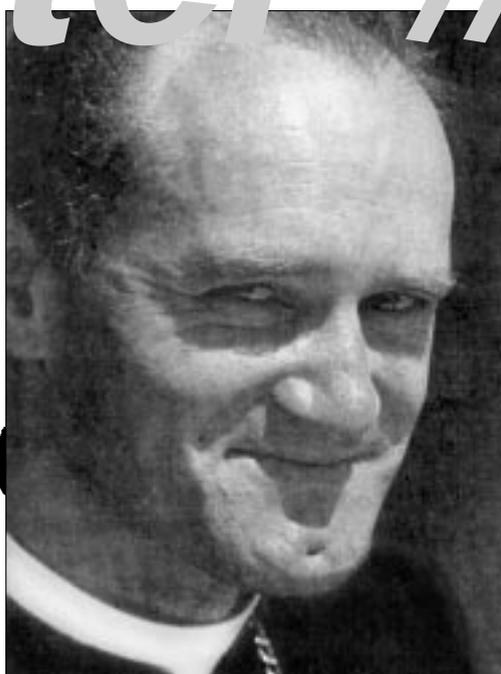


# Letter #53

+ from



Fellay

Letter #53 to Friends and Benefactors  
from Bishop Bernard Fellay,  
Superior General of the Society of Saint Pius X

## THE LATEST "FROM ROME"

Two letters purporting to accuse the Society of Saint Pius X of being in formal schism have been circulating since May of this year. Both are without signatures, dates, nor the required Protocol Number. Over the next pages, His Excellency Bishop Bernard Fellay addresses the strange letters from nowhere, from no one, to nobody.

- ▶ **pp.26-28:** Bishop Fellay gives the view from the high ground. Bishop Brunner's request for an official position on the Society of Saint Pius X. Bishop Fellay's critique of the response of the Congregation for the Doctrine of the Faith (?) and/or the Congregation of Bishops (?), and his analysis of Authority and its proper use.
- ▶ **pp.29,30:** The full text of the response of (presumably) the Congregation of Bishops (?) with parallel paragraph-by-paragraph commentary by Fr. Peter R. Scott.
- ▶ **pp.31-33:** The full text of the determinations of the Pontifical Council for the Interpretation of Legislative Texts with Fr. Peter R. Scott's parallel commentary.

**FRATERNITÉ  
SACERDOTALE  
SAINT PIUS X  
Schwandegg  
CH - 6113 MENZINGEN**

*Dear Friends and Benefactors:*

In May this year, Bishop Norbert Brunner of the Diocese of Sion in Switzerland felt compelled to publish two texts that he had received from Rome. These laid out the status of the Society of Saint Pius X as following on the consecration of the four bishops in June, 1988. The texts mentioned schism and excommunication for everybody, priests, bishops, and laity alike.<sup>1</sup> It should be noted that at the same time the Roman Commission, *Ecclesia Dei*, in various replies to individuals and even bishops, has gone no further than to speak of "grave danger of schism," which is a different thing altogether.<sup>2</sup>

The bishop of Sion presented these two texts as documents coming from Rome ("I asked the competent Church authorities for an official statement," he said), the one supposedly issuing from the Congregation for the Doctrine of the Faith, the other from the Pontifical Council for the Interpretation of Legislative Texts.

Because there were obvious mistakes, we wrote to Bishop Brunner asking for a little more information. He replied that the date was indeed wrong,<sup>3</sup> but that the first document was truly from the Congregation for the Doctrine of the Faith, and he gave us to understand that he published the texts exactly as he had received them.

Soon afterwards, both the French bishops who had asked the Pope last autumn to condemn the Society of Saint Pius X only to be advised "to put together a document themselves,"<sup>4</sup> and the Fraternity of St. Peter, gave a noisy welcome to these condemnations "from Rome."

The Fraternity of St. Peter reproduces the texts as they stand, whereas the French bishops' magazine, *la Documentation Catholique* [6 July, 1997, No.2163; pp.621-623-Ed.], introduced a modification. In Bishop Brunner's introductory text (as in the title), the first document is no longer presented as coming from the Congregation for the Doctrine of the Faith, but from the Congregation of Bishops, as we had noted in our letter to Bishop Brunner. All of which calls for a few remarks:

- 1) Both texts are unsigned. They remain anonymous.
- 2) Bishop Brunner said he received them on October 31, 1996, but he only published them on May 16, 1997. In fact both texts are undated, and lack the Protocol Number such as all official Roman documents are required to have.

## La situation canonique de la Fraternité Saint-Pie X et des disciples de Mgr Lefebvre

*Réponses de la Congrégation des Evêques et  
du Conseil Pontifical pour l'interprétation  
des textes législatifs à une demande  
de Mgr Norbert Brunner, évêque de Sion*

Mgr Norbert Brunner, évêque de Sion (Suisse), diocèse dans lequel sont situés, à Écône, le séminaire et la Fraternité Saint-Pie X, créés par Mgr Marcel Lefebvre, s'est adressé à la Congrégation des Evêques pour obtenir une réponse autorisée sur la situation canonique de ces organismes et des chrétiens qui se réclament des positions de Mgr Lefebvre. Il présente ci-dessous le sens de sa requête et les réponses obtenues de deux dicastères romains (\*):

### Présentation de Mgr Norbert Brunner

La Fraternité sacerdotale Saint-Pie X est-elle schismatique? Est-elle excommuniée? Depuis les ordinations

(\*) Textes français du Secrétaire de l'Evêché de Sion. Les réponses des dicastères romains, rédigées en italien, ont été traduites en français par ce même évêché. Titre et notes de la DC.

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- 3) The conclusion to be drawn is that the texts are mere notes, sketches, a draft, which is what the poor quality of the texts with their gaps and inaccuracies would suggest.
- 4) The draft is so sketchy that these officials cannot even state its origin and author without getting mixed up. To scare off the faithful they are reduced to waving around anonymous notes!...
- 5) Yet anonymous notes are what they rely on to cry to the world that the Society of Saint Pius X is schismatic and excommunicated, terms which in their mouths, at any rate, have lost virtually all meaning.
- 6) What meaning are we to give to "excommunication" which normally signifies being cast out of the Church? When the Roman authorities think they can downgrade the Dogma "Outside the Church there is no salvation" to "its original meaning of encouraging Church members to be faithful,"<sup>5</sup> then we are driven to think that excommunication may have undergone a similar downgrading-into a paper tiger!

Such obvious violation of the most basic principles of what is right and just seem to leave the Church authorities or the Fraternity of St. Peter wholly unmoved. What civil authority would ever have dared to

épiscopales illicites accomplies par Mgr Lefebvre en juin 1988, ces questions restent surfeues périodiquement. Et d'autres y répondent : « non ! Témoin entre autres, un article du 27 juin 1988 dans *Goaite de Marigny* : « Juste pour dire... » ou encore celui du *Bulletin des amis de saint François de Sales* de mars/avril 1997.

Les cercles amis de la « Fraternité sacerdotale Saint-Pie X » prétendent s'appuyer sur des déclarations de cardinaux ou de comités. Il s'agit fondamentalement de trois questions.

1. Est-ce que Mgr Marcel Lefebvre, son évêque consécrateur et les évêques consacrés par eux sont excommuniés ?

2. Est-ce que les fidèles qui appartiennent à la Fraternité et y adhèrent sont eux aussi excommuniés ?

3. La célébration de la messe selon le rite tridentin est-elle autorisée ?

Face à ces questions répétées, il m'est paru nécessaire de recourir à une réponse autorisée en sollicitant une prise de position authentique des Autorités ecclésiastiques compétentes. Je me suis donc adressé au Pape de la Congrégation pour les Evêques dont j'ai reçu la réponse suivie en date du 31 octobre 1996.

La réponse du Saint-Siège comprend deux parties : la première émane de la Congrégation pour les évêques elle-même. La seconde du Conseil pontifical pour l'interprétation des textes législatifs.

Sion, le 16 mai 1997

Norbert BRUNNER  
Evêque de Sion

### Réponse de la Congrégation pour les Evêques

Cette Congrégation, saisie plusieurs fois des problèmes soulevés par les documents cités, est d'avis que Mgr Lefebvre est frappé d'excommunication prévue par le canon 1382 du Code de droit canonique (CIC), pour avoir ordonné des évêques sans mandat pontifical.

Les évêques ordonnés le 30 juin 1988 par Mgr Lefebvre sont valablement ordonnés mais frappés de la peine d'excommunication selon le même canon 1382, pour avoir reçu l'ordination épiscopale sans mandat pontifical. Cette peine fut déjà déclarée par le décret de notre Congrégation du 17 juillet 1988 (1) dans lequel est contenue également l'excommunication de Mgr de Castro Meyer, qui avait participé à cette cérémonie comme évêque consécrateur.

Quant aux prêtres ordonnés par Mgr Lefebvre lorsqu'il était seulement « suspenso d'office », ils n'ont subi que la peine d'excommunication. Par contre, ceux qui sont restés aux prêtres sacerdotales selon le canon 1382, et sont interdits de tout « *minime vel aliud sacrum ministerium* » (2) sous longtemps qu'ils ne sont pas incardinaés.

Les sacrements (baptême, Eucharistie, onction des malades) administrés par ces prêtres illicitement ordonnés sont valables, quoique illicites.

La participation à leurs célébrations est objectivement illicite parce qu'elle ne sont pas faites en communion totale avec l'Eglise et qu'elles sont une source de grave scandale et de division de la communauté ecclésiale.

L'assistance des fidèles n'est autorisée que dans des cas de vraie nécessité.

Ceux qui y participent occasionnellement et sans intention d'adhérer formellement aux positions de la communauté lefebvrienne envers le Saint-Père n'encourent pas la peine d'excommunication.

### Mise au point du Conseil pontifical pour l'interprétation des textes législatifs

1. Tout d'abord, il ressort clairement du Motu proprio *Ecclesia Dei* (3) du 2 juillet 1984 et du décret *Dominici Marcellus Lefebvre* (4) de la Congrégation pour les Evêques, du 17 juillet 1988, que le schisme de M. Lefebvre fut déclaré en relation immédiate avec les ordinations d'évêques du 30 juin 1988, dans un sans mandat pontifical (canon 1382) ensuite, il ressort également de manière claire des mêmes documents que cet acte de très grave rébellion a constitué la consommation d'une situation de caractère schismatique progressif.

2. En effet, le numéro 4 du Motu proprio démontre la nature doctrinale de cet acte schismatique, et le numéro 5c qu'une adhésion formelle au schisme (il faut entendre ici « le mouvement de l'archevêque Lefebvre ») aurait comme conséquence l'excommunication prévue par le droit canonique (canon 1364, § 1). De même, le décret de la Congrégation pour les Evêques se réfère explicitement à la nature schismatique.

(1) Texte dans DC 1988, n° 1967, p. 789.  
(2) ... de toute charge ou autre service du sacerdotat ministériel...  
(3) DC 1984, n° 1967, p. 788-789.  
(4) DC 1988, n° 1967, p. 788-789.

que ces ordinations épiscopales et rappelle les très graves peines d'excommunication pour ceux qui adhèrent au schisme de Mgr Lefebvre.

3. Malheureusement, l'acte schismatique qui provoque le Motu proprio et le décret n'a pas eu d'autre effet que de conduire jusqu'à son terme, d'une manière particulièrement visible et indéniable - par un acte de désobéissance très grave envers le Pontife romain - un processus d'éloignement de la communion hiérarchique.

Aussi longtemps qu'il n'y aura pas eu de changements conduisant vers une restauration de cette communion indispensable, tout le mouvement lefebvrien doit être considéré comme schismatique à la suite de la déclaration formelle de l'Autorité suprême.

4. Il est impossible d'émettre un jugement en qui ce qui concerne le *Magis Murray* (5), parce qu'elle n'est pas publiée, et les deux articles parus dans la presse qui y font allusion sont confus. De toute façon, on ne peut raisonnablement mettre en doute la validité de l'excommunication des évêques, déclarée par le Motu proprio et le décret. En particulier, il ne semble pas admissible de trouver des circonstances atténuantes ou d'atténuer quand à l'imputabilité du délit (canon 1323-1324).

Quant à l'état de nécessité dans lequel se serait trouvé M. Lefebvre, il faut se rappeler qu'un tel état ne peut exister objectivement et que la nécessité d'ordonner des évêques, contre la volonté du Pontife romain, Chef du Collège des évêques, ne se présente jamais. Car cela signifierait qu'il est possible de « servir » l'Eglise tout en portant atteinte à son unité en matière extrêmement liée aux fondements mêmes de cette unité.

5. D'après le numéro 5c du Motu proprio, l'excommunication s'applique à ce mouvement schismatique formellement à ce mouvement schismatique. Selon le Conseil pontifical, une telle adhésion doit impliquer deux éléments complémentaires :

a) Le premier est de nature intérieure : il consiste à partager librement et consciemment l'essentiel du schisme, à savoir opter pour les disciples de Lefebvre de façon telle que ce choix prenne le pas sur l'obédience au Pape (habituellement, une telle attitude s'annonce dans des prises de position contraires au Magistère de l'Eglise).

b) La deuxième est de nature extérieure : c'est l'exteriorisation de cette option. Le signe le plus évident en sera la participation exclusive aux fonctions ecclésiastiques.

(5) Allusion à une lettre lat. « *Magis Murray* », autorisée dans un document pontifical de Rome par M. Murray.  
(6) Encyclique *Rationabilioribus*.

la documentation catholique - 6 juillet 1997 - n° 2164

lefebvriens, sans perdre par là son caractère catholique (il s'agit de toute façon non équivoque, puisqu'il est possible que quelque-uns au sein des deux communautés de Lefebvre sans pourtant partager leur esprit schismatique).

6. Quant aux diacres et prêtres lefebvriens, il est indubitable que leur activité ministérielle est celle du mouvement schismatique, quoique les célébrations liturgiques ou à des occasions solennelles ne font pas perdre leur caractère de sacrement et qu'il s'agit donc d'une adhésion formelle.

7. En ce qui concerne les autres fidèles, il est clair que pour être considérés comme schismatiques, il suffit que qu'ils aient participé occasionnellement à des célébrations liturgiques ou à des actions de mouvement lefebvrien si l'on ne fait pas abstraction de leur situation doctrinale et disciplinaire de ce mouvement.

8. La question pastorale, il ne s'agit pas toujours de parler d'adhésion formelle au mouvement lefebvrien, il faudra avant tout tenir compte de la situation de la personne et de la nature de ses dispositions intérieures. On devra donc distinguer les situations où il ne fait pas de personnes différentes en fonction de leur situation intérieure et extérieure.

9. Il est possible de distinguer toujours entre la morale de l'existence ou non d'un péché de conscience et la question juridique de la sanction canonique. En ce qui concerne cette dernière, se référer aux dispositions du Livre VII du Code de droit canonique (et les canons 1324-1324).

10. Il n'est pas utile de formuler davantage de recommandations, car on ne peut pas toujours les appliquer dans les mêmes pénales rigoureuses. Les mêmes pénales rigoureuses de la sanction canonique ne s'appliquent pas dans tous les cas de schisme, et l'incrimination de comportement extérieurement ne sont pas toujours schismatique.

issue such a flawed document? None. This is the way to lose all credibility. Once more we cannot help observing that the condemnation by Rome of the Society of Saint Pius X is a path littered with gross examples of injustice on the part of the Church authorities. Truly "there is nothing new under the sun."

From time to time we are rebuked for not appealing to Rome against such injustice. But it would be a waste of time. Rome would merely reply, "Nobody can sit in judgment on the Holy See." The case is closed against us. It comes then as no surprise for us to hear Card. Ratzinger in his new book, *The Salt of the Earth*, himself admitting, "The power we can wield in Rome today is really very little."

So much for the documents' flawed form. As for their contents, they tend to state, not very clearly, that there is a schism which was given concrete form by the consecration of bishops on June 30, 1988, and so all those who adhere formally to the schism are excommunicated, whether bishops, priests, or laity.

However, since there is no attempt to prove that Archbishop Lefebvre was not acting out of necessity, then we are in effect back to the same old "Obey!" without any desire to go into the basic question: *Why*, despite grave threats, did Archbishop Lefebvre decide that he *had* to pay no attention to Rome's orders? *Why* do we refuse the orders we are being given to get in step with the Conciliar and post-Conciliar reforms? *How* can we be claiming to have a *right* to continue in such a refusal? *Why* is this refusal not schismatic?

The answer is to be found in the very basis of

authority, and the obedience that goes along with authority:

- In any given society, authority flows from the nature of the society<sup>7</sup> which cannot exist without it.
- Any society's nature depends in turn on the society's purpose, the goal it proposes to achieve. The goal of any society fixes its nature, structure and means.
- Hence authority is *limited* by the society's purpose, which fixes the framework, extent and competence of authority.

The function of Authority is to direct minds and wills towards the goal of that society, and by so doing to ensure the society's unity. Now in the case of the two so-called "perfect societies," human authority depends on the goal and, for most of the time, on the structure and means of the society. Being then itself dependent on these, how can it change them? It cannot. "The Church's right to command the faithful is restricted within the limits constituted by what is needful or useful to the eternal salvation of souls."<sup>8</sup>

So if the Church authority took in hand such changes, it would be overstepping its bounds, there would be an abuse of authority, and in that case

Church members are no longer bound to obey, but to resist according to the gravity of the abuse.

When the authority is that of the Pope, the highest on earth, sovereign and universal, its limits are fixed not only *by its goals* (the continuation of the saving mission of our Lord), by the commandments of God and of our Lord its founder (for example, "Going, teach all nations," *etc.*), but also by the divine Constitution of the Church.

If this authority, meant to be the exact reflection of our Lord himself ("Who hears you, hears me"), undertook to overstep those *limits*, there would be an abuse of authority and we should have to respond as St. Peter did to the Sanhedrin, "We must obey God rather than men."

Now what we blame the Council and post-Conciliar reforms for is precisely that they undertake to change firstly the *nature* of the Church *one and only* Bride of Christ our Savior, one and only source of the means of salvation which are supernatural and entrusted to her by her divine spouse; secondly the Church's *structure* (to be replaced by a crippling and anonymous collegiality); thirdly the Church's *means* of grace, Mass and sacraments (to be reduced to merely human activities). Nor are all these changes merely imaginary on our part, but they are recognized and admitted by the Church authorities in office.<sup>9</sup>

That is the reason why we cannot obey. We are refusing the demolition order because it is an abuse of power.

It is not we who have changed. In all centuries, starting with St. Paul, the whole Church has warned against this kind of change. In the name of the infallible Church's teaching of all time, we refuse to cooperate in the Church's self-destruction.

As long as Rome refuses to deal with this gravest of problems, we shall go round and round in a vicious circle, an on-going dialogue of the deaf.

Rome may scare us with all the threats of excommunication it likes, but we shall continue to cry out at the top of our lungs to our Mother for the milk of pure

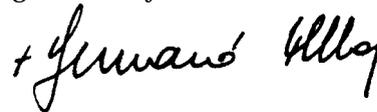
doctrine, for the Faith not hacked to pieces, for the right to praise and adore God without resorting to folklore or show business, but worthily of Him, as did our forefathers; for the right to receive the substantial food of grace through sacraments not doubtfully valid, the right to be led and directed towards eternal pastures instead of through the desert of innovation constantly evolving in accordance with Pope Paul VI's saying: "We have been given the word 'novelty' like an order, like a programme."<sup>10</sup>

The Church is dying, torn apart by divisions hidden under the deceitful slogan of "We are in communion with the Pope"; the Church is being poisoned with the deadly teachings of heresy being scattered abroad "by the handful" in the words of Pope John Paul II in 1981!<sup>11</sup> Rome itself is lost in the maze of a "theology of worldly values" instead of reminding us of the luminous demands and interests of our Creator and Savior.

It is time for the sorcerers' apprentices to give up their ruinous experiments and to come back to the age-old wisdom from which the Church has never defected, to give us back the Faith, grace, holiness, priesthood, Mass, papacy, all those Catholic treasures in which our Roman Catholic hearts take rest. They belong to us, we have a strict right to them, and no human authority can ever deprive us of that right, not even post-Conciliar Rome.

May the Immaculate Heart of Mary, watching over the Church, deign to obtain for us that faithfulness to death which is the guarantee of salvation: "Only he who has been found faithful to the end will be saved."

"The joy of the Lord is our strength!"<sup>12</sup> May He deign to bless you.



+ Bernard Fellay  
Superior General,  
Menzingen, Feast of Michael Archangel, 1997.

<sup>1</sup> *Evangelie et Mission*, #21, May 29, 1997.

<sup>2</sup> Letters #153/96 of 11/12/96, #667/89 of 12/1/96, #90/97 of 6/21/97, *etc.*

<sup>3</sup> Concerning the date of the decree of excommunication, the text said, "our decree of June 1, 1988."

<sup>4</sup> *Exaudiat*, May 1997 (Catholic paper from the Somme region, France).

<sup>5</sup> Text of the International Theology Commission on the question *Extra Ecclesiam Nulla Salus*, #31, *la Documentation Catholique*, #2157, April 6, 1997, p.323.

<sup>6</sup> Card. Ratzinger, *Le Sel de la Terre*, Flammarion, 1987, p.86.

<sup>7</sup> The philosopher Gretd holds authority to be proper to society, in such a sense that authority is something that cannot not go along with the essence of society, just as a sense of humor is proper to man. (Joseph Gretd, *Elementa Philosophiae*, Vol. II, Herder, Barcelona 1961, p.459.)

<sup>8</sup> Card. Ottaviani, *Institutiones Iuris Publici Ecclesiastici*, Vatican Polyglot edition, Rome, 1958, p.177.

<sup>9</sup> –Bishop Polge of Avignon: "The Vatican II Church is new and the Holy Ghost is constantly preventing it from remaining *static*," *Osservatore Romano*, Sept. 3, 1976. (Cf. *Iota Unum*, p.102.)

–Bishop Schmitt of Metz: "The stage of civilization we are going through involves changes not only in our outward behavior, but also in the very

concept we form both of creation and of the salvation brought by Jesus Christ." (Cf. *Iota Unum*, #37, p.66; *Itinéraires*, #160, p.206.) The whole book of Romano Amerio, *Iota Unum* [available from Angelus Press], needs to be quoted.

–"Whenever there is a conflict between people and the Faith, it is the Faith which must give way"–"What God are the sacraments signs of" *Centre Jean Bari*, Paris, 1975, p.14-15.

–"Indeed, especially since the Conferences of all Orthodox Christians and the Second Vatican Council, the rediscovery and upgrading of the Church as communion by both Orthodox and Catholics has radically altered people's outlook and hence their attitudes." Balamand Declaration, June 23, 1993, Art. 13, *La Documentation Catholique*, # 2077 (1993), p.712.

–Pope John Paul II: "Vatican II has given us a new vision of the Church, a more open view of the universality of the people of God." To the clergy of Rome, *Osservatore Romano*, March 8, 1991.

<sup>10</sup> *Osservatore Romano*, July 3, 1974.

<sup>11</sup> Pope John Paul II, February 6, 1981, *Osservatore Romano*, Feb. 8, 1981.

<sup>12</sup> II Esdras 8:10.

## RESPONSE OF THE CONGREGATION OF BISHOPS (?)

## COMMENTARY (OF FR. PETER R. SCOTT)

**§§1,2** This Congregation, confronted several times by the problems raised by the above mentioned documents (stating that the Society's bishops and priests are not excommunicated), is of the opinion that Archbishop Lefebvre incurred the excommunication foreseen by Canon 1382 of the *1983 Code of Canon Law*, for having ordained bishops without pontifical mandate.

The bishops consecrated by Archbishop Lefebvre on June 30, 1988 are validly ordained, but have incurred the penalty of excommunication according to the same canon 1382 for having received Episcopal ordination without pontifical mandate. This penalty was already declared by decree of our Congregation on July 1, 1988, in which is likewise contained the excommunication of Bishop De Castro Mayer, who had participated in this ceremony as bishop co-consecrator.

**§3** The priests ordained by Archbishop Lefebvre when he was only "*suspens a divinis*" did not incur the penalty of excommunication. However, they are attached to acephalous priests, according to Canon 265 and are forbidden from performing every "*munus vel aliud sacrum ministerium*" for as long as they are not incardinated.

**§4** The sacraments (Baptism, Eucharist and Anointing of the Sick) administered by these illicitly ordained priests are valid, although illicit.

**§§1,2** Note that this response is simply a repetition of statements made by Cardinal Gantin, Prefect of the Congregation for Bishops, on July 1, 1988. This decree was not a sentence of a judge, but simply a declaration that in the mind of the Congregation the automatic excommunication foreseen by Canon 1382 (*1983 Code of Canon Law*) applied. However, it takes no account of the real, emergency situation in which Archbishop Lefebvre found himself, and which necessitated the consecrations. We can now see the necessity of this action, for we have seen the fruits which have come from it, not only in the Society, but *per accidens* for all those who now have the Latin (Indult) Mass because Archbishop Lefebvre was so uncompromising. If in fact the modernists in the Church placed Archbishop Lefebvre in such a state of necessity that the consecration of bishops was not only not culpable, but actually a virtuous act, one of great Faith and courage, then according to the very letter of the law he incurred no excommunication at all, nor did the bishops consecrated by him (cf. *1983 Code*; Canon 1324, no. 5). Consequently this entire decree (and the present response also) are void of all weight and consideration.

**§3** It is simply false to maintain that the priests of the Society are acephalous, that is without any superior. It is a fact that the so-called suppression of the Society of Saint Pius X in 1976 was juridically invalid. It was not confirmed *in forma specifica* and recourse to the Apostolic Signature was unjustly and scandalously refused. Consequently, the members of the Society are members of a canonically established congregation. Furthermore, Rome authorized the Society to incardinate religious directly in itself in the early years, and this right has not been taken away. Consequently the Society's priests are not acephalous, but incardinated in the Society, having the Society's Superior General as their ecclesiastical superior.

**§4** Consequently, the Society's priests are indeed able to accomplish the sacred functions of their priesthood both validly *and licitly*, and this despite the fact that they have no ordinary jurisdiction.

**§5** Participation in their celebrations is objectively illicit for they are not accomplished in total communion with the Church, and because they are a source of grave scandal and division in the ecclesial community.

**§6** The assistance of the faithful is only authorized in cases of true necessity.

**§7** The faithful who participate in them occasionally, and who do not have the intention of formally adhering to the positions of the Lefebvrist community towards the Holy Father, do not incur the penalty of excommunication.

**§5** The objection to the assistance by the faithful is based upon the modernist concept of varying degrees of communion with the Church, which is accepted in the new *Code of Canon Law* (1983). The Society's priests are considered to not be in total or full communion; and yet Canon 844 of the 1983 *Code* authorizes that the sacraments of Eucharist, Penance and Extreme Unction be administered to and by heretics and schismatics who are likewise considered as "*not having full communion with the Catholic Church.*" The hypocrisy and double standard is unbelievable. But worse yet, is the denial of the unity of the Church, based upon the one true Faith. We know from our catechism that there are no degrees of communion with the Catholic Church. If one accepts all the doctrines of the Faith, and receives the true sacraments from priests who submit to the true authority of the Sovereign Pontiff, then one is a Catholic, and in communion. If not, one is excommunicated. Period. The assurance of this true communion is supporting and receiving the sacraments from priests who refuse the destruction of Papal authority through the introduction of modernism into the Church.

**§7** It is the ultimate absurdity to accuse of causing grave scandal and division those priests who accomplish what the Church has always done. The scandal and division is caused rather by the modernists who have seized authority in the Church to revolutionize the liturgy and transform the Church into a humanistic club. The priests who celebrate uniquely the true Mass and devotions are the one rock of unity and stability in the Church at this point in time.

It makes no sense to speak of formal adherence to the positions of the "Lefebvrist" community. To start with, there is no such community or organization. We are simply Catholics doing what the Church has always done. As such, we have no doctrines or positions of our own, nor do we demand that any person subscribe to them. If it is true that the manifest opposition between the post-Conciliar and pre-Conciliar popes is brought out by the priests of the Society of Saint Pius X, following Archbishop Lefebvre, this is not because it is our doctrine. It is an objective fact. Choosing the pre-Conciliar popes and the integrity of Catholic doctrine against the modern liberal ideas is not a formal crime meriting excommunication but a courageous act for the Faith. **Ω**

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## DETERMINATIONS OF THE PONTIFICAL COUNCIL FOR THE INTERPRETATION OF LEGISLATIVE TEXTS

## COMMENTARY (OF FR. PETER R. SCOTT)

**§1** First of all, it clearly follows from the Motu Proprio *Ecclesia Dei* of July 2, 1988 and from the decree *Dominus Marcellus Lefebvre* of the Congregation for Bishops of July 1, 1988, that Archbishop Lefebvre's schism was declared in immediate rapport with the Episcopal ordinations of June 30, 1988, administered without pontifical mandate (Canon 1382). Furthermore, it likewise clearly follows from the same documents that this act of very serious disobedience constituted the consummation of a situation of a progressive schismatic nature.

**§2** In effect, no. 4 of the Motu Proprio demonstrates the doctrinal root of this schismatic act, and no. 5c that formal adherence to the schism ("the movement of Archbishop Lefebvre" must be understood here) would have as a consequence the excommunication foreseen by canon law (Canon 1364, §1). Likewise the decree of the Congregation for Bishops refers explicitly to the schismatic nature of the Episcopal ordinations, and to the very serious penalties of excommunication for those who adhere to Archbishop Lefebvre's schism.

**§3** Unfortunately the schismatic act which provoked the Motu Proprio and the decree has had no other effect than to bring to its culmination the process of distancing themselves from hierarchical communion, by an act of very serious disobedience towards

**§1** This text maintains the confusion and ambiguity present in the Pope's Motu Proprio, *Ecclesia Dei*. The confusion is between disobedience and schism. It is not because a person is disobedient that he is schismatic, nor does it follow that if a person has incurred a penalty of excommunication for disobedience that he is schismatic. The excommunication spoken of is one for disobedience. As is manifestly clear from the circumstances, Archbishop Lefebvre did not incur this excommunication, in view of the necessity of this heroic act for the continuation of the traditional priesthood and for the salvation of souls. He was in fact sublimely obedient to his mission as a bishop.

Even those who dispute this necessity must accept that he is thus excused from culpability, and hence from the crime and the penalty of excommunication (1983 Code, Canon 1324, §1, 5<sup>o</sup>). Hence the sliding across to the accusation of schism, which is an entirely different one. It is that of rejecting submission to the Sovereign Pontiff (1983 Code, Canon 751), which submission Archbishop Lefebvre and the Society have never refused, for it is the very basis of our battle against modernism. The real reason why the Pope and the modernists accused Archbishop Lefebvre of performing a schismatic act was not, therefore, because he was disobedient, but much more profound. It was because he refused to accept the modernist evolutionary concept of Tradition, no longer to be considered as the simple transmission of the deposit of Faith, but rather an interior experience which "comes from the intimate sense of spiritual realities which they (i.e., "they" referring to "believers," without precision as to whether they are Catholic faithful or not) experience" (*Ecclesia Dei*, no. 5). It is really for this refusal of condemned modernism that he is accused of being schismatic.

**§2** There can be no such thing as formal adherence to a movement which does not exist. Archbishop Lefebvre galvanized traditional Catholics and encouraged them to keep their Faith whole and entire and to resist modernism. He also founded a religious congregation. But he did not start a movement and impose his ideas on it. That is why the term "Lefebvrist" has no correlation with reality, and its very use perpetuates a lie.

**§3** One wonders who is really distancing themselves from the indispensable hierarchical communion. Surely the modernists who practice ecumenism, who refuse the repeated condemnations of liberalism, who refuse to accept that outside the Church there is no

the Roman Pontiff, and this in a particularly visible and unquestionable manner.

For as long as there is no change towards a restitution of this “indispensable communion,” the entire Lefebvrist movement must be considered as schismatic following on the declaration of the supreme Authority.

**§4** It is impossible to make a judgment concerning the “Murray” thesis, for it is not yet published and the two articles which have appeared in the press concerning it are confused. In any case, the validity of the excommunication of the bishops, declared by the *Motu Proprio* and the decree, cannot be reasonably called into question. In particular, it does not seem possible to admit circumstances that would diminish or remove the imputability of the crime (Canons 1323, 1324).

With respect to the state of necessity in which Archbishop Lefebvre was said to be, it must be remembered that such a state must exist objectively and that the necessity of ordaining bishops against the will of the Roman Pontiff, head of the college of bishops, never arises. This would mean that it would be possible to “serve” the Church at the same time as attacking its unity in a matter which is closely bound to the very foundations of this unity.

**§5** According to no. 5c of the *Motu Proprio* it is those who “adhere formally” to this schismatic movement who incur the excommunication *latae sententiae*. According to this pontifical Council such an adherence must imply two complementary elements:

**a)** The first is of an internal nature. It consists in freely and knowingly sharing in the essential elements of the schism, namely to opt for Lefebvre’s disciples in such a way that this choice takes priority over obedience to the Pope. (If held in a habitual manner, such an attitude is rooted in positions which are contrary to the Church’s Magisterium.)

**b)** The second is of an external nature. It is the exteriorization of this option. The most obvious sign of it is to take part exclusively in Lefebvrist ecclesiastical functions, without taking part in functions of the Catholic Church. (In any case, this is an unequivocal sign of

salvation, who have changed the Mass into a Protestant meal, etc.... They seem to have forgotten that the supreme Authority is that of Almighty God, of whom the Pope is only the Vicar. If the Pope is infallible when he speaks *ex cathedra*, he is perfectly able to err at other times, as the post-Conciliar Popes clearly manifest. In any case, the Pope has never made a formal declaration that those faithful who support Archbishop Lefebvre (the so-called “Lefebvrist” movement) are excommunicated, as this document affirms.

**§4** On the contrary, the thesis of Fr. Gerald Murray, J.C.D., was indeed published—in *Latin Mass Magazine* (Fall, 1995). It is true that he was forced to retract the part of it which was not politically correct. Hence the confusion. There is no reason, however, why a judgment cannot be made of the objective arguments.

His argument was very precisely that, due to circumstances, the Episcopal consecrations were not imputable as a fault and consequently did not incur the penalty of excommunication. But this anonymous document rejects this argument out of hand, without even attempting to give any reason. It accepts that objective necessity would excuse from incurring the penalty, but refuses to admit the objective necessity of the present crisis in the Church. However, it is wrong in asserting that this necessity must be objective. For the very text of Canon 1324, §1, 8° (1983 Code) states exactly the contrary. A person does not incur the penalty (of excommunication) even if it is erroneously that he feels that he must act out of necessity.

The statement that it would be inconceivable to maintain that there could be a necessity of consecrating bishops against the will of the Pope, is to in fact maintain the Pope’s impeccability and exemption from all error. Whilst the Pope has universal and supreme jurisdiction to govern, it is clearly possible for him to make an error, which another bishop would be obliged to stand up against, as St. Paul did against St. Peter, “because he was to be blamed” (Gal 2:11).

The principle of unity in the Church is the Faith. It is true that one cannot attack the unity of the Faith and serve the Church at the same time. This is precisely what the modernists are trying to do, whereas the true servants of the Church are those who, like Archbishop Lefebvre, defend the true unity of the Faith.

**§5** To freely and knowingly support the Episcopal consecrations is in no way to be a “Lefebvre disciple” or to place the Archbishop above obedience to the Pope. It is to recognize true Catholic obedience in the Archbishop’s actions, and to support him because he was profoundly Catholic, and did what the post-Conciliar popes and bishops should have done.

Since there is no such thing as a “Lefebvrist,” there can be no such phenomenon as exclusive participation at their liturgical celebrations. The Society of Saint Pius X has never encouraged such exclusiveness, but has always encouraged the faithful to assist at all the Masses of truly Catholic priests who refuse to compromise by accepting the New Liturgy or the Indult Mass.

it. It is possible, though, for someone to participate in the liturgical celebrations of Lefebvre's disciples without sharing their schismatic spirit).

**§6** It seems to be unquestionable that the ministerial activity of Lefebvrist deacons and priests within the schismatic movement constitutes a more than obvious sign that the two conditions (*cf.* no. 5) are fulfilled and that there truly is formal adherence.

**§7** In order to speak of formal adherence of other faithful to the movement, it is clear that it does not suffice that there be occasional participation in the liturgical celebrations and activities of the Lefebvrist movement, provided that one does not make one's own this movement's attitude of doctrinal and disciplinary disunity.

In pastoral practice it is not always easy to judge their situation. Above all, it is necessary to keep in mind the intention of the person and the practical application of this internal disposition. Different situations will have to be judged one by one by persons who are competent in the external and the internal forum.

**§8** In any case, a distinction needs to be made, on the one hand, between the moral question of the existence or not of the sin of schism, and on the other hand of the juridical and penal question of the crime of schism, bound to its corresponding sanction. The dispositions of Book VI of the *1983 Code of Canon Law* (and canons 1323, 24) are to be applied with respect to the crime and its sanction.

**§9** It does not seem useful to formalize any further the conditions required for the crime of schism. Rigorism in penal rules would risk creating other problems, for the totality of cases could not be understood, either overlooking cases of substantial schism, or being preoccupied with subjective behaviors which, subjectively, are not always schismatic.

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**§6** The Society's priests and deacons make no formal adherence to any schism, for they show neither the internal nor the external aspects that they are accused of implying formal adherence by showing, as mentioned above. The statement "it seems to be unquestionable" is already a contradiction in itself, and shows how this anonymous author rightly admits to being quite unsure of himself in making this caricature.

**§7** The statement that the faithful who assist at the Masses celebrated by priests of the Society of Saint Pius X are not for that reason excommunicated simply repeats similar statements frequently made by Rome, including the *Ecclesia Dei* Commission and Card. Ratzinger in his decree of June 4, 1993 concerning the Hawaii 6 [information available on this precedent-setting case from Angelus Press]. But yet again is repeated the accusation that traditional Catholics are responsible for doctrinal and disciplinary disunity. The absurdity of this statement is remarkable. Traditional Catholics keep the same doctrine and the same discipline as has always been followed in the Catholic Church. The disunity is brought in by the revolutionary bishops, with everything from Communion in the Hand to Gay Masses, from Ecumenism to handing out the sacraments to non-Catholics. These are the ones who would be formally convicted of schism if the Church were being governed according to Catholic principles.

**§9** Why is it that applying the letter of the law to traditional Catholics is said to be formalism and rigorism? Why is it that for them alone is the presumption so strongly in favor of schism that the formal requirements for this crime need not even be considered? Why is it that the only ones considered capable of committing the crime of schism are those who have the greatest horror of it? What about the truth? What about the provisions of law which are precisely to protect faithful Catholics in times of crisis such as this one? It is certain that the totality of cases is blindly ignored not because of a too rigorous application of law, but because of a failure to understand and apply the very principles of the law, which is to promote the salvation of souls, the highest law in the Church (*1983 Code*, Canon 1752). 