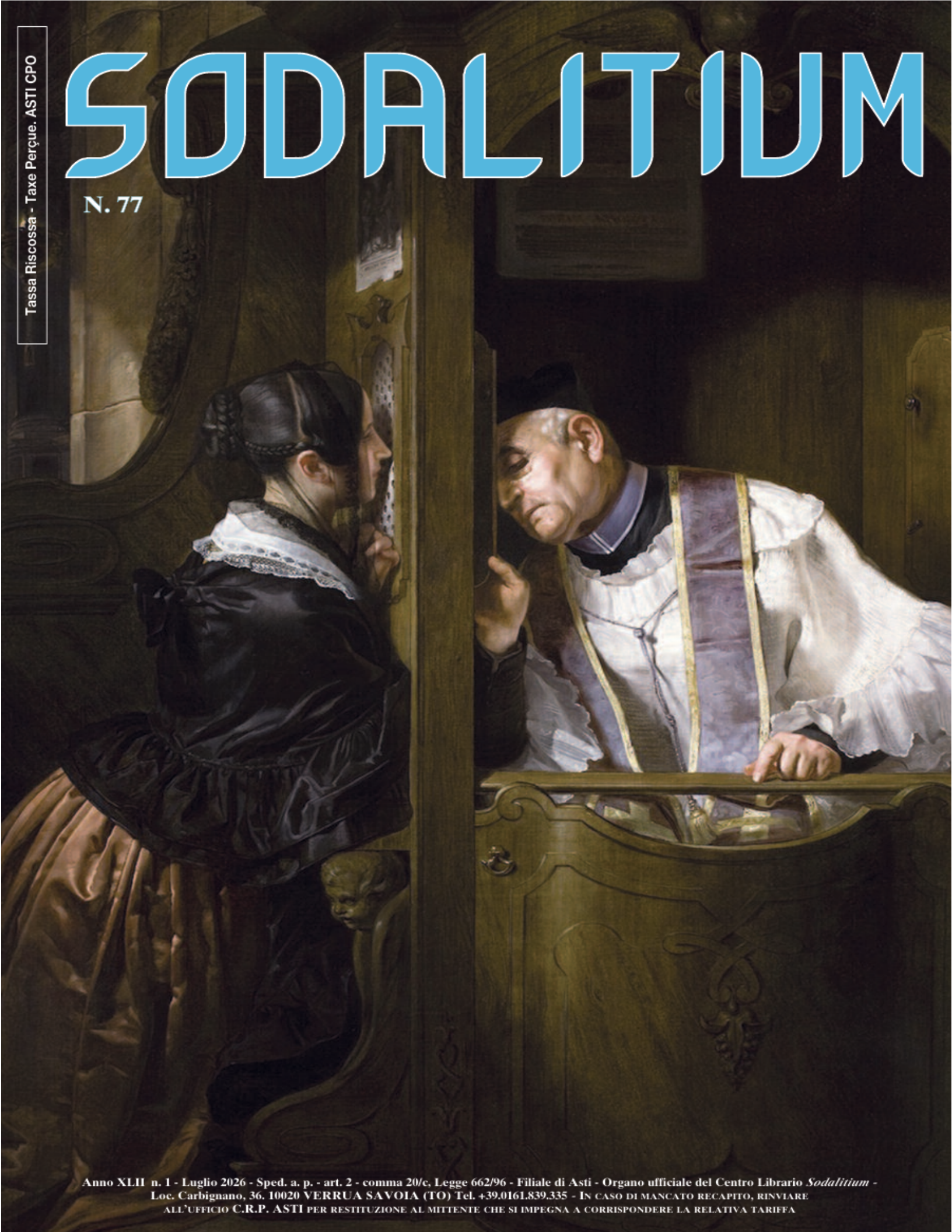


SODALITUM

N. 77



“Sodalitium” Periodical -
No. 77, Year XLII, No. 1/2026

Publisher: *Centro Librario Sodalitium*
Loc. Carbignano, 36. 10020 VERRUA SAVOIA TO
Tel.: 0161 839335 Fax: 0161 839334 - CCP 36390334
INTERNET: www.sodalitium.it - Email: info@sodalitium.it

Editor-in-Chief *Don Francesco Ricossa*
Authorized by the Court of Ivrea n. 116 of 2/24/84
Printing: - Artigrafiche Jolly Crescentino VC
This issue of the magazine

was finalized by the editorial office on 07/15/ 2026 **Translation:** Gregory DeSaye

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On the Cover: *The Confession*. A painting by Giuseppe Molteni (1838).

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Editorial

Issue No. 77 of *Sodalitium* was already in preparation—featuring numerous studies, articles, and reviews, and paying special attention to the grave threat facing the Christian presence in the Holy Land and the Near East—when we found it necessary to publish, as soon as possible, two short documents regarding current events in the Church and the so-called traditionalist world, alongside a substantial study by Fr Coradello on sacramental confession. We therefore decided to postpone the “regular” issue of the magazine—which will now become No. 78—until after the summer, and to publish this “special” issue first.

With regard to current events, we are publishing a brief statement from our Institute concerning two “imprudent announcements” involving the Church and the “traditionalist” world: the announcement of new episcopal consecrations

We are publishing a brief statement from our Institute regarding two “imprudent announcements” concerning the Church and the “traditionalist” world: the announcement of new episcopal consecrations within the Society of Saint Pius X and the proposed convocation of an “imperfect general council” by certain “conclavist” bishops.

within the Society of Saint Pius X scheduled for July 1, 2026, and a brief analysis of the “Profession of Faith” issued by that same Society on June 24 (a somewhat anomalous act in itself, given that Professions of Faith are generally drafted by the Church so that the faithful and religious institutes may adhere to them). The other announcement

under consideration—which we hope remains merely in the realm of ideas—is the proposed convocation of an “imperfect general Council” by certain “conclavist” bishops with a view to electing an (anti) pope. The Institute’s position—whether regarding *una cum* consecrations or bizarre conclaves—is well known, yet it is well worth recalling and restating it.

A study focusing on a specific aspect of the Sacrament of Penance became increasingly timely as time went on. In fact, following Vatican II and the liturgical reform, Catholics loyal to Tradition and resistant to modernism often reacted spontaneously, so to speak, by simply continuing to “do as before.” Attention was focused primarily on the new rite of the Mass; meanwhile, with regard to the sacraments—and especially the one that, alongside the Eucharist, constantly accompanies the life of the faithful: namely ‘confession’—priests at first continued to exercise the powers they had possessed prior to the Council. Only gradually did some find themselves facing difficulties due to their adherence to sound doctrine, while others, newly ordained without *litterae dimissoriae* (dimissory letters), appeared to lack the requisite faculties. Indeed, there are two sacraments that require proper faculties in order to be administered validly (and not merely licitly): Matrimony and Penance. Regarding Matrimony, however, the Church—by way of the Code of Canon Law—had made sufficient provision for exceptional cases in which a marriage would be valid even without the canonical form. On the other hand, in the case of Penance, the stipulated instances of exception (common error, danger of death, etc.) were insufficient to cover all the situations arising in ordinary ministry, unless the cases foreseen by law were interpreted in an extremely broad manner. This difficulty (which affected all “traditionalist” priests indiscriminately—except for those who, following the establishment of the *Ecclesia Dei* commission, accepted Vatican II and had thus been “regularized,” and even except the “Lefebvrians” themselves after the “Holy Year,” by the gracious concession of “Pope Bergoglio”! (Will the privilege last after the new “excommunication”?)). Consequently, it became necessary to examine the



The episcopal consecrations of the Society of Saint Pius X, performed at Écône on July 1, 2026
(screenshot from <https://fsspx.news/fr>)

principles in determining the validity and lawfulness of confessions administered within “Tradition.” This sparked the debate, which was further fueled by the need to address an argument put forward by Fr Tranquillo (a priest who has since left the Society for undisclosed reasons) criticizing those not in communion with Bergoglio in which he contended that the jurisdiction required to hear confessions could only be derived from Bergoglio himself.

Father Guérard des Lauriers, O.P., had developed his own theological reflection on this delicate issue—an issue capable of troubling the consciences of many of the faithful—having, as was his custom, studied this aspect of our Faith in depth. *Sodalitium* has taken the Dominican theologian’s observations as a starting point to present to the public—and to priests in particular—an in-depth study of the Power of the Keys received through priestly ordination itself. We hope thereby to make a valuable contribution to sacramental theology, transcending the specific circumstances that may have sparked interest in the matter.



Communique from the Mater Boni Consilii Institute

Imprudent Announcements

Prudence, the “*auriga virtutum*” (charioteer of virtues) in that it guides all the other cardinal virtues, enables us to choose the appropriate means to achieve our end: without prudence, the other virtues do not exist, nor can we achieve even the most excellent end we set out to achieve.

Recently, those faithful to the Catholic Tradition have been presented, by various parties, with announcements that strike us as highly imprudent. These announcements are new, it is true, but ultimately they repeat situations we have seen before. Our Institute, having been asked by many of the faithful to give its opinion on the matter, can only reiterate what it has maintained from the outset—though this may not be known to all those who have only recently come to us.

We refer, on the one hand, to the announcement of new episcopal consecrations by the Society of St Pius X, without the so-called Roman mandate (from the Holy See), but rather in defiance of the explicit prohibition reiterated by those occupying the Apostolic See; and, on the other hand, to the various initiatives by sedevacantist bishops with a view to convening an “imperfect general Council” (imperfect in that it takes place in the absence of a Pope) with a view to the election – from their perspective – of a ‘Pope’. The first announcement also sets a date for this event: the four episcopal consecrations are due to take place on the 1st of July, whilst the second merely lays the groundwork for this “general council” or “conclave”, whichever term one prefers.

Let us state straight away, for the sake of clarity, that the “Mater Boni Consilii” Institute is totally opposed to both initiatives, just as it has been in the past regarding similar initiatives (from the episcopal consecrations by Archbishop Lefebvre in 1988 – cf. statement of July 1988 – and those of Bishop Williamson – cf. press release of 20 March 2015 – on the one hand, as well as the various sedevacantist pseudo-conclaves, such as that held in Assisi in 1994, on the other).

The state of necessity in the Church’s current situation

Our Institute recognizes the existence of a state of necessity in the Church’s current situation. At least since 7 December 1965, with the ‘promulgation’ of the acts of the Second Vatican Council, and subsequently with the reforms that followed (liturgical reform, new Code of Canon Law), the Apostolic See has been juridically occupied by a person (*materialiter* ‘pope’) who lacks the formal aspect of the Papacy, the “*being with*” on the part of Christ, and is therefore not Pope (*formaliter*). The Church is not in a state of order, but in a state of deprivation of Authority. In this context, the “*Missio*” entrusted by Christ to the Church must absolutely continue, in particular through the celebration of Holy Mass and the administration of the Sacraments, for the glory of God and the salvation of souls. For this reason, despite all the difficulties this may entail, we are not opposed to the consecration of bishops even without a Roman mandate (which is impossible to obtain in the absence of Authority); these are bishops who have no jurisdiction (which comes from the Pope) but only the fullness of the power of Holy Orders to administer the sacraments of Holy Orders and Confirmation.

If one follows the doctrine of the Society of Saint Pius X, does this state of necessity exist?

The Society of St Pius X answers in the affirmative. In reality, it is not clear how it can sustain this view. According to the Society of St Pius X (and this is a prerequisite for membership), all the Pontiffs who have occupied the

See of Peter from the Council until now are legitimate Pontiffs, and the Mass and the sacraments administered according to the new rite are valid. It follows:

That the Church is still today governed by a legitimate successor of Peter, Vicar of Christ, endowed with the charism of infallibility, and with jurisdiction over all and every member of the faithful in matters of faith, morals and discipline;

That, in communion with him, some 5,000 bishops govern the various dioceses, being named as such by the priests of the Fraternity in the Canon of the Mass alongside 'Pope' Leo XIV; in the past, two bishops consecrated according to the new rite were welcomed as such to reside in the Fraternity's houses;

That the rite of the Mass (even the *Novus Ordo*) celebrated throughout the world is valid, just as episcopal consecrations, priestly ordinations and sacramental absolutions are valid: everywhere in the world, the Church is governed by her legitimate Shepherds and sanctified by valid sacraments;

the 'Supreme Pontiff' Benedict XVI has, moreover, lifted the excommunication imposed on the bishops consecrated by Archbishop Lefebvre, whilst 'Pope' Francis has granted the priests of the Fraternity the authority to hear confessions, to bless marriages, to have a court of first instance, very often to be welcomed into Catholic churches and even to receive some of them, thereby allowing them, in effect, to "experience Tradition" as they had requested;

That many Institutes which celebrate Mass using the traditional Missal have been canonically recognized by the Holy See, and their members are ordained by bishops recognized as having been validly ordained by the Fraternity as well, who could conceivably ordain priests of the Fraternity in the future, should the Fraternity so request;

That, finally, if the Fraternity were to wish to turn to bishops ordained solely according to the old rite for ordinations (and why on earth would it do so, if it considers ordination according to the new rite to be valid?) there are now countless bishops consecrated within the so-called Tradition (far too many, to tell the truth), some of whom—those consecrated by Bishop Williamson (who was himself consecrated within the Society by Archbishop Lefebvre)—share the Society's positions on the legitimacy of Leo XIV and the validity of the new rites...

The Society of St. Pius X proclaims that it is compelled by a "state of necessity" to consecrate four new bishops not only without the Roman mandate, but even against the explicit will of the 'Pope', yet this necessity is solely that of the Society, and not, as they claim, that of the Church.

An act of a schismatic nature

In this context, the consecration of four new bishops without a Roman mandate by the Society of St. Pius X is an act of a schismatic nature:

- First and foremost, and objectively, because carried out in communion with Prevost-Leo XIV, thereby participating in his "capital schism";

- Secondly and subjectively, as an act of grave disobedience—punishable by excommunication—towards the one whom they (albeit erroneously) recognize as the Vicar of Christ. The Superior General of the Society of St. Pius X has asked Leo XIV and 'Cardinal' Fernandez, prefect for the Congregation for the Doctrine of the Faith (!!), for authorization to consecrate the four bishops whose dossiers have been submitted: one cannot seek authorization, thereby recognizing the authority of the person from whom it is sought, if one then disregards his refusal.



The SSPX has asked Robert Francis Prevost for permission to consecrate the 4 bishops, a request that was denied.

The pseudo "imperfect general council" advocated by certain "sedevacantist" bishops

This, too, is nothing new. Even before the episcopal consecrations of Bishops Carmona and Zamora in October 1981, certain faithful, priests and later 'sedevacantist' bishops held, on the one hand, that the Apostolic See is (entirely) vacant—generally since 1958—and, on the other hand, that there was and remains a need to proceed

with a papal election, a tendency commonly referred to as “conclavism”. More often than not, this proposal has remained purely theoretical, without being put into practice; however, on some occasions the intention has materialized in the election of antipopes: the most 'serious'—though by no means the only—case was that of the aforementioned 'conclave' in Assisi, which in 1994 elected a claimant Linus II. We would not be discussing this topic were it not for the intense propaganda surrounding a new 'conclave' – or rather, in the absence of cardinals, an 'imperfect general council' – which would bring together the 'sedevacantist' Catholic bishops for this purpose (the election of a Pope).

As for us, we have never followed this path leading to schism (if not to ridicule), based on the principle that only he who has (juridically) the power to declare the See vacant can then provide for the provision (*provisio*) of that See. Now, only residential bishops and local ordinaries have the right to participate in the Council, whilst titular bishops have this right only if summoned by the Pope, as they lack jurisdiction. Bishops consecrated out of necessity due to the (*formaliter*) vacancy of the See are not residential bishops nor even titular ones (who are in any case consecrated on a Roman mandate) and therefore have no right whatsoever to declare the See legally vacant, to participate in a Council—even if it were 'imperfect' (not having been convened by the Pope)—let alone to elect a Supreme Pontiff. To this must be added that the status and number of electors must be certain, whereas these bishops, without any appointment by the Church's Authority, may be consecrated by anyone without any criteria, nor can it be authoritatively discerned who has been lawfully consecrated and who has not. We therefore hope that plans for a 'council' will remain just that and not be put into practice; otherwise, we will obviously be unable to recognize any elected candidate as the true Pope, nor administer the sacraments to anyone who considers themselves to be in communion with him.

In Conclusion

The rampant modernist heresy is not to be countered with imprudent schismatic solutions. The Institute adheres to the wise position set out in the so-called Cassiciacum Thesis by Monsignor Guérard des Lauriers, thereby avoiding both pitfalls.

The “Profession of Faith” that the SSPX sent to Provost and the Cardinals on the 24th of June is the profession of faith of the Society, and not of Tradition

Father Piergiorgio Coradello

A curious anomaly has recently occurred in the history of the Society founded by Archbishop Lefebvre: it consists of a religious family refusing to discuss with the Holy See, and then dictating terms to Rome regarding a Profession of Faith. Historically, it has always been the Pope's prerogative to formulate professions of faith and require their signature (as was the case with various heretical sects, the Eastern churches, even entire Kingdoms, etc.); but we all know

that the Society of Saint Pius X holds its own unique view of the nature of the Papacy. This is evident in the text we are going to analyze.

Upon reading the “Profession of Faith” that the Society sent to Prevost-Leo XIV and the cardinals on June 24, 2026, one is led to ask: why did the Society's theologians fail to provide references to the Magisterium from which they evidently drew in compiling this Profession of Faith? It is because they altered these citations in order to make them conform to the Society's

faith—a faith that is correct in rejecting Vatican II ⁽¹⁾ but erroneous in distorting the Church’s Magisterium ⁽²⁾ and the Church’s Authority ⁽³⁾.

In a very subtle manner, while articulating those Catholic dogmas which the SSPX actually contradicts, additions are made (which the Church never made) or certain words are omitted, allowing the Society to diminish the scope of the dogma, distort its nature, and justify its disobedience.

In **point 9** of their Profession, modernism is rightly rejected by stating that Revelation—and not sentiment—is the rule of faith; yet, this point fails to specify that while Revelation is the *remote* rule of faith, the Magisterium and Authority constitute its *proximate*, infallible, and ever-binding rule. It is on this point that the Society’s fundamental error lies.

Here is a brief analysis of this “Profession of Faith” (the numbers are the same as found in the original text), with the corrections that would render a Profession of *Catholic* Faith.

1. “I confess and embrace the entire truth of the Catholic Faith...faithfully preserved and transmitted to us in an unbroken succession within the Catholic Church, through the preaching of the Popes and bishops, the writings of the Fathers of the Church and of theologians, and the definitions of holy councils.”

There is an implication here that only the councils *define*, while the popes (and bishops) supposedly merely *preach*.

2. “I firmly receive each and every truth which the infallible Church has proposed as divinely revealed and necessary for salvation...”

By specifying that one accepts the truths proposed by the “infallible” Church, it is implied that the Church may not be infallible every time it proposes a truth as revealed and necessary.

“...whether through the definitions of her solemn Magisterium...”

It is not the solemn Magisterium alone to be infallible and empowered to define, and to serve as a means of proposing revealed and necessary truths (this point *seems*, in fact, to be correctly expressed in **no. 80**, though we shall comment on that in due course).

“...or through the unanimity of her Ordinary and Universal Magisterium.”

Vatican I described the Magisterium in question as “ordinary and universal.” The SSPX adds the adjective “unanimous” to this. Now, the ordinary and universal Magisterium is that of the Pope and the bishops; it is inherently *universal* in its membership and does not require unanimity in terms of time or sheer numbers. The Society cannot strip Vatican II and the post-conciliar period of their status of ordinary and universal Magisterium; instead, it seeks to deny them a status invented ad hoc—that of *unanimity*—thereby artificially justifying its disobedience toward those it acknowledges as the Authority and sidestepping the real issue: is Vatican II authentic Magisterium or not? Is the one who promulgated it an Authority or not?

3. “I consequently reject all errors contrary to this Faith, and in particular those of liberalism, indifferentism, modernism, ecumenism, and laicism... These errors obscure revealed doctrine...gravely harming the salvation of souls.”

The SSPX makes it clear that these points listed are the errors of the Council and the post-conciliar period.

Yet, something still coexists with that which is *obscured*; and *grave* harm is being inflicted on something that is, however, not destroyed. Can these errors perhaps *coexist* with an authentic post-conciliar Magisterium without *annihilating* that authentic Magisterium? To think or assert that there could be errors within the Church’s Magisterium that obscure revealed doctrine or cause grave harm to the salvation of souls is a most serious matter: “almost as if the Church, which is led by the spirit of God, could establish a discipline that is not only useless and more burdensome than that involving Christian freedom, but even dangerous, harmful, inducing superstition and materialism: (such a proposition is) dangerous, harmful, false, rash, pernicious, offensive to pious ears, injurious to the Church and to the Spirit of God by whom the Church herself is governed, and at the very least erroneous” (Pius VI, *Auctorem fidei*, DS 2678).

4. “I wish to remain faithfully subject to the Pope, in attachment to eternal Rome, which has received the mission of guarding holily and faithfully expounding the revealed Deposit until the end of time.”

If the “Pope” fails to fulfill this mission that is essential to him, is he still Pope? Can a true Pope

oppose “Eternal Rome”? Or will the SSPX subscribe to the Gallican error that distinguished between the See and the occupant—between the office of the Pope and the person holding that office?

5. Does Simon still confirm his brethren—and is he therefore Peter (Luke 22:32)—if he employs **“equivocal language”**?

6. Is it truly only **“charity”** that mandates the full profession of the Catholic faith, or is it the charism of the Supreme Pontiff?

9. God has entrusted Revelation to the Church. The “Profession” does not clearly say that the Church is the proximate rule of faith, inasmuch as it is the Church that transmits it to all mankind (and this is why She is infallible).

Instead it is said that **“Revelation...is the very truth of God who is supernaturally communicated to the minds of men...”** But in what way? Through the Magisterium of the Church, or does God transmit it directly to the intellect, as Luther claimed?

15. **“I profess that Sacred Scripture...is truly the Word of God...entrusted to the authentic interpretation of the Magisterium of the Church...”**

Once again, an adjective is added to diminish the dogma. Our Lord instituted the authentic Magisterium of the Church. There is no such thing as an authentic Magisterium and an inauthentic one: by making this distinction, the SSPX picks and chooses from the Magisterium what it pleases.

17. **“What has been believed by all, everywhere, and always, as belonging to the Faith, cannot be denied or called into doubt by any theological fashion, pastoral pressure, diplomatic necessity, or alleged exigencies of the modern world.”**

And what if it is denied or called into question—not by some theological fad, but by the very person believed to be the Authority—and this for seventy years? Either the principle is not true, or this is not the Authority.

28. **“I profess that human dignity...can never be invoked against the law of God”**

Now, the Second Vatican Council states that human dignity is revealed doctrine. Can Church Authority uphold, as revealed by God, a principle that might not run counter to God’s law? The same applies to **no. 34**.



Pope Pius VI

50. Mary is Co-Redemptrix. Fine. Last February, the SSPX—in order to seek approval for its episcopal consecrations—agreed to be received by the very “cardinal” who has explicitly taught that Mary is not Co-Redemptrix.

54. **“Our Lord Jesus Christ founded one Church, visible, hierarchical, indefectible, and necessary for salvation.”**

By placing *visibility* as the second property of the Church, the Society’s greatest fear is revealed: remaining without a Pope. So much so that in order to have one, they acknowledge him even when he utters heresies and causes scandal, while simultaneously disobeying him—thereby becoming true Gallicans in spirit.

Visibility is nothing more than the manifestation of apostolicity and unity; and this manifestation can undergo fluctuations, as in any crisis within the Church.⁽⁴⁾

65. **“I therefore reject the new ecclesiology, which destroys the missionary impulse by relativizing the uniqueness of the Church, the sole ark of salvation”**

The new ecclesiology is the consequence of a new faith—more Protestant than Catholic.

69. **“It is the Holy Ghost Who assists the ecclesiastical Magisterium, and especially that of the Pope, so that it may preserve, declare, and explain the revealed Deposit without error: not that it may invent new doctrines, but that it may penetrate more**

deeply, in the same sense and the same meaning, the truth already revealed by God to the Apostles.”

Therefore, if the “Pope” proclaims errors, it means he is not assisted by the Holy Ghost and is, consequently, not the Pope.

73. “The Roman Pontiff possesses, by divine institution, a power of truly proper, supreme, full, immediate, and universal jurisdiction over all pastors and over all the faithful baptized in the Church.”

Why, then, does the Society programmatically disobey this jurisdiction? Here is how they attempt to explain it:

75. “I recognize that by reason of this proper and genuine power, pastors and faithful owe him respect and filial obedience in all that concerns the legitimate exercise of his office.”

Once again, an addition: “legitimate”. But the exercise of the office of the Pope is always legitimate, “his papal authority is not in force only in certain specific, exceptional cases, but subsists and is binding always, at all times and in all places” (Pius IX, DS 3113).

If then the Pope “is subject to divine law and bound by the order given by Jesus Christ to His Church, and cannot alter the constitution that the Church received from Her divine Founder” (DS 3114), then acts and intentions contrary to this can only come from someone who cannot possibly be the Pope and does not wish to be the Pope.

76. “I likewise recognize that the bishops are the successors of the Apostles, which makes them true pastors by divine right, possessing in the Church, by the will of Christ, a particular and subordinate jurisdiction which they receive immediately from the Roman Pontiff.”

Insufficient emphasis is placed on the distinction between the power of orders and the power of jurisdiction.

80. “I believe that the Roman Pontiff enjoys infallibility when he speaks, that is, when, fulfilling his office as pastor and doctor of all Christians, he defines, by virtue of his supreme apostolic authority, that a doctrine concerning faith or morals is to be professed by the universal Church.”

First of all, although these words mimic the definition given by Vatican I, their meaning is distorted:

the Council Fathers specified that the Pope defines a doctrine which is to be *held* by the universal Church—therewith including the secondary objects of the Magisterium (such as discipline, canonizations, etc.)—and they deliberately rejected the term of *believed* doctrine, which encompasses only its primary object. The term “*professed*” tends to diminish the scope of the definition.

Furthermore: for seventy years, Vatican II and its authorities have been defining what they claim to be the Catholic faith and morals to be professed by the universal Church; therefore, they ought to enjoy infallibility. If, in fact, they err, it means they are not infallible and are not Roman Pontiffs. The Lefebvrians take the first step by acknowledging that the conciliar and post-conciliar teachings do not constitute the Magisterium:

82. “The present Magisterium cannot substantially contradict the prior Magisterium.”

...without, however, drawing the proper conclusions from this. The practical conclusion of the Lefebvrians is: definitions by the Authority are not always infallible—or, the Pope does not exercise the infallible Magisterium every time he issues a definition—and the Authority is not always assisted by the Holy Ghost when teaching. Which is heresy, and it contradicts what the Lefebvrians themselves state in this, their own Profession, in **nos. 80** and **69**.

The Lefebvrians seek to resolve this difficulty by suggesting that the Conciliar and post-Conciliar authorities hold a mistaken conception of the Magisterium:

84. “I therefore reject the notion of a new Magisterium, which would claim, in the name of the present day, to impose doctrines opposed or foreign to constant Tradition.”

Question No. 1: If such authorities habitually intend to implement this heretical conception of the Magisterium, do they or do they not desire the ultimate good-end of the Church? Are they the ones to whom Christ promised to be with them (Mt. 26:28) in the governance of His Church, or does their objectively perverse habitual intention render them incapable of possessing an authority established exclusively for that good-end? Setting aside this point—which constitutes the inductive argument of the Cassiciacum Thesis to



Pope Pius IX
(statue found in Santa Maria Maggiore)

prove the formal (though not material) vacancy of the Apostolic See—let us pose another question.

Question No. 2: Can an Authority, always assisted by the Holy Ghost (no. 69), which—setting aside its own subjective intentions—*objectively* fulfills the conditions that ought to render it infallible (no. 80), err nonetheless? If it errs, one of the two premises is false. The second premise is observable and true; therefore, the first is false: we are not dealing with the Authority.

The capricious incapacity to declare that there is no Authority and that the See is formally vacant leads the Lefebvrians to deny the evidence (the second premise just examined) and to deny points of faith (the first premise). In all other respects, the Society's Profession clearly reaffirms Catholic doctrine against modern errors. It is a pity for the Society—which, after the Modernists, is the greatest snare for the unwary to exist today—because “he who dissents from revealed truths, even on a single point, has completely lost the faith, inasmuch as he refuses to venerate God as supreme truth and the very motive of faith; hence Augustine says: *In many things they agree with me, in a few they do not; but regarding those few things in which they do not agree with me, the many things in which they do agree with me are of no avail to them.* And rightly so; for those who take from Christian doctrine

what pleases them rely not on faith, but on their own judgment: and by not *bringing their entire intellect into obedience to Christ* (1 Cor. 10:5), they obey themselves rather than God. *You, said Augustine, who believe what you wish in the Gospel and do not believe what you do not wish, believe yourselves rather than the Gospel*” (Leo XIII, *Satis Cognitum*).

“*The faithful who remain confined in the Priors will inevitably lose their faith*”.⁽³⁾

Notes

1) Although there does not appear to be such a rejection—judging by the protocol agreement signed by Archbishop Lefebvre in 1988 regarding *Lumen Gentium* (and rescinded only for practical reasons), or judging from Bishop Fellay's letter to Ratzinger (April 15, 2012; see *Sodalitium* No. 66, pp. 2-4 and 35-36).

2) I refer you to an article I cannot praise highly enough—and to which, as far as I know, no one has ever offered a response: FATHER GIUSEPPE MURRO, *Msgr. Williamson against the... First Vatican Council!* in *Sodalitium* No. 47.

3) “*An authentic SESSIO cannot sustain a MISSIO that is wholly and radically flawed. The rule was, and remains to this day: ‘continue to do as before.’ We have a pope [a bad one, but truly the pope]; we have a bishop, ‘our Bishop Marcel’; we have the MASS, the sacraments. What more could one desire? Meanwhile, fueled by this artificially created euphoria, ‘sessionitis’—that is, an obsession with the SESSIO and an anguished dread of being deprived of the pope—spreads like wildfire. And thus, a grave error—objectively a heresy concerning the very nature of the Church and the nature of the unity between the MISSIO and the SESSIO—is quietly, deeply, and inexorably instilled in the faithful who regularly attend the priories. In the long run, a tree withers and dies if it draws nourishment from poisoned soil. The faithful who remain confined to the priories will inevitably lose the faith*” (Bishop Guérard des Lauriers, *To consecrate Bishops?* point 2.a, in *Sous la Bannière*, supplement to No. 3, January–February 1986; translated and published in *Sodalitium* No. 16; republished in *Il problema dell’Autorità* [The Problem of Authority], CLS, Verrua Savoia 2005. The article is also available on our website: <https://www.sodalitium.biz/consacrare-dei-vescovi/>).

4) I refer to *Antologia di testi di mons. Guérard des Lauriers sulla visibilità della Chiesa* [An anthology of texts by Bp. Guérard des Lauriers on Church's visibility], in *Sodalitium* No. 22.



The way we sit

Father Piergiorgio Coradello

Introduction

The readers may rest assured, I have not abandoned the ecclesiastical sciences for ergonomics or posturology, nor am I proposing a lesson on physical fitness. The **act of sitting** that I shall be discussing is truly *religious* and familiar to both priests and the faithful; it refers to the symbolic act of *sitting*, whereby the priest *sits* at that particular tribunal which is the Sacrament of Penance (I call it a “symbolic” act of sitting because, physically, one can hear confessions while standing—as we do every year during the Loreto pilgrimage march—yet even then, the priest remains sacramentally the *judge and superior* of the penitent, and thus, like any judge, he *sits in judgment*).

However, this act of the priest *being seated* is peculiar. Indeed, Saint Thomas teaches: “*Since the priest does not grant absolution without requiring the penitent to perform certain actions* (namely, the so-called ‘acts of the penitent’: contrition, confession, and satisfaction, Ed.), *only someone who has the authority to command that penance be performed can grant absolution. Therefore, the person charged with administering this sacrament must be able to issue such a command. Yet, no one has the power to command another unless he possesses jurisdiction over him. Thus, for this sacrament, it is indispensable that the minister possess not only Holy Orders—as is the case with the other sacraments—but also jurisdiction. Consequently, just as one who is not a priest cannot confer this sacrament, neither can one who lacks jurisdiction.*”⁽¹⁾

Here is the point that interests us: even in today’s situation of crisis, we priests *sit* (in

The Priestly character, the power to consecrate and the power of the keys are essentially the same thing, they only differ conceptually (Saint Thomas).

judgment in confession). But according to what jurisdiction can we *sit* and thus judge and absolve?

Premise. One fact is certain: today, *non una cum* confessions are valid.

Let the reader rest assured: the confessions administered by priests who do not recognize the “authority” of Vatican II and the mere material occupants of the Apostolic See and the episcopal sees, are entirely valid. This is because such priests continue the so-called *Missio*. This is the *mission* for which the Son of God was *missus* (from the Latin, *sent*) by the Father; and it is the same mission that Jesus Christ entrusted to the Church, and which must endure until the end of the world: “*As the Father has sent me, so I send you. And saying this, he breathed on them and said: Receive the Holy Ghost. Whose sins you shall forgive, they are forgiven then; and whose sins you shall retain, they are retained*” (John XX:21). “*Go, teach, baptize, educate...and behold, I am with you all days until the consummation of the world*”



The sacrament of Penance

(Matthew XXVIII:18-20); “*And thus, in the Church militant, until the end of the age, there are catecheses and **the sacraments***” ⁽²⁾, and it is impossible for the Church to remain without the Sacraments—or without even just one of them—given that they are among her constitutive elements and that, without them, she could not fulfill her mission or be holy. *I believe in one Church, holy...* “*The Sacraments...are necessary for the salvation of humankind*” (Tridentine profession of faith); and the Church is holy because “*the Church alone has the legitimate sacrifice worship and the salvific use of sacraments*” (Catechism of the Council of Trent). The same necessity and perpetuity must be attributed to the *Missio* which is indeed incarnated, after Jesus Christ, in the Church as well. A moral interruption of the *Missio* is impossible.

Even on the strength of this argument alone regarding the indefectibility of Church and *Missio*, we are compelled to conclude: the mission of the Church—in its sanctifying aspect, through the Sacrament of Penance—cannot morally cease to exist, not even today when we are deprived of Authority in act (though not in potency) ⁽³⁾. The confessions administered by the few priests who have remained faithful to the Church’s *Missio* **must be valid**.

These priests, provided they have validly received the Sacrament of Holy Orders (and thus, probably, not through the reformed rite of 1968 nor from a bishop consecrated using Paul VI’s new pontifical), possess **Holy Orders** and, with it, what is known as the **power of the keys**—that is, the authority to absolve sins; they are valid ministers of the Sacrament of Penance: “*It being necessary, therefore, that a power of forgiving sins, distinct from that of Baptism, should exist in the Church, the keys of the Kingdom of Heaven were entrusted to her, by which the sinner, if penitent, may obtain remission of his sins—even up to the very last day of life.*”

This truth is vouched for by the most unquestionable authority of the Sacred Scriptures. In Saint Matthew the Lord says to Peter: ‘I will give to thee the keys of the kingdom of heaven; and whatsoever thou shalt bind upon earth, shall be bound also in heaven, and whatsoever thou shalt loose on earth, shall be loosed also in heaven’ (Mt.

XVI:19). And also ‘What you shall bind on earth, shall be bound also in heaven’ (ibid. XVIII:18). Saint John testifies that the Lord, after having breathed on the Apostles, said: ‘Receive ye the Holy Ghost. Whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained’ (John XX:23)’ ⁽⁴⁾.

What jurisdiction is required for valid confession?

Non una cum Confessions **must** be valid. As we saw in the first paragraph, Saint Thomas taught that to confess validly it is necessary to possess not only the sacrament of orders, but also **jurisdiction, a power to command the penitent**.

Regarding this power to command, the Council of Trent teaches that “*Since the nature and essence of a judgment require that the sentence be imposed only on subjects, there has always been the conviction in the Church of God, and this Synod confirms it as most true, that this absolution which the priest pronounces upon someone over whom he has no **ordinary or delegated jurisdiction** must have no value.*” ⁽⁵⁾

In order for the priest to fulfill his *Missio*—specifically the aspect of absolving sins—the Council of Trent speaks of the necessity for the priest-confessor *to share in the Church’s jurisdiction (whether ordinary or delegated)*; that is, in a **power to command received from the Church** (by virtue of office or delegation). Trent requires the confessor to hold, over the penitent, a position of **juridical superiority within the Church**, and that **through this jurisdiction, therefore, he participates in the “Sessio”**—(Olivetti dictionary: *to sit; the act of sitting*)—that is, the power of governing that the glorified Christ exercises now seated on His Throne of Glory, **and which He has imparted to those who serve as superiors in His Church**: “*You who have followed me will also sit on twelve thrones, judging...* (Matthew XIX:28). Thus, the **hierarchy** is established within the Church Militant, manifesting and realizing her catholicity.” ⁽²⁾

But here is a difficulty: are the “power to command”—required by the nature of the sacrament of penance and referred to by Saint

Thomas as “jurisdiction”—and the “ordinary or delegated jurisdiction” spoken of by the Council of Trent one and the same thing?

Cardinal Billot explains that there are different **spheres** of jurisdiction: “*The jurisdiction granted to the Church for exercise within her own forum cannot be exactly of the same type as that exercised within the forum proper to God, which is reserved to Him. This leads us to distinguish between two modes of jurisdiction. (...)*

Given this explanation, it is easy to see why the jurisdiction of the ecclesiastical forum is likened to an own power—one that has its complete and perfect existence within the subject itself; consequently, everything that the Church binds or loosens as the principal cause proceeds from this jurisdiction.

Jurisdiction of the internal forum, on the other hand, is like an instrumental power that does not have its complete being within the instrument itself; for by the nature of things, it can reside only in God as its Ordinary—if one may put it that way—that is, as in the principal judge whom the human judge serves merely ministerially and instrumentally.”⁽⁶⁾

Thus, within the Church, jurisdiction is exercised in two distinct ways, because two different fora exist within the Church. “*The forum denotes the place where jurisdiction is exercised, or the scope thereof.*”⁽⁷⁾ Another theologian, the Belgian Dominican Father Merkelbach, explains: “*The jurisdiction of the Church’s forum is one thing (...), concerning directly and primarily the public governance and the well-being of the Church; the jurisdiction of God’s forum is another (...), concerning directly and primarily the private spiritual good of each individual faithful. The former is an ecclesiastical and social power granted by the Pontiff on his own authority, and thus derives from him as its principal cause; the latter is a power that is not ecclesiastical but divine, granted by God’s own authority (as He alone can directly tap conscience and the bond of sin)—though mediated by the Pontiff acting as minister and instrument of the Divinity—and is therefore exercised not by the Church’s own authority, but by the authority of God Himself.*”⁽⁸⁾

In the Church, depending on the forum in question (whether ecclesiastical or divine),

jurisdiction derives from two different sources (either the Church or God). Why are there two forums and two sources? Why do two modes of exercising jurisdiction exist according to Billot—or indeed, **two distinct jurisdictions** according to Merkelbach? **Because a power is defined by its object:** in the case of the ecclesiastical forum, the object consists of the various possible social bonds existing within the Church as a society; in the case of the divine forum, the object is sin.

The object of an action defines everything, as Saint Thomas always teaches: a potency is defined by its act, a movement by its end, and power by its object; the object specifies the power, its source, and the forum in which it is exercised. From two different objects follow two different powers, two different sources of power, and two different fora.

Is the “ordinary or delegated jurisdiction” of which Trent speaks, the same as the one spoken about by Saint Thomas: the “power to command/jurisdiction” required by the nature of the sacrament of penance? **No. They are two distinct jurisdictions, two different powers to command.**

Firstly, there is a jurisdiction that originates from Authority, and is exercised in the ecclesiastical forum, “**the power to command, prohibit, and judge**”⁽⁹⁾: enacting laws, granting dispensations, binding the faithful, issuing judgments, excommunicating and lifting excommunications, and so on. This jurisdiction is the form that the *Sessio* takes canonically in the Church militant.

Secondly, there is a jurisdiction that derives from God through the Church and is exercised in the forum of God—that of confession. Only God can access the forum of conscience and **loose the bonds of sin** (*Ecclesia non iudicat de occultis*, as Innocent III states: jurisdiction in the divine forum is not “hers”). The exercise of this second jurisdiction takes place within the Church, and thus certainly requires her intervention⁽¹⁰⁾, yet only as an intermediary: the jurisdiction of this forum belongs to God, not to the Church. Exercising it also requires intervention by the Authority (i.e., an Ordinary: the Pope, the diocesan Bishop, etc.)⁽¹¹⁾; however, unlike the case of ecclesiastical

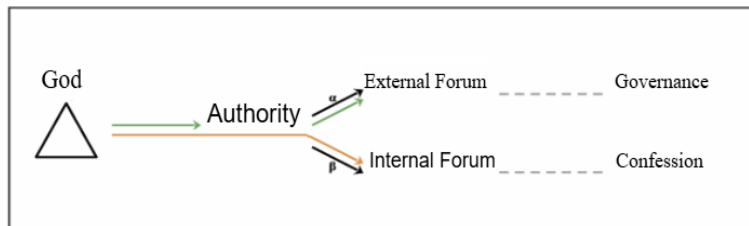
jurisdiction, the Authority is not the *cause* of this jurisdiction of divine forum but rather its necessary regulating instrument. This is because the Authority guarantees the order of the Church's life—as a society that is also human and visible—and, consequently, the administration of the sacraments (regulating it by requiring the possession of ecclesiastical jurisdiction, approval by the Ordinary, a benefice, or a confessional grille for religious women; by granting simple authorization; or by designating the confessor and the subjects through the assignment of cases: the Authority regulates the act of the *Missio* within the scope of the *Sessio*).

For a valid confession, ecclesiastical jurisdiction—which belongs to the Authority and is designed for external governance—is not **essential** for the priest; rather, what is essential is jurisdiction of the divine forum—the exclusive property of God—subject to regulation by the Authority to ensure that the penitent is a subject to the confessor **within the ordered framework of the *Sessio***. “No one can absolve by his own authority unless the person is in some way his subject; for acts are performed upon their proper matter, and sacramental absolution entails a judgment—and a judgment applies only to subjects and inferiors. Therefore, one who has no subject cannot absolve. **Thus, jurisdiction (like other Church regulations, Ed.) assigns the priest a specific matter.** Consequently, a person who has not been entrusted with the care of souls finds himself with a ‘bound key,’ as jurists put it—that is, he has no matter”⁽¹²⁾.

Is regulation by the Authority still necessary today? If so, what kind?

The *Sessio* **must intervene** to regulate the *Missio* (specifically, the administration of the sacrament of penance); the social structure of the Church requires it. But does this structure—and consequently the need for such regulation by the Authority—still exist in today's crisis?

Non una cum priests, if ordained in the traditional rite, are validly ordained, and possess the power of the keys. As we have seen, their confessions must be valid or the *Missio* and the



Church would have ceased to exist. Now, if we assume that no Authority exists in the Church **today**⁽³⁾, who could fail to see that to demand—for a confession to be valid—for compliance with those regulations of Authority (we listed some above) which are impossible to observe—precisely because of the lack of Authority—would render all their confessions invalid? And that this would cause a Sacrament to disappear, the Church to fail in its mission, and Christ's promise that it would endure until the end of time to be proven false?

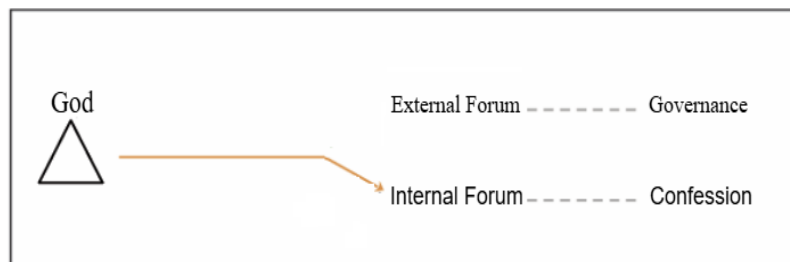
How can these two—currently conflicting—needs be reconciled? Here is the reasoning.

Every priest is already constituted a judge by God through priestly ordination: “*the priestly character, the power to consecrate, and the power of the keys are essentially one and the same thing, they only differ conceptually*”⁽¹³⁾; what he lacks is merely to be incorporated into the *Sessio*—the framework of ecclesiastical jurisdiction—through a regulatory arrangement which, whatever its specific form, ultimately rests with the Authority and is typically implemented via ecclesiastical jurisdiction. In other words, the penitent must be juridically constituted a subject of the confessor; the power of the keys requires subjects **assigned through the *Sessio***, since it is within its order that the *Missio* is exercised and the sacrament administered.

But today the entire Church is deprived of the *Sessio*, that is, deprived of the structure, superiors, and juridical subordination (in act, though not in potency); certain regulations concerning the sacrament of penance may be impossible to observe and unnecessary, because they presuppose a *Sessio*—a structure—that does not exist (and which, in itself, exists solely to serve the *Missio*)⁽¹⁴⁾. Therefore **today, the *Missio* alone suffices for hearing confessions.**

The need to regulate confessions **on the part of the Authority—framing them within the *Sessio*** (primarily through ecclesiastical jurisdiction, which is its canonical realization, but also through broader measures such as the reservation of cases)—finds no grounds for application today: there is neither an Authority nor a *Sessio*. These various laws—*mutatis mutandis*—may prove to lack executive force (indeed, some may still be capable of being observed, or at least retain significant directive force—such as the grille for the confession of religious women, the reservation regarding complicity, etc., matters into which we shall not delve now). Consequently, the confessor is not bound by such ecclesiastical constraints in exercising the power of the keys received at priestly ordination. God exercises **jurisdiction in the divine forum** directly, without the regulation of an Authority which does not exist; the principal cause can operate without the secondary cause. It is immaterial whether this occurs because jurisdiction in the divine forum *corresponds* to the power of orders being merely *regulated* by Authority—as maintained by Armacanus and Charrière—or whether it is bestowed by Christ *separately from ordination* and, in the present day, without *passing* through Authority—as argued by other authors whom we are about to cite. **Simply put, under ordinary conditions, God exercises jurisdiction in the divine forum solely through the regulation of Authority; today, however, this is not necessary, because the Church is deprived of all Authority** ⁽¹⁵⁾.

In the matter in question: “**Currently, the Decree of Trent** [which requires the possession of ecclesiastical jurisdiction to validly hear confessions, Ed.] **lacks executory force. The truth is, consequently, that** [you priests] **exercise the *MISSIO*, even though you are deprived of the normally required participation in the *SESSIO*... for the reason that the entire Church Militant is itself in this SAME state of deprivation (regarding the *SESSIO*) that affects you. The *MISSIO* and the *SESSIO* are therefore, within the Church Militant, two co-essential parts—truly distinct, inseparable by right, yet currently dissociated in fact: the *SESSIO* is held in abeyance by the formal vacancy of the Apostolic See; the**



MISSIO endures, to the extent possible, in the priests and faithful who profess their attachment to Tradition—we repeat, it is a *MISSIO* in a state of deprivation” ⁽¹⁶⁾. **In the current crisis, confession is valid solely by virtue of the jurisdiction of divine right exercised directly by God, without ecclesiastical regulation or jurisdiction.**

This is the insight. It is possible because the priest **already possesses the power to absolve by virtue of ordination**—as we have just seen with Saint Thomas (see note 13; the priest already has the *Missio*); because **this power depends directly on God**, as Bañez teaches; and because the instrumental and regulatory intervention of Authority (typically through **ecclesiastical jurisdiction**) **is not required for the essence of the sacrament**—as Saint Antoninus and Ceuppens write—**but is required solely by the *Sessio* (which is absent today)**. Peter Paludanus, Capreolus, Melchior Cano, Charrière, and Dorsch express views in line with these Dominicans, and Cajetan and Journet hold similar positions ⁽¹⁷⁾.

To delve deeper into this intuition, let us look together at the reasoning proposed by Father Guérard des Lauriers, taken from his *Réflexion sur le Novus Ordo Missæ* ⁽¹⁸⁾.

The Nature of the Sacrament

“‘It is Christ himself who, through the Church, baptizes, teaches, governs, looses, binds, offers, and sacrifices’ (Pius XII, Encyclical *Mystici Corporis Christi* AAS-35-200). The role of the Church consists in this: that Christ acts through it, serving as an instrument. This is the foundation of the ‘power’ the Church possesses over the sacraments. This foundation concerns the essence of the sacrament and is found in the same way in all the sacraments” (*Réflexion*... n. 2761.2).



Theologian Domingo Báñez

Every sacrament, therefore, is subject to the motion and “control” of the Church, because the Church is the instrument through which Christ effects the sacraments. In what way is this influence of the Church realized? To understand this, we must consider the composition of the sacraments as such.

When a sacrament is administered, what we see is very simple: God forgives me in confession; God nourishes me in communion; He gives me that specific grace in that specific sacrament; and so it is for all the sacraments which, in a word foster the supernatural life within me. Upon closer inspection, however, even though the sacrament is a unified whole—a *single rite that bestows God’s grace*—it entails two aspects: **the production** of this grace and **its reception** on my part: the sacrament integrates these two operations into a single, harmonious act. The child who embraces his mother produces an embrace and the mother receives it: the result is a harmonious whole, but there are two separated aspects. Let us consider these two aspects in that embrace; that ineffable union with God, which is the production and the reception of grace.

The **production of grace** is different for each sacrament: production of a spiritual birth in Baptism, production of nourishment of the soul in the Eucharist, production of healing for Confession, etc. It is the matter and form of the sacrament, determined and unified by the intention of the minister, which specify the symbolism and therefore the object of production; the grace proper to each sacrament. Matter, form, and intention thus form the *essence* of the sacrament. For example, in Baptism, water poured over the body is the matter, symbolizing washing: the words of the form express the nature of this washing—it is a washing “in the name of the Father, and of the Son, and of the Holy Ghost,” and is therefore wrought by God and reaches the soul of the person being baptized. The intention of the priest applies and renders effective this symbolism: and therein lies the essence of Baptism, performed to produce this particular grace of birth into a new life.

The **reception of the grace** is determined by the behavior of the one receiving it: the desire for grace and the correct disposition toward it, internally and externally.

Thus, since the sacraments comprise these two integral parts, the Church exerts influence upon the sacraments by addressing precisely these two aspects: “*the two relationships that the Church maintains respectively regarding the **production of grace** and the **reception of grace** are ‘realized’ the former by the essence of the sacrament, and the latter by the act of the faithful receiving the sacrament. It is entirely possible that a distinct ‘power’ of the Church is associated with each of these two relationships; but it is obvious that these two ‘powers’, if they exist, differ from each other in their formal specification in the exact same way that the relationships themselves differ*” (*ibid.*).

The Church exerts its influence upon the sacraments, and this influence is exercised through a power, a capacity. Now, the Church is endowed with three powers: **the power to teach, to sanctify, and to govern**. The power to teach is the Magisterium (the transmission of the faith) and it obviously does not concern our matter at hand. The other two, however, are relevant to us: following Fr Guérard, we shall term the power to **sanctify**—that is, to render sacred, to transmit the

sacred, and ultimately to unite with God—the “**sacral power**”; and we shall term the power to **govern**—that is, to direct souls and to lay down necessary laws, whether disciplinary or liturgical—the “**jurisdictional power**” (the term derives from *iuris dictio*, jurisdiction).

Jurisdictional power, as it concerns the governance of the Church as a visible society, is at the service of that which is nobler than itself, and closer to God: the magisterial power (union with God who speaks, and who is Truth) and the sacral power (union with God who is Love).

We must now bring together what has been said: on the one hand, the sacrament entails *the production* and *reception* of grace; on the other, the Church—which by Christ’s institution exerts an influence on every sacrament—possesses two specific powers: *sacral power* and *jurisdictional power*.

The Church’s power regarding the reception of grace

If the Church is Christ’s instrument in the administration of the sacraments—and thus influences every sacrament—then it also exerts an influence on the sacrament regarding the aspect of the faithful’s reception of grace.

The Church certainly has authority over the reception of grace. Let us look at a few practical examples. Communion in the hand was practiced in some places in ancient times, and the Church suppressed it everywhere no later than the fourth century. Extreme Unction may be administered with a single anointing, or with five or seven, and upon various parts of the body; the grace of the anointing remains the same, yet the Church regulates the manner of its reception. The same applies to Communion brought to the sick or the dying: the Communion is identical, and Jesus is the same in every Host, yet the Church has prescribed one formula for the sick and a different one for the dying; when bringing a same Host to a sick person, a priest may have to decide—based on the patient’s medical condition—whether to make him receive grace as for the sick or as for the dying (the Church could do the same regarding Extreme Unction, which, depending on when the priest arrives, can

serve as the sacrament for the sick—in danger of death—or for the dying—at the point of death; the grace is the same, but the two modes of reception are psychologically distinct, and the Church could prescribe two different rites or prayers for the same sacrament to suit these two scenarios). Depending on the circumstances, marriage may be validly administered without the presence of a priest, or it may require his presence.

By what power is the Church able to regulate the sacraments regarding the reception of grace?

The reception of grace concerns the manner in which the faithful receive it. Does the Church have power over the faithful? Certainly: **through the power of jurisdiction**, which encompasses legislative, coercive, and judicial authority. Thus, “*the authority that the Church maintains over the sacraments regarding the reception of grace is grounded in the power that the Church—as the Bride of Christ—possesses over every member of Christ. The reason for this is that the relationship of subordination is ‘transitive’: with regard to its reception, the sacrament is subordinate to the Church, because in this aspect the sacrament is subordinate to the faithful, who in turn are subordinate to the Church*” by virtue of the power of jurisdiction (*ibid.*, no. 2762).

The Church’s power over the production of grace

How does the Church—Christ’s instrument in the administration of the sacraments—exercise its influence upon them, insofar as they involve the production of grace?

“*The Church must have authority over the rite of every sacrament insofar as this rite concerns the production of grace. Indeed, the communication of grace—the specific end of every sacrament—is actually accomplished within the bosom of the Church; therefore, everything that the act of this communication comprises altogether—namely, the reception and the production of grace—falls together under the Church’s direction and, consequently, under the Church’s ‘power.’*”

And just as the Church has ‘power’ over the rite of the sacrament insofar as it concerns the reception of grace, the Church likewise has

'power' over the rite of the sacrament insofar as it concerns the production of grace" (*ibid.* no. 2763.1).

"This power consists in integrally preserving and effectively guaranteeing the specification of the rite of every sacrament" (*ibid.* no. 2763.3).

How does the sacrament produce grace? Through the form, the matter, and the intention of the minister, which together confer the symbolism and efficacy upon the sacramental rite. This constitutes the *essence* of the sacrament.⁽¹⁹⁾ Therefore, *"the 'power' that the Church possesses over the sacramental rite, insofar as it contributes to producing grace, concerns the essence of the sacrament"* (whereas, as we just saw earlier, *"the 'power' the Church possesses over the sacramental rite, insofar as it regulates the reception of grace, does not concern the essence of the sacrament"* [*ibid.* no. 2763.22], but rather the faithful who receives it).

By virtue of its sacral power, the Church infallibly knows, regulates, and oversees the form, matter, and intention involved in the administration of the sacrament; this sacral power is the so-called *intention of the Church*—inspired by the Holy Ghost and perfectly aligned with that of Christ (an intention which the human minister must adopt)⁽²⁰⁾. The case of Baptism is emblematic: it can be validly administered even by a non-believer, provided that that person follows the rite defined by the Church and intends to "do what the Church does"—that is, adopts the Church's intention, at least in a general way, thereby placing both the rite and himself under the Church's influence.

Conclusion on the study of the sacraments

The Church has power over the sacraments in their dual aspect: the reception of grace, and the production of grace. As these two aspects are different from one another, the two powers that the Church has over the rite of the sacrament are also of a different nature. One power concerns the production of grace, the other its reception; this distinction regarding their respective objects indicates that they are indeed different powers. The first—sacral power—relates to the production of grace, or the sacrament in its essence (matter, form

and intention); whereas jurisdictional power relates to the reception of the sacraments—that is, it relates to the faithful—and not the essence of the sacrament.

Now, the sacrament as a whole—as a rite that produces the grace which is received (that is, the essence of the sacrament brought into being and applied to the faithful, who receives the grace)—falls under both powers; yet these powers remain distinct and separate, primarily because they concern different aspects of the sacrament. The sacral power concerns its essence, whereas the jurisdictional power concerns not the essence itself, but rather its application to the faithful. **Just as in the Church's mission as a whole, the power of jurisdiction is at the service of the power of orders—the visible aspect serving the invisible, the *Sessio* serving the *Missio*—so too within the sacrament, the ecclesiastical jurisdictional aspect serves the sacral aspect; ecclesiastical jurisdiction is at the service of the sacrament's essence.**

"Considering a specific reality—in this case, the essence of the sacrament (...)—, it is impossible for this reality to be traced back to sacral power on the one hand; while its formal constituent [its essence, Ed.] is traced back to jurisdictional power. Two forms of the same order [power, Ed.], as such, are mutually exclusive" (*ibid.*); *"and if a causal relationship exists between these two 'powers,' it can only be per accidens"* (*ibid.*, no. 2761.2).

Ecclesiastical jurisdiction cannot be part of the essence of a sacrament. It merely serves it, because jurisdiction regulates the reception of grace, not its production—which occurs *within* and *through* the essence of the sacrament. **Ecclesiastical jurisdiction cannot be part of the essence of confession.**

The same must be said regarding the Ordinary's approval of a confessor, the holding of a parish benefice, the grille required for the valid hearing of religious women's confessions, the reservation of cases, **or any Church intervention regulating the administration of the sacraments**⁽²¹⁾: these do not pertain to the essence of the sacrament but are merely required for its

administration within an ordered Church (one currently provided with a *Sessio*).

Application to the sacrament of penance

“Christ communicated the power to absolve not by virtue of a jurisdiction, but by virtue of the Holy Ghost. Whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained (John XX:22-23). The ‘powers’ [ecclesiastical jurisdiction and, at other times, the approval of the Ordinary or a parish benefice or any other regulation, Ed.] conferred by the ‘authority’ merely delimit the scope of applicability OF THE POWER to absolve; they do not truly originate that power, nor do they in any way qualify it intrinsically [that is, in the essence, Ed.].

While these ‘powers’ certainly play an intrinsic role in the sacramental act [understood as the sacrament in its entirety, including the reception of grace, Ed.] they do not constitute part of its essence. If they are ordinarily required for validity, it is in a manner analogous to the requirement of ‘canonical form’ for the validity of the sacrament of marriage. ⁽²²⁾ (...)

Making sure that the confessor has the ‘intentio Ecclesiae’ comes from sacral power ⁽²⁰⁾; while mandating that one has ‘the powers’ [jurisdiction, or—in other times, the Ordinary’s approval or any other regulation, etc. - Ed.] in order to hear confessions validly, derives from jurisdictional power. Jurisdictional power is at the service of sacral power; this is the order—the very order immanent in every sacrament.

That ‘the powers’ play a role that is non-essential—though habitually necessary in practice albeit subject to certain conditions—is confirmed by the case of imminent danger.

In such a situation, any priest may grant absolution without possessing ‘the powers’; this would be impossible if ‘the powers’ were required for the essence of the sacrament to be realized. ⁽²³⁾

*It might be objected that the Church grants ‘the powers’ **once and for all**—precisely in cases of imminent danger. We reply that this ‘difficulty’ is simply one of the fallacious effects of perspective that are inherent in ‘Juridism’. In cases of imminent danger, the valid reasons for which the*



Saint Antoninus of Florence

*Church normally requires one to ‘possess the powers’ do not exist—or no longer exist. The Church simply acknowledges this, indeed **once and for all**. The Church may restrict the exercise of the power to absolve or limit its scope of application—so as to better ensure the communication of grace, and employ jurisdictional power in the service of sacral power. (...)*

When the Church does not bind what she habitually binds, one must state this precisely:

*—first of all, that the Church is **not exercising** that power which she possesses to bind (to bind the exercise of the POWER to absolve);*

—secondly, that the Church is not positively exercising any power... given that ‘not exercising’ is precisely the opposite of ‘exercising’ ⁽²⁴⁾;

—thirdly, that the Church does not positively grant ‘any power’ to the confessor;

—fourthly, and as a consequence, that the Church regards THE POWER that every priest possesses to absolve every sin as ‘unbound’—and free to be exercised.

The fact that the Church does not exercise the [jurisdictional, Ed.] ‘power’ that she possesses—to subordinate the exercise of the POWER to absolve to the granting of ‘powers’ [jurisdictional and at other times the approval of the Ordinary or any other regulation, Ed.] for which she holds authority, in no way implies that the Church—regarding the sacrament of penance [its essence, Ed.]—possesses a kind of monolithic power that would lie beyond the general



The Dominican Melchor Cano

parameters of the sacral power. Because to renounce the exercise of a ‘power’ (that of binding the exercise OF THE POWER to absolve) is the same as having no sort of power. After all, whether the Church ‘binds’ as it customarily does, or ‘does not bind’ in some cases ordinarily provided for—and thus whether it exercises jurisdictional power or does not—both instances are ordered so that grace may be better communicated and sacral power adequately exercised” (ibid. no. 2763.23).

And therefore: “No reality [in our case, jurisdictional power, Ed.] can transcend that to which it is ordered, and to which it is consequently subordinate [the sacral power, Ed.]. That the Church sets conditions for the administration of the sacrament of penance—thereby using the jurisdictional power it holds over the faithful—does not in any way imply [nor is it possible for it to imply, Ed.] that the Church has a right or power over the sacrament itself [over its essence, Ed.]” (ibid.).

Conclusion of the investigation into confession

Thus, to conclude—and integrating the words of Monsignor Guérard ⁽²⁵⁾—the nature of the Church requires that in confession the priest *acts*

as a judge, that is, as a superior; not only by virtue of the *Missio* and the power of the keys, but also in the *Sessio* order, which happens through the Church’s regulation with her jurisdictional power, the prime example of which (among others, see note 21) is the requirement that a priest possess ecclesiastical jurisdiction as stated under the Code of Canon Law ⁽¹⁰⁾ following the Council of Trent. The *Sessio* is certainly inherent to confession just as it is to the episcopate; both have a quasi-necessity for it (albeit for different purposes); and “the *Sessio* can only be realized if it is determined; and it is determined by jurisdiction, which is communicated only through the mediation exercised by the Vicar of Christ.” ⁽²⁶⁾

But presently, the Decree of the Council of Trent lacks executorial force because it is a law **that does not concern the essence of confession, but rather the reception of grace as regulated by a Church currently equipped with *Sessio*—which is not the case today** (as in act there is neither Authority nor hierarchy). Consequently, the Decree of Trent is a law that is metaphysically impossible to observe under present circumstances; it is a law **not for today’s condition (actual deprivation of the *Sessio*) because it does include it**, and were it to be followed regardless, it would entail the disappearance of a sacrament. Thus, it is a law devoid of executorial force and has no application today. ⁽²⁷⁾

We admit that the Council of Trent describes after all divine law—that the nature of the Church postulates that a judgment must necessarily proceed via the *Sessio* and thus be determined by a divine forum jurisdiction passing through Authority. Yet, the nature of the Church can be wounded by the absence of the *Sessio* (due to the lack in act of Authority and hierarchy)—such are current circumstances; there is no *Sessio* available to circumscribe the jurisdiction of the divine forum. The sacramental judgment remains valid even without passing through a... non existing *Sessio*. The jurisdiction of the divine forum, which belongs to God alone, can be—and indeed is—exercised by the confessor without the instrumental, regulatory intervention of the Church; such an intervention is impossible in the current situation, and is not essential to the

judgment itself (it is only a necessary condition within a Church fitted with the *Sessio*).

Consequently, the Truth is that we exercise the *Missio* (celebrating Mass; administering the sacraments in their essence and with the production of grace—specifically, confession) even though we are deprived of the normally required participation in the *Sessio* (with the ecclesiastical jurisdictional power)... **for the reason that the entire Church Militant is itself in this SAME state of deprivation regarding the *Sessio*—there is no Authority. Grace is received without passing through a jurisdiction that cannot exist today. Today, confessions are valid even without regulation by the Authority (and thus without participation in the *Sessio*).**

Saint Thomas himself teaches that confession commits *primarily before God* (essentially the *Missio*), whereas excommunication, for instance, commits toward both God *and the Church* (involving both the *Missio* and the *Sessio*)⁽²⁸⁾. Of course, even though confession is a private judgment, the priest nonetheless acts as a representative of both God *and the Church*—into which he welcomes the sinner back (and this seems to always require participation in the *Sessio*)⁽²⁹⁾; yet a priest lacking ecclesiastical jurisdiction is **already** a representative of the Church by virtue of the power of the keys—which corresponds to the priestly character configuring him to Christ, and thus thanks to the *Missio*. **And nowadays, there is no *Sessio* to represent—nor any authority to whose obedience the penitent might be restored—because neither the Church’s visible Head nor its hierarchy are present, and this deprivation spreads from the summit down to the base.** “*The visible Church is founded upon the hierarchical Priesthood [the *Sessio*, Ed.]. The Church of all time—which Traditionalists seek to perpetuate—can subsist only in the eternal Priesthood [Missio, specifically in those acts possible without *Sessio*, Ed.]*”⁽³⁰⁾.

Just as Bp. Guérard spoke of a “diminished episcopate” because it lacks *Sessio*, so too can we speak of a “diminished priesthood” because it can operate without *Sessio* (and this affects all acts of the *Missio*, such as the Mass and the sacraments, which always require the mandate of Church authority).

Our opinion.

At this point, it is easy to see that the solution described in the two preceding paragraphs is the one *Sodalitium* favors: our position follows Saint Thomas’ doctrine regarding the **sanctifying power derived from the power of the keys**⁽¹³⁾, that of the previously cited authors regarding the **exerciseability of sanctifying power even without a *Sessio***⁽¹⁷⁾, and that of Fr. Guérard regarding the **non-necessity for the Church’s instrumental regulation of divine-forum jurisdiction in order to hear confessions validly today. Divine forum jurisdiction—which reaches the conscience and through which grace is infused and one is freed from sin—is exercised directly by God, without instrumental regulation by an Authority that is absent, and therefore, specifically, without the ecclesiastical jurisdiction that constitutes the primary regulatory means possessed by that Authority.**

Jurisdiction in the divine forum already constitutes commanding authority within that forum, thereby making the confessor already the superior of the penitent. The fact that God exercises this jurisdiction without the intermediary of Authority can be termed, in a sense, a “suppliance”⁽³¹⁾, insofar as God exercises jurisdiction in the divine forum without utilizing the (absent) Authority as an instrument and regulation; in reality, this is simply a matter of God’s immanence within the *Missio*: only He can grant jurisdiction in the divine forum, and only He can enact the *Missio*. Today, within the Church, this *Missio* doesn’t require a *Sessio* and forms of ecclesiastical intervention—since *today there is no *Sessio* to serve as a reference point for subordination, therefore an ecclesiastical jurisdiction is not required, the role of which is merely to graft into the *Sessio*, which, precisely, is not there*⁽³²⁾.

A possible objection: the issue raised by the Council of Trent.

After reading the reasoning given by the Lateran University theologian and the conclusions of this magazine, someone might say: a fine explanation, but... didn't the Council of Trent state

that, by the institution of Christ himself, if the confessor lacks ecclesiastical jurisdiction, the confession is invariably invalid?

First of all, we have just shown that, even though Trent describes divine law, ecclesiastical jurisdiction is not required for confession today.

Furthermore, I personally believe that Trent did not intend to define whether ecclesiastical jurisdiction is an absolute necessity for confession or merely a condition necessarily imposed by the Church.

The first reason is that the requirement for “ordinary or delegated jurisdiction”—of which the Council speaks—is **not a matter of divine law**; this is evidenced by a tacit “admission” on the part of the Church. Indeed, the Church itself provides that a priest lacking jurisdiction may validly hear the confession of a person in danger of death. Yet, since he lacks jurisdiction, this situation must be explained either—following Fr. Guérard—as occurring without the Church’s intervention, or as a case of supplied jurisdiction provided by the Church, as most authors maintain. From a juridical standpoint, however, supplied jurisdiction does not fall under the categories of jurisdiction mentioned by Trent—neither ordinary nor delegated⁽³³⁾; here, then, is a case that lies outside the scope of what Trent prescribes.

Given that it would have been strange for Trent to define an issue while overlooking a relevant and significant topic such as supplied jurisdiction, this fact reinforces the Guérardian interpretation of the Council of Trent—just as the reason set forth below does.

The second reason is that the aforementioned passage from the 15th Session appears in the seventh chapter, which deals with the **reservation of cases** (that is, the Church’s power to withdraw the authority to absolve certain sins from a specific category of confessors and *reserve it*—for instance—to the Ordinary, due to the grave harm that such sins cause to the “discipline of the Christian people”). Consequently, the text does not concern the sacrament of confession in itself; rather, it concerns the reservation of cases.

Furthermore, the concept of “ordinary or delegated jurisdiction” is introduced at the beginning of the topic, and its necessity is characterized by an ambiguous expression: without

jurisdiction, confession “*ought not to have validity*.” Why does the Council not simply state that a confession without jurisdiction “has no” validity, but instead employs a verb (“ought”) that implies an external constraint? “*The Church has always held that a confession [lacking jurisdiction granted by the Church] ought not to have validity.*” Yet, when dealing with an institution established by Christ Himself, the Church does not merely “hold a view”—the Church “**knows**.” And the Church does not “hold that it *ought not* to have validity,” but rather “holds that such a confession **does not** have validity.” The obvious meaning of this clause is not what it appeared to be at first glance; in fact, *there is no single obvious meaning*. This paragraph of the seventh chapter could well be understood as an explanation of what allows the Church to strip confessors of the power to absolve certain sins. **The Church has always deemed it necessary to require that Authority regulate the jurisdiction of confessors, so that it may withdraw that jurisdiction in order to reserve to itself cases that cause particular harm to the “discipline of the Christian people”—a discipline that the Sessio is specifically tasked with regulating**⁽³⁴⁾. What is the reservation of cases? We might say, in Guérardian terms and returning to our original question: It is another example of how the Church exercises control *over the reception of grace* in the Sacrament of Penance by requiring that the matter of jurisdiction be regulated by Authority (and not only that: as we have seen, the same applies to the approval required for hearing confessions)⁽²¹⁾.

Also the Catechism “for parish priests”—the “Catechism of the Council of Trent”—is highly nuanced and offers no definitive resolution⁽³⁵⁾; likewise, all other ecclesiastical documents on this matter are entirely open to an interpretation consistent with Fr. Guérard’s view⁽³⁶⁾. Aligning with the position we outlined alongside Fr. Guérard in the preceding paragraphs, the Sacred Congregation for the Interpretation of the Council of Trent—in its decree addressed to the Bishop of Hildesheim on September 16, 1769—appears to suggest that, regarding confession, an absence of jurisdiction does not constitute a defect in the essence of the sacrament itself, but rather an impediment to the act as a whole (and,

consequently, *to the reception of grace*)⁽³⁷⁾. Even more supportive of Fr. Guérard's explanation is the doctrine of the Synod of Pistoia and its subsequent condemnation by Pius VI: the Jansenists at Pistoia had insinuated that the jurisdiction required by the Church for confessions was merely a matter of expediency intended to prevent confusion in the life of the Church; however, Pius VI recognized that the Jansenists sought to reduce the issue *solely* to one of expediency—as if it were not a condition *for validity*—and thus condemned them, reaffirming that it is a matter of *both validity and expediency*⁽³⁸⁾.

To summarize: Trent likely wished to specify that, by divine law, confession requires ecclesiastical jurisdiction; however, it did not rule out the possibility that the requirement for jurisdiction is a condition rather than an essential part of the sacrament, nor that there may be situations where this condition need not necessarily be met (as we maintain is the case today).

A possible objection: Saint Thomas and the judicial nature of confession

Even granting this interpretation of the passage from the Council of Trent, the fact remains that the Council itself—as well as Saint Thomas, as we saw above—states that confession is by its nature a judgment, and ***“therefore, it is indispensable for this sacrament that the minister possess not only Holy Orders, as is the case for the other sacraments, but also jurisdiction. Thus, just as one who is not a priest cannot confer this sacrament, neither can one who lacks jurisdiction”***⁽¹⁾. Are the Angelic Doctor and Fr. Guérard compatible? Is there room within Saint Thomas's teaching for the Church's intervention to be merely a condition necessitated by the presence of the *Sessio*?

If we move just two articles beyond the one cited above, we find Saint Thomas speaking in a manner that aligns precisely with Bishop Guérard's view: ***“By virtue of the power of the keys, every priest has authority over all the faithful and regarding all sins; yet the fact that he cannot absolve everyone from every sin stems from the limitation—or total deprivation—of jurisdiction imposed by ecclesiastical law. However, since***

‘necessity knows no law,’ in cases of urgent necessity, the Church's regulation does not prevent him from granting sacramental absolution, given that he possesses the power of the keys; and the effect of such absolution is equal to that obtained through absolution by one's own proper priest. Indeed, in such a case, a person may be absolved by any priest—not only from any sin but also from any excommunication, regardless of who imposed it. This absolution, too, falls within the scope of that jurisdiction which is restricted by ecclesiastical laws”⁽³⁹⁾.

This passage is not the only point of contact between Saint Thomas and the analysis we have proposed thus far: *“Absolution in the sacramental forum derives primarily from the power of the keys, and only indirectly from jurisdiction”*⁽⁴⁰⁾, states Saint Thomas; Fr. Guérard would point out that absolution derives from ecclesiastical jurisdiction indirectly (according to Saint Thomas) *and only as a condition for validity*—necessarily imposed by the Church in an ordered state—because the confessor, within an ordered Church, must *sit* as a judge in the *Sessio*. *“The proper matter upon which the power of the keys is exercised is the person who is a subject; and since, by the Church's*



Saint Thomas Aquinas

arrangement, one person is made subject to another; Church prelates may therefore remove from someone the person who was his subject” ⁽⁴¹⁾, says Saint Thomas; and we would add that the Church’s arrangement constitutes someone as a subject **within the framework of the *Sessio***, yet if one is entirely without a *Sessio*, one cannot demand it in confession, for the power of the keys alone already establishes superiority within the *Missio*: “*The power of the keys extends in itself to all,*” and the power of the keys is already the “*authority to discern guilt and the power to absolve,*” as Aquinas himself teaches ⁽⁴²⁾.

As we’ve seen, Saint Thomas addressed both aspects—both the *instrumentality* and the *necessity* of ecclesiastical intervention on jurisdiction of the divine forum—certainly placing greater emphasis on the latter, without explicitly specifying that this necessity concerns the *Sessio* ⁽⁴²⁾.

If most authors equate jurisdiction in the divine forum with the Church’s intervention as a regulating instrument for its exercise—attributing to the divine-forum jurisdiction the same origin as ecclesiastical-forum one, if not the very same nature—this is because their thinking was influenced by the long-standing law requiring the confessor to possess ecclesiastical jurisdiction. Having lost sight of the *ontological expediency* of this regulatory intervention by the Church, these authors confused it with an *absolute, intrinsic, and ever-present necessity*, ultimately equating divine-forum jurisdiction with ecclesiastical jurisdiction. The same applies—with greater leniency—to authors writing after the Council of Trent. Confession is indeed a tribunal; yet, is the penitent a subject of the confessor-judge *solely* by virtue of the Church’s intervention (the common view), or must they *ordinarily* be so by virtue of *it as well* (Fr. Guérard)? Is ecclesiastical jurisdiction required *by the essence of the sacrament* (the common view), or is it *an added necessary condition for validity that integrates its act in specific circumstances—namely, when the Church is in order and in ordinary cases* (Fr. Guérard and the other theologians we have cited)?

As we have seen, the “traditional” opinion cannot lay claim to either St. Thomas or the Council of Trent. And “*Theology consists, at least*



Bishop Guérard des Lauriers

at times, in reflecting, and not merely in repeating” ⁽⁴³⁾.

The other possibility: today, the *non una cum* priest still needs ecclesiastical jurisdiction to hear confessions validly.

If the explanation given by Fr. Guérard (and the authors we cited) were incorrect—and if, rather, Trent and St. Thomas were to be interpreted according to the common opinion (that ‘confession can be valid only through the intervention of the Church and, therefore, with ecclesiastical jurisdiction’)—then it would follow that ecclesiastical jurisdiction is required for a valid confession even today. Opponents of the *Sede vacante* position uphold this “traditional” or “juridist” view and use it to argue that if *Sede vacante* were true, there would no longer be any possibility of possessing ecclesiastical jurisdiction (which derives solely from Authority), and the sacrament of confession would vanish from the Church! Therefore, they conclude, *Sede vacante*

is impossible (implying the existence of an Authority that provides them—even unwittingly—with the jurisdiction necessary for confessions; an Authority assisted daily by the Holy Ghost, yet one that must be disobeyed from morning till night, especially when it exercises its infallibility in teaching! This is, to varying degrees, the position held by the SSPX, the FSSP, and various conservatives). Conversely, many *simpliciter* Sede vacantists maintain this same position but then argue that, since *non una cum* confessions must be valid (a point on which we agree), then (!) we traditionalists must also somehow possess ecclesiastical jurisdiction (and could, therefore, even convene a conclave).

We have already seen that Fr. Guérard's view resolves this problem at its root. Here, however, we examine the **hypothesis** that the Dominican theologian might be mistaken. Assuming—without conceding—this to be the case, *non una cum* confessions today could still be valid thanks to a divine supply of jurisdiction. Here is the explanation.

“We fully acknowledge that in the situation of anarchy (in the strict sense) in which we find ourselves, there is a divine suppli-ance in favor of the faithful regarding the Church's power of Sanctification. However, it appears that three factors are necessary for the existence of such suppli-ance (beyond the cases expressly provided for by Canon Law):

—general necessity, rather than a particular case;

—the impossibility of recourse to Authority. It is Authority that judges the sacramental acts we must perform; an accidental lapse of Authority cannot give rise to suppli-ance. If, on the other hand, the lapse is essential and habitual, it is the very existence of Authority that is called into question;

—a real foundation [a title, Ed.] in the person who is to act by virtue of such supply. Such a foundation can only be the Character imprinted by the Sacrament of Holy Orders. It is because the Catholic priest possesses this priestly Character that Our Lord Jesus Christ and the Church make up for the exercise of this Character, whose normal exercise is impeded with considerable damage for souls.

For this reason, acts of pure jurisdiction are excluded (granting a dispensation from a marriage impediment, granting an indulgence) that do not constitute the exercise of the sacramental Character, as well as acts for which the priest is merely an extraordinary minister (administering Confirmation, conferring minor orders)” ⁽⁴⁴⁾.

So writes Fr. Hervé Belmont. If ecclesiastical jurisdiction were required today—a possibility that even Bishop Guérard, in his prudence and humility, did not seem to entirely rule out ⁽⁴⁵⁾—we would have to deny any such suppli-ance of jurisdiction on the part of *the Church*, because power derives from Authority and not from the collective. We would likewise have to rule out a suppli-ance of jurisdiction *on the part of a visible Authority (the Pope)*, because that Authority is absent. Consequently, the only remaining possibility would be a suppli-ance of jurisdiction *from the invisible Authority (Christ)*—who remains the Head of His Church ⁽³²⁾—a suppli-ance that could be founded **either solely** on the title of the *Missio* (which the Church transmitted to the priest at his ordination and which must continue) **or** on some provision of law, as Billuart seems to suggest ⁽⁴⁶⁾.

In the first case, there would be a suppli-ance of ecclesiastical jurisdiction by Christ, founded upon and regulated by the title of the *Missio* and of the power of the keys; this appears to be the view held by Bañez ⁽⁴⁷⁾. It should be further noted that, since this suppli-ance is grounded in the power of the keys, it cannot concern acts of *pure jurisdiction*—even more so within the ecclesiastical forum—such as marriage dispensations ⁽⁴⁸⁾, judicial acts, dispensations from laws and vows, the granting of indulgences, or the delegation of jurisdiction. In the same way, it cannot be a matter of *ordinary* jurisdiction (that is, jurisdiction possessed habitually and stably), because such jurisdiction pertains to the *Sessio*—the ordinary governance of the Church—and derives from God solely through the Pope ⁽⁴⁹⁾. Therefore, any claim to an ordinary—thus pertaining to the *Sessio*—jurisdiction not originating from the



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Pope—even if motivated by the good intention of continuing the *Missio*—would amount to nothing more than treating a canonical aspect as primary while disregarding the ontological one ⁽⁵⁰⁾—establishing a hierarchy distinct from the apostolic one and a *Sessio* separate from that of Christ; it would constitute schism ⁽⁵¹⁾.

In the second case, Jesus Christ—by virtue of His immanence in the governance of the Church—would maintain the validity of, and Himself render effective, the Canon Law of His Spouse ⁽⁵²⁾, which has made provision for supplying jurisdiction to the confessor in various specific situations ⁽⁵³⁾. Today, a canonical suppli-ance of jurisdiction is entirely possible, provided the conditions stipulated by law are precisely met. As in the previous case, since the *non una cum* clergy possess no canonical titles—holding only the *Missio*, and that without any juridical determination ⁽⁵⁴⁾—this would not involve a suppli-ance of jurisdiction for acts of pure jurisdiction, as previously explained.

In both cases, Jesus Christ would make up for what is lacking on the ecclesiastical side in each individual confession—and solely for that confession; because of the state of spiritual and ecclesial necessity; and ultimately thanks to the *Missio* that the priest has received and exercises in its purity (hence, a *non una cum* one!).

Conclusion

We have seen from the outset that, quite apart from the question of ecclesiastical jurisdiction, *non una cum* confessions in the current state of the Church are valid ⁽⁵⁵⁾. From a theological standpoint, I believe that among the two explanations presented—validity per se because Church intervention is not essential—or validity through divine suppli-ance—there is an option to suit every ‘preference’.

As for the magazine *Sodalitium*, we subscribe to the explanation we consider theologically (ap)probable and which we analyzed above: today, no Church intervention is required for the validity of confessions—*Missio* without *Sessio*—as the confessor already possesses jurisdiction from God in the divine forum.

“*The episcopate [of non una cum bishops, Ed.] is ‘diminished’ because, through valid—and, in the current situation, also licit—episcopal consecration, it is endowed only with the fullness of the power of orders (...), while lacking—due to the very deprivation of Authority in the Church—the power of jurisdiction (...), which comes solely from the Pope*” ⁽⁵⁶⁾. Today, just as one speaks of a “diminished episcopate” because it lacks jurisdiction—or rather, because it lacks participation in the *Sessio*—so too, for the same reason, can we speak of a “diminished priesthood”; and just like the bishop, the *non una cum* priest validly exercises his *Missio* even without ecclesiastical jurisdiction.

P.S. The best defense is a good offense.

Defending one’s own ecclesial position (*una cum* or totalism, depending on the case) and attacking Fr. Guérard des Lauriers and the Cassiciacum Thesis is, ultimately, the aim of both the *una cum* proponents to our “left” and the totalist confreres to our “right” (though these are fluid labels) when they defend the traditional juridist position regarding ecclesiastical jurisdiction as being essentially necessary for hearing confessions. As proponents of the Cassiciacum Thesis, we believe we have said enough to explain it with regard to the issue of confessions—demonstrating, among other things,

how well it describes reality and how open it is to any possibility that nonetheless safeguards the indefectibility of the Church.

But following this defense, allow me to move on to an “attack to the rear”... For beyond any legitimate opinion on this sacramental matter, the uncompromising stance taken by these confreres in favor of the traditionalist-juridist explanation strikes me as stemming—deep down (that is, in the “rear guard”)—from a distortion born of a mindset that Fr. Guérard called “sessio-nitis.”

*“In the persons of Their Excellencies Lefebvre and de Castro Mayer [and today we might say: of the FSSPX, the FSSP, *Si si no no*, and all the other institutes and priests who are more or less traditional yet *una cum*, Ed.] we see an **inveterate form of sessio-nitis**—deceptive in fact and satanically seductive; in the Bishops of the THUC line [totalist ones, Ed.]—**who arrogate to themselves jurisdiction** [ordinary or for the ecclesiastical forum, Ed.] and run a serious risk of being driven to elect a “pope” [or to set themselves up with an “Ordinary”, Ed.]—we see a **creativist form of sessio-nitis**: deceptive in law and satanically seductive.*

I use the term ‘sessio-nitis’ to describe an obsession with the Sessio, just as apparitionitis is an obsession with ‘apparitions.’ There is an authentic Sessio that is good; there are authentic apparitions that are good. However, these things are good only under certain objective and precise conditions that necessarily derive from their very nature. The distortion—signified by the suffix ‘-itis’—consists: firstly, in the order of judgment, of attributing to these things an absolute value [ex se, by themselves] independent of the conditions which are, nevertheless, the necessary and sine qua non norm of their goodness; secondly, and consequently, in the practical order, of pursuing the realization of these things at any cost and by any means, unconditionally, and in particular without regard for those conditions without which their goodness cannot exist.

Eventually, the Sessio is authentic—and therefore good—subject to the two conditions previously noted: 1) an authentic SESSIO cannot support a Missio that is wholly and radically flawed (this is the fundamental principle); 2) the

Missio, on its own, is incapable of generating the Sessio.

*For Archbishop Lefebvre [and the others we have noted, Ed.] ‘sessio-nitis’ involves disregarding the first condition [Archbishop L. acknowledges that the Missio mandated by Wojtyła is flawed—to the point where he refuses to conform to it (although, albeit holding on the MASS, he adopted the liturgy of John XXIII, retaining Wojtyła’s name in the *Te igitur* and *St. Joseph’s in the Communicantes*). Yet Archbishop L. asserts that Wojtyła is Pope in act; furthermore, Archbishop L. expels from the Society of Saint Pius X any priests who refuse to affirm this]. And for certain [totalist, Ed.] bishops of the THUC line, ‘sessio-nitis’ consists of completely ignoring the second condition [‘We need a Pope,’ they say, and they are right about that. ‘Let us therefore take practical steps that will make the creation—or the appearance of the creation—of a pope inevitable’: NO; the authentic Sessio can only come from Above, not from the Missio alone].*

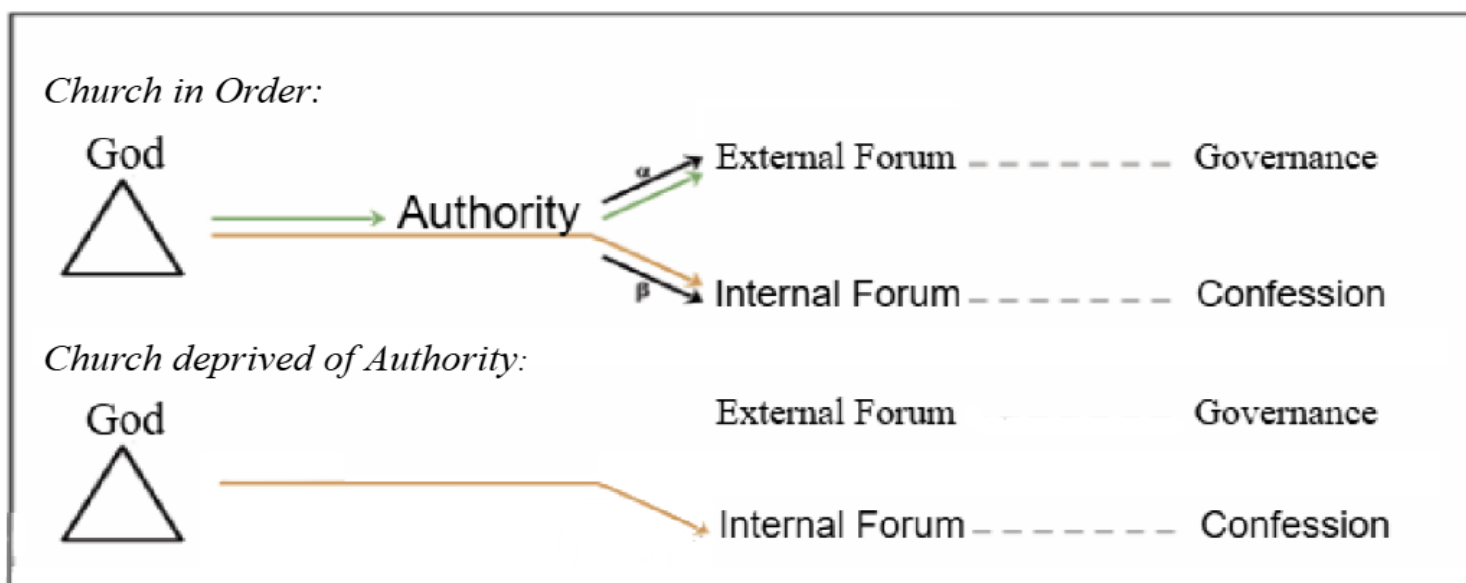
I maintain that Archbishop L.’s ‘sessio-nitis’ is inveterate: it is the mindset of a veteran who has always refused to offer a comprehensive assessment of the current ecclesial situation that might justify his own course of action. The rule was—and remains to this day—‘Carry on as before.’ Archbishop L. clings to the vestments of a heretic—provided that this heretic is ‘seated’—because he has been habituated to rely on the sense of security that the authentic Sessio once provided in Rome. Archbishop L.’s ‘sessio-nitis’ is deceptive in facts, for his personal prestige leads—and even compels—those who follow and revere him [and who, perhaps unwittingly, even regard him as if he were the Pope] to believe that Wojtyła is pope in act, when in fact he is not. Finally, Archbishop L.’s ‘sessio-nitis’ is satanically seductive. On the one hand, indeed, it lures the unfortunate faithful with the illusion of a false security: ‘We have a pope [a bad one, but truly the pope]; we have a bishop, ‘our Bishop Marcel’; we have the MASS, the sacraments... What more could one desire?’ On the other hand, fostered by this artificially created euphoria, ‘sessio-nitis’—that is, the obsession with the Sessio, the anguished anxiety over being deprived of the pope—spreads like wildfire. And

thus, a very grave error—objectively a heresy concerning the very nature of the Church and the nature of the unity between the Missio and the Sessio—is quietly, deeply, and inexorably injected into the faithful who habitually frequent the priories. In the long run, a tree withers and dies if it draws nourishment from poisoned soil. The faithful who remain confined to the priories will inevitably lose the faith. ‘Do as you did before. It is so simple, so good!!’ That is how Satan seduces (Genesis III:5-6). But ‘God is not mocked’ (Galatians V:6-7). ‘You shall surely die’ (Genesis II:17), for the fruit contained heresy.⁽⁵⁷⁾

I maintain that the ‘sessio-nitis’ of certain bishops belonging to the THUC line [and others, Ed.] is creativist—in the obvious sense that the unconditional desire to refer to someone who is ‘seated’ leads to the artificial ‘fabrication’ of a

pope [or Ordinary, Ed.] who cannot possess the true Sessio. All this bears a resemblance—positis ponendis—to the ‘priestless Masses’ that are the typical outward fruit of the creativity championed by Vatican II sectarians. Creativist ‘sessio-nitis’ is by law deceptive, insofar as it compels one to profess in act a doctrine that denies the ‘a se’ nature of the Sessio and is therefore heretical. Creativist ‘sessio-nitis’ is satanically seductive, much like the inveterate ‘sessio-nitis’ of Archbishop L. The only difference lies in the fact that the latter holds out for the prospect of an experience, while the former offers a promise; the one appeals to an instinct for security, the other to the spirit of adventure.

In all this, there is neither Truth nor—still less—Wisdom” (Article cited in footnote 2).



Commentary on the schemas:

Jurisdiction (the power to bind and loose) is exercised in two different ways: **as a power proper to the Church**, which exercises it for governance in the ecclesiastical forum and confers it [α]—as a principal cause—to be administered in her name; and **as a power proper to God**, to be exercised in the divine forum, and for which the Church serves as a regulating instrument [β].

Saint Thomas (Suppl. q. 8, art. 4) provides the reasons why **jurisdiction** is necessary for the

validity of confession, and elsewhere he also discusses β along with its principal element, namely **jurisdiction**; Fr. Guérard demonstrates that β—that is, the Church’s regulation—is not part of the essence of confession; and the theologians we have cited maintain that, in cases of necessity, the requirement for β does not impede **jurisdiction**; furthermore, we have explained why β is not necessary today: Missio without Sessio, because we are deprived of Sessio⁽⁵⁸⁾.

For indeed, in a Church that is properly ordered, β is truly necessary for the complete and

valid act of confession (as taught by the Council of Trent and the Code, see notes 4, 9, and 21)—the Church's structure being the reason for this; however, when Authority does not exist and therefore hierarchical structure does not subsist in act, then: **jurisdiction** clearly cannot exist, because it is a power proper to the Authority that is currently absent; whereas **jurisdiction**, a power proper to God—for which Authority is merely a regulating instrument—is already radically bound to the power of the keys ('whose sins you forgive...'), and in a certain sense (that is, in contrast to the properly ordered Church, where the Authority-as-instrument intervenes) one can speak of a 'suppliance' of jurisdiction by Christ.

The error made by modernists, the SSPX, and many 'totalists' lies in assimilating α and β by assigning them the same type of necessity: the idea that because α is essential for possessing **jurisdiction**, β must also therefore (!) be essential for possessing **jurisdiction**. Indeed, they may even go so far as to conflate **jurisdiction** with **jurisdiction** entirely. They overlook the fact that **jurisdiction of the ecclesiastical forum** and **jurisdiction of the divine forum** do not correspond in terms of object, forum, or origin; consequently, α and β are not equivalent either. Everyone rightly judges that **jurisdiction** must exist today—otherwise the Church would have ceased to exist—but due to a flawed premise regarding the nature of jurisdictions and Church interventions, modernists and Lefebvrians insist there **must be** a reigning Pope who grants **jurisdiction** via β , effectively attributing to Vatican II a Sessio that does not exist. Meanwhile, many 'totalists' claim that non una cum bishops possess β (and thus, owing to the aforementioned erroneous conflations, possess α and **jurisdiction** as well), effectively attributing a Sessio to themselves. No: neither α nor β are possible (for there is no Authority). Therefore, **jurisdiction** does not exist—as it depends solely on α —whereas **jurisdiction** does exist, because it depends on β only when a Sessio exists and the Church is in a state of order.



Notes

1) *Summa Theologica*, Supplement, Q. 8, Art. 4: "Whether it is necessary to confess to one's own priest."

2) BISHOP GUÉRARD DES LAURIERS, "To consecrate Bishops?" (point 2.a) in *Sous la Bannière*, supplement to No. 3 (January-February 1986); translated and published in *Sodalitium* No. 16; republished in *Il problema dell'Autorità...* CLS, Verrua Savoia 2005. <https://www.sodalitiumshop.it/prodotto/il-problema-dell'autorita-a-e-dellepiscopato-nella-chiesa/> The article is also available on our website: <https://www.sodalitium.biz/consacrare-dei-vescovi/>

3) I take for granted the—at least formal—vacancy of the Apostolic See, a subject *Sodalitium* has already treated extensively. For those who share our view, this article serves as an illustration of the current situation; likewise, for those who do not share our view, this article hopes to be a defense of the non absurdity of the vacancy of the Apostolic See, and of the so-called Cassiciacum Thesis.

4) My translation from the *Catechismus ad parochos*, Part I, Chapter XI, No. 4; Gregoriana, Rome 1930.

5) Council of Trent, Session 14, Chapter 7 (Denz.-B. 903, Denz.-S. 1686).

6) LOUIS BILLOT, *De Ecclesia Christi*, Vol. 1, Thesis XXI, pp. 457-458; Giachetti, Prato 1909.

"We see here with full clarity (...) the essential difference between the ecclesiastical judge who judges in the external [ecclesiastical, Ed.] forum, and the minister of Christ who judges in the internal [divine, Ed.] forum. In the external [ecclesiastical, Ed.] forum, the ecclesiastical judge adjudicates in his own name and as a man—possessing authority that certainly comes from God (...) but ultimately acting within the realm of human relations in accordance with legislation devised by men. In the internal [divine, Ed.] forum, the minister of the sacrament adjudicates while standing in the place of Christ, inasmuch as Christ has been constituted judge of the living and the dead. Here, we are dealing with divine judgment in the most formal sense of the word" (THOMAS PÈGUES O.P., *Commentaire français littéral de la Somme*, Vol. XIX, p. 463; Édouard Privat, Toulouse 1930).

7) *Enciclopedia Cattolica*, Vol. V, col. 1531, under the entry "Foro"; Ente per l'Enciclopedia, etc., Vatican City 1950.

8) BENOÎT HENRI MERKELBACH O.P., *Summa theologiae moralis*, Vol. III, no. 569; Desclée de Brouwer & Soc., Paris 1931. The parts in parentheses that we have omitted are those where Merkelbach equates the divine forum with the internal forum, and the ecclesiastical forum with the external forum. We prefer not to follow this approach, and the reason is provided by FRANÇOIS CHARRIÈRE (who studied at the Angelicum, later became Bishop of Geneva-Lausanne-Fribourg, and canonically approved the FSSPX) in his article *Le pouvoir d'ordre et le pouvoir de juridiction dans le sacrement de pénitence* (in *Divus Thomas* No. 23, 1945, pp. 191-213). The author criticizes the terminology commonly used by authors: "Confusions—breeding grounds for inaccuracies—that are passed down from manual to manual among theologians and canonists. (...) The terms 'external forum' and 'internal forum' do not mean different orders to which the human will is subject, but merely the public repercussions or the purely

secret character of acts of power, whatever that power may be. We shall therefore say that ecclesiastical jurisdiction is often exercised in the internal forum—or forum of conscience—but we must not confuse this jurisdiction, which remains secret, with the jurisdiction that is properly divine and governs the soul's relationship with God. Ecclesiastical jurisdiction of the internal forum does not step outside its human and societal order; it does not lose its human nature, even though it operates within the internal forum.

Conversely, we can say that the jurisdiction that is properly divine—which confers grace, blots out sins, and governs man's relationship with God Himself within the strictly divine order—is exercised more often in the secrecy of the conscience. We might therefore also call it—and even more correctly—a jurisdiction of the internal forum. However, we might conceive of a divine jurisdiction in the external forum. This would primarily be the jurisdiction of the Last Judgment; it would be the means by which God intervenes directly in this world to punish a particularly grave sin—assuming one could be certain that the blasphemer's instantaneous death was truly willed by God as punishment for the blasphemy. We could then speak of an act of divine jurisdiction exercised by God Himself in the external forum. Such is the case, for example, with God's punishment of Ananias and Sapphira.

Thus, the distinctions between jurisdiction in the internal forum and the external forum, on the one hand, and between the divine forum and the human forum, on the other, do not simply overlap. There can be divine jurisdiction in the external forum and human jurisdiction in the internal forum, just as there can be—and indeed are—divine jurisdiction in the internal forum and human jurisdiction in the external forum.

Let us go further. Ecclesiastical jurisdiction in the internal forum is usually distinguished into sacramental and extra-sacramental jurisdiction. Should sacramental ecclesiastical jurisdiction in the internal forum perhaps be understood as the divine power to blot out sin—that is, the transgression of the divine order? We do not think so. This jurisdiction, though sacramental, remains an ecclesiastical jurisdiction. In our view, it has no bearing on sin itself, but only on the human ecclesiastical order—for instance, on offenses and the penalties associated with them. It is by virtue of this jurisdiction that a priest absolves from excommunication, grants dispensations in matrimonial matters, and so forth. It is termed sacramental jurisdiction in the internal forum because it can only be exercised within the context of the sacrament of Penance; yet, sacramental absolution does not formally derive from it” (pp. 204-205).

9) LEO XIII, encyclical *Satis cognitum* (29 June 1896).

10) Code of Canon Law, canon 872: “In addition to the power of orders, the minister requires the power of jurisdiction over the penitent—whether ordinary or delegated—in order to absolve sins validly.”

11) Canon 873 § 1: “In addition to the Roman Pontiff, Cardinals possess ordinary jurisdiction to hear confessions throughout the entire Church. Then, within their own territory, the local Ordinary, the parish priest, and those who stand in the place of the parish priest” (minor details follow in subsequent paragraphs).

Canon 874 § 1: “It is the concerned local Ordinary who grants both secular and religious priests the delegated jurisdiction to hear the confessions of any layperson or religious (...).”

Canon 879 § 1: “To hear confessions validly, jurisdiction expressly granted either orally or in writing is required.”

12) SAINT THOMAS, *Opusculum against those who impugn the worship of God and religion (Quodlibet XII)*, Q. 19, corpus.

13) SAINT THOMAS, *Summa Theologica*, Supplement, Q. 17, Art. 2, Ad 1: “Whether the keys consist in the power to bind and to loose.”

The disputed question of whether Holy Orders itself, along with the power of the keys, already constitutes a jurisdiction of divine right (as Charrière maintains), or whether jurisdiction of divine right is something distinct from the power of the keys and is bestowed upon the priest by God (as Merkelbach, for example, maintains), lies outside the scope of our study.

14) “Certainly, the *MISSIO* is grafted onto, and measured by, the *SESSIO*: but within the Church militant, where ‘everything is at the service of the *salus animarum*’ (Pius XII, June 3, 1956), the *SESSIO* is **for** the *MISSIO*; the *SESSIO*—and it alone—brings to completion, in catholicity, the unity that already belongs to the *MISSIO* in a way which is incipient yet **proper to it**. Such is the case regarding the **Church [militant] in an orderly state**” (article cited in note 2).

15) In practice, it seems to me a secondary matter whether this jurisdiction of divine forum is habitual because it is identical to the power of the keys (Charrière), or habitual by virtue of the *Missio* even though distinct from the power of the keys (Merkelbach), or else granted *per modum actus* on the occasion of each individual confession.

16) M.-L. GUÉRARD DES LAURIERS, *Interview...* (question 8), in *Sodalitium* No. 13; republished in *Il problema dell’Autorità...* (see note 2); and on our website <https://www.sodalitumpianum.com/interview-bishop-guerard/>

A similar position is set forth in *Les pouvoirs du Prêtre* (Maison Lacordaire), and supported and summarized by Fr. Louis Coache in his letter to fellow priests dated August 8, 1981: “Let us recall that, while the Code of Canon Law is silent regarding cases of suppliance during a crisis such as ours, Canons 15 and 18 through 25 allow one to interpret with certainty the mindset—or even the will—of the Church in certain instances; if, for example, an excommunicated priest—and rightly excommunicated—regains his powers upon the mere desire of the faithful (Canon 2261 § 1) provided there is a just cause, then a fortiori a faithful priest may validly hear the confessions of Catholics who turn to him because they are deprived of spiritual succor.” The canons cited by Coache describe cases in which the law ceases to bind. It is clear that Fr. Coache classifies the requirement of obtaining jurisdiction from the Church among those laws that can cease to apply.

17) The famous Durandus of Saint-Pourçain maintained that ecclesiastical jurisdiction—the Church’s intervention regarding confession—is purely an ecclesiastical condition. Conversely, Paludanus, Capreolus, Ceuppens, Charrière, and Dorsch argue that while ecclesiastical jurisdiction does not form part of the essence of the sacrament, it is nonetheless generally necessary by Christ’s institution; they state that this was the view held by Saint Thomas. A similar doctrine—albeit less thoroughly developed—is found in Saint Antoninus and Bañez. I summarize their line of reasoning here. The observations regarding *Missio* and *Sessio* placed in parentheses are my own. The scenario of danger of death

discussed by most of these authors certainly differs from the current crisis, characterized by the absence of Authority; yet necessity renders the two cases perfectly analogous.

DOMINGO BAÑEZ O.P., *Comentarios inéditos a la Tercera Parte de Santo Tomás*, Vol. 2, Part 2, p. 716 (Consejo Superior de Investigaciones Científicas, Madrid 1953): “Any priest, by virtue of the power of the keys, possesses an undifferentiated power over every person and every sin. However, the fact that he cannot exercise it stems from the Church’s ordering—whereby jurisdiction is limited or it is decreed that he holds no jurisdiction at all. And since necessity knows no law, when a moment of necessity is imminent, no priest is prevented from using the power of the keys to grant absolution. (...) Blessed Thomas states that ‘the Church acknowledges that any priest may grant absolution in danger of death’ (Saint Thomas, *Suppl.*, Q. 8, Art. 6)—not in the sense that the Church confers such jurisdiction, but rather that it acknowledges and declares such absolution to be possible by virtue of divine law.”

SAINT ANTONINUS OF FLORENCE O.P., *Summa theologia*, Part III, Title XIV, Chapter 17, § 18 (Tip. del Seminario, Verona 1740): the Fourth Lateran Council mandates confession to one’s ‘own priest’ (who is such because he participates in the *Sessio*—to simplify, one’s parish priest); however, in danger of death, “by reason of necessity, every priest is deemed to be ‘one’s own priest’” (thus, according to Saint Antoninus, in such cases the Church accepts that the *Missio* without reference to the *Sessio* is sufficient).

FRANS CEUPPENS O.P. (Professor and later Rector of the Angelicum), *De Sacramentis*, p. 240 (Marietti, Casale Monferrato 1959): jurisdiction is necessary for valid absolution, *except in cases of extreme necessity* (that is, when the *Sessio* would indirectly impede the *Missio*—the essence of the sacrament).

PETER PALUDANUS O.P., *In quantum sententiarum*, Dist. 19 Q. 2 (which I found cited and endorsed by JEAN CAPRÉOLUS O.P., *Defensiones Theologiae Divi Thomae*, Vol. VI, D. 19 § 2; Cattier, Tours 1906): the penitent and his sin must necessarily come under the jurisdiction of Saint Peter (that is, under the *Sessio*); yet beyond this step, such jurisdiction is not essential to the sacrament itself, nor—in many instances (such as danger of death)—is it even required for its validity. Indeed, in certain circumstances (such as danger of death), Saint Peter’s privilege of governing all the sheep (*Sessio*) yields to the “*first privilege*,” which is that of the keys (*Missio*).

MELCHIOR CANO O.P., *Relectio de poenitentia*, P. V Ad 2 (De Brocar, Alcalá 1558): the minister of penance is the priest delegated by the Church; however, in cases of necessity (he cites the danger of death), every priest possesses the authority to absolve by divine right (thus, in this instance, the *Sessio* is not required to fulfill the *Missio*), and tradition attests that no contrary ecclesiastical regulations can exist.

FRANÇOIS CHARRIÈRE, *op. cit.*, in note 8: it is God alone who, through the power of order, infuses grace into the penitent (*Missio*); however, the sacraments are conferred through the Church, which regulates, arranges, and prepares (*Sessio*) for the exercise of the divine power of the *Missio*.

EMIL DORSCH S.J., *De Ecclesia Christi*, p. 282, note (Rauch, Innsbruck 1928): regarding the ‘active principle’ of confession, every priest possesses a *sacramental jurisdictional*

power that is essentially already judicial (*Missio*); however, every society requires the assignment of subjects, an act that can be performed solely by the ecclesiastical superior (*Sessio*). Yet, if the superior imposes no reservations regarding ecclesiastical jurisdiction, then the aforementioned sacramental jurisdictional power is already sufficient for absolution (i.e., a valid *Missio* without any *Sessio*).

TOMMASO DE VIO O.P. (Cardinal Cajetan), *Quaestio de ministro sacramenti poenitentiae*, Leonine edition, Vol. XII, p. 358, n. 3: the principle of sacramental absolution is the power of orders, not jurisdiction.

CHARLES JOURNET, *L’Église du Verbe Incarné*, I. La Hiérarchie apostolique, Ch. V, Excursus IV: the priestly character received at ordination entails a **power of jurisdictional orders** (just as in the other sacraments there is a **power of orders**—whether *indicative*, *deprecativ*e, or *imperative*, depending on the sacrament; this corresponds to the *Missio*). Admittedly, by divine law, this *judicial* power requires the assignment of subjects; yet this assignment is for the benefit of the penitent, who is enabled by ecclesiastical jurisdiction to receive absolution from a specific confessor (and thus the *Sessio* is entirely at the service of the *Missio*—that is, the good of souls—and may have to yield for their sake).

The view we are presenting is certainly a minority one among authors. But the adage goes **auctores ponderandi non numerandi** (authors are to be weighed, not counted); speculative theology is to be preferred to positive theology. A mere “majority” is not decisive; what matters are the arguments. This is all the more true given that the proponents of the opposing view disagree among themselves on various points regarding the further explanation of their position, and almost all of them issue a verdict without providing reasons (we know that the *ipse dixit* applies only to the Magisterium and Scripture). And even if one were to adopt a probabilist approach and accept an author’s word—or, to be generous, his authority—my preference lies with the word and authority of the theologian rather than the canonist; the Thomist Dominican rather than the Jesuit; the genius rather than others, however respectable they may be.

I note that a very clear, though not exhaustive, exposition of the authors involved can be found in JEAN BAPTISTE GONET O.P., *Clypeus theologiae thomisticae*, Vol. V, pp. 414–418 (Friessem; Cologne, 1671).

18) The work, in French, was published by CLS, Verrua Savoia 2019

<https://www.sodalitiumshop.it/prodotto/reflexion-sur-le-novus-or-do-missae/>

19) This is a matter of catechism: see *The Catechism of Saint Pius X* (Major Catechism) starting from question no. 522, or *The Catechism of Saint Pius X* (Minor Catechism) starting from question no. 286.

20) Christ instituted the sacraments and defined their essence (matter and form) in accordance with the type of grace to be communicated. The Church is assisted by the Holy Ghost in knowing and conforming to this *intention of Christ*. The Church therefore defines the practical details—the rite comprising matter and form—so that they conform to God’s intention; this ecclesiastical determination constitutes the *Church’s intention*—what the Church actually does. The minister of the sacrament must possess the “intention to do what the Church does,” adopting and willing the rite



*Saint John Nepomucene, martyr
of the seal of the confessional*

established by the Church; only in this way, through the infallible Church, does the minister share in the intention of Christ Himself. The minister's intention has bearing on the rite only when it is an intention to do exactly what the Church intends to do—which is the same as what Christ intends (a simple explanation of this, given in the context of a different topic, can be found in: *Posizione dell'Istituto Mater Boni Consilii sulle ordinazioni di Mons. Liénart* [Position of the Mater Boni Consilii Institute on the ordinations of Msgr. Liénart], in *Sodalitium*, French edition No. 19, August 1989: www.sodalitium.biz/posizione-imbc-ordinazioni-lienart/).

Regarding this doctrine, a voluntaristic error was committed by several traditionalists following the “promulgation” of the “New Mass”: in 1977, Fr. Coache stated that the “New Mass” could be a valid rite, provided the priest possessed the intention to truly offer a sacrifice while using the “new rite.” This was also the view held by Msgr. Lefebvre regarding both the Mass and—*mutatis mutandis*—the new rite of priestly ordination. Fr. Guérard pointed out that the moment a rite is adopted, one *ipso facto* adopts the intention of the authority that defined that rite; and that the intention manifested in the “New Mass” could not be the intention of Christ—as expressed through the Church's intention over the centuries. The minister's intention is governed by that of the Church, and thus by the rite, and not the other way around; the minister's intention lacks the power to alter the intention that is intrinsic to the rite! A good intention cannot rectify the perverse intention intrinsic to the “New Mass”; to claim otherwise would be to ignore the nature of things and give the minister's will an absolute power.

I take this opportunity to delve briefly into voluntarism, given that we will soon encounter another manifestation of it in the text—namely, so-called “juridism.”

Voluntarism is a cornerstone of Scotist and then Jesuit philosophy—the latter being adopted by a large number of authors—and standing in opposition to Thomist philosophy.

In the pursuit of truth, the Thomist seeks the inner rationale of things *as established by divine wisdom*; the voluntarist, by contrast, seeks the same nature of things *as determined by the divine will*, thereby prioritizing the will over the intellect. This mindset risks overlooking certain aspects of reality and explaining everything through an arbitrary decision—that is, *voluntaristically*—thereby falling into error. This is what happened, for instance, to the voluntarists of *juridism*, who located the entire force of the law in the legislator's will rather than in the reality of things; they went so far as to claim, among other things, that sin is wrong *solely because God chose to forbid it*—and not because sin is *intrinsically disordered*. The same occurred with the voluntarists of *probabilism*, who argued that *the will is authorized* to make decisions based on a mere possibility of acting rightly—rather than maintaining that decisions may only be made when there are *solid, reality-based* reasons for acting one way or another. Many other errors stem from the voluntarist mindset: the devil is obstinate in evil because God, *by His will*, keeps him obstinate—and not *because of his angelic nature*, which becomes irretrievably fixed in its choice; if God simply *willed it*, He could bring about contradictions—while the contradictory *cannot exist*; and so forth.

21) In order for a priest to hear confessions, he must have the permission of the local Ordinary (that is, the Prelate who has ordinary jurisdiction over a place; typically, this is the diocesan Bishop).

Under current legislation, *approval by the Ordinary or the holding of a parochial benefice as requirements for a priest to hear confessions* (matters distinct from the *possession of jurisdiction*)—no longer affect the validity of the confession but only its lawfulness; indeed, canon law explicitly requires such approval only for confessors belonging to a religious institute (Canon 874 § 1). However, in earlier times and under specific circumstances, the lack of approval or of a parochial benefice *invalidated* the confession even if the confessor possessed jurisdiction. This was stated by the Council of Trent (Session 23, canons 15 and 25) and confirmed by the Congregation for the Interpretation of the Council: “*Even if one were to presume that the superior [of a religious, Ed.] granted jurisdiction to a confessor chosen by the religious while traveling, such jurisdiction would be insufficient; for it is further required that the priest be qualified to exercise jurisdiction through the approval of his own Ordinary, without which he remains barred from hearing sacramental confessions*” (GIOVANNI ZAMBONI, *Collectio declarationum S. C. Cardinalium S. C. Tridentini interpretum*, Vol. IV, p. 167; Rousseau-Leroy, Arras 1868. Text of the response from the Sacred Congregation for the Interpretation of the Council of Trent to the Bishop of Hildesheim, dated September 18, 1769, in PIETRO GASPARRI, *Cod. Iur. Canonici Fontes*, Vol. VI, no. 3767; Typ. Pol. Vat., Rome 1962). This is explained with supporting documentation by CHARLES DE CLERCQ, *Traité de droit canonique*, Vol. II, no. 164 (Letouzey et Ané, Paris 1947).

Regarding the confession of women religious, see Canon 522 and the rulings of the Code Interpretation Commission dated November 24, 1920 (third question, AAS-12-1920,575)

and December 28, 1927 (first question, AAS-20-1928,61): hearing the confession of a religious woman without the grille is invalid.

Regarding the reservation of cases, see Canon 893 et seq.: if the Ordinary has reserved the absolution of a case to himself, absolution for such a sin granted by an ordinary confessor would be invalid.

22) “The fact that the Church exercises jurisdictional power in the administration of the sacrament of marriage does not formally concern either the production of grace nor, consequently, the essence of the sacrament. It constitutes simply a condition of security for the faithful, who **have a right** to receive grace; a condition the Church deems to be habitually, though not absolutely, necessary.

Indeed, the Church decrees that, for the administration of the sacrament of marriage, the presence of a priest **accredited by her** is required for validity (a presence commonly designated as the ‘canonical form’). However, depending on time and place, the Church has either imposed or dispensed with the ‘canonical form.’ The Church expressly declared that marriages contracted between the Catholic faithful in the Netherlands in the 16th century were valid without the ‘canonical form.’ Furthermore, Canon 1098 currently provides for a permanent case in which the ‘canonical form’ is not required for validity.

Now, if the ‘canonical form’ were integrated to the essence of the sacrament, the Church could under no circumstances ‘dispense’ with it.

The **forma** of the sacrament [form, and not ‘canonical form’] is the exchange of consent between two baptized persons who must intend to do what the Church, in the name of Christ, wills to be done. The ‘minister of the sacrament’—that is, these two baptized persons—must possess the *intentio Ecclesiae* (intention of the Church); for **every** sacrament, this is one of the conditions for validity. The ‘canonical form’ and the other formalities habitually required by the Church are considered to ensure that this condition of validity is met.

Clearly, the Church could not prescribe either the ‘canonical form’ or the other formalities if it did not possess jurisdiction over the faithful. However, to claim that the Church can ‘dispose’ of the sacrament—and of the conditions of validity supposedly concerning its essence—BECAUSE the Church holds jurisdiction over the faithful, is to ‘cut the Gordian knot’; it is to mislead through a false obviousness. For while the Church does indeed exercise jurisdictional power to prescribe (or abolish) the ‘canonical form,’ it does so not **because** it possesses some ill-defined **power** over the sacrament itself; rather, **it does so in fulfillment of its entrusted mission—derived from its sacral power—to ensure that the *intentio Ecclesiae* (which embodies Christ’s own intention) is respected when the sacrament is administered. The exercise of jurisdictional power does not signify that the Church holds an autonomous **power** over the sacrament; instead, this exercise **serves the sacral power**, by virtue of which the Church can and must ensure the realization of the ‘*intentio Ecclesiae*.’ The Church’s authority over the sacramental rite insofar as the rite produces grace, is specified by the ‘*intentio Ecclesiae*’ and ultimately derives from its sacral power. This holds true for this sacrament just as it does for any sacrament in general.**

The Church prescribes the ‘canonical form’—an action it is empowered to take regarding the faithful by virtue of its jurisdictional power—in view of better exercising the sacral power. If the Church suppresses the ‘canonical form,’ one might say it ‘dispenses’ from it—solely regarding the habitual prescription. Yet, whether prescribing or abolishing, it by no means follows that the Church possesses a monolithic power over the sacrament that bypasses the general norms governing sacral power. For both actions—abolishing and prescribing—must contribute to the proper exercise of that sacral power. No reality can transcend that to which it is ordered, and therefore subordinated” (ibid.).

23) Indeed, Canon 882 of the Pio-Benedictine Code does not speak of a “suppliance of ecclesiastical jurisdiction” granted to every priest in the face of danger of death; it simply states that in such a circumstance, “Every priest absolves licitly and validly,” without saying: “The Church supplies.” The Code, therefore, does not rule out Bishop Guérard’s position. Canon 872 itself suggests a hierarchy between the power of orders and the power of jurisdiction: “**In addition to the power of orders, the valid absolution of sins requires the minister to possess the power of jurisdiction—whether ordinary or delegated—over the penitent.**” Furthermore, the majority of authors—including those who do not share Fr. Guérard’s view—have always spoken of this hierarchy, both regarding the powers in themselves and in the context of confession. And a hierarchy entails subordination and instrumentality, as we noted in footnote 17 when discussing Cajetan and Journet.

Furthermore, the Code introduces the explicit concept of the *suppliance of jurisdiction* only in instances where it addresses **both** the forum of confession **and the ecclesiastical forum** (where ecclesiastical jurisdiction is intrinsic and essential to the act: without such supplience, it would be invalid); and it does so regarding situations of apparent order (where there is **expediency** but not necessity, as per Canon 209). Conversely, when addressing the divine forum alone, it does not state that “in certain circumstances the Church *supplies jurisdiction*,” but merely that “*confession is valid in such circumstances*” (namely, circumstances of **pressing necessity**, as per Canons 207 § 2, 882, and 2252). This leaves therefore open the possibility that validity exists **because the Church would not impose** its own instrumental intervention—since “necessity knows no law,” as the saying goes—meaning that, in this case, the confession is valid even without the Church’s intervention (an intervention the Church itself would not require, according to Bishop Guérard). As we have seen (note 17), this same legislative principle and solution are also given by Bañez.

24) “‘Juridism’ refuses to acknowledge precisely this opposition between ‘being’ and ‘not being.’ ‘Not exercising a power’ becomes: ‘having the power not to exercise it.’ Not communicating a power becomes: ‘communicating the power not to possess it.’ This procedure is very useful if one wishes to inflate ‘authority.’ But it distorts the very state of affairs, lending a fictitious substance to entities that do not exist” (ibid., note to no. 2763.23).

25) See the reference in footnote 16.

26) M.-L. GUÉRARD DES LAURIERS, *Depositus? Deponendus?*, unpublished manuscript, note 62.

27) This is not the place to examine in depth the ways in which certain laws cease to be in force today. I would point

out the canonistic explanation provided by the late FR. ANTHONY CEKADA in *Traditional Priests, Legitimate Sacraments* (2003;

<http://www.traditionalmass.org/images/articles/TradPriestLeg.pdf>). Above all, however, I draw attention to the study by MONS. GUÉRARD DES LAURIERS—specifically the section regarding the executory force of ecclesiastical laws, cited in note 26—which, God willing, I shall discuss in a future article.

28) *Commentary on the Sentences*, Book 4, Dist. 18, Q. 2, Art. 5, Qc. 1, Ad 1.

29) *Summa Theologica*, Supplement, Q. 8, Art. 2. The Catechism of the Council of Trent sets forth the same principle: “It should be borne in mind, moreover, that in administering [Extreme Unction], the priest—as in all the other sacraments—represents the person of our Lord Jesus Christ and of the holy Church, His spouse” (*op. cit.*, Part I, Ch. VI, no. 13). The principle of dual representation therefore applies even to sacraments that confer initial grace, and where jurisdiction is not a requirement for validity (baptism is a prime example: the Church has no jurisdiction over the unbaptized; see the Code, Canon 12).

30) M.-L. GUÉRARD DES LAURIERS, *Confédération des catholiques attachés à la Tradition*, proposed manifesto, dated 29 December 1971; type written document distributed by letter.

31) Before the matter had been expressly studied, certain proponents of the Cassiciacum Thesis—as well as *Sodalitium*—had previously used the term “suppliance” to describe the situation: “In the case of the Sacrament of Penance, the suppliance does not confer jurisdiction; rather, Christ and the Church supply the lack of jurisdiction in every absolution, because the priest—by virtue of his priestly character—is metaphysically ordained to grant such absolution [he possesses the power of the keys, Ed.]. The jurisdiction that is normally required does not give the priest the power to hear confessions, but rather provides him with a subject over whom he may exercise his power.’

The position defended by Abbé Belmont in the last issue of *Cahiers de Cassiciacum* (1981) is also our own; it differs both from those who categorically deny the lawfulness of a ministry lacking jurisdiction (such as Abbé de Nantes and certain *sedevacantists*...) as well as those who deem such a ministry lawful even ‘against’ the will of the ‘Pope’” (*Sodalitium* No. 52, p. 27).

As I write in the text, I believe, however, that it is not a matter of “suppliance” in the strict sense; this is also explained in the references by Bishop Guérard and *Sodalitium* in notes 26 and 27.

32) If one were to invoke a genuine suppliance of jurisdiction by Christ, this would not be something absurd—*Sodalitium* has already discussed this (No. 48, pp. 35–36 note 7; No. 76, p. 17)—and in the present case, it would be more than justified (indeed, necessary) by virtue of the *Missio* that must endure until the end of time—as Christ promised.

This promise of Christ constitutes a divine law entailing an obligation for the priest to absolve sins and for the faithful to submit their sins to the power of the keys (not to mention the grave obligation of charity incumbent upon the priest to minister to the spiritual needs of his neighbor). Now, even today—amidst the Church’s current state of deprivation of



Saint John Bosco hearing his boys' confessions

Authority and the grave spiritual necessity of souls—this law remains in force, and consequently, these obligations remain; thus, the possibility of fulfilling them remains as well. If Christ imposes obligations, He also commits Himself to providing the means to carry them out; He does not issue commands without providing the way to fulfill them. If a suppliance of jurisdiction—integrating the act of every confession—is a necessary means to fulfill these commands, then Christ (far from contradicting Himself, which would be absurd) puts it into effect, thereby endowing the *non una cum* confessor with jurisdiction in the divine forum at every moment he hears a confession.

Would this suppliance overstep another institution established by Christ—namely, the requirement that jurisdiction must pass through the Authority? No; and the argument is the same one we have repeatedly set forth thus far. The jurisdiction being supplied is not that of the ecclesiastical forum—pertaining to the governance of souls and proper to the Roman Pontiff, who originates it **by his own authority**—but rather jurisdiction of the divine forum. Regarding this divine forum jurisdiction, both the Roman Pontiff and the *Sessio* serve merely as **instruments**—instruments necessary to make so that the confession takes place under the impulse of both Christ (the invisible Authority) and the visible Authority. Normally, this jurisdiction of the divine forum also passes through the *Sessio*, because the *Sessio*’s role is to provide for the good of souls in view to eternal salvation. Yet, in the absence of the *Sessio* (that is, of Authority—the situation today), the need for the good of souls remains; and it is this need that justifies Christ in continuing to exercise jurisdiction of the divine forum, without passing through an instrument that is neither present nor necessary—that is, without the mediation of the *Sessio*, which is connatural and necessary only in a Church in a state of order.

33) See, for example, DOMINIC PRÜMMER O.P., *Manuale theologiae moralis*, Vol. III, nos. 407 and 413 (Herder & Co., Freiburg 1928); FELICE CAPPELLO S.I., *Summa iuris canonici*, Vol. I, no. 264 (Gregoriana, Rome 1932); BENOÎT HENRI MERKELBACH O.P. (*op. cit.*, Vol. III, no. 584); RAOUL NAZ, *Dictionnaire de droit canonique*, Vol. IV, col. 16 (Letouzey et Ané, Paris 1949); FRANCESCO

ROBERTI-PIETRO PALAZZINI, *Dizionario di teologia morale*, under the entry “Giurisdizione supplita” (Studium, Rome 1968).

I state that it differs *juridically*—that is, *according to the provisions of the law*; indeed, according to some authors (though not those cited here), supplied jurisdiction reduces ontologically to delegated jurisdiction, with a difference only in the manner and details of its conferral.

34) One should not raise an objection based on the continuation of Chapter 7: the clarification that the reservation of cases “holds force not only in the external forum but also before God” serves solely to reiterate that such a reservation truly invalidates the confession of one lacking authority over the reserved cases, as explained in Canon 11 of that same 14th Session.

35) See *op. cit.*, P. 1, Chapter V, nos. 54–56.

36) Such as the teaching of the Fourth Lateran Council (Denz.-B. 437) of 1215; of Boniface VIII (cited in the Sixth Book of the Decretals, Ch. 2, V 10); and of the decree *Cum ad aures* of Blessed Innocent XI (Feb. 12, 1679)—all of which may be understood as referring to a disciplinary measure. Indeed, regarding the last-mentioned document—which required explicit jurisdiction to hear confessions involving only venial sins—even after its promulgation, “according to Saint Alphonsus, [the view that absolving venial sins without jurisdiction was merely illicit but valid, Ed.] remained the common opinion” (RAOUL NAZ, *loc. cit.*, col. 11).

The same applies to the bull *Exultate Deo* of the Council of Florence (Nov. 22, 1439), the aim of which was to describe Catholic discipline to the Armenians (a discipline that certainly encompasses truths regarding the essence of the sacraments, though it does not specify that this applies to the confessor's jurisdiction; just as, for instance, it does not specify this regarding the *traditio instrumentorum*—the handing over of the instruments—in the Sacrament of Holy Orders, a matter which Pius XII was in fact able to modify because it was not essential to the matter of the sacrament; see the Constitution *Sacramentum Ordinis* of Nov. 30, 1947).

37) “*Duo impediunt quominus sacerdos potestatem absolvendi in ordinationem acceptam valeat exercere: Primum impedimentum provenit ex Concilio Tridentino sess. 23 chapter 15, et respicit personam ipsiusmet sacerdotis, quia scilicet non est approbatus ab Ordinario nec parochiale beneficium obtinet. Alterum respicit personam pœnitentis, quia nempe sacerdos in eum jurisdictionem non habet*” (GIOVANNI ZAMBONI, *op. cit.*, Vol. IV p. 169).

38) This refers to Proposition no. 37 of the Synod, condemned by Pope Pius VI in the Bull *Auctorem fidei* of August 28, 1794 (Denz.-B. 1537, Denz. S. 2637). The condemnation applies to the sense of the proposition that renders it contrary to what had already been defined by the Council of Trent (Denz.-B. 921, Denz. S. 1711).

It must also be noted that the doctrine of Pistoia goes much deeper, stripping confession of its very character of a judicial act; it is hardly surprising that the Synod denied the necessity of jurisdiction for something it did not even recognize as a judgment (this is well explained by FILIPPO ANFOSSI O.P., *Difesa della Bolla Auctorem Fidei*, Vol. II, pp. 290–298; Mordacchini, Rome 1816).

The question of expediency is evident; it is summarized by CHARLES RENÉ BILLUART O.P., *Summa Sancti Thomæ*, Vol. VII, Dist. VI, Art. 2, § II (Letouzey et Ané,

Paris 1867): “there would be confusion and an inversion of the entire ecclesiastical order.” “The limitation of power is (...) for the preservation of order. (...) This is a mark of wisdom and accords with peace and the common good; and this limitation regarding subordinate priests is established by divine law and by the Holy Spirit Himself, who guided the Holy Fathers and the Apostles—those who founded and organized the Church” (SAINT BONAVENTURE, *In Sententiarum*, Bk. 4, Dist. XIX, Art. 3, Q. 1; *Opera omnia* Vol. VI, Vivès, Paris 1866).

39) *Summa Theologica*, Supplement, Q. 8, Art. 6: “Whether a penitent at the point of death may be absolved by any priest.”

40) *Summa Theologica*, Supplement, Q. 20, Art. 3: “Whether the power of the keys can be exercised over one's own superior” (Ad 3). Father Pègues comments (*op. cit.*, p. 458): “Speaking of the internal [divine, Ed.] or penitential forum—especially regarding the power of orders, which is the primary and principal power—every priest is superior to every man, whoever he may be and whatever rank he holds in the external hierarchy.”

41) *Commentary on the Sentences*, Book 4, Dist. 19, Q. 1, Art. 2, corpus of Qc. 3.

42) *Summa theologiae*, Suppl. Q. 17 Art. 3; *Contra Gentes*, Book III, Ch. 72. Perhaps, in his mature years, Aquinas did not have the time to elaborate upon or clarify his doctrine on this matter—a doctrine found in his *Commentary on the Sentences* (an early work) or, at the latest, in the *Summa contra Gentiles*, which predates his death by a full fifteen years. The section of the *Summa Theologica* dealing with this topic was compiled posthumously, drawing precisely from the *Commentary on the Sentences*.

43) M.-L. GUÉRARD DES LAURIERS in *Le siège apostolique est-il vacant? (Lex orandi, lex credendi)*, point (c) of the introduction; in *Cahiers de Cassiciacum* No. 1; Association Saint-Herménégilde, Nice 1979.

Charrière also maintained that theologians—and especially canonists—had not reflected much on this subject, speaking of “confusions, productive of inaccuracies, that are passed down from manual to manual among theologians and canonists” (*op. cit.*, in note 8).

44) From *Sodalitium* No. 52, pp. 26–27; in turn taken from *Cahiers de Cassiciacum*, No. 6, p. 9; and cited again in *Sodalitium* No. 76, p. 21. This is the opinion I held at the time of *Sodalitium* No. 76 (cf pp. 17 and 20), before studying the matter of confessions' jurisdiction.

45) In many letters and writings dating from after Vatican II, Bishop Guérard speaks *en passant* of this suppliance of jurisdiction for confessions. Here is an example: “[The mere possibility that a bishop might reject Vatican II] ABSOLUTELY FORBIDS CONSIDERING—EVEN AS A MERE EVENTUALITY—the reconstitution of a pseudo-sessio by bishops who possess no ORDINARY jurisdiction (even though they possess jurisdiction per modum actus, by virtue of their MISSIO, to validly administer any Sacrament to any member of the faithful)” (*Déclaration*, in *Bulletin de l'Occident Chrétien*, No. 84, October 1983; reprinted in *Missio et Sessio*, a supplement to *Sous la bannière*, No. 7, Sept.–Oct. 1986).

Unfortunately, Bishop Guérard never explored this subject *ex professo*; I believe that a suppliance of jurisdiction for sacramental assignment of the subject—perhaps of a juridical nature—was the idea he initially considered probable.

46) Thus, the doctor hypothesized as follows, again regarding the emblematic case of danger of death (*op. cit.*, Art. VIII): “*The holy Doctor (Saint Thomas, Supplementum, Q. 8, Art. 6) hints that, in danger of death, jurisdiction belongs to every priest by divine right—even though, in the reply to the first objection, he suggests it belongs to him by ecclesiastical right: ‘Because the Church accepts that any priest may absolve in danger of death.’ Therefore, it seems one must say that it belongs partly by divine right and partly by ecclesiastical right—in this sense, namely, that Christ instituted that in articulo mortis, jurisdiction should belong to all, yet as participated through the Church.*”

47) Regarding the case of most extreme necessity—namely, the point of death—and in the absence of a priest possessing jurisdiction, Bañez (*op. cit.*, pp. 716–717) explains: “*Blessed Thomas states that ‘the Church admits that any priest may absolve in danger of death’ (St. Thomas, Suppl. Q. 8, Art. 6)—not in the sense that the Church confers such jurisdiction, but rather that it acknowledges and declares such absolution to be possible by virtue of divine law.*”

To the same effect, M.-L. GUÉRARD DES LAURIERS (letter to the journal *Einsicht*, August 28, 1981) writes: “*The Church, lacking a head in act—head who is the proximate principle of all power—cannot grant any power of jurisdiction. There is no suppli-ance, neither for the power of jurisdiction nor for the magisterial power. However, since the salvation of souls is the supreme law, there is a supply regarding the exercise of the power of sanctification; and this suffices.*”

I take this opportunity to note that the classification of possible solutions I proposed (no need for suppli-ance, suppli-ance by divine law, or suppli-ance by ecclesiastical law) is not without precedent: in the passage just cited, Bañez places Paludanus and Capreolus in the first category; after some hesitation, he places himself in the second (where St. Bonaventure also appears to belong; see the reference in note 38); and he places figures such as Durandus and Domingo Soto O.P. in the third (we have seen that Billuart also falls into this third category, as does Merkelbach).

48) We dedicated an entire issue of *Sodalitium*—issue No. 52—to this subject.

49) FR. FRANCESCO RICOSSA, *Le consacrazioni Episcopali nella situazione attuale della Chiesa. Risposta all’articolo di don H. Belmont [Episcopal Consecrations in the Current Situation of the Church: A Response to the Article by Fr. H. Belmont]* (supplement to *Sodalitium* No. 46), pp. 4–12;

<https://www.sodalitiumshop.it/prodotto/le-consacrazioni-episcopali-nella-situazione-attuale-della-chiesa/>

50) “It is repugnant to me,” “I do not agree,” “It is contradictory” that modernists should materially hold hierarchical offices or possess any title to them—so say the totalist sedevacantists (these are words—which, truth be told, often constitute the only totalist refutation of the *Cassiciacum Thesis*—that we have heard in recent interviews with leading totalist figures). Therefore, they argue, the solution to the crisis cannot come from the modernists; it must come either from Heaven or from us sedevacantists. Thus, it must be either a miraculous intervention from Heaven or ordinary jurisdiction possessed by sedevacantist bishops. And it is but a short step from attributing to oneself ecclesiastical jurisdiction in the ecclesiastical forum, to demanding it in the divine

forum: anything, so long as it serves to combat the *Cassiciacum Thesis*. I believe that Catholic doctrine—summarily outlined in the references provided in note 49 of this article and in DON FRANCESCO RICOSSA’s *L’elezione del Papa [The election of the Pope]* (*Sodalitium* No. 55)—sufficiently defends said Thesis and demonstrates, as I suggested in the previous issue of *Sodalitium* (pp. 10–11), that the totalist position stems from an underlying voluntarism.

“*Distorting the interpretation of Canon Law and playing a role that—in its resonance—recalls that of ‘authority,’ while appearing to offer seductive support, may temporarily help recruit fanatical partisans; yet this will unsettle, rather than confirm, the humble and generous believers who rely solely on the Truth*” (Bishop Guérard, in the letter cited in note 47).

51) Therefore, there is no possibility either of naming *non una cum* bishops in the Canon of the Mass or of receiving delegated jurisdiction from them.

52) See notes 26 and 27.

53) I do not think that Canons 207, 209, and 882—which concern inadvertence, common error, doubt, and danger of death—can be invoked *ad litteram*, but rather only to demonstrate the *mens* (mind/intent) of the Church: namely, to foresee and provide for difficult cases and cases of necessity, and to guarantee the validity of confessions in such instances.

54) Christ cannot bring into effect what the Church has not already grafted on in some capacity (I discussed this in the last issue of *Sodalitium*, p. 18)—a concrete title, and not, as some have claimed, a “tacit will of past Popes to guarantee jurisdiction in the future in cases of crisis like ours.”

Indeed, a will, if not manifested by some sign, is not *tacit*—and it is not a sufficient foundation for asserting a present jurisdiction (SAINT ALPHONSUS DE LIGUORI, *Theologia Moralis*, Bk. VI, no. 570). Can it be said to be *presumed*, by virtue of the good will of previous Popes? Well, not even a presumed will is sufficient to arrogate jurisdiction to oneself (HIERONYMUS NOLDIN S.J., *Summa Theologiae Moralis*, Vol. III, no. 340; Pustet, Rome 1917). The “tacit will of all past Popes” is a *deus ex machina* with no *raison d’être*, an *a priori* construct used to cloak oneself in Authority (and perhaps to convene a conclave). It is neither a tacit nor a presumed will: it is an imaginary will.

Furthermore, jurisdiction obtained in such a manner would be anarchic. Why, for instance, could the group at Palmar not possess it? Or the various married bishops, or those “consecrated” multiple times, or those of shady provenance? And as a matter of fact, Canon 879 § 1 “*excludes the tacit granting of jurisdiction, a grant that easily gives rise to ambiguity and uncertainty*” (FELICE CAPPELLO S.J., *Tractatus Canonico-Moralis de Sacramentis*, Vol. III, no. 291; Marietti, Turin 1953).

And if all the *non una cum* adherents truly possessed this jurisdiction, why do the “conclavists” not declare that anyone refusing to exercise it (namely, the much-reviled “*Cassiciacum*”) is failing to fulfill their responsibility toward the Church—and thus forfeiting both their jurisdiction and their right to participate in a conclave? The conclavist position (which in fact aligns with the recently much-discussed “imperfect general Council”) is ridiculous: “*In the absence of a criterion for discernment—such as a Roman mandate or a residential see—there are, in principle, no limits on these consecrations, neither regarding the authorizing party (the Pope) nor the territory to be governed (the diocese).*”



Bishop François
Charrière of
Geneva-Lausanne
Friborg who gave
the first approval
to the SSPX

Consequently, the number of electors can balloon without any guarantee of their Catholicity—as has indeed happened in practice. Moreover, various elections have actually been held that led to nothing—not even among the proponents of ‘conclavism’ themselves, who are always ready to ‘take the step,’ but only in theory” (DON FRANCESCO RICOSSA, *L’elezione del Papa [The election of the Pope]*, in *Sodalitium* No. 55).

Regarding ecclesiastical jurisdiction today, I will touch *en passant* upon another long-standing question—one to which various *non una cum* confreres respond in ways that are sometimes diametrically opposed (I refer to Fr. Belmont and, more recently, Fr. Gabriel Lavery CMRI): namely, whether or not **a call from the Ordinary is necessary to confirm a priestly vocation**. First of all, Pius XII’s *Sedes Sapientiae* certainly speaks of the necessity of a call from the bishop to confirm a priestly vocation; however, the meaning of this document is a matter of debate—one need only consult specialized journals from that era to realize this. Secondly, the essence of a vocation is the call from God. The *call from the Ordinary* (one’s residential bishop) is a *probable sign* of a vocation, and issuing this call is also a duty of the Ordinary, inasmuch as the indications of the vocation’s essence must (1) be weighed and judged to be present, and (2) be perfected (in the ecclesiastical forum). In this sense, the candidate’s Ordinary has a duty to render this external judgment. Yet, this does not constitute an act of jurisdiction. When it is impossible to perform this act, then (1) *as a judgment*, it can be replaced by a fully equivalent judgment; and (2) *as a public judgment* it cannot be substituted—precisely because there is no current *Sessio* (and jurisdiction has nothing to do with it).

55) It is legitimate to raise the question regarding the validity of confessions administered within the various schismatic “churches” (on this matter, cf. *Sodalitium* No. 76, p. 24, note 33), as well as within the *una cum Vatican II* sphere—including those administered by validly ordained priests (for example, those ordained before 1968 within the modernist environment) and by priests of the Society of Saint Pius X (specifically those ordained according to the traditional rite by a validly ordained and consecrated bishop). Here is how Bishop Guérard des Lauriers framed the issue: “Given

that the priests of Écône [i.e., of the SSPX, but also of other similar groups, namely the *una cum* ones, Ed.] assert that there is [today, Ed.] an authority in the Church, by law their absolutions could be valid only if they possessed the powers granted to hear confessions by that authority. Since they lack such powers, their absolutions are doubtful. To pass them off as valid constitutes a deception in a sacred matter, which entails sacrilege.” “(...) I remain in a state of questioning. (...) Let me specify my difficulty. A sacrament is OBJECTIVELY valid if its administration fulfills the objective conditions capable of being required at the moment that administration takes place. But if, on the other hand, there exists—*ex parte subiecti* [on the part of the subject, Transl. note]—an intention that thwarts the objective conditions of validity, then certainty regarding validity is lost. By way of example: an adult undergoes baptism but performs a categorical interior act of refusal—‘I reject Baptism; I do not wish to be baptized.’ In such a case, the baptism would not be valid; **it would be without effect** (DS 2856). And if we wish to consider the efficacy of the authentically performed rite, we must at the very least conclude that its efficacy would be DOUBTFUL.

A person who cuts himself from the cause that would ensure a valid and effective sacrament cannot be certain of that efficacy. That is the principle.

Now, by refusing to affirm ‘There is a formal vacancy of the Apostolic See,’ the Écônian priest—as such—opposes the very principle that ALONE could, under current conditions, ground the validity of the absolution he grants.

THEREFORE... an absolution given by an Écônian priest who does not publicly declare ‘I am not *una cum*’ is of doubtful validity.

You object: Sacraments conferred in the Orthodox Church are valid [an opinion held by theologians, it is not certain; *Sodalitium* note].

I reply: The theological conclusion of ‘doubtful validity’ can evidently be ‘settled’ by the Church. What is doubtful to reason can be: 1) clarified (as either VALID or INVALID) or 2) rendered certain by the Authority of the Magisterium. Thus, Leo XIII—and he alone—was able to decide that Anglican ‘ordinations’ are null, basing this on a principle from which a theologian could previously only infer that such ‘ordinations’ were doubtful.

The case: ‘Écône’ is, regarding absolutions, entirely similar to the ‘Orthodox Church’ case. Yet no private individual can state with CERTAINTY: ‘there is a resemblance (yes), THEREFORE there is identity (?)’.

I acknowledge that there are strong arguments in favor of identity: the same invincible ignorance applies to both the Écône adherents and the Orthodox... at least ‘*ut in pluribus*’! And then, there is the very Mercy of GOD, and the ‘*salus animarum*’... BUT, unfortunately, I cannot conclude with CERTAINTY... I am not the Pope” (unpublished lines—with the interviewee’s consent—from the text in *Sodalitium* No. 13; and a private letter dated May 15, 1987, to the superior of the Mater Boni Consilii Institute).

The situation of the Écônian priests worsened—if that is even possible—during the period from September 1, 2015, to July 2, 2026, when they heard confessions using “powers” officially granted to them by J. M. Bergoglio; consequently, the subjective condition attached to their absolutions—which, according to Bishop Guérard, could render them invalid—was



Father Leopoldo Mandić administering the sacrament of confession.

explicit, public, and official, and was subject to the exact same constraints as the absolutions administered by a fully *una cum* priest (assuming he is validly ordained). The subjective condition coming from the *una cum* status persists also today, following the revocation of those “powers” by Prevost on July 2, 2026.

If the *Missio* is not entirely pure, is it still the *Missio*?

One might object: does this mean that in the 1960s, when Sedevacantism was virtually unknown, the confessions heard by hundreds of thousands of priests were invalid? A first, mysterious point of clarification is that God is not concerned with numbers: one need only look at the years spent awaiting the Messiah, the mere eight people who entered the Ark, the small chosen people, the small remnant of Israel that entered the Church, and the smallness of the Church throughout the centuries. Furthermore, in order to answer the objection in question—and should the argument just given not satisfy—we must note: first, Sedevacantism is not as recent a phenomenon as is commonly thought (cf. *Sodalitium* No. 56); and above all, a priest hearing confessions does not dwell on his jurisdiction; he simply wishes to do what the Church permits and

commands. Thus, in the absence of Authority, he continues to do what he has always done—albeit, perhaps unknowingly, without (anymore) the actuation of divine jurisdiction by the Authority (or else through a suppli-ance of jurisdiction by virtue of common error! cf. Canon 209). This is not the case, however, for the *Écônian* priest, whose *raison d’être* consists in resisting an “authority” **that he nonetheless officially acknowledges as the Authority**, and in constituting—de facto—an atypical *Petite Église* (one which dreams of returning to the *Grande Église*; cf. *Sodalitium* No. 48, pp. 52–53).

Whatever the case of the Society and others, the priests of the Mater Boni Consilii Institute simply confess “as they can and must” and without presupposing unusual conditions, not even implicit ones; the sole and obligatory condition is the *non una cum* of their *Missio*.

56) Work cited in note 49, pp. 11–12.

57) Fr. Nitoglia states that Fr. Guérard’s position was taught by Karl Rahner... In reality, it was also taught by others far more orthodox than the German—and for different reasons, as we have seen; and absolute evil does not exist, as is well known. Rather, to me it seems that the stance of “recognizing and resisting” someone acknowledged as the Authority was condemned by St. Pius X...

58) We have already seen how the regulatory intervention of the Church β can take the form of a requirement to possess ecclesiastical jurisdiction, of the approval by the Ordinary, the possession of a benefice, the presence of a confessional grille for hearing the confessions of religious women, etc.

According to some (such as Charrière), β consists ultimately in an intervention by the Authority to define the subjects of the divine jurisdiction *already possessed* by the priest—because it is identical to the power of orders; according to others (such as Merkelbach), β consists in an intervention or condition imposed by the Authority for the *conferring* of divine jurisdiction upon the priest.

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“What does it profit a man to gain the whole world... if he then loses his soul?”

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 Editor of “Sodalitium” magazine



“Beyond Freemasonry: Esoteric Doctrines and Christian Civilization”

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- 10:45 AM Start of the proceedings.
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- 12:30 PM Lunch break.
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- 4:00 PM Third lecture: *“The Ambiguity of Tradition: ‘Pagan’ Traditionalism and ‘Catholic’ Traditionalism.”*
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INSTITUTE RESIDENCES

ITALY - Verrua Savoia (TO): CASA MADRE - Istituto Mater Boni Consilii, Chiesa SS. Pietro e Paolo, Loc. Carbignano 36. Weekdays: Holy Mass at 7:30 AM; Sundays: Holy Mass at 6:00 PM. Eucharistic Benediction: Fridays at 9:00 PM. Tel.: 0161.839335; e-mail: info@sodalitium.it

San Martino dei Mulini (RN): CASA S. PIO X - Fr. Ugo Carandino, Via Sarzana 86, Postal Code 47822. Tel.: 0541.758.961; e-mail: info.casasanpiox@gmail.com

BELGIUM - Dendermonde: Bishop Geert Stuyver, Kapel O.L.V. van Goede Raad, Koning Albertstraat 146, 9200 Sint-Gillis, Dendermonde. Holy Mass every Sunday at 10:00 AM. Tel. and Fax: (+32) (0) 52/380778.

FRANCE - Raveau: 350 route de Mouchy, 58400 Raveau. For information: Tel.: (+33) 03.86.70.11.14; e-mail: info@sodalitium.eu

OTHER HOLY MASSES IN ITALY

Ferrara: Chiesa S. Luigi, Via Pacchenia 47, Albarea. Every Sunday at 5:30 PM.

Imperia (province): One Sunday a month. Schedule distributed via email.

Gravellona Lomellina (PV): Don Marco Pizzocchi, Via Verdi 28. Mass every Sunday. For information: Tel. 347.109.7481 e-mail: donmarco.pizzocchi@alice.it

Loro Ciuffenna (AR): Fattoria del Colombaio, Strada dei 7 Ponti Levante. 1st Sunday of the month at 5:30 PM.

Milan: Oratorio S. Ambrogio, Via della Torre 38. Every Sunday and Holy Days at 9:00 AM and 11:00 AM. For information: www.oratoriosantambrogioimbc.it

Modena: Oratorio S. Pio V, Via Savona 75. Every Sunday at 8:30 AM and 11:00 AM.

Modugno (BA): Oratorio S. Rocco, Via Conte Stella 26/A. For the Mass schedule, consult the website page.

Padua: 2nd Sunday of the month. Schedule distributed via email.

Perugia (province): 1st Sunday of the month.

Pescara: Oratorio del Preziosissimo Sangue, Via Ofanto 24. For the Mass schedule, consult the website page.

Pistoia: 3rd Sunday of the month at 10:30 AM.

Potenza: Oratorio San Lorenzo, Via Angilla Vecchia 126. For the Mass schedule, consult the website page.

Ragusa (S. Croce Camerina): one Sunday a month at 11:30 AM at Via Belpiano 36.

Rimini: Oratorio San Gregorio Magno, Via Molini 8. For the Mass schedule, consult the website page.

Rome: Oratorio S. Gregorio VII, Via Pietro della Valle 13/B. 1st, 3rd, and 5th Sunday of the month, 9:00 AM and 11:00 AM.

Rovereto (TN): Church of St. Ignatius, Via Stazione 13, Mori Stazione. Every Sunday and holy day at 9:00 AM and 11:00 AM. Schedule distributed via email.

San Bonifacio (VR): 1st and 3rd Sunday of the month at 6:00 PM. Schedule distributed via email.

Turin: Sacred Heart Oratory, Via Thesauro 3/D. Holy Mass every Sunday and holy day at 9:00 AM and 11:15 AM; 1st Friday of the month at 6:15 PM.

Valmadrera (LC): Via Concordia, 21.

Varese: 4th Sunday of the month at 5:30 PM. Schedule distributed via email.

Confessions 30 minutes before the start of Holy Mass.

For further information on celebrations, consult the pages for the corresponding specific location on the website: www.sodalitium.it

Or call/write to:

• Verrua Savoia: info@sodalitium.it

Tel. 0161.839.335

• Rimini: info.casasanpiox@gmail.com

Tel. 0541.758.96

FOR YOUR DONATIONS:

- To the **Banco BPM** account in Crescentino (VC), **(IBAN):** IT 16 Z 05034 44440 0000 0000 3850 held by Centro Culturale & Librario Sodalitium.
- To the **Postal Current Account** number: IT 83 X 07601 10300 000036390334 **(BIC: BPPIITRRXXX)** held by Centro Culturale & Librario - Sodalitium Periodico.
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