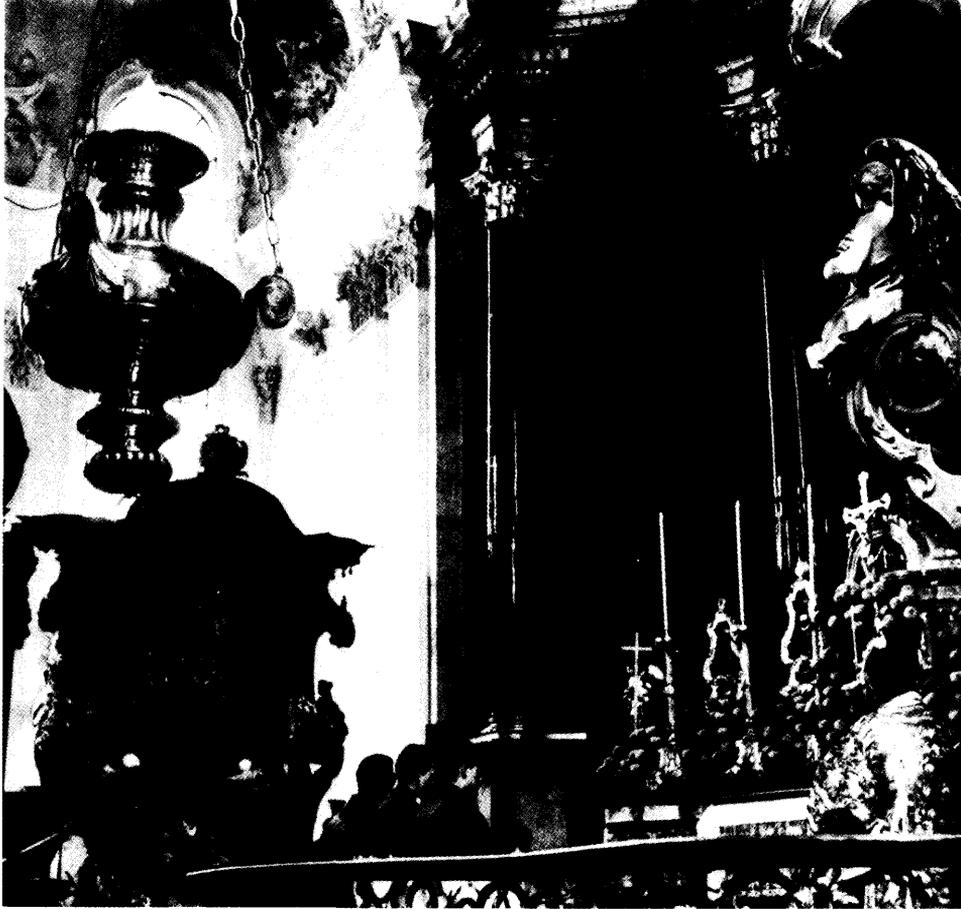




SACRED MUSIC

Volume 106, Number 3, Fall 1979



St. Gall, interior with main altar.

SACRED MUSIC

Volume 106, Number 4, Winter 1979

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548 Lafond Avenue, Saint Paul, Minnesota 55103

Music for Review: Mother C. A. Carroll, R.S.C.J., Manhattanville College of the Sacred Heart, Purchase, New York 10577
Paul Salamunovich, 10828 Valley Spring Lane, N. Hollywood, Calif. 91602
Cal Stepan, 18928 Winslow Rd., Shaker Heights, Ohio 44122
Rev. Ralph S. March, S.O.Cist., Eintrachstrasse 166, D-5000 Köln 1, West Germany
Paul Manz, 7204 Schey Drive, Edina, Minnesota 55435

Membership, Circulation and Advertising: Earl D. Hogan, 3800 Crystal Lake Blvd., Minneapolis, Minnesota 55422

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St. Gall, interior with organ.

PUERI CANTORES

For the past 30 years the International Federation of Little Singers has held congresses of boys choirs at least every two years, sometimes oftener, in many parts of the world, mostly in Europe but also in such countries as Japan and Africa. The next international congress will be held in Venezuela this year during Christmas week. And in 1980, likewise during the Christmas holidays, the 20th International Congress will be held once again in Rome. What is most amazing about these gatherings is the large number of singers participating, for example: 5,000 in London, 6,000 in Vienna, and on one occasion as many as 10,000 in Rome! It is truly a thrilling experience to see and hear so many young people coming together from far and near, singing enthusiastically with one heart and mind, praising God in the universal language of music.

How did all this come about? In God's Providence, a renewed expansion of boys choirs in the Catholic Church began very humbly in the city of Paris a few years after the *motu proprio* on sacred music of Pope St. Pius X (1903). As early as 1907, a choir of boys was formed from the working-class neighborhoods of Paris. In their spare time they would go from church to church, from city to city, carrying the living testimony of good sacred music, especially Gregorian chant and polyphony. They were called the *Petits Chanteurs a la Croix de Bois* (the Little Singers of the Wooden Cross), because they wore white monastic robes

METER: PUERI CANTORES

with a small, wooden cross around their necks. As they expanded their program and visited other countries outside of France, one of the unexpected effects of these musical voyages was the birth of many groups of boy singers who modeled themselves after the example of these Little Singers of Paris. Before long many groups expressed a wish for a kind of federation which would bring them out of their isolation and give them a feeling of unity, of purpose, with other similar groups. It was then that there was born in the mind of their director, l'Abbé Fernand Maillet, the idea of the Federation of Pueri Cantores.

In 1947, the First International Congress of Pueri Cantores took place in Paris with the official approval of the cardinals and bishops of France. Groups of boys came from all over France, from Belgium, Canada, Tunisia, England and Switzerland to take part in this first public demonstration of a gathering of boy singers from different countries, all united together for one purpose, to sing the praise of God. Two years later the Second International Congress was held in Rome, the very center of Christendom, with 3000 boys participating from many different countries. Pope Pius XII, himself a musician, celebrated Mass in St. Peter's Basilica for the enthusiastic young singers. In 1951, the secretary of state, Cardinal Montini (later Pope Paul VI), sent a letter to Msgr. Maillet expressing the official approval of Pope Pius XII for the International Federation of Pueri Cantores. In the same year the first statutes of the federation were formally approved by the Holy See, which gave the organization a solid canonical basis. From then on, due principally to the "missionary" activity of the Little Singers of the Wooden Cross, the cause of the Pueri Cantores spread like fire.

By 1954, boys from some 50 countries, grouped into different national federations, were represented in the International Federation of Pueri Cantores. In that same year the Fifth International Congress of Pueri Cantores was again held in Rome with thousands of young singers participating. From then on, international congresses took place almost every two years in Paris, Cologne, Lourdes, Rome, Madrid, Guadalajara (Mexico), Wurzburg, s'Hertogenbosch (Holland), London, and Vienna.

The year 1963 marked a sad event in the history of the Pueri Cantores — the death of the beloved founder, Msgr. Maillet. During the congress in Madrid, a new international president was elected, Msgr. Fiorenzo Romita, president of the Italian federation. Msgr. Romita, eminent Roman canonist, under-secretary of the Congregation of the Clergy, musicologist, and great devotee of the Pueri Cantores, at once set to work reorganizing the federation and bringing the statutes up to date. These were then officially approved by Pope Paul VI, thus establishing the Pueri Cantores as the only officially approved organization of Catholic choirs.

When Msgr. Romita resigned as president in 1972, he was replaced by Msgr. Joseph Roucairol of France, noted organist and choir director. Under his dynamic, enthusiastic leadership the movement of Pueri Cantores is continuing to flourish.

In 1977, Msgr. Romita, former president, was suddenly called to his eternal reward, three days before the 80th birthday of Pope Paul VI. To celebrate the Pope's birthday, some 10,000 choir members sang the Mass in St. Peter's Basilica, but the "engineer" of that ceremony, Msgr. Romita, was not there to enjoy it; he was found dead in bed just a few days before.

The American federation was formed in 1953, the 50th anniversary of the *motu proprio* of Pope St. Pius X. That year Msgr. Maillet brought his Little Singers of the Wooden Cross to Chicago, and with the approval of Cardinal Stritch, Archbishop of Chicago, I was appointed president of the American Federation of Pueri Cantores because of my position as director of the Cardinal's Cathedral Choristers (boys and men) of Holy Name Cathedral. Shortly after, Msgr. Mroczkowski of Chicago was named secretary.

On three different occasions we held our own congresses of Little Singers in Chicago with several thousand boys participating each time. In the eastern states groups of Pueri Cantores held similar joint celebrations in Norwalk, Connecticut, and in Brooklyn, N.Y. Before long, some 360 choirs of boys throughout the United States were active members of the American federation. It was truly a "golden age" of Pueri Cantores in the United States. However, after Vatican Council II, an unfortunate decline in membership in the American Federation of Pueri Cantores became noticeable. The Constitution on the Sacred Liturgy of the council had devoted its sixth chapter to a restatement of the importance of all types of sacred music in the liturgy and the importance of the choir. It also stressed the need of more active participation on the part of the laity during the sacred ceremonies. Misunderstanding of meaning of active participation of the congregation caused many choirs to disband, including of course many boy choirs, with the result that membership in the Pueri Cantores dwindled considerably.

But that is no reason for discouragement. As long as we have members across the country who are doing great work with boys choirs such as Theodore Marier of Boston; James Moritz of Norwood, Mass.; Rev. Peter Basch of Somerville, New Jersey; William Tapp of St. Petersburg, Florida; Robert Twynham of Baltimore, Maryland; Rev. Theodore Ley of Gardena, California; Laurence Myers of Chicago; and Thomas Parker of Long Island, N.Y., to name but a few, the American federation is still alive and forms an active part of the International Federation of Pueri Cantores.

In recent years, because of changing times, it has become apparent, not only in the United States but in Europe as well, that some choirs have included girls with the boys, really becoming "children's choirs." As recently as last April at a meeting of national presidents in Loreto, Italy, this problem was solved. It was decided that individual national federations may accept such "children's" choirs as members of the federation as long as the children are no older than 14. The original idea of choirs of Pueri Cantores consisting only of boys is still the ideal, whenever possible.

In 1975, the Most Rev. Thomas W. Lyons, Auxiliary Bishop of Washington, D.C., a friend of the Little Singers for many years, graciously accepted the position of episcopal moderator of the American federation. Today, with his encouragement, signs of resurgence are appearing on the horizon, especially since two national congresses have already been held in the United States — one at the Shrine of the Immaculate Conception in Washington, D.C., and another in the cathedral in Philadelphia during the bicentennial year, 1976. The year 1978 marked the 25th anniversary of the formation of the American federation. In celebration of the occasion a group of Pueri Cantores was honored to sing at the Mass of the American bishops during their spring meeting in Chicago.

As for the international federation, great progress is still being made in Europe where the tradition of boys choirs has never been lost.

Today, the dream of the founder of the International Federation of Pueri Cantores, Msgr. Maillet, has become a reality. Boys from all over the world are joined together in the unity of a single ideal of beauty in worship and a single faith in Christ. The children of the world are singing the peace of God.

The official statutes of the international federation, which were approved by Pope Paul VI in a letter written by Cardinal Cicognani, papal secretary of state, to Monsignor Romita, February 15, 1965, clearly indicate the purposes of the federation:

- a.) To promote liturgical singing among boys and thus enhance their spiritual, intellectual, and artistic development;
- b.) To establish a brotherly understanding between all member groups, and thereby create a stronger bond of unity and foster the peace of Christ among nations;
- c.) To serve as an example and inspiration to the people of God in helping them fulfill their part in the liturgy.

The heavenly patron of the international federation is St. Dominic Savio, a boy saint, who was also a choir boy when St. John Bosco directed his home for boys in Torino, Italy.

When performing in a liturgical function, the Pueri Cantores (boy singers) should wear liturgical robes if at all possible. The white alb, cincture, and wooden cross are the traditional garb, but not necessary.

For information regarding membership in the American Federation of Pueri Cantores, you may write to Msgr. Charles N. Meter, Pueri Cantores, 1747 Lake Avenue, Wilmette, Illinois 60091.

MONSIGNOR CHARLES N. METER

ECCLESIASTICAL LEGISLATION ON LITURGY AND CHURCH MUSIC AFTER THE SECOND VATICAN COUNCIL (III)

This article originally appeared in the *Festschrift für Johannes Overath: In Caritate et Veritate*, edited by Hans Lonnendonker (Saarbrücken: Minerva-Verlag, 1973), pp. 67–99. This is the third part of the three-part study.

THE METHOD OF MAKING LAWS

The current nadir in ecclesiastical legislation is reflected most clearly in the ways ecclesiastical laws are made.

I. Motive

The motives or reasons for a law are the purposes for which the law was promulgated. The legislation of recent years has been issued with frequent and ample descriptions of the motives for it. But these reports should only be used with caution if one is seeking to discover the roots of any particular law. It is not infrequent that the real motives for a specific piece of legislation are not given. In this way, the full extent of the confusion among those holding responsible positions in the Church is not revealed. It is often necessary to read between lines to discover the real reason for a law. For example, the legislation establishing the retirement age for cardinals was not promulgated because of the weakened faculties of older cardinals or for the well being of the Church but, rather, it was issued with a view towards destroying the so-called conservative power in the Roman curia.¹³⁹

A. Expediency

The ecclesiastical legislation both of the Apostolic See and especially that of the episcopal conferences is very heavily characterized today by expediency. Impartial judgments of the current necessities of the Church are not decisive either for the promulgation of laws or for their content. Instead, external factors are more important. Often the authorities in the Church wish to mollify the (progressive) theological advisors, the “opinion makers” and as many others as possible. They succeed in this with minimal and compromise legislation which is often closer to progressive-liberal conceptions and even to protestant wishes than it is to the concerns of the Church, *e.g.*, the honor of God and the salvation of souls.

Expediency, namely the pressure to fulfill the demands, untiringly advanced, of the reformed churches is the reason for the changes made in recent years in the laws of the Church pertaining to mixed marriages. These changes have caused untold damages in the care of souls. Expediency, namely the appeasement of bishops who were seeking power and influence, resulted in the establishment of episcopal synods for which there was no need.¹⁴⁰ Expediency brought the introduction of countless changes in the liturgy of the Church which

were supposedly to make the sacred rites "more attractive."¹⁴¹ The fruit of expediency is compromise. Since even in the post-conciliar Church there are many forces which hold to genuine Catholic values and oppose the weeds which would choke these, the progressive party has not always succeeded in bringing their concepts untainted into law. An agreement between the protestantizing influence and the unbroken Catholic tradition must be reached. The new *Rite of Holy Mass* of April 3, 1979,¹⁴² is an example of a typical compromise between the (even further) demands of the reformers and certain concessions to the liturgical heritage of the Church. This legislation has startling similarities to the rites of old Catholics.¹⁴³ Since, in the matter of the *Novus ordo*, the necessities of the Catholic faith and the needs of pastoral care were not the determining factors, but rather expedient considerations such as accommodation and the ecumenical movement were more important, the entire enterprise was unsuccessful and satisfied no one except, perhaps, its author. Occasionally, the opportunistic wish of the bishops and episcopal conferences to please the so-called modern theologians was the single most important motive for the issuing of legal norms. The misfortunate projects of the Dutch pastoral council and the united synod of the bishops of Germany owe their existence to bishops motivated by a desire to please modern theologians. What happens to the Church in a land where for a few years it falls under the direction of progressive theologians and bishops advised by these same theologians can be seen from the unsettling example of Holland.

Expediency is too subjective to be a proper motive for the promulgation of a law. Further, expediency does not accord well with proper jurisprudence. The tendency to make expedient laws in reality militates against a good legal order because it is a misuse of law. Such laws are made for tactical purposes and therefore they offend the very idea of justice. Even the application of these laws in the practical order does not avoid their opportunistic faults. While applying these laws to situations which speak to mood and favor, the real problems go unnoticed. The obliging legislation of the last years has not helped the Church. Rather, it has caused it grave injuries.

B. Legislation "from below"

In not a few cases, laws are merely extracted from the proper authority. In other cases, the person holding the power is badgered until he issues the desired legislation. This process has gone so far that many are speaking of legislation "from below." The practical procedure, *i.e.*, undisguised disobedience, has become the fashion. In opposition to specific plans by those in authority to enforce their own legislation, it is threateningly predicted that such policies would lead to a split.¹⁴⁴ Normally, the legislators submit to such pressures. Generally, the conviction is widespread that anyone who stands in support of a given project or against a specific law will in the end be rewarded or see his particular stance legislated into law. To succeed he must only stand sufficiently firm, make enough noise, and have influential friends. In other words, the law which is attacked is altered according to the wishes of those attacking it. The stubbornness of the rebellion triumphs. This is especially true in the area of liturgy.¹⁴⁵ It has been said that "almost all the reforms which have been legislated into law were once, and for some, only a few years ago, strictly forbidden."¹⁴⁶ In spite of the laws against these practices, they were done, recommended in books and arti-

cles, admitted by bishops and sanctioned (in many cases, against its better judgment) by the Holy See. This procedure is now very well oiled. It is known to the Holy See which even seems to count on it. The Holy See seems satisfied even when it is only informed and not asked. When the legislation pertaining to the papal cloister of nuns was applied, the Holy See asked only that the responsible congregation of the curia be informed of the unauthorized reforms introduced by the orders within six months.¹⁴⁷ More was not demanded.

A paradigm of this procedure is the adventurous tactics which led to the legislative introduction of communion in the hand.¹⁴⁸ A few years before communion in the hand was sanctioned, some priests, following a movement which originated in Holland, began to give and to propagate communion in the hand. They encouraged many, especially immature recipients of holy communion, to cooperate in the violation of the valid law. This practice, clearly a public defiance of church law, was not unknown to the shepherds of the Church. But hardly one bishop energetically defended the existing law of the Church. A few, such as Archbishop Döpfner of Munich and Freising, even made themselves the patrons of this practice which had sprung from disobedience. These bishops made it clear that their priests were no longer bound by existing law. The Holy See opposed the altered form of dispensing holy communion. The attempt to win permission for communion in the hand for individual dioceses did not succeed. But Cardinal Döpfner and his friends did not cease their efforts. They did not wish to compel those of their clergy and faithful who had violated the existing law about the means of dispensing holy communion to obey the law. After all, these bishops had allowed that law to be violated with impunity. Perhaps they not only lacked the necessary firmness, but also the necessary humility to admit that they had neglected the duties of vigilance. In order to prevent themselves from falling into an embarrassing situation, and to avoid rescinding their own toleration and even encouragement of disobedience, they strongly suggested that the Holy See "cover" their mistake by legalizing the illegality. The weight of their arguments began to tell and the Pope succumbed. This chain of shameful proceedings is nothing but a capitulation in the face of factions formed in disobedience.

C. *Timidity in the face of responsibility*

With theologians advising them or, if the wishes of these theologians are not met, pressuring them, and with theological journals, *e.g.*, *Herder-Korrespondenz*, repeatedly censoring them, ecclesiastical legislators show an increasing timidity to take responsibility through their norms for the specific behavior of those subject to them, *i.e.*, the legislators refuse to bind these subjects unequivocally. More and more frequently, these legislators satisfy themselves by searching for an apparently easy solution which, of course, does win the support of a certain influential circle, but which causes difficulties and conflicts for the people responsible for observing or enforcing the legislation. In order to avoid a decision, they flee to general clauses and uncertain legal terms. These techniques grow for tactical reasons. Since the legislator does not have the courage or strength to issue univocal laws, he falls back on vagueness. They use especially dilatory formal compromises, *i.e.*, equivocal formulas, which postpone and divide decisions, and even give support to contradictory viewpoints.

The *Constitution on the Sacred Liturgy* asked for a re-working of the order of Mass to give the Mass greater clarity and to facilitate the active participation of the faithful. The rites were to be made simpler "with a true preservation of their substance." Duplications and superfluous ceremonies were to be removed and what had previously been practiced was to be restored.¹⁴⁹ In this statement everything is practically open.¹⁵⁰ What, exactly, is the substance of the rites? Which duplications were the fathers contemplating? What were the ceremonies "less happily" introduced? At the council no one seemed concerned about these matters. Good sounding phrases had been drafted and these seemed to please everyone. But everyone was pleased because everyone understood something a little different in the phrases they voted into the conciliar documents. When, in the implementation of the conciliar decrees, specific decisions had to be made, conflict was inevitable, *e.g.*, when the offertory prayers were radically changed or when new canons were introduced.¹⁵¹ A further example: the law for mixed marriages promulgated by Pope Paul VI suffers from the decisive fault that the question of the religious education of the children is, at the time of the marriage, left unsettled, "unresolved, and even camouflaged."¹⁵² But the rule pertaining to the education of children is the touchstone for the quality and pastoral usefulness of a law on mixed marriages. When this issue is not arranged at the time of the marriage, most of the mixed marriages, following the natural path of least resistance, fall towards Protestantism.

The roll of the bishops is, even though it does not seem possible, even more lamentable than that of the Holy See. The very same people who asked the Holy See for more and more delegated powers have shown themselves incapable of responding to the demands which these privileges place upon them.¹⁵³ For example, the regulation of penitential fasts promulgated by the German bishops hardly even has a single, concrete, statement about obligatory penances. It relies on the "mature consciences," *i.e.*, it practically waives the obligation to do penance.¹⁵⁴

II. Vacuum at the top and the rise of incompetents.

Good legislation requires two absolutely necessary prerequisites: the decisive will of the authority and a small number of outstanding professionals. Today, both are lacking. Of course, this situation has its effects on the more recently promulgated laws.

A. Vacuum at the top

A legislator must steadfastly support the legal program which he deems necessary against all opposition from other interests. Only in this way have the great reforms of the Church been accomplished. But today, except for some very narrow sectors, we do not find any decisiveness among ecclesiastical authorities. Most of them are perplexed, vacillating between opposing viewpoints. They allow themselves to be influenced and even pushed by outside forces. They make laws half-heartedly and without any authority because they see that the continuing development in almost all matters of church life will soon make their laws obsolete. With a light heart, they let their projects fall and they show weakness in the face of any opposition to their regulations. They do not re-

enforce their legislation with the threat of penalties.¹⁵⁵ The highest shepherd in the Church has shown himself, under the pressure of the so-called collegial principle, ever more unprepared to make necessary decisions against a presumed majority of the bishops. Often, he does not even stand by his own legislation when there is an influential minority of bishops opposed to it.¹⁵⁶ The weakness of many bishops and episcopal conferences is notorious. In almost all areas, bishops and episcopal conferences have abdicated their authority in favor of theological advisors. Their anxiety of displeasing the mass media for which they have more fear than the eschatological judgment has also contributed to their current situation.

B. The rise of incompetents

Today, in order to avoid the feared conflict after promulgation of laws, a wide group of responsible people is usually questioned about the proposed law before it is issued, *e.g.*, in the papal sphere the entire episcopate is asked¹⁵⁷ or, at least, the episcopal conferences.¹⁵⁸ Within bishoprics, the priests' senate or council is usually asked.¹⁵⁹ In most cases those asked for their opinion are not competent to take a position on the proposal either because knowledge, experience, or the proper viewpoint fails them, or they are unable to give voice to their interests and wishes without noting what others are saying. In other words, they allow themselves to be governed by their desires for peace and comfort. It is not infrequent that a legislative proposal will be discussed in public. This is particularly dangerous because it allows the formation of an opposition party and it opens the gates to varied forms of agitation. The voices, which know how to make themselves heard today in public places, belong almost entirely to a particular, intolerant party working towards the destruction of the Church. For years, theologians, who spread destructive and ominous statements, have been honored by the request of bishops, of the episcopal conferences, and of the united synod of the bishoprics of West Germany to act as advisors. These same theologians have published divisive periodicals under the very noses of the bishops and they have done this on a few occasions with episcopal permission. Through tolerance and even furtherance of such persons and their causes, many members of the episcopacy have become prisoners of their own weaknesses.

One of the low points symbolizing the confusion and self-abdication of ecclesiastical authorities is represented by the so-called united synod of the bishoprics of West Germany. This organization is presumably modelled on a similar group in Holland, but from the beginning it has been dogmatically and legally falsely understood. The statutes of the synod seem to foresee priests and even lay people functioning in hierarchical, authoritative positions, although only residential bishops and episcopal conferences (within their own area) have legislative authority. Only with the suitable modification suggested when these statutes were confirmed by the Sacred Congregation for Bishops was the proper perspective at least partially restored. The congregation insisted that the legislative authority belonged to the episcopal conferences and the residential bishops. The other members of the synod were to assume the roll of advisors.¹⁶⁰ Here is a shocking example of how legislators are willing to abdicate their own powers and to flee their responsibility.

III. The Transference of Competence

The timidity of ecclesiastical legislators in the face of responsibility brings with it another fruit: the passing of responsibility to other offices and officials.

A. *In papal matters.*

Since the fathers of the Second Vatican Council could not bring themselves to a clear yes or no on the question of introducing married deacons in the universal Church, they gave the individual episcopal conferences the right to decide this issue.¹⁶¹ The Holy See seems more and more willing to allow lower instances to make legislative and administrative decisions, *i.e.*, to allow episcopal conferences rights in a wide variety of matters.¹⁶² It lessens its own responsibility and gives power to others while encouraging the rupture of law as well as minimalism. In this way, it also supports the centrifugal forces in the Church. At the same time, the Holy See issues an entire chain of legislative acts, which would not have been necessary, if it had simply had the courage and the decisiveness to promulgate its own regulatory laws.

B. *Issues pertaining to episcopal conferences*

Since the Second Vatican Council episcopal conferences have assumed a position of hierarchical authority lying between the individual bishops and the Holy Father. The ever growing body of affairs over which episcopal conferences have jurisdiction indicates, on the one hand, a growth in the bureaucracy associated with the conferences and, of course, the concomitant (but dangerous) growth of the power of the presidents of these conferences, and, on the other hand, the transfer of many decisions to commissions and especially to the "experts" who compose these commissions. The full membership of most conferences is no longer able to discuss and take a well-founded, solid position on the materials presented to them. The episcopal conferences have evolved from deliberative bodies to rubber-stamping institutions. The conferences now usually only draft and issue the implementing laws to specific legislation. The content of the new legislation is the responsibility of certain commissions. But these commissions are dominated usually by followers of the "theology of dismantlement." Most of the members of the episcopal conferences feel themselves protected and absolved from responsibility through the work and approval of progressive theologians.

C. *Among the bishops*

The bishop is the legislator, indeed the only legislator, in his diocese.¹⁶³ But today the legislative authority of the individual bishop is threatened in two ways: from above and below.

The episcopal conferences increasingly absorb the competence of individual bishops. More and more matters are entrusted to the episcopal conferences for action. In the thick of a seeming unending flow of new laws, the individual bishop often does not know where the line between his competence and that of the episcopal conference is to be drawn. Therefore, most bishops tend to send all matters to the episcopal conference so that the proper decision might be taken. In addition, bishops feel unburdened and protected in the legislative body, *i.e.*, the episcopal conference. This self-abdication is gradually undermining the posi-

tion of the individual bishop as legislator and it is also strengthening the power of the episcopal conferences and the bureaucrats who manage them. The episcopal conferences are developing into central power blocs, controlling entire countries. Next to such bodies, smaller units in the Church such as provinces are mere shadows. Often one hears an appeal to the "autonomy of the local church," but even this slogan is empty in the face of the power concentration found in the conferences. The impact of some conferences is so great that they even have an effect outside of their own area. Such episcopal conferences influence those in neighboring countries who follow in the wake of the decisions of their counterparts in larger nations. These smaller conferences adopt the conceptions and legislation of the larger conference together with all the mistakes and weaknesses found in these ideas and laws.

Insofar as the individual bishops have any competence whatsoever, they generally succumb to the influence of dioceses which have a "progressive" bishop at the head, *i.e.*, a bishop who is sympathetic to the dismantling of the Church. Hardly a single bishop attempts to withhold permission for concessions granted in a neighboring see. The procedure is always the same: one bishop proves yielding and introduces, perhaps with a heavy conscience, the questionable practice into his diocese. The univocal and effective report of the mass media makes this new convenience known. The supporters of the change in other dioceses point triumphantly to the example of the bishop who introduced the change. These people present a petition to their own bishop and they initiate groups and panels who make certain decisions. Pressure is applied and the majority of the bishops succumb relatively quickly. The unhappy reform is first tolerated and finally introduced through law into other dioceses.

Lastly, the system of advisory bodies is beginning to show the predicted and expected disastrous effects even in the area of church law. The advisors become part of the legislative process seeking the *right*¹⁶⁴ to be heard in the drafting of legislation. In some cases, they even assume the role of legislators. Weak bishops find a defense for their legislative program in their advisors.¹⁶⁵

Assessment

The Catholic Church was for centuries the heiress and guardian of Roman law and jurisprudence. Secular law learned and borrowed much from church law. This has changed since the Second Vatican Council. With the "end of the Roman principle,"¹⁶⁶ it seems that the function of the Church as mistress of law for the peoples is ended. Order in the Church has come to an end. In discipline and teaching, anarchy rules. Those holding positions of authority in the Church seem to have abdicated their offices in favor of pseudo-authorities. Legislation and jurisprudence are at a nadir. As a result, the Church is falling into pluralistic confusion, losing its attractiveness and therefore, its missionary strength. In order to come to a genuine reform, much must happen in the Church. One thing is certain: without the restoration of respect for law, there will never be a re-birth in the Church.

GEORGE MAY

139. AAS 62 (1970): 810-813.

140. H. Barion, "Das zweite Vatikanische Konzil," *Kanonistischer Bericht* (III), *Der Staat* 5 (1966): 345-348.

141. W. Siebel, *Liturgie als Angebot. Bemerkungen aus soziologischer Sicht*, (Berlin, 1972).
142. AAS 61 (1969): 217–222.
143. See Klaus Gamber, "Kritik am neuen Ordo Missae," *Anzeiger für die katholische Geistlichkeit* 79 (1970): 58–60; and L. Salleron, *La nouvelle messe*, (Paris, 1970).
144. See G. May, "Die 'Protestanten' gegen das Grundgesetz," *Der Fels* 2 (1971): 232; and *Allgemeine Zeitung* (Mainz), no. 4, (January 5, 1973): 2.
145. See "Beispiele aus jünster Zeit," *Der Fels* (1972): 259, 293.
146. See Th. Kurrus, "Die 'herzlosen' Mitbrüder," *Anzeiger für die katholische Geistlichkeit* 70 (1970): 53.
147. AAS 61 (1969): 690. See in particular no. 17 (August 15, 1969).
148. See G. May, "Die sogenannte Handkommunion. Ein Beitrag zur Praxis der kirchlichen Rechtsetzung in der Gegenwart," *Liturgie und Glaube*, pp. 95–146.
149. *Constitution on the Sacred Liturgy*, no. 50.
150. Cf. Br. Kleinheyer, *Erneuerung des Hochgebetes* (Regensburg, 1938), pp. 13f.
151. See "Kurze kritische Untersuchung des neuen 'Ordo Missae'," *Liturgie und Glaube*, pp. 67–92.
152. See Kl. Mörsdorf, "Matrimonia mixta. Zur Neuordnung des Mischehenrechtes durch das Apostolischen Schreiben 'Matrimonia mixta' Papst Pauls VI. vom 31. März 1970," *Archiv für katholisches Kirchenrecht* 139 (1970): 394.
153. Cf. the comments of the Prefect of the Sacred Congregation for the Doctrine of the Faith, Cardinal Sèper, *Der Fels* 3 (1972): 249.
154. *ABL. München und Freising* (1970): 403–406.
155. See A. Scheuermann, "Der strafrechtliche Schutz kirchlicher Ritualvorschriften," *Liturgie, Gestalt und Vollzug*, ed. W. Dürig, (Munich, 1963), pp. 272–285.
156. Characteristic is the statement at the Synod of Bishops of 1971; "Beatissimus Pater Sibi relinquit examen, postea omni cum diligentia instituendum, quo ponderabit, an et quas propositiones, quae in synodalis Coetus votis continentur, in praeceptiones vel agendi normas converti expediat." See AAS 63 (1971): 871.
157. AAS 58 (1966): 775, no. 43; and AAS 61 (1969): 544.
158. AAS 62 (1970): 464, 465; AAS 63 (1971): 643f.; and AAS 64 (1972): 97.
159. AAS 62 (1970): 463, no. 8.
160. See W. Aymans, "Synode 1972. Strukturprobleme eines Regionalkonzils," *Archiv für katholische Kirchenrecht* 138 (1969): 363–388. See also W. Aymans, "Ab Apostolica Sede recognitum. Erwägungen zu der päpstlichen Bestätigung des Statutes für die Gemeinsame Synode der Bistümer in der Bundesrepublik Deutschland," *Archiv für katholische Kirchenrecht* 139 (1970): 405–427.
161. AAS 57 (1965): 36, no. 29.
162. For example, see AAS 63 (1971): 250f, (Congregation for Catholic Education, February 1, 1971. See also AAS 64 (1972): 532, no. IV; 533, no. VIIIb, X; 539, no. IV, 540, no. VIIb. See also AAS 63 (1971): 713, (Congregation for the Sacred Liturgy, June 14, 1971, "in usum recipi possint vel debeant).
163. See *Codex iuris canonici*, cc. 335, 1, 362.
164. Translator's emphasis.
165. See G. May, "Bemerkungen zu dem Rätssystem in der Diözese Meissen nach den Dekreten I und II der Diözesansynode des Jahres 1969," *Trierer Theologische Zeitschrift* 80 (1971): 308–315. In a few cases, priests' councils and senates have claimed powers which even bishops (i.e., residential bishops) do not enjoy. For example, "Protokoll der 6. Sitzung des II. Priesterrates der Diözese Mainz am Montag, 20. November 1972 in Mainz," *Priesterseminar*, p. 5, TOP 8, 1.
166. See R. Raffalt.



St. Gall, choir and sanctuary.

PLURALISM AND LITURGICAL MUSIC IN LUXEMBURG

Pluralism, although it is often praised highly, can be exaggerated and it has been in the small diocese of Luxemburg. Luxemburg lies between France and Germany. It also borders Belgium on the northwest. Given its geographic situation, the government is forced to acknowledge not only the dialect spoken by most of the people inhabiting this county-sized country, but also the languages of its larger neighbors, France and Germany, as its official languages. In addition, most children learn either Latin or English. The immigrants from Italy, Spain and Portugal, who come to Luxemburg to find work, bring with them their own native tongues. This diverse linguistic atmosphere is mirrored in the liturgical celebrations, particularly in the Masses of parish churches. It is also reflected in the parish Mass broadcast over the radio every Sunday.

Foreign guests who have listened to the Masses broadcast over the radio for the first time are usually very surprised and, despite their best efforts, they often break spontaneously into laughter when they hear four languages spoken and used in song during one Mass. Really, one should cry rather than laugh because the dignity proper to the sacrifice of the Mass has been lost at such a liturgy. But the Luxemburgers have become so accustomed to this liturgical tower of Babel

that it hardly ever strikes any of them as odd when the celebrant recites the prayers of the introductory rite in German, the exhortation in the Luxemburg dialect, and the oration in French. Following this, the choir often sings the Greek *Yrie* and the Latin *Gloria*, and so the Mass goes on in four or five different tongues. It seems that everything is acceptable except, of course, the noble unity of a Latin high Mass which the council did recommend. In spite of the prevailing shortage of priests (the seminary has been closed and the current men studying for the diocese of Luxemburg represent only eight percent of the numbers who were studying between 1960 and 1964), altar boys are used more and more rarely, despite the laws of the Church on this point, as concelebration occurs more and more often. Of course, concelebration results in a continuous cacophony, especially in Luxemburg, as each celebrant struggles through the words in whatever language the chief celebrant has chosen to use. Concelebration is used frequently despite the norm of the *Constitution on the Sacred Liturgy* which indicates that this form is to be used rarely.

The consequences of these developments are for the most part a cause for concern. However, since the liturgists refuse to acknowledge that the obvious decline in Sunday Mass attendance in the last fifteen years is the people's response to changes which generally have been useless and pointless, we do not wish to comment on this phenomenon.

But the current trends have caused, in the first place, the loss of Gregorian chant which the council recommended as the primary liturgical music of the Church. As a student of Gregorian chant, one knows the fundamental distinction between the original Gregorian melodies of classical character found in the propers and the chant settings of the ordinary which were written later in the decadent period of chant. About a third of the choirs of Luxemburg still sing the Gregorian ordinaries in Latin, even though the various celebrants at liturgies where the choirs sing Latin, insist on the three or four "vernacular" languages of the congregation. These choirs are composed of ordinary people who lean towards the cultural heritage of the Church and, insofar as they are able and not expressly forbidden, they are building bridges between Catholicism and the enforced innovations which have confused many. Unfortunately, there are the other choirs, about two-thirds of the total number of church choirs in Luxemburg, which sing the monotonous musical settings of the German or French translations of the ordinary with all the mistakes and omissions found in these translations, and, of course, with all the musical impossibilities which anyone could imagine. Some people of good will, who are, however, completely ignorant of musical and linguistic principles, have tried to set vernacular texts to Gregorian melodies. But this practice ignores the differing accents of Latin and the vernacular languages. It results in a lamentable union which neither does justice to the music nor to the text.

Fifteen years ago, the Gregorian proper, the true Gregorian chant, was sung everywhere in Luxemburg. Not only were the proper parts sung, but they were sung in complete form, even though here and there a few choirs would, on occasion, sing parts in psalm tones, according to the Solesmes method. The young priests, trained in chant, and the teachers of grade schools directed the choirs and they made it a point of honor to sing the "choral" Mass, as they called it, more beautifully than any other choir in the country. This situation prevailed

until 1968 with hardly one exception. But, then, in that year the innovations recommended by the council were misunderstood. It was in that year that fewer and fewer choirs continued to sing the Gregorian chant. Following the lead and example of those choirs responsible for the radio Masses, each year the number of choirs singing Gregorian propers has decreased. In 1969, forty-four percent were still cultivating the chant; in 1970, only seventeen percent sang a chant proper; in 1974, it fell to six percent, the lowest point; in the past few years it has not risen more than two or three percent.

In place of the chant, most choirs sing German and French works. These are of bad and not-so-bad quality. Today it is especially clear that less and less attention is paid to the liturgy, even though one hears more about it. The choirs sing the music from their repertory which is most convenient, hymns and motets expressing general religious stances, *e.g.*, praise, thanksgiving, light, love, charity to neighbor, and other edifying pieces, without much attention to the festive periods of the liturgical calendar, Christmas, Easter, Pentecost, or to the three major divisions of the sacrifice of the Mass. To show how short-sighted many of us really are, often great musicians are made to suffer the indignity of having their melodies transformed into "pop" tunes. For example, the final movement of Beethoven's ninth symphony has been set in "pop" form and other works of Mozart, Händel, Bach, with new texts expressing more contemporary wishes and problems, have been rewritten in simplified forms. Even more deplorable are the new French compositions with insipid solos and the grinding shrieking of the choir as the refrain. These were originally sold and passed around on small slips of paper and were acknowledged as the last stage in the development of church music. Yet it was left to the judgment of the song leader either, in the face of all the propaganda efforts, to reject or to accept these works. However, this power has been taken from the song leader since the publication of an official prayer and hymn book, prepared by liturgists, which in its German section (about 1,000 different compositions), is similar to the widely discussed and controverted German hymn book recently issued, *Gotteslob*. In the French section, the hymn book generally makes use of Gelineau's work and other composers who have written works similar to those of Gelineau. There are a few more attractive French hymns which, because their melodies originated in secular folksongs, are at least more musical and, therefore, easier to sing. This official hymn book also has works with texts in the Luxemburg dialect but these have been collected and published without the necessary critical acumen. If this book had been left to compete with other hymn books, appealing to the free choice of qualified church musicians, then it would have succeeded or failed on the basis of its quality as opposed to others available. However, if the official authors were not to lose their prestige and their financial investment, this hymn book had to succeed. Therefore, there was some "gentle" pressure placed upon the parish musician when it was announced that everything sung at a liturgy should be taken from this book. Since then copies of these books are laid on tables at the entrances to the churches and choir directors and singers are categorically told to choose pieces from this book, at least for all the Masses broadcast on the radio, even though some singers prefer other hymn books. In addition to these problems, such a hymn book encourages the lassitude of convenience since the directors are freed from the obligation of searching long and hard for new mate-

rial. The choir does not have to raise money for new compositions and, what is especially pleasing to many singers, it is unnecessary to practice as often because the quality of these so-called popular works, which lack any challenges to the choirs, demonstrates a definite trend to a lower musical niveau. In addition, many believe that they are able to make their "performances" of these works more attractive by introducing instruments borrowed from the "pop" world, but in doing this they only demonstrate their total and complete confusion in judging things proper to divine worship.

It is obvious that, through the publication of this book, the Gregorian propers, despite the will of the council, were pushed from their proper place and many other worthy compositions of true Catholic composers were callously and even purposely (?) left out of the new hymn book, and thus they are no longer even considered as viable choices by choir directors.

Through many generations, the hymn was cultivated in Luxemburg. The people and the school children knew from memory at least half of the one-hundred thirty-nine hymns which have been sung for the last hundred years at "low" Masses. Most of these hymns appeared in a now forgotten edition published in 1958. These older hymns, rooted in the culture of the Catholic community, are no longer welcome in church, but the newer ones are neither known nor are they easily learned by ear. Therefore, as a result of the modern trend, we have no popular hymns and no singing by the people, even if there is a "hymn director" standing in or near the sanctuary gesticulating in an unpleasant fashion and singing into a microphone so that the echo of his voice resounds through the church. This is hardly the singing of the people! Even the choirs, often asked to sing with the congregation in order to encourage them, have failed to promote satisfactory congregational singing. It has had, in fact, a negative effect. Choir members, considering these hymns to be "popular," are depressed further by the poor quality of these works and the vain efforts they make to sing them. Instead of the customary hymn at the end of Mass, the chief organist now plays a postlude, usually not badly, in order to demonstrate his own skill. This covers the noise made by the congregation leaving the church. Of course, in past years, the people would have left contemplating the sacred hymn which they had just had on their lips.

Of course, the description of such occurrences depresses many, but this depression corresponds to that felt by those who attend such a liturgy. Still, in the generally depressive picture there are a few bright spots. In addition to the wish of many choir members to sing Latin, there are a few places where Latin continues to be sung for the ordinary parts of the Mass. In the last twenty years, the male choirs and some four-part mixed choirs of men and boys have almost entirely disappeared and have been replaced by mixed choirs of men and women. One in five Masses is celebrated with polyphonic ordinary although unfortunately the *Sanctus* and *Benedictus* are not sung, because some have spread a false opinion contrary to the papal instructions that these parts must be sung by all. The better choirs usually sing polyphonic motets on feast days and privately consult with professional musicians concerning their repertory. When the diocesan organization of Saint Pius X for church choirs existed, the founder associated it with a church music school. This connection lasted for ten years until it ceased in the face of the post-conciliar trends. The choice of better music

is dependent on the availability of published editions and especially on the attitude of the director.

Generally, choirs, even smaller ones, continue to sing with good intonation and correct and clear diction, even if a few flat now and then, as is the case everywhere. The same is true when these choirs sing inferior compositions. It is encouraging to see that even parishes in more remote rural areas and in very small towns usually have a professional church musician. Regional meetings are held now and then at which the former contests and choral concerts have been replaced by demonstrations by each choir present. On these occasions, the musicians present are usually most impressed with the pieces, now revived, that have been forgotten in the recent past because they do not fit the modern trends in the liturgy.

Pluralism and the misunderstood *participatio actuosa* seem to have ignored the great principles which all of the popes even up to the council have promulgated. They emphasized that Gregorian chant has the first place and classical polyphony is in second place. Both of these are inseparably tied to the Latin texts. In the third place stand contemporary compositions provided they have the characteristics which all liturgical music must have. Unfortunately these characteristics are missing today in Luxemburg. Instead we have the secular replacing the sacred, frivolity substituting for goodness of form, shallowness for dignity, and fads in place of universality. Music at Mass does not have as its purpose the pleasure, the enjoyment or the fascination of the congregation but rather the promoting of the faith of the people which is accomplished through the noble art of music elevating the spirit to the heavenly spheres.

PROF. DR. JEAN-PIERRE SCHMIT



O Beloved Shepherds, Be Not Afraid

(O ihr lieben Hirten, fürchtet euch nicht)

S. A. T. B., with Piano or Organ

Duration: ca. 4' 30"

English text by W. E.

ANDREAS HAMMERSCHMIDT (1612-1675)
Edited and keyboard reduction by Walter Ehret

Voice Ranges

Soprano Alto Tenor Bass

Allegro Moderato [Solo] *mf*

Soprano

O be - lov - ed
O ihr lie - ben

Alto

Tenor

Bass

Piano or Organ

Allegro Moderato *mp*

5

S. shep-herds, ye shep-herds, be not a - fraid!
Hir - ten, ihr lie - ben fürch - tet euch nicht!

A.

T.

B.

5

p *mf*

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Alleluia

David N. Johnson

Moderato

Organ accomp. *f/ff*

Ped.

Second time full organ

legato

Ped. *legato*

The musical score is written for organ. It begins with a 'Moderato' tempo. The first system shows the organ accompaniment with a dynamic marking of *f/ff* and a 'Ped.' (pedal) marking. The second system is marked 'Second time full organ' and features a repeat sign. The third system includes a 'legato' marking and a 'Ped. legato' marking. The fourth and fifth systems continue the organ accompaniment with various rhythmic patterns and dynamics.

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REVIEWS

Special

O Beloved Shepherds by Andreas Hammerschmidt. Walter Ehret, ed. SATB, organ. Theodore Presser Co. \$.85.

This delightful cantata is well within the grasp of the average small choir. Shifting modalities do not present much difficulty but certainly add to the charm of the work. The twenty pages of music are less than five minutes in duration, making it a composition easily utilized for a pre-service, choral vigil, or in the Christmas liturgy itself, perhaps during the offertory or the communion time. Editor Ehret makes sensible suggestions about when the soprano line might be treated as a solo and when *tutti*. His keyboard realization is excellent, but you might wish to compare this edition with that of Harold Mueller published by Concordia (97-6332). That edition provides for the use of two treble instruments (violins or recorders) as in the original, and with the expected bass line (cello or bassoon) and a continuo realization for keyboard. The English translations are good. I highly recommend this fine work!

Alleluia by David N. Johnson. Unison voices, organ. Augsburg Publishing House. \$1.00.

The single word, Alleluia, is set to a fragment built upon a D-minor triad. The one syncopé utilized does not hinder the congregation which will master the tune in an instant. Women and men toss this simple ostinato back and forth while the organ part provides intensity and interest. The publisher graciously grants permission for the duplication of the congregational part. Every choir-master will find this a most useful piece anytime an *Alleluia* response is desired. It can be expanded or diminished to fit any liturgical need.

RICHARD D. BYRNE

Choral

Magnus Dominus, Erich Schwandt, ed. SATB, soprano and bass solos. Editions Jeu, P.O. Box 1700, Victoria, B.C., Canada. \$.50.

An anonymous French Canadian Christmas motet found in the library of the Ursulines in Quebec, this pleasant and melodious piece probably dates to the seventeenth century. Alternating between solo and choral ensemble, the range of the parts and the simplicity of the rhythms make it suitable for a small church choir or even a junior high group, but that does not make it unsuitable for even professionals.

Gallician Carol, Stephen Wilkinson, arr. SATB, unaccompanied. Robertson Publications (In USA, Theodore Presser Co.). \$.50.

A gentle cradle song with some rich homophonic sounds alternating with quick folk-like melodies in the soprano and accompanying effects in the other voices,

this is not a difficult piece provided the director can handle some compound triple rhythms and syncopation. The Spanish flavor is a welcome one to the traditional fare of Christmas hymns.

Stars of Glory by Joseph Roff. SAB, organ. Tarpinian Music Associates.

An easy setting of a Christmas poem by J. Husenbeth, there is variation and interest through alternation of unison, two and three part writing. A transposition up one-half step in the middle of the piece may take away the beauty that the simplicity of the writing had achieved.

Gloria Patri by Cristóbal Morales, Robert S. Hines, ed. SATB *a cappella*. Elkan-Vogel. \$.50.

With a duration of one minute, this might be a useful motet for any possible occasion. Set with both Latin and English texts, the diatonic writing of this sixteenth century Spanish contrapuntist is an opportunity to introduce a choir to *a cappella* singing and to perfect the choral qualities that can only be achieved by such discipline. The lines are independent, but the piece is not difficult.

Many are Thy Works by Benedetto Marcello, Robert S. Hines, ed. 2-part, organ. Elkan-Vogel. \$.45.

With a text from Psalm 40, this little baroque gem is a useful piece for any occasion. For a duet at weddings or for treble or male choirs, it can fill a small space with beautiful melody. It will prove to be very popular and quite easy. Children's groups can use it effectively.

Twelve General Chorales by Richard Yardumian. SATB, *a cappella*. Elkan-Vogel. \$.70.

Based on texts taken from the teachings of Emanuel Swedenborg, these pieces in traditional harmony utilize melodies from various hymnals and folk sources. Intended to be sung in conjunction with a trained congregation, they are nevertheless useful for choral use and would be appropriate in liturgies of the ordinary time of the church year. They are solid choral writing and good for teaching sound choral techniques.

R.J.S.

Organ

Three Fantasies on Advent & Christmas Hymns by Emma Lou Diemer. Augsburg. \$3.00.

Based on well known hymn tunes — *Wachet auf, Valet will ich dir geben* and *Antioch* — these are very expressive and properly showy compositions. They are not difficult, but they certainly cannot be played without practice. As preludes and postludes they can be very useful.

Variations on "Creator of Infinities" by Richard Wienhorst. Augsburg. \$1.50.

A very effective treatment of Howard Hanson's hymn tune, this composition provides good music for inter-

ludes, since its variation form allows for frequent opportunity to conclude or to continue as the space of the interlude may allow. Quite easy, there is little demand on the pedal and ample chance for interesting registrations.

Chorale Preludes, Vol. II by Johann Gottfried Walther, Robert Kendall, ed. Augsburg. \$3.75.

Solid, baroque writing, this music stands along side the chorale preludes of Bach and the compositions of Scheidt, Buxtehude and Pachelbel. For a serious organist this literature deserves to be heard in Catholic churches even if the hymn melodies are not as familiar to Catholic congregations as they are to Lutheran people. With communion time extended considerably in most Masses, these pieces are very appropriate and most serviceable as interludes.

Three Pieces for Organ by Geoffrey Hanson. Robertson (Theodore Presser Co.). \$4.50.

The three pieces are a toccata, an aria and a fugue. They are in a modern idiom with considerable chromaticism. The toccata is most effective but is not easy. The aria is easier and a contrast to the toccata, utilizing a pedal point against which the melody in octaves employs interesting rhythmic patterns. These pieces could be a worthy addition to the repertory of a serious organist.

Jesu, meine Freude by Richard Yardumian. Elkan-Vogel. \$3.00.

This chorale prelude is a major work taking fourteen minutes for performance. It is not easy, with some rhythmic challenges which can be overcome by adhering carefully to the adagio tempo. Rather romantic in contour and chromatic in harmony and melody line, it can express the tenderness of the subject, Jesus, my joy.

R.J.S.

Prelude on Six Hymns by James Engel. Augsburg. \$2.00.

Eight Hymn Preludes by Austine Lovelace. Augsburg. \$3.00.

More extensive in scope than the Hymn Prelude Series, these are nevertheless not too difficult and are well written. The Engel pieces are two pages in length, quite effective and attractive. Registration is supplied. The Lovelace pieces are harmonically more audacious and slightly longer. They would enhance the mood before a hymn or service very well. We need more music of this type and both Engel and Lovelace have made good contributions.

WILLIAM TORTOLANO

Brass

Suite for Brass Quintet by Hans Leo Hassler, Bernard Fitzpatrick, ed. 2 trumpets, horn, trombone & tuba. Theodore Presser Co. \$8.00.

Suite for Brass Quintet by Paul Peuerl, Bernard Fitzpatrick, ed. 2 trumpets, horn, trombone & tuba. Theodore Presser Co. \$8.00.

Concert en Ré by G. P. Telemann, Jean Thilde, ed. Gérard Billaudot (Theodore Presser Co.). \$15.75.

With the more frequent use of brass ensembles and other orchestral instruments in the liturgy, need for well edited repertory has prompted the publication of many baroque and renaissance compositions, some originally written as instrumental works, others adaptations of polyphonic choral pieces. These pieces are first class music and require first class performance. To subject congregations to less than good instrumental performance is wrong; to use well played, beautiful brass repertory can be most effective and inspirational. These pieces need professional players, and with budgets for every other liturgical demand, money should be allotted as well for serious instrumental ensembles, at least for major feasts.

R.J.S.

Books

The Saint Gregory Hymnal and Catholic Choir Book. Compiled, edited and arranged by Nicola A. Montani. 1979 abridged edition, compiled by Carroll Thomas Andrews. G.I.A. Publications.

We have now come the whole circle. *The Saint Gregory Hymnal* is republished! And I, for one, say *bravo!* It should never have received the treatment and unwarranted criticism that was leveled against it in the early sixties, when the liturgical reformers were busy tearing down what the efforts of musicians for half a century had built up in congregational singing, improvement of choirs and repertory and general musicianship among those engaged in church music in this country.

Had the hymns in *The Saint Gregory Hymnal*, known by at least two generations through the wide use of the book in Catholic schools, been promoted during the sixties, congregational singing would today be far more successful and accepted than it must be admitted it is in most places now. Most people knew those hymns and would have sung them, but the introduction of totally new repertory proved too difficult and imprudent. Instead of disparaging the hymns of the Saint Gregory, they should have been encouraged and used as a basic repertory to which more could be added, *poco a poco*.

But now the Saint Gregory is back in an abridged edition. A few adjustments have been made in the volume's arrangement. The liturgical year remains the principle of organization, but now compositions in Latin and English are intermixed. The volume is really now totally a "choir book." It is no longer a hymnal, and the title, strictly speaking, is a misnomer. All the pieces are set for part singing. The actual abridgement did not exclude many compositions. One might miss Schubert's *Salve Regina*, but nearly every other composition long familiar to choirs is to be found. Some are now supplied with English translations along with the original Latin, a practice that some may quarrel with, but none the less a convenient solution to many choir problems.

In a time when choirmasters and pastors are very conscious of copyright laws and their violations, one must

point out a confusion that is not resolved in this volume. The title page indicates a copyright by the St. Gregory Guild, dated 1966, but subsequent pages only indicate a 1947 date and some even earlier. Does the St. Gregory Guild still exist? Has G.I.A. now assumed these copyrights? Is there a copyright on the new abridged edition? If so, who holds it?

The volume is paper bound. The pages are off-set reproductions of the original hymnal. It is attractive and should provide a most welcome homecoming for many choirs.

R.J.S.

Magazines

UNA VOCE (France). No. 86. May–June 1979.

This issue contains a major article entitled "The Threat to Sunday" in which Dominique François reviews a number of recent publications by French liturgical commissions dealing with their initiatives to devalue the Holy Sacrifice of the Mass and to disrupt the traditional relationship between the Mass and Sunday. *Sunday, Yesterday and Today*, published by the liturgical commission of the Parisian region, reproduces a series of lectures given in March of this year at the chancery in Paris under the sponsorship of the national liturgical commission (CNPL). In order to appreciate fully the implications of the practical suggestions given in this manual, it is helpful to quote first the description of the Eucharist presented by a Fr. Liégé, "In the Eucharistic assembly each worshiper concelebrates with all the other worshippers; the priest does not consecrate by himself, but the whole assembly consecrates with him, a common ministry in which each person officiates with all the others." He warns in this same section against multiplying Sunday Masses because this will not allow the Church to witness to its own inner reason for existing.

Then follow four concrete suggestions for the disassociation of the Mass from Sunday. The first is based on the distinction between the faithful and the community. It suggests that Mass be said on Sunday for those who are psychologically incapable of forming a community, but that the community gather another day to worship, for example on Friday or Monday. The second suggestion is to continue to say Mass on Sunday, but to make the obligation no longer personal, but rather one for the community in general. Thus, members of the community attend Mass in a sort of rotation, and by their presence fulfill the obligation for everyone. The third proposal is more radical and more utopic. It would be to separate Sunday and the Lord's Day. Instead of the first or the seventh day, would it not be possible to have a moveable Sunday, a sort of eighth day, the day beyond all days? The fourth suggestion advocates eliminating Sunday Mass altogether, replacing it by other activities in places other than the church, such as discussion groups with non-Christians.

Another article, this time in *La Maison-Dieu*, organ of the CNPL, pushes the idea of the transformation of the

Sunday so far as to suggest replacing our Gregorian calendar and its troublesome division based on seven with a system that would divide the year into twelve equal segments of thirty days with one day at the end of each season and one or two days at the end of each year. (François reminds us that this calendar bears a strange resemblance to the one put into use briefly at the time of the French Revolution.) While the author of the *Maison-Dieu* article finds much merit in this new system, he believes that it would not be generally accepted, in particular because it would create a disharmony between the Jewish and Christian calendars.

Fr. Gelineau writes in this same issue of *La Maison-Dieu* that he would like to propose a new three part structure to replace the idea of weekly Sunday worship. There would be three levels of assembly: small groups, very large groups that would take place on significant dates, and intermediate groups which, however, would not be ordinary Sunday Masses because these Masses could not fulfill this role and because the intermediate groups should consist of several dozen persons not several hundred. Fr. Gelineau brushes aside the problem of having enough ministers for these intermediate groups by writing, "If you desire the end, you desire the means." In another issue of *La Maison-Dieu*, Fr. Henri Denis, vicar-general of the diocese of Lyon, also elaborates on the three levels of assembly, making it clear that the Holy Sacrifice of the Mass would not be suitable for all levels of assembly and in all groups. He says that the ecclesiastical evil of Catholic worship comes perhaps from its uniformity, that is to say, the Eucharistic model of the Mass.

This effort to disassociate the Mass not only from Sunday but from the very idea of Catholic worship corresponds to the growing movement that promotes assemblies without priests. Statistics reported in this article by François state that this movement (ADAP) exists in 83 of the 92 dioceses in France and that more than 1,100 parishes are effected. The frequency of these assemblies varies from one Sunday a month in 38.6% of the churches to two Sundays a month in 32%. The growth of this movement should not be surprising if one considers the support given it by the French hierarchy. For example, as long ago as October, 1976, the bishop of Dijon wrote a letter to those parishes in his diocese left without priests in which he said that the best solution for them would be to continue worshipping together as a unit rather than going elsewhere to Mass or having a priest "parachuted" in for Sunday Mass. He did admit however the danger that by doing this they might lose sight of the unique importance of the Eucharistic Sacrifice!

François concludes this disturbing overview of recent publications by reminding us that we should not take this information lightly. He believes that the appearance of these articles in what amounts to the popular liturgical press means that the theoretical phase is over and that the phase of application is just beginning, a phase that could mean great danger for the Church in France.

V.A.S.

FROM THE EDITORS

The Copyright Act of 1976

The Church Music Publishers Association in conjunction with a number of music organizations has just released a pamphlet explaining the 1976 copyright law with regard to its jurisdiction over music material. For the information of our readers and in compliance with the request of its publisher we would like to present some of the major points made therein.

United States copyright laws stem from article I, section 8 of the Constitution. Our founding fathers determined that it was in the public interest that the creation of a person's mind and spirit should, under law, belong for a limited time to that person and/or, if deceased, to the family of that person. Copyright owners (the composer and lyricist or the duly authorized agent to whom they have transferred the ownership) have the exclusive rights to reproduce the copyrighted work in copies or phonorecords; to prepare derivative works based upon the copyrighted work; to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease or lending; in the case of literary, musical, dramatic and choreographic works, pantomimes and motion pictures and other audiovisual works, to perform the copyrighted work publicly; in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly.

The 1976 copyright law which became effective January 1, 1978, made a major change in the duration of copyright. Works created after January 1, 1978, will be protected for the life of the composer (author) plus fifty years. Works copyright prior to January 1, 1978, if renewed will be protected for seventy-five years from the date copyright was originally secured.

During the legislative process leading to the new law, all copyrights from September 19, 1906, which had been renewed but which would otherwise have expired were extended so that they did not fall into public domain. Thus, all subsisting copyrights, if renewed, will have, under the new law, a term of copyright of seventy-five years from the date copyright was originally secured. Therefore, to be safe, a church musician should assume that any publication which bears a copyright notice of 1906 or later is protected. Absence of copyright notice does not necessarily mean it is free. If copyrighted works are out of print, one must write to the copyright owner to procure copies or for permission to reproduce.

It is possible, however, according to the new law, to make what is called "fair use" of copyrighted material without infringing on the exclusive right of the copyright owner. Section 107 of the law reads in its entirety:

Notwithstanding the provisions of section 106, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by

that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include: 1) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes; 2) the nature of the copyrighted work; 3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; 4) the effect of the use upon the potential market for or value of the copyrighted work.

As active participants in the shaping of the new law, music publishers and music educators have developed guidelines for educational uses of music which are published in the official report of the copyright law of 1976. These guidelines are simply that and do not in any way replace the text of the law. Under these guidelines permissible use of copyrighted material includes:

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchase replacement copies shall be substituted in due course.
2. For academic purposes, other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than ten percent of the whole work. The number of copies shall not exceed one copy per pupil.
3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
5. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

These guidelines suggest that the "fair use" title of the copyright law prohibits the following:

1. Copying to create or replace or substitute for anthologies, compilations or collective works.
2. Copying of or from works intended to be "consumable" in the course of study or of teaching materials such as workbooks, exercises, standardized tests and answer sheets and like material.
3. Copying for the purpose of performance, except as in 1 under permissible uses above.
4. Copying for the purpose of substituting for the purchase of music, except as in 1 and 2 under permissible uses.
5. Copying without inclusion of the copyright notice which appears on the printed copy.

With regard to performance, the new law provides that:

You may perform non-dramatic musical works or dramatic-musical works of a religious nature, in the course of services at places of worship or at a religious assembly.

You may perform a non-dramatic musical work if there is no purpose of direct or indirect commercial advantage, no fee or compensation paid to the performers, promoters or organizers and no admission charge; if there is an admission charge, all of the proceeds must be used only for educational or charitable

purposes. The performance may not take place if the copyright owner objects in writing seven days before the performance.

You may perform a non-dramatic musical work on closed circuit television to other classrooms or to disabled persons for teaching purposes, only if the transmission is part of the systematic activities of the church, and only if the performance is directly related and of material assistance to the teaching content of the program.

As for recorded performances, you may not make copies of a recorded performance for distribution without securing the permission of the copyright owner and paying the royalty provided of $2\frac{3}{4}\%$ per selection or $\frac{1}{2}\%$ per minute of playing time, whichever is greater.

The remedies provided by the law to a copyright owner could mean that churches found making illegal copies, or otherwise infringing, could face: 1) payment of from \$250 to \$10,000 (statutory damages) and if the court finds willfulness, up to \$50,000 per infringement; 2) if willful infringement for commercial advantage and private financial gain is proved, fines of up to \$50,000 and/or two years' imprisonment or both. Church musicians need to understand "fair use" and make the most of the privileges it grants, but they must also abide by its very definite limitations. Encourage your church to provide an adequate budget in order to avoid a temptation to break the law. In no way does the intent of the new law inhibit the encouragement or practice of the creative arts. Rather, it defines and establishes a climate in which creative process can mature and thrive with equal protection for all. The 1976 copyright law is an honest attempt to balance the rights of the copyright proprietor with the needs of a democratic public and certain of its members such as church musicians. The following organizations will attempt to help church musicians locate a publisher or a copyright proprietor in problem cases: Church Music Publishers Association (CMPA), P.O. Box 4329, Washington, D.C. 20012; Music Publishers' Association of the United States (MPA), Third Floor, 130 W. 57th St., New York, New York 10019; National Music Publishers' Association, Inc. (NMPA), 110 East 59th St., New York, New York 10022.

V. A. S.

About the Pictures

In this issue we conclude our series of photographs of baroque and rococo churches in the German-speaking countries of Europe with two great Swiss abbeys, St. Gall and Einsiedeln.

St. Gall was founded in the seventh century by Gallus, one of the companions of the Irish monk, Columban, in the Steinback valley just south of Lake Constance. By the tenth century it was an important Benedictine monastery known throughout Europe with more than three hundred pupils and numerous endowments. However, there is no longer a monastic congregation at St. Gall, and the present church, built in the eighteenth century, serves as the cathedral of the diocese. The otherwise plain exterior of the cathedral is graced by two elegant

towers crowned with bulbous belfries while the interior is a harmonious and rich expression of the late baroque and rococo styles.

Located about thirty miles from Lucerne, Einsiedeln is not only a functioning monastery, but also a place of pilgrimage because of the statue of the miraculous Virgin located in a chapel built on the site of the cell of St. Meinrad. The church and monastery buildings, built in the eighteenth century on the site of a monastery founded in the tenth century, form a harmonious ensemble 150 yards long. The spacious interior of the church is richly decorated by the work of the Bavarian Asam brothers. Einsiedeln is considered to be the most remarkable baroque building in Switzerland.

V. A. S.

The Church in France

The issue of *Una Voce* reviewed in this issue of *Sacred Music* presents news about the Church in France that disturbs those of us who love France and should also serve as a warning of possible trends in the Church in the United States.

I have just spent four weeks in France, most of it in Paris, although the weekends took me to various corners of the hexagon to visit friends. In spite of the fact that we know that Mass attendance is down in France, both the Sunday and daily Masses I went to seemed to be well attended. When the songs were in French the congregation sang enthusiastically even though the music was worse than mediocre. Only at the Cathedral of Notre Dame in Paris was any Latin sung, and this experience was, on balance, the most depressing of all. Let me explain. Imagine the immense gothic nave of the cathedral filled to capacity with the French and with people from every corner of the globe, united presumably by their Catholic faith. (Those who were just visiting the church as tourists circulated in the side aisles during the Mass.) The so-called high Mass was in French with the *Kyrie*, *Gloria*, *Credo* and *Sanctus* sung alternately by the choir and the congregation. The only problem was that for the most part the congregation did not sing the chant because, I suppose, the older people had forgotten and the younger ones had never learned the chant that used to be so much a part of the Mass in France. The song sheets that were handed out contained the responsorial psalms and introductions to the readings of the day in French on one side and long excerpts from last Sunday's sermon on the other. The people did sing the responsorial psalms in French; they obviously were encouraged to do so by the song sheets. No such encouragement was given for the Latin portions of the Mass, one could sense that those in charge were paying only half-hearted lip service to the role of Notre Dame as a place of international worship to say nothing of the wishes of Vatican II. May the Church in France survive those who are in charge!

V. A. S.

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Brother Michael Carlyle
Mount Aloysius, P.O. Box 598
Lexington, Ohio 43764
Mr. Paul Chalko
1041 Standard Building
Cleveland, Ohio 44113
Mr. Thomas R. Charsky
264 Oak Street
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San Antonio, Texas 78216
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Mr. Joseph P. Drake
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Portland, Oregon 97203
Mrs. Jean Findlay
Millbank
Afton, Virginia 22920
Mrs. Leo A. Fisselbrand
132 W. Manchester Road
Syracuse, New York 13219
Most Reverend Albert L. Fletcher +
4605 Crestwood Drive
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Miss Louise Florencourt
115 South West Street
Carroll, Iowa 51401
Mr. Valerian Fox
3428 S.E. Oak Street
Portland, Oregon 97214
Rev. Msgr. F. Thomas Gallen
2010 E. Broad Street
Columbus, Ohio 43209
Mr. George Gilbertson
1601 N.E. Fourteenth Street
Fort Lauderdale, Florida 33304
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P.O. Box 7417
Alexandria, Louisiana 71306

Dr. Feliks Gwozdz +
1062 W. Magnolia Avenue
Fort Worth, Texas 76104
Mr. William R. Hanley
10 Mott Road
Baldwinsville, New York 13027
Sister Carol Hannig, SSJ
124 Pike St. E.
Clarksburg, West Virginia 26301
Rev. Msgr. Robert F. Hayburn
1615 Broadway
San Francisco, California 94109
Mrs. Patrick B. Healy
4027 North Upland Street
McLean, Virginia 22101
Mr. J. Vincent Higginson
21-10 33 Road
Long Island City, New York 11106
Most Rev. Joseph H. Hodges
P.O. Box 230
Wheeling, West Virginia 26003
Dr. G. N. Hofmann
3104 Roosevelt St., N.E.
Minneapolis, Minnesota 55418
Mr. George Holdgrafer
319 Eighth Street, S.E.
Minneapolis, Minnesota 55414
Sister Virginia Houske, OSB
Assumption Music Studio
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1154 Portland Avenue
Saint Paul, Minnesota 55104
Mr. Peter Jeffery
345 E. 16th Street
Brooklyn, New York 11226
Mr. John L. Kaeder
2801 Logan Avenue N.
Minneapolis, Minnesota 55411
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1405 Schletti Street
Saint Paul, Minnesota 55117
Rev. Ambrose Keefe, OSB
304 N. Sheppard Street
Richmond, Virginia 23221
Rev. G. R. Killen
508 University Center
University of Manitoba
Winnipeg, Manitoba, Canada R3T-2N2
Dr. Anthony J. Kelly
1730 Yorkshire Avenue
Saint Paul, Minnesota 55116
Mrs. Cecelia Roy Kenny
196 West North Street
Buffalo, New York 14201
Mr. Daniel W. Kinney
507 Sandhill Road
Wantagh, New York 11793

Mr. Edwin A. Koller
1568 Duluth Street
Saint Paul, Minnesota 55106

Rev. Joel M. Konzen, SM
4131 W. Congress Street
Lafayette, Louisiana 70506

Mr. Vincent A. Lenti
41 Tamarack Drive
Rochester, New York 14622

Mr. Carl William Lesch
17 Coverly Avenue N.
Staten Island, New York 10301

Mr. Ivan R. Licht
4511 West Ranchview Avenue
North Olmstead, Ohio 44070

Rev. Clarence E. Ludwig
Hurley, Wisconsin 54534

Dr. J. P. McCalla
649 Huntington Road
Kansas City, Missouri 64113

Mr. Dowell P. McNeill
177 Central Avenue
Dedham, Massachusetts 02026

Prof. William Peter Mahrt
Department of Music
Stanford University
Stanford, California 94305

Mr. Paul Manz
7204 Schey Drive
Edina, Minnesota 55435

Mr. John Gregory Matt
1943 Palace Avenue
Saint Paul, Minnesota 55105

Mr. Robert K. Mauch
6401 Harding Road
Nashville, Tennessee 37205

Rev. Msgr. Charles N. Meter
1747 Lake Avenue
Wilmette, Illinois 60091

Mr. R. E. Mills
198 Edinburg Street
London, Ontario, Canada

Music Commission
1667 Santa Paula Drive
San Diego, California 92111

Rev. Msgr. Charles A. Nebel
506 W. Main Street
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Mr. William J. Noll
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Office of Liturgical Music
607 N.E. Madison Avenue
Peoria, Illinois 61603

Rev. John M. Oates
40 Alden Street
Cranford, New Jersey 07016

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Merced, California 95340

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Washington, D.C. 20024

Mr. Nicholas Renouf
167 State Street
Guilford, Connecticut 06437

Mr. Francis X. Ridge
10 Porter Terrace
Boston, Massachusetts 02132

Mr. Sheldon L. Roy
P.O. Box 254
Marksville, Louisiana 71351

Saint James Church
109 Brockley Road
Rochester, New York 14609

Diocese of Saint Petersburg
Att: Carroll Thomas Andrews
P.O. Box 13109
Saint Petersburg, Florida 33733

Mr. Paul Salamunovich
10828 Valley Spring Lane
North Hollywood, California 91602

Mr. Edward E. Schaefer
3032 Gumwood Drive
Hyattsville, Maryland 20783

Mr. Christopher Schafer
35 Washington Avenue
Seymour, Connecticut 06483

Rev. Msgr. Francis P. Schmitt
West Point, Nebraska 68788

Mr. Robert J. Schmitt
830 E. Mason Street
Milwaukee, Wisconsin 53202

Miss Virginia A. Schubert
2030 Stanford Avenue
Saint Paul, Minnesota 55105

Rev. Msgr. Richard J. Schuler
548 Lafond Avenue
Saint Paul, Minnesota 55103

Mr. James H. Sheehan
6 Essex Place, No. 11
Peabody, Massachusetts 01960

Rev. Earl C. Simonson
911 24th Avenue, N.E.
Minneapolis, Minnesota 55418

Rev. William J. Smith
338 Manor Avenue
Downington, Pennsylvania 19335

Mr. Cal Stepan
3450 Norwood Road
Shaker Heights, Ohio 44120

Mr. Robert Stich
2620 Fairview Lane
Brookfield, Wisconsin 53005

Mr. William G. Stoops
112 Sussex Street
Seaford, Delaware 19973

Mr. Donald E. Straub
171 E. 264th Street
Euclid, Ohio 44132

Miss Mary Ellen Strapp
2020 Stanford Avenue
Saint Paul, Minnesota 55105

Mr. Jack W. Teubert
3818 Dukeshire
Royal Oak, Michigan 48072

Mrs. John S. Tiedemann
1805 Stanbridge Avenue
Saint Paul, Minnesota 55113

Prof. Gerhard Track 130 Baylor
Pueblo, Colorado 81005

Mr. Walter P. Truszkowski
28532 Edward
Madison Heights, Michigan 48071

Mr. Jonathan A. Turk
338 Division Avenue N.
Grand Rapids, Michigan 49503

Dr. J. Turner P.O. Drawer
Alexandria, Louisiana 71306

Rev. Paul A. Turner
4212 East 104th Terrace
Kansas City, Missouri 64137

Université de Montréal
Bibliothèques-Périodiques
C.P. 6128
Montréal, P.Q., Canada

Mrs. Ita L. Vellek
7314 Claredon Drive
Minneapolis, Minnesota 55435

Sister St. John Venhorst
Ottumwa Heights College
Ottumwa, Iowa 52501

Rev. Roman F. Vollmer
408 Church Street
Loogootee, Indiana 47533

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Quincy College
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LaJolla, California 92037

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Bellevue, Ohio 44811

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NEWS

Saint Agnes Church in Concord, California, hosted the Flemming Madrigal Singers for the liturgy of the Feast of the Assumption. Hassler's *Missa Secunda*, his *Cantate Domino* and Vittoria's *Ave Maria*, together with Gregorian pieces, were sung under the direction of Kathleen Flemming. Reverend Paul Schmidt is pastor.



Saint Anthony's Parish in Fort Lauderdale, Florida, has inaugurated a brass quartet that plays at services. Recent performances included a fugue by J. S. Bach, a choral prelude by Brahms and *Jesu, Joy of Man's Desiring* by Bach. Organist at the church is Baden Griffin.



The choir of the Onze Lieve Vrouw Kerk in Poperinge, West Flanders, Belgium, celebrated the fiftieth anniversary of its foundation on October 7, 1979, with a concert of several works by Noel Goemanne who is a native of the parish and who began his musical career there. On the program were his *Missa Internationalis* and his *Fanfare for Festivals* as well as works by Flor Peeters, Franz Schubert and Remi Ghesquiere. The choirmaster is Joris Deconinck.



Works by Goemanne were also performed by the Arkansas Tech University Concert Choir and the Arkansas Boys Choir, May 10, 1979, at Arkansas Tech University, under the direction of George Bragg. Rolland Shaw is conductor of the university group.



The Third International Cultural Symposium was held in Neuberg, Styria, Austria, from August 10 to 20, 1979, under the direction of Gerhard Track, who conducted three major orchestral and choral performances as well as master classes. Track is conductor of the Pueblo Symphony Orchestra.



The Cathedral Church of Saint Mark in Minneapolis, Minnesota, announced its musical program for 1979-80. Among the works scheduled for Sunday afternoon and evening performances are Haydn's *Creation*, Vaughan Williams' *Mass in G Minor*, Poulenc's *Concerto for Organ* and Duruflé's *Requiem*. Other events include Gregorian chants and music of Orlando Gibbons, Mozart and Russian composers. H. Douglas Fontaine is dean of the cathedral; Howard Don Small is organist and choirmaster. Monte Mason directs the Gregorian Singers, and Mark Peterson, the youth choirs.

At Saint Ann Chapel in Stanford, California, William P. Mahrt of the Stanford University department of music, announced the program of liturgical music for the coming year. Gregorian chant and Renaissance polyphonic composition form the repertory of the singers who come largely from the Stanford community. Over forty polyphonic settings of the ordinary are in the repertory including many unpublished works that are the fruit of graduate musicological research. The recently discovered Mass of Jacob Obrecht on *Cela sans plus* and Pierre de la Rue's *Missa Cum jucunditate* will be performed. Vespers and *Tenebrae* are a part of the program at Saint Ann, which because of its repertory from the Middle Ages and the Renaissance, sung within the context of the liturgy, is known as an exceptional example of post-Vatican II liturgical renewal.



The Twin Cities Catholic Chorale has announced its program for the sixth year of Viennese Masses with the members of the Minnesota Orchestra at the Church of Saint Agnes in Saint Paul, Minnesota. The repertory includes fourteen Masses by Mozart, Haydn, Schubert and Beethoven. The Chorale will sing with the orchestra for twenty-nine Sundays and feasts from October through June. Funding for the series is provided by over three hundred patrons called the Friends of the Chorale.



Saint Bartholomew's Church in New York City announced its program of great music for the 1979-80 season. Opening with Handel's *Israel in Egypt*, the presentations include Bizet's *Te Deum*, Britten's *War Requiem*, Debussy's *Prodigal Son* and Beethoven's *Mass in C* during November. December and January feature Christmas music including Bach's *Magnificat* and Handel's *Messiah*. In February, Haydn's *Creation*, Brahms' *Requiem* and Mozart's *Mass in C Minor* are scheduled, followed by Poulenc's *Stabat Mater*, Schubert's *Lazarus* and Verdi's *Requiem* in March. The choir and guest soloists are under the direction of Jack H. Ossewaarde, organist and choirmaster at Saint Bartholomew's.



At Saint Agnes Church in Parmelee, South Dakota, congregational singing of Gregorian chant is being fostered according to the prescriptions of the Vatican Council. The *Parish Kyriale* is used and several Masses are in the repertory. The Lakota Sioux people have had a tradition of Gregorian and congregational singing. In Saint Francis Indian School the hour of Compline is sung for night prayers. This musical work is under the direction of Marc R. Puckett.



Pierre Cochereau, organist at Notre Dame Cathedral in Paris, played a recital at the Cathedral of Saint Paul,

Saint Paul, Minnesota, October 19, 1979. Works by Claude Gervaise, François Couperin and J. S. Bach were on the program together with an improvised symphony on two submitted themes.



Saint Andrew's Church in Fort Worth, Texas, has sponsored a series of organ and vocal concerts in memory of Dr. Feliks Gwozdz, who was music director of the church for twenty-five years until his death. On November 18, Noel Goemanne played works by Albinoni, Buxtehude, Brahms and Andriessen, as well as his own compositions, *Rejoice, A Time for Everything* and *In Paradisum*.



Paul Riedo played a recital at Saint Thomas Aquinas Church in Dallas, Texas, August 28, 1979. He performed works by J. S. Bach, Nicolas de Grigny, Jan Pieterszoon Sweelinck and Louis Vierne's *First Symphony*.



The Nineteenth Annual Conference on Organ Music was held at the University of Michigan, Ann Arbor, October 21–24, 1979. Among those participating were Guy Bovet, Lowell Riley, Anne Risselada, Erik Routley, Searle Wright, William Young, William Albright, Robert Clark, Robert Glasgow, Maynard Klein, Marilyn Mason and Edward L. Paramentier. Organ recitals, choral music and lectures occupied the conference registrants.



Clay Christiansen performed works by Noel Goemanne at two recitals at Saint Mark's Cathedral in Salt Lake City, Utah, July 5 and 26, 1979. Among the pieces on the program were *Partita for organ on a Shaker Hymn*, *Simple Gifts*, and the entire *San Antonio Suite* including the following sections: *Dia de Fiesta*, *Introspective Nocturne at Mission Concepcion*, *En El Silencio de la Noche*, and *Alegria*.



The Schola Cantorum of Saint Mary's Church, New Haven, Connecticut, sang William Byrd's *Mass for Three Voices*, September 14, 1979, along with motets on texts honoring the Holy Cross. Palestrina's *Nos autem gloriari* and Paulo Agostini's *Adoramus Te, Christe* were sung at the offertory and communion. Nicholas Renouf is organist and choirmaster at Saint Mary's which is staffed by Dominican Fathers.

R. J. S.

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LIST OF MEMBERS	Winter 1979

CONTRIBUTORS

Monsignor Charles N. Meter is pastor of Sant Joseph's parish in Wilmette, Illinois, and has long been associated with church music in the Archdiocese of Chicago. He is president of the American Federation of Pueri Cantores.

Georg May is a canonist on the faculty at the University of Mainz in Germany. He has published widely in European canon law journals.

Professor Jean-Pierre Schmit is a member of the board of directors of the Consociatio Internationalis Musicae Sacrae and formerly president of the national conservatory of music in Luxemburg as well as professor of sacred music in the diocesan seminary. He has published works on Gregorian chant and is a composer of many works for choirs.