

Chapter 1 : What are we to think of the Sedevacantist Position?

(A) The Vitandi and the Tolerati post sententiam as the Confessor of Canon (B) The Vitandi and the Tolerati post sententiam as the Priest who assists at Marriage in virtue of Canon n.

Their numbers exceeded even those of the Society of Jesus in the mission field. At the French Seminary in Rome and at others too the traditional routine of priestly formation was discarded. Protestant doctrine began to be taught. Traditional Catholic moral issues were determinedly obscured. The teaching of Latin ceased. Basically the truths of the Faith were being diluted if not actually denied. Archbishop Lefebvre was approached by parents with sons in the seminary. They expressed serious dissatisfaction with the formation their sons were receiving for the holy Priesthood. They begged the Archbishop to do something for their seminarian sons. He was moved to decline for many good reasons: It was only when the seminarians themselves sought him out, first in their ones, twos, threes and then the many, that he found his worst fears confirmed. They were all asking him to help them by taking over their priestly formation and training. As the months went by the requests continued and showed no signs of ceasing. After much prayer and reflection and prompted by God the Holy Ghost, the Archbishop finally agreed to try to help. Once the Divine Will had been made known to him he was not slow to act. He first rented a house in Fribourg, Switzerland. Bishop Charriere gave his permission and support. This soon proved too small to accommodate the vocations that came to him. The seminarians attended lectures in the then still Catholic Dominican University nearby. The Fribourg seminarians, next became alarmed at the changes taking place in their Dioceses under the modernist bishops. They feared having to return to such dioceses after their ordination. Thus the Society of Saint Pius X came into existence. This New Mass was gradually replacing the traditional Sacrifice of the Mass everywhere. In the University it was being exclusively said and taught to the students. The Archbishop would have to found a Seminary of his own and operate it as seminaries were run at the time, and before, but without any of the new innovations. This is because "the true friends of the people are neither innovators, nor revolutionaries, but traditionalists" St Pius X. After founding the Society and opened his first seminary at the age of sixty-five Most men retire at that age. As the years passed, it became increasingly difficult for him to travel around the world visiting the six Seminaries to perform the necessary ordinations as well as the innumerable necessary ceremonies of Confirmation. As he became older his health began to fail. It became essential that he had assistant bishops. Given the history of the general unreasonableness of Rome towards the Archbishop and his Society of St Pius X, it was unlikely that conciliar bishops would be minded to ordain his seminarists. This was due to their wish to stray from tradition unlike those who like the SSPX who wished only to hold to and defend the constant teachings of the Church. Further, those bishops were doctrinally unsound, and actively engaged in the concerted destruction of the Catholic Church. Pope Paul VI, who issued two startling statements to that effect, professed this: It is an interior upheaval, acute and complicated, which nobody expected after the Council. It is almost as if the Church were attacking itself. We looked forward to a flowering, a serene expansion of conceptions which matured in the great sessions of the Council. It is as if the Church were destroying herself. Further "one could make an astonishing list for propositions taught yesterday, and the day before in Rome, as the only acceptable ones, and which were eliminated by the Conciliar Fathers" - Cardinal Suenens, interview I. Lefebvre was fighting against ideological Liberalism and the making of truth relative AD Sept. In other words they are those in Rome priest, Bishops, Cardinals etc who seek to destroy the Church and her teachings the Mass, Catholic dogma, Catholic belief etc. This however in itself is like taking on God, and thus impossible. In every age God raises up faithful men and woman to defend the Church in order prevent the destruction of our Holy faith. From this we see why if there were no bishops then no priest could be ordained. The Archbishop was also confronted with his own mortality. Rome also considered that time was on their side while Archbishop Lefebvre had almost none left. So the Holy See decided to procrastinate for as long as necessary on the question of the bishops, with the hope that death would claim the Archbishop and thus, in their eyes, the problem would be no more. Then Divine Providence intervened. God the Holy Ghost, as at Pentecost, inspired Archbishop Lefebvre to proceed with the consecration of his

auxiliary bishops given the state of necessity existing in the Catholic Church. And in obedience to the Divine Will the Archbishop consecrated four bishops on 30 June by reason of necessity. To preserve the authentic teaching of the of the Catholic Church the Archbishop, trained priests in exactly the same way, he and many more before and after, were trained for decades. He trained them in exactly the same way priests were trained up to about He inculcated the same holy traditions he himself had received, and had taught during his distinguished career. He trained his priests to say the Catholic Mass, that was said by the Holy saints, martyrs and confessor and Church fathers throughout the ages. He did nothing new! He taught nothing new! He did not innovate! For this reason Fr. What makes the schism is to give the bishop an apostolic mission. It is clear from the context that necessity is a state wherein goods necessary for life are put in danger in such a way that to come out of this state the violation of certain laws is inevitable. The Code recognizes necessity as a circumstance, which exempts from all penalties in case of violation of the law New Code of Further schism as defined in Canon means refusal of subjection to the supreme pontiff or refusal of communion with other members of the Church. A mere act of disobedience to a superior does not imply denial that the superior holds office or has authority. Archbishop Lefebvre believed that such a state of necessity existed in the Catholic Church. We thought that after the Council a day of sunshine would have dawned for the history of the Church. What dawned, instead, was a day of clouds and storms, of darkness, of searching and uncertainties. A state of necessity thus justifies using the law of necessity. The law of necessity in the Church is the sum total of juridical rules which apply in case of a menace to the perpetuity or activity of the Church. This law of necessity can be resorted to only when one has used all possibilities of re-establishing a normal situation, relying on positive law. The Archbishop did all this. The law of necessity uniquely justifies the measures, which are necessary for a restoration of functions in the Church. The principle of proportionality is to be observed. In the History of the Church there are numerous cases of Bishops who, in extraordinary circumstance, when they found themselves in some of the same difficulties as those of the early centuries and, consequently, the necessity arose of using the Episcopal powers in all their fullness. However the case of whether or not many saints in the past acted directly or indirectly against the express will of the Pope is something that the adversaries of the SSPX have to prove, for in time of necessity when this is minor compared to the greater evil which is at stake. Being the supreme law, all the others are subject to it. In spite of the declaration made by Lefebvre explaining why he and many other Catholic priests and bishops believed it necessary to perform the Episcopal consecrations, the decree of Cardinal Gantin failed to take into account the above mentioned provisions of canon and Further if the Holy See really wanted to excommunicate Archbishop Lefebvre, it would have been necessary to proceed against him by imposing the penalty "senentia ferenda" after due process. The charge of schism would certainly have never have required the imposition of a lesser penalty at most, or possibly no penalty at all Canon n. It was obvious that the secretary of state did not want to run the risk of due process, and therefore the fraudulent procedure of issuing the incompetent decree of Cardinal Gantin was chosen instead. For a Catholic excommunication to occur it must take place either positively by a special ceremony, or automatically by Church Law. Now Rome never performed any ceremony to excommunicate the Archbishop. It did not, according to Can. In order for one to be excommunicated he would have to break canon Law. Much like in society one must first break the law in order to be lawfully arrested. However "it is not the consecration of a bishop which creates the schism. What makes the schism is to give the bishops an apostolic mission" this is something Archbishop Lefebvre never did. The Society of St Pius X has remained faithful in the constant teaching of the Church, for it is the apostle St Paul himself who strongly commands us to "Stand firm in the teachings and traditions" of the Church " 2 Thess 2: In the History of the Church there are any numerous cases of Bishops who, in extraordinary circumstance, when they found themselves in some of the same difficulties as those of the early centuries and, consequently, the necessity arose of using the Episcopal powers in all their fullness, consecrated Bishops without adhering to the disciplinary norms of the time; they did so by virtue of this "Law of supplying Ecclesia supplet " which exists in the Church, as it does in all organizations, when the functioning of necessary and indispensable organs become endangered. Thus in the 4th Century, "St. Eusebius of Samosata and other bishops, not only consecrated but even established other bishops in Episcopal sees" V. Melilus of Antioch

incurred an excommunication for the consecration of a bishop in order to maintain the faith. Further it is well known that both St. Eusebius consecrated priest without the "official" approval of Rome. This like wise was the case with St. Jerome who was excommunicated by Bishop John of Jerusalem for partaking in a so-called "illegal" ordination however such an excommunication was later vindicated! Such historical facts only serve to confirm the courageous actions of Archbishop Lefebvre. Cardinal Billot writes that Our Lord instituted the primacy, but left in some way the limits of episcopal power undefined, precisely because "it would not have been fitting that those things that are subject to change would be unchangeably fixed by divine law. Some things are indeed subject to change because of the variety of circumstances and of the times and because of greater or lesser facility of recourse to the Apostolic See among other such like things De Ecclesia Christi, Q. I that not only at the beginning of Christianity did the "necessity of the Church and the Gospel" demand that the power of the episcopal order be exercised in all its fullness without jurisdictional limitations, but that in successive ages extraordinary circumstances required "even more exceptional and more extraordinary manifestations" of episcopal power *ibid*, P.

Chapter 2 : Canonical situation of the Society of Saint Pius X - Wikipedia

This is consistent with the Code of Canon Law # , which states that a heretic loses jurisdiction only when declaratory sentence is passed. All of this is consistent with what we would call due process.

The previous year Blessed Paul VI had introduced a new missal in response to the liturgical reform called for by the Second Vatican Council. Reformed rites of the other sacraments would follow in the years following. While Archbishop Lefebvre did not reject the possibility of reforming the sacramental rites he had voted for the Council document that called for it , he did reject the specific reforms of the Mass promulgated in in the Missal of Paul VI. For this reason, the Society he founded uses the Missal and the other sacramental ritual books of that era. Despite being specifically warned by the Pope not to ordain them, the Archbishop ordained the first ones to the priesthood in . Those ordinations were valid, but illicit. Those suspensions remain effective, and apply to all new ordinands of the Society, until such time as the Holy See regularizes the status of the SSPX and its clergy. In , Archbishop Lefebvre, now fearing that he would die and leave no one to ordain priests for the SSPX, sought an agreement with the Holy See for the lawful continuation of the Society. John Paul II, Archbishop Lefebvre broke the agreement and, in an act which was ipso facto schismatic, ordained 4 bishops without a papal mandate. This action incurred an automatic excommunication under canon , confirmed a few days later by Decree of the Holy See. Twenty years later January , as part of another effort at reconciliation on the part of Rome, Pope Benedict XVI lifted these excommunications. Despite this, to date reconciliation has not been achieved. Their celebration of the sacraments are valid but illicit, except for those sacraments requiring jurisdiction Penance, Marriage , which are both invalid and illicit. This means that sacramental absolution by a Society priest is invalid for lack of jurisdiction, a requirement in all circumstances but the danger of death canon Priestly Fraternity of St. This request resulted in the founding of the Sacerdotal Priestly Fraternity of St. This immediate erection of the Fraternity by the Holy See, without all the preliminaries of time and formality usually required, was a tremendous charity by the Pope toward the former members of the SSPX, who have since returned it with loyalty and faithfulness, together with their tremendous devotion to the Traditional rites, which is their proper charism. The Fraternity, therefore, celebrates the Mass and other Sacraments according to the Missal and ritual books of , validly and licitly, in complete communion with the local Ordinary and with the Roman Pontiff. More information about the Fraternity can be found at: ORG revised May

Chapter 3 : Full text of "Excommunication its nature, historical development and effects .."

84 Canon XVIII c) The procedures to be used in the exercise by the bishop or metropolitan of the initial jurisdiction described in this section shall be those established by the synod of which.

Who could ever forget him? Taking a pinch of fragrant snuff with the superb refinement of an English lord, the Rev. Thomas Glover, dressed in his immaculate cassock, towered above a class of young students of Theology at the International Seminary of St. Pius X, in Ecône, Switzerland. It was their first encounter with the *Codex Juris Canonici*, the imposing volume which collects the two-thousand four hundred and fourteen Canons which regulate the discipline of the Catholic Church, all of it written in Latin. It was in Latin as well that Dr. Glover was about to deliver his first lecture in Canon Law, at the beginning of the academic year. Well aware of the prevalent emotions of the audience, predominantly distressed, his first comforting words were: *Codex vere est amicus vester!* The Code is truly your friend. The study and the knowledge of Canon Law have permitted me never to find myself in a vulnerable position, when the moment has come to explain and to justify in the juridical domain the position and the actions of the Society of St. The law of Holy Mother Church is indeed our friend and guide in the present crisis. This study on the validity of the confessions heard by our priests and of the matrimony which they bless regularly in our chapels throughout the world has been prompted by the recent attacks of a group founded by a few priests who abandoned Archbishop Lefebvre after the Episcopal Consecrations of June 30, 1988. It appears that, in their understandable eagerness to please the Modernist hierarchy upon which they fully depend, the members of this faction not only declare invalid the absolutions given by our priests, and null and void the marriages we witness, but they have encouraged and attempted to "remarry" the couples who have already contracted matrimony in our chapels. I would not be surprised if soon we hear about instances in which our former faithful are being allowed sacrilegiously to proceed to a new marriage with a different party, on the false grounds that their previous wedding ceremony in our chapel was an invalid one. I believe that the peace of mind of the faithful and the sanctity of the Sacrament of marriage require an immediate reply. I do not intend to write a treatise on the power of jurisdiction in the Church; there are many erudite ones already available in the ecclesiastical libraries. The simple goal of my work is to demonstrate, with canonical arguments, the validity of the confessions and marriages in our chapels of the Priestly Society of St. The Problem It is often heard that the priests of the Society of St. Pius X do not have jurisdiction, and that the bishops consecrated by Archbishop Marcel Lefebvre and Bishop Antonio de Castro Mayer do not claim any jurisdiction either. In a way, this is true. And yet, we know that the power of jurisdiction over the penitent is required for the validity of absolutions Canon 969, and that the ordinary canonical form of marriage requires the presence of an authorized priest Canon 1108. Furthermore, without a canonical mission - which is an act of jurisdiction - a priest is not allowed to preach Canon 763. Authorization or delegation is as well required for performing a baptism in the usual way Canon 862, and also to take Holy Communion to the sick in a solemn manner Canon 913, to keep the Blessed Sacrament reserved in chapels of convents, schools and churches which are not parishes or attached to exempt religious houses Canon 931, to perform funeral rites Canon 1180, to build a church Canon 1208, and faculties are required by a cleric in order to be a legitimate minister of the Sacramentals Canon 1000. The Code maintains that a Bishop can confirm licitly only his subjects Canon 863, upon whom he has ordinary jurisdiction. Nevertheless, our Bishops confirm worldwide, our priests perform all the sacred actions mentioned above, and traditional Catholics build churches and chapels where the Eucharistic Lord dwells permanently in His tabernacle. All this, needless to say, without the delegation of the diocesan prelate and often very much against his will. So, let us face the problem: Pius X do not have jurisdiction, it appears that the confessions they hear and the marriages they bless are invalid. If they have no faculties, all the priestly work they perform every day is illegitimate and therefore evil. If this is so, it would be a sin to receive their services, maybe even to ask for them. If such is the case, the Society is deceiving the good traditional Catholic faithful! As the Spartans replied to the invading army before the decisive battle, when the herald described the terrible retribution which would be inflicted upon their homeland IF they lost, our answer is also a laconic: Let us see in the following pages how indeed the legislation of the Church is on our side, how it

helps us to perform our priestly ministry in these extraordinary times, how indeed *Codex vere est amicus noster!* We are not interested here in studying the foundation and existence of jurisdiction, only its notion, so that we may understand what are we talking about. The former is the field of Juridical Philosophy, and there are very good studies on the subject; I recommend Ottaviani *Institutiones Iuris Publici Ecclesiastici*, vol. Let me nevertheless point out some concepts which I consider of the utmost importance: The juridical status of a society, perfect or imperfect, depends on its purpose. Because of her supernatural purpose, the Church has the authority to rule her members for the attainment of their eternal salvation. This power of divine institution Canon is what we call ecclesiastical jurisdiction. The Catholic Church is a perfect society, with a perfect end and full rights to obtain it: These means correspond with the three munera or "functions" given by Our Lord to the Church: By being faithful to these duties and using the means given by Our Lord, she leads the souls of the faithful to their eternal destiny in Heaven. Following such great principles Cappello explains Canon , which concerns the power of jurisdiction in the Church. *Jurisdictio ecclesiastica generatim sumpta, est potestas publica regendi subditos in ordine ad vitam aeternam.* Cappello, *Summa Iuris Canonici*, When we speak about "jurisdiction" we are actually referring to the power of ecclesiastical jurisdiction or government. The New Code prefers to call it *potestas regiminis* New Code Canon , even though it still accepts the old terminology *potestas jurisdictionis* ibidem. Let us retain this principle during our reading of the present study: This is an essential concept. The Church has jurisdiction in order to save souls, and whatever law frustrates such purpose is to be considered as not binding, because the Church cannot contradict her very purpose. The law of the Church must always be interpreted with the sublime axiom in mind: *Prima lex salus animarum*, "The first law is the salvation of the souls. The power of jurisdiction in the Church includes legislative, executive and judicial authority. Thus, while the power of orders stems from the sacrament of holy orders and is immediately directed to the sanctification of her members, the power of jurisdiction or government springs from the very nature of the Church as a supreme and perfect society that needs to be guided and governed in order fully to attain her spiritual end. Ordinarily, ecclesiastical jurisdiction can only be exercised by clerics Canon Jurisdiction does not come from the reception of holy orders. The Pope receives it directly from Christ once he has been legitimately elected and has freely accepted the election. All the other degrees of jurisdiction are normally received by a canonical mission Canon Ordinary jurisdiction is automatically attached to an office by the law; it is the case of a diocesan Bishop, or of those prelates which in law are equal to him. Delegated jurisdiction is that which is committed to a person, and this can be done by an administrative act of the legitimate Superior or by the law itself. Jurisdiction is also delegated in extraordinary cases by the law itself, which supplies for the lack of jurisdiction in a subject: We will see it in detail afterwards. The sources of the power of jurisdiction are therefore multiple: Christ himself, for the Pope, who in His name governs the Church as its visible head on earth see Canons and The appointment to an office to which jurisdiction is automatically attached, as it is the case of a diocesan Bishop Canons and The legitimate delegation of jurisdiction from a Superior, for instance when the Ordinary gives faculties to a priest so that he may hear confessions in the diocese Canon , 1. Canon Law itself, when contemplating extraordinary cases in Canons , , and ; without forgetting the exceptional situations indicated in New Code Canons and My intention is to develop 4 with the help of Canon Law itself, the jurisprudence of the Holy See, and the commentaries of the many authors who have treated the subject, in order to prove beyond doubt that the confessions and matrimony in our chapels are perfectly valid and legitimate. The development of the application of New Code Canons and is presented here only as a convincing argument *ad hominem*. The Canons In Question 1. New Code or Old Code? I will quote consistently in my study the Canon Law of St. Pius X, promulgated by Benedict XV in , which has been the wise canonical legislation of the Latin Church until The Society of St. Pius X disagrees profoundly with the letter and the spirit of this New Code which enshrines the conciliar views on the Church and the world. Nevertheless, it is interesting to note that the new legislation is almost identical to the precedent one concerning the subjects which we are treating here; a quick view at the Canons quoted in this article shows it clearly. In fact, the evolution of canonical doctrine tends ostensibly to develop in favor of a wider application of favors and freedom, everything being to our advantage. Having in mind that our case will be judged by our adversaries according to the New Code, I will often make reference to the

correspondent canons, indicating it with the words New Code. It could also happen that someone attempts to say that the past canonical doctrine is out of date, or that it has been suppressed by the New Code, and consequently the commentaries and opinions which I am quoting and using in this study are no longer valid. I want therefore to recall that "Canones huius Codicis, quatenus ius vetus referunt, aestimandi sunt ratione etiam canonicae traditionis habita" New Code Canon 6, 2 , which means that even though the New Code wants to substitute completely the one of , the norms that reproduce concepts and practices of the old legislation must be understood and studied in the light of canonical tradition. Identical approach is to be found also in the Code, Canon 6, concerning the ancient legislation of the past centuries. It makes perfect sense, because without such a policy no jurisprudence nor coherent canonical study would be possible. What is Supplied Jurisdiction? The Church is a mother, a mother legislating for the good of her children. Again, the first law is the salvation of souls; the Church governs the souls in order to lead them to Heaven. Certain juridical or administrative acts in the Church require the power of jurisdiction; although an unauthorized agent might observe every formality required by the law, his act will be invalid. A series of invalid acts, placed by an unauthorized agent, maliciously or in good faith, especially when such acts are distributed throughout a long period of time, will work havoc in any society, the Church not exempted. This supplianc is to be conceived as a delegation by the law, delegatio a iure. The active subject of this extraordinary delegation is the common law, in the sense that is disposed in the legislation. The power is given not habitually but in actu: The Church supplies only those things which pertain to the state and condition of persons, but not the formalities required by the law for the validity of acts. Also, the Church can supply only the power which is entrusted to her, not what is required by divine or natural law example: A Little History Many of the canonical rules of the Church have their origin in Roman Law, and the supplianc of jurisdiction in case of common error is one of them. There was a well-educated slave named Barbarius who escaped from his master and arrived in Rome. Roman Law declared null and void the acts of slaves, and they were unable to exercise any public charges. But clever Barbarius managed successfully to hide his origins and presented himself as a citizen, and he did it so well that the discriminating Roman people elevated him to the important dignity of Praetor, in which capacity Barbarius handed down many judicial sentences for years. Years of invalid acts, because he remained an unauthorized agent, a slave! Only after his death the truth about his lowly origin was known.

Chapter 4 : Supplied jurisdiction & traditional priests - District of the USA

Compare Canon "Only clerics can obtain the power either of Orders or of ecclesiastical jurisdiction and ecclesiastical benefices and pensions." Canon refers only to clerics because they alone can hold office in the Church.

In the early centuries of Christianity, this title was applied, especially in the east, to all bishops [19] and other senior clergy, and later became reserved in the west to the Bishop of Rome, a reservation made official only in the 11th century. Clement of Rome wrote in a letter to the Corinthians, c. Ignatius of Antioch wrote shortly after Clement and in his letter from the city of Smyrna to the Romans he said he would not command them as Peter and Paul did. Gradually, episcopacies were established in metropolitan areas. Peter up to his contemporary Pope Victor I and listed them. In their view, Linus, Cletus and Clement were possibly prominent presbyter-bishops, but not necessarily monarchical bishops. Ignatius of Antioch and St. Irenaeus who recorded the linear succession of Bishops of Rome the popes up until their own times. James the Just, known as "the brother of the Lord", served as head of the Jerusalem church, which is still honored as the "Mother Church" in Orthodox tradition. Alexandria had been a center of Jewish learning and became a center of Christian learning. Rome had a large congregation early in the apostolic period whom Paul the Apostle addressed in his Epistle to the Romans, and according to tradition Paul was martyred there. Clement I, at the end of the 1st century, wrote an epistle to the Church in Corinth intervening in a major dispute, and apologizing for not having taken action earlier. Translated into English, the statement means "first among equals". What form that should take is still a matter of disagreement, just as it was when the Catholic and Orthodox Churches split in the Great East-West Schism. They also disagree on the interpretation of the historical evidence from this era regarding the prerogatives of the Bishop of Rome as *protos*, a matter that was already understood in different ways in the first millennium. Celebration of Easter on a Sunday, as insisted on by the pope, is the system that has prevailed *see computus*. In, the First Council of Nicaea condemned Arianism, declaring trinitarianism dogmatic, and in its sixth canon recognized the special role of the Sees of Rome, Alexandria, and Antioch. Other tribes, such as the Visigoths, later abandoned Arianism in favour of Catholicism. After the fall of the Western Roman Empire, the pope served as a source of authority and continuity. Pope Gregory I administered the church with strict reform. From an ancient senatorial family, Gregory worked with the stern judgement and discipline typical of ancient Roman rule. Theologically, he represents the shift from the classical to the medieval outlook; his popular writings are full of dramatic miracles, potent relics, demons, angels, ghosts, and the approaching end of the world. These humiliations, the weakening of the Byzantine Empire in the face of the Muslim conquests, and the inability of the emperor to protect the papal estates against the Lombards, made Pope Stephen II turn from Emperor Constantine V. He appealed to the Franks to protect his lands. Pepin the Short subdued the Lombards and donated Italian land to the papacy. The papacy came under the control of vying political factions. Popes were variously imprisoned, starved, killed, and deposed by force. The family of a certain papal official made and unmade popes for fifty years. John mutilated the Imperial representatives in Rome and had himself reinstated as pope. Conflict between the Emperor and the papacy continued, and eventually dukes in league with the emperor were buying bishops and popes almost openly. With his long journey, he restored the prestige of the papacy in Northern Europe. The Western Schism lasted from to This fracture was caused more by political events than by slight divergences of creed. Popes had galled the Byzantine emperors by siding with the king of the Franks, crowning a rival Roman emperor, appropriating the Exarchate of Ravenna, and driving into Greek Italy. The Avignon Papacy was notorious for greed and corruption. The concept that a monetary fine or donation accompanied contrition, confession, and prayer eventually gave way to the common assumption that indulgences depended on a simple monetary contribution. The popes condemned misunderstandings and abuses, but were too pressed for income to exercise effective control over indulgences. Conciliarism holds that the supreme authority of the church lies with a General Council, not with the pope. Its foundations were laid early in the 13th century, and it culminated in the 15th century. The failure of Conciliarism to gain broad acceptance after the 15th century is taken as a factor in the Protestant Reformation. In this schism, the papacy

had returned to Rome from Avignon, but an antipope was installed in Avignon, as if to extend the papacy there. Papal claims of superiority were a sticking point in reunification, which failed in any event. In the 15th century, the Ottoman Empire captured Constantinople. Protestant Reformers criticized the papacy as corrupt and characterized the pope as the antichrist. Pope Paul III initiated the Council of Trent , whose definitions of doctrine and whose reforms sealed the triumph of the papacy over elements in the church that sought conciliation with Protestants and opposed papal claims. The Petrine Doctrine is still controversial as an issue of doctrine that continues to divide the eastern and western churches and separate Protestants from Rome. Saint Peter and the origin of the papal office The Catholic Church teaches that, within the Christian community, the bishops as a body have succeeded to the body of the apostles apostolic succession and the Bishop of Rome has succeeded to Saint Peter. I tell you, you are Peter, and on this rock I will build my church, and the gates of hell shall not prevail against it. I will give you the keys of the kingdom of heaven, and whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven.

Chapter 5 : Catholic Church - Wikipedia

Canon The Exercise of Jurisdiction. Issue 49 of Canon law studies Excommunication: Its Nature.

From the works of Rev. Status Quaestionis The power received by the ordination to the priesthood is sufficient for validly celebrating Mass everywhere. This power, called power of Order, is also necessary for hearing Confessions or blessing Marriages, but it alone is not sufficient. All power is given to Me in heaven and on earth. Let us already realize that this situation in the Church is nothing new: A In England, during the XVI century, the bishops became schismatic and heretics, while many priests remained true to the Church and continued to give the Sacraments even separated from - or in spite of - the bishop. B In France, during the Revolution, the priests were summoned by the government to take a schismatic oath condemned by Pius VI in April but the majority refused and continued to give the Sacraments even without the authorization of the bishops jureurs. C In countries enslaved by Communism many priests are exiled from their own diocese and are unable to get in touch with the local Bishop when this one is not a Party agent! Nevertheless they do not hesitate to confess people in private homes or concentration camps. Thus, it must be clear that all the laws of the Church have but one purpose: Therefore, even the canonical laws, which rule the normal exercise of the priestly ministry, are subordinated to this supreme law: In other words, when the strict observance of legal norms certainly hinders or gravely impedes the salvation of souls, the divine law must prevail. Legislators in framing laws attend to what commonly happens: To follow the letter of the law when it ought not to be followed is sinful; it is written in the Codex of Laws and Constitutions: Pius X hardly could have foreseen that modernist bishops would use it against Catholics holding fast to the true Faith and the unadulterated Sacraments! In this crisis of the Church, let us remember the words of St Paul: II -The power of jurisdiction for Confessions By his ordination every priest receives the radical power to absolve, but to exercise this power validly he must receive also the power of jurisdiction; for, in the sacrament of penance the priest acts as a judge, and a judge must have authority over those whom he judges or his sentence is not binding. Now, jurisdiction for Confession is delegated by Canon Law itself: Thus, even though SSPX priests do not enjoy a jurisdiction which is ordinary or delegated by the local bishop, the Church gives them the necessary jurisdiction in cases of danger of death, common error, and positive doubt. The Code of Canon Law directly gives them the power they need. The Code does not specify imminent death, but merely danger of death. Moreover it does not matter from what source the danger of death arises: Indeed, the mind of the Church is that every dying person be offered the help of the Sacraments, taking advantage of His Mercy before meeting His Justice. In the actual crisis of the Church, traditional Catholics are usually obliged to go to Confession only to "traditional" priests, since "modern" priests either refuse to hear Confessions, or give wrong advice and do not use the proper words for absolution, or even deny the absolution to those guilty of the unforgivable crime of agreeing with Archbishop Lefebvre. Therefore, there is a true danger of dying without absolution since "traditional" priests with ordinary jurisdiction are so few and often difficult to find. Consequently, we have the right and duty ex caritate: Common error is the false judgement affecting the main part of a community parish, diocese, or religious institute about the existence of the jurisdiction of a particular priest: This false judgement is either actual or presumed: Thus, a priest sitting publicly in a confessional in a public church is presumed to have the power to hear Confessions, and this public circumstance is a sufficient reasonable foundation for interpretative common error. Perhaps most of the parishioners are not actually present, but they can enter anytime and reasonably though falsely assume that Father has jurisdiction, because he is in the confessional in church. And this jurisdiction is supplied for each and every Confession heard in these circumstances, regardless of the number of people who are in church and who go to Confession. Interpretative common error is easily caused in public places, as in our chapels and missions, and as a result the power of hearing Confessions is real: The Masses said, the absolution given, and the marriages witnessed by them are all most probably valid, the latter two categories at least by "common error". The principle of "common error" , whether on the part of only one faithful or on the part of the community, can be applied in this case, and such acts are thereby valid cf. For instance, Father Paul A. Wickens had been in the same parish

for twenty-eight years when, one day in , his bishop threw him out, denying him use of the church for his Mass, cutting off his salary and refusing him shelter in the rectory. Now he had not denied Catholic doctrine, given public scandal or neglected his duties. And for months there was no one to replace him. Now, if the Church in her spirit of mercy allows the exercise of jurisdiction to a priest punished with the most grievous censure, only in order to satisfy any just reason of conscience of a faithful, how would she not supply jurisdiction to priests arbitrarily and unjustly deprived of it, in order to come to the rescue of the "traditional" Catholics rejected or repulsed by the modern clergy? Any just reason of conscience of a particular faithful is enough to move the mercy of the Church for allowing an excommunicated priest the use of jurisdiction. How the very grave reasons of conscience of thousands of Catholics could not be enough to move the Church to supply jurisdiction to priests whose only crime is to hold fast to the true Faith? Even though the jurisdiction of our priests is neither ordinary nor delegated by the local bishops, nevertheless they have a real jurisdiction supplied by Canon Law itself supplied jurisdiction. The power of jurisdiction for Marriages 1 General Rule: For a valid Marriage between Catholics, it must be contracted before the local parish priest or his delegate can. Now, the priest before whom marriage is contracted is only a qualified witness, and not the minister of the Sacrament of Matrimony, but his presence is a condition decreed by the Church for validity. If the pastor or his delegate cannot assist at the marriage, or the parties cannot go to him, without serious inconvenience, marriage may be validly and licitly contracted before two witnesses alone: If either party is in danger of death, since the spouses themselves are the ministers, Canon Law provides for the extraordinary form of marriage. The use of this extraordinary form presupposes that the parties are free to marry. But if a priest is present and the marriage is necessary for the peace of conscience, he has in virtue of can. The danger of death need not necessarily arise from illness only, for the Code speaks of danger of death generally, from any source. A bona fide, belief of the parties that there is danger of death before an authorized priest can be had must suffice, because in many cases there is no possibility of ascertaining the objective danger of death. There need be no special reason why the parties want to get married in danger of death, for the Code does not require any. Woywood, A Practical Commentary, This does not mean imminent death, but danger of death: The key point is that an official witness cannot be contacted or approached without grave inconvenience. The grave inconvenience may be due to distance, lack of means of communication, or lack of transportation. In this case it amounts to physical impossibility. The inconvenience may also be caused by the moral impossibility of the official witness being present. This could be true during wartime or in areas where Catholics are persecuted. Civil laws may forbid any religious marriages or a given marriage itself. If such a sanction were unjust e. There is no taxative list of circumstances which constitute grave inconvenience and justify use of the extraordinary form. However, grave inconvenience does not include those situations in which an official witness is prevented from being present due to an ecclesiastical prohibition of the marriage in question e. The grave inconvenience may consist in the disclosure of former hidden misconduct of the parties, which would be revealed by asking the pastor to assist. A Text and Commentary, Thus, the followings conditions are required for validity: The conditions are the same, except that there is no danger of death and the impossibility of reaching the pastor must not only exist at the time of the marriage but must be prudently foreseen as likely to last for a month. This impossibility may be the fact that the normal celebration of marriage would cause grave harm moral or material to the common good, or to the spouses or one of them, or to the ordinary or the pastor or the delegated priest cf. For instance, great expenses for poor people or harm to health or ministry. During the French Revolution, at one point priests were threatened with life sentence if they officially assisted at marriages but the Holy See declared that such marriages without a priest were valid with two witnesses only. The extraordinary form may be used outside of danger of death if it is foreseen that an official witness cannot be contacted or approached without grave inconvenience for a period of one month. If the parties are morally certain that the situation which prevents the official witness from being present will not change, they may exchange consent before the other witnesses alone. Even if the parties err in the assumption and an official witness may be conveniently had within a month, the marriage is still valid. It is also valid if through their own fault, the parties find themselves in a situation requiring the extraordinary form. If material damage authorizes the future spouses to contract marriage without the canonical form i. This harm which constitutes

the grave inconvenience and which lasts not only for a month, but for an indefinite length of time, is the New Mass and the updated marriage preparation "pre-Cana conferences". There is a moral impossibility for the faithful to ask a parish priest to marry them, when they know that he will give them instructions and a Mass endangering their Faith and in many places the New Mass is sacrilegious and invalid. Therefore, Catholics who do not want to give scandal or to be scandalized by the new beliefs seem entitled to contract marriage before two witnesses and - if there is one - a traditional priest who shall bless them. The Commission for the Authentic Interpretation of Canon Law stated that canon Old Code applies also to the case of a priest who, lacking jurisdiction, assists at a marriage Code Com, March 26, Thus, if a priest is wrongly thought to have the powers of a pastor by common error, the Church supplies jurisdiction and the marriage is valid cf. However, the mere fact that an unknown priest, not officially connected with the parish church, is seen to perform the marriage of a specific couple in this church, is not a sufficient foundation for thinking that he can marry other couples. Common error concerns only the present faculty and not a future possibility. Unlike the faculty for Confessions which is general, the faculty for Marriages is delegated for a particular case: Canon , 2 explicitly applies the rule of common error to the delegation to assist at marriages cf. In SSPX chapels where their priests celebrate Mass regularly like parish priests do, it seems easy to have common error in so far as the faithful consider us as pastors. Farragher says that our marriages are "most probably valid Conclusion Even Canon Law comes to the rescue to prove that the SSPX priests validly hear Confessions and assist at Marriages, like the priests who have received the faculties from their local bishops. With regard to lawfulness, it is easy to answer that there is a true and habitual necessity for using such a supplied jurisdiction. Finally, let us keep in mind that *Lex positiva non obligat cum gravi incommodo*: Positive law never obliges where there is a serious inconvenience. Moral theology teaches that a state of emergency of souls, even more than that of other obstacles, excuses one from observing the law. This means that by virtue of such a situation the prescriptions of any positive law, whether human civil or ecclesiastic or even divine, may not be binding - with the exception of the prohibitions of the natural law, because these forbid acts which are intrinsically evil. There are extreme cases in which disciplinary laws lose their force, giving way to divine law. What does this mean? There are cases, even ordinary cases " and our Lord Himself is our guarantee - in which divine positive law is eclipsed by natural divine law.

Chapter 6 : Pope - Wikipedia

Principle: The Commission for the Authentic Interpretation of Canon Law stated that canon (Old Code) applies also to the case of a priest who, lacking jurisdiction, assists at a marriage (Code Com, March 26,). Thus, if a priest is wrongly thought to have the powers of a pastor by common error, the Church supplies jurisdiction and the.

The Court in this case conducts a truncated inquiry into a question of congressional intent, and, I believe, reaches the wrong result. The Court begins, uncontroversially enough, by observing that application of the Antiterrorism and Effective Death Penalty Act of AEDPA to pending cases depends upon congressional intent, and that our inquiry into that intent should rely upon the "normal rules" of statutory construction. I would instead interpret the AEDPA in light of the whole of our longstanding retroactivity jurisprudence, and accordingly find that the amended 28 U. The first question we must ask is whether Congress has expressly resolved whether the provision in question applies to pending cases. Here, the answer is plainly no. Given congressional silence, we must still interpret that statute, and that interpretation is in turn guided by the retroactivity principles we have developed over the years. The Court relies on one canon of statutory interpretation, *expressio unius est exclusio alterius*, to the exclusion of all others. That inference, however, is by no means necessary, nor is it even clearly the best inference possible. Certainly, Congress might have intended that omission to signal its intent that Chapter not apply to pending cases. But there are other, equally plausible, alternatives. Second, because of the characteristically extended pendency of collateral attacks on capital convictions, [n. Or third, Congress, while intending the AEDPA definitely to apply to pending capital cases, could have been uncertain or in disagreement as to which of the many portions of Chapter should or should not apply to pending cases. Congress could simply have assumed that the courts would sort out such questions, using our ordinary retroactivity presumptions. None of these competing inferences is clearly superior to the others. The Court rejects the first, ante, at , as an "implausible" solution to an "unlikely" ambiguity. If Congress wanted to make Chapter inapplicable to pending cases, the simplest way to do so would be to say so. But, if Congress was instead concerned that courts would interpret Chapter , because of its contingent nature, as not applying to pending cases, the most direct way to solve that concern would be the solution it adopted: The Court finds additional support for its inference in the new 28 U. Section is part of Chapter and forbids subject to narrow exceptions federal district courts from considering claims raised by state capital defendants unless those claims were first raised and decided on the merits in state court. Section b provides, "[f]ollowing review subject to subsections a , d , and e of section [contained within Chapter], the court shall rule on the claims properly before it. Chapter establishes special procedures for capital prisoners. The result would have to be "outlandish," indeed, before a court should refuse to apply the language chosen by Congress, but no such result would obtain here. Petitioner and the Court both fail to appreciate the different litigating incentives facing capital and noncapital defendants. Noncapital defendants, serving criminal sentences in prison, file habeas petitions seeking to be released, presumably as soon as possible. They have no incentive to delay. In contrast, capital defendants, facing impending execution, seek to avoid being executed. Their incentive, therefore, is to utilize every means possible to delay the carrying out of their sentence. I would go on, and apply our ordinary retroactivity principles, as Congress no doubt assumed that we would. First, we have generally applied new procedural rules to pending cases. This is because "rules of procedure regulate secondary rather than primary conduct. The federal habeas proceeding at issue here is, in a sense, tertiary conduct. It is not the actual criminal conduct prohibited by law, nor is it the proceeding to determine whether the defendant in fact committed such conduct. Rather, it is a collateral proceeding that, in effect, attacks the judgment of the prior state proceeding. Section d , the precise section at issue here, simply alters the standard under which that prior judgment is evaluated, and is in that sense entirely procedural. District of Columbia, U. Second, we have usually applied changes in law to prospective forms of relief. Landgraf, supra, at ; see also Duplex Printing Press Co. Unlike damages actions, which are "quintessentially backward looking," Landgraf, supra, at , the writ of habeas corpus is prospective in nature. Habeas does not compensate for past wrongful incarceration, nor does it punish the State for imposing it. Instead, habeas is a challenge to unlawful custody,

and when the writ issues it prevents further illegal custody. Finally, we have regularly applied statutes ousting jurisdiction to pending litigation. *United States, U. Bank of Miami v.* This is the principle most relevant to the case at hand. But even if it is not jurisdictional, it shares the most salient characteristic of jurisdictional statutes: Section d does not address criminal defendants, or even state prosecutors; it prescribes or proscribes no private conduct. Instead, it is addressed directly to federal courts, providing, "[a]n application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted. Whether the approach is framed in terms of "retroactive effect," as the Landgraf majority put it, U. It is a procedural statute, regulating prospective relief, and addressed directly to federal courts and removing their power to give such relief in specified circumstances. It is therefore not surprising that the parties have not pointed us to a single case where we have found a modification in the scope of habeas corpus relief inapplicable to pending cases. To the contrary, respondent and amici have pointed instead to the uniform body of our cases applying such changes to all pending cases. This has been true both of statutory changes in the scope of the writ, see, e. *Mata, supra*, at , applying presumption of correctness of state court findings of fact to pending case ; *Wainwright v.* I would affirm the judgment of the Court of Appeals. Notes 1 See, e. The prisoner cannot return to state court to exhaust even if he would like to do so. On the other hand, if [an exception] is applicable, the district court is directed to conduct an evidentiary hearing and to rule on the new claim without first exhausting state remedies as *Rose v.* Because of the existence of state procedural default rules, exhaustion is futile in the great majority of cases. It serves the state interest of comity in theory, but in practice it results in delay and undermines the state interest in the finality of its criminal convictions. The Committee believes that the States would prefer to see post-conviction litigation go forward in capital cases, even if that entails a minor subordination of their interest in comity as it is expressed in the exhaustion doctrine. *United States ex rel.*

Chapter 7 : The Church Laws & the Status of the SSPX

Canon "Acts of jurisdiction of both the internal and external forum by an excommunicated person are illicit, and, if a condemnatory or declaratory sentence of excommunication has been issued against him, his acts of jurisdiction are invalid, without.

You can help by converting this section to prose, if appropriate. Editing help is available. However, Lefebvre quickly developed misgivings and declared his intention to consecrate a bishop as his successor, even without a pontifical mandate. It is said[by whom? In return, Lefebvre would have to request reconciliation with the church on the basis of the protocol of 5 May. Lefebvre presented three requests: Pontifical Council for Legislative Texts[edit] In , the Pontifical Council for the Interpretation of Legislative Texts PCILT responded to an enquiry from Bishop Norbert Brunner , of the Diocese of Sion , Switzerland, that "in the case of the Lefebvrian deacons and priests there seems no doubt that their ministerial activity in the ambit of the schismatic movement is a more than evident sign of the fact that the two requirements" for formal adherence to the schism "have been met". The Holy See has not yet done so. Likelihood of schism[edit] In , the PCED stated that it was likely, but not certain, that the SSPX members were adhering to a schism, which would mean that they were excommunicated, but that people who, "because of their attraction to the traditional Latin Mass and not because they refuse submission to the Roman Pontiff or reject communion with the members of the Church subject to him", attended Mass celebrated by SSPX priests, were not excommunicated, although, the longer they frequented SSPX chapels, the greater the likelihood of imbibing a schismatic mentality that would seem to involve adherence to the schism and so excommunication. They are within the Church. There is only the fact that a full, more perfect communion is lacking It is for this reason that the Bishops consecrated by him have been suspended and excommunicated. The priests and faithful of the society have not been excommunicated. They are not heretics. It is after all a service of charity, so that the Priestly Society gains full communion with the Holy Father by acknowledging the sanctity of the new Mass. For validity of marriage, marital consent must be declared "before the local ordinary, pastor, or a priest or deacon delegated by either of them" Canon The one who assists is necessary in all cases except when one who is described as "competent to assist" cannot be found and either of these situations apply: In that case, the parties may exchange consent before witnesses alone Can. The letter from the Congregation of the Doctrine of the Faith specifically grants local ordinaries not the pastors permission, in some circumstances, to delegate SSPX priests to assist at the celebration of marriages of faithful who follow the pastoral activity of the society. Insofar as possible, the local ordinary is to delegate a priest of his diocese or at least "a fully regular priest" to receive the consent of the parties during the marriage rite, which is then followed by Mass celebrated perhaps by a priest of the society. If this is not possible and "if there are no priests in the Diocese able to receive the consent of the parties, the Ordinary may grant the necessary faculties to the priest of the Society who is also to celebrate the Holy Mass". They sought hierarchical recourse from the Holy See to reverse the decree. The Holy See found in a review of the case that the submitted facts of the case were not formal schismatic acts so the decree lacked foundation under the cited canons and was therefore invalid; Ferrario should have, instead, imposed penalties under canon Instead the SSPX claims to possess extraordinary jurisdiction. This is of specific importance in Catholic canon law in relation to the sacraments of confession and marriage. Absolution of sins and assistance at marriage[edit] To absolve sins validly, a priest must be given the faculty to do so, [30] a faculty that, normally, only the local bishop can give. If a *latae sententiae* censure has not been declared, the prohibition is also suspended whenever one of the faithful requests a sacrament or sacramental or an act of the power of governance; for any just reason it is lawful to make such a request. Such private letters to individuals do not have the force of law for the faithful in general. However, "statements of dicasteries and organisms of the Holy See which touch on faith and morals are not considered infallible, but should be taken as norms of moral certitude. The Sacraments of Penance and Matrimony, however, require that the priest enjoys the faculties of the diocese or has proper delegation. Since that is not the case with these priests, these sacraments are invalid. It remains true, however, that, if the faithful are genuinely ignorant that the priests of the Society of St. Pius X

do not have proper faculty to absolve, the Church supplies these faculties so that the sacrament is valid cf. Code of Canon Law, canon 2264. The SSPX priests only have the faculty of being able to absolve sins during that Jubilee Year; outside of that time frame they do not have it, and they are still to be considered by Catholics who follow the Vatican to be suspended from all ministries except absolution. This has led some priests to leave the SSPX. Dogma, according to the note with which the Congregation for the Doctrine of the Faith accompanied publication of the profession of faith, must be firmly accepted and held, the other teachings need only be adhered to "with religious submission of will and intellect". Archived from the original on 14 April 2013. That is, its position is precisely analogous to the status of the Old Catholic Church of the Netherlands,

Chapter 8 : The Validity of Confessions & Marriages in the Chapels of the SSPX

For instance, a bishop who appoints a certain priest as pastor of a parish knowing that the man is morally or psychologically unfit for the task acts illicitly, since the appointment violates canon law (cf. canon 2264, Code; canon 2264, Code).

Pius X A canonical study by Fr. If the SSPX is not outside the Church, jurisdiction is supplied by the Church for marriages and confessions, because of common error, positive probable doubt, the right of the faithful asking for the Sacraments, and also in danger of death. Foreword I still can see him. Who could ever forget him? Taking a pinch of fragrant snuff with the superb refinement of an English lord, the Rev. Thomas Glover, dressed in his immaculate cassock, towered above a class of young students of Theology at the International Seminary of St. Pius X, in Ecône, Switzerland. It was their first encounter with the Codex Juris Canonici, the imposing volume which collects the 2, Canons which regulate the discipline of the Catholic Church, all of it written in Latin. It was in Latin as well that Dr. Glover was about to deliver his first lecture in Canon Law, at the beginning of the academic year. Well aware of the prevalent emotions of the audience, predominantly distressed, his first comforting words were: Codex vere est amicus vester! The Code is truly your friend. Glover have proven to be perfectly true. The study and the knowledge of Canon Law have permitted me never to find myself in a vulnerable position, when the moment has come to explain and to justify in the juridical domain the position and the actions of the Society of St. The law of Holy Mother Church is indeed our friend and guide in the present crisis. This study on the validity of the confessions heard by our priests and of the matrimony which they bless regularly in our chapels throughout the world has been prompted by the recent attacks of a group founded by a few priests who abandoned Archbishop Lefebvre after the Episcopal Consecrations of June 30, It appears that, in their understandable eagerness to please the Modernist hierarchy upon which they fully depend, the members of this faction not only declare invalid the absolutions given by our priests, and null and void the marriages we witness, but they have encouraged and attempted to "remarry" the couples who have already contracted matrimony in our chapels. I would not be surprised if soon we hear about instances in which our former faithful are being allowed sacrilegiously to proceed to a new marriage with a different party, on the false grounds that their previous wedding ceremony in our chapel was an invalid one. I believe that the peace of mind of the faithful and the sanctity of the sacrament of marriage require an immediate reply. I do not intend to write a treatise on the power of jurisdiction in the Church; there are many erudite ones already available in the ecclesiastical libraries. The simple goal of my work is to demonstrate, with canonical arguments, the validity of the confessions and marriages in our chapels of the Priestly Society of St. Some considerations on the power of jurisdiction 1. The problem It is often heard that the priests of the Society of St. Pius X do not have jurisdiction, and that the bishops consecrated by Archbishop Marcel Lefebvre and Bishop Antonio de Castro Mayer do not claim any jurisdiction either. In a way, this is true. And yet, we know that the power of jurisdiction over the penitent is required for the validity of absolutions Canon , and that the ordinary canonical form of marriage requires the presence of an authorized priest Canon Furthermore, without a canonical mission "which is an act of jurisdiction" a priest is not allowed to preach Canon Authorization or delegation is as well required for performing a baptism in the usual way Canon , and also to take Holy Communion to the sick in a solemn manner Canon , to keep the Blessed Sacrament reserved in chapels of convents, schools and churches which are not parishes or attached to exempt religious houses Canon , to perform funeral rites Canon , to build a church Canon , and faculties are required by a cleric in order to be a legitimate minister of the Sacraments Canon The Code maintains that a bishop can confirm licitly only his subjects Canon , upon whom he has ordinary jurisdiction. Nevertheless, our bishops confirm worldwide, our priests perform all the sacred actions mentioned above, and traditional Catholics build churches and chapels where the Eucharistic Lord dwells permanently in His tabernacle. All this, needless to say, without the delegation of the diocesan prelate and often very much against his will. So, let us face the problem: Pius X do not have jurisdiction, it appears that the confessions they hear and the marriages they bless are invalid. If they have no faculties, all the priestly work they perform every day is illegitimate and therefore

evil. If this is so, it would be a sin to receive their services, maybe even to ask for them. If such is the case, the Society is deceiving the good traditional Catholic faithful! As the Spartans replied to the invading army before the decisive battle, when the herald described the terrible retribution which would be inflicted upon their homeland IF they lost, our answer is also a laconic: Let us see in the following pages how indeed the legislation of the Church is on our side, how it helps us to perform our priestly ministry in these extraordinary times, how indeed *Codex vere est amicus noster!* We are not interested here in studying the foundation and existence of jurisdiction, only its notion, so that we may understand what are we talking about. The former is the field of Juridical Philosophy, and there are very good studies on the subject; I recommend [Cardinal Alfredo] Ottaviani *Institutiones Iuris Publici Ecclesiastici*, vol. Let me nevertheless point out some concepts which I consider of the utmost importance: The juridical status of a society, perfect or imperfect, depends on its purpose. Because of her supernatural purpose, the Church has the authority to rule her members for the attainment of their eternal salvation. This power of divine institution Canon is what we call ecclesiastical jurisdiction. The Catholic Church is a perfect society, with a perfect end and full rights to obtain it: These means correspond with the three munera or "functions" given by Our Lord to the Church: By being faithful to these duties and using the means given by Our Lord, she leads the souls of the faithful to their eternal destiny in Heaven. Following such great principles Cappello explains Canon , which concerns the power of jurisdiction in the Church. When we speak about "jurisdiction" we are actually referring to the power of ecclesiastical jurisdiction or government. The New Code prefers to call it *potestas regiminis* New Code Canon , even though it still accepts the old terminology *potestas jurisdictionis ibidem*. Let us retain this principle during our reading of the present study: This is an essential concept. The Church has jurisdiction in order to save souls, and whatever law frustrates such purpose is to be considered as not binding, because the Church cannot contradict her very purpose. The law of the Church must always be interpreted with the sublime axiom in mind: *Prima lex salus animarum*, "The first law is the salvation of the souls. The power of jurisdiction in the Church includes legislative, executive and judicial authority. Thus, while the power of orders stems from the sacrament of holy orders and is immediately directed to the sanctification of her members, the power of jurisdiction or government springs from the very nature of the Church as a supreme and perfect society that needs to be guided and governed in order fully to attain her spiritual end. Ordinarily, ecclesiastical jurisdiction can only be exercised by clerics Canon Jurisdiction does not come from the reception of holy orders. The Pope receives it directly from Christ once he has been legitimately elected and has freely accepted the election. All the other degrees of jurisdiction are normally received by a canonical mission Canon Ordinary jurisdiction is automatically attached to an office by the law; it is the case of a diocesan Bishop, or of those prelates which in law are equal to him. Delegated jurisdiction is that which is committed to a person, and this can be done by an administrative act of the legitimate Superior or by the law itself. Jurisdiction is also delegated in extraordinary cases by the law itself, which supplies for the lack of jurisdiction in a subject: We will see it in detail afterwards. The sources of the power of jurisdiction are therefore multiple: Christ himself, for the Pope, who in His name governs the Church as its visible head on earth see Canons and The appointment to an office to which jurisdiction is automatically attached, as it is the case of a diocesan bishop Canons and The legitimate delegation of jurisdiction from a superior, for instance when the Ordinary gives faculties to a priest so that he may hear confessions in the diocese Canon , 1. Canon Law itself, when contemplating extraordinary cases in Canons , , and ; without forgetting the exceptional situations indicated in New Code Canons and My intention is to develop 4 with the help of Canon Law itself, the jurisprudence of the Holy See, and the commentaries of the many authors who have treated the subject, in order to prove beyond doubt that the confessions and matrimonies in our chapels are perfectly valid and legitimate. The development of the application of New Code Canons and is presented here only as a convincing argument *ad hominem*. New Code or Old Code? I will quote consistently in my study the Canon Law of St. Pius X, promulgated by Benedict XV in , which has been the wise canonical legislation of the Latin Church until The Society of St. Pius X disagrees profoundly with the letter and the spirit of this New Code which enshrines the conciliar views on the Church and the world. Nevertheless, it is interesting to note that the new legislation is almost identical to the precedent one concerning the subjects which we are treating here; a quick view at the

Canons quoted in this article shows it clearly. In fact, the evolution of canonical doctrine tends ostensibly to develop in favor of a wider application of favors and freedom, everything being to our advantage. Having in mind that our case will be judged by our adversaries according to the New Code, I will often make reference to the correspondent canons, indicating it with the words New Code. It could also happen that someone attempts to say that the past canonical doctrine is out of date, or that it has been suppressed by the New Code, and consequently the commentaries and opinions which I am quoting and using in this study are no longer valid. I want therefore to recall that "Canones huius Codicis, quatenus ius vetus referunt, aestimandi sunt ratione etiam canonicae traditionis habita" New Code Canon 6, 2 , which means that even though the New Code wants to substitute completely the one of , the norms that reproduce concepts and practices of the old legislation must be understood and studied in the light of canonical tradition. Identical approach is to be found also in the Code, Canon 6, concerning the ancient legislation of the past centuries. It makes perfect sense, because without such a policy no jurisprudence nor coherent canonical study would be possible. What is Supplied Jurisdiction? The Church is a mother, a mother legislating for the good of her children. Again, the first law is the salvation of souls; the Church governs the souls in order to lead them to Heaven. Certain juridical or administrative acts in the Church require the power of jurisdiction; although an unauthorized agent might observe every formality required by the law, his act will be invalid. A series of invalid acts, placed by an unauthorized agent, maliciously or in good faith, especially when such acts are distributed throughout a long period of time, will work havoc in any society, the Church not exempted. This suppli-ance is to be conceived as a delegation by the law, delegatio a iure. The active subject of this extraordinary delegation is the common law, in the sense that is disposed in the legislation. The power is given not habitually but in actu: The Church supplies only those things which pertain to the state and condition of persons, but not the formalities required by the law for the validity of acts. Also, the Church can supply only the power which is entrusted to her, not what is required by divine or natural law example: Supplied jurisdiction in case of common error 2. A Little History Many of the canonical rules of the Church have their origin in Roman Law, and the suppli-ance of jurisdiction in case of common error is one of them. There was a well-educated slave named Barbarius who escaped from his master and arrived in Rome. Roman Law declared null and void the acts of slaves, and they were unable to exercise any public charges.

Chapter 9 : White Smoke, Valid Pope | Catholic Answers

Ordinarily, ecclesiastical jurisdiction can only be exercised by clerics (Canon). Jurisdiction does not come from the reception of holy orders. The Pope receives it directly from Christ once he has been legitimately elected and has freely accepted the election.

Peter Scott State of the question Many have asked how traditional priests can continue to administer the Sacraments, and especially hear confessions, when they have had their Sacramental faculties removed by the local ordinary. The following considerations will help you to understand not only the injustice of this, but also how these priests are clearly entitled to use supplied jurisdiction. It is obvious that the present crisis in the Church is not foreseen in Canon Law. Consequently we must base our activity on the juridical analogy taken from the general norms of the Codes Canon 20 in the Old Code and Canon 19 in the New Code , which state that if there is no express law concerning a special situation, the rule must be taken from: The similar circumstances are those in which the Church supplies jurisdiction on account of the grave danger to souls. They are the cases of: OC NC This can be concerning jurisdiction or common error or danger of death. OC and NC and Those who cannot find a suitable confessor for a long period of time and who are consequently in danger of spiritual death must be assimilated to those in danger of death, according to the principle of Canonical Equity see below. The two principal ones are: This is recourse to the mind of the legislator when there is nothing explicit in writing , who never wants his legislation to be too onerous burdensome , but always wants it to be interpreted in a just and favorable manner. That it is indeed the mind of the Church to be generous in the granting of jurisdiction and not overstrict or onerous is also apparent from the following two canons: The Church suspends its prohibition for an excommunicated or suspended priest celebrating the Sacraments or posing acts requiring jurisdiction, provided it be in favor of the faithful who request it for any reasonable cause at all, and especially if there is no other minister. Ordinaries and superiors are not to restrict jurisdiction. If the priest is suitable and the good of the faithful requires his services this jurisdiction cannot be refused to him. Clearly traditional priests should in justice receive personal jurisdiction and that everywhere NC This is with the understanding that personal jurisdiction is unjustly refused to them simply because of their attachment to the Faith and its traditional expression inseparable from the Faith , and that the faithful cannot be expected to continually search out and judge for themselves which confessors in the Conciliar Church might be acceptable and might give them the spiritual advice they need given that the vast majority do not. In conclusion, therefore, it is obvious that, besides the case of common error, besides the case of probable and positive danger of death as interpreted in the broad sense of spiritual death, traditional priests receive a iure from the law itself a supplied jurisdiction for all cases in which this jurisdiction is required. This is simply the application of Canon 20, notably of Canonical Equity. There are no solid arguments against this and since there is at least a positive and probable doubt in favor of this argument, and we know that in such a case the Church certainly supplies jurisdiction, then traditional priests can and must act accordingly and the faithful can and should approach them for Confession. In the case of marriage this conclusion need not be applied. For OC NC describes situations when even a priest without jurisdiction can validly assist at a Catholic marriage, namely when there is a major "inconvenience" for more than one month as, for example, the New Mass or the liberal pre-Cana classes. All depends on whether the crisis in the Church is recognized or not. Those who understand its gravity will all agree on the force of these canonical arguments for supplied jurisdiction presented by Bishop Tissier de Mallerais in the following pages. Bishop Tissier de Mallerais addresses the problem I. A problem is immediately apparent to you, as I am sure you are aware. What authority do these priests, these bishops, these district superiors, this Superior General and these traditional communities have in the Church? You ask this not only because they are, so we are told, excommunicated, but also because they do not receive their authority from the hierarchy of the official Church. Our priests do not receive the power to hear confessions from the diocesan bishops. The Priestly Society of St. Pius X has no longer any "official existence. What right therefore does this traditional clergy have to require of you, the laity, to depend on it in your Catholic action? It is this objection to which I am going to reply. What is the authority of the traditional

Catholic clergy in this crisis situation, and, in particular, what is its authority with respect to traditional Catholic study groups? The thesis is the following I can review it briefly before explaining it: Your traditional priestsâ€”for they are your priestsâ€”your traditional bishops and your traditional parishes, have no ordinary authority, but an extraordinary authority which is a supplied authority. Then, I will strive to examine the concrete aspects of this supplied authority of the traditional clergy so as to apply them to the case of your "Catholic action. The traditional clergy has no ordinary authority over the faithful, for it has not received this authority which we call jurisdiction. It has not received it by delegation or by mandate of the Sovereign Pontiff or the diocesan bishops or of regularly appointed parish priests. This is the concrete case, especially for the priests of the Society; for example, for confessions. You know that for the validity of a confession, the priest must have the power of hearing confessions. He normally receives this power from the bishop, but it is quite obvious that in the present situation this is impossible. Does this mean that our confessions are invalid? We already resolved this question a long time ago, explaining it to the faithful as a case of necessity. Here we fall back on principles which are very elevated in the hierarchy of principles of the Church. This is the case where the Church directly confers jurisdiction on a priest without going through the different degrees of the hierarchy. Do you know, for example, the case of what is called "common error"? When a priest is in a church and has no jurisdiction, but is in stole and surplice, and one of the faithful asks him to hear his confession, this priest can indeed hear his confession, although he has as such no faculties. The reason is that the person is in error in believing he does and that is what we call "common error. Another situation is when a priest is no longer sure whether or not he has jurisdiction. There is a doubt. The Church resolves the doubt in favor of jurisdiction. Likewise in the case of danger of death. If a Catholic overturns his vehicle, and is in an emergency situation any priest has the power of hearing his confession even if he does not necessarily have jurisdiction. In such a case the Church opens wide the doors of her mercy and gives jurisdiction to any priest. It is the Church herself which gives jurisdiction, without involving the hierarchy. That includes the Sacrament of Confession. We therefore say "Ecclesia supplet" â€”"the Church supplies," â€”when the priest lacks jurisdiction. Another rule of Canon Law applies: It is therefore not the good of the priest which is in question. It is not to reassure the priest that he has jurisdiction to hear confessions. It is very important to understand this. It is for your own good that your priests receive a supplied jurisdiction, that is to say for the common good of the Church and not for the personal good of the priest. For the good of the faithful in these three cases, "Ecclesia supplet"â€”"the Church supplies. Let us say a few more words about it. The Power to Feed a Flock Does a priest lack something when he is ordained a priest? Would there be something missing from his priestly character which the diocesan bishop has to add by word, "Here, I give you jurisdiction," as by waving a magic wand? Would a word from the bishop give something extra to the priest? No, it is not quite this. Jurisdiction is the fact that the bishop gives a flock to his priests, or that the Pope designates a flock for a bishop by giving him a diocese. Jurisdiction is the power which a superior has over his flock and which a pastor has over his sheep. This is what the power of jurisdiction is: You certainly know that in the Church we distinguish between the power of Holy Orders and the power of jurisdiction. When Our Lord said, "Go into the whole world and preach the gospel," "docete omnes gentes"â€”"and teach all nations,"â€”it was the power of jurisdiction which he gave. Thus to direct the flock is the power of jurisdiction. This is the power of Holy Orders, which is the power of sanctifying, which depends directly upon the priestly character. It is the power to celebrate Holy Mass and to sanctify the faithful by the Sacraments. There must therefore be something besides the priestly character, by which the priest or the bishop receives from his hierarchical superior a part of the flock. It is that which is called the power of jurisdiction. The Supplying of Jurisdiction in Times of Crisis In the present situation of crisis, it is obvious that your priests cannot receive from their superiors in the church, that is to say from the diocesan bishops and from the Pope, a flock, because that flock is refused to them. This authority over a flock must, therefore, be given to them in another manner: In this case it is the Church herself which gives to priests a power as the power of the pastor over his flock. Normally the power of Holy Orders, brings with it the foundation or basis of a power to organize the Church in a hierarchy. It is normal for a bishop or a priest to have a particular flock over which he exercises his power of Holy Orders. But in the present situation we have to deal with the abnormal situation where the power of Holy Orders is

unjustly deprived of the power of jurisdiction. It is in this case that the Church mercifully supplies jurisdiction in favor of you, the faithful, giving the jurisdiction your priests would otherwise not have. This is therefore an extraordinary power, which is an exceptional case. In exceptional situations there are exceptional powers. The General Extent of Supplied Jurisdiction It is not only present for confessions, but also for the entire priestly ministry. There is no reason to limit it to confessions alone. And, you are indeed aware that jurisdiction is sometimes necessary for a priest to validly administer the Sacraments. This is the case, first of all, for Confession. It is equally the case for a priest assisting at Marriage. If he does not have jurisdiction the marriage is null and void. Although the two spouses are the ministers of the Sacrament, the Church has added a supplementary condition for validity, that is to say that the matrimonial consent be exchanged before the official witness of the Church, which is normally the parish priest. It is quite obvious that our priests do not have this power in an ordinary way. Normally jurisdiction is necessary for licitness, that is to say, in order that the act of the priest be licit, or, permissible. For example, to preach a priest must have a mandate, or, for a bishop to confirm in another diocese than his own, he must have a mandate from the diocesan bishop.