

THE SSPX:
A TRUE RESPONSE TO THE ABUSE OF AUTHORITY

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INTRODUCTION

The long-standing and often heated debate surrounding the canonical situation of the Society of St. Pius X (abbreviated SSPX) is not fundamentally about the Society itself, but rather the contradiction between two irreconcilable positions on the very nature and authority of the Church. Due to the rise of naturalism and positivism, many Catholics today, perhaps through no fault of their own, tend to exaggerate the authority of merely human leaders and forget that they, too, are subject to God. While the pope is the supreme legislator for the Church and in a certain sense above the merely ecclesiastical laws he promulgates, he is not above divine law; on the contrary, insofar as the application of canon law is determined by the principles of natural justice, he too is bound to obey it. This is the simple Catholic principle upon which this study, which seeks to explain and defend the Society's appeal to a "state of necessity" predicated upon the virtue of *epikeia*, is based.

While the SSPX frequently uses the term "state of necessity" to refer to its position on the general doctrinal and liturgical crisis in the Church that has been ongoing since the time of the Second Vatican Council,¹ this concept can also be applied in a purely juridical sense without the need to examine any doctrinal debates regarding the Council, its documents, or its aftermath. Even those who deny that there is currently a crisis, or who acknowledge it but disagree with the position taken by Archbishop Marcel Lefebvre, can recognize the existence of a state of necessity for the SSPX itself according to the principles of canon law and Catholic jurisprudence. Its canonical history alone demonstrates that the suppression of 1975, the suspensions of 1976, and the excommunications of 1988 were unjust and invalid. Thus, the present author seeks to demonstrate that the Society has always had the right to continue its ministry, even when many ecclesiastical authorities have erroneously viewed this as illegitimate.

Law, which St. Thomas Aquinas defines as "an ordinance of reason for the common good, made by him who has care of the community, and promulgated,"² is divided into two basic categories: divine and human. Divine law is threefold: the *eternal law* directs the motions and actions of all creatures from eternity, the *natural law* is man's participation in the eternal law through his reason, and the *positive divine law* is that which was promulgated in addition to the natural law by God. Divine law is general in its formulations, and so man, created in the image of God, must participate in the governance of creation and promulgate more specific laws by which he himself is ruled and directed to his end. Human laws are *ecclesiastical* or *civil* depending on whether they are issued by Church or State, with the former taking precedence over the latter³ but never interfering with things that belong solely to the civil authority.

Lower laws must be in accordance with higher ones to have force. All human laws must be more specific formulations of the general principles found in divine law, because "human reason needs to proceed to the more particular determination of certain matters."⁴ For example, the third commandment requires that the Lord's day be kept holy, and the authority of the Church established the obligation to attend Mass on Sundays. Thus, unjust human laws which are

1 J. Gleize, "L'état de nécessité," *Courrier de Rome* 313/503 (July-August 2008).

2 *Summa Theologica I-II*, q. 90, art. 4, co.

3 Pius IX, *Syllabus of Errors*, 42.

4 *Summa I-II*, q. 91, art. 3, co.

“opposed to the Divine good” are no law at all.⁵ Further, laws must be directed to the common good, which for the Church is “the worship of God and the supernatural sanctification of men.”⁶ Indeed, the *raison d’être* of canon law is the salvation of souls, for which the Church as a perfect society was established by Our Lord, hence the maxim *salus animarum suprema lex*.

In cases when a canonical law may work against the salvation of souls, it must be corrected, and until that correction is made by the competent authority, individuals can recognize that it does not bind in conscience. In fact, one would have a moral obligation to “disobey” a defective law that is unjust and works against the common good, and in reality, this is simply true *obedience* to higher law. Given the limitations of human reason, there will necessarily be limitations in human laws because laws are ordinances of reason:

A human lawgiver is never able to foresee all the individual cases to which his law will be applied. Consequently, a law though just in general, may, taken literally, lead in some unforeseen cases to results which agree neither with the intent of the lawgiver nor with natural justice, but rather contravene them. In such cases the law must be expounded not according to its wording but according to the intent of the lawgiver and the general principles of natural justice. A reasonable lawgiver could not desire this law to be followed literally in cases where this would entail a violation of the principles of natural justice.⁷

When a lower law, or at least its application in a particular case, conflicts with a higher one, the moral theologians McHugh and Callan respond: “The greater obligation prevails, and the lesser obligation disappears.”⁸ For example, it would be unjust to demand that a parent caring for a seriously ill child leave the child to attend Mass on Sunday; the obligation to care for one’s offspring arises from natural law, which takes precedence over canon law, and the parent can still keep the day holy in other ways. This has to do with the principle of *epikeia*, usually translated as “equity” in English, which can be defined as “the benign application of the law according to what is good and equitable, which decides that the lawgiver does not intend that, because of exceptional circumstances, some particular case be included under his general law.”⁹ The more specific a law is, the more likely it is to fail in extraordinary circumstances, and so *epikeia* is necessary to save the law itself when this occurs by setting aside its letter in favor of its spirit.

One who legitimately applies *epikeia* is not breaking the law but simply avoiding the legalistic attitude of the Pharisees, who were harshly reprimanded by Our Lord. Nevertheless, it is not an excuse or free license to ignore laws according to one’s personal, subjective whims, because to do so would amount to simple disobedience. One must apply the letter of the law to the extent to which it is possible, even in the face of extraordinary conditions, and *only* set aside what is absolutely necessary for the preservation of the spirit of the law. If there is any doubt,

5 *Ibid.*, q. 96, art. 4, co.

6 B. Merkelbach, *Summa Theologiae Moralis* (Paris: Desclée, 1946), 1:325.

7 V. Cathrein, “Law,” *The Catholic Encyclopedia*, vol. 9 (New York: Robert Appleton Company, 1910), <https://www.newadvent.org/cathen/09053a.htm>.

8 J. McHugh and C. Callan, *Moral Theology* (New York: Wagner, 1929), 1:494b.

9 A. Cicognani, *Canon Law* (Westminster Md.: Newman, 1934), 15.

ordinary means of resolving the situation must be consulted first; if they do not suffice, then one may conclude that there is a state of necessity in which recourse to *epikeia* may be made. As will be demonstrated, the Society of St. Pius X has legitimately applied *epikeia* throughout its history, using it only when ordinary methods of resolving canonical disputes were proven unsuccessful.

The error of legal positivism, inspired by naturalism, asserts that laws are merely man-made constructs, and that there is not necessarily a relationship between law and morality. By removing the divine law from the equation entirely, men become only subject to other men, and however the authorities—selected according to the “social contract”—saw fit to promulgate and apply law cannot be challenged. This false view, which became popular during the time of the so-called “Enlightenment,” usurps the authority of God, undermines hierarchical structure, and allows human leaders to become dictators. This error poses a particular danger to the faithful and devout soul by conflating true obedience with a false replacement of it, which consists of deferring to an authority even when that authority exceeds its purview by issuing a command contrary to the will of God. It is precisely this attitude, which has always been rejected by the Church,¹⁰ that has led many Catholics, even those otherwise sympathetic to the SSPX, to wrongly condemn it.

¹⁰ *Summa II-II*, q. 104, art. 5, co.

CANONICAL ESTABLISHMENT

After decades of serving the Church, Abp. Marcel Lefebvre was living in semi-retirement in Rome when a group of seminarians came to him for help. In the immediate aftermath of the Second Vatican Council, they were witnessing firsthand many radical changes in the Church, and the seminaries were no longer providing the formation that they had sought. Abp. Lefebvre acted cautiously, first simply establishing a house where the seminarians could live together while attending classes at the University of Fribourg, but gradually, it became clear that this arrangement was insufficient.

With the approval of Bp. François Charrière of the Diocese of Lausanne, Geneva, and Fribourg, Abp. Lefebvre founded a seminary on 18 August 1970.¹¹ Bp. François-Nestor Adam of the Diocese of Sion authorized him to situate the seminary in Écône, Switzerland, and it opened its doors on 7 October.¹² Worried about the possibility that the seminarians, once ordained, would not be permitted to exercise their ministry in the dioceses due to their traditional ways, Abp. Lefebvre resolved to establish a formal canonical institute for them—and so the Society of St. Pius X was erected with the approval of Bp. Charrière on 1 November¹³ as a priestly society “of common life without vows, in the tradition of the Foreign Missionaries of Paris.”¹⁴

While there were no canonical irregularities here, some confusion arose concerning Bp. Charrière’s use of the term “*pia unio*” (pious union). Under the 1917 Code of Canon Law in effect at the time,¹⁵ a pious union was defined as an association of the faithful established by written or oral approval (c. 707 §1); if written approval was given, then the pious union was considered a moral person (c. 708). Canon 699 §1 states that provided that there are grave reasons and the right of appeal to the Apostolic See, the local ordinary can suppress any association erected by either himself or his predecessors.

Despite the use of the term “*pia unio*,” Bp. Charrière also approved the SSPX statutes, which declare it to be it a “society of common life.” In his commentary on canon 673, Woywod notes that members of such a society “lead a community life after the manner of religious under the government of superiors and according to approved constitutions, but without the three usual vows of religious life.”¹⁶ Recognizing this similarity, canon 674 states that the same laws and procedures that apply to the erection and suppression of religious institutes apply likewise to these societies, so it is very likely that Bp. Charrière meant to write “*pia domus*” (pious house), as it is customary to erect such as the first step in establishing a new religious institute.¹⁷

11 “SSPX’s founding documents,” *SSPX.org*, <https://spx.org/en/sspxs-founding-documents>.

12 M. Davies, *Apologia Pro Marcel Lefebvre, Part One* (Kansas City, MO: Angelus Press, 1979), 12.

13 F. Charrière, “Decree Establishing the International Priestly Society of St. Pius X,” 1 November 1970, photographically reproduced in Davies, 102-103, trans. in B.A. Cathey, “The Legal Background to the Erection and Alleged Suppression of the Society of Saint Pius X,” 444.

14 *Statutes of the Society of St. Pius X*, no. 1, in Cathey, 443.

15 Translations of the 1917 Code of Canon Law are taken from E.N. Peters, *The 1917 or Pio-Benedictine Code of Canon Law in English Translation with Extensive Scholarly Apparatus* (San Francisco: Ignatius Press, 2001).

16 S. Woywod, *A Practical Commentary on the Code of Canon Law*, 4th ed., vol. 1 (New York: Joseph F. Wagner Inc., 1932), 578.

17 Cathey, 444.

The fact that he prescribed a period of six years *ad experimentum* has been used to argue that the institute cannot possess any status higher than that of a mere association, but this argument is fallacious because the lack of a definitive erection has nothing to do with the *nature* of the Society but only with its *perpetuity*. Further, the *ad experimentum* status was ended on 18 February 1971, when John Cardinal Wright, Prefect of the Sacred Congregation for the Clergy, wrote a letter of praise which granted the Society the official approval of the Apostolic See as a society of common life of diocesan right.¹⁸ This, along with the fact that several priests were permitted, by rescript of the Congregation for Religious, to leave their former orders and seek incardination into the SSPX, illustrates that the Society was not regarded merely as a pious union.

This position is also simply illogical, given that the Society's very nature and character are quite different from what is envisaged by canon law of such associations. A pious union concerns the *activities* that a group of persons may engage in, while a society of common life regulates the very *life* shared by its members, even if no vows are taken—and this is precisely what the SSPX has done. While someone may join several pious unions, he can only be a member of one society of common life. As Fr. Thomas C. Glover explains:

Although the foundation of pious unions by no means excludes the clergy, the discussion of them is found in the section of the Code on “The Laity.” [...] Their purpose can be a work of piety (such as recitation of the rosary in common, frequent reception of the Sacraments, etc.) or of charity (such as visiting the sick).¹⁹

Members of the SSPX are principally clerics,²⁰ and its founding decree unequivocally states that its “principal goal” is “the formation of holy priests.” Bp. Charrière's approval of the SSPX's own statutes, along with its definition of itself as a “society of common life,” is perfectly in line with this. Given these facts, it is much more likely that Bp. Charrière simply made an error in terminology, rather than that he intended to establish the SSPX as a pious union. After all, had he disagreed so fundamentally with what Abp. Lefebvre had intended for the Society to be, why would he have approved those statutes in the first place?

For the first four years of its existence, the canonical situation of the SSPX was perfectly coherent, and there were no doubts about its legitimacy. As for its mission, it had begun with only the intention to form holy priests, but as it expanded, it also took on the responsibility of providing for the common life of these priests and overseeing their ministry.

18 Sacra Congregatio Pro Clericis, Prot N. 133515/I., 18 February 1971, photographically reproduced in Davies, 102-103.

19 T.C.G. Glover, “Legal existence of SSPX,” *SSPX.org*, <https://sspx.org/en/legal-existence-sspx>.

20 There are non-clerical members of the Society, namely, the religious brothers and sisters and the third order for the laity. However, there is no canonical irregularity here, as these institutions have their own particular canonical status: the brothers are religious properly speaking, while the oblate sisters are another society of common life without vows, although associated with the SSPX. The third order is related to the Society in the same way any religious institute or society of common life may have a third order.

THE SUPPRESSION

On 26 March 1974, Rome decided to compile a report on the Society, and around June, Pope Paul VI allegedly established an *ad hoc* Commission of Cardinals to assist with this task. The term “allegedly” is used here because it has never been demonstrated that this act took place in an official manner, as the decree establishing such a Commission has never been produced. On 23 June, the Cardinals decided on an Apostolic Visitation of the Écône seminary, which was performed by a Biblical scholar and a canonist between 11-13 November. What happened after this Visitation can only be interpreted as a severe violation of both canon law and natural justice, and given the irregularities in procedure committed by Roman officials, one may conclude with moral certitude that the eventual suppression of the SSPX was null and void.

While the seminary’s impression upon the Visitors was favorable, the same cannot be said of the perception of Abp. Lefebvre, the professors, and the seminarians, who were scandalized by the various heterodox claims they made. For example, a seminarian was mocked for professing belief in the bodily Resurrection of Our Lord, and the Visitors indicated that “they did not believe there was an immutable Truth.”²¹ This is what caused Abp. Lefebvre to pen his famous Declaration on 21 November 1974 of adherence to eternal Rome and rejection of the novelties of modernist Rome.²² This Declaration, which had nothing to do with the canonical status of the Society or how the seminary was operating, was ultimately cited as the reason for suppressing both the SSPX and its seminary.

Meanwhile, on 24 January 1975, the successor to Bp. Charrière of the Diocese of Lausanne, Geneva, and Fribourg, Bp. Pierre Mamie, asked for permission from the Prefect of the Sacred Congregation for Religious, Arturo Cdl. Tabera, to suppress the SSPX.²³ Cdl. Tabera responded on 25 April, inviting Bp. Mamie to write the decree of suppression himself, presumably based on the false premise that the SSPX was a pious union, thus allowing the local ordinary to revoke the approval given by his Predecessor.²⁴ As discussed earlier, this is most assuredly not the case—on the contrary, the fact that Bp. Mamie consulted the Congregation in the first place illustrates that he knew that he was not dealing with a mere pious union—and only the Apostolic See had the authority to suppress a society of common life (c. 493). Thus, Bp. Mamie’s eventual act of suppression was rendered invalid due to his lack of jurisdiction.

While some may argue that the letter of 25 April constitutes an act of delegation by the Congregation for Religious to Bp. Mamie, thus giving the latter the faculty to suppress, this position is also fraught with difficulties. Cdl. Tabera writes: “Concerning the competence of this Sacred Congregation, Your Excellency knows that it possesses the necessary authority to withdraw acts and concessions effected by its predecessor.” He then “invites you [Bp. Mamie] to proceed without delay to a step which is very sad, but which has nevertheless become

21 Davies, 37.

22 M. Lefebvre, “La Déclaration du 21 novembre 1974,” 21 November 1974, *Itinéraires*, n. 195, trans. in *The Collected Works of His Excellency Archbishop Marcel Lefebvre*, vol. 1 (Dickinson, TX: Angelus Press, 1985), 34.

23 Davies, 43.

24 Davies, 51.

necessary.”²⁵ The word “*elle*” in the original French, translated by Fr. Glover as “it” in his canonical study, could refer either to “*Votre Excellence*” or the Sacred Congregation.²⁶ If “it” refers to Bp. Mamie himself, which is probable given the reference to a “predecessor” (presumably Bp. Charrière), then Cdl. Tabera’s statement is false, as the bishop did not have the authority to withdraw approval for a society of common life under canon 493.

Even if “*elle*” refers to the Sacred Congregation, thus rendering it a true statement at the very least, this would still not demonstrate that the faculty was properly delegated to Bp. Mamie. A mere declaration that the Congregation has authority does not equal an act of delegation, and it is logically absurd to claim authority for oneself while inviting another to perform the act in question within the same sentence, without explicitly declaring that one is delegating this same authority. While it may be tempting to dismiss these considerations on language as irrelevant nitpicks, Catholic jurisprudence establishes that laws which restrict the free exercise of rights or contain an exception to the law (as an extraordinary delegation does) are subject to strict interpretation (c. 19). Thus, these discrepancies do matter, and so the presumption falls upon there having been no suppression on the basis of no delegation.

On 13 February and 3 March 1975, Abp. Lefebvre met with the Commission of Cardinals, supposedly to discuss the results of the Apostolic Visitation.²⁷ Unknown to him, he was actually on trial, but he was not told about this beforehand, a violation of natural justice and procedural law. He was promised a recording of the talks, which was then changed to a transcript, but in the end, neither was given.²⁸ Without evidence of a notary being present, recording the trial, then all papers and acts are invalid (c. 1585); further, the lack of defense for Abp. Lefebvre also rendered any and all acts utterly null and void (c. 1590).

On 6 May, the Commission condemned the Declaration as “unacceptable on all points,”²⁹ and as a result of this, Bp. Mamie was “authorized” to perform the—clearly invalid—act of suppressing the SSPX. The letter sent by the Commission to Abp. Lefebvre further highlights the legal incompetence of Bp. Mamie, as covered earlier: the cardinals informed him that a letter “recognizing” Bp. Mamie’s authority “will be sent” (not “has been sent,” as Fr. Glover notes), and then they immediately state that this “was done” by Cdl. Tabera’s letter on 25 April.³⁰ If the earlier letter was insufficient as an act of delegation because it presupposes (or “recognizes”) an already-existing faculty instead of actually granting it, then neither is the Commission’s confused attempt at delegation valid.

In addition to the lack of jurisdiction, the reason for the suppression is also dubious at best. The condemnation of 6 May focuses on Abp. Lefebvre’s personal views, particularly as expressed in his so-called “Manifesto” of 21 November 1974. On 21 May 1975, Abp. Lefebvre wrote to Dino Cdl. Staffa, Prefect of the Apostolic Signatura, pointing out the absurdity of suppressing the entire Society over his personal actions: “...my Declaration, if it deserves

25 T.C.G. Glover, “Legal existence of SSPX,” *SSPX.org*, <https://sspx.org/en/legal-existence-sspx>.

26 *Ibid.*

27 Davies, 45.

28 Davies, 48.

29 Sacra Congregazione per l’Educazione Cattolica, Prot. N. 70/72, 6 May 1975, *Itinéraires*, n. 195, trans. in Davies, 57-59.

30 T.C.G. Glover, “Legal existence of SSPX,” *SSPX.org*, <https://sspx.org/en/legal-existence-sspx>.

condemnation, should condemn me personally and not destroy my Fraternity, nor the Seminary, nor the houses that have been erected.”³¹ Further, if his Declaration had been doctrinally objectionable, the competent authority to deal with the issue would have been the Congregation for the Doctrine of the Faith, which was not consulted on the matter. Nevertheless, on 2 June, Bp. Mamie published the condemnation written by the Commission of Cardinals.³²

Three days later, the letter of 21 May was officially lodged as an appeal with the Apostolic Signatura by Abp. Lefebvre’s canon lawyer, who also questioned the legal competence of the Commission and noted the violation of canon 493 by Bp. Mamie.³³ The appeal was put *in suspensivo* on 10 June; Cdl. Staffa argued that he was incompetent to deal with the appeal given that Pope Paul VI had confirmed the decision to suppress the SSPX *in forma specifica*.³⁴ This new claim raises a question: why did Cdl. Staffa not simply state that the jurisdiction had already been delegated and cite the letter of 25 April? This argument, while false, would have at least been in line with the actions of those other prelates, and the fact that Cdl. Staffa now saw the need to get the pope directly involved suggests that he knew that their earlier statements had been inadequate.

There are two kinds of confirmation: *in forma communi* and *in forma specifica*. The former is a simple confirmation, routinely given, to the acts of a lower authority: generally speaking, the pope uses the Roman congregations, tribunals, etc, to grant rescripts, though he is not bound by these means (c. 38). In the case of a *confirmatio in forma specifica*, however, the higher authority actually takes the act of a lower authority and makes it his own, invoking the power of his own office. Paul VI had not attempted any such confirmation in this manner at the time when Cdl. Staffa put Abp. Lefebvre’s appeal *in suspensivo*, but on 29 June 1975, he wrote to Abp. Lefebvre personally to try to grant retroactive validity to a previously invalid act.

For Paul VI to specifically confirm the suppression of the SSPX, he would have to take the Cardinals’ decision and render it his own, specifically confirm the illegal delegation of authority from the Cardinals to Bp. Mamie, and also specifically confirm the latter’s illegal exercise of that authority. Had he done this, any invalidity brought about by the canonical irregularities in procedure and the incompetence of the lower authorities would have been sanated, rendering an appeal impossible (c. 1880 1°). Yet in his letter of 29 June, Paul VI only writes that he ordered the Commission to be set up (though the decree establishing this is still nowhere to be found) and “made all and each of [its conclusions] Ours, and We personally ordered that they be immediately put into force.”³⁵

Rescripts must be understood according to the common usage of words, and they cannot be extended beyond what they state (c. 49); further, those which deal with disputes or which injure the rights of others are subject to strict interpretation (c. 50). Paul VI’s letter does not mention *specific* juridic acts, such as the attempted delegation of authority by the Commission of Cardinals to Bp. Mamie and the latter’s attempted exercise of that illegally-delegated authority.

31 M. Lefebvre, “La Lettre au cardinal Staffa,” 21 May 1975, *Itinéraires*, n. 195, trans. in Davies, 73-74.

32 Davies, 104.

33 Davies, 104-105.

34 Davies, 106.

35 Paul VI, “Lettre de S.S. Le Pape Paul VI à Mgr. Lefebvre,” 29 June 1975, *La Documentation Catholique*, n. 1689, trans. in Davies, 112-119.

This imprecise language fails to make clear what exactly is being confirmed, and so the existence of a *confirmatio in forma specifica* is not supported by the text itself. Because the ordinary form of confirmation is *in forma communi*, while *in forma specifica* is extraordinary, in a case of doubt, the former is presumed.

Further, rescripts must be “founded on truth” (c. 40), and canon 42 distinguishes between a failure to state the full truth (*subreptio*) and an allegation of falsehood (*obreptio*). Canon 45 states that if the final reason—or motivating cause—of the rescript is false, then even rescripts given *motu proprio* are invalid, *even* if that falsehood is only through the fault of subreption. The Apostolic Visitors who examined the Écône seminary in 1974 found no reasons for suppression, and when Abp. Lefebvre was put on trial without having been informed of this fact, it was his personal Declaration that was challenged, not the seminary itself. There is, at the very least, a suppression of truth, rendering an attempt at confirming the suppression of the SSPX *in forma specifica* null and void.

Finally, rescripts which injure the rights of others, unless a derogating clause is added, are invalid, even when given *motu proprio* (c. 46). There is nothing in Paul VI’s letter that even addresses the subject of those clerics attached to the Society who would be left without a place of incardination should the Society be suppressed, or the faithful who relied on the SSPX for the Mass and sacraments, aside from a brief statement lamenting their “confusion” and how they “now find themselves in a blind alley.” Even if Abp. Lefebvre were individually guilty of a delict by writing his Declaration, there is no reason to penalize the others affected. Thus, one is compelled by the rule of strict interpretation, as mentioned above, to conclude that there was no *confirmatio in forma specifica*, and so the SSPX was not suppressed.

Abp. Lefebvre filed another appeal to the Apostolic Signatura on 14 June, but it was illegally buried, and no reply was even given. While the case has not been resolved, the appeals have suspensive effect; even assuming that the alleged suppression of the SSPX was valid, the effects of the suppression cannot take effect until the appeals are properly heard, and the case is finalized. Regardless of the validity of the suppression itself, this means that the SSPX remains a legitimately erected society of common life and retains its juridic personality.

These strictly canonical analyses aside, there is an issue at hand that transcends the domain of man-made procedural law, namely, natural justice. Even if the SSPX were a mere pious union, which some canonists would argue render appeals *in devolutivo* only, this issue would still exist. Even if Paul VI’s letter of 29 June 1975 were a *confirmatio in forma specifica*, natural justice would still render the suppression of the Society invalid. While the pope is above merely ecclesiastical laws, over which he is supreme legislator, he is not above divine law, natural justice, reason, and simple reality. On the contrary, he is bound by his own laws insofar as those laws, or at least the application thereof, simply reflect the principles of natural justice. If legitimately erected canonical institutes could be suppressed due to smear campaigns, then the very dignity of canon law and the necessity of due process would be undermined.

With the foregoing facts resolved, one can only conclude that today, the SSPX has just as much juridic personality as it did before the so-called “suppression” took place, and so its mission of forming holy priests and overseeing and exercising priestly ministry, thereby participating in the Church’s three-fold mission of sanctifying, teaching, and governing, remains valid. In light of this, its members can legitimately invoke the state of necessity and the principle

of *epikeia* to justify seemingly illicit ordinations, episcopal consecrations, and other acts which are inherent to its mission.

THE SUSPENSIONS

On 12 June 1976, Abp. Giovanni Benelli, on behalf of the Vatican Secretariat of State, wrote to the Papal Nuncio at Berne, warning Abp. Lefebvre not to ordain any priests without the local bishops' permission. Referencing canon 2373 1^o, he threatened suspension *ab ordinum collatione* for one year should Abp. Lefebvre ignore the warning and ordain priests anyway.³⁶ On 25 June, he re-emphasized the demand to refrain from conferring orders, writing to Abp. Lefebvre directly:

Do not use as a pretext the confused state of the seminarians who were to be ordained: this is just the opportunity to explain to them and to their families that you cannot ordain them to the service of the Church against the will of the supreme Pastor of the Church. [...] Those responsible will find the best solution for them, but they must begin with an act of obedience to the Church.³⁷

In addition to reiterating the previous threat of suspension for both the recipient of his letter and those who would be ordained without dimissorial letters, Abp. Benelli writes that should the newly ordained priests disregard the suspension, they would also “expose themselves to irregularity (cf. canon 985, 7).”³⁸ These are serious claims, so they must be thoroughly examined: it is no small matter for a cleric to find himself suspended, and it is graver still to incur irregularity, which is the perpetual impediment to the reception and/or exercise of holy orders that can only be removed by dispensation.

The entire basis for prohibiting the ordination of priests was the erroneous notion that the SSPX had been suppressed the previous year. Having failed in their attempt to destroy the seminary and the Society, the opponents of Abp. Lefebvre were now trying to impede his work by making it impossible to ordain new priests. Because, as demonstrated earlier, the suppression was utterly null and void, so was this unjust decision, which finds its entire justification in the alleged suppression. And because an unjust law is no law, Abp. Lefebvre would have been completely free to disregard this prohibition.

In approving the establishment of an institution, the Church necessarily also wills that it have at its disposal the means of perpetuating itself, in order to survive—unless, of course, its authorization were to be later revoked. Because the suppression was invalid, the Church has never withdrawn her authorization of the Society's mission, which is the formation of holy priests and the exercise of priestly ministry. It logically follows that the very ordination of priests is essential to carrying out this mission. Hence, one can see the absurdity of Abp. Benelli's comment that the seminarians “must begin with an act of obedience to the Church” in this context: by carrying out the very act that would permit the Society to continue serving the Church, the seminarians, by disobeying an unjust command, would in fact be acting in *obedience* to her.

But, one may object, the lack of dimissorial letters remains a problem. It is simply impermissible for priests to “wander” without being incardinated into a diocese, religious order,

36 Secretariat of State, Prot. N. 307, 554, 12 June 1976, trans. in Davies, 193-196.

37 Secretariat of State, “Letter from Mgr. Benelli to Mgr. Lefebvre,” 25 June 1976, trans. in Davies, 197-200.

38 *Ibid.*

or other equivalent entity (c. 955). This objection fails, however, because the Society already possessed, and still retained, the right to incardinate priests directly by virtue of being a clerical society of common life. The seminarians were already attached to the Society upon acquiring the clerical state, which begins before priestly ordination. Nothing illegal was done, so this suffices to demonstrate the invalidity of the alleged suspension *ab ordinum collatione* incurred by Abp. Lefebvre as well as the alleged suspension from the orders received by the new priests ordained on 29 June 1976. Thus, the declaration of these censures via press conference on 1 July³⁹ is of no juridic effect, as well as the confirmation given by Sebastiano Cdl. Baggio, Prefect of the Sacred Congregation of Bishops.⁴⁰

Additionally, the fact that Pope Paul VI had, as Abp. Benelli wrote to Abp. Lefebvre, prohibited the ordinations *de mandato speciali Summi Pontificis* is of little relevance; as explained earlier regarding the invalidity of the suppression, the pope may be above his own promulgated laws, but he is certainly *not* above natural justice and simple reality. Given that the reality, as demonstrated earlier, is that the SSPX was never suppressed and continued to exist in accord with canon 673, possessing the right of direct incardination without the need for dimissorial letters from the local ordinary, there was no reason for anyone, including the Supreme Pontiff, to prohibit the ordinations.

Having two obligations here, either to follow the Church's prior authorization of the Society's mission in accordance with the still-valid decree of Bp. Charrière issued in 1970, or to follow Pope Paul VI's ill-founded and unjust prohibition of ordinations, Abp. Lefebvre simply concluded that the former obligation prevailed and the latter disappeared. For if there is any doubt as to whether Paul VI had revoked the right to ordain and incardinate, this doubt must be resolved in favor of non-revocation (c. 23). And as those laws and commands that restrict the free exercise of rights or establish a penalty are subject to strict interpretation (c. 19), Abp. Lefebvre's presumption of innocence in this case remains.

Yet in the eyes of those who sought to destroy the Society, Abp. Lefebvre had not only incurred *ipso facto* the censure envisaged by canon 2373 1° but was now liable to punishment for disobedience as well. This had already been announced during the 1 July press conference: "The Holy See is examining the special case of formal disobedience of Mgr. Lefebvre to the instructions of the Holy Father who, by the documents of 12 and 25 June 1976, expressly forbade him to proceed with the ordinations." As canon 2331 §1 establishes, those who obstinately refuse to obey the legitimate commands of their ordinary or the Roman Pontiff shall be punished with penalties corresponding to the gravity of their guilt.

On 6 July 1976, Cdl. Baggio wrote to Abp. Lefebvre demanding that he repair the "scandal" caused by his "illicit" ordinations:

If, however, the invitation were to prove vain, and if a proof of recognition of error did not arrive at this Congregation within ten days of your receipt of my letter, you must know that, basing itself on a special mandate of the Sovereign Pontiff, it will

39 R. Panciroli, Press Conference, 1 July 1976, trans. in Davies, 215-216.

40 Sacred Congregation for Bishops, *Monition* Prot. N. 514/76, 6 July 1976, trans. in Davies, 225-226.

be the duty of this Congregation to proceed against you by inflicting the necessary penalties, in conformity with canon 2331, para. 1.⁴¹

Abp. Lefebvre acknowledged this letter on 11 July 1976 but did not do what had been commanded of him, leading to a decree of suspension *a divinis* being issued on 22 July.⁴² If valid, this meant that not only was he suspended from ordaining priests for a year, he was now prohibited from exercising any functions until given a dispensation by the Apostolic See. It is not necessary to re-examine the validity of this *ferendae sententiae* censure in light of the arguments presented earlier, as the legitimacy of both acts taken after the “suppression” find their basis in this invalid act, rendering them null and void as well.

Yet there may be one objection: while the suspension *ab ordinum collatione* was allegedly incurred *latae sententiae*, the second suspension *a divinis* was imposed *ferendae sententiae*; in the former case, the law is the final judge, while in the latter case, the one who imposed the penalty is the final judge, performing his own juridic act rather than simply reiterating the text of the law. Even if one were to accept that the first suspension was invalid in light of the law, why should one not accept the second, since it was directly imposed by Pope Paul VI himself and thus not subject to appeal?

This objection once again exhibits the error of legal positivism that permeates the entire opposition to the Society. It is true that imposed *ferendae sententiae* censures are the acts of the judge himself, rather than incurred by virtue of the law itself: the sentence must *be* passed, as it is not *already* passed (the definition of *latae sententiae*). Yet even in the case of the direct imposition of a censure, the principles of natural justice and canonical jurisprudence do not simply cease to exist, even if the pope is acting on his own authority. For while the pope’s authority over the Church is supreme, it is not absolute, and any punitive actions he takes against a member that are not in accord with natural justice are invalid.

Abp. Lefebvre did not commit the delict mentioned in canon 2331 §1, which establishes penalties for those who refuse to obey *legitimate* orders; as demonstrated earlier, the orders in question were *not* legitimate according to canonical jurisprudence and natural justice, and thus, this canon is entirely irrelevant to the case at hand. No one may be punished except in accordance with the law, for committing an actual *delict* contrary to that same law. If no delict is committed, no punishment can be imposed. Insofar as natural justice affects the application of ecclesiastical laws in this way, the pope is bound to observe even his own laws, a fact that modern legal positivists would prefer to deny.

41 *Ibid.*

42 Sacred Congregation for Bishops, *Notification of Suspension a Divinis* Prot. N. 514/76, 22 July 1976, trans. in Davies, 235-236.

THE ÉCÔNE CONSECRATIONS

As Abp. Lefebvre entered his eighties and began experiencing declining health, he realized that he needed to consecrate new bishops so that future priests could be ordained to provide for the spiritual needs of the faithful who had associated themselves with the SSPX. While the Superior General had the right to give dimissorial letters to a bishop of his choice (1983 CIC, c. 1019 §1),⁴³ this posed many obstacles: many bishops were still under the impression that the SSPX had been suppressed in 1975, leading them to refuse ordination, and there was the possibility that they could be commanded to refuse, a situation which had happened before in 1976. To prevent such problems, it would expedient for the Society to have its own bishops or even several bishops.

On 8 July 1987, Abp. Lefebvre wrote to Joseph Cdl. Ratzinger, Prefect of the Congregation for the Doctrine of the Faith and personal representative of Pope John Paul II, requesting his mediation in asking for permission to consecrate bishops.⁴⁴ Cdl. Ratzinger responded that no bishops could be consecrated until “the Society...possesses an adequate juridical structure and unless the relations with the Apostolic See are solved beforehand,” and he proposed to nominate “a Cardinal Visitor for the purpose of finding...a juridical status in conformity with the rules of the present Canon Law.”⁴⁵ This was truly a bizarre statement: while a new Code of Canon Law had been promulgated in 1983, the only change in the Society’s status was in the name: it would now be known as a society of *apostolic* life (c. 731), but the question of incardination remained the same (c. 736 §1).

Abp. Lefebvre did not respond until October because he feared that agreeing to the terms laid out by Cdl. Ratzinger would result in the destruction of the SSPX’s autonomy.⁴⁶ However, he agreed to the idea of sending a Visitor, writing in the *post scriptum* that the Society desired to invite Edouard Cdl. Gagnon to mediate the situation with Rome. This request was granted on 29 October after a meeting eleven days earlier.⁴⁷ During the Visitation, which took place between 11 November and 7 December, Abp. Lefebvre sent Cdl. Gagnon a proposal for normalizing the Society’s relations with Rome and rectifying any canonical anomalies that still existed.⁴⁸

The first point concerned the formation of a Roman Commission representing the institutions favoring the traditional liturgy according to the Missal of John XXIII promulgated in 1962. The purpose would be to “normalize the works and initiatives in favor of Tradition and help them to fulfill their role in the Church,” which would involve “granting the episcopate to several priest-members” of the SSPX and establishing “peace with the diocesan bishops.” As for the members, there should be one “Cardinal Prefect, named by the Pope with the consent of the

43 Parenthetical citations of canons from this point onward refer to the 1983 Code of Canon Law unless otherwise indicated.

44 M. Lefebvre, “Letter of Archbishop Lefebvre to Cardinal Ratzinger,” 8 July 1987, trans. in F. Laisney, *Archbishop Lefebvre and the Vatican: 1987-1988* (Dickinson, TX: Angelus Press, 1989), 22-25.

45 J. Ratzinger, “Letter to Mgr. Lefebvre,” 28 July 1987, trans. in Laisney, 26-29.

46 M. Lefebvre, “Letter to Cardinal Ratzinger,” 1 October 1987, trans. in Laisney, 31-32.

47 J. Ratzinger, “Communiqué to the Bishops’ Synod,” 29 October 1987, trans. in Laisney, 33.

48 M. Lefebvre, “Proposal for an Arrangement Creating a Solution to the Problem of Institutions Favoring the Traditional Liturgy in the Church,” 21 November 1987, trans. in Laisney, 36-42.

Superior General,” as well as an “Archbishop or Bishop serving as secretary and president, and some *minutanti*, presented by the Superior General.”

Abp. Lefebvre also desired the lifting of any unjust suspensions or condemnations and an explicit recognition of the original statutes of the SSPX prior to the “suppression” of 1975, albeit with some modifications to provide for episcopal succession. Preferably, the Superior General, who since 1982 had been Abp. Lefebvre’s successor Fr. Franz Schmidberger, would “receive episcopal consecration and designate two auxiliaries to assist him,” while jurisdiction would be delegated to all priestly members by Rome through the Superior General. From Abp. Lefebvre’s perspective, it would not be difficult to resolve these issues, and he wished that the consecrations “not be delayed past Good Shepherd Sunday, 17 April 1988.”

Cdl. Gagnon submitted a report on the Apostolic Visitation to the pope on 5 January 1988, but a copy was never given to the SSPX. On 20 February, Abp. Lefebvre wrote directly to John Paul II, explaining that because it could take several months to work out the details of a Commission, he wished to take up the matter of the consecrations immediately and personally. He was no longer able to travel overseas, and no ordinations had taken place in the United States for two years, so he desired that the consecrations not be delayed past 30 June. In addition, he requested a certain independence for the SSPX: the traditional orders would, “before founding a new center, [...] submit a report to the Ordinary, but [would not be] required to ask for authorization.”⁴⁹

On 18 March, Cdl. Ratzinger wrote to Abp. Lefebvre to arrange a meeting between two theologians and two canonists, one of each delegated by the Apostolic See and the Society respectively, as well as a “moderator” selected by the pope.⁵⁰ The purpose of this would be to provide an opportunity for a “mutual exchange of views,” although a definitive solution was not yet in sight. The “Minutes” compiled as a result of that meeting state that the Society “can form its members, can incardinate clerics, and can insure the common life of its members.”⁵¹ All of the rights possessed by the Society prior to 1975 were to be retained, and this document amounts to a recognition of the invalidity of the “suppression.” The ambiguity of the phrase “[o]nce the Society of apostolic life is erected” later in the document must be read in light of the fact that although the SSPX already possessed diocesan right, Abp. Lefebvre wished to obtain pontifical right, which had not yet been established.

Regarding the Roman Commission, the document states that the Holy Father ought to add one more member not from a traditional order to deal with “relations with Roman dicasteries and the Cardinal President,” while the cardinal in charge should be Cdl. Ratzinger rather than Cdl. Gagnon. In addition, it was recommended to “widen the number of its members, taking them also from outside the Society or of persons linked with it.” The responsibility of this Commission would be to decide on matters regarding the status of clerical members, coadjutor brothers, religious sisters, oblates, members of the third order, and the various religious institutes “who have a moral bond with the Society.”

49 M. Lefebvre, “Letter to Pope John Paul II,” 20 February 1988, trans. in Laisney, 43-46.

50 J. Ratzinger, “Letter to Archbishop Lefebvre,” 18 March 1988, trans. in Laisney, 47-48.

51 T. Bertone *et al.*, “Minutes of Meetings held April 12-14 1988 at the Vatican Concerning the Society of St. Pius X,” 15 April 1988, trans. in Laisney, 56-67.

As for the question of consecrating a bishop, the Roman Commission would nominate a candidate from the SSPX, who would be presented to John Paul II by Abp. Lefebvre. In a “Note” attached to the “Minutes,” the Society’s delegates lay out their reasons for desiring the consecration of not only one bishop, but multiple bishops, and why this ought to be done as soon as possible, taking into account Abp. Lefebvre’s advanced age and inability to travel.⁵² They pointed out that at least twenty-five ordination ceremonies were needed throughout the world each year, as well as several thousand confirmations, which could not be handled by a single bishop, particularly in light of future expansion.

These conclusions formed the basis of the “Protocol of Accord” of 5 May 1988, which Abp. Lefebvre signed but rejected the following day. Rather than giving the majority of representation on the Roman Commission to members from traditional orders, only two out of seven memberships were granted.⁵³ The Commission was the main point of contention about this Protocol, but the matter of the consecrations was not settled either. The international apostolate of the Society required three or four bishops, and no date or candidates had been agreed upon. In light of this, Abp. Lefebvre had every right to be on his guard, given the various injustices committed during the previous decade, and he continued to insist on the date of 30 June. These two issues continued to form the basis of the conflict documented in the subsequent letters and meetings, but no solution was ever found; the Apostolic See failed to approve any names, and the date was pushed back indefinitely.

Given the breakdown of negotiations, Abp. Lefebvre announced at a press conference in Écône on 15 June that he intended to consecrate four bishops on 30 June in accordance with his original plans, the only change being that the Superior General would not be a bishop to avoid confusing the status of the new SSPX bishops with that of the diocesan bishops. If Abp. Lefebvre expected to accomplish anything at all, then it would be necessary to—once again—take matters into his own hands. This prompted a formal canonical warning issued by the Prefect of the Congregation for Bishops, Bernardin Cdl. Gantin, on 17 June,⁵⁴ stating that should Abp. Lefebvre follow through in violation of canon 1013, he would incur a *latae sententiae* excommunication under canon 1382.⁵⁵

The consecrations took place as planned, and the reaction was swift and severe. On 1 July, Cdl. Gantin declared that Abp. Lefebvre, along with the four new bishops, had incurred a *latae sententiae* excommunication under canons 1382 and 1364 §1; further, the co-consecrator Bp. Antonio de Castro Mayer was declared excommunicated under the latter canon for cooperating with a “schismatical act.”⁵⁶ The charge of schism, along with the inclusion of canon 1364, is quite absurd, because the canonical warning of 17 June never mentioned this at all. The next day, John Paul II in his Apostolic Letter *Ecclesia Dei* reiterated that “such disobedience—which implies in practice the rejection of the Roman primacy—constitutes a schismatic act.”⁵⁷

52 “Note Concerning the Episcopate in the Society,” 15 April 1988, trans. in Laisney, 68-70.

53 J. Ratzinger and M. Lefebvre, “Protocol of Accord,” 5 May 1988, trans. in Laisney, 76-82.

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

55 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.

56 Congregation for Bishops, *Decree of Excommunication*, 1 July 1988, trans. in Laisney, 143.

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

This claim is incorrect, and even the pope himself is not above objective reality. It is not *per se* a schismatic act for a bishop to consecrate another bishop without papal mandate; rather, it would be an abuse of authority under ordinary circumstances. 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."⁵⁸ 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—contrary to John Paul II's claim in *Ecclesia Dei* that a mere act of disobedience implies this rejection "in practice."

Prior to the change made by Pius XII in response to the schism of certain bishops in China, the penalty under the 1917 Code of Canon Law for episcopal consecrations without papal mandate was suspension, not excommunication (1917 CIC, 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," under which canon 1364 is found. The fact that these two canons are not only distinct but even 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.

It has been argued that the alleged crime here is graver, because not only did Abp. Lefebvre act on his own initiative without papal approval, he also acted directly contrary to orders issued by the Apostolic See. On this point, it should be noted that the 1988 consecrations cannot be fully understood except in light of the 1976 ordinations: Paul VI had prohibited the ordinations *de mandato speciali Summi Pontificis* based on the false premise that the SSPX had been suppressed, and local ordinaries had refused to grant dimissorial letters. Abp. Lefebvre performed the ordinations anyway, explaining that because the SSPX was not suppressed, it still retained the right of incardination, and thus the dimissorial letters were not an issue at all. No one ever accused him of schism for ordaining when he was told not to; at most, he was accused of "formal disobedience" at the press conference declaring the "suspension."⁵⁹

While it is certainly graver to consecrate a bishop than to ordain a priest without permission, these two acts only differ in degree of gravity, not in kind. The *type* of act, namely, abuse of one's authority, remains the same. Thus, if the Apostolic See did not consider the ordinations to be schismatic, then it would make no sense to consider the consecrations to be schismatic.⁶⁰ A simple act of disobedience, no matter how grave, is not sufficient to constitute

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

59 R. Panciroli, Press Conference, 1 July 1976, trans. in Davies, 215-216.

60 The strange discrepancy between post-Vatican II views on illicit priestly ordinations and illicit episcopal consecrations is related to the conciliar doctrine of collegiality. For more information on this particular issue, see D. Ludwig-Wang, "Collegiality and the Canonical Situation of the SSPX," *Dorothea Ludwig-Wang*, 5 September

schism, because *all* sins and crimes involve, in some way, disobedience to the Church. As the Angelic Doctor explains, to consider disobedience and schism under the same category would be to eliminate the entire notion of schism as a specific type of crime altogether.⁶¹

Establishing that the 1988 consecrations were not a schismatic act, however, does not in itself negate the citation of canon 1382 in Cdl. Gantin's decree of excommunication; that will have to be demonstrated in other ways. Although *Ecclesia Dei* was given *motu proprio*, John Paul II's reference to the excommunications does not impose anything of his own authority; he simply confirms the earlier decree *in forma communi* by stating that the six bishops "have incurred the grave penalty of excommunication envisaged by ecclesiastical law."⁶² Thus, the validity of the censures must be assessed in light of the law itself, and John Paul II himself writes that one must take into account the "particular circumstances, both objective and subjective."⁶³

The circumstances include a long process of negotiations, which broke down once Abp. Lefebvre realized that Rome had no intention to provide him with any bishops. After months of letters and meetings, no date or candidate had been agreed upon, and then there was the question of whether one bishop alone would suffice to provide for the Society's worldwide apostolate. If Abp. Lefebvre had not taken matters into his own hands and consecrated bishops, none of these duties could be fulfilled. What would become of the seminarians? And without future priests, as it would be difficult, if not impossible, to find diocesan bishops willing to work with the SSPX, what would become of the faithful attached to Society chapels, schools, and communities?

They might find other solutions, but this does not change the fact that the situation had the potential to disrupt the lives of thousands, if not tens of thousands, of third parties and affect the exercise of their canonical rights. If the rights of third parties are injured by a command, then that command is necessarily unjust, and the law itself expresses this point: "An administrative act, even if it is a rescript given *motu proprio*, lacks effect insofar as it injures the acquired right of another..., unless the competent authority has expressly added a derogating clause" (c. 38). Because the Apostolic See, by prohibiting the consecrations, did not expressly make provisions for the third parties likely to be affected, the command is unjust and lacks effect. Given that there is no doubt as to the injustice of John Paul II's prohibition, Abp. Lefebvre was free to simply apply the principle of *epikeia*: a lower, human command conflicted with the obligation to fulfill the duties of his state under divine law, and so the latter obligation takes precedence, while the former disappears.

This is not to say that the SSPX has a right to exist under divine law itself, but simply that because it *does* exist—with the approbation of the Church—, this creates certain obligations related to the state of life chosen by its members, and the obligation to fulfill the duties of one's state is a matter of divine law. Although a priest's incardination into one diocese, order, or institute versus another is a matter of ecclesiastical law, his duty to provide for the spiritual needs of his flock is of divine origin. The justification for the 1988 consecrations is thus identical to that for the 1976 ordinations: when the Church establishes an institution and endows it with a specific mission, the obligations connected with that mission become binding upon members by virtue of

2022.

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

62 *Ecclesia Dei*, 3.

63 *Ibid.*, 2.

divine law itself as part of their duties of state. By invoking the “state of necessity,” Abp. Lefebvre was not only referring to the doctrinal and liturgical situation of the time, but also the juridical situation of the SSPX itself.

The Code of Canon Law recognizes, as does John Paul II in *Ecclesia Dei*, that defenses against accusations of a canonical delict have not only an objective character, but also a subjective one. It would be contrary to the mind of the Church to draw too sharp a distinction between the spiritual and the legal, which is why if there can be different levels of imputability with regard to sins, the same must apply to delicts or crimes. Although the Church does not *directly* decide on the question of subjective imputability in canon law, as that belongs primarily to the (internal) forum of conscience, she does *indirectly* take it into consideration insofar as it affects matters pertaining to the external forum.

Objectively, if Abp. Lefebvre acted out of necessity or grave inconvenience, then he could not be excommunicated (c. 1323 4°); there can be little doubt that this canon applies, given the appeal to *epikeia* explained above and the grave inconvenience that delaying or canceling the consecrations would have caused to many third parties. Nevertheless, if he erroneously believed that these conditions were present, even if he were in culpable error, he would *still* only be subject to a tempered penalty or penance (c. 1324 8°) and could not have incurred any *latae sententiae* censures (c. 1324 §3). Given the history of the negotiations in 1987-88, it is clear, at the very least, that there are many probable reasons against his imputability, and one cannot be punished “unless the external violation of a law or precept...is gravely imputable by reason of malice or negligence” (c. 1321).

Because penal laws must be strictly interpreted (c. 18), and because burdens are to be restricted and favors multiplied, the Church must err on side of no penalty having been incurred. Thus, there is moral certitude that the excommunications incurred by Abp. Lefebvre, Bp. de Castro Mayer, and the four new bishops were null and void.

THE QUESTION OF COMMUNION

The canonical status and situation of the Society of St. Pius X has remained a mystery to many due to the lack of precision in documents issued by the Apostolic See on the matter. As has been demonstrated, the canonical proceedings regarding the alleged suppression, suspensions, and excommunications were nothing short of irregular, contradictory, and unjust, and subsequent attempts to clarify the situation have only caused more confusion for the faithful. Those for or against the Society will have no problem taking quotes from ecclesiastical documents out of context and using them to support their positions, but such an approach cannot be reconciled with the Church's rejection of positivism, as the canonical situation of the SSPX can only be understood in light of long-standing principles of Catholic jurisprudence.

Despite the fact that the 1988 consecrations were clearly not a schismatic act, many saw them as the clear consummation of a gradual schism that had begun in the mid-1970s, leading to the belief, widely-held for many years, that the SSPX was in schism. This misunderstanding began with John Paul II's *Ecclesia Dei* itself, in which he exhorts those connected with the Society to stop supporting Abp. Lefebvre's "movement," reminding them that "formal adherence to the schism is a grave offense against God and carries the penalty of excommunication."⁶⁴ Calling the SSPX, a properly established society of apostolic life, a "movement" is misleading and politically-charged: in addition, Fr. Franz Schmidberger had been Superior General since 1982, so this "movement," if such a descriptor is accurate at all, was no longer even headed by Abp. Lefebvre.

To add insult to injury, the Roman Commission envisaged by Abp. Lefebvre in the 5 May 1988 protocol was established after all and given the name *Ecclesia Dei* "for the purpose of facilitating full ecclesial communion of priests, seminarians, religious communities or individuals until now linked in various ways to the Fraternity founded by Mons. Lefebvre."⁶⁵ The usage of the term "full communion" enjoys no basis in canonical tradition and is entirely a novelty, invented in modern times to facilitate ecumenism with non-Catholic sects, exemplified by the controversial canon 844 of the 1983 Code,⁶⁶ and it is often used sloppily to describe the situation of the SSPX.

On 21 January 2009, the Prefect of the Congregation for Bishops, Giovanni Battista Cdl. Re, with the express approval of Pope Benedict XVI, remitted the 1988 excommunications. Nevertheless, the decree states that it still desires the "prompt attainment of full communion with the Church on the part of the whole Society of St Pius X."⁶⁷ On 10 March, Benedict XVI himself attempted to clarify: "The remission of the excommunication has the same aim as that of the punishment: namely, to invite the four Bishops once more to return."⁶⁸ This has only added to the confusion because the purpose of excommunication, a medicinal penalty, is to encourage the offender to repent. How can that effect be achieved by the lifting of the censure?

64 *Ecclesia Dei*, 5c.

65 *Ibid.*, 6a.

66 D. Ludwig-Wang, "Canon 844 in Light of Canonical Tradition," *Dorothea Ludwig-Wang*, 27 October 2020.

67 Congregation for Bishops, *Decree Remitting the Excommunication "Latae Sententiae" of the Bishops of the Society of St. Pius X*, 21 January 2009.

68 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.

Pope Francis, in more recent years, has continued to use essentially the same language as his Predecessor. On 1 September 2015, he wrote a letter to Abp. Rino Fisichella, who was in charge of overseeing activities regarding the Year of Mercy, granting faculties to SSPX priests to hear confessions, so that the faithful who approach them “shall validly and licitly receive the absolution of their sins.”⁶⁹ However, even here, he explains that he viewed this gesture as part of a process “to recover full communion” due to the “good faith” of the SSPX, a statement he reiterated when he extended this faculty indefinitely beyond the Year of Mercy.⁷⁰

In 2017, a letter was published by the Apostolic See signed by Gerhard Cdl. Müller, Prefect of the Congregation for the Doctrine of the Faith (CDF), and Abp. Guido Pozzo of the Pontifical Commission *Ecclesia Dei* (PCED), with the following statement:

...despite the objective persistence of the canonical irregularity in which for the time being the Society of St. Pius X finds itself, the Holy Father...has decided to authorize Local Ordinaries the possibility to grant faculties for the celebration of marriages of faithful who follow the pastoral activity of the Society, according to the following provisions.⁷¹

The letter goes on to propose that the local ordinary find a diocesan priest to receive the consent of contracting parties while allowing an SSPX priest to celebrate the nuptial Mass. However, when such an arrangement is not possible or desirable, the ordinary may delegate the faculties for the marriage itself directly to the SSPX priest. Despite the claims about a lack of “full communion,” these actions demonstrate unequivocally that the SSPX cannot be in schism, and so the usage of the term “full communion” remains somewhat unclear.

Faculties, or jurisdiction, may be supplied to schismatic ministers in certain situations and contexts: for example, if a Catholic driving down a highway in Greece were to get into a car accident and find himself in danger of death, he is permitted to request absolution from an Orthodox priest if no Catholic one is available, provided that scandal and indifferentism can be avoided (c. 844 §2). For the sake of the Catholic’s soul, the Church supplies jurisdiction to the schismatic priest, in keeping with her supreme law being the salvation of souls (c. 1752). While a schismatic minister may be temporarily authorized to act in the name of the Church for the spiritual good of one of her members, he cannot *habitually* act in the name of a Church that he does not belong to.

Thus, a schismatic cannot possess ordinary or delegated jurisdiction. Ordinary jurisdiction is attached *eo ipso* to an ecclesiastical office, which a non-Catholic is incapable of holding; delegated jurisdiction is granted to a priest by the competent superior (c. 131), which is likewise inapplicable to non-Catholics who have no Catholic hierarchical superior. By delegating faculties to SSPX priests for confessions and allowing local ordinaries to handle marriages and nuptial

69 Francis, “Letter of His Holiness Pope Francis according to which an indulgence is granted to the faithful on the occasion of the extraordinary jubilee of mercy,” 1 September 2015.

70 Francis, *Misericordia et misera*, 12.

71 G. Müller and G. Pozzo, “Letter of the Pontifical Commission ‘Ecclesia Dei’ to the Ordinaries of the Episcopal Conferences concerned on the faculties for the celebration of marriages of the faithful of the Society Saint Pius X,” 27 March 2017.

Masses, Pope Francis has demonstrated unequivocally that the SSPX is Catholic, part of the Church's hierarchical structure, and bound by her laws.

This is not something that can be done for schismatics, the temporary application of *Ecclesia supplet* strictly on a case-by-case basis notwithstanding, and so if the SSPX can habitually act in the name of the Church, then its priests must first and foremost be members of the Church. The delegation of faculties cannot be extended as an olive branch for the restoration of communion but can only be done after a true communion has *already* been established. Thus, the only reasonable explanation for the sloppy use of the term “full communion” is that Pope Francis desires to make an already-existing communion, which the faculties presuppose, more *manifest* through the resolution of *doctrinal* issues which have no bearing on canonical status.

This corresponds exactly to what Benedict XVI said on this matter in the aforementioned letter clarifying the remission of the excommunications: “...the interested parties [i.e. the bishops] had expressed their recognition in principle of the Pope and his authority as Pastor, albeit with some reservations in the area of obedience to his doctrinal authority and to the authority of the Council.”⁷² There was no question of schism, because the bishops—and with them, the entire Society—unequivocally profess belief in Roman primacy, and thus, even if one were to consider them disobedient, their disobedience never created a schism, a crime which differs from simple disobedience in kind, not only in degree.

Notably, Benedict XVI did not demand that the bishops “withdraw...from contumacy” (c. 1358 §1), which is required before a censure can be lifted. Given that the views of the bishops about the consecrations did not change at any point before or after 2009, one may conclude that there was no damage or scandal caused, because there has never been a schism. To this very day, the SSPX maintains that the original excommunications were null and void, because the consecrations were justified through an appeal to *epikeia* as a result of necessity and grave inconvenience.

While Benedict XVI may not have explicitly declared the excommunications invalid, he did *implicitly* nullify at least Cdl. Gantin's appeal to canon 1364 in the original decree of excommunication issued in July 1988. When he “invite[s] the four Bishops...to return,” he refers to *doctrinal* concerns regarding the Second Vatican Council: “...until the doctrinal questions are clarified, the Society has no canonical status in the Church, and its ministers...do not legitimately exercise any ministry in the Church.”⁷³ He reorganized the PCED so that it could work more closely with the CDF, headed by the same Prefect.⁷⁴ Pope Francis went a step further and suppressed the PCED entirely in 2019, assigning its work to a new section of the CDF.⁷⁵

Insofar as doctrinal disagreements on the Second Vatican Council, which themselves have no bearing on canonical standing, remain, it can certainly be said that there is some lack of *manifest* unity, even if no one can be accused of actually severing communion with the Church. As the purpose of this study is not to discuss these doctrinal issues, it suffices to note that the

72 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.

73 *Ibid.*

74 Benedict XVI, *Ecclesiae unitatem*, 6a.

75 Francis, *Apostolic Letter in the form of Motu proprio on the Pontifical Commission “Ecclesia Dei,”* 19 January 2019.

issues of religious liberty, ecumenism, and collegiality are non-binding and open to free discussion, as Abp. Pozzo of the PCED clarified in 2016.⁷⁶ Any references to a lack of “full communion,” the term itself being a novelty, must be read in light of the distinction between doctrinal and canonical issues. Having established that the SSPX is not, and has never been, in schism, what remains to be discussed is its current canonical status in the Church and the legitimacy of its ministry.

⁷⁶ M. Hickson, “Abp. Pozzo on SSPX: Disputed Vatican II Documents Are Non-Doctrinal,” *OnePeterFive*, 9 August 2016, <https://onepeterfive.com/abp-pozzo-on-sspx-disputed-vatican-ii-documents-are-non-doctrinal/>.

A CASE FOR REGULARIZATION

Having established with moral certitude that the SSPX is not in schism, the question of “canonical irregularity,”⁷⁷ an imprecise term whose definition depends heavily on the context in which it is used, must be addressed: does the SSPX possess an “irregular canonical status,” as some have claimed, or is it merely in a somewhat irregular *situation* as regards certain aspects of the ministry of its priests?

The concept of “canonical status” is applicable to both individuals and institutions. For an individual, one’s status is a reflection of certain characteristics that render one eligible (or not) for certain things: if a person wishes to enter the novitiate, for example, then he must show proof that he is free to do so (c. 645). Before a minister assists at a marriage, he must determine that both parties are free to enter into the marriage contract (c. 1114), which means that there are no impediments to validity. Likewise, if a person obtains a declaration of nullity for his putative marriage, then the declaration serves to prove his canonical status as one who is free to marry.

It is possible for an individual priest to possess an irregular status: an irregularity refers to a perpetual impediment to the licit reception or exercise of orders that must be removed by dispensation (c. 1040). If a man seeking ordination enters an SSPX seminary, then the superiors will examine the candidate to determine whether he is free from all impediments and irregularities and obtain any dispensation(s) that might be necessary. This means that once a man actually becomes a priest, the faithful can have moral certitude that he is *not* irregular, and the delegation of faculties for confessions and marriages in recent years proves that SSPX priests are not in that state.

The accusation of having an “irregular canonical status” is not usually leveled against individual SSPX priests, as such an accusation is clearly ridiculous, but against the SSPX as an institution. This accusation, however, is even more absurd, because there is no such thing as an institution that possesses an irregular status: it either exists and has juridic personality or it does not. The SSPX has juridic personality due to the recognition of its statutes (c. 117), which clearly define it as a society of common life, and this recognition was never revoked. The term “society of common life” has been replaced with “society of apostolic life” in the 1983 Code, but the meaning remains essentially the same (c. 731).

Although the status of the SSPX itself is clear, and the status of its priests is perfectly normal, there is one aspect of the general *situation* that may be loosely described as “irregular.” In this sense, the word “irregular” simply describes the situation as *extraordinary*, meaning that it lies outside the cases normally foreseen by canon law. The SSPX does not have a relationship with the local ordinaries as envisaged by the law, which requires that it obtain permission from the diocesan bishop before erecting a house within his territory (c. 733 §1). And while clerics are normally incardinated into the Society itself, they must follow the regulations for secular clerics with regard to priestly formation and the reception of orders (c. 736 §2) and coordinate with the diocesan bishop regarding matters of public worship and the care of souls (c. 738 §2).

77 G. Müller and G. Pozzo, “Letter of the Pontifical Commission ‘Ecclesia Dei’ to the Ordinaries of the Episcopal Conferences concerned on the faculties for the celebration of marriages of the faithful of the Society Saint Pius X,” 27 March 2017.

SSPX members do not fulfill some of these requirements: when permission cannot be obtained for establishing a new house, chapel, or community, they often move forward anyway, responding to the needs of the faithful. Concerning their ministry within the territories of certain dioceses, they do not always coordinate with the local bishops on matters of public worship and the care of souls, a fact that has become even more evident given recent attempts, such as Pope Francis's *motu proprio Traditionis custodes*, to restrict the usage of the traditional rites. While the SSPX tries to work with the bishops insofar as it is possible, this is sometimes impossible due to the latter's false assumptions about the Society's legitimacy. Aside from confessions, faculties for which have been delegated directly by the pope, and marriages and nuptial Masses, for which permission may be granted by the local ordinaries, SSPX priests usually have not received jurisdiction for the other sacramental and juridic acts that require it.

Here it is necessary to make a distinction between the internal structure of the SSPX itself and its external relations with the local dioceses. The Superior General is an ordinary with jurisdiction over his own subjects (i.e. the members of the Society), but he is not a *local* ordinary, in contrast a bishop governing his diocese, because he does not enjoy *territorial* jurisdiction (c. 134 §§1-2). Thus, one must distinguish between the *ordinary* jurisdiction of the Superior General with respect to his own subjects and the *delegated* jurisdiction that SSPX priests need to minister to the faithful residing within a diocese. For example, the Superior General has the faculty to dispense SSPX members from private vows by virtue of his office (c. 1196 2°), but an SSPX priest needs delegated jurisdiction to do this for members of the faithful because they are not pastors of territorial parishes.

For acts that require delegated jurisdiction, the SSPX priests ministering to the faithful within the territory of a diocese would normally receive it from the diocesan bishop. While the pope has the right to bypass the local bishops by granting jurisdiction directly to all SSPX priests for confessions anywhere and everywhere, he left the question of marriages and nuptial Masses to the local ordinaries, thus illustrating the need to normalize relations at the local level. Unfortunately, the diocesan bishops, with certain exceptions, have usually not delegated faculties for other acts, including the celebration of the Mass. This raises a problem, because jurisdiction is no small matter: depending on the act, it is required either for validity (e.g. confessions and marriages) or liceity (lawfulness).

Does this mean that SSPX confessions and marriages until recently were invalid, and the other sacraments illicit through the present day? This is not the case, because the SSPX relies on *supplied* jurisdiction, which is a tacit and immediate delegation of jurisdiction under certain conditions by the Church herself to a minister when it is lacking. For example, if a priest is not aware that his faculties have expired, jurisdiction is supplied for the internal forum, rendering the acts placed within that forum valid (c. 142 §2); likewise, in danger of death, a priest who “lacks the faculty to hear confessions” still “absolves validly and licitly...from any censures and sins, even if an approved priest is present” (c. 976).

Canon 144 §1 addresses two cases in which the Church supplies jurisdiction for both the internal and external forum, which are factual or legal common error and positive and probable doubt of fact or law. Factual error occurs when a minister is assumed to have jurisdiction although he lacks it; legal error occurs when, for example, a case is assumed to fall under his jurisdiction although it does not. In such cases, the Church supplies (*Ecclesia supplet*) the

necessary jurisdiction both for the salvation of souls and the more immediate end of canon law, which is the maintenance of public order. The same applies when there is positive doubt about whether one has jurisdiction (doubt of fact) or whether a case falls under one's jurisdiction (doubt of law), and it is more probable that the person possesses the power.

Aside from these cases explicitly addressed, the Code indicates that there are other cases of necessity unforeseen by the legislator, in which one must make recourse to "canonical equity" (i.e. *epikeia*), by analyzing "laws issued in similar matters" and "general principles of law" (c. 19). The law does not foresee a case such as that of the SSPX, a society of apostolic life which has been consistently treated so unjustly over the course of half a century that most of the world's bishops assume that it is either schismatic, suppressed, or "canonically irregular." When diocesan bishops refuse to grant permission to establish communities and delegate jurisdiction to SSPX priests, they act either ignorantly or erroneously, rendering their decisions unjust. Thus, there is a situation in which the faithful wish to seek out SSPX priests for the sacraments (and that is their canonical right), but the local ordinaries unjustly refuse to make provisions.

When the ordinary means of exercising their ministry are impeded, SSPX priests must seek out extraordinary ones: canon law cannot and does not foresee their particular situation, so they must follow the norm contained in canon 19 for resolving a *lacuna legis* and apply the principle of *epikeia*. The "laws issued in similar matters" illustrate that the Church is generous: canon 844 §2 indicates that there can be other cases of necessity apart from danger of death which would allow the Church to supply jurisdiction even to validly ordained, non-Catholic priests whenever "it is physically or morally impossible" to approach a Catholic one. Canon 1335 emphasizes this generosity even further: if a priest has incurred an undeclared *latae sententiae* censure that prohibits certain sacramental or juridic acts, that censure is suspended whenever a member of the faithful, for "any just cause," requests those acts.

A multitude of examples can be considered in light of these principles, though it is impossible to cover them all, as supplied jurisdiction ultimately applies on a case-by-case basis. If a member of the faithful is not aware of the laws on jurisdiction and approaches an SSPX priest in good faith, then canon 144 §1 simply applies. If there is a state of necessity that would bring about "any just cause" for the faithful to request the ministry of an SSPX priest, then they have the right to make such a request, and the Church must supply. If it is physically or morally impossible to approach any other priest, then one can seek out an SSPX one with the assurance that the acts performed will be both valid and licit due to supplied jurisdiction.

Moral impossibility applies when one cannot "observe the law without serious injury or loss to oneself or a third party."⁷⁸ This would occur, for example, if a member of the faithful finds that he cannot in good conscience seek out the sacraments from other priests due to doubts about the validity of liceity of the new rites, doubts which are sometimes expressed among those who frequent SSPX chapels. Regardless of the legitimacy of these theological opinions, some of which conflict with official positions taken by the Society itself, the law considers not only the objective but also the subjective. Compelling a person to violate the sincerely held dictates of his conscience would cause a loss of interior peace or even the state of grace in some cases, and such goods are greater than following the letter of merely ecclesiastical laws.

78 J. McHugh and C. Callan, *Moral Theology* (New York: Wagner, 1929), 1:318.

While the “state of necessity” argument made by the SSPX is not addressed explicitly in the Code as a reason for supplying jurisdiction, it may be logically deduced from the principles contained in canon 844 §2 (which, despite its flaws, does explain several legitimate principles) and canon 1335. The citation of these two canons must not be misconstrued as evidence that SSPX priests are non-Catholic or laboring under undeclared *latae sententiae* penalties; they simply serve to demonstrate a point. If *even* those less worthy ministers can receive supplied jurisdiction under similar circumstances, and the greater includes the lesser, then it is only fair that SSPX priests—who are neither non-Catholic nor under canonical censure—should enjoy the same rights and privileges. According to laws issued for similar circumstances and the general principles of Catholic jurisprudence, one may conclude based on canon 19 that SSPX priests legitimately perform sacramental and juridic acts due to supplied jurisdiction.

Exceptions to the law are normally subject to strict interpretation (c. 18), but when the exception grants a favor, and broad interpretation is not unreasonable, then one ought to apply the maxim that burdens are to be restricted and favors multiplied. It is not unreasonable to broadly interpret the laws on supplied jurisdiction (as long as they apply to Catholic ministers⁷⁹) because by their very nature, they are directed to the salvation of souls, the supreme law of the Church (c. 1752). Even if it is only probable, as opposed to morally certain, that SSPX priests possess supplied jurisdiction, then one must conclude that they do (c. 144 §1). Ultimately, the law exists for man, and not man for the law—and when a priest, whose duty it is to minister to the faithful under divine law, recognizes the existence of an unjust ecclesiastical prohibition, he may conclude that the greater obligation supersedes the lesser.

Having established that the SSPX possesses canonical status and legitimately applies the Church’s laws on supplied jurisdiction to unforeseen circumstances, the question must be asked: why is there still a need for a regularization? The answer is that such a regularization would be accomplished simply through the explicit delegation of faculties for the sacramental and juridic acts that SSPX priests regularly perform, whether by the Apostolic See or the local ordinaries, and the normalization of relations with the dioceses. It may also be opportune for the pope to exempt the Society from the governance of the local ordinaries (c. 591), at least until the common misunderstandings about its canonical status and situation are resolved. This is all, of course, predicated upon a declaration of the nullity of the 1975 suppression and the censures allegedly incurred in prior decades, which justice itself demands.

79 The same, however, does not apply to non-Catholic ministers; in the case of canon 844 §2, one must apply strict interpretation to this exception despite the fact that it grants a favor because broad interpretation would be unreasonable and lead to religious indifferentism and scandal. See D. Ludwig-Wang, “Canon 844 in Light of Canonical Tradition,” *Dorothea Ludwig-Wang*, 27 October 2020.

CONCLUSION

One need not recognize the current crisis in the Church or agree with the Society's theological views in order to acknowledge, on a purely juridical level, the application of the principle of *epikeia* throughout the Society's history. Simply put, the "state of necessity" need not be applied to the general liturgical and doctrinal situation in the Church in order to apply to the SSPX itself. If an institute is unjustly prevented from carrying out its authorized mission, and its activities are erroneously deemed illegitimate by the ecclesiastical authorities, then it is perfectly logical to conclude that there is a state of necessity brought about by these obstacles, rendering it licit to set aside lower laws in favor of a higher obligation.

The divine law obliges all men to fulfill the duties of their state of life, and for bishops and priests, these duties are intrinsically connected to their participation in the Church's threefold mission of sanctifying, teaching, and governing. This is the essence of the Society's mission, which began with one seminary desiring to form holy priests, and which subsequently developed into an international apostolate administering the sacraments and establishing chapels, schools, seminaries, and communities all over the world. As has been demonstrated, the SSPX was founded as a society of common life—known today as a society of apostolic life—under canon 673 of the 1917 Code by the local ordinary of Fribourg in 1970 and officially recognized as such by the Apostolic See in 1971. None of this changed in 1975, despite a failed attempt to suppress the Society, which means that its original mission remains valid down to the present day.

Should the command or law of a merely human authority prevent the fulfillment of this mission, it would be licit to set aside the former to safeguard the latter. The seemingly illicit ordinations and episcopal consecrations were simply performed to ensure the survival of the Society and the continuation of its mission. There was no attempt to establish a parallel hierarchy or lay claim to an *extraordinary* mission: on the contrary, the *ordinary* mission simply had to be fulfilled in an extraordinary way due to the state of necessity. This is the same principle that justifies the sacramental and juridic acts performed by SSPX priests, even apart from confessions and marriages. A regularization, therefore, would simply entail an explicit recognition of the legitimacy of what has been expounded above, along with the granting of jurisdiction for all sacramental and juridic acts and a normalization of relations with the local bishops.

At a fundamental level, the dispute regarding the legitimacy of the SSPX and the ministry of its priests is rooted in two essentially different visions of ecclesiology. Is the Church a perfect society established by Our Lord for the salvation of souls, whose shepherds are equally subject to divine law as everyone else, or is she a merely human dictatorship in which leaders can arbitrarily govern and punish according to their personal whims? The Society of St. Pius X has taken the proper Catholic view, while its detractors have taken the opposite, and the fact that diocesan vocations decline while the SSPX grows brings to mind Our Lord's words: "You shall know them by their fruits" (Matt. 7:16).

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