

Collegiality and the Canonical Situation of the SSPX

By Dorothea Ludwig-Wang, 5 September 2022

When Abp. Marcel Lefebvre consecrated four bishops for the Society of St. Pius X without pontifical mandate on 30 June 1988, he was accused not only of disobeying canon law, but also of performing a schismatic act. On 1 July, Bernardin Cdl. Gantin declared that Abp. Lefebvre, along with the four new bishops, had incurred a *latae sententiae* excommunication under canons 1382 and 1364 §1,¹ and that the co-consecrator Bp. Antonio de Castro Mayer had incurred the same penalty under the latter canon for “cooperating with a schismatical act.”² The charge of schism came by surprise, having not been mentioned in the canonical warning issued on 17 June,³ two days after Abp. Lefebvre had announced his intention to consecrate at a press conference in Écône, Switzerland. Nevertheless, Pope John Paul II in his apostolic letter *Ecclesia Dei* reiterated this condemnation, writing that “such disobedience—which implies in practice the rejection of the Roman primacy—constitutes a schismatic act.”⁴

While the Apostolic See has made no explicit retraction of the charge of schism, when the excommunications were lifted in 2009, Pope Benedict XVI wrote: “An episcopal ordination lacking a pontifical mandate raises the danger of a schism, since it jeopardizes the unity of the College of Bishops with the Pope.”⁵ He further emphasized that excommunication, as a medicinal penalty, ought to be employed to inspire repentance in those so punished and encourage them to “return to unity.” The language had undergone a subtle shift: while the consecrations were considered a schismatic act in 1988, by 2009, the Apostolic See had begun referring to them as something that “raises the danger of a schism.” By describing the consecrations as a danger, Benedict made it clear that he did not consider the acts schismatic in themselves; however, he still calls upon the bishops to return to unity. This creates a contradiction: how can unity be broken, if no schism had actually occurred?

The purpose of this article is not to review the arguments for or against the actions of Abp. Lefebvre and the others, to confirm or dispute the validity of the excommunications, or to criticize or defend the Society of St. Pius X as a whole. The present author only seeks to illustrate how the specific controversy regarding whether the 1988 consecrations were schismatic reveals two doctrinal errors—namely, collegiality and false ecumenism—that find their basis in the documents of the Second Vatican Council. As will be demonstrated, the error of collegiality serves false ecumenism and permits the post-conciliar “generosity” shown toward heretics and schismatics while simultaneously justifying hostility against those who are part of or support the SSPX, which has never been schismatic.

1 Note: canons cited from Book VI (“Penal Sanctions in the Church”) of the 1983 Code of Canon Law are taken from prior to Pope Francis’ revision, which was promulgated by the apostolic constitution *Pascite gregem Dei* on 1 June 2021 and took effect on 8 December 2021.

2 Congregation for Bishops, *Decree of Excommunication*, 1 July 1988, trans. in F. Laisney, *Archbishop Lefebvre and the Vatican: 1987-1988* (Dickinson, TX: Angelus Press, 1989), 143.

3 Congregation for Bishops, *Monitum d.no Marcello Lefebvre*, 17 June 1988, trans. in Laisney, 131.

4 John Paul II, *Ecclesia Dei*, 3.

5 Benedict XVI, “Letter of His Holiness Pope Benedict XVI to the bishops of the Catholic Church concerning the remission of the excommunication of the four bishops consecrated by Archbishop Lefebvre,” 10 March 2009.

The 1988 consecrations cannot be understood except in light of the priestly ordinations performed by Abp. Lefebvre in 1976. Despite Pope Paul VI's prohibition of the ordinations *de mandato speciali Summi Pontificis*,⁶ Abp. Lefebvre performed them anyway, and the gravest charge leveled against him at the press conference declaring his suspension *ab ordinum collatione* on 1 July was "formal disobedience."⁷ Why is it that consecrating a bishop without papal mandate raises the danger of a schism, while illicitly ordaining a priest, even contrary to the will of the Supreme Pontiff, remains a case of "merely" disobedience? In canonical tradition, both acts have consistently been regarded as abuses of authority; they differ merely in degree of gravity and not in kind, which is why the 1917 Code of Canon Law originally prescribed the penalty of suspension for both. However, in the case of an unauthorized priestly ordination, the suspension was milder, applying only to the single act of ordaining priests for one year (c. 2373), whereas an unauthorized episcopal consecration resulted in a suspension *a divinis* until dispensed by the Apostolic See (c. 2370).

While the old canon 2370 does not apply to an act performed in 1988, it does prove that the Church has never considered illicit episcopal consecrations to be intrinsically schismatic acts, for only excommunication could be the appropriate penalty for a crime that severs the unity of the Church by its very nature. Although canon 1382 of the 1983 Code does prescribe excommunication, it is found under a section entitled "Usurpation of Ecclesiastical Functions and Delicts in Their Exercise," rather than "Delicts Against Religion and the Unity of the Church." In fact, canon 1364 concerning heresy, schism, and apostasy, which was also cited in Cdl. Gantin's decree of excommunication, is found under the latter category. The fact that these two canons are not only distinct, but listed under different sections of Book VI, illustrates that it is possible for a bishop to perform an unauthorized consecration without committing the crime of schism.

A bishop who merely performs the *sacramental* act of consecration without simulating the *juridic* act of conferring jurisdiction does not commit the crime of schism. As Pius XII explains: "bishops who have been neither named nor confirmed by the Apostolic See...enjoy no powers of teaching or of jurisdiction since jurisdiction passes to bishops only through the Roman Pontiff."⁸ Only the pretended conferral of the ordinary, territorial jurisdiction that belongs to diocesan bishops implies in principle a rejection of Roman primacy, as it is predicated upon the intent to establish a parallel hierarchy. Abp. Lefebvre never expressed this intent: not only did he make it clear that the four new bishops would receive no such jurisdiction, the three bishops that remain are in fact subordinate to the Superior General within the internal structure of the SSPX. The Society even refers to them as "auxiliary bishops"⁹—helpers, that is, to the Superior General, who is a priest and cannot perform ordinations and confirmations. They do not replace the local ordinaries or otherwise claim to govern a particular territory.

Given that there was never any schismatic intent involved, at no point did the bishops fall into schism; thus, the 1988 consecrations do not differ substantially from the 1976 ordinations in

6 Secretariat of State, Prot. N. 307, 554, 12 June 1976, trans. in M. Davies, *Apologia Pro Marcel Lefebvre, Part One* (Kansas City, MO: Angelus Press, 1979), 193-196.

7 R. Pancioli, Press Conference, 1 July 1976, trans. in Davies, 215-216.

8 Pius XII, *Ad Apostolorum Principis*, 39.

9 R. Angles, "A short history of the SSPX: Part 5," *SSPX.org*, <https://sspx.org/en/25-years-of-the-sspx-fr-angles-talk-part-5>.

terms of the *type* of act committed. A simple act of disobedience, no matter how grave or how often repeated, is not sufficient to constitute schism, because *all* sins and crimes involve, in some way, disobedience to the Church. To consider disobedience and schism under the same category, as the Angelic Doctor explains, would be to eliminate the entire notion of schism as a specific type of crime altogether.¹⁰ Although the 1983 Code is within its rights to prescribe excommunication for episcopal consecrations without papal mandate—just as it prescribes excommunication for many other acts which do not sever unity with the Church by their very nature—, one cannot help but note a certain absurdity in the vast difference between the penalties prescribed for illicit consecrations compared to illicit priestly ordinations. Suspension from conferring orders for one year is still prescribed for the latter (c. 1383).

This is not, however, merely a disciplinary matter, but a doctrinal one: it appears that in the past half-century, illicit episcopal consecrations have come to be seen as, if not inherently schismatic, at least raising “the danger of a schism.” Benedict XVI’s reasoning is that an illicit consecration runs the risk of “jeopardizing the unity of the College of Bishops with the Pope,” and here, it becomes clear that canon 1382 is based on the error of collegiality found in Vatican II’s *Lumen gentium*. Traditionally understood, the Church is a monarchy: Christ is the Head of the Church, St. Peter and his successors are His vicars,¹¹ and the local bishops, successors to the Apostles, possess jurisdiction over their respective territories but are subordinate to the pope.¹² The Apostles belonged to a *collegium*, a collection of people united in one body for a common purpose, under St. Peter as their head, and this body is succeeded by the College of Bishops, which possesses the same authority as the Apostles with the exception of their extraordinary privileges such as personal infallibility.

By virtue of his valid episcopal consecration, a bishop possesses the fullness of the power of orders, including the ability to confirm and ordain; however, he only becomes a member of the College if the Roman Pontiff authorizes his consecration and grants him an apostolic mission through the conferral of jurisdiction. At Vatican II, the “conservatives,” desiring to maintain this traditional teaching, argued that the pope alone had supreme authority, but that he could temporarily extend this authority to the College in extraordinary situations such as an ecumenical council.¹³ The “liberals,” by contrast, argued that the College with the pope as its head was the *only* subject of supreme authority in the Church, that ecumenical councils were an ordinary exercise of that authority, and that the pope’s authority consisted solely of his capacity as head of this College.

Finding the liberal approach too radical, Paul VI navigated a compromise between the two positions: the pope was the subject of supreme authority, but *so* was the College of Bishops in union with him as its head. This was the view ultimately adopted by *Lumen gentium* and the 1983 Code of Canon Law; although it is not as radical as what the liberal Fathers had proposed, it still presents a deviation from traditional Church teaching. Further, it is illogical: how can there be two subjects of the one supreme authority of the Church? Yet this is precisely the view codified into law; in canon 336 of the post-conciliar Code of Canon Law, one reads that the College of

10 *Summa Theologica II-II*, q. 39, art. 1, ad. 2.

11 L. Ott, *Fundamentals of Catholic Dogma* (Charlotte, NC: TAN Books, 1974), 279-85.

12 *Ibid.*, 289-91.

13 *Ibid.*, 299-300.

Bishops “together with its head and never without this head, is also the subject of supreme and full power over the universal Church.” Given that the authority of the College has been significantly increased in post-conciliar law, there is no wonder why Benedict XVI could not fail to consider the College when he claimed that illicit episcopal consecrations, by their very nature, raise the danger of schism.

Further, *Lumen gentium* blurs the distinction between orders and jurisdiction—the very distinction that prevented Abp. Lefebvre from committing a schismatic act in 1988—, claiming that episcopal consecration alone “also confers the office of teaching and of governing” and that bishops enter into the “episcopal body by means of the sacrament of orders.”¹⁴ The Society of St. Pius X, which has consistently rejected the false doctrine of collegiality, maintains that its bishops, despite being validly consecrated, are *not* members of the College of Bishops or the hierarchy properly speaking; they serve only the purpose of providing the sacraments of confirmation and orders. As explained above, canonical tradition has always held that an episcopal consecration without papal mandate does not raise the danger of a schism any more than a illicit priestly ordination does, so there is nothing about the SSPX bishops’ refusal to consider themselves members of the College that runs the risk of breaking hierarchical communion, contrary to Benedict XVI’s claim in 2009.

And yet, it would only be logical for one who subscribes to the error of collegiality to conclude that an unauthorized episcopal consecration and an unauthorized priestly ordination differ not merely in gravity, but also in kind, with the former raising the danger of a schism. By consecrating a new bishop without papal mandate, one would be adding a new member to the College without the approval of its head, thus posing a threat to the unity of that College. At the same time, however, collegiality supports false ecumenism: if true schismatics such as the so-called Orthodox possess validly consecrated bishops, and bishops belong to the College by the sole fact of their consecration rather than canonical appointment, then one can argue that an Orthodox bishop is a member of the hierarchy, and thus, in an “imperfect” sense, a member of the Church. This corresponds to Vatican II’s refusal to call heretics and schismatics as such, instead referring to them as “separated brethren” who possess an “imperfect” communion with the Church.¹⁵

It is ironic how collegiality, being at the service of false ecumenism, serves to present truly schismatic sects like the so-called Orthodox as being in imperfect communion with the Church while simultaneously alienating non-schismatics such as the SSPX. The “generosity” extended to real heretics and schismatics is never extended to the SSPX, which remains in communion with the Church, because its bishops do not hesitate to call out the doctrinal error of collegiality and clarify that they only serve a sacramental function and are not members of the College of Bishops. Yet it is precisely Abp. Lefebvre’s refusal to usurp jurisdiction from the Roman Pontiff by establishing a parallel hierarchy that renders his actions non-schismatic, and so collegiality sets up an impossible situation for the SSPX. This impossible situation exists not due to some merely disciplinary dispute or “canonical irregularity,” but two fundamentally different visions of ecclesiology.

14 Vatican II, *Lumen gentium*, 21.

15 Vatican II, *Unitatis redintegratio*, 3.