermore evident from the fact that in the case of unison cultic community song as we have described it above, there is no "performance" in any sense relevant for copyright law, whose provisions state that a performer must "play in public a musical work through personal performance."¹¹⁰

And since, in concrete liturgical practise, unison community song cannot as a rule resound in an orderly fashion without the appropriate accompaniment of the organ or other approved instruments, it is within the Church's competency to commission church musicians to produce the corresponding helps (such as organ books with brief introductions and postludes, for example, or processions etc.). It goes without saying that these are to be paid for appropriately in terms of labour law.¹¹¹ I am frankly unable to discover any basis for a claim to royalty payments in such cases of a church musician's mechanical "handicraft."

The Catholic Church in West Germany has taken quite a different position regarding officially permitted cultic music whose rendition requires choirs, orchestra, organ or other instruments. Based upon the concept of "performance" in a legally relevant sense, as explained earlier,¹¹² and in full recognition of the "Authors' Rights of Catholic Church Composers in the Spirit of the Decision of the Fulda Bishops' Conference of 1954,"¹¹³ a compensation "praeter legem" is already in force for such cases, and this corresponds quite well with the natural law basis of the whole legal system of canon law.¹¹⁴ Today it would thus be absurd to deny to the creators of cultic music a just claim to compensation, for instance by appealing to the criterion considered decisive by the Federal Supreme Court, namely judging the character of the individual event in terms of type and significance.¹¹⁵ From the formally legal point of view, however, it must be pointed out that this recourse to the natural law is necessary in addition to a corresponding decision of the Church in West Germany, in order to give a definitive foundation to such a legal claim; in my opinion the merely positive legal reference to the Karlsruhe decision is insufficient for this purpose. Even the Supreme Court justices admit that this appeal to the natural law is called for by the objective facts of the situation: "An author has, according to the content of the constitutional guarantee of intellectual property, a fundamental claim to receive the economic benefits of his intellectual creative achievement... Hence limitations of the right to usufruct which are motivated by the public interest, must also draw their actual legitimacy from the public interest."¹¹⁶ Such a "public interest," which would limit the right to usufruct, cannot be found for the performance of cultic church music in parts either with or without instrumental accompaniment. The opposite is true, since it is in fact in the Church's own public interest that she encourage the composition of church music by just payment to the composers.

110 Thus Sec. 19, Par. 2 of the Copyright Law and see our comments in section 2 above.

111 This is also the thrust of the remarks by J. OVERATH, *Urheberrecht und gottesdienstlicher Volksge-sang*, in F. A. STEIN (ed.), *Sacerdos et Cantus Gregoriani Magister = Festschrift Haberl* (Regensburg 1977) 213/7, here 214.

112 See our remarks above in section 2 of this study.

113 Thus the preamble to the agreement between the Federation of German Dioceses and the GEMA dated 24 October 1968 cited in note 92 above, 56.

114 For more detail on this, see W. SCHULZ, *Zum Urheberrecht im System des kanonischen Rechts = InterGU Schriftenreihe* 47 (München 1971) 9/17.

115 E. SCHULZE, *Rechtssprechung: BVerfG No. 18/22*.

116 *Ibid.*, 18.

b) Assignment of performing rights to cultic church music:

In the wake of the Karlsruhe decision a lively discussion (which is not the topic of this article!) has been going on between representatives of the publishers and copyright collecting agencies on the one side, and representatives of the churches on the other. This gives rise to the suspicion that it is not really so much a matter of the legitimate rights of the actual authors (i. e. in our context the church composers) as it is a matter of a “lobby” taking shape, possibly in order to pursue the interests of other socially relevant groups in addition to those of the composers. I therefore consider it advisable to say a few words about the assignment of performing rights when discussing the extent of the claim to usufruct raised by the composers of cultic church music.

At the time that they recognised the claims to compensation “*praeter legem*,” the German bishops had already made unmistakably clear that it is solely the author of cultic church music to whom the use of his work is to be assigned. In his capacity of church music spokesman for the Fulda Bishops’ Conference, Bishop KEMPF wrote in 1936: the “sum¹¹⁷ is to be distributed . . . to the authors of polyphonic choral music, for voices alone or with instrumental accompaniment, and musical works to be played on the organ.”¹¹⁸

Both decisions of the Federal Supreme Court regarding Sec. 46 or Sec. 52 of the Copyright Law view the matter in precisely the same way:

Art. 14, Par. 1, Line 1 of the Federal Constitution demands *the assignment in principle* of the economic value of a protected work *to the author*.¹¹⁹

Further, “That the author . . . must regularly make his work available without compensation, contradicts the property guarantee contained in Art. 14, Par. 1, Line 1 of the Federal Constitution.”¹²⁰ The motivation behind both of these decisions mentions only the author as being entitled to usufruct: “According to the meaning of the constitutionally guaranteed right to intellectual property, the author has in principle a claim to the assignment of the profitable use of his creative intellectual achievement.”¹²¹ “The creative intellectual achievement which renders public performance possible at all is the foundation for the author’s claim to compensation.”¹²²

Now, it is quite beyond dispute that the usufruct or performing rights are *de facto* transferred by contract from the authors to the church music publishers, who of course retain no small percentage of the financial profit earned by these performing rights, to cover their investment in the printing and the “risk” connected therewith. JOS. HAAS called attention to this fact as early as 1957, in his festival address to the 30th General Assembly of the ACV membership in Münster/Westf. “People refer the composer to a publisher, who . . . appraises a musical work in terms of demand or possible sales.”¹²³ Here, for such experienced copyright lawyers as ERICH SCHULZE it is quite clear that “A fair remuneration for composers . . . may not be limited to the mere royalties from the sale of sheet music, as was the case in the past, all the more so since actual

117 The reference is to the ten thousand German marks made available at that time for musical performances at worship services. For more on this, see the preceding section 3 of the present article.

118 E. SCHULZE, *Kirchenkomponisten und Urheberrecht* (note 67) 104. Emphasis added.

119 So the first guiding principle behind the decision of 7 July 1971 – 1 BvR 765/66; reprinted in E. SCHULZE, *Rechtsprechung: BVerfG 8/1*. Emphasis added.

120 See note 1 above. Emphasis added.

121 E. SCHULZE, *Rechtsprechung: BVerfG 18/18*.

122 E. SCHULZE, *Rechtsprechung: BVerfG 18/22*.

123 J. HAAS, *Die Aufgabe des ACV* (note 96) 85.

sales of serious works do not even cover the cost of printing in every case."¹²⁴ This is primarily true of large-scale church music compositions. Hence it was a serious injustice which the composers of such works suffered because of the adjustment of Sec. 52 of the Copyright Law made in 1965, for this law allowed them no compensation for performances at worship services, at ecclesiastical ceremonies to which the audience is admitted free of charge, and at not-for-profit events. Indeed, the composers of such works suffered serious financial losses because of having to wait almost thirteen years for a decision in the constitutional lawsuit for redress of their grievance – and the decision was not retroactive.

It is quite another matter in the case of cultic community song. Here too it is in most cases the publisher who possesses the publication rights to such songs after the author (or arranger) has ceded them by contract. In order to illustrate the process of "usufruct" or performing rights in the case of cultic community song, we shall consider the example of the standard national hymnal (Einheitsgesangbuch, EGB) "Gotteslob" published in 1975 by the bishops of Germany, Austria and the dioceses of Bolzano-Bressanone and Liège.

In a so-called main contract, negotiated in the case of West Germany between the Federation of German Dioceses and the Katholische Bibelanstalt GmbH of Stuttgart, the German bishops transferred to this principal publisher "the right to produce, reproduce and distribute the EGB."¹²⁵ Upon request by an individual diocese, the principal publisher is obliged "to transfer, by means of licencing contracts, the production and distribution of the EGB to publishing houses which are named in writing by the dioceses."¹²⁶ These so-called licenced publishers are responsible for producing the respective diocesan supplements, while the copyright in the so-called basic edition is held by the principal publisher. The performing rights to texts and tunes, according to Sec. 46 of the Copyright Law, must be guaranteed by the publishers in the case of the basic edition, and by the individual diocese in the case of the local supplement.¹²⁷ The legal relationship of principal and licenced publishers is governed by the licencing contracts mentioned earlier. In principle, a licenced edition will be distributed only within the limits of the diocese named in the licencing contract, while on the other hand the principal publisher is obliged to distribute the basic edition only to a limited extent, upon order and to that extent is also obliged to abstain from advertising of any kind.¹²⁸ This is, reduced to its essentials, the rather complicated system of contracts for the publication of the EGB. At this point it is quite correct to ask, Where are the performing rights of the author or arranger?

Of course, agreements have been made in this area as well, though we must distinguish between agreements made directly with the authors, and agreements made with publishing firms which look after the authors' rights. Contracts made directly with the authors are based upon a standard formula and include a point system for calculating the fees to be paid. On the other hand, no such model contracts were signed with the publishing firms. After preliminary written

124 E. SCHULZE, *Kirchenmusik und Urheberrecht* (note 79) 30.

125 Par. 9 of the main contract.

126 Par. 1 of the publisher's contract.

127 Par. 5 of the publisher's contract. When one considers that the EGB (as e. g. the preface to the Cologne archdiocesan edition puts it) invites "each individual and every family to pray," even in the family circle (p. 6 of the edition cited), then the reference to Sec. 46 of the Copyright Law in the publisher's contract is inaccurate to the extent that in the opinion of the publishers (i. e. the bishops) it is not a case of a collection which is intended solely for use in church.

128 Par. 5 of the licencing contract.

and oral consultation, they simply received a list of those works looked after by them which had been included in the EGB, along with the corresponding fee.

Without desiring to go into greater detail, it will suffice to remark that for the EGB, fees have been paid which serious composers in the other areas of church music can barely even imagine. Here, we wish to forego any attempt at judging the “*meritum in causa*.” We merely note that

- when one considers the fact that these copyrighted community cultic songs include relatively few contemporary compositions (since most of them are arrangements);¹²⁹
- when one considers the fact that the publishers of the EGB are the bishops, whose subjects (as “customers”) in the individual dioceses have practically no other choice than to buy the (since 1975) sole existing officially approved prayerbook and hymnal;
- when one considers the fact that the EGB, to a not inconsiderable extent, contains official works which by their very nature are not subject to copyright protection of any kind;
- and when one finally considers all that has been said above in connexion with the concept of “performance” in a sense relevant for copyright law,¹³⁰ and applies that to cultic community song, then one can only conclude that here, composers (or perhaps less pretentiously: authors and arrangers!) have used their works to great economic profit.

From what has just been said, we can draw a *first* conclusion: a discrepancy between the revenues from performing rights to really significant musical creations and modest hymn compositions or arrangements is beginning to develop in the area of worship. This development should be checked, at least in the church. Otherwise, JOS. HAAS’ sad apprehension might become reality: “Disregard of the composers’ completely justified desire for compensation will eventually deliver the composition of church music into the hands of imitators and amateur composers.”¹³¹

A *second* consequence should be considered regarding the extent of usufruct: in my opinion, a particular law of authors’ contracts is urgently necessary.¹³² How often can a publisher, for example, be allowed to deduct his original business risk resulting from the costs of the first printing, which in the case of simple hymns are, after all, minimal? How great a percentage of the usufruct should the publisher receive, even though he had no part in the intellectual creation which is the justification for usufruct? The decisions of the Federal Supreme Court discussed above mention only the author when treating the question of the economic assignment of performance rights. They do not mention publishers at all.

And finally, a *third* consequence may be pointed out: it too is connected with the concept of usufruct. JOSEF FRIEDRICH DOPPELBAUER referred to it by saying that congregational hymns

129 Special investigation would be necessary to determine in individual cases the precise degree of arranging which is present in the hymns included in the EGB, for example whether it is a case of merely textual or also of melodic arrangements. It also seems desirable to determine, with the help of text- and melody-catalogs which register all the variants in German hymns since the beginning of printing, whether an arrangement is present at all, or co-authorship capable of being copyrighted. It may at the very least be permitted to point out that special catalogs of this type do indeed exist in West Germany. As far as I know, however, they were never consulted by the commission responsible for selecting the songs included in the EGB.

130 See the relevant portions of section 2 above.

131 J. HAAS, *Die Aufgabe des ACV* (note 96) 85.

132 Not even the collection of model contracts presented by E. SCHULZE, *Urheberrecht in der Musik* (Berlin 1972⁴) fully meets the need.

serve the general public in the fullest sense of the word only when they permit a secondary literature to develop, which accompanies the hymns and comments upon them. Such a secondary literature consists of "hymn settings of all types, hymn-motets and hymn-cantatas, organ preludes of all kinds, from brief intonations all the way to large scale chorale fantasies."¹³³ But according to the law presently in force, this requires the permission of the composer and his publisher. Assuming that both agree, then "the arrangement fees or the percentage demanded can be so high that the whole effort is not worth it in terms of money or principle either for the arranger or for his publisher."¹³⁴ In this case, may the rigid protection of the melody simply be transferred from civil copyright law into the ecclesiastical realm? "Just think: how impoverished our church music would be . . . if everything had been copyrighted in the past. We would have . . . very few hymn settings, hardly any chorale motets, chorale cantatas, chorale preludes or fantasies! Most masterpieces would have in fact remained unwritten."¹³⁵

Considering everything which has been said up to this point, I think it is quite clear that the reorganisation of copyright law pertaining to cultic music will have to deal with a very highly diversified subject. If this is to be done in a manner appropriate to the subject, then not only the civil legislator must play a role, but the churches too must describe more precisely from their own point of view that core area in which worship takes place. Such a statement does not indicate lack of confidence in civil norms, but rather fulfills the mandate of the Federal Constitution which says that within the limits of the laws which bind all citizens equally, the Church must regulate and administer independently her own affairs.¹³⁶ In my opinion, this provision of the Constitution quite logically does not intend any opposition to the civil legislative competence, but rather intends the cooperation of both state and church, above all when civil legislation has effects which possibly extend into that core area which by its very nature is not subject to competent judgment by the state. The paragraphs to follow will show that such considerations have very concrete effects, even in areas which at first glance appear quite indifferent, such as, for example, the performance rights of the composers of cultic music.

- c) The legislative competence of the Church in regard to performance rights claimed by composers of cultic music:

Canon 2 CJC clearly states that the liturgical norms of the Church are a part of the canonical legal system. Here, the ecclesiastical legislator distinguishes two types of norms: those of disciplinary nature whose purpose is to safeguard the liturgy (e. g. commands and prohibitions or punishments for illicit or unworthy performance of liturgical actions),¹³⁷ and those which directly affect the liturgy itself (e. g. the so-called "rubrics" which describe in detail the manner in which liturgical functions are to be conducted).¹³⁸ The laws explained with reference to church music in section 1 of our study belong to both categories, depending upon their precise content.

We have already noted that in the area of worship, the Church distinguishes between officially prescribed and officially permitted music. This distinction is not without consequences

133 J. F. DOPPELBAUER, *Probleme um das Gotteslob: Singende Kirche* 23 (1975/76) 103.

134 *Loc. cit.*

135 *Loc. cit.*

136 Art. 140 GG in conjunction with Art. 137, Par. 3 of the Weimar Reichsverfassung.

137 An example of liturgical disciplinary law is can. 1264 § 1 CJC: "Music, whether instrumental, from the organ or other instruments, or vocal, in which there is any trace of the lascivious or impure, must be entirely excluded from churches; and the liturgical laws regarding sacred music must be observed."

when applied to usufruct. To the degree that a copyrighted work is accepted by the Church as one of her officially prescribed chants, the work, as officially prescribed, is no longer subject to usufruct in the sense of copyright law. This would be the case, for example, if a contemporary composer would write a Preface in the vernacular (with or without Gregorian stylistic elements) and this composition or arrangement would then be inserted by the duly authorised bishops' conference into the official edition of the missal for that country. Such an author would of course have to be paid for his efforts quite correctly according to valid labour law, but usufruct in the sense of copyright law, for instance as performance royalties, is out of the question.

This also applies in the case of determining what is a "performance" in the cultic realm. Ultimately it must be left to the Church to decide what she regards as a "performance" in the liturgy. When within the framework of officially permitted cultic music the Church regards e. g. unison congregational song, on theological and liturgical grounds, as the sung prayer of the community,¹³⁹ then such "performance" is largely irrelevant. It goes without saying that for the inclusion of such a hymn in a collection or hymnal the author is entitled, according to Sec. 46, Par. 4 of the Copyright Law, to "an appropriate compensation." But usufruct in the sense of royalty payments is not only excluded by the very nature of this cultic church music, but in West Germany, as has been shown above, is impossible in my opinion because of the constitutional norm regulating church-state relationships. Since worship belongs to the core area of the Church's own legal system, it is therefore excluded from civil legislation. The civil legislator will surely bear this in mind when it is necessary to "establish, within the framework of the legislative content of the copyright statutes, appropriate standards which guarantee both a use which harmonises with the nature and social significance of copyright law, and an appropriate financial realisation according to Art. 14, Par. 1, Line 2 of the Federal Constitution."¹⁴⁰ We have already noted the reticence of the Federal Supreme Court in describing church music and its economic utilisation. Such reticence in itself points in the direction we have just indicated.

This means, in other words, that it is part of the Church's legislative competence to determine what she regards as *her own* cultic music, and to specify the conditions under which here, in *her own* realm, she regards as verified a "performance" in the sense of the copyright statute – with all its consequences for usufruct and performing rights.

This is why one cannot simply say that the purpose expressed by the composer determines the extent of the claim to usufruct in the case of a piece of church music. This could lead to a situation in which under certain conditions one and the same piece would be subject to varying usufruct. For example, if a copyrighted polyphonic Mass is performed in concert, then (in terms of usufruct) that performance must be judged differently than the execution of the same Mass at a

138 Norms of this second type are not found in the Code of Canon Law, but principally in the pertinent liturgical books such as e. g. the "Ordo Missae" (note 42 above) and the "General Instruction on the Liturgy of the Hours" published in the Apostolic Constitution "Laudis Canticum" on 1 November 1970 by POPE PAUL VI. See *Liturgia Horarum iuxta Ritum Romanum* (Typis Polyglottis Vaticanis 1971) 1/9–92. In his overview of the liturgical law contained in the CJC, HEINRICH KELLER distinguished six different categories. His introduction makes it clear that his divisions are based primarily upon contents. He lists: 1) Limiting norms in liturgical law, 2) Rules regarding hierarchical leadership in the liturgy, 3) Rights and obligations of the three states in life vis-à-vis the liturgy, 4) Administrative law in the liturgy, 5) Laws of liturgical conduct, and 6) Penalties as they apply to the liturgy; H. KELLER, *Liturgie und Kirchenrecht: Scholastik* 17 (1942) 342/84, primarily 342/9.

139 See section 2 of the present study, above.

140 E. SCHULZE, *Rechtsprechung: BVerfG* 8/1.

liturgical celebration in church as officially permitted cultic music. In addition to the musical enjoyment, the profit motive is involved in the first case, and according to the Karlsruhe decision of 25 October 1978¹⁴¹ this is a factor which cannot be overlooked. On the other hand, the purpose of turning a profit is not present in the case of performances at worship services. Even here, of course, the composers must not be compelled to make their works available without compensation "on a regular basis."¹⁴² But the size of the compensation (concretely: the royalty rate) will have to be other than that valid in the case of concert performances. In other words, the fact that the composer has set to music liturgical (e. g. Kyrie, Gloria, Credo, Sanctus, Agnus Dei) or scriptural texts (e. g. in the form of motets or cantatas) already relegates the work to the category of church music. But such a work becomes cultic music only after the Church permits its performance, which in turn presupposes that such a work is worthy of the cult.¹⁴³ The competency of the Church to judge in this area cannot be disputed by the civil legislator, any more than the civil lawgiver can deny the Church's competence to determine the extent of concrete usufruct for such cultic music.

Application of these somewhat theoretical statements to the concrete situation in West Germany has led the GEMA to oblige itself by contract "to pay appropriate attention to the cultic nature of liturgical music in the administration of performance rights."¹⁴⁵ The Church will have to insist upon this obligation. Here, I am convinced that a twofold course of action is advisable. First, in regard to performance rights to cultic music we should return to a method which long ago proved its worth in West Germany, namely an Ecclesiastical Estimates Commission for musical performances in worship.¹⁴⁶ Secondly, negotiations should be begun with the GEMA with a view to agreement on a special church royalty rate (perhaps called "K-rate") for such performances, in contradistinction to the E- and U-rates which exist at present.¹⁴⁷ Should it prove impossible to reach, with this authors' society, an agreement appropriate to the cultic character of liturgical music and covering the extent of performing rights to such cultic church music, in that e. g. on the part of the GEMA efforts would be made at the behest of certain church music publishers to charge royalties for cultic community song, then the Church will simply have to look for new ways to regulate her authors' performing rights in the cultic context. The state will not hinder such efforts, and if necessary will permit the Church to establish her own copyright collecting society in the sense of Sec. 1/4 together with Sec. 18, Par. 1 of the law governing collecting societies (UrhWG).

141 See note 1 above.

142 E. SCHULZE, *Rechtsprechung: BVerfG 18/1*.

143 On this see our remarks in section 1 above (note 31) in connexion with the provision of can. 1264 § 1 CJC as well as the admonition of the Second Vatican Council: "Composers animated by the Christian spirit . . . should produce compositions which have the qualities proper to genuine sacred music." Thus "Sacrosanctum Concilium," art. 121: AAS 56 (1964) 130.

144 For a more detailed discussion see W. SCHULZ, *Die rechtliche Schutzwürdigkeit des sogenannten modernen Musikwerkes*, in J. OVERATH (ed.), *Confitemini Domino. Internationales Komponisten-Symposium (Roma 1977)* 153/67.

145 The phrase comes from the preamble to the contract between the Federation of German Dioceses and the GEMA executed on 24 October 1968 (note 92 above) 55/6.

146 See our remarks in section 3 above (note 76) and above all the Standing Orders for the Ecclesiastical Estimates Committee for musical performances in worship which the Fulda Bishops' Conference put into effect on 6 November 1956, in *Der Allgemeine Cäcilien-Verband* (note 65) 135/6.

147 The present E-rate applies to serious music, the U-rate to popular entertainment music.

Another question which must be clarified is whether or not the contractual transfer by the composers of their performing rights to the church music publishers, to be exercised by them, is also immediately valid for the broadened performance permission which now exists, since the contracts referred to were executed in a completely different legal situation, i. e. previous to the two decisions of the Federal Supreme Court. I have already pointed out the urgent need for particular legislation governing author's contracts.¹⁴⁸ Here too it will be in the Church's own interest if she herself guarantees the assignment to the composer of the economic usufruct of cultic church music. It is only when the composers of such music actually receive the full economic benefit from their works, without having to divide them with the publishers,¹⁴⁹ for example, that they will be able to fulfill the mandate of Vatican 2 "to cultivate sacred music and increase its store of treasures."¹⁵⁰

In conclusion, by way of reply to an objection which could perhaps be raised against our view regarding the Church's legislative competency as to the extent of the claim to performing rights raised by the composers of cultic music: a possible objection might be formulated on the basis of can. 1529 CJC, since this canon contains an inclusive norm governing the application of civil law in contracts.¹⁵¹ From this reference one could possibly conclude that it was the expressed will of the ecclesiastical legislator to acknowledge the legislative competency of the state in questions of copyright law, and more specifically regarding economic usufruct of copyrighted works. This possible objection, however, would only be convincing if can. 1529 did not make an essential restriction: "unless such prescriptions are contrary to the divine law or when the canon law decrees otherwise." Here, we are not referring to the natural law, which though so very often difficult to determine in actual practice, is nonetheless a part of the "jus divinum."¹⁵² We refer instead to the word "aliud" – "otherwise." For that is precisely what has happened. In liturgical law, the canonical legislator *has* "provided *otherwise*."¹⁵³ He has declared sacred music to be an integral part of the liturgy,¹⁵⁴ thus including sacred music in that core area of sacred cult which necessarily remains closed to civil legislation. The state as legislator will surely take this into account when re-codifying copyright law as it applies to cultic music.

148 See section 4 B above.

149 This must not be misunderstood as meaning we desire to deprive the church music publishers of all their financial profit. But the proportion between the composer's achievement which makes performing rights possible at all, and the publisher's risk must, in my opinion, be maintained.

150 Const. "Sacrosanctum Concilium," art. 121: AAS 56 (1964) 130.

151 Can. 1529 CJC states: "The prescriptions of local civil law concerning general or specific contracts, both named and unnamed, and concerning payments, shall be canonically observed in regard to ecclesiastical matters and shall have full canonical effect, unless such prescriptions are contrary to the divine law or unless the canon law decrees otherwise."

152 This is not to say that the Church herself may not legislate at all regarding copyright. We have already made some very concrete proposals in this area, with a view to guaranteeing the protection of intellectual property in the Universal Church, but without prejudice to concrete individual situations which must be dealt with through particular law, including the law governing church-state relationships. For more details, see W. SCHULZ, *Das Urheberrecht in der Kirche im Hinblick auf die Revision des Codex Juris Canonici*: InterGU Jahrbuch 3 (Wien 1975) 175/87.

153 On this see primarily sections 1 and 2 above.

154 Const. "Sacrosanctum Concilium," Art. 112 § 1: AAS 56 (1964) 128.

Sancta sancte (St. Pius X)

JOHANNES OVERATH

Your Eminences, Your Excellencies,
My dear brothers and sisters in Christ!

It is a great joy and a privilege for me to be able to speak a word of greeting and hearty congratulation here in the Eternal City, in the name of the Consociatio Internationalis Musicae Sacrae which is headquartered here in Rome, on the occasion of the centennial of the Associazione Italiana Santa Cecilia. You will recall that during the Seventh International Church Music Congress held at Bonn and Cologne from 20 to 26 June of this year, we already commemorated the jubilee of your great organisation.

Jubilee days are days of *grateful remembrance* and of *responsible reflection*.

We recall the meritorious personages who in the past hundred years have made great efforts on behalf of a music worthy of God, a music which deserves to bear the name “sacred,” in the divine liturgy. Among the many important names which would have to be mentioned in any review of the past century, one name stands out from all the others: POPE ST. PIUS X. Among his pastoral concerns in the dioceses entrusted to him as Bishop of Mantua and as Patriarch of Venice there figured prominently his endeavours for a truly sacred music proceeding from the spirit of the liturgy, a music capable of *raising men to God* and of *stimulating them to prayer*. Thus Cardinal SARTO became the pioneer of liturgical and musical reform among the Italian bishops; indeed, his work led to the reform of sacred music in the universal Church after Divine Providence elevated him to the Chair of Peter in 1903. In his *Motu proprio* “*Inter pastoralis officii sollicitudines*”, which was published in the early months of his pontificate, the motive for his will to reform is recognisable, as it also is in the motto he chose: *Omnia instaurare in Christo*, To restore all things in Christ! This motto signalises a radical change in theological and ascetical thinking within the Church: the newly awakened consciousness of the cultic mysteries, the sacraments and the liturgy. Liturgical community prayer, supported by the consciousness of the baptised that they belonged to the Mystical Body of Christ, was rediscovered as the source of authentic religious life.

The theological section of the *Liturgy Constitution of Vatican 2* is also replete with the spirit which burst forth in the Church in those earlier years. And this is the precise point at which our reflection should begin.

He who attempts to discern the spiritual content of the treasury of sacred music, and especially of Gregorian chant, through the eyes of the saintly reform pontiff, will very quickly discover that the only reason why Gregorian chant is the norm and measure of any kind of liturgical music is because it is sung prayer, because it represents liturgy turned into sound, and therefore demands a theocentric experience of music in the liturgy. By its very nature, this experience stands in painful opposition to the anthropocentric tendencies which are gaining ground today in a falsely understood liturgy reform.

The modernistic thinking in contemporary theology, which is undermining the very foundations of our faith and in whose train so-called desacralisation and “demythologising” are

producing devastating effects in the area of the liturgy, is simply incompatible with such spiritually rich music as Gregorian chant. Here, two worlds are separated by a vast chasm.

And this is the real reason why Gregorian chant has to such a large extent fallen silent in our cathedrals, monasteries and parish churches – in spite of the clear statements of Vatican II's Liturgy Constitution. It is incorrect to blame this development upon the introduction of the vernacular into the liturgy, even if one must take to heart a statement by the liturgical historian BALTHASAR FISCHER of Trier, who is quite definitely a supporter of the liturgical vernacular. According to him, the "monopoly of the vernacular liturgy" is a "childhood sickness" which must be vanquished.¹

If nothing else, the thought of a Christian Europe in the future ought to open our eyes at long last in the Catholic churches of Europe. What a great help to us the standard song of Gregorian chant could be, linking people together as it does, by means of a live performance in the liturgy, and that not only under the aspect of a common treasury of standard melodies, but even more as a bond of *unity in spirit in praying to God*, the Lord and Father of all peoples. Reasons enough for us to reflect on Gregorian chant precisely as *prayer*.

We are therefore filled with joy and hope at the fact that the Sacred Congregation for Catholic Education has promulgated the following rules concerning the liturgical formation of candidates for the priesthood, in its Instruction of 3 June 1979, article 19:

Especially useful for the students is a familiarity with the Latin language and Gregorian chant. After all, it is not only for the faithful that the possibility is to be preserved which Vatican II provided for, namely: to pray and sing in common at large-scale events. The future priests too should also become more deeply rooted in the tradition of the praying Church; they should grasp the full sense of the original texts and through comparison with them make this full meaning clear in the vernacular languages.

Our Holy Father, POPE JOHN PAUL II, speaks in a similarly encouraging but binding fashion in his Breve "Jubilari feliciter" dated at Pentecost of 1980 and addressed to the Seventh International Church Music Congress in Bonn and Cologne – his first document on church music. I quote:

In a special Constitution "Sacrosanctum Concilium" the Second Vatican Council strongly emphasised the "ministerial" task ascribed to sacred music (cf. Sacrosanctum Concilium, Art. 112). After all, the words, which are so important in a liturgical celebration, become even more so when sung, thus acquiring a special degree of solemnity, beauty and dignity which permits the participating congregation to feel itself closer to the sacredness of the mystery which is at work in the liturgy. Precisely for this reason the Council judged it most appropriate to remind everyone that an extraordinarily rich treasury of musical tradition is to be found among the various liturgical families of both Orient and Occident, and that this treasury, acquired in the course of many centuries and reflecting the art and human culture of the various peoples, is still in use today. At the same time the Council

1) B. FISCHER, Abt Ildefons Herwegen. Eine Würdigung nach dem Zweiten Vatikanischen Konzil, in E. v SEVERUS (Hrsg.) Was haltet ihr von der Kirche? Die Frage des Abtes Ildefons Herwegen an seine und unsere Zeit. Beiträge und Würdigungen aus Anlaß seines Geburtstages vor hundert Jahren am 27. November 1974 gesammelt = BGAM Supplbd. 3 (Münster i./W. 1976) 35.

urges upon all the high degree of vigour and effort to be expended in order to preserve these riches for the Church, a duty explicitly incumbent upon the custodians of these treasures and the active practitioners of sacred music (ibid., Art. 114). Worthy of special mention, however, is “cantus gregorianus,” which, corresponding to its great significance, is recognised both by the Church’s daily usage and by her Magisterium as the chant proper to the Roman liturgy, linked most intimately with the Latin language (ibid., Art. 116/7). Similarly, polyphonic music is acknowledged to be an outstanding means of sacred and liturgical expression... But the Council does not rest content with recommending the values of the centuries-old musical tradition which is still valid today. The Council was also conscious of a necessity which the Church has always felt keenly, namely to discover and as it were to incorporate into herself appropriate elements in the human culture and art of the nations which come to believe in Jesus Christ. Hence the Council advises that for them in particular “the treasury of sacred music is to be preserved and cultivated with great care” (ibid., Art. 114)...

Of course, the primary need today is to develop and increase the musical patrimony of the Church, not only in the new young churches but also among those which have known Gregorian chant and polyphonic music in the Latin language for many centuries, but now, after the introduction of the vernacular, find themselves confronted with the need for additional appropriate forms of musical expression in the liturgy.

But whenever such new musical forms must be judged, account should also be taken, in a non-partisan evaluation, of those elements which are proper to the traditional usages and indeed the very nature of the various nations themselves...

However, to the extent that the new sacred music is to serve the liturgical celebration of the various churches, it can and must draw from the earlier forms – and especially from Gregorian chant – a higher inspiration, a uniquely sacred quality, a genuine sense of what is religious.

Honoured listeners, if your centennial celebration could contribute, in the spirit of POPE ST. PIUS, to a new reflexion upon the doctrinal foundations of our church music apostolate, in other words to a firm grasp of its supreme principle: Sancta Sancte, not until then would there come to fulfillment in our contemporary liturgical reform those intentions of Vatican II which the Council, filled with faith and hope, described in the opening chapters of its Liturgy Constitution: “Every liturgical celebration, because it is an action of Christ the Priest and of his Body, which is the Church, is a sacred action surpassing all others. No other action of the Church can equal its efficacy by the same title and to the same degree” (Art. 7). In accord with this clear avowal of the Council, therefore, one demand must be made of liturgical music as an integral part of the liturgy itself: she *must be holy*. And hence, in the words of POPE ST. PIUS X, “it must be free from all that is profane, both in itself and in the method of performance.”

And so the more alive and vital the interior connexion between the sacred event, the “sacred action surpassing all others” and sacred music in the artistic expression of its proclamation or adoration and through the musicians and singers who perform it, so much the more holy such a music will be – so much the more does such a music realise in practise the petition of the Lord’s Prayer: Hallowed be Thy Name!

But there exists today a group of theologians – overrepresented, furthermore, in terms of publicity – which with the slogan “de-sacralisation” in the renewal of liturgical forms is calling for the elimination of the categories of Sacred and Profane. Naturally, this also involves the elimination of any really sacred music. In the area of liturgical music, we realise that it is a case of something more than merely theoretical confrontations when we experience the inroads of trivial entertainment music intended to animate the listeners, music which is in truth not oriented toward the “Up There” of the liturgy, but rather toward that which allegedly appeals “Down Below,” and with its stereotyped rhythms affects hands and feet more than hearts and minds.

In this regard one should take to heart what JOSEPH Cardinal RATZINGER, in a theological lecture about church music, said regarding the cultic music of heathen religions.

In many cases this type of music aims at bringing about even an ecstasy of the senses through rhythm and melody, but in fact does not thereby take the sensual into the spiritual, but rather attempts to swallow up the spiritual into the sensual and redeem it through such ecstasy . . . Here music can really become a “temptation” which leads men astray – not toward purification but rather toward stupefaction. Music which desires to be a means of adoration needs to be purified; only then can it actually purify and elevate.

Music within the sanctuary of the liturgy may not “destroy the spiritual space of stillness with which we veil the mystery.”

Over a century ago the Munich theologian MARTIN DEUTINGER was already repeating his insight that where there is no cult, there is no religious art or culture either. And the greatest artistic accomplishments always took place within the compass of the sacred, indeed, one could also say: of the cultic. Artistic shaping, however, is not a matter of mere knowledge concerning the Sacred, because skilled handicraft would be enough for that. Real art only makes its appearance in conjunction with the Sacred when *an artistically gifted human being is touched and moved by the Sacred*. But if a person wants to give shape to the Sacred, then he must meet the very highest standards, even in artistic technique. *The Sacred withholds itself from the artistic amateur in the same way it also withholds itself from the amateur at Christian living, who then runs about as the caricature of a saint*. Where the Sacred is no longer recognised and accepted as sacred, there the artist no longer falls on his knees before it, and then whatever he produces is mere routine and no music worthy of the liturgy. Since its very beginnings the Church has always had to struggle to guarantee the sacredness of her music.

As long as devout listening to music in the liturgy remains a legitimate form of *actuosa participatio* – of living participation in the liturgical event, in the spirit of Article 15 of the 1967 Instruction “*Musicam sacram*,” then the liturgical use of musical art meant principally to be listened to does not contradict the basic intention of the liturgy reform, but rather can only further it. There remains the question of what is more efficient pastorally: active congregational singing or devoutly listening to music which is capable of expressing the ineffable aspects of the mysteries of a divine liturgy in a higher language – the language of music. In this sense the previously mentioned message of our Holy Father, POPE JOHN PAUL II, to the Seventh International Church Music Congress acknowledges “polyphonic music to be an outstanding means of sacred and liturgical expression.”

On the basis of these ecclesiastical directives I could not think of anything better to wish the honoured members of the Associazione Italiana Santa Cecilia on their centennial than a joyful, mutual and grace-filled activity at the service of

a music arising from faith,

a music for the faith, and

a music worthy of the faith,

whose holy and healing powers we may not withhold from people, least of all from contemporary man!



The international Institute for Hymnological and Ethnomusicological Studies, located in Church Music House at Maria Laach, was solemnly blessed on 3 October 1978 by H. E. Archbishop Dr. Guido Del Mestri, Apostolic Nuncio in Germany, shown here in the foreground with the Rt. Rev. Dr. Urbanus Bomm O.S.B., retired Abbot of Maria Laach. In the background, left to right: Mons. J. Overath and Fr. R. Skeris.

Evangelisation and Culture

+ D. SIMON LOURDUSAMY

Permit me to begin with a word of thanks for the honour of being invited to deliver the keynote address at this Seventh International Church Music Congress. The words which I am privileged to address to you in my capacity as Secretary of the Sacred Congregation for the Evangelisation of the Nations and as President of the Pontifical Mission Organisations are by that very fact especially meaningful and indeed completely justified – if any justification is required at all.

Among the great concerns of the Sacred Congregation for the Propagation of the Faith since the very first years of its existence were a respect for cultures, the organic implantation of the Christian message in them, and the promotion and rendering serviceable of customs and usages – including musical ones. The Sacred Congregation expressed this unequivocally in its epochal Instruction of 1659 addressed to the Vicars Apostolic of China and Indochina.

Beware of inducing the people to change their forms of life, their customs and usages as long as these do not openly contradict religion and good morals. For what would be more ridiculous than to transplant France, Spain, Italy or some other European country (i. e. their customs and usages) to China! It is not these which you are to bring to China, but rather the faith, which neither insults nor rejects the customs and way of life of any nation, as long as these are not bad in themselves. On the contrary, the faith desires rather to preserve and promote these customs and ways of life.¹

This Congress has as its subject the investigation of ethno-musicological questions in the cultures of Central and East Africa. It is not my task to express an opinion on the problems which arise here. This will be done by the experts who will speak at this Congress. But from my own experience as organist and choir director during my student days, later as Archbishop of Bangalore, and now as Secretary of the Sacred Congregation for the Evangelisation of the Nations and President of the Pontifical Mission Organisations, I believe I am quite qualified to encourage the participants at this Congress in their efforts and researches which are so important for the universal Church, for the evangelisation of the nations and for the foundation and growth of the local Churches. Your investigations will no doubt help to discover the profound values in the musical traditions of the peoples from various cultural areas, will help point out ways and find means of preserving, promoting, and using these values in the Church's liturgy. It is by no means only in the "young Churches" that the cultural value of music must be promoted, cultivated and further developed, but also among the peoples with old Christian traditions, especially today since the introduction of the vernacular into the liturgy.

Here, I may perhaps remark in passing that one of the Vicars Apostolic of the Congregation for the Propagation of the Faith was a well-known musician and composer: the Italian AGOSTINO STEFFANI. He was court organist at Munich since 1675, became court conductor at Hannover in 1688 and Hannoverian ambassador at Brussels in 1696. He was also known, indeed highly respected, at the courts of Berlin and Düsseldorf. POPE CLEMENT XI, who knew STEFFANI person-

1 The complete text of the Instruction is published in: *Sacrae Congr. de Propaganda Fide Memoria Rerum. 350 Jahre im Dienste der Weltmission* (Freiburg 1976) Vol. 3/2, pp. 697/704.

ally, named him titular bishop of Spiga in 1706 and in 1709, at the suggestion of the Congregation for the Propagation of the Faith, Vicar Apostolic for Northern Germany with residence at Hannover. STEFFANI's musical production is concentrated in the areas of opera, vocal chamber music and of course church music. In the archives of the Sacred Congregation at Rome, we have 86 volumes of documents from the estate of this famous musician and bishop which have frequently been consulted by scholars.

And that is just one example illustrating the subject of "The Congregation for the Evangelisation of the Nations and Music." We could cite many other examples to show the activity of missionaries in the field of church music, whether as scholars and publicists who investigated the indigenous cultural values of music, or as composers. The thirty volumes of the mission bibliography "Bibliotheca Missionum" are a source of further information on this subject.

This evening I would like to present to you some general thoughts and guidelines which may be useful in this connexion.

Introduction

After the Fourth Synod of Bishops, held at Rome in 1974, had discussed the problems of "Evangelising the world of today", there followed an international Missiology Congress (Rome, October 1975) on the subject of "Evangelisation and Cultures," sponsored by the Pontifical Urban University of the Sacred Congregation "de Propaganda Fide."²

One month later, in November 1975, the Consociatio Internationalis Musicae Sacrae, which POPE PAUL VI had erected, sponsored at Rome a first Ethnomusicological Symposium, to which leading specialists in the field were invited from all over the world. This Symposium encouraged the Praesidium of the Consociatio to establish an Institute for Ethnomusicological Studies not far from Bonn, at Maria Laach, in 1978. And we have just heard the President of the German Bishops' Conference, His Eminence Cardinal HÖFFNER, officially open the Seventh International Church Music Congress, which has set itself the task of discussing for the first time ethnomusicological questions from a particular region of the universal Church, namely in Africa.

All the more reason to speak this evening about *Evangelisation and native cultures*. The timeliness of the activities mentioned, though here only in part, was confirmed in an extraordinary manner a few weeks ago by the visit of our Holy Father, POPE JOHN PAUL II, to several local Churches in Africa.

I

The question regarding the relationship of the Christian faith to non-Christian religions and cultures has become quite topical within the Catholic Church because of Vatican 2.

Every attentive reader of the conciliar documents will not have failed to observe that the Declaration on the Relation of the Church to *Non-Christian Religions*³ and the Decree on the

2 Cf. *Evangelizzazione e Culture*. Atti del Congresso Internazionale di Missiologia, Roma, 5/12 ott. 1975 (Roma 1976) 3 vols.

3 *Declaratio de Ecclesiae habitudine ad religiones non-Christianas*, Nostra aetate (28 October 1965).

*Church's Missionary Activity*⁴ have given new impetus to the missionary work of the Church as a whole.

Thus at the Missiology Congress in Rome (1975) Cardinal KÖNIG of Vienna described in these six points the significance of the conciliar Declaration on the non-Christian religions for the *Church's missionary task*:

1. If one begins with the fact that the Church represents Christ to all of humanity, then it is part of the permanent task of the community of believers to testify to and explain the ministry of Christ, the Redeemer of all men, and that not only through their preaching, but through their entire existence. To that extent the whole Church must regard itself as missionary.

2. The conciliar document sees a "paidagogós eis Christón" in the non-Christian philosophies and religious cultures.

In view of the fact that *on the one hand* the path of these cultures through the course of history is accompanied by a praying humanity, *on the other hand* according to St. Thomas Aquinas prayer is to be regarded as an essential vital sign of religion, we can justifiably speak of a "praeparatio evangelica," a preparation for the Gospel. This simply means that God could give His grace in unknown ways to those men who have heard nothing about the Gospel. To such a "praeparatio evangelica" there furthermore corresponds that unrest of the human heart of which St. Augustine speaks, and which appears as a call for light and truth.

3. The social aspect, which has its significance for missionary work, today stands more in the foreground of all encounters with the non-Christian religions and cultures. Increasingly, *the shrinking earth of modern civilisation* is being built by the means of transportation and the communications media *right over the different cultures of the nations*. Along with the common struggle against hunger and both spiritual and material need, there is also the yearning for unity and love among the nations.

4. In the face of a technology which tends all over the world toward an increasing standardisation, and which seems to have joined forces with an areligious humanism in order to build a better world without religion, both the old high religions and the primitive religions are scarcely in a position to hold their own, much less to prevail. It is therefore a question of preserving a "sensus religiosus," which is still very much alive in the cultures of Africa and Asia and is very important for missionary work, above all against the backdrop of religious decline in Western Europe and North America.

5. By means of the confrontation with various non-Christian religions the Church is brought to a deeper understanding of her own essence. The encounter with the non-Christian religions can be compared to a dialogue between the Church and all of humanity, a dialogue for which greater intensity – perhaps in new ways – is desirable.

6. The implantation of the Church in other cultures will be conducive to the consciousness of solidarity and brotherliness among all men, which in turn permits the growth and expansion of a sincere dialogue.

(Thus far the words of Cardinal KÖNIG at the Missiology Congress in Rome 1975 in condensed form.)

4. Decretum de activitate missionali Ecclesiae, Ad gentes (7 December 1965).

The conciliar Decree on the Church's Missionary Activity (7 December 1965) spoke more extensively and more directly to the problem of indigenisation in the different cultural regions of the world.

Thus the Second Vatican Council compares the Word of God to the seed which

grows out of good soil watered by the divine dew, it absorbs moisture, transforms it, and makes it part of itself, so that eventually it bears much fruit. So too indeed, just as happened in the economy of the Incarnation, the young churches, which are rooted in Christ and built on the foundations of the apostles, take over all the riches of the nations which have been given to Christ as an inheritance (cf. Ps 2/8). They borrow from the customs, traditions, wisdom, teaching, arts and sciences of their people everything which could be used to praise the glory of the Creator, manifest the grace of the Saviour, or contribute to the right ordering of Christian life.

Further, the Council encourages the theologians in each of the great sociocultural regions to submit to a new examination "the facts and words revealed by God, contained in sacred Scripture, and explained by the Fathers and Magisterium of the Church, . . . in the light of the tradition of the universal Church."

In this way it will be more clearly understood by what means the faith can be explained in terms of the philosophy and wisdom of the people, and how their customs, concept of life and social structures can be reconciled with the standard proposed by divine revelation. Thus a way will be opened for a more profound adaptation in the whole sphere of Christian life. This manner of acting will avoid every appearance of syncretism and false exclusiveness; the Christian life will be adapted to the mentality and character of each culture, and local traditions together with the special qualities of each national family, illumined by the light of the Gospel, will be taken up into a Catholic unity. So new particular churches, each with its own traditions, have their place in the community of the Church, the primacy of Peter which presides over this universal assembly of charity all the while remaining intact.

In his concluding address to the Roman Synod of Bishops in 1974, POPE PAUL VI referred to the dangers of falsely interpreting the conciliar text, by saying that "it would be dangerous to speak of theologies diversified according to continents and cultures. The unabridged content of the faith is either Catholic, or it disappears." This indication is of special importance, since the content of the Catholic faith is supranational and supra-cultural. The universality of missionary effort corresponds to the catholicity of supernatural faith.

According to the German theologian JOHANN ADAM MÜHLER "the foundation of the Catholic Church is the living Christ, God made man" and "the continuing Incarnation of the Son of God" in the Church. Cardinal NEWMAN expresses the same idea in these words: "I should like to call the Incarnation of God the central aspect of Catholic Christianity." Understood in this way, the Catholic faith is not a religious idea about the greatness of God, like Plato's supreme good, nor is it a humanistic program for realising a higher humanity like HEGEL's program, which even today has powerful effects on our own generation.

Catholic faith is rather a reality of the God-Man Jesus Christ who lives on in the Church and (to use St. Paul's words in 1 Cor 12/12 ff.) who has made the Church to be His Body.

Thus the Church is “the universal sacrament of salvation,” because in her God’s saving action is continually present in the midst of human history. *By her very nature* the Church on earth is missionary, “since according to the plan of the Father, it has its origin in the mission of the Son and the Holy Spirit” (Ad gentes 1/2 = Lumen gentium 1).

God’s work of salvation and *the Church’s mission* cannot be separated from each other, and so the Church cannot cease to gather the people of God from all the ends of the earth up until the end of time, so that from East to West a perfect offering may be made to the glory of God’s name (cf. Eucharistic Prayer 3).

Thus missionary activity means *gathering God’s people*, “the evangelisation and the implanting of the Church among peoples or groups in which it has not yet taken root” (Ad gentes 6). Missionary activity does not mean colonisation or aid to developing countries; it is not at the service of any culture or any other earthly structure whether of economic or political nature – it is rather directed toward the Eternal in man. But this is not to say that the Church is indifferent to either culture or earthly structures: rather, she accepts whatever values are present in these cultures and structures.

In his first encyclical, our Holy Father said it even more emphatically: “Missionary activity is never destruction, but instead a taking up and fresh building, even though this high ideal was not always lived up to in practise” (Nr. 12). Missionary activity always begins with a feeling of respect for that which “is in every man” (Joh 2/25), respect for whatever the person has already achieved in the depths of his nature by his own effort regarding the most profound and important problems. It is a matter of respecting everything produced in him by the Spirit Who “blows where he will” (Joh 3/8). “In the discussion between Christianity and the cultures of the nations, the criterion is the Gospel of Jesus Christ.”⁵ *The Incarnation of God in Jesus Christ* means *ultimate fulfillment even for the cultures of the nations*.

II

In the papal addresses during POPE PAUL VI’s visit to Uganda in 1969, and just recently during the long African journey of JOHN PAUL II, special attention was devoted to our subject of “Evangelisation and Cultures,” of course with a view to the *African* cultures, the problem area which is also the special subject of this international church music congress.

In his message “Africae terrarum” of 29 October 1967 POPE PAUL VI already emphasised that

the Church regards the ethical and religious values of the African tradition with respect, not only as far as their contents are concerned but also because the Church sees in them the providential foundation for the giving and receiving of the Gospel, and for the construction of the new society in Christ.

During the Missiology Congress at Rome in 1975 it was correctly explained that it does not suffice to cover over or merely superimpose Christian faith upon traditional African forms of belief, or the ethics of the Gospel upon traditional African ethics, for such a procedure would lead to a syncretism ultimately fatal to both Africanity and Christianity. Rather, it is necessary to purify and clarify the religious and cultural values present in African traditions – in which a

5 J. DÖRMANN, Die universale Mission der Kirche vor der Herausforderung der einheimischen Kulturen: Das Problem der Indigenisation, in: Welt-Mission in der Weltkrise (1978) 19.

certain preparation for the Gospel may be discovered – simply because God is the Source of absolutely all that is good, and this includes the values which are to be found in the African cultural patrimony.⁶

Last spring, when our Holy Father JOHN PAUL II announced his imminent visit to six African countries, he summarised his wishes for Africa in this one sentence:

May your peoples succeed in accepting with the highest degree of prudence and humanity the often rapid changes which are unavoidable or which are forced upon you by circumstances, the while preserving the authentic values of the African soul, developing them or if need be purifying them.⁷

The Pope is well aware of the opportunities connected with the tremendous changes occurring throughout the whole African continent, but he is also aware of the snares and dangers involved. Full of hope, the African nations are opening themselves to the possibilities for development in science, technology and education. But depending upon the possibilities of the individual countries, there are great differences in progress through increases in material goods and knowledge. This progress is accompanied by phenomena which are very difficult of management: restructuring of agriculture, industrialisation, mechanisation of work, strong urbanisation resulting in rootlessness and anonymity, dissolution of the family, weakening of moral and religious values “which does harm to the spirituality so deeply rooted in the African soul...”⁸ Ideological struggles, often imported from abroad, have spread in certain areas, and in addition an unbearable degree of racial discrimination...

The Pope appeals to Africans to preserve and develop the patrimony of the African soul, as his predecessor PAUL VI had earlier done in his message to the bishops and all the peoples of Africa (29 October 1967).

In a frankly spontaneous fashion the Africans connect their lives with the world of the invisible; they recognise the ubiquity of God, the Source of life, and gladly pray to Him. They have a feeling for human dignity and respect for human life. Children are a blessing for them. Under the authority of the parents the family plays a prominent role, not merely as protection but as an introduction into life, to practical solidarity.

And it is a very natural necessity to take part in both the life of the community and of the family. The cultivation of these religious and ethical values will support the successful development of your civilisation and lead to a happy fusion of the Old with the New.

Naturally, these hereditary tendencies must, just as in all the other continents of Europe, America and Asia, be freed from the restraints under which they have perhaps suffered in practise. From *the Christian viewpoint* we call that *the evangelisation of cultures*. For us, the Gospel of Jesus Christ, the Good News, has not come in order to replace such traditions but to illuminate them, to strengthen the good elements present in them, to purify them of all disvalues with which sin has darkened them, ‘by helping them to overcome the defects or even inhuman traits which are present in them, and by giving to their legitimate values the fulness of

6 See gwa Cikala M. MULAGO, *Africanité et Evangelisation*, in: Congresso Internazionale di Missiologia „Evangelizzazione e Culture” (Roma 1975) 8/9.

7 Papal address of 2 February 1980 to the Africans resident in Rome.

8 *Ibid.*

Christ' (Catechesi tradendae, Nr. 53). This applies to the perception of God and of His fatherhood, which Jesus reveals to us in an unprecedented way. This also applies to the family, which must be strengthened in today's new social conditions.

To help save the African soul – this is what the Church desires to prepare for in the centres of theological and pastoral education which are attended by Africans both in Rome and in Africa. This is what the Church desires to achieve on the local level in Africa through catechesis, education and the witness borne by so many communities. The Church is aware that in Africa, other great religions try to assist men in living out human reality with a fraternal and spiritual, religious attitude. Accordingly, she is sympathetic to the need for dialogue with these great religions, and also for practical cooperation which respects the specific character of faith in each instance. Under these circumstances the African countries can make a very specific contribution among the nations. It will be *a contribution of great value* because it will be marked with the *characteristic sign of the African values* referred to earlier. Indeed, *the Church Universal awaits enrichment* from the witness of the Christian communities of Africa.⁹

After all, missionary activity is not a "one-way street," but rather consists in mutual giving and taking. We bring the Good News of Christ to the nations and are enriched by the cultural values of the various peoples.

In his message to the bishops of Zaïre the Pope speaks repeatedly about the necessary co-ordination of evangelisation and culture which is quite in accord with the natures of both of them:

It is very true that the Gospel cannot be identified with any one culture, since it far surpasses all cultures. But the Kingdom announced in the Gospel is lived by men who are intimately connected with a culture; the establishment of God's Kingdom cannot omit the inclusion of elements of human culture . . . You desire to be at once totally Christian and totally African. The Holy Ghost demands of us the living belief that the leaven of the Gospel in its authenticity possesses the power to awaken Christians in the different cultures with the purified and transformed richness of their patrimony.¹⁰

III

On the basis of *these fundamental statements of the ecclesiastical magisterium*, the topics in the area of ethnomusicology foreseen for this Congress are not only pertinent but almost necessary. For the scientific sessions the Congress organisers have invited African experts as speakers, who will investigate and discuss the musical traditions, with special attention to definite areas of the African continent, in the interaction of environment and human talent, and under the influence of the countless forms of human life in community.

⁹ L'Osservatore Romano, German edition No. 10 (7 March 1980) p. 8.

¹⁰ L'Osservatore Romano, German edition No. 19 (9 May 1980) p. 7.

The ethnomusicological researcher is always dependent upon the original statements of the natives, regardless of whether these reach him in oral or written form. The main point is the investigation of the formal and organisational elements of every artistic expression. The ethnomusicologist will inquire into the meaning of the whole and of each individual part, into the effect of presentation and reception. And here, there arises the question of whether visible or audible signs do not signify much more than immediate perception allows us to expect.

A human countenance or an animal shape, carved in stone or painted in colours, can be the symbol of another, invisible nature; a dance accompanied by song and instrumental music might in one case be pure entertainment, in another case at the service of religious celebrations or magical practices. Consequently all artistic investigation is directed on the one hand toward the artistic expressions themselves, and on the other hand toward the totality of the human personality or the community from which the visible and audible artistic products emerged. In this respect music is more difficult to grasp firmly than are architecture, painting or sculpture, because firstly musical sounds do not perdure beyond the duration of their actual performance, and secondly because a musical creation can often have a very deep psychic effect, which can be transformed into calmness or excitement, into spiritual exaltation or misguided reactions.

This combination of problems and possibilities also confronts that area of musical research which is to assist in the proclamation of the Gospel or the shaping of liturgical celebrations in countries with their own musical traditions. If research is intended to promote the design of a repertory of Catholic church music which is indigenous in each instance, then under the aspect of human musical experience, research must first of all inquire as to the traditional music of each region of the earth, and then try to determine how it is constituted, what meaning and functional reference it has, and what psychic effects it causes.

Such a task can only be accomplished with the modern means of sound recording and documentation, and without an archive in which the collected recordings can be investigated, it is impossible to expect models as points of departure for the creation of a musical repertory which can be used in the liturgy. POPE PAUL VI realised this and thus in addition to other duties he commissioned the *Consociatio Internationalis Musicae Sacrae* (which he erected in 1963) to assist the ecclesiastical hierarchy of mission countries in everything concerning the cultivation of church music which falls within the limits of their particular local competency. Here, special significance is to be attributed to the study of local native music cultures, and the use of such native music in worship and proclamation today.¹¹

Conclusion

The religions of the various peoples are also the native soil of their cultures. And when we as Christians attempt to understand them, this will have to be in the spirit of love – which is more than justice, and also more than mere tolerance. The very same St. Augustine, who admonishes us to “hate error but love the erring,” also says: “you are also supposed to find the hidden truth in every error!” And in the event that not even a trace of “truth” were to be found, then the deeper intention of all religions is at least the Sacred and the Good. No matter how imperfect a religious utterance or expression might be, it still points toward God.

11 See *Missionarius Auxilium* (Roma 1978) p. 3.

To recognise this positive element in the complexity of “forms” and “wrappers” – that is the purpose of missionary effort, in order to prepare the way for the Gospel, the Good News of God’s Son made Man. We are indeed dealing with God’s honour and glory, as it is also expressed in the motto of this Congress – *Annuntiate inter gentes gloriam Domini* – proclaim the glory of the Lord among the nations! That is the precondition for true peace among men. This is how Christ’s Church understands her ministry: as the *catholica*, the “*all-embracing*”,

who lives in all and is powerful to save, to the extent that with their religious and ethical values they share in the treasures of truth and grace which are given in abundance to the Saviour become man in His Church. Thus the “Mother Church” regards herself as the Church of all peoples.

I would like to conclude with the hymn of the German poetess GERTRUD VON LE FORT, who has the Church speak as follows:

“I carry flowers from the wilderness in my arms,
I still have dew in my locks from prehistoric valleys.
I still have prayers to which the meadow listened,
I still know how one tames the weather and blesses the water.
I still bear in my womb the secrets of the desert,
I still bear upon my brow the noble web of ancient thought.
Because I am the mother of all the earth’s children.
Why do you revile me, O world, because I am allowed
to be great like my heavenly Father?
Behold, in me there kneel the nations which are long gone,
And out of my soul many heathens gleam toward Eternity.
I was secretly present in the temples of their gods,
I was obscurely present in the statements of all their sages,
I was there on the platforms of their stargazers.
I was with the lonesome women upon whom the Spirit descended,
I was the yearning of all the ages.
I was the light of all the ages,
I am the fulness of the ages.
I am their great Together.
I am their eternal United.
I am the path of all paths –
Upon me the millenia march towards God.”

Bio-Bibliographical References

Johannes HATZFELD, b. 1882, ordained priest of the Archdiocese of Paderborn 1906, Vy. Rev. Msgr., Dr. theol. h. c., d. 1953.

SACRED MUSIC

MUSICAL ART WITHIN THE LITURGY

MUSIC OUT OF THE SPIRIT OF THE LITURGY

CHRISTUS MUSICUS

The German original, entitled Die Kirchenmusik als liturgische Kunst: CVO 49 (1914) 79/82, 108/14 includes portions of Alph. LAUDY, Kenntnis der Liturgie und Einführung des gregorianischen Volksgesanges als Mittel, die Gläubigen für den Besuch des heiligen Opfers zu erwärmen: CVO 47 (1912) 32/7, here 35/6. The present translation is based upon the version edited by J. OVERATH, Priester und Musiker (Düsseldorf 1954) 151/71.

Johannes OVERATH, b. 1913, ordained priest of the Archdiocese of Cologne 1938, Rt. Rev. Msgr., Protonotary Apostolic, Dr. phil., President of the Consociatio Internationalis Musicae Sacrae, Preside del Pontificio Istituto di Musica Sacra, Roma.

LOVE OVERFLOWS IN SONG

This is the text of a sermon preached in St. Eberhard's church at Stuttgart on the feast of the Holy Rosary, 7 October 1951, during the convention of the International Society for the Renewal of Catholic Church Music (IGK = Internationale Gesellschaft zur Erneuerung katholischer Kirchenmusik). The German original was first published as J. OVERATH, Die Liebe ergießt den Gesang: CVO 74 (1954) 13/5.

CHURCH MUSIC AND THE REFORM OF COPYRIGHT LAW

From 18/31 August 1954 the International Society for New Catholic Church Music (headquarters: Frankfurt/Main) sponsored the "International Church Music Days 1954" at Fulda. This is the keynote address delivered by the then President-General of the Federated Caecilian Societies of Germany, Austria and Switzerland, Prof. Johannes OVERATH, in the presence of the society's membership as well as representatives of church, state and municipality. The German original is entitled Die Kirchenmusik und die Urheberrechtsform: CVO 75 (1955) 16/21.

THE AUTHOR AND THE INTERPRETER OF MUSIC

The German original was published as J. OVERATH, Urheber und Interpret in der Musik: InterGU Schriftenreihe 11 (Berlin-Frankfurt/M. 1954) 40/5.

MUSIC AS INTELLECTUAL PROPERTY

The original is entitled Musik als geistiges Eigentum, in W. RICHARTZ (ed.), Urheberrechtsreform – ein Gebot der Gerechtigkeit (Berlin 1954) 31/8.

THE ENCYCLICAL Musicae Sacrae Disciplina OF 25 DECEMBER 1955 AND THE COMPOSER

The German original was a lecture delivered at the composer's meeting in Salzburg on 22/23 May 1956. It was first published as Die Enzyklika "Musicae Sacrae Disciplina" vom 25. Dezember 1955 und der Komponist, in J. OVERATH (ed.), Musikalisches Brauchtum. Festschrift für Heinrich Lemacher = ACV Schriftenreihe 1 (Köln 1956) 9/17.

BEQUEST AND COMMISSION

This address, delivered on 22 November 1959 in the auditorium of the West German Radio at Cologne, was originally published as J. OVERATH, Erbe und Aufgabe. 90 Jahre Diözesan-Cäcilien-Verband Köln: Kölner Pastoralblatt 12 (1960) 43/51.

THE OFFICE OF THE CHURCH MUSICIAN: A GENUINE APOSTOLATE

This is the text of an address presented in the auditorium of the Conservatory of Music at Berlin on 21 May 1959 during the "First German Church Musicians' Days." The German original was first published as J. OVERATH, Der kirchenmusikalische Dienst ein wahres Apostolat, in K. FORSTER – W. REIMANN (eds.), Musica sacra in unserer Zeit (Berlin 1960) 36/42.

MUSIC AND FAITH

The programmatic greeting of the first President of the Consociatio Internationalis Musicae Sacrae, appointed by Pope Paul VI in 1964, was originally published as Musik des Glaubens: Musicae Sacrae Ministerium 1 (1964) 10/12.

THE MEANING OF MUSICA SACRA AND ITS NOBILITY. REFLECTIONS ON THE THEOLOGY OF CHURCH MUSIC

The German original is entitled Sinn und Würde der Musica sacra. Ein Beitrag zur Theologie der Kirchenmusik: Musica sacra CVO 88 (1968) 243/54. It was the keynote address delivered in the Ducal Hall at Regensburg during the centennial celebrations of the Federated Caecilian Societies for the German-speaking countries on the feast of St. Michael the Archangel, 29 September 1968.

Max BAUMANN, b. 1917, professor at the Berlin Musikhochschule, recipient of the Arts Prize of the City of Berlin.

CATHOLIC CHURCH MUSIC TODAY

This lecture was originally written for presentation during the centennial celebrations of the Federated Caecilian Societies at Regensburg from 27 September/1 October 1968. It was first published as Die katholische Kirchenmusik heute. Notwendigkeiten, Möglichkeiten und Grenzen für den zeitgenössischen Komponisten: Musica sacra CVO 88 (1968) 255/9.

Johannes OVERATH

REPORT OF THE PROVISIONAL PRESIDENT

The text of the Provisional President's Report, which was delivered at Rome on 29 September 1969 to the Second General Assembly of the C.I.M.S., was originally published in Musicae Sacrae Ministerium 7/1 (1970) ed. spéciale 32/40.

THE ROLE OF THE CHURCH MUSIC SCHOOL TODAY

This festival address, delivered at the invitation of the Most Rev. Dr. Rudolf GRABER, bishop of Regensburg, during the farewell ceremonies for the Vv. Rev. Msgr. Director Ferdinand HABERL in the Great Hall of the Kolpinghaus at Regensburg on 11 July 1970, was translated from the original manuscript.

Heinrich FLATTEN, b. 1907, ordained priest of the Archdiocese of Cologne 1934, Dr. theol., Dr. phil., Rt. Rev. Msgr., Protonotary Apostolic, canon non-residentiary of Cologne, Officialis of the Archdiocese of Cologne, professor emeritus of canon law in the Catholic Faculty of Theology at the University of Bonn.

ON THE LEGAL SITUATION OF MUSICA SACRA AFTER THE SECOND VATICAN COUNCIL

The text, originally a lecture presented during the C.I.M.S. Symposium at Salzburg from 13/18 April 1971, was first published as Zur Rechtslage der Musica Sacra nach dem 2. Vatikanischen Konzil, in U. MOSIEK-H. ZAPP (eds.), Ius et salus animarum. Festschrift Panzram = Sammlung Rombach N. F. 15 (Freiburg 1972) 171/90.

Johannes OVERATH

SACRED MUSIC SINCE THE COUNCIL

This article is translated from the German original Die Musica Sacra nach dem Konzil: Musicae Sacrae Ministerium 9/3-4 (1972) 2/7, 10/1 (1973) 2/6, here in a slightly condensed version approved by the author.

Georg MAY, b. 1926, ordained priest of the Archdiocese of Breslau 1951, Dr. theol., Lic. jur. can., ordinary public professor of canon law in the Faculty of Catholic Theology at the Johannes-Gutenberg-University, Mainz.

REMARKS ON ECCLESIASTICAL LEGISLATION AFTER THE SECOND VATICAN COUNCIL, with special attention to liturgy and church music.

The original text was first published as Bemerkungen zur kirchlichen Gesetzgebung nach dem Zweiten Vatikanischen Konzil unter besonderer Berücksichtigung von Liturgie und Kirchenmusik, in H. LONNENDONKER (ed.), In Caritate et Veritate. Festschrift J. OVERATH = ACV Schriftenreihe 8 (Bonn 1973) 67/99.

Jobannes OVERATH

MUSIC AT THE SERVICE OF THE SACRED

The German original was delivered as the festival address at the centennial of the Regensburg Church Music Academy and published as Musik im Dienste des Heiligen, in F. FLECKENSTEIN (ed.), Kirchenmusik im Gespräch. Dokumentation zur 100-Jahrfeier der Kirchenmusikschule Regensburg = ACV Schriftenreihe 12 (Bonn 1976) 93/113. The text translated here is the expanded form broadcast on 1/2 November 1975 by the Bavarian Radio in the series "Catholic World".

THE LITURGICAL AND MUSICAL INNOVATIONS OF THE SECOND VATICAN COUNCIL

The original, entitled Die liturgisch-musikalischen Neuerungen des II. Vatikanischen Konzils, appeared in K. G. FELLERER (ed.), Geschichte der katholischen Kirchenmusik 2 (Kassel 1976) 370/80.

PROVISIONS OF THE CONCILIAR CONSTITUTION

This documentation and commentary originally appeared under the title Bestimmungen der Konzilskonstitution, in K. G. FELLERER (ed.), Geschichte der katholischen Kirchenmusik 2 (Kassel 1976) 381/94.

Josef Friedrich DOPPELBAUER, b. 1918, Prorector and professor of composition and organ at the Mozarteum Music Academy, Salzburg.

CONTEMPORARY PROBLEMS IN CHURCH MUSIC

This is the printed version of a lecture presented during the international composers' symposium sponsored by the C.I.M.S. at Bolzano from 13/17 April 1977 and first published as Problemi e compiti liturgici attuali, in J. OVERATH (ed.), Confitemini Domino. Simposio Internazionale dei Compositori a Bolzano = CIMS Schriftenreihe (Roma 1977) 115/22.

Joseph Cardinal RATZINGER, b. 1927, ordained priest of the Archdiocese of Munich and Freising 1951, Dr. theol., Prefect of the Sacred Congregation for the Doctrine of the Faith at Rome.

THEOLOGICAL PROBLEMS OF CHURCH MUSIC

His Eminence's article was originally presented in January 1977 as a lecture to the Church Music Department of the State Conservatory of Music at Stuttgart upon the invitation of its director, Prof. Dr. Rudolf WALTER. This lecture was the first in a series published under the title "Church Music, a Spiritual and Intellectual Discipline" (Stuttgart 1978 ff.). Both author and editor have kindly agreed to the present publication in translation.

Leo SCHEFFCZYK, b. 1920, ordained priest of the Archdiocese of Breslau 1947, Dr. theol., Rt. Rev. Msgr., ordinary public professor of dogmatic theology in the Faculty of Catholic Theology, University of Munich.

THE NATURE AND IMPLICATIONS OF THE CULTIC MYSTERY

*This is the text of an address delivered to the international Composers' Symposium at Bozen on 14 April 1977. It was first published as *Inhalt und Anspruch des Mysteriums in der Liturgie*, in J. OVERATH (ed.), *Confitemini Domino. Internationales Komponisten-Symposium Bozen = CIMS Schriftenreihe (Roma 1977) 63/75**

Johannes OVERATH

COPYRIGHT LAW AND CONGREGATIONAL SONG

*The original was first published as *Urheberrecht und gottesdienstlicher Volkesgesang*, in F. A. STEIN (ed.), *Sacerdos et Cantus Gregoriani Magister = Festschrift Haberl (Regensburg 1977) 213/7.**

Winfried AYMANS, b. 1936, ordained priest of the Archdiocese of Cologne 1962, Dr. jur. can., ordinary public professor of canon law in the Faculty of Catholic Theology, University of Munich.

CONTINUITY AND DEVELOPMENT IN ECCLESIASTICAL LEGISLATION REGARDING GREGORIAN CHANT IN THE LIGHT OF VATICAN II

*Translated from the German original, *Kontinuität und Entwicklung der kirchlichen Gesetzgebung zum gregorianischen Choral im Lichte des II. Vatikanischen Konzils: Musicae Sacrae Ministerium 16/1 (1979) 39/48.**

Winfried SCHULZ, b. 1938, ordained priest of the diocese of Berlin 1964, Dr. theol., Dr. jur. utr., prosynodal judge and Defensor vinculi in the Matrimonial Tribunal of the Archdiocese of Paderborn, ordinary public professor of canon law in the Theological Faculty, University of Paderborn.

CHURCH MUSIC AND COPYRIGHT LAW PROTECTION IN THE FEDERAL REPUBLIC OF GERMANY. Toward the re-codification of copyright law as it applies to cultic music.

*This study, originally entitled *Kirchenmusik und Urheberrechtsschutz in der Bundesrepublik Deutschland. Ein Beitrag zur Neuordnung des Urheberrechts an kultischer Musik*, was first published in *Musicae Sacrae Ministerium 16/2 (1979) 30/55.**

Johannes OVERATH

SANCTA SANCTE (St. Pius X)

This address, delivered at the inauguration of the centennial celebration of the Associazione Italiana Santa Cecilia in the Basilica dei Ss. XII Apostoli at Rome on 17 December 1980 before a large audience which included the Cardinals Felici, Baggio, Antonelli und Bafile, was first pub-

lished in Annuntiate Inter Gentes Gloriam Domini. Musicae Sacrae Ministerium 17/2–18/1 (1980–81) 130/4.

Archbishop D. Simon LOURDUSAMY, b. 1924, ordained priest of the Archdiocese of Pondicherry and Cuddalore 1951, Dr. theol., Dr. jur. can., Secretary of the Sacred Congregation for the Evangelisation of the Nations and President of the Pontifical Mission Organisations at Rome.

EVANGELISATION AND CULTURE

The German original, entitled Evangelisation und Kultur, was the keynote address delivered to the Seventh International Church Music Congress in the Beethoven Hall at Bonn on 20 June 1980. It was first published in the German weekly edition of L'Osservatore Romano 10/37 (12 September 1980) 8/9.

Translated from the German original, Kontinuität und Entwicklung der kirchlichen Gesetzgebung zum gregorianischen Choral im Lichte des II. Vatikanischen Konzils: Musicae Sacrae Ministerium 16/1 (1979) 39/48.