

## John Salza Responds to Internet Blogger John Gerardi's article

### “Trent, Quo Primum and Divine Law”

In the November 2011 issue of *Catholic Family News*, Catholic apologist John Salza wrote an article called “The *Novus Ordo* Mass and Divine Law” which demonstrates that the new rite of Mass is illicit according to Scripture, the Council of Trent, and St. Pius V's *Quo Primum* (the article can be found at [http://www.cfnews.org/page10/page66/salza\\_novus\\_ordo.html](http://www.cfnews.org/page10/page66/salza_novus_ordo.html) or at Salza's website [www.johnsalza.com](http://www.johnsalza.com)). Internet blogger John Gerardi wrote a critique of Salza's article at the blogsite *Christifidelis Laicus* which can be found at <http://xpflaicus.wordpress.com/2012/11/20/trent-quo-primum-divine-law/#comment-195>

Following is Salza's response to Gerardi's article.

**J. Gerardi:** This article really got my goat for some reason. I am writing to oppose its arguments only because the author has a JD after his name, and his bad arguments annoy me as a future lawyer. He also doesn't sound like he studied St. Thomas' jurisprudence closely enough.

**J. Salza:** Mr. Gerardi's arguments annoy me as lawyer of 20 years, because a third year law student should know to do his homework before he publicly criticizes someone else's work, lest he embarrass himself and raise doubts about his legal training, as is the case here. Perhaps Mr. Gerardi's status as a law student is sufficient to convince his blog patrons that he is competent to address technical legal issues concerning Church decrees, but this is not at all the case, as I will demonstrate. Moreover, I have studied St. Thomas for the last 15 years, and have also written a book on St. Thomas' doctrine of Predestination which has been

endorsed by many of today's top Catholic scholars. Hence, for the law student to assume I haven't studied St. Thomas is quite presumptuous indeed. Hopefully, if Mr. Gerardi passes the bar exam and gets out into the real world, he won't be so quick to write about his personal perceptions of opposing counsel's abilities before he knows his facts.

**J. Gerardi:** I will note that I make all these arguments as someone who loves the ancient Roman Rite and who seriously dislikes the *Novus Ordo*. I realize that these sorts of arguments affect only a very small percentage of the Catholic world, but here goes.

**J. Salza:** Right off the bat, we can see Mr. Gerardi is operating on emotion, for my article "got his goat for some reason." Huh? He also says he "seriously dislikes" the *Novus Ordo*? Again, huh? If Mr. Gerardi judges the liceity of the sacraments based on personal feelings of "like" or "dislike" then this shows he is a victim of the conciliar crisis (a crisis no better exemplified at the University he attends), which judges truth or error based on private feelings and subjectivism, which he appears to be doing here. The *Novus Ordo* is either objectively evil or it is not, irrespective of "likes" or "dislikes," "superior" or "inferior," etc. My article was intended precisely for people of Mr. Gerardi's emotional persuasion, as I even state at the beginning of the article. The New Mass is either licit or not. Good or evil. Period.

**J. Gerardi:** First, the author's slippery and imprecise term "Divine Law" doesn't fit into any of the four categories of law defined by St. Thomas: Eternal Law, Divine Positive Law, Natural Law, Human Positive Law. I think he's trying to argue that the principle (one cannot change "received and approved liturgical rites" without sin) emanates from something other than the last category of human

positive law. If it is human positive law, it is subject to change by the appropriate authority (i.e., the Pope, the Catholic Church). If it is not, then the Church has no right to change it. That is what he wants to argue.

**J. Salza:** First, if Mr. Gerardi has read even a sampling of the corpus of patristic and medieval teaching on Catholic jurisprudence, he would know that there are two principal categories of law: Divine Law and human law. Divine Law comes from God, and human law comes from man. Human law seeks to enforce the Divine Law as dictated by the common good. If human law is contrary to Divine Law, it is not a law at all, but a perversion of law. Second, while Mr. Gerardi does not show us where the Church has adopted St. Thomas' four categories of law, I will be happy to abide by those categories. The "Divine Law" as applied by St. Pius V in *Quo Primum* refers to St. Thomas' category of "Divine Positive Law," as the name even suggests. Divine Law is Divine Positive Law, and that means it cannot be changed.

**J. Gerardi:** Well, it is not a part of either the natural or eternal law. We cannot know, from unaided human reason evaluating man's nature, that such a thing as the Mass even exists, nor that we have an obligation to worship God by one or another form, nor that we cannot change certain nonessential aspects of our manner of worshipping him. Since this is the case, it is not a matter of natural law. Since natural law is simply man's participation in the eternal law, it isn't part of the eternal law either. God did not imprint the 1570 or 1962 Missal into the very fabric of creation.

**J. Salza:** Neither St. Pius V nor I said *Quo Primum's* infallible mandate for the Latin Church to use only the Tridentine Mass was an application of the Eternal law (the rational plan of God for the universe) or natural law (the precepts which lead

man to his natural and supernatural ends) according to St. Thomas' categories, so there is no argument here. As we will see, Trent's dogmatic decree and accompanying anathema in Canon 13, Session 7 is an act of "Divine Positive Law" based on revelation. However, Mr. Gerardi hopefully knows that the obligation to worship God is in fact part of both the eternal and natural law, as St. Paul reveals, among other places, in his epistle to the Romans, chapter 1.

**J. Gerardi:** This principle doesn't emanate from divine positive law either. It is nowhere commanded in divine revelation that only "received and approved liturgical rites" be used for the Eucharistic sacrifice, nor was the term "received and approved liturgical rites" defined anywhere in Revelation. Now, it is certainly true that the core essentials of all Catholic rites (the use of bread and wine, using Christ's words of Institution) were decreed by Divine Positive law, but that's all.

**J. Salza:** This is the crux of Mr. Gerardi's error. First, he says "It is nowhere commanded in divine revelation that only 'received and approved liturgical rites' be used for the Eucharistic sacrifice." This is incorrect. For example, St. Paul says, "Therefore, brethren, stand fast; and hold the traditions which you have learned, whether by word, or by our epistle" (2Thess 2:14). These "traditions" include the rites of Mass which have been handed down from the apostles and preserved by the Holy Ghost. In fact, in the context of the Holy Mass, St. Paul says "For I have received of the Lord that which also I delivered unto you" (1Cor 11:23). That is, what St. Paul has "received" regarding the Mass has come directly from Christ, which he then faithfully passes on to others. Hence, the doctrine of celebrating only rites that come from "tradition," that is, only what is "received and approved" by the Church, comes from revelation itself.

Then Gerardi says “it is certainly true that the core essentials of all Catholic rites (the use of bread and wine, using Christ’s words of Institution) were decreed by Divine Positive law.” Yes, Mr. Gerardi, and these decrees were infallible interpretations of God’s revelation in Scripture, namely, that we are to celebrate Mass according to tradition, that is, according to what has been received and approved. Just as the words of consecration (he says “Institution,” a term which comes from the *Novus Ordo* that he “seriously dislikes”) have been mandated by the Church, so has the rite itself (according to St. Pius V’s *Quo Primum* for the Latin Church) which contains those words. That rite is the Latin Tridentine rite. It’s not just the words of consecration, but the *entire* rite that must be observed as the “received and approved rite” (the words of consecration are part of the rite, but not the rite itself). If not, then any pastor whomsoever could change the Tridentine rite into a new rite by dispensing with any or all parts of the Mass but for the words of consecration (something the council of Trent expressly condemned as an act of unchangeable “Divine Positive Law,” which is based on revelation itself).

**J. Gerardi:** It is quite clear that this decree from Trent (that one cannot alter received and approved liturgical rites without sin) was therefore an act of human positive law, in this case ecclesiastical positive law.

**J. Salza:** No, it was an act of Divine Positive Law, because it is the Church’s infallible application of God’s divine revelation. And there again is Mr. Gerardi’s error. Mr. Gerardi’s conclusions are false because they are based on a false premise, namely, that the requirement to celebrate only the received and approved rite of Mass is a mere act of human positive law. To the contrary, the council of Trent’s mandate to celebrate only the received and approved rites of Mass is act of Divine Positive Law, because it is based on God’s revelation, in Scripture and Tradition. Of course, what is “received” comes from Christ and the apostles which

must be believed with supernatural Faith, and hence requiring the pastors to celebrate only what is “received and approved” is also a matter of Faith. Only the Modernists that Gerardi claims to dislike would argue that the rite of Mass can be changed into a new rite, on their false premise that the codification of the rite of Mass is only an act of human positive law.

**J. Gerardi:** Now, it is certainly necessary to obey ecclesiastical positive law; the duty to follow the Church’s human positive law emanates from the Divine Positive Law (“Whatsoever you bind on earth shall be bound in heaven...”, “He who hears you hears Me,” etc.). Nevertheless, ecclesiastical positive law is a judgment of the practical reason that can be altered, even though it must be obeyed. The Church did not require people to follow set liturgical forms at all times prior to Trent; they did require it after Trent.

**J. Salza:** Mr. Gerardi reveals his naïveté with such statements. Just the opposite is true. The Church in fact “required people to follow set liturgical forms at all times prior to Trent”; Gerardi needs to read the history of the Holy Mass by such scholars as Fortescue, Jungmann, etc. The Roman rite was in all material respects fixed at the time of St. Gregory the Great (which became known as the Damasian/Gregorian rite). In fact, the liturgical tradition of the Church was so rigid in the early centuries that the Romans almost killed Pope Gregory for adding the single phrase “*diesque nostros in tua pace disponas*” to the canon of the Mass. This demonstrates that the substance of the Roman rite of Mass was fixed by the sixth century. For Gerardi to argue that the Church did not require the faithful to follow “set liturgical forms” is absurd. The Church didn’t wait until the 16<sup>th</sup> century to enforce the celebration of the “received and approved” rites because, as the council of Trent obviously made clear, the Roman rite was *already* “received and approved” and hence *already* a “set liturgical form.”

**J. Gerardi:** Thus, the Council of Trent’s anathema (“If anyone says that the received and approved rites of the Catholic Church...may be despised or omitted ... or may be changed ... let him be anathema.”) did indeed have the weight of cutting someone off from communion with the Church; it doesn’t mean it’s a part of “divine law,” whatever that is. Infallible proclamations on faith or morals do not always come with an anathema sit, nor does anathema sit always accompany an infallible proclamation on faith and morals.

**J. Salza:** Let’s unpack this mess. Trent’s anathema means violators of the Divine (Positive) Law are severed from the Body of Christ, or as Gerardi says, are “cut off from communion with the Church.” But someone can only be severed from the Body of Christ by sinning against the Faith, as defined by the Church’s Divine Positive Law (her dogmas). Sins not contrary to the theological virtue of Faith do not have the same consequences (for example, a mortal sin against charity renders one a “dead” member of the Body; but a mortal sin against the Faith *dismembers* – anathematizes – the sinner from the Body). Therefore, Trent’s anathema necessarily requires a sin against the Faith, for one cannot be severed from the Church unless one sins against the Faith. It follows that omitting or changing a received and approved rite of Mass (the Tridentine Mass) into a new rite (the *Novus Ordo* Mass) is a sin against the Faith. Why? Because the requirement to celebrate only the received and approved rites is rooted in divine revelation (Scripture and Tradition), declared by Divine Positive Law (Council of Trent) and infallibly applied to the Tridentine rite of Mass (*Quo Primum*), which are matters of Faith.

To further illustrate these principles, if I disobey the Church’s disciplinary rule of abstaining from meat on Friday (human positive law), I do not sin against the Faith and hence cannot be subject to anathema, even though I may sin mortally in doing

so. However, if I disobey the Church's rule to celebrate only the received and approved rites (Divine Positive Law, based on revelation), I sin against the Faith itself. I commit a sin of infidelity and am subject to anathema. When a decree of an ecumenical council or a solemn papal declaration begins with the formulation "*si quis dixerit*" and ends with "*anathema sit*," it is a definitive and infallible dogmatic canon, and anyone who professes the anathematized proposition falls into heresy. Thus, Mr. Gerardi can be sure that where an *anathema sit* is warned, we are dealing with an "infallible proclamation on faith or morals," in Gerardi's own words. One cannot be severed from Christ without sinning against the Faith (e.g., sins of heresy or apostasy).

**J. Gerardi:** I will also note this particular anathema and the directives of Quo Primum seemed directed at those without the proper authority to alter the Missal (a pastor of a church, ministers, bishops, cardinals, patriarchs, and the various 16th-century Protestant heretics who were messing with the Mass willy-nilly), rather than at the Pope, who had himself just made some fairly significant alterations to the received Roman liturgical forms (eliminating an enormous slew of sequences, banning troped Kyries, etc.). He also issues his commands in Quo Primum under holy obedience, something he cannot command from future Popes after he is dead.

**J. Salza:** Nothing could be further from the truth. Mr. Gerardi will increase his chances of being a competent lawyer by reading texts carefully and doing necessary research. He also does not understand Latin or does not comprehend the original language of Trent's decree (another necessary approach to competent legal analysis of Church decrees). Trent's anathema in Canon 13, Session 7 says nothing about being "directed at those without proper authority to alter the Missal." Rather, Trent's anathema is directed at "any pastor whomsoever." The Council of Trent used the rare formulation "*per quem cumque*" to ensure without any equivocation

that the anathema applied any pastor of the Church who dared to omit or change the received and approved rites, including the Pope himself (“*per quem cumque Ecclesiarum Pastorum*”). In fact, in light of the traditional profession for a newly-elected Pope, Trent’s dogmatic canon *applies especially to the Pope*, who swears: “I will preserve this faith unchanged to the last dot and will confirm, defend and preach it to the point of death and the shedding of my blood, and likewise I will follow and observe in every way *the rite handed down of the ecclesiastical sacraments of the Catholic Church*” (Council of Constance, Session 39). In other words, the Pope has the *greatest* responsibility of *any* pastor to adhere to only the ‘received and approved’ rites of the Church. Further, unlike what Gerardi says, a Pope can absolutely bind his successors on matters of Faith. The principle *par in parem potestatem non habet* (“equal over equal power has not”) applies to a Pope only in matters of discipline and ecclesiastical governance, but not in matters of Faith and Divine Positive Law.

Further, if Gerardi would have read my article carefully, he would have also learned that even if *Quo Primum* were merely ecclesiastical law (it is not), the promulgation of the *Novus Ordo* would still be illicit, because a Cardinal Prefect of a Roman Congregation (Cardinal Gut, who promulgated the New Mass) has no authority to abrogate the solemn decree of a Roman Pontiff (St. Pius V) according to the ancient legal principle “*inferior non potest tollere legem superioris.*” Thus, Gerardi’s argument that the *Novus Ordo* Mass is licit fails, using either his premise (*Quo Primum* is ecclesiastical law) or mine (*Quo Primum* is an application of Divine Positive Law).

**J. Gerardi:** Furthermore, St. Pius V’s commands in *Quo Primum* are more exhaustive than the author admits. Pius V did not simply forbid introduction of a new rite of Mass; he forbids ANY addition of ANY prayers to his Missal: “they

must not in celebrating Mass presume to introduce any ceremonies or recite any prayers other than those contained in this Missal.” Clearly, Popes added prayers to and subtracted prayers from the 1570 Missal before the *Novus Ordo* was released; the absolute decrees of Pius V did not bind Popes, but rather they bound any lesser ecclesiastical authority. Any commandment by Peter is forever binding (as Pius V states his commands are) so long as Peter does not later change them through his power of binding and loosing.

**J. Salza:** Mr. Gerardi’s arguments are quite naïve. St. Pius V, as a great Dominican Thomist, was concerned with preserving the substance of the Roman rite, not the accidents, for he himself acknowledged the ability to change (and did change!) only what was accidental to the rite. I explain these distinctions in my article, but Gerardi never addresses them, even though he accuses me of not knowing St. Thomas. Changes to the accidents of the rite were always understood to be permitted, because such changes did not affect the substance of the rite. That is why every single Pope who made revisions to the Roman Missal following St. Pius V explicitly referred to *Quo Primum* in their revisions, thereby indicating their changes to the Roman rite were accidental only, and that the substance of the one rite was preserved. Paul VI, on the other hand, never referred to *Quo Primum* at all in his *Novus Ordo Missae*, and that is because the *Novus Ordo* is not an accidental revision of the Tridentine rite, *but an entirely new rite of Mass* (as Paul VI himself admitted), and thus subject to the infallible condemnation of the council of Trent.

Further, Gerardi says “Any commandment by Peter is forever binding (as Pius V states his commands are) so long as Peter does not later change them through his power of binding and loosing.” In other words, according to our law student, a commandment is forever binding until a Pope says it is not forever binding. Such inherently and logically flawed argumentation, which violates the principle of non-

contradiction, shows how confused Mr. Gerardi is on these issues. While the Pope does not have the power to bind his successors on matters of discipline and governance (in which case his decree is not “forever binding”), the Pope does have the power to bind his successors on matters of Faith (in which case his decree is “forever binding”), which has been explained above. Hence, a “commandment by Peter” is either forever binding or it is not, *ab initio*, from the beginning. As applied here, St. Pius V’s *Quo Primum* is binding on all future Popes because it is a particular and infallible application of Divine Positive Law, namely, the divine precept of adherence to the received and approved rites “handed down by the Roman Church,” that is, the rite codified in the Tridentine Missal.

**J. Gerardi:** Thus, St. Pius V’s statement in *Quo Primum* was not an infallible interpretation of divine law. There was no divine law to interpret infallibly. It was a more specific application by Peter of one of the decrees of the Council of Trent that, if it were not overturned by Peter at a later date, would have been binding throughout perpetuity.

**J. Salza:** Wrong. God reveals in Scripture that we are to hold on to the traditions, that is, what we have “received” from the apostles and inspired by the Holy Ghost, particularly when it regards the Mass. This is a matter of Faith. Accordingly, the Second Council of Nicea declares: “If anyone rejects any written or unwritten Tradition of the Church, let him be anathema.” Because the received and approved rites of the Church are part of her binding “tradition,” the Council of Trent declared in an infallible dogmatic decree that whoever omits or changes these received and approved rites into new rites is condemned. *Quo Primum* applied the decree by affirming that the Tridentine Mass is the “received and approved” rite. Hence, *Quo Primum* is an infallible application of Divine Positive Law, based on revelation. It is clear that Mr. Gerardi does not understand these concepts; he even

says that *Quo Primum* “would have been binding throughout perpetuity,” but only “if it were not overturned by Peter at a later date.” But once again, if something is “binding in perpetuity,” then it cannot be “overturned by Peter at a later date.” Which one is it, Mr. Gerardi? Is *Quo Primum* binding unless it is overturned, or is it binding because it can never be overturned? Of course, the answer is that it is binding forever, because the Tridentine Mass cannot be changed into new rites “by any pastor whomsoever,” but I point this out to highlight Gerardi’s confusion on this issue.

**J. Gerardi:** Also, the article is ignorant of history. The Roman Rite obviously changed a lot over time, even going from Greek to Latin at one point. The faith did not necessarily change as a result. Change in liturgical rites does not always and necessarily imply a change to the Faith; if that were true, we should all still be offering the Mass in Aramaic.

**J. Salza:** Obviously, Mr. Gerardi is the one ignorant of history (also, articles cannot be ignorant; people are ignorant). The Roman rite didn’t change “a lot” over time, that is, not to an extent that the substance of the rite was changed (Gerardi offers no proof for his statements). Many works have demonstrated that the rite was fixed in its substance by the time of Pope St. Gregory the Great. Also, the rite did not “go from Greek to Latin at one point,” and there is no proof that the rite was regularly offered in Aramaic. Mr. Gerardi makes a lot of general statements, but offers no proof in support of them. His approach is very surprising from a third year law student. Gerardi would have difficulty in my legal research and writing class.

**J. Gerardi:** Because one Pope cannot bind a later Pope to obey him in matters of ecclesiastical law, Paul VI had the right to change the liturgy if he wished.

**J. Salza:** Incorrect because Trent's decree and *Quo Primum* are not "matters of ecclesiastical law" but of Divine Positive Law based on revelation. Therefore, Paul VI had no right to change the liturgy (and thank you Mr. Gerardi for admitting that Paul VI *did* change the liturgy, which means he introduced a "new rite" of Mass that is subject to Trent's infallible prohibition). In fact, as I explain in my article and mention above, Paul VI did not promulgate the *Novus Ordo* in his Apostolic Constitution *Missale Romanum* (April 3, 1969); he decreed only that three new "Eucharistic prayers" and a revised form of consecration be printed in the Missal. From a legal standpoint, it was Cardinal Gut of the Sacred Congregation for Divine Worship who "promulgated" the new Missal (March 26, 1970), an act that was illegitimate because an inferior (Gut) has no authority to revoke the legal decrees of a superior (St. Pius V), as also explained above.

**J. Gerardi:** I also believe in the indefectibility of the Church; thus, while I think the *Novus Ordo* is enormously inferior to the 1962 Missal in terms of how it expresses the theology of the Mass, its susceptibility to abuse, the kinds of philosophical impressions it can give, etc., I believe that it remains a valid and licit Catholic rite of Mass.

**J. Salza:** Because Mr. Gerardi acknowledges that the *Novus Ordo* is a new rite of Mass means he cannot also argue it is a licit rite, for the Council of Trent condemns anyone who would despise, omit or change the received and approved rite of Mass into a *Novus Ordo* or "new rite" of Mass. But Paul VI's creation of this new rite of Mass has nothing to do with the indefectibility of the Church, because the *Novus Ordo* Mass did not come from the Church. It came from a commission of liturgical revolutionaries, including six Protestant heretics, and led by a Freemason. Moreover, it was illegitimately promulgated. The Church is indefectible because she will continue to exist until the end of time, in spite of evil

pastors who seek to overthrow her rites and traditions. The Council of Trent recognized the same, by revealing that any pastor whomsoever – even the Pope – could introduce new rites and harm the faithful, and that they would be anathema for doing so. Trent gives us comfort in this regard, that the Holy Ghost is still with the Church, notwithstanding the attacks against the Faith of the Church, which Pope Benedict XVI said come primarily from within. While Mr. Gerardi concludes his missive as he started it, by using more subjectivism in describing his “dislike” of the New Mass (now he calls it “enormously inferior”), the real question is not what Gerardi prefers but whether the New Mass is objectively evil or not. Because the *Novus Ordo Missae* is a “new rite” of Mass which Gerardi has even admitted, it is objectively evil because it contravenes God’s will as expressed in revelation, and dogmatized by the Church as a matter of Divine Positive Law.

Mr. Gerardi would do well by focusing on finishing law school, and then joining us to fight for Tradition. If he changes his opinions and research habits, he would be a welcomed ally.