

THE FAITHFUL WHO ATTEND THE SSPX

In a recent paper on the website Onepeterfive American layman John F Salza addresses a question raised in a video by one of the priests of the Society of St Pius X, Fr Jonathon Loop, as to how the clergy of the Society of St Pius X can justify the exercise of their priestly ministry when they have no permission from the Church to do so.¹ While the Society's bishops are validly consecrated they do not have a canonical mission given by hierarchical authority to become active and lawful as required by canon law; nor are the Society's priests incardinated as canon law requires. Salza explores the question whether the Society has a mission in the Catholic Church and concludes that it does not.

The Society claims that its position is supported by the extraordinary circumstances in which Catholics find themselves today, characterised by Fr Loop as "profoundly not normal", due to the abandonment of many, perhaps a majority, of the Church's bishops and priests of the Church's teachings in favour of those of the heresy of Modernism. Against this claim Salza cites the 1983 *Code of Canon Law* expressing what Pius XII had previously taught that the power of bishops to sanctify and to teach can only be exercised in hierarchical communion with the Pope and bishops of the Catholic Church. Without a mission from the Pope a bishop's powers received at consecration remain inactive and cannot lawfully be exercised. Salza cites in support the pronouncement of the Council of Trent in Session 23 Canon VII on the Sacrament of Orders (though in fact it is part of the previous Canon, n. VI):

If anyone says that bishops... who have neither been rightly ordained nor sent by by ecclesiastical and canonical power, but come from elsewhere, are lawful ministers of the word and of the sacraments; let him be anathema.

In answer to the claim that the Society exercises a ministry in the Church he contends that it can only be an extraordinary one and that for such to exist it must be shown, and accepted by the Church, that it is supported by miracles; and since no miracles have attended the Society's work this justification cannot be established. Consistent with this reasoning one may accept that the Society is not part of the ministry of the Catholic Church.

The same Council of Trent said this in Session 7 canon 13:

"If any one shall have said that the received and approved rites of the Catholic Church customarily used in the solemn administration of the sacraments may be contemned, or be omitted at pleasure by the ministers without sin, or be able to be changed by whomsoever pastor (any pastor whatsoever) of the churches, into other new rites: let him be anathema."

Pursuant to the Council's direction that he revise and re-edit the sacred books, Pope Pius V proceeded, on July 14th, 1570, to establish the form of Mass in the Roman Rite in the Bull *Quo primum*. In doing so he codified what had been the millennial practice in the Church since before the time of Gregory the Great. He concluded the document with this solemn warning:

¹ December 6th, 2021 <https://onepeterfive.com/does-the-sspx-have-an-extraordinary-mission/> This is a shortened edition of a paper which appears in full at <http://www.trueorfalsepope.com/p/does-society-of-st-pius-x-have.html?m=1>

“[N]o one, whosoever he be, is permitted to alter this notice of Our permission, statute, ordinance, command, precept, grant, indult, declaration, will, decree, and prohibition; nor is he allowed temerarily to act against it.

“Accordingly, should anyone presume to commit such an act, let him know that he will incur the wrath of Almighty God and of the Blessed Apostles Peter and Paul.”

Pius V here entrenched the form of the Mass in the Roman Rite. In doing so he addressed no mere matter of discipline but a matter of faith since the Mass is the central expression of the faith, and he bound his successors thereafter as effectively as if he had elaborated a doctrine of the Church to be believed by all the faithful. That is, he bound them irrevocably.

The thirty three Popes who followed him (including John XXIII) understood this and acted accordingly. Three of them, Clement VIII, Urban VIII and Pius X, in editions of the rite they published, evidenced their agreement by repeating the text of *Quo primum* while adding bulls or briefs to supplement it. In doing so they demonstrated that they agreed that the Bull was no mere disciplinary document. This is the position of the Catholic Church. It is the position to which the Society of St Pius X adheres. It is not the position of the current tenant of the papal throne; nor has it been the position of the last four of his predecessors.

The irrevocable authority of *Quo primum* is contradicted by—

- Pope Paul VI’s attempt to do away with its authority in his Apostolic Constitution *Missale Romanum* (April 3rd, 1969);
- the indult *Quattuor Abhinc Annos* of the *Congregation for Divine Worship* approved by Pope John Paul II (October 3rd, 1984);
- the Apostolic Letter of John Paul II, *Ecclesia Dei* (July 2nd, 1988); and
- the Apostolic Letter of Pope Francis, *Traditionis Custodes* (July 16th, 2021).

Drawing on the teaching of Aristotle in his *Ethics* Bk. V, x, St Thomas Aquinas, the Church’s Common Doctor, endorses as an exception to conformity with a law, the principle of *epikeia*. A law is made for the generality of cases, he says, and exceptional circumstances may demand that observance of its letter be moderated to comply with the dictates of justice and the common good.² (*Summa Theologiae* II-II, q. 120, aa. 1, 2) *Epikēia* is a virtue.

“[I]f legal justice denotes that which complies with the law, whether as regards the letter of the law or as regards the intention of the lawgiver—which is of greater account—then *epikeia* is the more important part of legal justice.” (q. 120, a. 2, ad 1)

In his criticism of the position taken by the Society of St Pius X, John Salza asserts that the appeal (inter alia) of the Society to the principle of *epikeia* to support its refusal to comply with directions given by Paul VI in 1975, and by John Paul II in 1988, is fallacious. But he mistakes subsidiary issues for the principal issue, as he mistakes the identity of the lawgiver in the application of the principle. What is the principal issue? It is the law contained in the Church’s irreformable declaration as to the mode and content of the Roman Rite of Mass in

² It is *epikeia* that governs the equitable jurisdiction of courts in countries that adopt the English Common Law.

Quo primum. Who is the lawgiver? It is the Catholic Church, and the law is that promulgated in 1570 by Pius V. Salza's analysis presumes the licitness of Paul VI's action in discarding *Quo primum's* authority and the licitness of John Paul II's acceptance of his predecessor's stand as representing the Church's position.

It was Paul VI's failure to adhere to the Church's law that caused him to expel Archbishop Lefebvre and his priests from the Church. It was the same failure (precipitated by the Archbishop's action in consecrating bishops out of fear that upon his demise no bishop would be available to ordain priests to celebrate Mass according to the Church's law) that grounded John Paul's putative excommunications in *Ecclesia Dei*. At the root of both was besottedness with the follies of the bishops of the Second Vatican Council and the compromises of the truth of the Catholic faith in which they engaged.

Notwithstanding that they operate in accordance with the Church's intention, the law set forth in *Quo primum*, the priests of the Society of St Pius X are precluded entitlement to operate within the Church's mission. They desire to do so. They are prevented by the injustices of these two Popes, injustices perpetuated by their successors.

In such circumstances, why may it not be advanced pursuant to the principle of *epikeia* that the dictates of justice and the common good of the Church and of the faithful allow that, even though under the present dispensation they are outside the Church's declared mission, priests of the Society of St Pius X are entitled to exercise their priesthood for the welfare of the faithful?

Catholics of the twenty first century find themselves in a dilemma. Their obligations are to keep holy the Sabbath Day, the Sunday observance, and to comply with the Divine Command (*John* 6: 51-58) that they receive the Blessed Eucharist, the bread of life. They accept that the sacraments may only licitly be dispensed through the Catholic Church but often they look in vain for a priest within the Church's mission to provide them as required by the law set forth in *Quo primum*. If the facilities of the FSSP or a priest within the Church's mission are not available, they are faced with the prospect of attendance at an illicit (and possibly invalid) rite of Mass in the *novus ordo*, or its celebration in valid form, albeit offered illicitly, by a priest of the SSPX.

On January 21st 2009 Pope Benedict XVI lifted the excommunications imposed by his predecessor on the Society's bishops. On December 8th, 2015, Pope Francis granted permission to the Catholic faithful to attend priests of the Society for confession and, on November 20th 2016, he extended this provision indefinitely. Through these providential provisions - and notwithstanding that on March 10th 2009, Benedict confirmed that as long as the Society does not have a canonical status in the Church, its ministers do not exercise legitimate ministries - the Church has demonstrated qualified acceptance of what the Society and its priests have

essayed. In these circumstances why should Catholics regard themselves as impeded from seeking Mass and the sacraments at the hands of priests of the Society?

The Church forbids Catholics to attend a Mass offered by a Russian or Greek Orthodox priest, even though the Mass may be valid, because each is a schismatic rite. Now, schism does not have to be a formal act: all that is needed is something that cuts a follower away from the Church. Paul VI's 'new rite of Mass' was published in 1970 against the ruling in Session 7 Canon XIII of the Council of Trent, against the express terms of Pius V's bull *Quo primum*, and against the position maintained by thirty three of his predecessors, as noted above. It suffers from another, and fatal, defect. In publishing it Pope Paul neglected to promulgate it!

Not only is the *novus ordo* rite an illicit rite then but, as theologian and canon lawyer the late Fr Gregory Hesse argued, since it cannot be considered a work of the Church it must be schismatic.³ *Lex orandi statuat lex credendi* – the law of what is to be prayed establishes the law of what is to be believed. The *novus ordo* involves serial departures from, or silences on, elements of the Church's teaching. What it propounds in its 'liturgy' tends to separate those who attend it from the Catholic faith. It may not succeed in doing so; it is enough that it tends to that end. Fr Hesse was surely right when he asserted that, just as Catholics may not attend a Russian or Greek Orthodox Mass, neither may they attend the *novus ordo*. In his Apostolic Letter *Traditionis Custodes*, which seeks to divide the faithful by endeavouring to force them to adopt this defective rite, Pope Francis adds his testimony to its schismatic effect.

In the abnormal situation in which they find themselves, where it is physically impossible to comply with the law's command that they fulfil the Sunday obligation and receive the Bread of Life from a priest with a mission from the Church, the faithful, too, are entitled to appeal to the principle of *epikeia* and depart from the letter of *this part of the Church's law*. For only by doing so will they be able to comply with the intention of the lawgiver (Our Blessed Lord through His holy Church) *in the much more important part of the law* which governs the mode of celebration of the Roman Rite, and attend Mass and receive the sacraments from a priest of the Society of St Pius X.

With the publication of the *Responsa ad Dubia* about various items in *Traditionis Custodes* by the *Congregation for Divine Worship and the Discipline of the Sacraments* on December 18th last, the issues at stake have assumed particular importance. The responses have only made clearer just how schismatic is the effect of Pope Francis's Apostolic Letter.

Michael Baker
December 24th, 2021 – *Christmas Eve*

³ Cf. audiotape of Fr Gregory Hesse S.T.D., S.J.D. no. 12 at <https://archive.org/details/FatherHesse>