New Blackfriars

DOI:10.1111/nbfr.12449

Episcopal Liturgical Pastoral Governance: A Restricted Reception

Paul Gadie

Abstract

The Constitution on the Liturgy, *Sacrosanctum concilium* (1963), envisaged an extensive episcopal liturgical governance role. With the local episcopal conference, the bishop was to regulate the use of language in the liturgy and prepare and translate liturgical prayers into 'living languages' and oversee the implementation of liturgical change. These were key conciliar expressions of episcopal governance, which represented a deeper theology of the episcopacy. In subsequent years, the Council's reform agenda was challenged and resisted by the Roman Curia and others. The Curia aimed at protecting its pre-Vatican II position of governance and was not inclined to receive the Council's collegial and synodal ecclesiology. The most recent development, *Magnum principium* (2017), may be viewed as an opportunity yet to be grasped.

Keywords

Sacrosanctum concilium, Reception, Vatican II, bishops, episcopal pastoral governance

Renewal of the liturgy

Liturgical renewal acts like a litmus test for the post-conciliar reception of episcopal governance expressed in *Sacrosanctum concilium*. More than fifty years after its promulgation, controversy over the authority of episcopal conferences and their governance of liturgical texts in living languages, as articulated in *Sacrosanctum concilium*, is again under consideration.[1] This suggests the doctrine of the Council was received by some but not by others and indicates a tension between the 'periphery' and the 'centre'. The veracity of such a

[1] See: Archbishop Piero Marini, *A Challenging Reform: Realizing the Vision of the Liturgical Renewal, 1963-1975* (Collegeville, Mn.: Liturgical Press, 2007), x.

© 2019 Provincial Council of the English Province of the Order of Preachers

https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

claim will now be investigated to establish how liturgical episcopal governance was received in the years following the Council's close.

Implementing *Sacrosanctum concilium*

The implementation of *Sacrosanctum concilium* was entrusted to the *Consilium ad exsequendam Constitutionem de sacra liturgica* - the Consilium.[2] It was formally established by Pope Paul VI In the Apostolic letter, *Sacram liturgicam* (1964).[3] Its membership included bishops and liturgical experts who were conciliar participants, with Mgr. Annibale Bugnini serving as secretary.[4] The Consilium published its instruction on implementing liturgical norms, entitled *Inter oecumenici,* in September 1964.[5] Expert members such as Pierre-Marie Gy spoke of their happy working relationship with the bishops.[6]

The Consilium's work was guided by four distinct characteristics: to have an international staff, which worked autonomously and efficiently, under episcopal leadership - approximately 30 members were bishops, supported by international experts. The secretariat would forward drafts for revision to presidents of episcopal conferences and the Pope.

[2] The work of a pre-Consilium, formed to guide conciliar liturgical reforms, made little progress due to lack of leadership. See. Ibid., p. 19.

[3] Issued *motu proprio*, 25 January 1964; published in *L'Osservatore Romano* 29 January 1964. See: http://www.vatican.va/holy_father/paul_vi/motu_proprio/documents/hf_p-vi_motu-proprio_19640125_sacram-liturgiam_en.html. See also: Austin Flannery, "Vatican Council II: The Conciliar and Post Conciliar Documents," (Northport, New York: Costello Publishing Company, 1981), pp. 41-44.

[4] Gy is clear: 'the Pope paid close attention to the submissions of Bugnini [which] did not prevent him from making his own decisions.' Pierre-Marie Gy, *The Reception of Vatican II Liturgical Reforms in the Life of the Church*, The Père Marquette Lecture in Theology (Milwaukee, Wi.: Marquette University Press, 2003), p. 16.

[5] See: Flannery, "Vatican Council II: The Conciliar and Post Conciliar Documents," pp. 45-56. It concludes: 'This Instruction was prepared by the *Consilium* by mandate of Pope Paul VI, and presented to the Pope by Cardinal Giacomo Lercaro, President of the *Consilium*. After having carefully considered the Instruction, in consultation with the *Consilium* and the Congregation of Rites, Pope Paul in an audience granted to Cardinal Arcadio Maria Larraona, Prefect of the Congregation of Rites, gave it specific approval as a whole and in its parts, confirmed it by his authority, [. . .].' The statement demonstrated the relationship of the Consilium and the Congregation for Rites.

[6] Gy, *The Reception of Vatican II Liturgical Reforms in the Life of the Church*, pp. 8-9. Such remarks deflate critical comments from those who viewed conciliar reform as the work of misguided experts and not of the bishops themselves. Gy also notes the presence of 'non-Catholic observers' at the meetings of the cardinals and bishops. Ibid., p. 11.

© 2019 Provincial Council of the English Province of the Order of Preachers
https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

This fourth characteristic underlined the centrality of the local bishop and episcopal conferences in post-conciliar liturgical reform.[7]

The Sacred Congregation for Rites, however, understood itself and not the Consilium to be the body responsible for implementing liturgical change as it had been responsible for the original schema.[8] The task of implementing liturgical change would not have suited the Congregation as it had already expressed strongly worded 'difficulties' with Pope Pius XII's earlier liturgical reforms. Besides, the idea of an independent body to oversee liturgical reform had taken root and found favour with Paul VI.

Episcopal governance in *Sacram liturgicam* (1964)

Problems arose early due to *Sacram liturgicam* not being in agreement with *Sacrosanctum concilium*. When speaking about the translation of texts, *Sacrosanctum concilium* stated:

> [I]t is a matter for the competent local Church authority (see article 22 §2), if necessary also in consultation with bishops from neighboring areas which have the same language, to lay down regulations as to whether and how the local language should be used. These decisions should be examined or confirmed by the Apostolic See (SC 36 §3).
>
> The translation of the Latin text into the local language, for use in the liturgy, must be approved by the competent local Church authority [territorial ecclesiastical authority] mentioned above (SC 36 §4).[9]

Regulations concerning 'whether' and 'how' a local language was used were determined by the episcopal conferences in the case of a common language, and 'examined or confirmed by the Apostolic See.' While the process of examination or confirmation by the Apostolic See was not explained, this ambiguity did not extend to the 'translation of the Latin text into the local language for use in the liturgy'. These actions were to be governed and 'approved by the competent local Church authority', i.e., the episcopal conference. The relevant article of *Sacram liturgicam* reads:

[7] Marini, *A Challenging Reform: Realizing the Vision of the Liturgical Renewal, 1963-1975*, pp. 5-7.

[8] Susan Roll suggests the Congregation was against liturgical reform. For example: it 'attempted a few pre-emptive strikes when [it] discovered the Council was going to be dealing with liturgy and not merely issuing a few anathemas: a new breviary was quickly promulgated in 1961, as was a lightly revised Roman Missal in 1962 to try to thwart reform.' Susan K. Roll, "The Cornerstones of Liturgical Renewal," in *Vatican II Facing the 21st Century: Historical and Theological Perspectives*, ed. Dermot A. Lane and Brendan Leahy (Dublin: Veritas Publications, 2006), p. 95.

[9] Norman P. Tanner, "Decrees of the Ecumenical Councils," (London/Washington, DC: Sheed & Ward/Georgetown University Press, 1990), p. 828.

© 2019 Provincial Council of the English Province of the Order of Preachers
https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

> Since according to Article 101 of the Constitution those who are obliged to recite the Divine Office may in various ways be permitted to use the vernacular instead of Latin, *we deem it proper to specify that the various versions proposed by the competent territorial bishop's conference must always be reviewed and approved by the Holy See. We order that this practice always be observed whenever a liturgical Latin text is translated into the vernacular on behalf of the territorial authority* (SL 9).[10]

Sacram liturgicam restricted episcopal liturgical governance. It takes two different decisions in *Sacrosanctum concilium*, extending the confirmation required from the Holy See required in n.36 §3 to the translation referred to in n.36 §4 and citing the authority of the Constitution.[11]

This contradiction was identified by Salvatore Marsili of the Pontifical Liturgical Institute of Sant'Anselmo.[12] He concluded: 'Thus, even though the Constitution had envisaged greater juridical power being given to "competent territorial bodies of bishops," the *motu proprio* limited that authority.'[13] Marsili continued by criticising all involved in *Sacram liturgicam's* preparation and cautioned against the Roman Curia, which traditionally impeded the reforming impulse of Councils and bishops.

In early 1964, the bishops of Germany, Austria and France protested against Roman curial 'interference'. They identified attempts to mitigate an increased episcopal governance role. For example, the French Episcopal Conference sent a Memorandum to the Sacred Congregation for Rites in February 1964.[14] The reply from the Congregation used such 'contorted and casuistic'[15] language that

[10] *Sacram Liturgicam*, 3. Emphasis added.

[11] Maurice Taylor, *It's the Eucharist, Thank God* (Brandon, Suffolk: Decani Books, 2009), p. 60.

[12] Cited in: Marini, *A Challenging Reform: Realizing the Vision of the Liturgical Renewal, 1963-1975*, p. 23.

[13] Ibid., pp. 23-24.

[14] The French bishops reacted strongly to the *motu proprio*, referring to an article published in *L'Osservatore Romano* (30 January 1964), which proposed a restrictive interpretation of *Sacrosanctum concilium*, n.36. 'The council [. . .] agreed that the translations would be approved by the bishops' conferences, *that is all*. Any other disposition would contradict the council's decisions, as it would also contradict the trust in the episcopal conferences already shown earlier by the Apostolic See when it gave them the task of arranging translations of the *Ordo Baptismi adultorum*, a task which for its part the French Episcopate did not fail to carry out. This is true also for article 10 on the divine office, which refers in particular to the translations carried out according to article 36, and not through the intervention of a Vatican Congregation which cannot consider itself more competent that the Episcopates in matters concerning exact translations into a national language.' ibid., pp. 169-170. Emphasis added. Their Memorandum clearly stated the problem and its corollary.

[15] Annibale Bugnini, *The Reform of the Liturgy 1948-1975* (Collegeville, Mn.: Liturgical Press, 1990), p. 70.

© 2019 Provincial Council of the English Province of the Order of Preachers

https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

it represented a clear instance of curial restriction of episcopal governance. Matters, however, had already moved on.

Instruction on Liturgical Norms: *Inter oecumenici* (1964)

The Consilium's first Instruction on the implementation of liturgical norms, *Inter ecumenici* (IO), was prepared during 1964.[16] Its prolonged development allowed for a more expansive understanding and clearer definition of the competence in liturgical matters of both the bishop and episcopal conference. It was important that both these roles were understood more completely as it was the bishop's post conciliar responsibility to build a 'whole liturgy-centred apostolate' (IO 8), central to his pastoral activity (IO 7), which relied on his governance of liturgical matters for the local Church (IO 10).[17]

The section of *Inter oecumenici* entitled, 'The Competent Authority in Liturgical Matters', suggests a single competent authority. It states that the Church regulates the liturgy, and no one may 'proceed on his own initiative in this domain, for that would be to the detriment of the liturgy itself, more often than not, and of the reform which the competent authority has to carry out' (IO 20). The following paragraph offers a particular context to the phrase 'Church's authority.'

> It is for the Holy See to reform and to approve liturgical books for general use, to regulate the sacred liturgy for the universal Church, to approve or confirm the 'Acts' and deliberations of the territorial authorities and to receive the proposals or petitions of these same territorial authorities (IO 21).

It states that the bishop regulates, 'the liturgy in his own diocese, in accordance with the norms and the spirit of the Constitution on Sacred Liturgy, the decrees of the Holy See and of the competent

[16] The first of three: the second Instruction was entitled: '*Tres abhinc annos* - on the proper implementation of the Constitution on the Liturgy' (4 May 1967), Thomas C. O'Brien, ed. *Documents on the Liturgy, 1963-1979: Conciliar, Papal, and Curial Texts* (Collegeville, Mn.: Liturgical Press, 1982), pp. 135-140. The third, '*Liturgicae instaurationes* - on the orderly carrying out of the constitution on the liturgy' (5 September 1970), ibid., pp. 159-167.The first and second were stylistically similar; the third was disciplinary in nature and had not been commented on by its membership. Therefore, few had been consulted and few knew its contents in advance and was 'a different kind of document, one that involved the responsibility of the central authority.' Bugnini, *The Reform of the Liturgy 1948-1975*, p. 843. Fn.827.

[17] For references to *Inter oecumenici* see: Flannery, "Vatican Council II: The Conciliar and Post Conciliar Documents," pp. 45-56. Published by the Sacred Congregation of Rites (SCR). Paragraph 10 reads: 'Whatever measures this Instruction submits to the jurisdiction of the competent territorial ecclesiastical authority, it is this same authority, alone, which can and must put them into effect, by legitimate decrees.'

© 2019 Provincial Council of the English Province of the Order of Preachers
https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

territorial authority' (IO 22). Likewise, episcopal conferences 'are invested with authority to regulate the liturgy according to article 22: 2 of the Constitution' (IO). This reflected *Sacrosanctum concilium*, which states:

> The regulation of the liturgy depends solely on the authority of the Church, which resides with the apostolic see and, within the normal functioning of the law, with the bishop (SC 22 §1).
> As a result of the power that the law has devolved on them, the regulation of the sphere of liturgy within fixed boundaries belongs also to the competent local episcopal groupings of various kinds that have been legally set up (SC 22 §2).
> Thus, absolutely no one other than these, even a priest, should disruptively add, remove or change anything in the liturgy on his or her own (SC 22 §3).

Sacrosanctum concilium (SC 36 § 1-4) states that the episcopal conference regulates the use of local language, a decision which is examined or confirmed by the Apostolic See (SC 36 §3). However, liturgical translations from Latin into living languages required only the approval of the episcopal conference (SC 36 §4).

One notable restriction of individual episcopal governance and the bishops' conference can be detected in *Inter oecumenici*. Its first reference to a generic Church authority (IO 20) has a parallel in *Sacrosanctum concilium* (SC 22 §1), which speaks of liturgical governance consigned to the Apostolic See *and* the bishop. There is careful use of language in the Constitution (SC 22 §2), which presents the first signal that the Council granted 'new authority and recognition to the local episcopates, referred to in the documents as "the competent territorial bodies of bishops legitimately established."'[18] This begs the question: why did *Inter oecumenici* (IO 20) need to disallow liturgical initiatives pursued by a bishop or an episcopal conference? Such action suggests an attempt to restrict the scope of episcopal liturgical governance at is inception.

The Council specifically devolved the necessary authority to the bishop and the episcopal conferences. The preparation and translation of Latin into local languages offered the bishop a most important pastoral-liturgical task.[19] The bishop was best placed to comprehend the pastoral needs of the local Church and to govern the Church in

[18] Frances, Page, and Pecklers, Marini, *A Challenging Reform: Realizing the Vision of the Liturgical Renewal, 1963-1975*, p. 159.

[19] A change suggested by the pastoral experience of the bishops. Gy, *The Reception of Vatican II Liturgical Reforms in the Life of the Church*, p. 25. The first translations into living languages were sought by episcopal conferences of countries beyond Western Europe. See : Thomas R. Whelan, "Liturgy Reform Since Vatican II: The Role Played by Bishops in the English-Speaking World," *Questions Liturgiques/Studies in Liturgy* 95, no. 1-2 (2014), p. 84. Fn. 12.

© 2019 Provincial Council of the English Province of the Order of Preachers
https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

local, liturgical matters. For Mark Francis *et al* the task of translation 'simply makes no sense divorced from the bishops' preeminent pastoral concern.'[20] Some suspected Roman curial involvement in restricting the bishop's liturgical governance. However, Heinrich Rennings' research identified that English speaking countries, therefore English-speaking bishops, demonstrated 'the greatest reluctance to implement the freedom they have been given, while the French-speaking countries make a fuller use of this than anyone else.'[21]

Liturgical renewal: 1964-1996

The Consilium continued its task of liturgical renewal. The job of attending to the difficulties associated with *Sacram liturgicam* was given to Bugnini.[22] Even in a corrected form, the issue of translation reflected a pull to the centre. A letter sent by the Secretary of State to Cardinal Lercaro outlined the mandate of the Consilium.[23] However, both Bugnini and Marini raised the difficult issue of the letter's juridical status, a question posed on future occasions.[24]

The work of the Consilium gathered pace. Over the following years it published numerous documents outlining liturgical renewal.[25] The Second Instruction on the Proper Implementation of the Sacred

[20] Mark R. Frances, Page, John R. and Pecklers, Keith F., "Foreword" in Marini, *A Challenging Reform: Realizing the Vision of the Liturgical Renewal, 1963-1975*, p. 159.

[21] Heinrich Rennings, "Europe," *Concilium* 2, no. 2 (1966), p. 80. See also: Whelan, "Liturgy Reform Since Vatican II: The Role Played by Bishops in the English-Speaking World," p. 85.

[22] See Bugnini's corrective note: 'For the Implementation of the Conciliar Liturgical Constitution – The *Motu Proprio Sacram Liturgicam*', March 2/3, 1964 in *L'Osservatore Romano*.

[23] See: Bugnini, *The Reform of the Liturgy 1948-1975*, p. 51. See: Marini, *A Challenging Reform: Realizing the Vision of the Liturgical Renewal, 1963-1975*, pp. 34-35.

[24] The letter is clear about the competencies of the Consilium but lacked juridical weight. The Consilium was allied to the Pope but used weak, novel juridical formulae. Again, the lack of publication of this document in *Acta Apostolica Sedis* or *L'Osservatore Romano* was vital. Bugnini notes that 'despite repeated requests, the letter of February 29 was never published in [AAS], and the list of members, which had appeared in *L'Osservatore Romano*, was not published in the *Acta* until June, and then only after the obituaries (see AAS 56 [1964], 479). Mere coincidence? A second letter from the Secretariat of State, dated January 7, 1965, further clarified the respective competencies of the Congregation of Rites and the Consilium by giving to the latter the duty of overseeing and regulating the experimental phase of new rites, and to the former the duty of giving juridical force to the definitive publication of these rites; [. . .]. Other responsibilities were given to the Consilium as the work proceeded.' Bugnini, *The Reform of the Liturgy 1948-1975*, p. 52. Reporting the competencies of the Congregation of Rites happened quickly and officially, which acted like a brake on the Consilium's governance.

[25] See: Flannery, "Vatican Council II: The Conciliar and Post Conciliar Documents," pp. 41-282. Also: O'Brien, *Documents on the Liturgy, 1963-1979: Conciliar, Papal, and Curial Texts*.

© 2019 Provincial Council of the English Province of the Order of Preachers
https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

Liturgy, *Tres Abhinc Annos* (1967), expressed a more positive working relationship between the bishops, the Consilium, and the Congregation:

> The bishops have proposed several other changes designed to increase the faithful's participation and to make the rites, especially the rites of the Mass, clearer and more intelligible. Their recommendations were first sent to the Consilium for the proper Implementation of the Constitution on the Sacred Liturgy and were then examined and weighed both by the Consilium and by the Sacred Congregation of Rites.[26]

Notitiae and the creation and amalgamation of the Sacred Congregation for Divine Worship

The Consilium began to publish its proceedings: this was welcomed by the bishops, who, together with members of local and national liturgy commissions and other interested parties, requested copies. In response, the Consilium published its reports in its journal, *Notitiae*.[27] It offered a contemporary record of liturgical reforms carried out by individual bishops, and episcopal conferences for the local and universal Church.[28]

On 8 May 1969, the Consilium ceased to be an independent body when, under Paul VI's apostolic constitution *Sacra rituum*,[29] it became part of the Roman Curia with the creation of the Sacred Congregation for Divine Worship (CDW). The change was part of Paul VI's curial reforms. The Consilium would continue as a special commission within the CDW 'until the reform of the liturgy should be completed, retaining its members and consulters.'[30]

[26] Second Instruction on the Proper Implementation of the Sacred Liturgy, *Tres Abhinc Annos*, Sacred Congregation for Rites, 4 May, 1967. Flannery, "Vatican Council II: The Conciliar and Post Conciliar Documents," p. 98.

[27] *Notitiae* 'became the expression of a more collegial reforming spirit, which the Concilium was anxious to carry forward in the relationship between the Holy See and the particular [local] Churches and within the Roman Curia.' Marini, *A Challenging Reform: Realizing the Vision of the Liturgical Renewal, 1963-1975*, p. 94.

[28] Another new journal, *Concilium*, offered a picture of liturgical development across the Church. See: "Documentation Concilium. The Constitution on the Sacred Liturgy applied in Five Continents: a Survey of Progress," *Concilium* 2, no. 2 (1966), pp. 66-82. For the section relating to Europe see: Heinrich Rennings, "Europe," ibid., pp. 79-82.

[29] See: https://w2.vatican.va/content/paul-vi/la/apost_constitutions/documents/hf_p-vi_apc_19690508_sacra-rituum-congregatio.html

[30] Flannery, "Vatican Council II: The Conciliar and Post Conciliar Documents," p. 44. While part of curial reform, it was also the fruition of one of Bugnini's models for liturgical reform.

© 2019 Provincial Council of the English Province of the Order of Preachers

https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

However, the CDW experienced initial difficulties.[31] These included concerns expressed by curial cardinals that the recently published Roman Missal lacked theological orthodoxy.[32] Nevertheless, this change allowed the Consilium to express its decisions using its new, formal juridical authority as a special commission within the CDW.

In 1975, the CDW became part of a new congregation, the Congregation for Divine Worship and the Discipline of the Sacraments (CDWDS).[33] This change was due in part to a lack of trust by Paul VI in Bugnini. His work underpinned the work of the Consilium but resulted in strained relationships with other Roman congregations.[34] The formation of the new Congregation also saw the removal of Bugnini from his position as secretary.[35] This was viewed by some as a loss due to his advocacy of episcopal liturgical governance and of liturgical reform in general. It was perceived as a victory by those who wished for liturgical reform to be restricted and centrally governed.

While not without difficulties, local bishops enacted liturgical renewal during and immediately after the Council because governance was restored to them 'in collaboration with the Holy See, to promote the liturgical life in their dioceses.'[36] Problems experienced post-1975, had a root cause: Roman curial resistance to the work of the Consilium. It aimed to deliver conciliar liturgical governance invested in bishops and episcopal conferences, especially the translation of texts by bodies like the International Commission on English in the Liturgy (ICEL).[37] The new curial Congregation, the CDWDS, had more restrictive aims, which came to a head in 1996.

[31] Marini, *A Challenging Reform: Realizing the Vision of the Liturgical Renewal, 1963-1975*, p. 143.

[32] First expressed in a critique of the new *Ordo Missae* in a letter sent by Cardinals Ottaviani and Bacci to Paul VI together with a curial, theological analysis. See: Anthony Cekada, ed. *The Ottaviani Intervention: Short Critical Study of the New Order of Mass* (West Chester, Ohio: Philothea Press, 2010). Cekada understands the *Intervention* as a 'sort of charter for the traditionalist movement - those Catholics who (among other things) rejected the reformed rites.' ibid., p. 3.

[33] Pope Paul VI, apostolic constitution *Constans nobis stadium* in: *L'Osservatore Romano* 17 July 1975. The CDW became the junior partner in the Congregation.

[34] Marini, *A Challenging Reform: Realizing the Vision of the Liturgical Renewal, 1963-1975*, p. 157. He suggests that in 1975 a covert commission was set up within the Congregation to encourage the Roman Curia to restrict episcopal governance of liturgical matters. Ibid., p. 149.

[35] See: Bugnini, *The Reform of the Liturgy 1948-1975*, xxviii. Marini, *A Challenging Reform: Realizing the Vision of the Liturgical Renewal, 1963-1975*, pp. 148-157.

[36] *A Challenging Reform: Realizing the Vision of the Liturgical Renewal, 1963-1975*, p. 159.

[37] Founded in 1963, it served 11 English-speaking bishops' conferences and was associated with fifteen others. See: http://www.icelweb.org/whatis.htm.

© 2019 Provincial Council of the English Province of the Order of Preachers

https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

Delegated governance challenged by the CDWDS

From 1975 the CDWDS afforded the Roman Curia tighter control of liturgical reform. Its creation was an important sign of the movement towards a characteristic pre-conciliar mind-set.[38] The end of Paul VI's pontificate and the beginning of John Paul II's ushered in a different attitude towards the Council, viewed by Massimo Faggioli as 'a new indulgence towards the tiny minority of Catholic traditionalists who rejected the liturgical reform as a device for rejecting Vatican II.'[39] This tendency ebbed and flowed from 1975 until the mid-nineteen nineties, more precisely until 1996.[40] In this year Pope John Paul II appointed Cardinal Jorge Arturo Medina Estevez as Prefect of the CDWDS.[41] His appointment reflected the zenith of a movement, supported by Cardinal Ratzinger amongst others, which called for a reform of the (liturgical) reform.[42] Estevez and Ratzinger were previously *periti*, and served on the International Theological Commission together.[43]

Meanwhile, ICEL had been working on a new translation of the Roman Missal or Sacramentary,[44] which received unanimous approval from its eleven ICEL episcopal conferences in 1997.[45] After fifteen years, it was ready to receive its *recognitio*. However, this was not forthcoming.[46] Along with the new translation of the Missal, the

[38] Marini, *A Challenging Reform: Realizing the Vision of the Liturgical Renewal, 1963-1975*, p. 157.

[39] Massimo Faggioli, *True Reform: Liturgy and Ecclesiology in Sacrosanctum Concilium* (Collegeville, Mn.: Liturgical Press, 2012), p. 7.

[40] See: John F. Baldovin, *Reforming the Liturgy: A Response to the Critics* (Collegeville, Mn.: Liturgical Press, 2008).

[41] Formerly Archbishop of Valparaiso, Chile. For comment see: Maurice Taylor, *Being a Bishop in Scotland* (Dublin: Columba Press, 2006), pp. 133-138.

[42] For context, see: John Wilkins, "Lost in Translation: The Bishops, Vatican II and the English Liturgy," *Commonweal*, 2 December, 2005, pp. 12-20.

[43] They wrote to Paul VI in 1972 expressing concerns about the quality of translations into major European languages See: John L. Allen, "The Counter-Revolution," *The Tablet*, 1.12.2002, pp. 8-9.

[44] Problems were noted by bishops with the hastily prepared 1973 translation. A new translation was begun by ICEL in the early 1980s. See: John R. Page, "The Process of Revision of the Sacramentary, 1981-98," in *Liturgy for the New Millennium: A Commentary on the Revised Sacramentary*, ed. Mark R. Francis and Keith F. Pecklers (Collegeville, Mn.: Liturgical Press, 2000), pp. 1-16.

[45] Liturgical reform in Australia, Canada, England and Wales, Ireland and the USA is reported in: "*Sacrosanctum concilium* at Fifty: Reports from Five English-Speaking Countries," *Worship* 87, no. 6 (2013), pp. 482-516.

[46] With the agreement of its constituent episcopal conferences, ICEL arranged a simple method for the translation, consideration and approval of texts. See: Taylor, *Being a Bishop in Scotland*, pp. 131-132. For a discussion of earlier problems encountered by ICEL with the Congregation see: *Liturgy 90*, August/September (1994). The chair of the episcopal board of ICEL, Archbishop Daniel Pilarczyk, discussed questions raised by the

© 2019 Provincial Council of the English Province of the Order of Preachers
https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

existence of ICEL was now questioned. How it was threatened will be investigated with initial reference to the apostolic constitution, *Pastor bonus*.

Pastor bonus (1988)

In the apostolic constitution *Pastor bonus* (PB), Pope John Paul II discussed reform of the Roman Curia. Articles 62-70 outline the responsibilities given to the CDWDS. Article 64 reads:

> By effective and suitable means, the Congregation promotes liturgical pastoral activity, especially regarding the celebration of the Eucharist; it gives support to the diocesan bishops so that the Christian faithful may share more and more actively in the sacred liturgy (64§1).
>
> It sees to the drawing up and revision of liturgical texts. It reviews particular calendars and proper texts for the Mass and the Divine Office for particular Churches and institutes which enjoy that right (64§2).
>
> It grants the *recognitio* to translations of liturgical books and their adaptations that have been lawfully prepared by conferences of bishops (64§3).[47]

The Congregation's promotion of 'liturgical pastoral activity' in support of diocesan bishops (PB 64§1) is congruent with *Sacrosanctum concilium*. The claim in the following paragraph, that it 'sees to the drawing up and revision of liturgical texts' (PB 64§2) suggests the CDWDS governs this task on behalf of diocesan bishops by undertaking the task itself. The final paragraph speaks of the *recognitio* that the Congregation gives to liturgical texts.

While *Sacrosanctum concilium* envisaged the granting of a *recognitio*, it did not mean that a Roman congregation governed the entire process. *Sacrosanctum concilium* reserved the translation of liturgical books to episcopal conferences. While obliged to seek approval concerning texts to be translated (SC 36§3), there was no requirement to have its translations approved (SC 36§4). The bishops at the Council resisted this requirement, but *Pastor bonus* reversed the process outlined in *Sacrosanctum concilium*, and by so doing

Congregation, with a view to opening an informed conversation about translation for Latin into English, a process misinformed by a vocal minority who reported their concerns directly to Rome.

[47] Pope John Paul II Apostolic Constitution *Pastor Bonus*, 28 June 1988. See: http://www.vatican.va/holy_father/john_paul_ii/apost_constitutions/documents/hf_jp-ii_apc_19880628_pastor-bonus_en.html. Later that year John Paul II's Apostolic Letter *Vicesimus quintus annus* (1988) marked the 25th anniversary of Sacrosanctum concilium with an evaluation of liturgical renewal.

© 2019 Provincial Council of the English Province of the Order of Preachers
https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

restricted the bishop's governance of liturgical matters. This approach was subsequently used by the Congregation to challenge ICEL.

The relationship of the Bishops' Conferences, ICEL and CDWDS

Several serious claims were made to the chair of ICEL, Bishop Maurice Taylor,[48] by the Congregation for Divine Worship and the Discipline of the Sacraments concerning complaints received from unnamed bishops about the quality of translations, of procedures, and of 'an adequate level of service' provided by ICEL.[49]

Sacrosanctum concilium had not indicated that a curial congregation such as the CDWDS was to govern such matters.[50] Any episcopal dissatisfaction was better indicated and resolved at conference meetings rather than communicated to, and then prosecuted by the CDWDS.[51] The episcopal conferences that comprised ICEL were satisfied with its work. In turn, ICEL's task was not to 'satisfy' every bishop, but to carry out tasks set by its constituent episcopal conferences.[52]

Another claim made by the CDWDS concerned the question of who had authority over ICEL. ICEL was founded during the Council; its constitution was approved by its constitutive episcopal conferences. ICEL understood it was under their authority. Cardinal Medina counterclaimed, in a letter sent in 1999 to the Chair of ICEL, that 'the constitution, the regulation and the oversight of an international commission for liturgical translation are rightfully the competence of the Holy See to a degree which is not always sufficiently reflected in the Statutes which govern such bodies.'[53] The Congregation went on to claim that the section of the 1983 Code concerning 'Juridical Persons' supported its claim of authority over ICEL.[54] This claim, that ICEL

[48] Bishop of Galloway, Scotland (1981-2004) and chair of ICEL (1997-2002). See: http://www.bishopmauricetaylor.org.uk/ for bibliographical information.

[49] Taylor, *It's the Eucharist, Thank God*, p. 51.

[50] ICEL was also to cease contact with non-Catholic Church communities with whom it had built close connections, and who used Catholic texts to revitalise their liturgies. The CDW's prohibition also ran contrary to the instructions of ICEL's founding conferences and greatly disappointed non-Catholics and the Pontifical Council for the Promotion of Christian Unity alike. Ibid., p. 53.

[51] Ibid.

[52] For a sense of ICEL's work at this time see: R. Kevin Seasoltz, "Its the Eucharist, Thank God," *Worship* 85 (2011), pp. 244-256.

[53] Letter dated 26 October, 1999 from Cardinal Medina, Prefect of the Congregation for Divine Worship to Bishop Maurice Taylor, Chair, ICEL in: Taylor, *It's the Eucharist, Thank God*, p. 50.

[54] 'Juridical Persons' are dealt with in canons 113 to 123: "The Code of Canon Law: In English Translation," (London: Collins, 1983), pp. 17-19. See canons 113-118.

© 2019 Provincial Council of the English Province of the Order of Preachers
https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

was a mixed commission with a juridical personality, was further supported by post-conciliar documents, especially *Pastor bonus*.[55]

However, ICEL was formed in 1963, was subject to the authority of English-speaking episcopal conferences, and was understood 'as an agency (without juridical personality).'[56] In fact, not every mixed commission requires a juridical personality, it simply has to promote and defend the greater good and have a clear point of reference with the Apostolic See.[57] This understanding was confirmed by the presidents of all episcopal conferences constituting ICEL at a meeting in Washington in April, 2000.[58]

The claims made by the CDWDS reflected a continuing curial usurpation of governance given by the Council to the bishops, and a further move towards centralisation of decisions concerning liturgical development. In 1994, the CDWDS issued the Fourth 'Instruction for the Right Application of the Constitution on the Sacred Liturgy of the Second Vatican Council', *Varietates legitimatae*.[59] The Instruction concerned itself with questions - *and their answers*, on the liturgy and its inculturation. The Congregation's position was further reinforced with the introduction of new translation guidelines.[60]

Liturgicam authenticam (2001)

To assist ICEL and others in their work of translation, a new instruction, *Liturgicam authenticam*,[61] was issued in 2001. It replaced the

[55] Article 65 states: 'The Congregation fosters commissions or institutes for promoting the liturgical apostolate or sacred music, song or art, and it maintains relations with them. In accordance with the law, it erects associations which have an international character or approves or grants the *recognitio* to their statutes. Finally, it contributes to the progress of liturgical life by encouraging meetings from various regions.' A narrow reading might allow the Congregation to understand itself as responsible for ICEL.

[56] Taylor, *It's the Eucharist, Thank God*, p. 59.

[57] Canon 459: §1 'Relations are to be fostered between Episcopal Conferences, especially neighbouring ones, in order to promote and defend whatever is for the greater good. §2 The Apostolic See must be consulted whenever actions or affairs undertaken by Conferences have an international character.' "The Code of Canon Law: In English Translation," p. 82.

[58] *It's the Eucharist, Thank God*, p. 59.

[59] See: *Origins* 23 (1994): pp. 745-756.

[60] This process was underpinned by the *motu proprio* of John Paul II, *Ad Apostolos Suos* (1998), which required of bishops' conferences a unanimous vote on doctrinal matters. If unanimity was not achieved, the matter was referred to Rome for approval or disapproval.

[61] Published by the CDWDS on 28 March 2001; subtitled: Fifth Instruction 'For the Right Implementation of the Constitution on the Sacred Liturgy of the Second Vatican Council' (*Sacrosanctum Concilium*, art. 36). While dealing with the use of vernacular languages, it was presented as the latest document concerned with the implementation of the Constitution. See: http://www.vatican.va/roman_curia/congregations/ccdds/documents/rc_con_ccdds_doc_20010507_liturgiam-authenticam_en.html.

© 2019 Provincial Council of the English Province of the Order of Preachers
https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

original guide, *Comme le prévoit*.[62] Neither ICEL nor the episcopal conferences were involved in its preparation; however, it contained several comments made by the Congregation on ICEL texts since 1996.[63] It was a larger document than *Comme le prévoit* and differed in both style and approach.[64] It also confirmed the earlier action of removing liturgical translation from episcopal governance. Paragraphs 79-84 are concerned with its understanding of the *recognitio*.

> The practice of seeking the *recognitio* from the Apostolic See for all translations of liturgical books accords the necessary assurance of the authenticity of the translation and its correspondence with the original texts. This practice both expresses and affects a bond of communion between the successor of blessed Peter and his brothers in the Episcopate. Furthermore, this *recognitio* is not a mere formality, but is rather an exercise of the power of governance, which is absolutely necessary (in the absence of which the act of the Conference of Bishops entirely in no way attains legal force); and modifications - even substantial ones - may be introduced by means of it. For this reason it is not permissible to publish, for the use of celebrants or for the general public, any liturgical texts that have been translated or recently composed, as long as the *recognitio* is lacking (LA 80).

Liturgicam authenticam sought to regulate liturgical reform by requiring the *recognitio* of 'all translations of liturgical books' (LA 80).

Again, *Sacrosanctum concilium* clearly identified the task of translating liturgical texts from Latin 'must be approved by the competent *local* Church authority' (SC 36 §4), i.e., the bishops of the episcopal conference (SC 22 §2), not the Apostolic See.

Liturgicam authenticam now placed a limit on the collaborative work of episcopal conferences as approved liturgical books could only be used only in the territory of the conference for which they were approved (LA 83). This was tempered by *Liturgicam authenticam*, allowing the Congregation to erect 'mixed' commissions if requested by bishops' conferences and limited the task of translation to its episcopal members (LA 93). However, *Liturgicam authenticam*

[62] There is no Latin version. The original French version was not published in *Acta Apostolica Sedis*. See: *Notitiae* 5 (1969), pp. 3-12. The Instruction is not found on the Vatican website. See: O'Brien, *Documents on the Liturgy, 1963-1979: Conciliar, Papal, and Curial Texts*, pp. 284-291. *Comme le prévoit* was supported by Paul VI, who thought it fit for purpose. When Gy questioned the Instruction, an Italian liturgist showed him the text on which Paul VI had made handwritten comments. The final comment read: 'It is slightly too long, but it is really fitting.' Gy, *The Reception of Vatican II Liturgical Reforms in the Life of the Church*, p. 18. See also: Bugnini, *The Reform of the Liturgy 1948-1975*, pp. 236-237.

[63] Taylor, *Being a Bishop in Scotland*, p. 135.

[64] With 133 paragraphs and 86 footnotes. *Comme le prévoit* has 43 paragraphs and no footnotes.

© 2019 Provincial Council of the English Province of the Order of Preachers
https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

seemed to limit their collaborative work by suggesting that translations are made by one conference and then approved by other conferences (LA 96). Nor would episcopal conferences be allowed to communicate with other commissions regarding the work of translation or compose other texts, beyond the *editiones typicae*. *Liturgicam authenticam*).

As well as controlling text translation, the CDWDS centralised the task of organising the collegial act of episcopal conferences working together:

> Wherever a certain Conference of Bishops lacks sufficient resources or instruments for the preparation and printing of a liturgical book, the President of that Conference is to explain the situation to the [CDWDS], to whom it pertains to establish or to approve any different arrangement, such as the publication of liturgical books together with other Conferences or the use of those already employed elsewhere. Such a concession shall only be granted by the Holy See *ad actum* (LA 80).

A year after the introduction of *Liturgicam authenticam* the refusal of the *recognitio* for the text of the Sacramentary, sent to Rome in 1998, was received by ICEL's constituent episcopal conferences. Its future revision would have to follow different translation guidelines and, more importantly, episcopal governance of translations would be significantly restricted.

Liturgicam authenticam can be criticised for overly managing the task of translations and centralising its operation. Texts would have to faithfully followed the Latin original without the flexibility or 'dynamic equivalence' afforded the translator by *Comme le prévoit*. A liturgical translation would be judged, according to Thomas Whelan, not on its 'immersion into the paschal mystery of Christ, but in terms of its fidelity to the Latin original.'[65] By 2002, Archbishop Daniel Pilarczyk referred to liturgical development as a 'warzone' and called for 'liturgical peace'.[66]

In publishing *Liturgicam authenticam* the curial magisterium sought to restrict episcopal governance of liturgical texts and control *any* liturgical development, developments often initiated by an exercise of the bishop's pastoral role of pastoral governance.[67] With the publication of the *Ratio translationis* (2006), control of translations

[65] Whelan, "Liturgy Reform Since Vatican II: The Role Played by Bishops in the English-Speaking World," p. 105. See also Whelan's article: "Translating the Roman Missal. 1. Translation and Participation," *The Pastoral Review* 8, no. 5 (2012), pp. 30-35.

[66] Archbishop Daniel Pilarczyk, "Liturgy, Law and Life," *Origins* 31, no. 39 (2002), pp. 651-653.

[67] Liturgical language was not to be slavishly literal, as demanded by *Liturgicam authenticam*, but should enable a local community 'to make their own living prayer of the

© 2019 Provincial Council of the English Province of the Order of Preachers
https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

passed wholly to the CDWDS, advised by a new body, *Vox Clara*.[68] The local bishops and episcopal conferences were reduced to the role of local Roman agents, a position challenged by Pope Francis.[69]

Pope Francis' speech to the Italian Liturgical Conference

On 24 August 2017, Pope Francis addressed the Italian Liturgical Conference and made an important announcement concerning episcopal liturgical governance.[70] First, he affirmed with magisterial authority that the liturgical reforms of Vatican II were 'irreversible.' He continued: 'The task of promoting and safeguarding the liturgy is entrusted by right to the Apostolic See and to the diocesan bishops on whose responsibility and authority I greatly rely at the present moment; national and diocesan liturgical pastoral bodies, educational Institutes and Seminaries are also involved.' His direction of travel became more apparent a few weeks later.

Magnum Principium (2017)

On 3 September 2017 Pope Francis' published, *motu proprio*, his apostolic letter, *Magnum principium* (MP).[71] He noted existing difficulties concerning the translation of liturgical and biblical texts. For the Council's decisions to be of value concerning the use in the liturgy of vernacular languages, there needs to exist a creative, reciprocal, trustful collaboration between the Episcopal Conferences and responsible Curial departments i.e. the CDWDS. The process of liturgical renewal required some clarifying principles so that 'the competency of the Apostolic See surrounding the translation of liturgical books and the more radical adaptations established and approved by Episcopal Conferences be made clearer' (MP). This was reflected in a revision to Canon 838, which now read:

prayer texts so translated.' Michael Kunzler, *The Church's Liturgy*, AMATECA Handbooks of Catholic Theology (London/New York: Continuum, 2001), p. 110.

[68] *Liturgicam authenticam* stated that the CDWDS will prepare a *ratio translationis* after consulting with bishops. It will explain in detail 'the principles of translation found in this Instruction' (LA 9). For a copy of the *ratio translationis* see: http://www.bible-researcher.com/ratio-translationis.html. *Vox Clara* comprises bishops from English speaking episcopal conferences and was established on July 19, 2001, to advise the CDWDS.

[69] Taylor, *It's the Eucharist, Thank God*, p. 67.

[70] See: http://w2.vatican.va/content/francesco/en/speeches/2017/august/documents/papa-francesco_20170824_settimana-liturgica-nazionale.html.

[71] See: https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2017/09/09/170909a.html.

© 2019 Provincial Council of the English Province of the Order of Preachers

https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

> Can. 838 - §1. The ordering and guidance of the sacred liturgy depends solely upon the authority of the Church, namely, that of the Apostolic See and, as provided by law, that of the diocesan Bishop.
>
> §2. It is for the Apostolic See to order the sacred liturgy of the universal Church, publish liturgical books, **recognise adaptations approved by the Episcopal Conference according to the norm of law**, and exercise vigilance that liturgical regulations are observed faithfully everywhere.
>
> §3. It pertains to the Episcopal Conferences to **faithfully** prepare versions of the liturgical books in vernacular languages, suitably **accommodated** within defined limits, and **to approve** and **publish the liturgical books for the regions for which they are responsible after the confirmation of the Apostolic See**.
>
> §4. Within the limits of his competence, it belongs to the diocesan Bishop to lay down in the Church entrusted to his care, liturgical regulations which are binding on all. Consequently this is how art. 64 §3 of the Apostolic Constitution *Pastor Bonus* as well as other laws are to be interpreted, particularly those contained in the liturgical books concerning their revision. Likewise I order that the Congregation for Divine Worship and the Discipline of the Sacraments modify its own "Regulations" on the basis of the new discipline and help the Episcopal Conferences to fulfil their task as well as working to promote ever more the liturgical life of the Latin Church.[72]

The key changes appear in paragraph 3 with the addition of the words 'approve' and 'faithfully'. In other words, the Episcopal Conferences were trusted to work faithfully to prepare liturgical books in vernacular languages, and to approve this work. This returned the governance of liturgical translations to the local bishops, as envisioned by *Sacrosanctum Concilium* 36 §4.

Rita Ferrone views the change as positive, supporting those who,

> fought to retain the freedom to adapt the liturgy to local realities and the times in which we live, a flexibility promised by Vatican II. It has also correspondingly weakened the position of those who advocate a "reform of the reform" including the desire to return to Tridentine-inspired principles of uniformity and centralized control in liturgical regulation.[73]

Ferrone also observes that the Prefect of the CDWDS, Cardinal Robert Sarah, who advocates for *Liturgiam authenticam* and a 'reform of the reform', has been disadvantaged by these statements.

Strangely, episcopal conferences have not greeted this 'good news' with great joy. The Bishops' Conference of England and Wales, for

[72] *Magnum principium*. Emphasis original.

[73] See: https://www.associationofcatholicpriests.ie/2017/09/pope-francis-gives-local-bishops-more-responsibility-for-mass-translations/.

© 2019 Provincial Council of the English Province of the Order of Preachers

https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

example, welcomed *Magnum principium* and its affirmation of their liturgical oversight. They also expressed gratitude to the CDWDR for their guidance 'that the Motu Proprio concerns future liturgical translations and cannot be applied retroactively. We look forward to the further assistance of the Congregation in its implementation.'[74] Perhaps Pope Francis expected *Magnum principium* would encourage more independent episcopal action.

Conclusion

The Council recognised the ability of bishops, episcopal conferences, ICEL, and the Apostolic See to work co-responsibly in the field of liturgical development. If liturgical development was governed solely from the centre, local bishops would be unable to develop liturgy, which reflected pastoral need. An increasing tendency to restrict episcopal liturgical governance was indulged under the papacies of Popes John Paul II and Benedict XVI, rendering bishops little more that Roman curial branch managers.[75]

Episcopal conferences could have raised these issues with the Apostolic See by explaining how their individual and collegial liturgical governance role were encroached on by the CDWDS. They could have better supported ICEL when it received communications from the CDWDS demanding a move to a new, more centralised mode of operation.[76] Concerned local bishops could have demanded a comprehensive examination of the Roman Curia's role and activities in the field of liturgical development since Vatican II.[77]

Roman curial action was seen to be 'validated' by the voices of some local bishops who communicating sympathy with this centralising movement. Indeed, episcopal appointments may have been a consequence of such 'ultramontane' inclinations - and personal ambition.[78] Pope Francis has identified and challenged such tendencies on several occasions.[79]

[74] See: http://www.cbcew.org.uk/CBCEW-Home/The-Bishops/Bishops-Plenary-Meetings/Plenary-November-2017/Magnum-Principium.

[75] Taylor, *Being a Bishop in Scotland*, pp. 137-138.

[76] Ibid., p. 137.

[77] *It's the Eucharist, Thank God*, p. 70.

[78] 'John Paul II, [. . .] set about changing the Church by appointing men as bishops who had replaced pastoral compassion with unthinking obsession with orthodoxy that was a thin cover for soaring ambition and lust for power.' Thomas Doyle, "Thirty Years: What We've Learned and What I've Learned," in *Annual SNAP Conference: Survivors Network of those Abused by Priests* (Washington D.C.2013), p. 2.

[79] For example, his address to the Italian Episcopal Conference on 16 May 2016: https://w2.vatican.va/content/francesco/en/speeches/2016/may/documents/papa-francesco_20160516_cei.html

© 2019 Provincial Council of the English Province of the Order of Preachers

https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press

Magnum principium presents a contemporary episcopal governance opportunity. To borrow from Tom O'Loughlin, liturgy is about participation, which creates community and is 'an empowering event.' Bishops will have to desire to move from being interested in being present when governance of liturgical matters are decided, to 'actualized participation' in governance, to being empowered to govern and direct the liturgy, co-responsibly, which means they learn to govern the liturgy in a pastoral mode.[80]

Paul Gadie
Department of Theology and Religious Studies,
Mary Immaculate College,
TRS South Circular Road
Limerick
Ireland
V94 VN26

paul.gadie@mic.ul.ie

[80] See: Thomas O'Loughlin, The Rites and Wrongs of Liturgy: Why Good Liturgy Matters (Collegeville, Mn: Liturgical Press, 2018), pp. 61-62. See also: Paul Gadie, 'Pope John XXIII, Conciliar and Contemporary Episcopal Pastoral Governance', *New Blackfriars* (forthcoming).

© 2019 Provincial Council of the English Province of the Order of Preachers
https://doi.org/10.1111/nbfr.12449 Published online by Cambridge University Press