

THE CRISIS OF THE CHURCH / 2

Lefebvrians: excommunication lifted but schism stands

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The reference to Pius XII's exhortation *Ad Apostolorum principis*, which we quoted in the previous [article](#), is certainly not the Magisterium's only claim to the exclusive prerogative of the successors of Peter to be able to appoint, consecrate (normally through others),

and send bishops. Note the three distinct aspects, all of which fall under the primacy of the Pope.

In the face of the claim by the Chinese Catholic Patriotic Association to "*elect* bishops on its own initiative, asserting that such election would be indispensable to provide with due solicitude for the good of souls" and in the face of the conferring of episcopal *consecration* on certain clergymen "against an explicit and severe warning directed to those concerned by this Apostolic See", Pius XII did not merely recall the ecclesiastical laws and censure the submission of these Catholics to the Chinese Communist regime, but claimed a precise divine right for the Apostolic See, which includes the very appointment of bishops. It was by virtue of this *divine right*, protected by canonical law, that the Pope excluded the possibility that any circumstances - including "due solicitude for the good of souls" - might make the appointment of bishops and their consecration licit against the will of the Pope.

Pius IX, as we have seen, having had to face the complaints of the Armenian Church for having refused the trio of names proposed by them for an episcopal consecration, was not to be outdone. And even Pius VI, in a [Brief](#), packed with testimonies of Sacred Tradition in this regard, reiterated "the obligation that Bishops have *to ask for* and *to bring back* from the Roman Pontiff *the confirmation*" of episcopal appointments, to those bishops who had signed the Exposition on the Principles of the Constitution of the Clergy of France during the Jacobin regime.

The aforementioned should be more than sufficient to understand that under no circumstances is it licit to proceed with an episcopal appointment against the advice of the Apostolic See, precisely because this prerogative belongs by divine right to the sole legitimate successors of Peter. For this reason, Pius XII, in the same exhortation, applied to illicit episcopal ordinations the phrase from the Gospel of John (10, 1): "He who does not enter the sheepfold by the door, but enters it by another way, is a thief and a robber". The bishop who appoints and consecrates new bishops against the will of the Pope is stealing a prerogative that does not belong to him. And no one, not even the Pope, for any reason, has the power to contradict divine law.

Therefore, the argument that Archbishop Marcel Lefebvre is not schismatic because he did not want to hand over jurisdiction, but only the power of order, does not hold water, because episcopal appointment and consecration are also reserved to the Apostolic See, which then also has the prerogative to confirm or not confirm the consecration; it is in fact up to the Head of the College alone to accept a bishop into the College or reject him. Unfortunately, Archbishop Lefebvre has usurped the Pope's

primacy across the board.

The above argument is also unacceptable for another reason: the power of order and the power of jurisdiction are certainly distinguishable from each other, but they are not separable. As P. L.-M. De Blignières had shown (in *Réflexions sur l'épiscopat "autonome"*, Supplemente doctrinal no. 2 à "Sedes Sapientiae", June 1987, downloadable [here](#)), "the episcopate entails a relationship to the regency of the Church that is essential to it". Following the teaching of St Thomas, the episcopate differs from the presbyterate in that it "does not ordain directly to God, but to the mystical body of Christ" (*Summa Theologiae*, Suppl. q. 38, a. 2, ad. 2). The fullness of priesthood conferred on the bishop implies that he is essentially ordained to the government of the Church. We refer back to the article for all the appropriate citations that ground these statements; here we recall only one: "A very large number of liturgical documents, in the prayer of episcopal consecration, indicate the 'charism' of the bishop as a 'spiritual grace of the head'" (J. Lecuyer, cit. in *Réflexions sur l'épiscopat "autonome"*, footnote 22).

It is for this reason that the Pontifical provides for the apostolic *mandatum* to be requested before proceeding with the consecration rites. Episcopal ordination communicates an aptitude for the governance of the Church and thus an aptitude for jurisdiction, even if in practice not all bishops exercise jurisdiction. A bishop without any destination to the governance of the Church, voluntarily deprived of this destination, is in essence a contradiction; and a bishop who conveys an 'autonomous episcopate' (i.e. who wants to convey only the power of order), like the candidate who receives it, is dividing something that God wanted to unite and therefore, again, acts against divine law.

In any case, assuming for the sake of argument the possibility of separating the power of order from that of jurisdiction, it must still be admitted that even for the consecration alone, the Pope's prerogative to appoint the candidate always intervenes.

The point is that, while not wishing to pass on any jurisdiction, the consecrations of 1988 were carried out precisely with the aim of removing themselves from the jurisdiction of the Pope, which lawfully prohibited those consecrations; the SSPX also chose to remain independent in order to "maintain Tradition". No matter how noble the end may be, it is still a schismatic act; because schism has never been defined as the will to communicate something that belongs to the Pope (such as jurisdiction), but as "the refusal of submission to the Supreme Pontiff or of communion with the members of the Church subject to him" (CIC, can. 751, also CIC/1917, can. 1325 and *Summa Theologiæ* II-II, q. 39, a. 1).

This passage is crucial. First of all, a schism is not the theoretical rejection of the primacy of Peter (this would be heresy), but the practical refusal to submit to his authority, when it is legitimately exercised; a schism consists in being separated from the government of the Catholic Church, which is an obligatory condition for belonging to the Church. As, the SSPX has rejected this authority not only by carrying out and approving the episcopal consecrations in 1988, but by continuing to remove itself from the government of the Pope and the bishops in communion with him, taking no account of canonical sanctions (all the priests of the SSPX Fraternity remain suspended *a divinis* and therefore cannot legitimately exercise their ministry), refusing any protocol of regularisation.

A very serious usurpation of the Pope's and the Ordinary's authority is the St Charles Borromeo Canonical Commission, through which the SSPX attributes to itself the power to remove censures, pronounce on the validity of marriages, dispense from vows, usurping rights that belong only to the Ordinary or the Holy See. Lefebvre himself, who theoretically did not want to hand over jurisdiction, in a letter written to the then Superior General, Franz Schmidberger, on 15 January 1991, explicitly stated, with reference to the aforementioned Commission, that it was necessary "to establish substitute authorities", for as long as "the current Roman authorities are impregnated with ecumenism and modernism and their decisions and the new Code of Canon Law are influenced by these false principles". Lefebvre had essentially intended to give the SSPX the necessary jurisdiction for the above acts, contradicting himself and usurping the prerogatives of the Apostolic See and the legitimate Ordinaries.

The members of the SSPX also refuse to communicate *in sacris* with those who are in communion with the Pope and the local bishop, even when it comes to the ancient rite of the Mass; the Fraternity erects churches, seminaries, monasteries and consecrates altars without taking into account the legitimate authority of the local bishop over these

things. In short, the SSPX has organised itself precisely to be independent of the jurisdiction of the pope and the legitimate bishops; but the true name for total independence from the authority of the pope and the local bishop is "schism".

Nor is the schism undermined by the fact that Benedict XVI, on 21 January 2009, had lifted the excommunication of the four bishops consecrated by Lefebvre - Bernard Fellay, Bernard Tissier de Mallerais, Richard Williamson (no longer a member of the SSPX) and Alfonso de Galarreta - **explaining** the meaning of this act, namely to remove the "spiritual discomfort manifested by those concerned due to the sanction of excommunication", in order to facilitate "the necessary talks with the Authorities of the Holy See" on the issues still open (at the time).

The remission of an excommunication does not by itself put an end to a schism; a schism ends when schismatic positions, such as those briefly listed above, cease to exist, whereas in the SSPX they persist and thus demonstrate contumacy. One salient example: on 7 December 1965, Paul VI lifted the excommunications that had been hanging over the Orthodox since the schism of 1054. This act did not end the schism, evidently, because the Orthodox still do not recognise the Pope's prerogatives either in theory or in practice. This is not a contradiction: these pontiffs wanted to remove the canonical impediments to full communion so that the realities involved could take concrete steps to enter into communion with the Catholic Church. But these steps were not taken. The refusal of the then Superior General of the SSPX, Msgr Bernard Fellay, to accept the Protocol of Agreement, as well as the fact that nothing has changed in their positions, keeps the Fraternity in a schismatic situation.

In the next article we will try to understand why the priests of the SSPX carry out an illicit ministry and what the consequences of this attitude are.