

## MASS WITHOUT A SERVER

On October 1, 1949, the Sacred Congregation for the Discipline of the Sacraments directed to local ordinaries an Instruction concerning the petitioning of indulgences for a domestic oratory, for the use of a portable altar, for saying Mass without a server, and for the reservation of the Blessed Sacrament in private chapels.<sup>1</sup> In each section of the Instruction the Congregation not only stated the rules to be followed in obtaining and using the indulgence but also reviewed the entire law on the subject. The Instruction was specifically approved by Pope Pius XII, who ordered that it be carefully and religiously observed by all priests of the Latin Rite.

Part III of this Instruction, which concerns the indulgence for saying Mass without a server, is of special interest to every priest. Because of its practical import it has been either reprinted or lengthily synopsized in many periodicals; and there is no need of repeating all of its provisions here. However, as an appropriate background for further remarks, I should like to observe with E. Bergh, S.J.,<sup>2</sup> that the words of the Congregation make it absolutely clear that the Church wants us to do everything in our power to preserve even the external social character of the Mass by having a trained server, or at least an imperfect server,<sup>3</sup> or at the very least one of the faithful present at every Mass. The solitary Mass must be considered as definitely a rare exception—in fact, so much the exception that it will not be permitted even by indulgence, at least not by the indulgences granted through the Congregation of the Sacraments.

To carry out this manifest will of the Church, great care must be exercised in training boys and men to serve at the altar, and women too should be encouraged to learn the server's responses so that in cases of necessity they can answer the priest "from afar." Moreover, priests should be willing to serve one another, even though this might entail inconvenience.

Yet, despite the utmost care, there may be occasions when no server, even an imperfect one, can be had. Hence the question arises: under what conditions may Mass be celebrated without a server? To answer this question we must turn first to the words of the Instruction. After having recalled the law of canon 813 and the reasons why the Church insists on having a server, the Congregation adds:

<sup>1</sup> AAS, XLI (1949), 493-511.

<sup>2</sup> *Nouvelle Revue Théologique*, LXXII (1950), 84.

<sup>3</sup> By an "imperfect server" is meant one who can perform only one of the two functions of the server: e.g., a man who cannot answer the prayers, but who can move the book, proffer the cruets, and ring the bell; or a woman who can answer the prayers. See Instruction, pp. 507-8.

The law requiring the presence of a server at Mass admits of only a small number of exceptions which, by the universal consent of liturgists and moralists, are reduced to the following cases: (a) if Viaticum must be administered to a sick person and no server is at hand; (b) when it is necessary for the people to fulfill the precept of hearing Mass; (c) during an epidemic, when it is difficult to find a server and when the priest would otherwise have to abstain from celebrating for a notable time; (d) when the server leaves during the Mass, even outside the Consecration and Offertory: in which case the reverence due the Holy Sacrifice calls for its continuance, even without a server. Apart from these cases, for which there is the unanimous consent of authors, a derogation from the law is had only by an Apostolic Indult, especially in missionary countries.<sup>4</sup>

In the years preceding the publication of this Instruction various moralists had acknowledged as probable some opinions that allowed the celebration of Mass without a server in circumstances not mentioned by the Congregation. Chief among these probably justifying circumstances were the following: the First Friday Mass, a nuptial Mass, a funeral Mass, the ordinary weekday Mass attended by some of the faithful, a Mass scheduled for a definite day, a Gregorian Mass, a Mass said for a dying person. Moreover, as a probably justifying circumstance, many authors considered the need or devotion of the priest himself: for example, he is poor and needs the stipend; he needs the grace of the Mass; and finally, he is devoted to the Mass and would be forced to miss Mass unless he celebrated without a server. Most, if not all, of these cases were very likely open to question; nevertheless I think that all of them, considered as merely occasional exceptions to the general law, *were* practically probable before the issuance of the Instruction.

The important question to be faced now is this: are all of these cases, or any of them, *still* probable, or must we say that they are entirely ruled out by the Instruction? To put the question in another way: are the four cases mentioned in the Instruction *literally* all the exceptions allowed to a priest without an indult, or should they be considered as *typical* of a larger number of excusing causes?

Of the commentaries on the Instruction that I have seen, only two explicitly face this general question. And these two express opposite opinions. Patrick Lydon favors the literal interpretation. He thinks the four cases are a complete enumeration and that broader opinions expressed before the Instruction are now untenable.<sup>5</sup> On the other hand, Felix M. Cappello,

<sup>4</sup> Instruction, p. 508.

<sup>5</sup> *The Priest*, VI (1950), 51. Walter J. Schmitz, S.S., seems to agree with Father Lydon; for, though Father Schmitz makes particular application only to the Mass *devotionis*

S.J., the staunchest proponent of lenient views, thinks that the enumeration is not exhaustive and that other excusing causes can be verified in practice.<sup>6</sup>

A careful reading of the passage of the Instruction that I have quoted shows that Father Cappello's view must be correct. I infer this first from the fact that the Congregation states that the legitimate exceptions are "reduced" (*reducuntur*) to the four cases mentioned. This wording certainly implies that the four cases are illustrative, not exhaustive. And I infer it secondly—and I might say, principally—from the third exception cited by the Congregation: the saying of Mass in the time of pestilence.

Shortly after the publication of the Instruction I heard several moralists express surprise that this third case should be listed among "unanimously admitted" exceptions to the law. They could not recall having read this case in any standard treatise on the subject. Later, a theologian who had studied this entire matter most carefully told me that he had seen only one reference (and this not perfectly clear) to this case in more than fifty modern textbooks and articles. I then investigated the point myself. I consulted some of the most representative pre-Code authorities and about twenty-five post-Code standard texts.

Among the pre-Code authorities, I found a reference to the epidemic case only in Lacroix;<sup>7</sup> and he considered the case under a somewhat different aspect from that inferred by the Congregation. He was thinking in terms of the inconvenience incurred by lost stipends, whereas the Congregation seems to have in mind the spiritual inconvenience to the priest who is deprived of the Mass for a notable time.<sup>8</sup> Neither the pestilence case nor anything similar to it is mentioned by Busenbaum,<sup>9</sup> St. Alphonsus,<sup>10</sup> Gasparri,<sup>11</sup> Many,<sup>12</sup> or Ojetti.<sup>13</sup> As for post-Code authors, of those I consulted only Piscetta-Gennaro refer to the case.<sup>14</sup> They cite the opinion of Lacroix and question its probability!

Perhaps the epidemic case is referred to in a number of manuals that my

---

*causa*, yet he says the Congregation "declared there *are only four reasons* for celebrating Mass without a server, apart from an Apostolic Indult." Cf. *Emmanuel*, LVI (1950), 91; the italics are mine.

<sup>6</sup> *Periodica*, XXXVIII (1949), 420.

<sup>7</sup> L. VI, P. 2, n. 386.

<sup>8</sup> Lacroix, *loc. cit.*, n. 385, mentions the probable opinion of some authors to the effect that a priest might celebrate without a server if otherwise he would have to miss Mass on many weekdays. This opinion seems to be more in keeping with the idea expressed by the Congregation's third example. But it is not the epidemic case, and, taken literally, it is not a frequently cited example.

<sup>9</sup> L. VI, tr. 3, c. iii, dub. v, resp. 9.

<sup>10</sup> L. VI, n. 391.

<sup>11</sup> *De Sanctissima Eucharistia*, I, n. 646.

<sup>12</sup> *Praelectiones de Missa*, n. 139.

<sup>13</sup> *Synopsis*, n. 2754.

<sup>14</sup> V, n. 486.

friends and I failed to consult. Nevertheless, the absence of any mention of it in a large number of authoritative standard works makes it clear that there is not a "unanimous consent of moralists and liturgists" on this case. In fact, except for the other three examples cited by the Congregation, there is not a single concrete example that can be said to be commonly mentioned by authorities. In giving four examples, the Congregation was really giving more than most authors cite. The only reasonable conclusion seems to be that the Congregation was using the epidemic case as a safe example of a *principle* on which all authorities do and must agree, namely, that a proportionately serious inconvenience excuses from the observance of an ecclesiastical law.

If my interpretation of the epidemic case is correct, then there is an admirable harmony and completeness in the Congregation's enumeration of four typical excusing causes. For it should be noted that the other three cases illustrate rather a conflict with some more important law than the *grave incommodum* in the strict sense of the term.<sup>15</sup> In the case of Viaticum, the divine law prevails over the human prohibition; in the second case, the precept of hearing Mass is considered more important; in the last case, reverence for the Eucharist demands the continuance of the Mass, as the Instruction itself states. The epidemic case supplements these examples by suggesting that, even when there is no conflict with a higher law, there may yet be present a serious reason which would allow the celebration of Mass without a server. And all the examples may be summed up thus: it is permissible to celebrate Mass without a server when failure to celebrate would infringe on a more important law than canon 813 or when the omission of Mass would entail a proportionately serious inconvenience for the priest or for others. The supposition, of course, is that no server is reasonably available.

Earlier in this discussion I cited a number of reasons for saying Mass without a server which were considered as probable excusing causes before the publication of the Instruction. It is not my purpose to examine each of these cases to determine whether or not it may still be considered solidly probable. As regards some of them (nuptial Mass, funeral Mass, First Friday Mass, the weekday Mass in the parish church), it would seldom, if ever, be impossible to have at least an imperfect server if we priests exercised the diligence and zeal the Church expects of us. Nevertheless, even the most obedient and zealous priest is sometimes helpless in the face of circumstances;

<sup>15</sup> It is true that authors frequently list all excusing causes under the general heading of "serious inconvenience," but the division into *grave incommodum* and conflict with a higher or more important law seems to be more accurate.

and it is definitely unfair to him to say that only in the four cases mentioned in the Instruction are the principles of legitimate excusing causes applicable. The Congregation at least implicitly admits the possibility of other circumstances in which the principles would be applicable and thus does not preclude further discussion of these cases.

Although I cannot discuss all the cases, I should like to make some reference to the celebration of Mass without a server *devotionis causa*, because a number of writers have made special mention of this case. According to W. Conway,<sup>16</sup> Francis B. Donnelly,<sup>17</sup> Walter J. Schmitz, S.S.,<sup>18</sup> and E. J. Mahoney,<sup>19</sup> the opinion allowing occasional celebration without a server *devotionis causa* is no longer tenable. G. Montague's judgment is somewhat milder, yet not very encouraging.<sup>20</sup> Having recalled the pre-Instruction debate over this question, Father Montague says: "However reluctantly, we must conclude that the stricter view has the greater intrinsic probability and extrinsic authority and would now seem to conform most closely with the present Instruction and with the words of the Holy Father."

The papal statement to which Father Montague refers is contained in the *Mediator Dei* and is quoted at the beginning of the third section of the Instruction. It will be remembered that, after having affirmed in the encyclical that the absence of a server does not rob the Mass of its social effects, the Pope added: "Nevertheless, on account of the dignity of such an august mystery, We desire and We urge—as indeed Mother Church has always commanded—that no priest should approach the altar unless there is at hand a minister who will serve him and make the responses, as canon 813 prescribes."

As I have written on a former occasion, I think that these words, strong though they are, add nothing to the severity of canon 813.<sup>21</sup> They simply insist on the observance of the canon and do not preclude legitimate exceptions. As a matter of fact, if either the Pope's words or the first part of canon 813 were taken absolutely they would exclude even the exceptions mentioned in the Instruction and would nullify the concession of canon 813, §2. I fail to see, therefore, how these words can be quoted in favor of either side of a controversy concerning the proportionate reason for excusing from the law.

Father Montague's reference to the Instruction concerns the wording

<sup>16</sup> *Irish Ecclesiastical Record*, LXXIII (1950), 544-46.

<sup>17</sup> *Homiletic and Pastoral Review*, L (1950), 364-65.

<sup>18</sup> *Emmanuel*, LVI (1950), 91.

<sup>19</sup> *Clergy Review*, XXXIV (1950), 204-7.

<sup>20</sup> *Irish Ecclesiastical Record*, LXXIII (1950), 72-75.

<sup>21</sup> *THEOLOGICAL STUDIES*, IX (1948), 110.

used in the third exception: “. . . et secus sacerdos debeat *per notabile tempus* se abstinere a celebrando.” If this case had to be taken literally there is no doubt that the expression italicized by Father Montague would favor the stricter opinion; in fact, it would make the lenient opinion absolutely untenable. But it would also mean that a priest could not say Mass for his dying mother, that he would have to interrupt an almost completed set of Gregorian Masses, and so forth, if he could not get a server and had no indulgences. Fortunately, the case need not and should not be taken literally. I am convinced by reason of the arguments given earlier that the Congregation meant this case as only one example of a serious inconvenience that would excuse from the law. As for the reason why this example was chosen, I can only surmise. I suggest that it was chosen as a safe illustration of a circumstance that would involve a *grave incommodum* for practically any priest, and that it was not intended as a denial that a shorter privation of Mass might be an equivalently serious inconvenience for some priests.

Professors and writers should be well disposed towards my suggestion that the Congregation chose the epidemic case as a *safe* illustration. It is the rather common custom of professors, I believe, to steer clear of borderline cases and to choose only safe examples when illustrating important material. And this tendency is even more evident in writing meant for general consumption. It would hardly be strange, therefore, if the Congregation should follow the same policy in a document that would certainly be the subject of much comment.<sup>22</sup>

When is the privation of Mass a serious inconvenience for a priest? It seems to me that the answer to this question cannot prescind entirely from subjective dispositions and individuating circumstances. Should not the inconvenience to which a priest is willing to go in order to say Mass be taken as some indication of the hardship he endures when forced to miss Mass? There are some priests who, apart from the fulfillment of their duties, seldom make any great sacrifice to say Mass. On their vacation they readily omit a weekday Mass; when they travel they take conveniently scheduled trains even at the expense of missing Mass, and they do not fast

<sup>22</sup> Despite the arguments against a too literal interpretation of the third exception, the tendency of recent writers seems to be towards a literal application, at least to the extent that the personal inconvenience of the priest can be considered an excusing cause only when he would have to miss Mass *per tempus notabile*. If this tendency grows it will lead to interesting results. For authors will then begin to compute just what is a notable time: two days, three days, a week, etc.; and then they will have to decide whether the priest must wait this length of time or whether he may begin saying Mass at once. The controversies of the past have been rather simple compared to what this will be.

till a late hour in order to say Mass. Apparently the occasional missing of Mass is no great hardship for them.

But there are other priests—and their number is not small—who consistently make great sacrifices to say their daily Mass, even when no special duty requires it. They deprive themselves of needed sleep even when they are unwell; they take inconveniently scheduled trains and fast till a late hour in order to have the opportunity of saying Mass when traveling. Such priests certainly do experience a great hardship when forced to miss Mass. The sole debatable point is whether this hardship is sufficient to excuse from the law of having a server.

Father Conway thinks that this hardship is intrinsic to canon 813, and he doubts that the opinion allowing Mass without a server *devotionis causa* was ever solidly probable. Canon Mahoney, on the other hand, admits that it was probable before the Instruction but considers that it can no longer be defended. "It appears," he says, "that unless this henceforth is to be excluded the words of the instruction have scarcely any meaning, for 'devotion' is undoubtedly the weakest of all the reasons alleged by writers as an excuse justifying non-observance of the law."

I need not delay on Father Conway's doubt that the opinion ever was solidly probable. I agree with Canon Mahoney that it was "'probable' in the accepted sense of the word." But I cannot agree with Canon Mahoney in his light treatment of "devotion." The attachment to his daily Mass that leads the devout priest to make great sacrifices to say Mass and that causes him great disappointment when he is forced to miss it is a powerful source of sanctification in his own life and a source of great edification to the faithful. Understood correctly, devotion is by no means the weakest of reasons that can be alleged as an excusing cause from the law. And because it is not a weak reason it should not be too hastily excluded as a possible excusing cause. Of course, if the Church wishes to exclude it, that is sufficient for us. But neither canon 813, nor the *Mediator Dei*, nor the Instruction clearly excludes it.<sup>23</sup>

*St. Mary's College*

GERALD KELLY, S.J.

<sup>23</sup> A number of very competent moralists have told me either verbally or by letter that in their opinion the Instruction does not clearly rule out the probability of the opinion allowing Mass without a server *devotionis causa* when no server is available. Since these are merely privately expressed opinions I do not use them as arguments in favor of my position. But the information may be encouraging to many who are interested in this question.