

The Legal Status of SSPX and Its Former Members

(2006)

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What type of organization is SSPX? Do priests who leave it become public sinners?

QUESTION: *The Rev. Peter Scott was recently asked, "What is one to think of priests who have left the Society of St. Pius X?" Fr. Scott gave a variety of reasons for condemning such priests, including the following:*

(1) *The "engagements" which priests make when joining the Society are "not in any way essentially different" from the vows one takes to join a religious order.*

(2) *These engagements bind members to SSPX "under pain of mortal sin, just as a religious is bound by his vow of obedience."*

(3) *Priests who leave SSPX after making a "perpetual engagement" are "public sinners" and are to be equated with "a married person who has broken his vows and fallen into adultery." One may not receive sacraments from such priests "except in danger of death."*

(4) *Priests who have made "temporary engagement" in SSPX are morally bound to join a diocese "or another religious community."*

(5) *A priest who leaves SSPX has also broken the "public vow of obedience" included in the ordination ceremony.*

(6) *Such a priest also violates the pre-ordination Oath of Fidelity prescribed by canon law, and becomes "a hypocrite and a public sinner."*

(7) *An SSPX priest makes a "declaration of fidelity" to the "positions of the Society" (on the pope, New Mass, John XXIII Missal, etc.), declaring his desire to "show the obedience binding me to my superiors, as also the obedience binding me to the Roman Pontiff in all his legitimate acts," so that no priest can leave SSPX if he becomes a sede-vacantist, etc.*

(8) *And that for all the foregoing reasons, priests who have left SSPX "are to be avoided at all costs."*

What is your opinion of Fr. Scott's reasoning?

REPLY: Father Scott's starting point for all these condemnations is a hidden assumption: that the Society of St. Pius X enjoys the canonical status of a "society of the common life without vows" — an entity in canon law akin to a religious order. (Familiar examples of such societies include the Maryknoll Fathers, the Paulist Fathers, and the Oratorians.)

Joining such a society brings with it canonical obligations (Fr. Scott's argument goes), and so by abandoning SSPX, a priest violates these obligations, becomes a public sinner, etc., etc.

Well, as regards canon law, at least, Fr. Scott is living in fantasyland.

1. What Is SSPX? Just what kind of canonical entity is SSPX? Is it indeed something like the Maryknollers or the Paulists? We need only look back to its foundation.

On November 1, 1970, the Bishop of Fribourg, Switzerland issued a Decree establishing “The International Priestly Fraternity of St. Pius” as a “pious union” (*pia unio*), whose stated purpose was to form priests and re-distribute clergy to places where they were needed, in conformity with the Vatican II Decree on Priestly Formation, *Optatum Totius*.

In the Code of Canon Law, a pious union is simply an approved association of the faithful — laymen or clerics — engaged in some pious or charitable work (canon 707).

Some familiar examples of pious unions: The Confraternity of Christian Doctrine (teaches catechism), the St. Vincent de Paul Society (charitable work with the poor), and the Near East Society (supports poor Catholic clergy in the Near East). The rules for these organizations tend to be very simple; they are easy to join and easy to resign from.

Obviously, the devout ladies who teach CCD to the public school kiddies and the affable old Vincent de Paul grandpas who collect clothing for the poor don’t belong to a church organization on the same canonical plane as the Maryknoll Missioners or the Paulist Fathers.

And it takes only five minutes of research to confirm this impression with other evidence, as well: The Code of Canon Law treats societies of the common life without vows in its section on *religious orders* (Book II, Part 2, cc. 673–81). *Pious unions*, on the other hand, *the Code treats in its section on the laity* (Book II, Part 3, cc. 707–719).

Nor is this all: A pious union, it turns out, is the lowest creature in the ecclesiastical food chain. It is not merely classified under “Laity” — canon 701 puts it *dead last in order of precedence*. Thus even Third Order Sodality (lay Carmelites, Franciscans, etc.) and Archconfraternities (Rosary, Blessed Sacrament) outrank a pious union.

How likely is it that member who leaves such an organization incurs all the blood-curdling canonical and moral consequences that Fr. Scott summons up?

2. What Rules Bind Members? In any religious institute recognized by the Church — be it an order, a congregation or a society — *rules and constitutions set forth the obligations a member assumes through his vows or promises*. These laws obtain binding force only after they receive official approval from an ecclesiastical authority possessing ordinary jurisdiction — either the Diocesan Bishop or the Pope, acting through the Roman Congregations.

Which set of laws supposedly created the obligations for members of the Society of St. Pius X, and how did these laws obtain their binding force?

In 1970 the Society submitted its proposed Statutes to the Bishop of Fribourg. In his Decree of Foundation, the Bishop approved these Statutes for an experimental period of six years. They would then be renewable for another six years. After this, the Decree provided, SSPX could become definitively established, either in his diocese or by the competent Vatican Congregation.

There was not much to the 1970 Statutes. They consisted of about two-dozen pages of exhortations, typewritten and double-spaced — everything from “the tabernacle shall be their television” to limited opportunities for *Novus Ordo*-style concelebra-

tion. Such a document was entirely consistent with the nature of the organization the Bishop of Fribourg was establishing — not a Maryknoll-like society, but a pious union.

In 1975, however, before the six-year experimental period expired, the Bishop of Fribourg withdrew his approval of SSPX.

At the time there was a great deal of debate over whether the Bishop of Fribourg followed the correct procedures. Archbishop Lefebvre subsequently launched various canonical appeals. But the appropriate Vatican congregations and Paul VI himself upheld the suppression.

If, like SSPX, you maintain that Paul VI was indeed a true pope, he was the final court of appeal and had the right and the power to declare the Society suppressed.

With that the few obligations set forth in the 1970 Statutes would have lost their power to bind members of the Society. *Roma locuta est. Causa finita est.*

Time up. Game over. End of story.

Despite this, in 1976 the SSPX General Chapter adopted a *new* set of Statutes. These were not much longer or more detailed than the 1970 version. (The “television” stayed, the concelebration was dropped.)

The 1976 Statutes, needless to say, did *not* receive the approvals from the diocesan bishops that canon law would have required to make them valid and binding for the members of the organization. Without such approvals, the 1976 Statutes were canonically null.

It is therefore absurd for Fr. Scott to claim that priests who leave SSPX commit sin. The organization was suppressed, the statutes it subsequently adopted were invalid, and its superiors have *no* canonical or moral power to bind anyone to anything.

3. “Engagement” Equals “Vow”? It is ridiculous for Fr. Scott to equate “engagement” in the SSPX with the public vows made by members of a religious order. Canon 1308 says that only a vow “received in the name of the Church *by a legitimate ecclesiastical superior*” is a public vow. Without this, a vow is considered private — no matter how many people are present when you make it.

By no stretch of the imagination could one say that the “engagements” of SSPX members are received by a “legitimate ecclesiastical superior.”

And where did Fr. Scott get this notion of equating an “engagement” to a public vow anyway? In Naz’s seven-volume *Dictionary of Canon Law*, you will not even find an *entry* for this term. How could its non-observance turn the disengaged into the equivalent of adulterers?

By the mid-1980s, there were about fifty priests who had made engagements in SSPX and then left. How many are there by now? 600? “Spiritual adulterers” all?

4. A Simple Enrollment. The actual engagement formula used by the SSPX when I joined was “I N.N. *give my name* into the Fraternity of St. Pius X.”

This language is merely an *enrollment*, and was completely consistent with the nature of a pious union: “I give my name” — call me for help teaching that CCD First Communion Class, put me on your list for collecting clothes and working in the St. Vincent de Paul soup kitchen.

Easy in, easy out — like joining the Sacred Heart Auto League.

5. Rules, Rights, Obligations. A *real* vow or promise in a canonically approved religious institute, however, mentions *the rule and constitutions by which you agree to be bound* — and these are usually several hundred pages long. All these carefully written laws and regulations prevent religious institutes from becoming dictatorships, because they circumscribe very carefully the powers of the superiors, limit their terms, and protect the individual subject's rights.

Before I entered SSPX, I belonged to a *real* religious order, the Cistercians. The obligations I assumed with my vows were absolutely clear — set forth in detail and at great length in the Rule of St. Benedict, the General Constitution of the Order, the Constitutions of the Congregation of Zirc, and other lesser statutes. So too, were my rights as a member (right down to the daily tobacco allowance) and the obligations of my superiors to respect those rights.

SSPX has nothing at all like this. In the practical order, all power resides in the Superior General — like some sort of ecclesiastical Idi Amin, minus the man-eating crocodiles.

Get on the wrong side of the powers-that-be in SSPX — by any independent thinking, say, or by adhering to some theological principle that contradicts the Society's party line *du jour* — and it's malaria shots, a white cassock, and the one-way ticket to Mumbai for you, *Monsieur l'abbé*.

6. Imposing Oaths and Declarations. Finally, a canonically non-existent organization has *no* power to impose canonical or moral obligations on its members based on the canonical Oath of Fidelity.

And not even the 850-year-old religious order in which I professed vows would have presumed, like SSPX, to impose on me a "declaration of fidelity" to its "positions" as a condition for ordination. The only "positions" members of the Order were required to accept were the teachings of the Church.

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So, from beginning to end, each "obligation" that Fr. Scott has used to condemn priests who left SSPX is pure invention — the product of SSPX's creation myth.

The concepts I employed above to deal with Fr. Scott's fantastic claims can be found even in the most dumbed-down vernacular canon law manuals. Doesn't anyone in SSPX ever do *any* research?

And this brings up a larger question: Members of SSPX like Fr. Scott keep on repeating the same old tall tales and ignorant arguments — about the Society's foundation, the "illegal" promulgation of New Mass, the "canonized" Tridentine Mass, the "non-obligatory" character of Vatican II, the pope as "bad dad," out-of-context and distorted "resistance" quotes, "operation survival," "illegal" excommunications, etc. — long after such notions have been repeatedly debunked with quotes from canonists, theologians, historians and popes.

It is perhaps for this reason that a cardinal once sarcastically dismissed the Society of St. Pius X as "*Port-Royal sans intelligence*" — Jansenism without the brains.

You would think that an organization that professes dedication to preserving Catholic doctrine would at least *occasionally* jettison positions that are shown to be irreconcilable with principles of theology and canon law.

But no. In the nearly forty years of the Society's existence, despite *all* the priests it has ordained and *all* the resources at its disposal throughout the world, this never seems to have happened. The Society's "positions" are still the same, stagnant theological swamp — a huge protected wetlands where no new development is ever permitted and where the same decrepit creatures forever roam in the dark.

Don your hip boots, all ye who enter there!

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