

THE TIME OF THE "ANTICIPATED" SUNDAY MASS: AN INTRODUCTORY COMMENT ON C.1248

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According to the first paragraph of this canon, the pre-cept of participating in the mass mentioned in C.1247, is satisfied by assistance at a mass which is celebrated anywhere in a catholic rite, either on the day itself or on the evening of the preceding day [*vel ipso die festo vel vespere diei praecedentis*].

There are three questions raised by this canon: (1) the meaning of *vespere diei praecedentis*; (2) the kind or "quality" of the mass the assistance at which the obligation is fulfilled, and this will be explored from the point of view of the layperson who has to go to mass and the priest who is to celebrate the mass; (3) the third point deals with the situation when the *dies praecedens* or the *dies sequens* is also a holy day of obligation. The following comments will address only the first question.

"VESPERE DIEI PRAEDECENTIS"

The essential point of the law that we are trying to clarify here is the precise meaning of the expression. It is translated into English as "evening," "por la tarde" in Spanish, "sera" in the Italian rendering of the particular paragraph, although the Urbanian Commentary speaks of "pomeriggio" in the body of its comments.¹ To formulate the question more clearly, if somewhat narrowly (if not actually in excessively juridical and minimalist terms): What is the earliest time that an anticipated mass can

1. "E norma ormai universale la possibile anticipazione del precetto dominicale o festivo, al pomeriggio del giorno precedente". Pio Vito Pinto, ed., *Commento al Codice di Diritto Canonico* (Rome: Urbaniana Univ. Press, 1985) 708.

be celebrated to fulfill the obligation?

1. To understand the provision of the first paragraph of the canon, it may be helpful to look at the antecedents of the possibility, first, of an afternoon/evening mass, and then of an afternoon/evening mass to satisfy the Sunday or holy day obligation.

1.1 The Code of 1917 had determined that mass may not be begun earlier than one hour before dawn, nor later than one hour after noon.² In the context of C.821 which did not allow the celebration of the mass after 1:00 p.m. except on Christmas eve, the motu proprio of Pius XII, *Christus Dominus*, dated 6 January 1953, mitigating the law of the Church on the eucharistic fast, among other things, was the first big modification on the provisions of C.821.³ In no. 6 of the dispositive portion of the document, the pope grants to local ordinaries, if circumstances demand it, the faculty to permit the celebration of the eucharist in the evening, but with the understanding that the mass shall not start before 4 in the afternoon. The document then goes on to specify the days on which this faculty could be availed of.⁴

The Instruction of the Holy Office which accompanied the motu proprio of Pius XII explains that by virtue of the constitution *Christus Dominus*, local ordinaries as understood by C.198, have the faculty to permit in their own territories the celebration of the afternoon/evening mass if circumstances make it necessary, notwithstanding the prescription of C.821.1. The Holy Office envisions, by way of example, three circumstances which may justify the ordinary in allowing an afternoon mass to be celebrated: for workmen in certain industries who work in shifts

2. C.821.1. "Missae celebrandae initium ne fiat citius quam una hora ante auroram vel serius quam una hora post meridiem". Bouscaren explains that dawn has a fixed relation to sunrise (one hour and three quarters earlier). T. L. Bouscaren et al., *Canon Law: A Text and a Commentary* (Milwaukee: Bruce, 1963) 53-54.

3. The Pope explains: "... we think it necessary to decree a mitigation of the eucharistic fast in such a way that, as far as possible . . . all may more easily be able to observe that law . . ." *Canon Law Digest*, 4:275. Henceforth quoted as *CLD*.

4. "Si rerum adjuncta id necessario postulant locorum ordinariis concedimus ut missae celebrationem vespertinis, ut diximus, horis permittere quaeant, ita tamen ut haec initium non habeat ante horam IV post meridiem sive in festis de praecepto . . ." X. Ochoa, *Leges Ecclesiae*, 2: col. 3126.

even on feastdays; for those classes of workers such as those employed in seaports who have to work even in the morning hours of feastdays; for those persons who gather in great numbers even from distant places to celebrate some religious or social festivity.⁵

The mitigation of the discipline of C.821 therefore consists in the faculty granted to ordinaries to allow in their own territories the celebration of the mass in the afternoon, heretofore forbidden by C.821. This faculty however is limited because the afternoon masses can only be allowed on certain days taxatively listed in the Instruction issued by the Holy Office.⁶ Further, these afternoon masses on the allowed days may not be started before 4:00 p.m. Finally, these afternoon masses may not be understood in any sense whatsoever to mean "anticipated" masses. These are celebrated on the day itself, and the concession consists in the fact that instead of being able to fulfill the obligation only in the morning, particularly for the classes of peoples contemplated by the Instruction of the Holy Office, it is now possible to fulfill one's obligation in the afternoon.

1.2 In 1957, Pius XII extended the concession granted by the apostolic constitution *Christus Dominus*. In his motu proprio *Sacram Communionem* dated 19 March 1957, the Supreme Pontiff determines: local ordinaries, excepting vicars general without special mandate, can permit the celebration of the mass in the afternoon hours everyday, if the spiritual good of a notable part of the faithful requires it.⁷

The second document, *Sacram Communionem*, extended the concession granted by *Christus Dominus* in this one respect,

5. For the complete English text, cf. *CLD*, 4:277 ff.

6. Such however may not be celebrated before 4 in the afternoon, and only on those days exclusively mentioned, namely: existing holy days of obligation according to C.1247. 1: on the suppressed holy days of obligation according to the list published by the Sacred Congregation of the Council on 28 Dec. 1919; on the first Friday of each month; on other solemn occasions which are celebrated by a large concourse of people; on one other day in the week in addition to the days mentioned above, if the good of particular classes of peoples so requires. Number 13 of the Instruction of the Holy Office. The English text can be found in *CLD*, 4:281.

7. "Ordinarii locorum, exceptis vicariis generalibus sine mandato speciali, permittere possunt missae celebrationem horis postmeridianis quotidie si spirituale bonum notabilis partis Christifidelium id postulet". *Sacram Communionem* no.

that the afternoon masses can now be allowed everyday, rather than only on those specified days contained in a taxative enumeration issued by the Holy Office. The restrictive clause imposed by *Christus Dominus* that such afternoon masses are not to begin before the fourth hour of the afternoon, however remains in force.⁸

1.3 Perhaps, the first indication of the possibility of anticipating the mass to fulfill the Sunday obligation was the announcement made over the Vatican Radio on 12 June 1964. The Sacred Congregation of the Council granted the faculty to celebrate mass after first vespers on Saturday, and this was understood to fulfill already the Sunday obligation.⁹ The announcement made over Vatican Radio spoke of a Saturday afternoon mass, and of celebrating the mass after first vespers on Saturday.¹⁰ Since the anticipated mass was in connection with the first vespers, it seems evident that the mass could not be celebrated much earlier than very late in the afternoon if not actually in the early evening. Besides, there is nothing in the reasons adduced for the petition to argue for an earlier celebra-

1, in AAS, 49:177. An English translation can be found in CLD, 4:286-88.

8. *Sacram Communionem* spoke of the celebration of the mass "horis post-meridianis quotidie" while *Christus Dominus* spoke explicitly of "horis vespertinis . . . ita tamen ut haec initium non habeat ante horam IV post meridiem". With respect to this, a dubium was proposed: would it be correct now to understand *Sacram Communionem* to mean that the mass can be started at any hour after noon, thereby abrogating the limitation imposed, namely, that it may not be begun before the fourth hour of the afternoon? A reply of the Sacred Congregation of Rites, dated 21 June 1957, clarified that the norms already set down in the apostolic constitution *Christus Dominus* as regards the time of the celebration of the mass [sci., not before 4:00 p.m.] remain in force. Cf. CLD, 4:290.

9. The faithful can also satisfy the Sunday precept of holy mass by assisting at the divine service in the afternoon of Saturday . . . The Sacred Congregation of the Council, at the request of local ordinaries, granted the faculty to celebrate the holy mass after first vespers on Saturday together with the valid discharge of the Sunday precept . . . [The text of the broadcast can be found in CLD, 6:670-71.]

10. A clarification aired by the same Vatican Radio a few days after the broadcast specified: in order always to make easier the fulfillment of the obligation to hear mass and to eliminate its regrettable nonfulfillment and at the same time the lamentable lack of clergy, the faculty of satisfying the Sunday precept by a mass heard at vespers on Saturday has been granted at the request of some diocesan ordinaries where these special and other exceptional cases prevail. CLD, 6:672.

tion, it seems reasonable to understand that this faculty means that the Sunday mass could be anticipated by a late Saturday afternoon or early Saturday evening mass.

The rescript to the petition of Cardinal Duval for the Conference of Bishops of North Africa for the "necessary authorization so that participation in the mass of Saturday evening shall satisfy the obligation of Sunday mass in cases where a group of the faithful for a legitimate reason would be deprived of a Sunday mass could then be understood in the same light as the 1964 announcement of the Vatican Radio. There is nothing in the reasons presented by the Conference of Bishops to the Sacred Congregation that would argue for an earlier mass on Saturday afternoon.¹¹

In conclusion, it can then be affirmed that the faculty to have the celebration of the mass in the afternoon on certain days [a derogation from the discipline of C.821, effected by *Christus Dominus* of Pius XII], a faculty that was subsequently extended by *Sacran Communionem* allowing afternoon masses everyday if the spiritual good of a notable part of the faithful requires it, is to be understood as a faculty to allow afternoon masses, with the understanding that these masses shall not start before 4:00 p.m. The faculty to allow the satisfaction of the Sunday obligation by attending a Saturday evening mass granted to some bishops was also understood to mean masses in the late afternoon or early evening.

2. In 1966, the Cardinal Archbishop of Toledo addressed a petition to the Holy See in the name of the Spanish bishops, likewise requesting for the faculty to allow the satisfaction of the Sunday obligation by attending mass the day before.¹² The reasons

11. The reasons for the petition were presented as follows: the Christians in the various territories were widely dispersed — though far numerous than they formerly were, they occupy an equally vast territory; the number of priests has considerably diminished, and in some places, it is impossible to make sure of having a Sunday mass in all country parishes; moreover, it sometimes happens that the faithful take a trip for some cultural reason or for reasonable recreation after a week of sometimes exhausting work. *CLD*, 6:672.

12. "Cardinalis Archiepiscopus Toletanus . . . humiliter postulat . . . facultatem concedendi anticipationem missae diei Dominici vel festi de praecepto in pervigilio, cum indulto ut fideles Sacro adsistentes valeant praescripto canonis 1249 Codicis Juris Canonici satisfacere". (The complete text can be found in *Sal Terrae* 54 [1966] 669.)

adduced for the petition are important for they would be the terms in which the faculty granted by the Holy See should be interpreted and understood. The Spanish bishops said they are asking for this faculty for the following reasons. First, there is a growing number of people now going on out-of-town trips for the weekend where, presumably, it will not be possible for them to satisfy their Sunday obligation without grave inconvenience. Second, the grave lack of priests from which many regions suffer.¹³ The Sacred Congregation for the Council granted the petition *juxta preces ad quinqueniū et ad experimentum*.¹⁴

Regatillo had written an extensive commentary on this rescript of the Congregation of the Council.¹⁵ He argues for a broad interpretation of the rescript, understanding as he does, the term *in pervigilio* to mean *ab horis postmeridianis*, that is to say, from noon onwards. This he does for two reasons.

First, he says that it is more in accordance with the style and actual use of the Church to understand the term to mean from the noon of the previous day. One of the examples he gives is the *motu proprio*, *Sacram Communionem*, of Pius XII, to which we have already referred *supra*. It was this document which gave the bishops the faculty to allow the celebration of the mass, even daily, in the afternoon hours [*horis postmeridianis*]. However, it is difficult to give weight to the first argument proffered by Regatillo that it is more in accordance with style and present use of the Church to understand *in pervigilio* to mean after noon. The Congregation of Rites had already clarified in its answer dated 21 June 1957 that the norms already set down in the apostolic constitution *Christus Dominus* as regards the time of the celebration of the mass [scil., after 4:00 p.m.] remains in force.¹⁶ In other words, when it comes to the actual use of the

13. "Ratio petitionis est crebra populi demigratio in fines hebdomadae et penuria sacerdotum in quibusdam regionibus". *Sal Terrae* 54 (1966) 669.

14. It may also be of interest to note that the same Roman Congregation sent an identical reply to the bishops of Germany, dated 19 Oct. 1965 as reported in *CLD*, 6:674.

15. E. F. Regatillo, "La Misa Vespertina Anticipada para Cumplir el Precepto del Día Siguiente", *Sal Terrae* 54 (1966) 669-82.

16. II. 2. In view of nn. 1-2 of the *motu proprio Sacram Communionem* of 19 March 1957, do the norms already set down in the apostolic constitution *Christus Dominus* of 6 Jan. 1953 remain in force as regards the time for

Church, *in pervigilio* would mean after 4:00 p.m. rather than the broad interpretation of Regatillo, i.e., after noon.

The second argument proposed is more cogent, possessing more persuasive weight. The purpose of the quinquennial faculty granted *ad experimentum* to the Spanish bishops argues for a broad interpretation. The bishops had asked for this faculty to facilitate for the faithful the fulfillment of their Sunday obligation, in view of the lack of priests and the more frequent out-of-town trips of people during weekends, perhaps to places where there are no priests at all, thereby rendering the fulfillment of their Sunday obligation impossible. The purpose for which the faculty was granted could, in some cases, require that the anticipated mass be advanced up to noon of the previous day. In some of these cases, if the mass were not so advanced, it would be pointless to advance it at all. In other words, if the purpose of the faculty granted to the Spanish hierarchy is to facilitate the fulfillment of the Sunday obligation, especially when people make out-of-town trips, probably as early as Saturday afternoons for much needed and deserved rest, and perhaps to places where they may not be able to attend Sunday mass because of the lack of priests, then it does make sense to give a broad interpretation to *in pervigilio*, and understand the term to mean even *in horis postmeridianis*, that is to say, afternoon. If the privilege were understood to mean only 6:00 p.m. masses, it would be a construction that would not be in accordance with the spirit of the petition of the Spanish hierarchy. After all, the Sacred Congregation of the Council had granted the petition of the Spanish hierarchy *juxta preces*.

3. The Code of 1983.

3.1 The consultants of the Commission for the Revision of Canon Law had gone out of their way to say that the formula was left deliberately vague and general.¹⁷ From the point of view

celebrating mass (scil., after 4 o'clock)? *Reply*: In the affirmative. The text of the answer can be found in *CLD*, 4:290.

17. When the question regarding the meaning of "*vespere diei praecedentis*" was proposed to the Commission, it answered: "*Consulto formula generalis adhibetur ut casuistica et anxietates vitentur*". *Communicationes* 15 (1983) 251-52. One may disagree with the feeling of the Commission, because precisely

of the Code Commission then, a negative norm can be deduced that it did not have a specific meaning to the sufficiently general term it used. No shade of meaning was excluded and is therefore open to interpretation.

3.2 Standard commentaries on the new Code of Canon Law, as a matter of fact, tend to understand the term precisely in this broad sense, if they do not actually argue for this interpretation. The commentary of the Urbaniana Pontifical University, for example, translates *vespere diei praecedentis* as *la sera del giorno precedente* which would mean evening rather than afternoon of the preceding day. But the commentary itself explains the canon using the word *pomeriggio* which means afternoon in the strict sense of hours after noon.¹⁸ The Navarre Commentary treats the matter similarly, translating our phrase as *la tarde del día anterior*.¹⁹ The Salamanca translation also uses *tarde* to translate our phrase.²⁰ Manzanares, the commentator on this part of the Code, however, by referring to the General Norms for the Liturgical Year and the Calendar, seems to understand it somewhat narrowly to mean evening because this document seems to understand the celebration of Sundays and solemnities to start "vespere" which in the context means evening.²¹ Pinero-Carrión sums up the argument from the linguistic point of view (at least, the Spanish linguistic point of view) saying that *tarde* which is how the Spanish commentaries translate and understand our phrase, starts from midday to midnight according to the official sense of the word.²² The Italian commentator, Luigi Chiapetta, also

in avoiding "casuistica" and "anxietates", a lot of questions and anxieties has been created.

18. Pinto, ed., *Commento al Codice*, 709.

19. "Extiende también este 1 a toda la iglesia la posibilidad de cumplir con el precepto de oír misa la tarde del día precedente que hasta ahora solo existía en algunas regiones." P. Lombardía y J. I. Arrieta, eds., *Código de Derecho Canónico* (Pamplona: Ediciones Universidad de Navarra, 1983) 742.

20. L. de Echeverría, ed., *Código de Derecho Canónico* (Madrid: Biblioteca de Autores Cristianos, 1985) 594.

21. "Dies liturgicus decurrit a media nocte ad mediam noctem. Celebratio vero dominicae et sollemnitas incipit jam vespere diei praecedentis". General Norms for the Liturgical Year and the Calendar of the Congregation of Rites, dated 21 March 1969. A copy of the document can be found in *DOL*, 442.

22. Pinero Carrión, *La Ley de la Iglesia* (Madrid: Sociedad de Educación Atenas, 1986) 2:299-300.

understands the problematic phrase of C.1248 to mean afternoon. In his commentary, he appeals to an unnamed and unfootnoted "well-founded" interpretation which understands *vespere diei praecedentis* of C.1248 to mean *ab hora secunda post meridiem*.²³

3.3 From the origin of the privilege to be able to satisfy the Sunday obligation by participating in a mass the day before, one arrives at the obvious conclusion that it is granted to the faithful to make it easier for them to fulfill their obligation precisely by extending the time within which they may satisfy their obligation.

As a matter of fact, the official documents speak of "anticipating the mass".²⁴ In other words, by virtue of this special dispensation, the faithful are allowed to satisfy their obligation at a time when they otherwise could not. According to the Congregation of Rites, the liturgical day runs from midnight to midnight, but the observance of Sunday and solemnities begins with the evening of the preceding day.²⁵ If, as this document of the Congregation of Rites asserts, the observance of Sunday and solemnities begins in the evening of the preceding day, then we do not need any special dispensation to be able to fulfill our Sunday obligation on the evening before. According to the general Norms for the Calendar, Saturday evening IS already Sunday. If we understand C.1248 as a concession, as we must, then we must also understand it to mean certainly earlier than Saturday evening. This special concession would be pointless, unnecessary, and redundant if it were to be understood to mean Saturday evening. The Sunday obligation is fulfilled in an ordinary way on Saturday evening by virtue of the document issued by the Congregation of Rites. This same obligation is fulfilled in a special manner by virtue of the special privilege granted by C.1248 which anticipates Sunday which ordinarily

23. Luigi Chiapetta, *Il Codice di Diritto Canonico* (Napoli: Edizioni Dehoniane, 1988) 2:355-56.

24. No. 28 of the Instruction of the Sacred Congregation of Rites, dated 25 May 1967, Sunday and Holyday Masses anticipated on the previous evening. Cf. *DOL*, 407. Likewise, the Note of the Sacred Congregation for Divine Worship on the Instruction *Eucharisticum Mysterium*, speaks of the Mass of a Sunday or holy day being anticipated on the preceding evening. *DOL*, 1177.

25. General Norms for the Liturgical Year and the Calendar, no. 3 (21 May 1969), in *DOL*, 1156.

begins, in the reckoning of the Congregation, on Saturday evening.

4. We have proposed the position that *vespere diei praecedentis* should be understood in the sense of after noon, *post meridiem*, strictly and properly speaking.

4.1 Two indications, while they may not be understood to be definitive proofs that the phrase was intended to mean after noon, certainly suggest that there is nothing in the nature of the matter that would intrinsically exclude this interpretation.

4.1.1 According to the deliberations of the Commission for the Revision of the Code of Canon Law, an adequately vague term was deliberately used, leaving it to practice, doctrine and jurisprudence to interpret this provision of law. If the commission meant evening, clearly and specifically, it would have said so — especially since it was asked, but it did not. It is not an irrelevant matter of consideration here that while the Commission avoided being more specific here precisely to avoid casuistry and anxious scrupulousity, anxiety is what it precisely gave rise to. The terminology is clearly open to interpretation, and is thus open to this interpretation.

4.1.2 There are certain quarters that have proposed the understanding that the phrase should be understood to mean 4:00 p.m. onwards. This is an arbitrary interpretation based on a time reference made by *Christus Dominus* and *Sacram Communionem* to which we had already made some reference supra. These papal documents had allowed the celebration of masses in the afternoon, with the understanding however that such afternoon masses are not to begin before 4:00 p.m. This provision of papal legislation cannot be used as parallel context to interpret C.1248. *Christus Dominus* and *Sacram Communionem* modified the discipline of C.821 of the Code of 1917 forbidding the celebration of afternoon masses. These documents have nothing to do with the anticipation of Sunday mass. They were allowing something which heretofore was forbidden by C.821. By virtue of *Christus Dominus*, a privilege that would subsequently be extended by *Sacram Communionem*, afternoon masses may now be celebrated, but not before 4:00 p.m. Except for the superficial similarity in their temporal references, these two documents have nothing to do with and no relevance whatsoever

to the matter being treated by C.1248.

4.2 The positive arguments on which this interpretation is grounded may be summarized under four headings. First, standard commentaries and translations understand the general term deliberately used by the Code Commission to mean early afternoon.²⁶ For example, the Spanish translations use *tarde* which, according to the official sense of the word is computed from noon to midnight.²⁷ While the Italian translation uses the word *sera* which means the later part of the afternoon, the commentary understands it to mean *pomeriggio*, that is to say, the early part of the afternoon. Second, the reasons presented by the Spanish bishops for the privilege clearly argue for a broader interpretation. Regatillo had maintained in his commentary cited above that the reason for the privilege can, in some cases, require that the anticipated mass be advanced even up to the noon of the previous day, so that if the mass is not so advanced, it would be pointless to anticipate it. Third, the instruction *Eucharisticum Mysterium* of the Congregation of Rites speaks of "anticipating" the Sunday and holy day masses. The General Norms for the Liturgical Year and the Calendar issued by the same Congregation provides that the observance of Sundays and solemnities begins in the evening of the previous day. If we understand the anticipation of the mass as a special concession and a privilege as we must, then we will have to understand *vespere diei praecedentis* to refer to a time some time before the evening. C.1248.1 would be redundant and pointless if it were to be understood to mean evening because the General Norms for the Calendar already determine that Saturday evening IS Sunday. A person attending mass at that time is already fulfilling his Sunday obligation. Fourth, if the Code Commission meant by *vespere* its usual and dictionary meaning (that is to say, evening), it would have answered the question proposed to it with the usual terse *verbum satis clarum*. But it did not, which therefore means that it did not necessarily mean the usual and dictionary sense.

26. The commentaries we cited supra, namely: the commentaries prepared by the Universities of Salamanca, Navarre, Urbaniana; and those by Chiapetta and Pinero-Carrión.

27. Carrión, *La Ley de la Iglesia*, 2:299-300.

5. Conclusion and Pastoral Application. As far as can be determined in the present, there has been no local legislation enacted in the Philippines, not by individual diocesan bishops nor by the episcopal conference, interpreting and applying the provision of C.1248 for the Philippine Church. In view of the foregoing reasons and argumentation, there is no canonical reason why, if and when they do legislate, they cannot determine that attendance at mass celebrated in the *post meridiem* of Saturday fulfills the Sunday obligation that the first paragraph of C.1248 talks about. The fact of course that our churches are jam-packed to the rafters on Sundays is not an irrelevant consideration in the matter. Finally, in the absence of local/particular legislation regarding the matter, there is no reason why the faithful cannot understand C.1248 to mean that their attendance at mass celebrated in the *post meridiem* of Saturday already fulfills the precept to attend mass on Sundays and holy days. it would be arbitrary, baseless and certainly going beyond the intent of the law [Cc. 1248, 29 and 31] for pastors and other divine ministers to unilaterally determine that the sense of *vespere diei praecedentis* is only the later part of the afternoon or early evening.