

# si si no no

"But let your speech be, 'Yes, yes,' 'No, no'; and whatever is beyond these comes from the evil one. (Mt. 5:37)"

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## The 1988 Consecrations

This issue of the *Angelus* English-Language edition of *SISiNONO* is the fourth installment of the second half of a double study regarding the "state of necessity" invoked by Archbishop Lefebvre to justify his consecration of four bishops on June 30, 1988. In our issues of *SISiNONO* of [July](#) and [September](#) of 1999, we discussed the *theological* aspects. Starting with the [November](#) 1999 we are discussing the *canonical* aspects. 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.

The bulk of Part 3 of this ongoing canonical study of the 1988 episcopal consecrations (The *Angelus* English-Language Edition of *SiSiNoNo*, [March 2000](#), #37) dealt with the notion of "mandate." It was conceded that these consecrations took place without the *mandatum* ("mandate"), that is, the authorization of the Pope. Despite this, we proved in Part 3 that these consecrations were not, therefore, a formally schismatic act. In any case, a mandate was read at the consecrations ceremony in Ecône. With what right?—We answered in Part 3, "With the right that springs from necessity, correctly understood."

Do you have an apostolic mandate?  
We have it!  
Let it be read.  
We have this Mandate from the Roman Church, always faithful to the Holy Tradition which She has received from the Holy Apostles. This Holy Tradition is the Deposit of Faith which the Church orders us to faithfully transmit to all men for the salvation of their souls...[*Archbishop Lefebvre and the Vatican*, Angelus Press, p. 123]

In this part of our canonical study, Part 4, we will attempt to better understand what "schism" actually means.

### CANONICAL STUDY – PART 4

#### Understanding "Schism" in the Formal Sense; Virtual Schism, and "Legitimate" Disobedience

If we analyze the mandate read at Ecône on the occasion of the episcopal consecrations, no will to be "schismatic" appears. No desire to establish a parallel hierarchy emerges, neither from the words nor from the actions of Archbishop Lefebvre. And it is known that, subsequent to the ordinations, he never conferred any "canonical mission" upon the bishops. In the years since 1988, none of the four bishops consecrated that day has behaved as if he were titular of a diocese.

The accusation of schism in the formal sense contained in the Vatican documents is based on the text of the mandate of Ecône and on the act represented by it. The consecrations performed (by necessity, we argue) against the will of the Pope are considered by the Vatican to constitute an act of disobedience further considered by it to be "schismatic." This opinion is contrary to the accepted principles according to which, as we have seen, it is necessary always to distinguish between "disobedience" and "schism." This appears in a clear manner from the decree of Card. Gantin (see the *Angelus* English-Language Edition of *SISiNoNo*, Nov. 1999, §35, pp. 201f.) who speaks of an act "by its nature" schismatic. In the opinion of the Cardinal, the consecration without mandate is an act "in itself of disobedience, and this disobedience, regarding a most grave matter concerning the unity of the Church through apostolic succession, involves a true repudiation ("vera repudiatio") of the Roman Primacy and for this reason is to be considered a "schismatic act." His claim is because it denies the unity of the Church "this disobedience effects a schismatic act."

The sense of the text is clear: the disobedience of Archbishop Lefebvre was so serious it implied a refusal of the primacy of Peter, putting into doubt the unity of the Church, and therefore, must be considered "schismatic." In fact, the Cardinal has attributed a new quality to disobedience which makes him now *consider the disobedience to be "schismatic."* The Archbishop found himself accused of a "schismatic act" in the objective sense, an accusation derived from the assumed quality of the act alone attributed to it by Cardinal Gantin, which, through itself, is *not* schismatic! In addition, there exists no declaration of will by Archbishop Lefebvre to be schismatic, nor of further acts necessary to prove the existence of schism in the formal sense.

This concept of schism is totally unknown either to canon law or to theology. The Holy See made an innovation with regard to the current law, enforcing against Archbishop Lefebvre a notion of schism in the formal sense, different from what is admitted by Church doctrine and the *1983 Code of Canon Law*. This new notion of schism is unacceptable because it does not distinguish between disobedience and schism, that is, between *legitimate* and *illegitimate* disobedience. Instead, it interprets any act of disobedience as an act *in itself* schismatic.

In the case of these episcopal consecrations, can a schism in the purely objective sense exist? That is to say, can a schism exist in the absence of a will annunciated and in the absence of the institution of a parallel hierarchy through an illegitimate "canonical mission"? No canonist or theologian would admit the existence of a schism thus conceived. It is true that the *1983 Code of Canon Law* does not define the specific "schismatic act," but merely the *concept* of schism which refers substantially to St. Thomas Aquinas, but that does allow the Holy See to *invent a new category* of schismatic act, moreover one which is contrary to what doctrine has always maintained!

Of course, the Pope, supreme legislator and foremost teacher of the Church, has the power to innovate with respect to the *Code*. But, for him to do so, he must proclaim he is doing so, namely, by establishing and defining a new type of offense. Whatever he may call it—"objective schism," or "objectively schismatic disobedience"—he cannot sneak around doing so nor establish a proper procedure as if it were a question of the mere application of the law in force. The fact that the *Code* does not define "schismatic act" does not mean that the supreme authority can establish, between today and tomorrow, without creating new norms to which it assumes legislative responsibility, that a determinate act must be considered "by its nature" schismatic. On the contrary, it means that the *Code of Canon Law* must be interpreted by deferring the determination of a "schismatic act" to the consolidated canonical and theological doctrine of the Church and her practice through the ages. The supreme authority cannot ignore this deferment without falling into arbitrariness.

What is then the notion of "schism" in *the formal* sense? In Canon 751 of the *1983 Code of Canon Law* "schism" is defined as "the withdrawal from submission to the Supreme Pontiff or from communion with the members of the Church subject to him."<sup>1</sup>

This withdrawal gives life to a *separation* from the body of the Church and represents a rupture of the unity of the Church. It is to be noted that, on the conceptual plane, schism can be had also by withdrawing oneself from communion with members of the Church only, who are subject to the Pope, without, at the same time withdrawing oneself from submission to the Pope, or vice versa. The sin of schism is contrary to charity because it "directly and through itself opposes unity," given that not accidentally, but through its nature, a schismatic "intends to separate himself from the unity which charity produces." Schismatics are those who, in violating the command of charity, separate themselves from the Church willfully and intentionally. The unity of the Church must be considered in two ways in themselves linked together: *1)* "in the mutual connection or communion of the members of the Church" and, *2)* "in the subordination of all the members of the Church to the one head according to Colossians 2:18-19." The head "is Christ Himself, whose Vicar in the Church is the Supreme Pontiff." That is why St. Thomas Aquinas says:

[S]chismatics are those who refuse to submit to the Supreme Pontiff, and to hold communion with those members of the Church who acknowledge his supremacy.<sup>2</sup>

He gives therefore the concept of schism just as we find it even today in the *Code of Canon Law*:

Schism is a special type of sin in itself that demands proper qualifications. It cannot be reduced to simple disobedience as such, as the Vatican wishes, inasmuch as disobedience is the source of every sin, as St. Thomas Aquinas recalls in this objection to which he then proceeds to reply:

Further, a man is apparently a schismatic if he disobeys the Church. But every sin makes a man disobey the commandments of the Church, because sin, according to St. Ambrose, is "disobedience against the heavenly commandments." Therefore every sin is a schism.<sup>3</sup>

The reply of St. Thomas to this objection hinges on his indisputable reasoning that in disobedience that gives life to schism there must be a "certain rebellion" ("*rebellio quaedam*");

The essence of schism consists in rebelliously disobeying the commandments: and I say *rebelliously*; since a schismatic but ostensibly scorns the commandments of the Church, and refuses to submit to her judgment. But every sinner does not do this, wherefore not every sin is a schism [*Summa Theologica*, II-II, Q.39, A.1, Obj.2].

For one to be in schism, there must be a manifestation of a rebellion which must appear from the fact of "despising with pertinacity the teachings of the Church and of refusing to submit to its judgment. And every sin does not have this attitude in it. Therefore every sin is not schism."<sup>4</sup>

Schism is a "special" sin, which is to say, it can't be assimilated to another sin simply on the grounds of the principle that in every sin there is a disobedience. For St. Thomas, schism must be characterized by "rebellion." If expressed by a "rebellion," then the schism is a question of *illegitimate* disobedience, for if the disobedience is *legitimate*, then there is no question of rebellion! Torquemada says that theologians of at least the 14th century and later:

point out that schism is an *illegitimate* separation from the unity of the Church; they assert in fact that there could be a legitimate separation, as in the case of him who refuses to obey the Pope, if the Pope commands of him something evil or illegal [emphasis added].<sup>5</sup>

In such a case, as in an unjust excommunication, "there would be a purely exterior and putative separation from unity."<sup>6</sup>

Doctrine has therefore elaborated the concept of schism as the illegitimate refusal of submission and communion. This refusal must be understood in an act or in acts in which an illegitimate disobedience (or, rebellion) to authority is unequivocally manifested. In *formal* schism, the intention of the acting subject must be clearly manifest to consciously deny submission and communion on which is founded the unity of the Church. Otherwise schism is *virtual*; it is present, that is, in the intention, but not yet brought into action, not yet carried into an effective separation. It can already be a sin, even if it does not fall under the sphere of the norms of the *1983 Code of Canon Law*:

Therefore by the notion of virtual schism is meant not only the attitude or the intention of the potential schismatic (schismatic in potency), but also behavior (conduct) that objectively reveals a non-participation in the communion of the Church's members, even in the absence of an actual schism in the formal sense. This behavior, which manifests a separation in fact, would reveal the existence of a situation of virtual schism. According to Fr. Gerald Murray in his interview published in *The Latin Mass* (see the *Angelus* English-Language Edition of *SISiNoNo*, Jan. 2000, #36), this is the situation of the priests of the Society of Saint Pius X and of the Catholics who attend the Tridentine Mass in the churches and chapels of the Society. They cannot be defined as schismatics in the formal sense, because Fr. Murray denies that Archbishop Lefebvre can be considered schismatic in the formal sense, but they would be presumed nevertheless to be considered as separated from the official Church and therefore as schismatics in the virtual sense, canonically not condemnable but theologically reprehensible.<sup>7</sup>

This consideration, however, is totally erroneous. At the same time, however, the concept of virtual schism is also used in connection with heresy. St. Thomas reminds us that while schism is a sin opposed to charity, heresy is a sin opposed to the faith. Schism and heresy are different vices, although whoever is a heretic is also schismatic<sup>8</sup> In this way a grave doctrinal error can be professed which *per se* implies a virtual separation from the Church. In substance, this is precisely the accusation Archbishop Lefebvre charged against the hierarchy that was condemning him as schismatic. Afflicted still by the modernist heresies, the present hierarchy is to be considered virtually excommunicated because the modernists have been formally excommunicated by Pope St. Pius X.<sup>9</sup> Insofar as it is afflicted with a grave error such as that of §8 of *Lumen Gentium* about the notion of the Church, an error that breaks *per se* unity with the doctrine taught for almost 20 centuries by the Church, we can apply this concept to mean that the present hierarchy has placed itself outside the Church of All Time and put itself in a position of virtual schism.

Let us now put aside virtual schism and discuss the notion of a "schismatic act," the decisive point for the concept of schism in the formal sense. Yves Congar, a Vatican II liberal theologian, summarized St. Thomas this way:

The schismatic act is therefore that evil act which has directly, properly, and essentially as its specific object one thing contrary to ecclesiastical communion, that is to say, to that unity which, among the faithful, is the proper effect of charity. An act, in effect, is characterized through the object to which it tends *per se*, through the fact itself of what it [*i.e.*, the *act-Ed*] is. An act will show therefore the quality of a schismatic act when, through its very own nature, it will have as its object the separation from unity, the spiritual fruit of charity.<sup>10</sup>

A schismatic act is, and cannot not be, that which has as its object the rupture of Church unity "directly, properly and essentially." Note that an *indirect* approach is not applicable. Therefore, it can be said that a schismatic act has this aim, it has a certain sign, given not by disobedience as such, but by "the will of constituting through one's own account a particular Church," according to the clear enunciation of St. Thomas.<sup>11</sup> It is not enough "not to preserve concord," nor is disobedience alone. The manifest will of constituting a separate Church is necessary. A schismatic act cannot be confined to mere disobedience, such as an episcopal consecration without papal mandate; on the contrary, a schismatic act will be that which institutes a hierarchy of a parallel church with "canonical mission." But if this were to happen, such an act certainly aims at a "separation from unity, the spiritual fruit of charity." It is the absolutely sure sign. Such an act is schism in the formal sense because with it one withdraws himself formally from submission to the Pope, denying him the authority as Supreme Pontiff, namely as the head of the universal Church.<sup>12</sup> This was the case with King Henry VIII of England who by his own will set himself up as head of a self-styled national "Catholic" Church with its own hierarchy after having degraded the authority of the Pope to that of a simple bishop of Rome at a session of the English Parliament (Nov. 3, 1534).

Without the schismatic act, without the "canonical mission," schism in the formal sense is impossible. And when is it that a schism in the *virtual* sense can be had? Certainly not when an exterior separation imposed by necessity is had. For a virtual schism, it is necessary that there be an effective will for schism, though in time it has not yet come to happen. This certainly was not the case of Archbishop Lefebvre, nor of his priests and of the faithful who attend the Latin Mass at the centers of worship of the Society of Saint Pius X. Contrary to the opinion of Fr. Gerald Murray, the Society maintains that it is incorrect to speak of it in regard to its being schismatic in the virtual sense. The signs of any will of schism whatever are lacking on its part. In this case, any separation is imposed by the existing state of necessity and does not express a schismatic will of any kind. The separation is not willed; it is endured. It is the price that must be paid for being able to celebrate a non-ambiguous Mass (as is the *Novus Ordo Missae*), surely Catholic, which preserves intact the Roman Rite which dates to the first centuries of Christianity, in order to be able to administer the sacraments, as for example Confirmation, with a rite which is certainly Catholic. It is the price that must be paid in order to assist at this Mass and in order to receive those sacraments. It is the price that must be paid in order to be faithful to the Church of All Time.

It is a separation *de facto* from the official Church provoked by the official Church itself. The official Church obstructs those who desire to be able to celebrate and assist at the Tridentine Mass without having to pledge against their conscience to the "doctrinal correctness" of the protestantized rite of Pope Paul VI. There is separation because the character of the official ecclesial society and of the faithful themselves is gravely corrupted by modernism in all its various forms-theological, moral, political, *etc.-so* as to place the faith of the Catholic who would be constrained to have contact with it in grave danger (see the *Angelus* English-Language Edition of *SiSiNoNo*, Nov., 1999, #35). We are here considering a Catholic who considers the salvation of his soul as the most important thing for him. Are we to define him as a "virtual schismatic" who is not able in conscience to have anything to do with the priests of the present hierarchy nor with the laity who gravitate around them, given their corrupted faith? Can we say he who is at least uncertain and constrained in an unprecedented state of necessity to live in such a condition of separation is virtually schismatic? We don't think so.

If he is a virtual schismatic, then so were those who were kept separated from the Arians while the Arians were ruling over the official Church of that time. Even St. Athanasius would have to be considered a virtual schismatic. His famous passage, "They [the Arians] have the churches, we have the faith," reveals that such a separation was there even in the absence of a new rite of Mass.

Therefore, there is no virtual schism for the priests of the Society of Saint Pius X nor for the faithful who attend their functions and listen to their teachings in the sermons, spiritual exercises, and catechism classes. Their position is simply that of him who, on account of the state of necessity, is forced into a temporary legitimate disobedience.

It is legitimate disobedience to disobey the implicit and explicit command to consider Vatican II doctrinally correct and to behave accordingly. It is legitimate disobedience to disobey the command to assist at the Mass of Pope Paul VI, so protestantized and so agreeable to heretics and non-Christians. Legitimate disobedience has always been admitted by theologians when the legitimate Catholic authority orders the doing of things contrary to the faith or which put into danger the salvation of the soul. The justified separation from the orientations of the hierarchy for the time," which are in contradiction to the Magisterium of All Time, is not equivalent to "separation from the Church." The separation now is only for a time from the error unfortunately professed by the hierarchy and has been amply reaffirmed and illustrated by the essay, "Neither Schismatic Nor Excommunicated" to which we defer.<sup>13</sup> (See *Is Tradition Excommunicated?* Available from Angelus Press. Price: \$7.95.)

By those forced to exercise it, this disobedience is conceived as *temporary* because it is imposed by the state of necessity which will last as long as the crisis in the Church lasts. One day, however, the crisis will end and the Catholic hierarchy will return to sane doctrine. It is of faith: "The gates of hell will not prevail against it." The present state of necessity will faint away along with its right to disobey the illegitimate commands of formally legitimate authority.

### The imaginary schism

Therefore, the schism declared against Archbishop Lefebvre is not included in any category known and recognized as schism. There is no schism in the formal sense; there cannot be schism in the virtual sense. The judgment of condemnation of the Holy See was fabricated from a "pseudo-category" on theological and canonical planes. We find ourselves confronted with a monster. But such arbitrariness always tries to defend itself as good law by using appealing arguments which seem to have foundation. In our case, the monster uses two arguments. We will proceed to give those two arguments here and then shoot them down. Let us begin with the *first*:

*J)* On the grounds that Vatican II has approved of a new concept of collegiality, it is maintained that bishops receive at the moment of episcopal consecration the power of jurisdiction (the *1983 Code of Canon Law*, can.375, §2). It follows from this that a consecration without mandate would be *ipso facto* schismatic. In consecrating without mandate, the acting subject (*i.e.*, Archbishop Lefebvre) would *ipso facto* confer on the candidates the power of jurisdiction without mandate.<sup>14</sup> But if the power of jurisdiction is also given, then there is schism. The fact that, once consecrated, the bishops were not given effective jurisdiction by Archbishop Lefebvre would not prevail to avoid schism objectively on account of Canon 375, §2 already cited.

We answer that this argument is totally unacceptable. What in fact is the logic of Canon 375, §2 of the new *Code*? Let's read it:

By their episcopal consecration, Bishops receive, together with the office of sanctifying, the offices also of teaching and of ruling, which however, by their nature, can be exercised only in hierarchical communion with the head of the College and its members.

This canon contains two propositions: one principal and one relative depending on it. The principal proposition states: "...Bishops receive, together with the office of sanctifying, the offices also of teaching and of ruling...."<sup>15</sup>

The age-old dispute, whether a bishop at consecration receives *ipso facto* the power of jurisdiction or only at its *exercise*, seems to have been resolved by the *1983 Code of Canon Law* in a way favorable to the thesis that maintains the *ipso facto* position. In this matter the new *Code* has expressly applied the directive of Vatican II, as appears in *Lumen Gentium* (§21) and in the Decree *Christus Dominus* (§23).<sup>16</sup> The text of §21 of *Lumen Gentium* is taken word for word by the *1983 Code*:

...Now, episcopal consecration confers, together with the office of sanctifying, the duty also of teaching and ruling, which, however, of their very nature can be exercised only in hierarchical communion with the head and members of the college....

Note that both *Lumen Gentium* (§21) and Canon 375, §2 of the *1983 Code of Canon Law* begin with the same primary proposition delineating the episcopal offices and also include the same relative proposition regarding the exercise of those offices: "which [*offices-Ed*], however, by their nature, can be exercised only in hierarchical communion with the head of the College and its members."<sup>17</sup> The texts distinguish therefore between the powers *received* with the consecration and their *exercise*. This is a traditional distinction, that between possessor of a right (*i.e.*, a power) and its exercise.<sup>18</sup> The realization of this exercise needs an act that authorizes it. It is not left to the whim of the consecrated bishop. The exercise of episcopal "offices" must take place "in hierarchical communion with the head of the College and its members," namely, in communion with the Pope and the members of the College of Bishops. In practice that means as related in the *nota praevia* in *Lumen Gentium*, that these powers can be exercised only "*iuxta normas a supreme auctoritate approbatas*." That means that communion is "hierarchical" and requires for its "activation" respect for the qualifications guaranteed by the canonical mission related expressly by §24 of *Lumen Gentium*.<sup>19</sup>

Let us not enter into this arena on the merit of the erroneous semi-Conciliarist conception of collegiality which Vatican II attempted to introduce.<sup>20</sup> For our purpose, it is important to indicate the following point: if the power of jurisdiction given the bishop at his consecration must have also the "canonical mission" in order for that power to be exercised [a mission which has not been completely abolished by the *1983 Code of Canon Law-Ed*], the canonical mission is *always* necessary for the institution of a hierarchy. And since schism in the formal sense is, as we have seen, the separation of oneself in order to institute the hierarchy of a parallel church, then for formal schism to be had an illegitimate "canonical mission" is *always* necessary, too. It is true that with the system established by Vatican II, the qualification for "canonical mission" has changed: from the act that *confers a power* (of jurisdiction) is derived the act that confers the *exercise of a power*, which would already be intrinsically present in the bishop from consecration. But, despite this new system, for the purpose of the concept of schism there has been no change because the "mission" always remains the preeminent schismatic act. It is the "mission" alone which confers the exercise of that power of jurisdiction from which a parallel hierarchy is derived. According to the current *Code*, lacking such an act, as in the case of the consecrations carried out by Archbishop Lefebvre, there is no schism.<sup>21</sup>

Let us proceed to the *second* possible argument:

2) The condemnations declared against Archbishop Lefebvre point out how he, besides having acted without mandate, proceeded against the express will of the Pope, who on June 29, 1988 requested him "paternally and firmly" to postpone the consecrations.

Now, it can happen that a consecration without mandate is not necessarily against the will of the Pope. If there is a state of necessity when it is not possible to obtain the mandate, one can proceed to the consecration relying on the fact that the Pope will approve *post factum*. This is what happened for the bishops ordained secretly under communist regimes.

But, in regard to the consecrations of Ecône, it is true that Archbishop Lefebvre received an "invitation" in reality a warning-from the Pope not to proceed which was communicated to him the day before the date established for the ceremony. Therefore Archbishop Lefebvre weighs the double accusation of having acted not only without the *authorization*, but also against the *express will* of the Pope. Does the action of the Archbishop against the express will of the Pope have an effect on the determination of the criminal charge imputed to him? It is inquired here, therefore, whether his having acted *against* the will of the Pope was able to have made the action itself make a *leap of quality* such as to confer on it the nature of a schismatic act. The argument is for a new type of schism through the declaration of censure "by the law itself," a composite of two elements: *1)* a consecration without mandate, and *2)* a consecration against the express will of the Pope. This is the juridical and theological monstrosity that has been instilled into the soul of the simple faithful so summarized: "Archbishop Lefebvre disobeyed the express will of the Pope; therefore he is a schismatic!"

The fact that, beside the absence of the mandate, there has also been a negative will expressed by the competent authority, does not change the quality of the unlawful act, which remains always an act of disobedience, but of its nature alone not schismatic. It must not be forgotten that the *Code* includes in it a canon quite distinct from that which establishes the penalty for schism, and that the link between the two *types* is not possible on the basis of other canons, according to the principle of systematic interpretation.<sup>22</sup>

That which makes the consecrations become schismatic is not the absence of the mandate for the consecration, as we have made clear by now, but its conjunction with an "illegitimate canonical mission. Neither does a declaration by competent authority make the action schismatic, which, besides the absence of the mandate, discloses also the contrary will of him who must admit it. The presence of this declaration of will can constitute at most an aggravating circumstance for the disobedient subject, but only in the internal forum, from the moral point of view, since the *1983 Code of Canon Law* does not consider it among the aggravating circumstances.

In the case of Archbishop Lefebvre we do not believe the existence of an aggravating circumstance of the kind can be admitted, since he was acting in the state of necessity. The state of necessity renders just every legitimate action taken by the Pope. Does the lack of the will of the legitimate authority [that which Professor Romano Amerio calls "systematic desisting," in *Iota Unum*, available from Angelus Press. Price: \$24.95-Ed.] to carry out the particular act necessary for the maintenance of sound doctrine and for the salvation of souls, is in a certain sense really the major cause of the necessity in which a bishop faithful to dogma comes to find himself. It is irrelevant to the purposes of the imputation ascribed to Archbishop Lefebvre that the so-called lack of will in authority may be implied or expressed or manifested under the form of prohibition. It is always a question of simple disobedience, nevertheless performed owing to a cause beyond control and therefore not imputable.

In any case, the fact that it has been manifested under the form of prohibition of an act in itself legitimate and necessary for the salvation of souls, is not able to justify in any way the charge of a new type of schism and in the formal sense.

Due to the exceptional circumstance faced by Archbishop Lefebvre to work even against the express will of the Pope, undue consequences have been drawn. It is falsely maintained, for instance, that his act, precisely by that to exceptional circumstance, is not limited to violating only "ecclesiastical law," but has represented a "break with tradition," reasons for which what he did is to be considered "intrinsically evil" and totally "unjustifiable." Archbishop Lefebvre has been rendered responsible "for the intrinsically evil act of an episcopal consecration against the will of the Pope."<sup>23</sup> If this particular assertion corresponded to truth, we would be dealing with a new type of offense springing from an unprecedented new category of "intrinsically evil acts." This is an untenable interpretation. Sound moral theology teaches us that an "intrinsically evil act" is prohibited because it is evil; it is not evil because it is prohibited. It is a question of an act that is an evil in itself according to the "negative natural law" which prohibits doing it even if danger to one's very life is present. For example: blaspheming, perjury, lying, murdering an innocent person.<sup>24</sup> Disobedience to a command of a superior, however grave, certainly cannot be compared to an act of such a kind, in itself evil, through its nature, independently from the law which punishes it. The consecration of a bishop, done for the salvation of souls, according to the intention of the Church, is certainly not an "intrinsically evil act." If, in the specific circumstance, it is categorically prohibited, it only means that in consequence of this prohibition it belongs, if anywhere, in that act of acts that are evil because forbidden, and not to that category of acts evil in themselves and therefore "intrinsically evil."

The thesis critiqued here presents still another aspect which is quite deviant from what has ever been known in the Church: that of placing the express prohibition from the Pope to carry out the consecration on the same level as natural law, that is, the Ten Commandments. If disobedience to a pontifical warning expressly directed to a person who disobeys is said to be an "intrinsically evil" act, the same value is given to this warning as is given to the negative natural law [e.g., "Thou shalt not kill," *etc.-Ed*], since only their prohibitions are applied to the act in itself evil. The warning of a pope is only one of the ways in which the supreme power of jurisdiction that he has in the universal Church is expressed. This is a power which, even though founded on the divine constitution of the Church, is certainly subordinated to the natural law created by God and occupies a position clearly inferior to it.

The consideration of those who say that no theologian or council has ever maintained the legitimacy of an episcopal consecration against the express will of the Pope<sup>25</sup> is irrelevant. The proof is obvious: what theologian or council could have ever been able to maintain the principle that the pope must be refused in order for the faithful to obey God?! Even speculatively, the question was never posed. But, that because there has never been a situation as that of today! No theologian or council could have foreseen a crisis such as the one which has raged throughout the Church since Vatican II, a crisis more grave than the Arian crisis. Church theologians and councils aim to resolve the problems of the time in the light of dogma. While the problem in question has never been posed practically by the Church, it does not automatically mean that it never could be posed. On the contrary, what we are living through today demonstrates that the pinnacle of the present Church prefers novelties that contradict Tradition instead of defending Tradition against the novelties and the innovations. Immersed in these novelties, the Church has deprived itself of comprehending the novelty which had to be done *against* the express will of the Pope, since the same express will of the reigning Pope has itself systematically defended the convalidating of the new rites, the new concept of the Church, the new humanist concept of the liberty of man, and all the other novelties of the "convenient" Church which are contrary to Tradition.

The critics of Archbishop Lefebvre are constrained to maintain contorted and even deviant theories because they want to make the facts say something that the facts do not demonstrate. It is false reasoning to claim that the supposed "intrinsic evil" of the episcopal consecrations of Ecône is such as to render them "an act in themselves schismatic" in accord with the untenable thesis of the Holy See.

**Causidicius** (edited and abridged by Rev. Fr. Kenneth Novack)

[This article continues in a fourth episode the canonical aspect of the double study of the 1988 Episcopal Consecration of Archbishop Lefebvre. The *SISiNoNo* issues of July and September (1999) dealt with the theological aspect. The fifth installment of the canonical study will appear in the September 2000 issue of SIS/No/No.-Ed.]

1. *Commento al Codice di Diritto Canonico* (hereafter abbreviated, "*Commento*") *op tit.*, p.473.

2. *Summa Theologica*, II-II, Q.39, A.1, *sed contra*

3. *Op.cit.*

4. *Op.cit.*, Cf., *Dictionnaire de theologie catholique* under "Schism," col. 1304.

5. *Ibid.*, under "Schism," col. 1302.

6. *Ibid.*, under "Schism," *op. tit.*

7. "Are they schismatic in spirit? I think some of them are, from what I've read: ..." (*The Latin Mass*, Fall, 1995, p.52). "Yes, and as I've made the distinction before, it may be in fact a schismatic movement [*i.e.*, the Society of St. Pius I—Ed.], but without the canonical penalty of schism attached to it..." (*Ibid.*, p.53)p.5.). The accusation of virtual schism seems evident.

8. *Summa Theologica*, II-II, Q.39, A.1, *op.cit.*

9. "It is not we, but rather the modernists who leave the Church," it is to make a mistake by assimilating the official Church and the visible Church. We well recognize the Pope's authority, but when he uses it to do the opposite of that for which it is given him, then it is obvious that we cannot follow him. Are we "leaving" the Church, then? In a certain measure, yes, obviously. The whole book of Mr. Jean Madiran, *L'Heresie du XXeme-siecle (i.e., The Heresy of the 20th Century-Ed)* is the history of the heresy of the bishops. To save one's soul, it is necessary, then, to leave the ambit of the bishops." (Quoted from the Official Bulletin of the SSPX, French District, no. 29, Sept. 29, 1988, p.7.) And furthermore, "we are condemned by people who are themselves condemned, and who should be publicly condemned. Has there been a declaration of schism? Schism with what? The successor of Peter? No, schism with the modernist Pope, schism with the ideas that this Pope spreads everywhere-modern, revolutionary ideas. Yes, we are in schism with all that. We do not accept it, of course" (Quoted from *Fideliter*, June 1988, p.18.).

10. *Dictionnaire de theologie Catholique* under "Schism," *op.cit.*, coll. 1299-1300.

11. *Ibid.*, under "Schism," *op.cit.*, col.1301.

12. *Op.cit.*, col. 1304

13. "Neither Schismatic Nor Excommunicated," in *Is Tradition Excommunicated?*, Angelus Press, 1993 [Available from Angelus Press. Price: \$7.95], pp. 1-40.

14. The thesis is mentioned in *Most Asked Questions About the Society of Saint Pius X*, Angelus Press, Kansas City, 1997 [Available from Angelus Press. Price: \$6.95].

15. *Commento*, *op.cit.*, p.226.

16. The point is recalled in *Commento*, *op.cit.*, pp.226, 227. On the matter see also the cited *notapraevia* in the footnote of *Lumen Gentium*, at n.2. On the age-old dispute: *Dictionnaire de theologie Catholique*, V, under "Equesse," col.569ff. For a defense of the stance adopted by Vatican II and by the *1983 Code of Canon Law*, W. Bertrams SJ, *Il potere pastorale del Papa e del Collegio dei Vescovi. Fesche e condizioni teologiche giuridiche*, Herder, 196, pp.8-25ff.

17. *Commento*, *op.cit.*, p.226.

18. Even while admitting the possibility of immediate communication by the Christ, it is recognized that episcopal jurisdiction depends, in its exercise, from the supreme power of the Pope, who can determine its scope, suspend and limit it. (*Dictionnaire Ecumenique*, *op. tit.* col. 572).

19. *Nota praevia* affixed to *Lumen Gentium* in // *Traditionem contra Il Concilio II* (the Latin-Italian text), Padua, 19