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THE CRISIS OF THE CHURCH / 3

SSPX ministry of priests is illegitimate, here's why

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An initial clarification to the article *Frustrated by Rome, following the Lefebvrians is not the solution* is in order. When one affirms the exclusive prerogative of the Pope to *appoint* a bishop, one does not mean that it is directly up to the Pope to *elect* a bishop. The elective modality has known and knows different concretisations: election of the candidate by a Synod (for the Eastern Churches), by the Cathedral Chapter, presentation

of a shortlist of three candidates by an Episcopal Conference, etc.

What always remains firm and cannot be derogated from is the Pope's right to appoint him and grant the *mandatum apostolicum*, without which the consecration, although valid, is illegitimate. No bishop can be consecrated against the will of the Pope, nor can he exercise his ministry if the Pope does not accept his consecration, thus uniting him to the College of Bishops. Now, in the case of Monsignor Lefebvre, John Paul II had explicitly refused to confer the *mandatum* - and it is indeed regrettable that, at the beginning of the consecration rite, the then Superior of the SSPX, Abbé Franz Schmidberger, had instead confirmed that he had the *mandatum apostolicum*. Moreover, once the consecrations had taken place, the Pope himself did not welcome these bishops into the College.

Nor can the analogy with auxiliary bishops be invoked: the four bishops consecrated in 1988 are not auxiliaries, as Msgr Lefebvre was not an Ordinary; nor did the SSPX have any right to incardinate its own (illicitly ordained) priestly members. And even if one were to consider them arbitrarily so, one must remember that even auxiliary bishops must be appointed (not elected!) by the Pope, need the *mandatum apostolicum* and must be confirmed by the Apostolic See.

We have seen how Benedict XVI's lifting of the excommunication did not bring about any change in the schismatic situation. But, schism or no schism, another fundamental point to understand is that the priests of the SSPX exercise an illegitimate ministry.

The very Pope who had decided to remit the most serious canonical sanction to the four bishops consecrated by Msgr Lefebvre, had also explained that "until the questions concerning doctrine are clarified, the Fraternity has no canonical status in the Church, and its ministers - even if they have been exempted from ecclesiastical punishment - do not legitimately exercise any ministry in the Church".

Is this a mere disciplinary matter? Of a mere “canonical irregularity”?
The Catholic Church teaches that in order to legitimately exercise their ministry, clergy must be part of the Church's legal structure; valid ordination is not sufficient, but it is necessary to receive a legal mission, from the Pope for bishops, and from the Ordinary for priests and deacons (incardination). To avoid misunderstandings, let us immediately emphasise that these are not simply matters of ecclesiastical law: at the basis is the doctrine on the Church, an ecclesiology, which is clearly distinguished from Protestant ecclesiology, precisely because it affirms the need to be part of the visible Catholic

Church, through the triple bond of the true faith, the true sacraments, and submission to the legitimate authorities. Belonging to the juridical structure of the Church is a necessary requirement, and for clergy it translates into receiving a canonical mission from the legitimate authorities.

Again, it is not a purely 'formal' matter, if by this term is meant something non-essential; it is the Council of Trent, in the canons on the sacrament of Holy Orders, that anathematize those who affirm that “those who, without having been regularly ordained or sent (*rite ordinati nec missi sunt*) by ecclesiastical and canonical authority, but coming from others, are legitimate ministers of the word and of the sacraments' (Denz. 1777). So it is a matter of faith and not of mere discipline; or rather, of that discipline which is born of right faith.

Pius XII, in *Mystici Corporis*, explained the profound meaning of the juridical dimension of the Church. Speaking of “the way in which Jesus Christ wants the abundance of his gifts from his own divine fullness to flow into the Church”, he emphasised that the Church must be understood “according to its whole way of life, the visible and the invisible”. This visibility of the Church is connected with its juridical structure, from which the juridical mission derives. For this reason, Pius XII was able to affirm that it is "by virtue of that juridical mission for which the divine Redeemer sent the Apostles into the world as he himself had been sent by the Father (cf. Jn 17:18; 20:21)", that in the life of the Church it is Christ himself "who baptises, teaches, governs, absolves, binds, offers, sacrifices, through the Church".

As can be seen, the juridical element is anything but secondary and debatable: it belongs to the very constitution of the Church, just as Christ willed it, and connects the hierarchy with the mission He received from the Father: "As the Father has sent me, I also send you" (Jn 20:21). The successors of the Apostles must, like the Apostles themselves, receive this mission from Christ, to whom "all power in heaven and on earth has been given" (Mt 28:18). Without that "go therefore and make disciples..." (Mt 28:19), received from Christ through his Vicar on earth, no one can exercise any legitimate ministry. In the Catholic Church one can only transmit if one has first received; a bishop cannot “send” his priests if he himself has not been “sent” by the Pope, nor can a bishop or a priest send themselves.

One understands that here we are at the heart of the Church, at the heart of its unity: its juridical nature and juridical mission are closely linked and are inseparable. If one strikes at the latter, if one ignores it, if one disregards it, one inevitably strikes at the very nature of the Church, because the Church of Christ is the visible Catholic Church,

and recognisable precisely because of the visible elements that flow from the juridical nature.

Now, the SSPX, since its suppression in 1975, has no juridical reality in the Catholic Church. Its priests are not incardinated and its bishops have no canonical mission. It is for this reason that their ministry remains illegitimate. In the Catholic view, it is not enough that the sacraments are valid: they must also be legitimately administered.

Some may raise the objection that these are all now pointless considerations, since Pope Francis has granted them jurisdiction for the sacrament of Penance and authorisation (see here) to the Ordinaries "so that they may also grant licences for the celebration of marriages of the faithful who follow the pastoral activity of the Fraternity" (the delegation is granted to a priest of the diocese and, only where this is not possible, directly to a priest of the SSPX).

Let us begin with the most obvious: if the Pope granted these authorisations "so as to ensure the validity and lawfulness of the sacrament administered by them and not to leave people in disquiet", he did so because without these authorisations, the two sacraments are not valid. With this act, the Pope did not recognise the validity of those sacraments hitherto administered, but made them valid; prior to 27 March 2017, they were not. Unfortunately. The SSPX, again, usurped a right that belongs only to the Pope and the Ordinary, "taking" jurisdiction for confessions and proxies to attend marriages, a jurisdiction that no legitimate authority gave them.

Secondly, we would point out that believing that Pope Francis' questionable decision means that the SSPX is no longer in schism or that its priests can legitimately exercise their ministry (and therefore that the faithful can have recourse to it) is completely wrong. Whether one agrees with the Pope's decision or not, the Church can give licenses for individual sacraments also to schismatic priests in particular situations, for the good of souls. This is evident in Canon 844 §2, which recognises the validity of the sacrament of Penance by ministers of Eastern Churches not in communion with the Catholic Church. Which means that the Pope has granted these priests jurisdiction over this sacrament, which would otherwise be invalid (remember that Penance and Matrimony are the only two sacraments that, to be valid, must also be legitimately administered).

This decision by the Pope has certainly created much confusion; but the fact remains that he has the power to grant jurisdiction to hear confessions also to priests who are not in communion with the Church, without this act implying that those priests

then re-enter into communion with the Church. The Church, for example, also confers the faculty to absolve a priest who has been discharged from the clerical state if he is faced with a dying person who cannot have recourse to a legitimate priest; and it goes without saying that this does not mean that the latter can also licitly confer the other sacraments. And therefore also the ministry of the SSPX, with the exception of these two sacraments (with the clarification on marriage mentioned above), remains illegitimate, by the will of the Fraternity itself, which has always refused canonical regularisation.