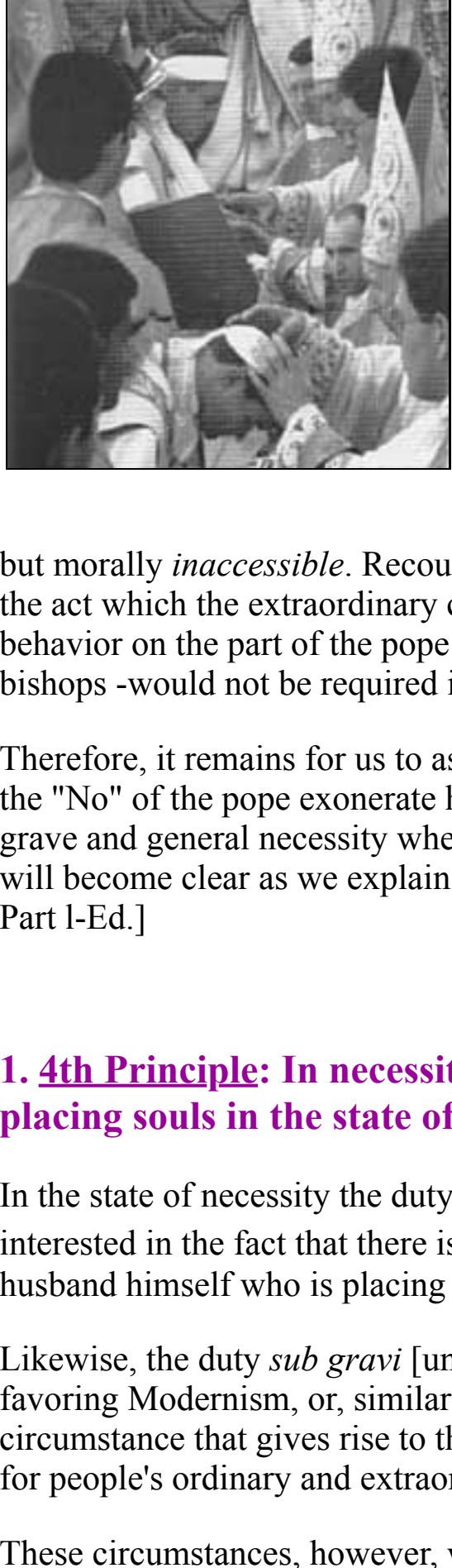




The 1988 Consecrations



This issue of the *Angelus* English-Language edition of *SISINONO* is the second part of a series of two studies - one theological and one canonical - regarding the "state of necessity" invoked by Archbishop Lefebvre to justify his consecration of four bishops on June 30, 1988. These remarks are for those who admit the existence of an extraordinary crisis in the Catholic Church but do not know how to justify the extraordinary action of Archbishop Lefebvre on June 30, 1988 when, lacking permission from Pope John Paul II, he transmitted the power of episcopal orders to members of the Fraternity founded by him.

THEOLOGICAL STUDY – PART II. SOLUTION OF THE PROBLEM POSED BY THE POPE'S "NO"

A. The Pope's "No"

We saw in the first installment of this article (*SISINONO*, "The 1988 Consecrations: Part I," *The Angelus*, July 1999) that a bishop who experiences a state of grave general necessity of souls and consecrates another bishop "given that he has the power of Order" (St. Thomas Aquinas, *Supplement*, Q.20, A.1, *op.cit.* in, "The 1988 Consecrations: Part I") is not against the primacy of jurisdiction of the pope. We have seen that he has every right to presume support for such an act required by extraordinary circumstances "in order that adequate provision be made" (*ST, op. cit.* in Part I) for the salvation of souls and for the common good. The salvation of souls is in fact the supreme law of the Church and it is certain that the Church "supplies" the jurisdiction lacking whenever it is a question of providing for the "public and general necessity of the faithful" (F.M. Cappello, SJ., *Summa Juris Canonici*, vol. I, p.258, n.258, §2, *op. cit.* in Part I).

It makes no difference to what we have just said if recourse to the pope is made materially impossible by external circumstances, as in the historical cases recalled by us [in Part I].

But it is the pope himself who is favoring or promoting a course for the Church infected by neo-Modernism which threatens the goods fundamental to souls, goods indispensable for the salvation of souls, e.g., faith and morals. If the pope himself is the cause or partial cause, and even, given his supreme authority, the *ultimate* cause of the grave and general spiritual necessity in which there is no hope of help from the lawful pastors, then what effect will recourse to the pope obtain in such circumstances? He will be *physically* accessible, but morally *inaccessible*. Recourse to him will be certainly *physically possible* but *morally* impossible, and if it is attempted, it will result naturally in the pope's saying "No" to the act which the extraordinary circumstances require "in order that adequate provision be made" (*ST, op. cit.* in Part I) for the grave general necessity of souls. Any different behavior on the part of the pope presumes, in fact, repentance and a humble admission of his own responsibility given that the act in question - i.e., the consecration of bishops - would not be required if the pope himself was not in some measure co-responsible for the state of grave and general necessity.

Therefore, it remains for us to ask if the subject in such circumstances is bound to obey the "No" of the pope despite the harm threatening so many souls. In other words, does the "No" of the pope exonerate him from the duty under pain of mortal sin imposed by divine law upon whomever has the possibility to provide help for souls in the state of grave and general necessity where there is no hope of help from lawful pastors? This is the question that finds its answer in the Catholic Church but do not know how to make clear as we explain the fourth, fifth, sixth, and seventh principles of the Church's teaching on this point. [The first, second, and third principles were discussed in Part I-Ed.]

1. 4th Principle: In necessity the duty to help is independent of the cause of the necessity and hence is binding be it the superior himself who is placing souls in the state of necessity

In the state of necessity the duty to provide help arises independently of the cause of that necessity, because "charity does not look where the necessity comes from, but is only interested in the fact that there is necessity."¹ Thus, in the example we gave above in the sphere of natural law, the wife has the duty to supply for her husband even if it be the husband himself who is placing the family in the state of necessity (*SISINONO*, "The 1988 consecrations: Part I," p.20).

Likewise, the duty *sub gravi* [under pain of mortal sin - Ed.] of helping souls in the state of grave necessity is binding even if it is the bishop of the diocese who is spreading or favoring Modernism, or, similarly, if it is the pope promoting or favoring Modernism in the universal Church. On the contrary, as we have already seen, it is precisely this condition that gives rise to the grave duty of charity because then the state of necessity of souls is without any hope of help from those who *ex officio* should be providing for people's ordinary and extraordinary needs.

These circumstances, however, will have the effect of rendering the duty of help more difficult and perhaps even heroic on account of the easily foreseeable consequences. It will be denied that there is any state of necessity! The rebuke implied in the act of helping the people will draw down upon whoever does so revulsion and unjust accusations. And, since we are dealing with the person of the pope himself, the subject runs into "even graver danger" because "from the abuses of lesser prelates recourse can always be had to the pope,"² but against the pope the only recourse is to God (St. Catherine of Siena).

2. 5th Principle: It is the character of the state of necessity to suspend the superior's power of binding, and if, nevertheless, he attempts to bind, what he commands is not binding

Further applying the example already given regarding natural law, this principle is illustrated by the case of a husband who not only placed his children in necessity or failed to provide for them, but, who, moreover, prevented his wife from providing for them as far as was in her power. It is obvious that in such a case the husband's power to bind would be suspended, and if he attempted to bind, his command would not be binding upon his wife.

The fact that in the case of Archbishop Lefebvre the superior is the pope does not nullify this principle. The Vicar of Christ first and foremost has the duty to provide for the needs of souls, and if he does not provide for them (or, worse, if he himself is the cause or part-cause of the grave and general state of spiritual necessity), that does not entitle him to prevent others from providing as far as they can for the needs of souls. This is especially applicable if the duty to supply is rooted in their own sacerdotal or, still more, *episcopal* state.

The authority of the pope is indeed unlimited, but from *below*, not from *above*. >From above, papal power is limited by divine law, natural and positive. The authority of the pope is "monarchical...and absolute within the limits, however, of divine law, natural and positive" and for that reason "the Roman Pontiff himself cannot act against divine law or disregard it."³ Now, in the state of necessity, divine natural and positive law imposes a duty of charity under pain of mortal sin upon whoever is able to provide help, and in the state of spiritual necessity it imposes this duty above all on bishops and upon priests (as well as on the pope). The pope, as like any other superior, does not have the power to oppose this duty [Suarez, " *deest potestas in legistatore ad obligandum* " *De Legibus*, L. VI, cap. VII, n.11).

That is why it is said that "the state of necessity carries its own dispensation with it because necessity is not subject to law" (SI, II-II, Q.96, A.6). This is not to mean that in the state of necessity it is lawful to do whatever one wishes, but that "the action otherwise prohibited is rendered lawful and permitted by the state of necessity."⁴ This is in order to safeguard higher interests than obedience to the law or to the Superior. In such a case it is not within the power of any superior to demand the observance of the law in the usual way, because to do superior (and still less to the bishop) is granted to exercise authority harmful to anyone else, especially if that harm is spiritual and involves many souls and violates one's duty of state, especially that of a priest or bishop.

Not even God, the Supreme Legislator, is bound in the state of necessity. "That is why Christ Himself excuses David, who in grave danger ate the breads of proposition which the law forbade to eat by Divine Law."⁵ According to this principle, not only do human laws cease to oblige in a state of necessity, but even divine-positive and affirmative divine-natural law cease (e.g., "Honor thy father and mother", "Remember to keep holy the Sabbath Day"). The only law binding in the state of necessity is negative divine-natural law [e.g., "Thou shalt not kill," etc.]. This is because negative divine-natural law prohibits actions that are intrinsically evil and hence forbidden because they are evil, as opposed to actions which are evil only because they are forbidden, such as the consecration of bishops without pontifical mandate.

3. 6th Principle: It is the character of necessity to place the subject in the physical or moral impossibility of obeying

It is certain that God binds nobody in a state of necessity, but the human legislator "can say 'no' without reason and in violation of natural and eternal law"⁶ and therefore they can in fact forbid an action required by the state of necessity. But, since the pope's "No" is powerless to do away with the grave general necessity of souls and hence the associated duty *sub gravi* to go to their help, the subject, especially if he is a bishop or priest, then finds himself in the *moral* and *absolute* impossibility of obeying, because he could not obey without himself sinning and harming others. Hence, it is the character of the state of necessity "to create a sort of impotency whereby it is impossible to do something commanded or not do some thing forbidden."⁷

This is not, in fact, the case of authority not being bound to oblige because "summum ius summa iniuria," or one which issues an inopportune command lacking in prudence, but which nevertheless people could be bound to obey all the same in view of the common good. This is, on the other hand, the case of authority that *cannot* oblige, because its command is opposed to a precept of divine and natural law "more grave and obliging."⁸ In such a case to obey the law or the legislator would be "evil and a sin" (Suarez, *De Legibus*, L. VI, c. VII, n.8). St. Thomas calls obedience in such a case "evil" (SI, II-II, Q.120, A.1). Cajetan refers to it as a "vice" (Cajetan in 1.2, q.96, a.6). Hence, refusal to obey becomes a duty (i.e. "inobedientia debita").⁹

The reality of such a case is not that the subject is *disobeying*. It is better said that he is *obeying* a higher and more compelling command issuing from divine authority, which "commands us to regard higher interests."¹⁰ Human authority, in fact, "is neither the first nor the only rule of morality."¹¹ Earthly authority is a "norma normata," that is to say, a rule itself regulated by divine law, and hence when human authority, "contrary to natural and eternal law,"¹² says "No," then disobeying man in order to obey God becomes a duty.¹³

4. 7th Principle: He who, constrained by the state of necessity, does not obey, is not questioning the lawful exercise of authority

For there to be disobedience, the command or prohibition must be lawful. This is the case when the Roman Pontiff or the Ordinary have the power to make the command or prohibition and, at the same time, the subjects are bound to obey the command or prohibition.¹⁴ But, we have seen: 1) that even for the pope the principle holds that, when the application of a law "would be contrary to the common good or to natural law [and in our case even divine-positive law-Ed]...it is not in the power of the legislator to oblige,"¹⁵ and 2) that the state of necessity, especially the necessity of which we are speaking, creates in the subject "a condition of impotency or impossibility [in this case morally and absolutely-Ed.] of doing a thing commanded or not doing a thing forbidden."¹⁶

Therefore, the command or prohibition of a superior which, by reason of extraordinary circumstances, results in harm to souls and the common good, as well as being contrary to the state of the subject (cf. Suarez, *De religione*, LX, cap.IX, n.4), loses its character of lawfulness and absolves the subject from his duty to obey, "...nor are those who behave in such a way, to be accused of having failed in obedience, because if the will of leaders is repugnant to the will and the laws of God, these leaders exceed the measure of their power."¹⁷

We have already quoted St. Alphonsus that in the state of necessity there is imposed a "divine and natural law to which the human law of the Church cannot be opposed," and hence not even the command of the pope. The primacy of jurisdiction of the pope, therefore, is not in any way called into question by a violation of a jurisdictional law (as we have already seen), nor is it called into question by disobedience motivated by a state of necessity. In fact, the priest or bishop who, constrained by necessity, does not obey the pope is not thereby denying his own subordination to the pope outside the case of necessity, and so he is not refusing authority in its lawful exercise. Similarly, a wife is not denying the authority of her husband outside of the case of necessity, in which she has the duty to supply for him against his unreasonably opposed will.

St. Thomas says that whoever acts in a state of necessity "is not setting himself up as a judge of law" or of the legislator, nor is he even claiming that his point of view is better than that of authority, but he is merely "judging the particular case in which he sees that the words of the law [and/or the command of the legislator - Ed.] must not be observed," because their observance in this particular case would be gravely harmful. Hence, the state of necessity frees the subject from the accusation of arrogating to himself a power that does not belong to him (ST, I-II, Q.96, A.6, ad. 1.2). G. Gerson, for his part, reminds us that "contempt of the keys must be evaluated on the basis of legitimate power and the legitimate use of power."¹⁸

Hence, a priest who does not obey the pope forbidding him to absolve in a state of necessity, or a bishop who does not obey the pope forbidding him to consecrate bishops required by the grave spiritual necessity of many souls threatened in their faith and morals and without hope of help from their lawful pastors, cannot be accused of "contempt of the keys." This is so because the pope's action against divine law (natural and positive) is not making "lawful use" of his authority.

The primacy of the pope means blind submission "without examination of the object" exclusively "in matters of faith and morals," and when the pope expresses himself at that level on which his authority is infallible, therefore, submission to the pope would be subject to the moral norms which regulate obedience. Hence, if the pope exceeds the "measure" of his power, the subjects who obey "God rather than man" are not to be accused of having failed in obedience (cf. Leo XIII, *Duturnum Illud*, available from Angelus Press. Price: \$0.75).

In the case we are considering, Archbishop Lefebvre did not question the right of the Vicar of Christ to exercise control, by virtue of his primacy, over the power of the episcopal order. He simply questioned whether the papal control over episcopal consecrations was able, in the present extraordinary circumstances, to be respected without grave harm to many souls and without grave fault on his own part. These are circumstances in which, as Pope John Paul II himself recognized, "ideas opposed to the revealed and constantly taught truth are being scattered by handbills," when "true and genuine heresies are being spread in the realm of dogma and morals," and when Christians "in large part...lost, confused, perplexed, while being tempted by atheism, by agnosticism, by a vaguely moralistic humanism, by a sociological Christianity without defined dogmas and without objective morals."¹⁹...are generally without hope of help from their lawful pastors.

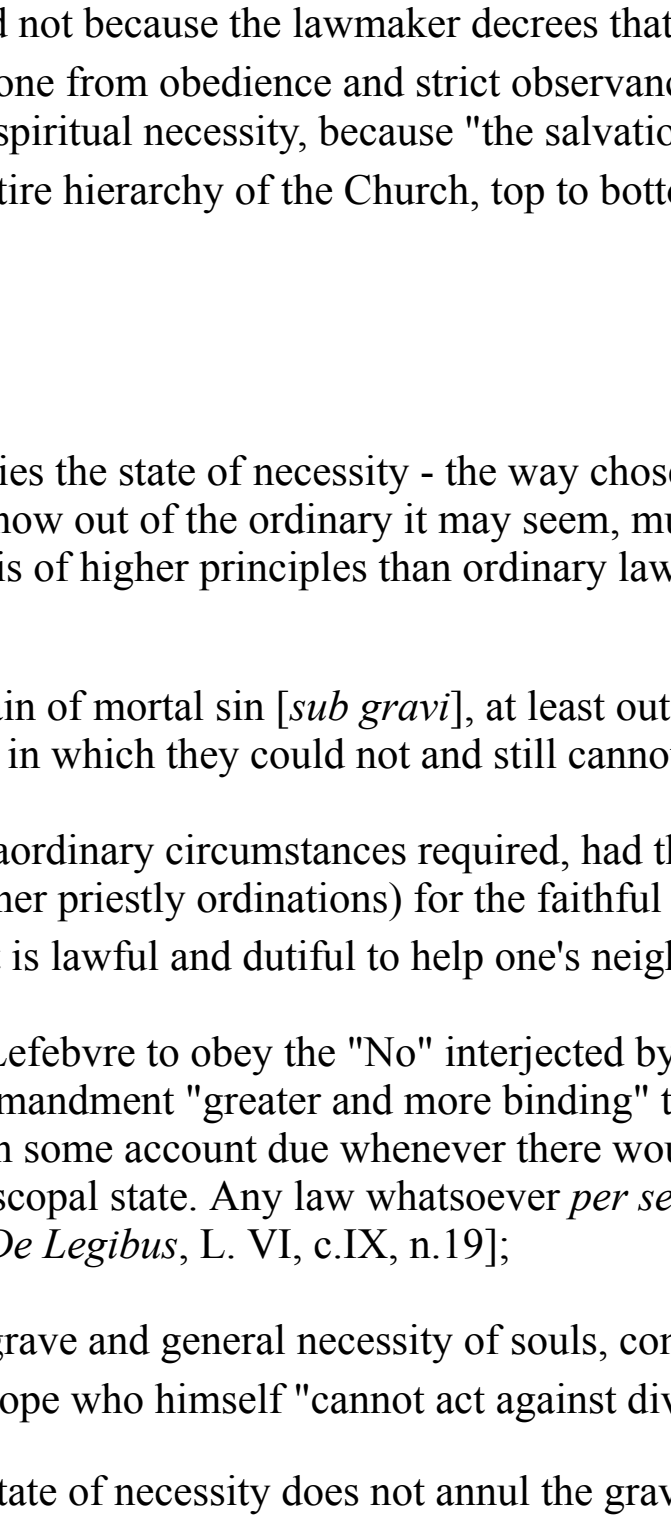
Likewise, Archbishop Lefebvre did not question the Pope's power to command bishops in the interests of the Church and of souls, but he simply questioned whether in the present extraordinary circumstances he could obey the Pope without grave harm to the Church and to souls, and without himself committing a grave sin, since he was under the grave duty of supplying, a duty imposed by charity and rooted in his episcopal state. And, in materially violating the disciplinary norm and the command he had received, he took care to affirm the dogmatic foundation of the primacy of the Holy Father and confine himself strictly within the limits of Catholic doctrine on the state of necessity. This was done in such a way that Cardinal Gagnon himself announced that "Archbishop Lefebvre has not in fact made the claim, 'I have the power to act in this realm.'"²⁰

To maintain that by resisting the Pope's "No" Archbishop Lefebvre was denying the primacy of the Pope, one would have to claim that whoever resists a harmful command on the part of authority is denying authority itself, which is false.

These things having been said, we may now judge the position of those critics of Archbishop Lefebvre who would agree that the pope ought never to forbid an action necessary to save a man in peril of physical death, yet who simultaneously claim the pope has power to forbid an action necessary to help souls exposed to danger of eternal spiritual death. They defend his power [to prohibit an action] in order to safeguard the very primacy that is granted to the pope to save souls, not to damn them.

Gerson says that they are "weak-hearted" who think "that the pope is a god who has all power in heaven and on earth,"²¹ but the critics of Archbishop Lefebvre make the pope - or so it seems to us - more than a god, because not even God issues any command harmful to souls, nor does He insist on being obeyed when souls are being harmed. In reality, these unjust critics are making the primacy of Peter into the supreme law of the Church, which it is not, because that primacy has for its purpose the saving of souls. These critics are bringing papal primacy down to the level of a tyranny and the obedience due to the pope to the level of slavery, and they are making obedience the greatest of all virtues, which it is not, at least according to Catholic doctrine, for which obedience, even to the pope, is subordinate to the exercise of the theological virtues, charity being in the first place.²² St. Thomas, answering the objection that "sometimes to obey we must omit doing what is good," replies that "There is a good which a man is bound to do necessarily, such as loving God or other similar things. And that good *may in no way be neglected out of obedience*" (ST, II-II, Q.104, A.3, ad.3) [emphasis added]. Among these "other similar things" there are in the first place the duties of one's state of life (especially if one is a Catholic bishop) and the love of neighbor, contained as a secondary object within the love of God. In fact, everything in the Church, with its hierarchical constitution, the primacy of Peter and the laws that control the power of Order, have charity as their final purpose, and if "necessity is not subject to law" (ST, *cit.*), it is because it is subject to the supreme law, which is charity. To the law of charity are subject even the Vicars of Christ who have, yes, the primacy of jurisdiction and hence the right to control all other jurisdiction within the Church, but:

...by the divine, indeed even natural, precept of charity, they are bound in this to provide sufficiently for the needs of the faithful (Suarez, *De poenitentiae sacramento*, disput. XXVI, Sect. IV, n.7).



In *Archbishop Lefebvre and the Vatican* you will find a complete set of the documents exchanged between Rome and Archbishop Lefebvre in the time leading up to and immediately following his episcopal consecrations of June 30, 1988. Available from **Angelus Press**. Price \$12.95 plus shipping and handling.

B. A Word on Epikieia

That which is called by the Church "necessary" *epikeia*, or "epikeia" without recourse to the superior²³ rests upon the four principles cited above in this second part of our theological study (pp.18-19). *Epikieia* is being taken here in its broad and correct sense in which it is to be identified with *equity*, which is the highest form of justice (ST, II-II, Q.120, A.1). This true *epikeia* is a virtue concerning precisely "duties arising in particular cases out of the ordinary" (ST, II-II, Q.80), and which therefore comes to be identified in Canon Law with the norms of "cessation" in itself of the law in a particular case" and of "causes excusing" observance of the law and/or obedience to the lawmaker.²⁴ [*Epikieia* (or equity) is a favorable and just interpretation not of the law itself but of the mind of the legislator, who is presumed to be unwilling to bind his subjects in extraordinary cases where the observance of the law would cause injury or impose too severe a burden. - Ed.]

In his *Dictionary of Canon Law*, Naz writes that of St. Thomas Aquinas:

...the coming into play of *epikeia* is subordinate to the existence of a *right*. In fact, in certain cases, the law loses its power to bind - as where its application would be contrary to the common good or to natural law - and in such a case it is not in the power of the legislator to bind or to oblige.²⁵ There is a place for *epikeia* because the will of the legislator either is not able or is not bound to impose the application of the law to the case in question.²⁶

The state of necessity in the case of Archbishop Lefebvre is precisely the case in which the lawmaker cannot impose the application of the law because it has become, by force of particular circumstances, contrary to the common good and to the divine natural and positive law. On his part, under the pressure of a precept of divine natural and positive law, "...the subject [e.g., Archbishop Lefebvre - Ed.] not only may, but he is bound not to observe the law, whether he asks or does not ask for permission to do so from the superior."²⁷

Regarding seeking permissions from the superior, Suarez explains (speaking precisely of the pope) that here, "it is not a question of interpreting the *will* of the superior, but [a question] of his *power*" in order to know what it is not necessary to ask the superior, because it is permitted to make use of "doctrinal rules" or "principles of theology and law,"²⁸ given that "one knows more of more certitude the *power* [of the superior] which is *not* free, rather than his *will*, which is free [emphasis added]."²⁹ For that reason the subject, having prudently examined the circumstances and been informed by the "doctrinal rules" or by the "principles of theology and law" that is "beyond the power of legislation,"³⁰ to bind anyone to respect the law when it causes grave harm to so many souls, and that to obey in such a case would be "evil and a sin,"³¹ he may not - indeed, he *must* not - submit to the law or to the command on his own authority;³² "by his own judgment."³³ Hence, by his own initiative, he refuses submission "without recourse to the superior,"³⁴ that is to say, without any dispensation or approval on the part of the said superior. The reason, writes Suarez, is:

...that in such a case the authority of the superior cannot have any effect; indeed, even if he were to will that the subject, after having had recourse to him, should observe the law, the latter would not be able to obey him because he must obey God rather than man and hence in such a case its is out of place ("impertinens") to ask for permission.³⁵

Such would be the case of the wife who, faced by the grave necessity of her children, does not need the consent of her husband to fulfil her duty to supply, and even were her husband to forbid her to do so, she would not owe him obedience, and hence it would be out of place to ask for his consent, knowing him to be hostile.

Asking if the danger of harm to oneself or to others excuses from obeying, Suarez replies that

...one does not presume in the lawmaker that he has the will to bind in such case and even if he had, it would be without effect. On this point all doctors are agreed who treat of obedience and of laws.³⁶

For the reason, when it is established for certain that the law in a particular circumstance has become unjust or contrary to another command or virtue which is more binding, then the law ceases to oblige and on his own initiative he can disregard the law without having recourse to the superior,³⁷ given that the law in that case could not be observed without sin nor could the superior bind his subject to respect it without sin.³⁸

There remains, however, the duty to avoid scandal of neighbor, and for that reason every opportune and humble means must be attempted with regard to the Supreme Pontiff. But if a humble insistence serves no purpose, then it is necessary to exercise a manly and courageous liberty.³⁹

C. REFUTATION OF MORE FALSE OBJECTIONS

Hence, it is not true that "it is only permitted to use *epikeia* if the legislator is inaccessible," as we read in the tract, *Du sacre episcopal contra la volonté du Pape* (p.49), published by the Fraternity of St. Peter. What it says is true for *epikeia* in the strict or improper sense, but not for *epikeia* in the broad and proper sense. In the case of its improper (or popular) sense, *epikeia* presumes that authority - out of its kindness - does not wish to oblige, although it has the power to do so and hence, if the lawmaker is accessible, there is the duty to ask him, given that it is a question of "his will which is free" (Suarez, *cit.*). On the other hand, *epikeia* in the broad and proper sense concerns those cases in which authority cannot oblige, even if it wishes to do so, and the subject finds himself in the moral impossibility of obeying. Hence, *epikeia* is "necessary" (Suarez), and therefore recourse to the legislator is *per se* not obligatory. Indeed, it must be left out whenever it is foreseen that the superior would try to make his command binding despite the harm to the person making the request or to anyone else. In such a case, in fact, we are dealing not with the will of the superior, but his "power, which is not free" (Suarez, *cit.*).

Even less true is what we read in *De Rome et d'ailleurs* that a "state of necessity" arises when it is impossible to contact the superior, which presupposes a certain urgency in the decision to be taken.⁴⁰ This is true for *epikeia* in the improper or popular sense, but even then it is true only in part because the state of necessity does not arise from the impossibility of contacting the superior, but it exists independently of that impossibility of contacting him, and it persists independently of an eventual refusal from the superior.

To settle the question, we quote Fr. Tito Centi, O.P. as follows:

Moralists have sought to fix the criteria to be laid down for the application of *epikeia*. In substance, these criteria come down to the three following cases: *a)* when in a particular situation, the prescriptions of the positive law are in opposition to a superior law which binds one to regard higher interests [i.e., *epikeia* in the proper sense]; *b)* when, for reason of exceptional circumstances, submission to the positive law would be too burdensome, without there resulting a good proportionate to the sacrifice being demanded; *c)* when, without becoming evil as in the first case and without imposing an unjustified heroism as in the second case, the observance of the positive law runs into special and unforeseen difficulties which render it, as it turns out, harder than it should have been according to the intention of the legislator.⁴¹

The grave spiritual necessity of many souls comes under the first case "*a*)" above, the case of positive law which by the force of extraordinary circumstances becomes "evil" because "it is in opposition to a superior law binding one to regard higher interests" (i.e., *epikeia* in the proper sense - Ed.). The authors of the tract, on the contrary, like the writer of the article in the above-mentioned publication, seem to admit only the second and the third cases, "*b*)" and "*c*)" (i.e., *epikeia* in the improper or popular sense), which have nothing to do with the case of Archbishop Lefebvre. In the first case "*a*)", which is the case of Archbishop Lefebvre, *epikeia* coincides with equity, and hence, involves the moral impossibility of obeying and, as we have already seen, a right [besides being a duty]. On the other hand, in the second and third cases noted in "*b*)" and "*c*)" *epikeia* is simply identified with clemency or moderation in the application of laws and in the exercise of authority.⁴²

We are in exceptional circumstances and, therefore, must ascend to higher principles which are not preached every day and which, therefore, are unknown to many, but which, nevertheless, are able to be found succinctly summarized in any treatise on the general principles of law or moral theology. Thus for example, in the *Institutiones Morales* Alphonsinae of Fr. Clement Maria we read:

A place is given to epikieia whenever the law makes itself harmful or too burdensome. In the first case [i.e., harmful], the superior really could not oblige and hence *epikeia* is necessary (§174) which is the case as it concerns us here - Ed.]

In *Regarding Principles of Moral Theology* (III, n.199), Naz says:

It is said that the purpose of the law ceases "contraire" [through contrary custom - Ed.] when its observation is harmful. If the purpose of the law in a particular case ceases "contraire," the law ceases [to oblige]. The reason is that if the purpose of the law ceases "contraire," then one has the right to use *epikeia*.

Finally, any manual explaining the principles of Canon Law deals with the cessation "*ab intrinseco*" of the law, that is to say, with the law that ceases to oblige out of the simple fact that it is in such-and-such a case harmful, and not because the lawmaker decrees that it should cease, or grants a dispensation from it. Such is exactly the case of the state of necessity, which is the strongest reason excusing one from obedience and strict observance of the law.⁴³ This is especially true when this state of necessity arises from the duty, rooted in one's state, to help many souls in grave spiritual necessity, because "the salvation of souls is, for spiritual society, the ultimate end towards which all its laws and institutions are oriented."⁴⁴ This is true for the entire hierarchy of the Church, top to bottom.

D. CONCLUSION

The conclusion of our study is that either one denies the state of necessity - the way chosen by the Vatican - or, if one admits there is a crisis, then one must approve the action of Archbishop Lefebvre. His decision, no matter how out of the ordinary it may seem, must be judged in relation to the out-of-the-ordinary situation in which it was carried out. Therefore, "it is necessary to judge [it] on the basis of higher principles than ordinary laws" (ST, II-II, Q.54, A.4). From these principles which we have laid out over the two parts of this theological study, it follows that:

- Archbishop Lefebvre had the duty under pain of mortal sin [sub gravi], at least out of charity [ex caritate], rooted in his episcopacy, to aid souls turning to him for help in the present state of grave general necessity, in which they could not and still cannot hope for help from their lawful pastors;

- Archbishop Lefebvre, while the actual extraordinary circumstances required, had the duty, "given that he had the power of Holy Orders to do so" (ST, *cit.*), to consecrate other bishops in order to insure (through other priestly ordinations) for the faithful in grave general necessity that which they have a right to demand from the hierarchy [i.e., sane doctrine and sacraments - Ed.]. It is lawful and dutiful to help one's neighbor in a state of necessity as far as one's powers permit.⁴⁵

- It was morally impossible for Archbishop Lefebvre to obey the "No" interjected by the Pope because he would have sinned by omission against the commandment of charity, rooted in his episcopal state, a commandment "greater and more binding" than obedience to the law or the lawmaker (Suarez, *cit.*). The sin of omission, in fact, consists in not providing a good which is on some account due whenever there would be time to provide it (ST, II-II, Q.79, A.3ff). In the case of Archbishop Lefebvre, this is the claim of charity rooted in his episcopal state. Any law whatsoever *per se* ceases to bind without dispensation nor consent of the superior if the harm deriving from the law is general and great [Suarez, *De Legibus*, L. VI, c.IX, n.19].

- The action of Archbishop Lefebvre out of grave and general necessity of souls, compelled by a precept of divine natural and positive law, neither denied the Pope's primacy of jurisdiction nor disobeyed the Pope who himself "cannot act against divine law nor disregard it."⁴⁶

The fact that the Vatican has denied there is any state of necessity does not annul the grave necessity in which so many souls are presently to be found. Rather, *epikieia* contra la volontà du Pape who object that "St. Eusebius [of Samosata] acted without the pope's consent but not against the pope's consent," we reply that only a question of *fact* is at stake, not of *principle*. We concede that St. Eusebius was not faced with the "No" of a pope who promoted and favored Arianism, and demanded respect for laws which would have deprived of help souls placed in grave spiritual necessity. But, had St. Eusebius found himself in that position, he would have had to follow the moral principles recalled above and to fulfill, not "against" the pope's "No" but despite the pope's "No," the most serious duty of charity laid upon his episcopacy by the grave and general necessity of souls.

The authors of the tract criticize what they call arguments of "pan" [illuminist] or "charismatic" kind, meaning by this those who have made with simplicity an act of confidence in the uprightness of Archbishop Lefebvre. They are theologically wrong to do so. St. Thomas writes:

In cases that happen rarely, and in which it is necessary to depart from the ordinary law...a virtue of judgment is needed based upon these higher principles, a virtue which is called *gnome* and which implies a particular perspicacity of judgment (ST, II-II, Q.51, A.4).

This special "perspicacity of judgment," says St. Thomas, can be possessed only by virtue of holiness:

The spiritual man receives from the habit of charity the inclination to judge rightly of everything according to divine laws, arriving at his judgment by means of the gift of wisdom, even as the just man arrives at his judgment in accordance with the rules of law through the virtue of prudence (ST, II-II, Q.60, AA.1,2).

In this continuing study we are leaving to the late sanctity of Archbishop Lefebvre to confine ourselves to the general principles of theology and Canon Law, so that the truth is clear to all those admitting there is a crisis in the Church. This truth is that in the present extraordinary circumstances, one need not believe in obedience at all costs (even if it cost the Faith or the salvation of souls). Nor need one accept the non-provable "sedevacantist" theses. There is a third way: to observe what the Church teaches concerning the "state of necessity." That is exactly what Archbishop Lefebvre did.

Hirpinus (edited by Rev. Fr. Kenneth Novak)

(This article ends the theological aspect of this continuing study of the 1988 Episcopal Consecrations. Part 3 will appear in the November 1999 SISINONO insert in The Angelus taking up the canonical arguments supporting the validity of Archbishop Lefebvre's action to consecrate four bishops.)

1 Suarez, *De caritate* disp. IX, sectio II, n.3.

2 G. Gerson, *De contemptu clavium et materia excommunicationum et irregularitatum*, considerations VII-XII, Opera, Basilae 1489, prima pars, f33, quoted in *La scomunica di Grolamo Savonarola* of Fr. Tito Centi, O.P., ed. Ares, Milano.

3 P. Palazzini *Dictionarium moral et canonicum* under "episcopos."

4 *Enchiridion Catholicum* under "stato di necessita."

5 H. Nolden SJ., *Summa Theologiae moralis*, vol.I, *De Principis* L.III, q.8, 203.

6 Robert-Palazzini, *Dictionario di teologia morale under resistenza al potere injusto*.

7 *Dictionnaire, Droit Canonique* under "nécessité" col.,991

8 Suarez, *De Legibus*, L. VI, c. VII, n.12.

9 P. Palazzini, *Dictionarium morale et canonicum* under "obedientia."

10 Tito Centi, O.P., *La Somma Teologica*, ed. Salani vol.XIX, nota I, p.27