

Tridentine Community News

December 21, 2008

Copyrighting the Text of the Mass

In recent months, there has been a flurry of controversy over the assertion of copyrights over the new English translation of the Ordinary Form of the Mass.

In the 1960s, the International Commission on English in the Liturgy was formed to translate the original *Novus Ordo* missal from Latin into English. Whether one subscribes to the theory that the rush to provide an English translation resulted in a sloppy job, or that ideologies were at work behind the scenes to produce watered-down wordings, it is indisputable that the current translation of the Ordinary and Propers of the Ordinary Form of Holy Mass is far from faithful to the original Latin.

Knowing this, and having rejected several proposed re-translations by I.C.E.L., the Vatican in 2002 established the Vox Clara Commission to monitor I.C.E.L.'s preparation of a more accurate translation. Only recently have the English-speaking Bishops approved I.C.E.L.'s new translation of the Ordinary. The Propers are sure to take more years of translation work and negotiation for approval. What took only two years to translate in 1969 has already taken six years and isn't complete. Fortunately, initial indications are that in spite of politicking on the part of certain bishops, the new translations will be a vast improvement over the old. *Et cum spiritu tuo* once again becomes "And with your spirit", for instance.

Implications of a Copyright

Consider a copyrighted photograph. If an independent photographer asserts a copyright to his work, then grants permission for someone to use one of his photos in a magazine article, often it is with the understanding that the publisher of the article will acknowledge the photo as the copyrighted property of the artist. The photographer may also require a royalty payment for the use of his work. It is a fundamental rule of order in a free market society that there be a mechanism to recognize the value of intellectual property.

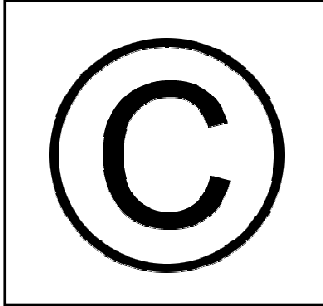
Like the photographer, I.C.E.L. is similarly asserting copyright over its new English translation of the Mass. The current controversy has emerged because in order for the new translation of the Mass to hit the ground running, new musical settings of the *Aspérge*, *Kyrie*, *Glória*, *Credo*, *Sanctus*, *Agnus Dei*, and responses must be composed to fit the wording and meter of the new English texts. But I.C.E.L. will not permit the free distribution of such compositions – on-line or otherwise – until for-profit publishers first release their own offerings. I.C.E.L. (pronounced "I sell" – how appropriate) justifies this policy because it says it needs royalty income to survive.

Of similar concern, the U.S. Conference of Catholic Bishops has voted to use the "Grail Psalter" as the English translation of the Psalms in the missal. The Grail Psalter is a work effectively controlled by G.I.A., one of the largest for-profit music publishers

serving Catholic parishes. There is something not quite right about Mass texts being under the legally-enforceable control of publishers. How would you feel about our national anthem being controlled by a for-profit company? Shouldn't the words of Holy Mass be made as freely available as possible, and shouldn't composers be encouraged to set them to music, whether or not their works intend to make a profit?

Copyrights and the Original Latin (Novus Ordo)

What about the original Latin text? The answer is found in the inside cover page of the 2002 *Missale Romanum* published by the Vatican: "Copyright, 2002, Libreria Editrice Vaticana".



In our day, a copyright of such an important work is understandable, but at the same time, Holy Mother Church does this to establish the work as something of its own, rather than to extract royalties. To our knowledge, the Vatican has never restricted third parties' use of the original Latin *Novus Ordo* texts.

Copyrights and the Original Latin (Tridentine)

Most of the 1962 Extraordinary Form Missal predates modern copyright law. The vast number of existing musical settings of the Ordinary of the Tridentine Mass and even the Propers (e.g.: William Byrd's polyphonic setting) establish a precedent that these texts may be published without pre-approval.

Copyrights and English Translations of the Tridentine Mass

The Church has asserted no copyrights over vernacular translations of the Extraordinary Form, because Rome has never issued official vernacular versions. Only recently has the *Ecclésia Dei* Commission even made reference to the fact that translations of the readings in the Tridentine Mass must use "approved" texts. Presumably this means time-honored translations of the Bible such as the Douay-Rheims used in most hand missals, the Confraternity translation used in the transitional 1965 Missal, or Bishops' Conference versions such as the New American Bible.

Copyrights and the Official Chants

The Benedictine monks of Solesmes are the Vatican's designated caretakers of the Gregorian Chants of the Church. They publish all of the official chant books for the Ordinary Form. They also edited the 1962 *Liber Usualis*, the principal book of chants for the Extraordinary Form Mass. While the books themselves carry copyrights, like the *Novus Ordo* Latin Missal, the chants are the property of the Universal Church. Solesmes and Rome want to spread, not restrict, the use of chant.

In summary, the "copyright problem" is really the creation of I.C.E.L., the USCCB, and related English-speaking entities. Collusion with publishers would not be necessary if more thought had been given towards funding I.C.E.L. by other means.