

I AM WITH YOU ALWAYS

ALL POWER IS GIVEN TO ME IN HEAVEN AND IN EARTH. GOING THEREFORE, TEACH YE ALL NATIONS: BAPTIZING THEM IN THE NAME OF THE FATHER AND OF THE SON AND OF THE HOLY GHOST. TEACHING THEM TO OBSERVE ALL THAT I HAVE COMMANDED YOU. AND BEHOLD I AM WITH YOU ALL DAYS, EVEN TO THE CONSUMMATION OF THE WORLD.

Mt 28: 18-20.

DEDICATION

This small book is dedicated to the memory of Hamish Fraser who died on the seventeenth of October, 1986. He was a great man, a good friend and an inspiration to all who love the Church founded by Christ the King, to whose social Kingship he dedicated his entire Catholic life. He put truth before human respect. May we follow his example.

Michael Davies
Feast of Christ the King
October 26, 1986

I Am With You Always

The Divine Constitution and
Indefectibility of the Catholic Church

NEW REVISED 1997 EDITION

Michael
Davies

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FOREWORD

The doctrine of the indefectibility of the Church is a consequence of the promise of Our Lord to St. Peter "Upon this rock I will build my Church and the gates of hell shall not prevail against it" (Mt. 16:18). In the past every Catholic was familiar with these words, which were a legitimate source of pride for him. He knew that he belonged to an "indefectible" institution of divine origin, whereas all those instituted by men eventually reached a point of decay and death. Chesterton once wrote that he was proud to be a member of an institution which was of no time, since it is of all times, rather than of a modern institution of one's own time.

Our Lord founded His Church upon Cephas, Peter, the Rock. Because the rock upon which a building is raised cannot be removed without causing the collapse of the building, Peter cannot be removed as the foundation of the Church. Although Peter died gloriously for his Lord as a martyr, the rock remains in the persons of his successors, the Bishops of Rome. Each one has been the visible head of the Church upon earth, just as Peter was. There is no doubt about this. It is a matter faith.

It is possible to understand how, from a psychological standpoint, certain Catholics, during the present tribulations have convinced themselves that the See of Peter is now vacant. The "occupant" of this See, as they call him, does not correspond with what they expect from a pope. Some also claim that Mass and the

sacraments have been destroyed by the most recent “occupants” of the See of St. Peter.

If these people are correct it means that Our Lord Jesus Christ has abandoned His Church, more or less as the glory of God left the temple of Jerusalem according to the famous vision of the prophet Ezechiel (Ez. 10). But this is something which can never happen as it would contradict the solemn promise of Our Lord, quoted above. It is also impossible that Our Lord could abandon His Church as it would frustrate the very purpose for which the Church had been founded, to be God’s instrument for the salvation of our souls.

If Our Lord abandoned His Church the words: “He that heareth you heareth Me” would be true only for an exceedingly small group who consider themselves as the elect, which is always the most evident characteristic of a sect. Our Lord did not found a sect but the Catholic, that is, the universal, Church.

In this brochure Michael Davies explains the indefectibility of the Church in a manner a consummate theologian could enlarge upon, but not improve upon. This is no small merit for a writer who is not a professional theologian. We recommend it to all who love Christ and the Church that He has founded for our salvation.

John P. M. van der Ploeg, O.P.

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Doctor of Sacred Scripture,

Emeritus Professor of Nijmegen University

Member of the Royal Academy of Sciences of the Netherlands.

AUTHOR'S INTRODUCTION TO THE FIRST EDITION

Pope John XXIII had expected the Second Vatican Council to inaugurate an unprecedented renewal of Catholicism. There were those, even at the highest levels of the Church, who did not share his optimism. He castigated them as “prophets of gloom who are always forecasting disaster.” In this instance their prophesies of gloom have proved to be only too accurate. Pope Paul VI, who had initially shared his predecessor’s optimism, eventually conceded that the Church was engaged in a process of self destruction. He complained that the smoke of Satan had penetrated the Church “to destroy and strangle the very fruits of the Ecumenical Council and to stop the Church from breaking out into a hymn of joy.” Father Louis Bouyer, a French theologian who had been an expert adviser (*peritus*) at the Council, and who had prophesied that great benefits would emerge from it, now laments the fact that what we are witnessing “looks less like the hoped-for regeneration of Catholicism than its accelerated decomposition.”

The contrast between the vision and the reality was pointed out in great detail by Cardinal Joseph Ratzinger in an interview which appeared in the 24 December 1984 English edition of *L’Osservatore Romano*:

Certainly, the results of Vatican II seem cruelly opposed to the expectations of everyone beginning with those of Pope John XXIII and then of Pope Paul VI; expected was a new Catholic unity and instead we have been exposed to dissension which—to use the words of Pope Paul VI—seems to have gone from self-criticism to self-destruction. Expected was a new enthusiasm, and many wound up discouraged and bored. Expected was a great step forward, and instead we find ourselves faced with a progressive process of

decadence which has developed for the most part precisely under the sign of a calling back to the Council, and has therefore served to discredit it for many. The net result seems negative. I am repeating here what I said ten years after the conclusion of the work: It is incontrovertible that this period has definitely been unfavourable for the Church.

Cardinal Ratzinger and many other conservative Catholics believe that the post-conciliar *débâcle* has been the result of a failure to interpret the Council faithfully. It is certainly true that most of the abuses perpetrated in the name of, or in the "spirit" of, Vatican II cannot be justified by reference to any specific teaching in its official documents. But, on the other hand, the Council brought together liberal theologians and bishops from all over the world who were able to set in train the policies and reforms which they claimed were the authentic interpretation of the Council. Thus, irrespective of its official teaching, the Council can be seen as the event which triggered off a chain-reaction of destructive innovations. It is also true that there are ambiguous passages in the conciliar documents which the liberals are able to cite in support of their policies. In his book, *The Battle for the American Church*, Msgr. George A. Kelly accepts that: "The documents of the Council contain enough basic ambiguities to make the post-conciliar difficulties understandable." Msgr. Kelly also acknowledges one of the most deplorable aspects of the post-conciliar Church: "Doctrines were denied or undermined before in history, but dissenters were not permitted in recent centuries to exercise power from high positions within the Catholic infra-structures." Another conservative writer, Father Kenneth Baker, S.J., Editor of the *Homiletic and Pastoral Review*, stated in his November 1991 edition:

With each year it seems that we get closer to an "American Church" separate from Rome. For millions of Catholics it already exists in fact, though not yet officially (*De facto* but not *De iure*). Even though the entrenched bureaucracy will not admit it, the Church here is in bad shape. There has been a loss of morale and élan. But what should one expect when most Catholic children do not know the basics of the faith, when heresy is openly taught and defended in "Catholic" universities, when seminarians have declined from 48,000 to about 5,000, and when 14 million out of 55 million Catholics go to Church regularly on Sunday? It is

not an exaggeration to say that the Church here is in a crisis.

This judgement is radical and severe, but it is accurate and can be applied to the Church in other Western countries such as Belgium, Canada, England, France, Germany, Holland, and Scotland. There can be no doubt that we are witnessing the greatest crisis in the history of the Church since the Arian heresy, when, to quote St. Jerome: "*Ingemuit totus orbis et arianum se esse miratus est*"—The whole world groaned and was amazed to find itself Arian." Most Catholics today do not seem amazed at what has happened in the Church, and very few of them are groaning. The vast majority in the First World no longer practise of their faith. This is not surprising, because, as the English Reformation made clear, few Catholics are likely to rise in defence of the faith without strong hierarchical leadership. When the bishops compromise their clergy follow them, and the people follow the clergy. But in the present crisis there is a factor which was not present at the time of the Protestant Reformation. Just as was the case during the Arian ascendancy, Rome itself has appeared to be speaking with an uncertain voice. Orthodoxy has been upheld by recent popes frequently and forcefully in their teaching, although many of the faithful seem unaware of this, but effective action has rarely seemed to follow orthodox pronouncements. Pope Paul VI upheld the traditional condemnation of contraception as intrinsically evil in his encyclical *Humanae Vitae*. This encyclical was not simply repudiated by influential theologians in many Western countries, but repudiated with contempt and derision. Then, to the scandal of truly faithful Catholics, these theologians remained in their positions as official teachers of Catholic doctrine. Msgr. Kelly's complaint concerning dissenters continuing to exercise power within the Catholic infrastructures is amply justified. Time and time again, in diocese after diocese, in country after country, the faithful complained to their bishops about unorthodox teaching on faith and morals, or about liturgical abuses, only to find that the bishops sided with the dissenters. Indeed, in many dioceses a *de facto* position has been reached where it is those who uphold the teaching of the Magisterium who are the dissenters. Appeals were made to Rome, almost always without any effect, and sometimes prompting replies exhorting loyalty to the bishop who was permitting or even promoting disloyalty to Rome.

Not surprisingly some of the faithful began to wonder just what

the positions of the popes from Paul VI onwards was. If they truly opposed the abuses why did they not eradicate them? They witnessed Pope John Paul II worshipping with Protestants and Jews, and in his pastoral visits throughout the world they saw him fraternising with the very bishops who had welcomed wolves into the sheepfold. Where the liturgy was concerned many Catholics found it impossible to accept papal endorsement of the New Mass as compatible with the Petrine office. Almost inevitably voices were raised claiming that the post-conciliar popes had forfeited their office, and that the Holy See was vacant. This was an emotional, and, to a certain extent understandable, reaction to the fact that the Church into which such Catholics had been baptized was no longer recognizable in what was presented as Catholicism in their parishes or dioceses. Theological arguments were then found to justify the initial emotional response, and very soon we were witnessing the rejection of the hierarchical Church founded by Jesus Christ to be replaced by a traditionalist Church separated from Rome. Formal schism can hardly be considered as the logical response to the *de facto* schism which is evident throughout the Church today, but as human beings we are often guided by our hearts rather than our heads. One can paraphrase Pope Paul VI and lament the fact that the smoke of Satan has penetrated the traditionalist movement to strangle its defence of orthodoxy. When we recollect that we are dealing with a supernatural foe of enormous cunning and intelligence we must take it for granted that he would do all in his power to fragment and destroy those groups who had been most effective in opposing his destruction of the Church. What more effective means could he employ than by tempting them into schism? Outside the Church their defence of Tradition would be rendered ineffective. Once such people have abandoned the Church, although like all heretics and schismatics they claim to constitute the true Church, it appears that only a miracle can bring them to a realization of their true situation. The pride which brought about the downfall of Satan is evident here. There is a great deal of satisfaction attached to being a member of the elect, which, as Father van der Ploeg remarks in his foreword, "is always the most evident characteristic of a sect."

The theological weakness of sedevacantism is an inadequate concept of the nature of the Church. Without realizing it, sedevacantists believe in a Church which can fail—and such a Church is not the Church founded by Our Lord Jesus Christ. The Church

that He founded cannot fail, for it is indefectible. It will continue to exist until the Second Coming as a visible, hierarchically governed body, teaching the truth and sanctifying its members with indubitably valid sacraments. To state that we have no pope is to claim that the Church is no longer visible and hierarchically governed, which, in effect, means that it has ceased to exist.

Catholic theologians accept that a pope could lose his office through heresy, a possibility that will be examined in Part II of this book. But it would have to be such notorious heresy that no doubt concerning the matter could exist in the minds of the faithful, and a statement that the Pope had deposed himself would need to come from a high level in the Church, most probably a general Council. Archbishop Marcel Lefebvre warned in 1979:

The visibility of the Church is too necessary to its existence for it to be possible that God would allow that visibility to disappear for decades. The reasoning of those who deny that we have a pope puts the Church into an inextricable situation. Who will tell us who the future pope is to be? How, as there are no cardinals, is he to be chosen? The spirit is a schismatical one. . . . And so, far from refusing to pray for the Pope, we redouble our prayers and supplications that the Holy Ghost will grant him the light and strength in his affirmations and defence of the Faith.

It is my hope and prayer that, the pages which follow may help those distressed by what they see as a failure in leadership and example on the part of the post-conciliar popes to resist the temptation to abandon the Barque of Peter, the one Ark of Salvation outside which no one can be saved. St. Peter himself denied Our Lord, but subsequently he died a glorious death as a martyr. We must, as Archbishop Lefebvre suggests, redouble our prayers for Pope John Paul II, the Vicar of Christ and the Successor of St. Peter.

As a layman who makes no pretence as being either a theologian or a canonist, I submitted the draft of this study to three theologians and three canonists. They have all expressed their approval of its contents and allowed me to cite them by name. I have made several improvements and corrections as a result of their suggestions. If they have overlooked any errors I would be grateful if these could be pointed out to me. The three theologians are Professor J. P. M. van der Ploeg, O. P., who was kind enough to contribute a foreword,

Father W. Lawson, S.J., S. T. L., formerly a lecturer at the Gregorian University in Rome, and Fr. Vincent P. Miceli, S.T.L., Ph.D. The canonists are Professor Neri Capponi, D.Cn.L., LL.D., Advocate of the Holy Roman Rota and of the Apostolic Signatura, Assistant Professor of Canon Law at the University of Florence; Father T.C. Glover, J.C.D., formerly Professor of Canon Law at the Seminary of Ecône, and Father G. Sugden, C.S.S.R., J.C.D.

Finally I must thank my good friend Norah Haines without whose help this work and several of its predecessors would never have appeared.

Michael Davies
19 July 1986
St. Vincent de Paul

INTRODUCTION TO THE SECOND EDITION

This second edition has been considerably expanded with respect to the rite of Mass found in the 1970 Roman Missal of Pope Paul VI. It has not been resubmitted to the theologians and canonists who vetted the first edition, but I have no doubt that they would endorse what I have written as the conclusions of the first edition concerning the 1970 Missal have not been modified in any way. Additional documentation to support these conclusions has been added, and in most cases this new documentation consists of texts which were simply referred to in footnotes in the first edition. Father Lawson and Father Miceli have, alas, died in the interim. Please pray for the souls of these great defenders of orthodoxy. The complete text of the second edition has been submitted to Professor van der Ploeg who has assured me that the new material has his unqualified approval.

Claims have been made from within the traditionalists movement that the New Mass was not properly promulgated according to the accepted norms of cannon law, that it is not an official Mass of the Catholic Church, that assisting at it does not fulfil the Sunday obligation, that it is bad, evil, or even intrinsically evil. Given that Pope Paul VI was a true pope, and that the 1970 Missal constitutes what is known as an universal disciplinary law,

such claims are completely untenable in view of the doctrine of the Church's indefectibility. No true pope could impose or even authorize for universal use a liturgical rite that was in itself harmful to the faithful. The completely untenable allegations to which I have referred illustrate a disturbing attitude which prevails within certain sections of the traditionalist movement in which attacking the 1970 Missal appears to take priority over upholding that of 1570. There is no hope whatsoever of Vatican recognition being extended to priests holding these untenable hypotheses, a fact which does not seem to trouble them. Nor do they appear troubled by the fact that these theories would not be endorsed by any qualified theologian outside the traditionalist movement, or that the consensus of opinion within the movement rejects them. Some of these priests no doubt imagine that one cannot be a true traditionalist without accepting that the New Mass is evil. The documentation which follows should be sufficient to prove that it is in fact those who adopt this position who cannot claim to be traditional Catholics as to maintain that a sacramental rite approved by the Roman Pontiff is evil is totally incompatible with the traditional teaching of the Church.

Finally, it must be stressed that the protection of indefectibility is extended only to the Latin typical editions of liturgical books as it applies only to what is imposed or authorized by the Pope for universal use. It is nowhere maintained that vernacular translations of sacramental rites, or some of the practices associated with their celebration, could not be harmful to the faithful.

Michael Davies

31 May 1997

Queenship of the Blessed Virgin Mary

Part I

1. THE CHURCH OF THE OLD TESTAMENT

In *Lumen gentium*, its Dogmatic Constitution on the Church, the Second Vatican Council teaches us that:

The eternal Father, in accordance with the utterly gratuitous and mysterious design of His wisdom and goodness, created the whole universe, and chose to raise up men to share in His own divine life; and when they had fallen in Adam, He did not abandon them, but at all times held out to them the means of salvation, bestowed in consideration of Christ, the Redeemer. . . . He determined to call together in a holy Church those who should believe in Christ. Already present in figure at the beginning of the world, this Church was prepared in a marvellous fashion in the history of the people of Israel and in the old Alliance.¹

The Latin *Ecclesia* (Church) has a Greek root designating an assembly of citizens called together by a public crier. God Himself called one small people together in a holy assembly or church so that eventually all the peoples of the world might be brought into His kingdom. He described this people as His firstborn son: "Israel is My son, My firstborn" (Exodus 4: 22). The God of the whole world entered into a special covenant (alliance)* with Israel as the historical means to a universal end, the union of God with all mankind in Jesus Christ, God made Man. This was made clear in the first revelation of the covenant to Abraham: "Therefore by an oath He gave him glory in his posterity, that he should increase as

*The terms "alliance", "covenant", and "testament" can be taken as synonymous.

the dust of the earth. And that He would exalt his seed as the stars, and they should inherit from sea to sea, and from the river to the ends of the earth" (Ecclesiasticus, 44: 22-23). Jesus Christ is the true "Son of Abraham" (Mt. 1: 1), and those incorporated into Christ by faith and baptism are *ipso facto* incorporated into the spiritual posterity of Abraham, "the father of all them that believe" (Rom. 4:11) and "the children of promise" (Gal. 4: 28).

The word church in the Septuagint, the Greek version of the Old Testament, designated Israel as the people chosen by God, called by Him to a special vocation, and, in particular, directed or governed by Him.² Israel is also described as the Bride of God, as a vine which has God as the vinedresser, and as a flock with God as its shepherd.

2. THE CHURCH OF THE NEW TESTAMENT

The Church of the Old Testament was to be superseded by the Church of the New Testament, the people of the Old Covenant by the people of the New Covenant:

Behold the days shall come, saith the Lord, when I will make a new covenant with the house of Israel and the house of Juda, not according to the covenant which I made with their fathers in the day that I took them by the hand to bring them out of the land of Egypt: the covenant which they made void, and I had dominion over them, saith the Lord. But this shall be the covenant that I will make with the house of Israel after those days, saith the Lord: I will give My law in their bowels, and I will write it in their heart; and I will be their God, and they shall be My people (Jer. 31: 31-33).

This prophecy is echoed in the accounts of the institution of the Eucharist given by St. Luke and St. Paul when they write of "the new covenant in My Blood" (Luke 22:20, I Cor. 11: 25). The New Covenant embraces the entire spiritual posterity of Abraham called into a new *ecclesia*, a new people of God in which there is neither Jew nor Gentile. We were brought into this covenant through the Blood of the Messiah promised in the covenant with David: "Because in Him, it hath well pleased the Father that all fullness should dwell,

and through Him to reconcile all things unto Himself, making peace through the Blood of His Cross, both as to the things that are on earth and the things that are in heaven" (Col. 1:19-20). The Church is the Israel of the New Covenant. She is heir to the promises made to Abraham, and which were accomplished in the new order inaugurated by Our Lord and fulfilled at Pentecost.

But you are a chosen generation, a kingly priesthood, a holy nation, a purchased people: that you may declare His virtues, Who hath called you out of darkness into His marvellous light: who in times past were not a people but are now the people of God. Who had not obtained mercy: but now have obtained mercy (I Peter 2:9-10).

The Church will be brought to glorious completion at the end of time. At that moment, as the Fathers put it, all the just from the time of Adam, "from Abel the just one; to the last of the elect", will be gathered together with the Father in the universal Church.³

3 . THE CHURCH – A PERFECT SOCIETY

Just as Israel was called the Church of God, so the New Israel is called the Church of Christ.⁴ The Church on earth is described by St. Thomas Aquinas as "the congregation of the faithful" (*congregatio fidelium*).⁵ It is the society of the faithful united by the profession of the same faith, by participation in the same sacraments, and by submission to the same authority emanating from Jesus Christ, principally the authority of the Roman Pontiff, the Vicar of Jesus Christ.⁶ The Church possesses the three characteristics common to every form of human society. They are a common end to which all the subjects are directed, subjects capable of being directed to that end, and an authority capable of assuring that direction.⁷ But the Church differs from all other societies in that the end to which she directs her members is a supernatural one, the salvation of "the whole human race without distinction of time and place", by incorporating all men into the one visible Church founded by Our Lord Jesus Christ.⁸

The Church is described in the Dogmatic Constitution *Pastor Æternus* of the First Vatican Council (18 July 1870) as “the house of the living God” (*Domus Dei viventis*) in which “all who believe might be united”.

The Eternal Pastor and Bishop of our souls, in order to continue for all time the life-giving work of His Redemption, determined to build up the Holy Church, wherein, as in the house of the living God, all who believe might be united in the bond of one faith and one charity.⁹

The Church can also be defined as the society of those whom Christ has redeemed from the world. In this sense the term world signifies men in so far as they have fallen from God.¹⁰ It is set forth in Scripture as the kingdom of the Evil One. It is “the world of this darkness” (Eph. 6: 12), it is “seated in wickedness” (I John 5: 19), it hates Christ (John 15: 18). God, Who desires that all men should be saved, has offered salvation to all through the sacrifice of His Son, Who offered Himself as a propitiation for the sins of the whole world (I John 2: 2). The greater part of mankind rejects the proffered gift.¹¹ The Church is the society of those who accept redemption, of those whom Christ has chosen “out of the world” (John 15: 19).¹² Thus it is the Church alone that “He hath purchased with His own Blood” (Acts 20: 28). Of the members of the Church, the Apostle can say that God “hath delivered us from the power of darkness, and hath translated us into the kingdom of the Son of His love” (Col. 1: 13). St. Augustine terms the Church *mundus salvatus*—the redeemed world. Speaking of the enmity borne towards the Church by those who reject her he says: “The world of perdition hates the world of salvation.”¹³

4. THE CHURCH IS THE MYSTICAL BODY OF CHRIST

When we regard the Church as the society of the faithful we are considering its external form only.

The Church is more than a religious society whose purpose is the worship of God, more than a society different from all others because it was founded by God, more than a depository of grace and revealed truth. The Church herself is supernatural in her nature and her essence, since she is the Body of Christ, living with the life of Christ Himself, with a supernatural life. From the "fullness of Christ" (Col. 2: 9ff) all His members are filled, so that the Church herself is "the fullness of Him Who is wholly fulfilled in all" (Eph. 1: 23). Hence the mystery of the Church is the very mystery of Christ Himself. . . . There circulates throughout the Church the life of grace which Christ came to bring into the world, linking together the members of the Church under Christ their Head with such a closeness of union that Head and members form a unique reality: the Mystical Body of Christ.¹⁴

The mystery of the Church is indeed the mystery of Christ, for in her innermost reality the Church is Christ. The Church is a perpetuation of the Incarnation.¹⁵ The glorified body of our Redeemer has ascended into Heaven, but He remains among us in His Mystical Body, the Church, throughout the nations and the centuries. In his encyclical *Mediator Dei*, 20 November 1947, Pope Pius XII stresses that the divine Redeemer willed in particular to perpetuate His priestly life "unceasingly through the ages in His Mystical Body, which is the Church." So close is the identity between the Head and members of the Mystical Body, that when Saul was persecuting the infant Church, he was informed by Our Lord: "I am Jesus Whom thou persecutest"—*Ego sum Jesus, quem tu persequeris* (Acts 9: 5). Now it was precisely the members of the Mystical Body, the visible organised body of men, that Saul was persecuting: "I am the least of the Apostles . . . because I persecuted the Church of God" (I Cor. 15: 9).

It is hardly surprising that just as Satan waged unceasing warfare upon Our Lord when He was among us with His natural body, so he wages unceasing warfare upon our Saviour present among us in His Mystical Body. "The very abnormal character and persistency of that attack, reproducing in its varying phases every phase of opposition to Jesus Christ Himself, is a strong corroboration of the well-founded character of the claims of the Catholic Church, that she and she alone is the Mystical Body of Christ, *that in and through her alone Christ still lives and speaks to the world*" (my emphasis).¹⁶

The principal object of this study is to examine the divine

constitution of the Church, and her indefectibility, and so its emphasis will be on the external form, that of a visible society. The inner reality of the Church as the Mystical Body must be presumed throughout what follows. Nor can any distinction be made between the visible society and the Mystical Body. One cannot belong to Christ's Mystical Body without being incorporated, simultaneously and in the same degree, into the visible Catholic Church.¹⁷ Pope Pius XII has already been cited as identifying the Mystical Body with the Church in his encyclical *Mediator Dei*. He also did so in his encyclicals *Mystici Corporis Christi* and *Humani generis*. The Second Vatican Council, citing these encyclicals, also teaches very clearly that no distinction can be made between the visible society and the Mystical Body:

The society structured with hierarchical organs and the Mystical Body of Christ, the visible society and the spiritual community, the earthly Church and the Church endowed with heavenly riches, are not to be thought of as two realities. On the contrary, they form one complex reality which comes together to form a divine and human element. . . . This is the sole Church of Christ which in the Creed we profess to be One Holy, Catholic, and Apostolic, which our Saviour after His resurrection, entrusted to Peter's pastoral care (John 21:17), commissioning him and the other Apostles to extend and rule it (Mt. 28: 18-20), and which He raised up for all the ages as "the pillar and mainstay of the truth" (I Tim. 3: 15).¹⁸

5. THE DIVINE CONSTITUTION OF THE CHURCH

It has already been explained that the Church possesses the three characteristics common to any human society, but that she differs from all other societies in that the end to which she directs her members is a supernatural one. In order to achieve this supernatural end, the Church's divine Founder invested or constituted her with a triple power. He has guaranteed that this divine constitution will remain essentially immutable (it can never change in its essence).*

*The term "essential change" is used here in the sense given to it by scholastic philosophy, and not its current usage. In everyday speech an essential change is

These three powers correspond with the three essential elements of Catholic life.¹⁹

a. *The Power of Order*

The power or order (holy orders) makes possible the communication of divine life through the sacraments, particularly the Sacrifice of the Mass. It is conferred upon the sacred hierarchy, especially on the bishops, by the Sacrament of Holy Order. Since this power has for its main object the sanctification of men's souls through divine worship and the administration of the sacraments, it comprises what is generally known as "the care of souls".²⁰ This power can never be extinguished in the Church. There will always be bishops who can ordain successors so that the faithful will not be deprived of the sacraments. Furthermore, because the sanctification of the faithful is an essential function of the Church's divine constitution, she will never cease to offer her members the means of holiness through valid sacraments, and above all through the Holy Sacrifice of the Mass. The great Jesuit theologian, Francisco de Suarez (1548-1617), added four additional proofs of the divine nature of the Church to the traditional marks of Unity, Holiness, Apostolicity, and Catholicity. Among them was "the lawful use of the sacraments which must always be found in the true Church, at least in what concerns their substance and in what is necessary to accomplish the divine precepts. The lawful use of the sacraments pertains only to the true Church and they are preserved by her alone in their integrity, whereas heretics usurp them unjustly and mutilate them at their will."²¹

The supreme authority in the Church, the Roman Pontiff,

one that is necessary or urgent. If the battery of one's car ceases to function it is "essential" that one changes it. In scholastic philosophy the essence or nature of any object is what makes it what it is and not something else. It means its innermost reality. When something undergoes an essential or substantial change it is no longer what it was before. During the Mass what were once bread and wine become the true Body and Blood of Christ. Their essence, substance, nature, have been totally transformed.

utilising his Ordinary and Universal Magisterium, could never command, approve, or authorize as an universal law any liturgical rite or custom that was contrary to sound doctrine, could invalidate the sacrament, or be harmful to the faithful.²² The reason for this is made very clear by Professor J.P.M. van der Ploeg in his book *I Believe*: “They (the sacraments) are the instruments given to the Church to sanctify her members. Each human institution must have means at its disposal to enable it to fulfil its purpose. The Church has been founded by Christ to lead us to eternal life, and the sacraments are her means to that end.”²³ The Reverend Professor E. Dublanchy, SM, deals with the same question in his authoritative article “The Church” in the *Dictionnaire de Théologie Catholique* :

The Ordinary and Universal Magisterium can also be exercised by the implicit teaching evidently contained (*manifestement contenu*), as we have already shown, in the discipline and in the general practice of the Church, at least in all that is truly *commanded, approved, or authorized* by the universal Church (*du moins en ce qui est vraiment commandé, approuvé ou autorisé par l'Eglise universelle*); for in this teaching, from the time that it truly exists, the Church is no less infallible than it is in the solemn definitions of its councils (*L'Eglise n'est pas moins infaillible que dans les définitions solennelles de ses conciles*) (My emphasis).²⁴

He continues:

The infallibility of the Church must extend equally to all dogmatic or moral teaching included, in fact, in what is commanded, approved or authorized by the general discipline of the Church, when that discipline pertains to a positive law for the universal Church; such as the lawfulness of the cult of the saints, to the extent that it is commanded or permitted, the lawfulness and excellence of religious orders approved by the Church, the divine institution and supernatural efficacy of the sacraments whose administration is regulated by the liturgy of the Church, the divine efficacy of the Sacrifice of the Mass, in that it conforms to the liturgy approved by the laws or customs sanctioned by the Church, and many other teachings derived from the liturgical practices of the universal Church.²⁵

Cardinal Journet insists that prudential precepts ordained for the general good of the Church are radically and fundamentally

infallible:

It follows that they can never prescribe anything immoral or pernicious, anything that sins against the evangelical or the natural law. Since the Church is assisted in the task of leading men to the eternal life, she will not mislead them by erring either about what has to be believed or about what has to be done: if, for example, the Gospel had contained a commandment to communicate always under two kinds, she would never have been able to ordain communion under one; and similarly, she cannot enjoin on her children any acts that clash with the natural law, anything that partakes for example of idolatry, lying or injustice. Theologians are here unanimous.²⁶

Cardinal Journet differentiates between the infallible protection given to general or universal laws, guaranteeing that what they command can contain nothing intrinsically harmful for the faithful, and their prudence: "However, it does not necessarily follow that precepts of a general application will always be the most prudent possible."²⁷ The Pope has the authority to reimpose communion under both kinds upon the Latin Church. It was once the general custom and there is clearly nothing intrinsically wrong with the practice which is still the norm for the Catholic Eastern rites, but it could be deemed imprudent to impose Communion under both kinds as the norm in the Latin Rite as it might appear to concede that Protestants were justified in attacking Communion under one kind as contrary to a precept of Our Lord.

When Cardinal Journet mentions the unanimous teaching of theologians he is referring to the consensus of the teaching of what are known as approved authors. This consensus constitutes one of the fundamental sources upon which theological science is based—the theological sources (*loci theologici* or *loci communes*). * When we

* The number of theological sources is a matter upon which theologians are not unanimous, but the following are generally agreed: (a) Creeds or symbols of faith generally received; (b) dogmatic definitions of the Popes or ecumenical councils, and of particular councils solemnly ratified; (c) the undoubtedly clear and constant teaching of the Apostolate, especially the public and permanent tradition of the Roman Church; (e) universal practice, especially in liturgical matters, where it clearly supposes and professes a truth as undoubtedly revealed; (f) the teaching of the Fathers when manifest and universal; (g) the teaching of theologians when manifest and universal.²⁸

speak of an approved author we mean one who is held in general esteem on account of his learning and the Catholic spirit of his teaching. Some approved authors are of acknowledged weight, while others are of only minor importance. When the consensus of approved and weighty theologians (*auctores probati et graves*) agrees that a doctrine is sufficiently certain and demonstrated this is sufficient to show that the doctrine belongs to the mind of the Church (*Catholicus intellectus*), and that consequently its denial would incur the censure of rashness. Although the assistance of the Holy Ghost is not directly promised to theologians, nevertheless the assistance promised to the Church requires that He should prevent them as a body from falling into error.²⁹

It can be argued that the doctrine of the infallibility of the Pope in universal disciplinary laws, as explained by the approved authors, does not come into the category of *de fide* teaching, and that theologians may lawfully discuss the limits of the principle. While Dublanchy refers to what is commanded, approved, or authorized, other approved authors appear to refer only to what is commanded, but this does not necessarily mean that they exclude what is approved or authorized for universal use from receiving infallible assistance. Some citations from the teaching of the approved authors now follow.

The Infallibility of the Church in Her Universal Disciplinary Laws

It is the unanimous opinion of theologians of repute (approved authors) that the Church is infallible in her discipline and general practice (including the liturgy), at least in all that is truly commanded by the universal Church. They are equally unanimous in agreeing that in particular laws not destined for the universal Church there can be error. The infallibility of universal disciplinary is taught by Tanqueray,³⁰ Pesch,³¹ and Hervé.

Canon J.M. Hervé explains the unanimous view of the approved authors as follows:

By disciplinary matters we mean the laws of the Church by which

man is ruled and guided so as properly to worship God and to lead a good and Christian life (*leges ecclesiasticas, quibus homo, ad Deum rite colendum et ad vitam christianam bene instituendam, dirigitur et ordinatur*). We contend however that only the laws issued for the universal Church (*pro universa Ecclesia*) belong to the infallible Magisterium for the reason that they could contain nothing that is ever contrary to the true faith or good morals (*eo quidem sensu quod nil unquam verae fidei aut bonis moribus oppositum continere possint*).

Declaration:

The Church is infallible in her universal disciplinary decrees. (Theologically certain.)

This thesis is put forward against the Iconoclasts, the Pseudo-Reformers, especially the Calvinists, the Modernists, the Rationalists and all those who impugn the worship and the laws of the Church.

Proof:

1. According to the nature and purpose of the Church, for if the Church by its supreme authority were to teach all the faithful something contrary to faith and good morals, she would err in her practice and by that very fact would fall away from the true faith; she would cease to be holy and would turn men away from salvation, teaching them a false road, and would cease to be the true Church (*nimirum vera Christi Ecclesia esse desineret*) of Christ and would be found to be constituted under the power of the devil. . .

Furthermore, Christ promised beyond question that whatever the Church bound upon earth would be bound in heaven (Matt 16: 19; 18:18). Nothing could be ratified by God that was contrary to divine law, howsoever it were prescribed (*Atqui nihil a Deo ratihaberi posset, quod contra jus divinum, quocumque modo praescriptum fuisset*).³²

Two of the sources cited by Hervé are the 22nd Session of the Council of Trent (1562), Canon 7, and the Bull *Auctorem fidei* of Pope Pius VI (1794). Canon 7 reads:

If anyone saith that the ceremonies, vestments and outward signs

which the Catholic Church makes use of in the celebration of Masses are incentives to impiety, rather than offices of piety; let him be anathema.³³

Auctorem fidei condemned 85 articles of the Jansenist Synod of Pistoia (1786).³⁴ The 78th condemned proposition was the assertion that the Church could impose harmful disciplinary laws (the category into which the liturgy comes). The Synod was condemned for presuming to subject to examination “the discipline constituted and approved by the Church” (*disciplinam ab Ecclesia constitutam et probatam*). It continued:

As if the Church, which is guided by the Spirit of God (*quae Spiritu Dei regitur*) could establish a discipline which is not only useless and more onerous than Christian liberty can bear (*inutilem et onerosiorem quam libertas christiana patiatur*), but also dangerous and harmful (*periculosam, noxiam*), tending to lead to superstition and materialism. This proposition is false, rash, scandalous, pernicious, offensive to pious ears, harmful to the Church and to the spirit of God by which it is guided, and at least erroneous (*ad minus erronea*).³⁵

Both these condemnations would apply to anyone maintaining that the 1970 Latin Missal is evil or harmful to souls.

The Consensus of Approved Authors

The consensus of approved authors is that in order to be infallible:

1. The general law must be a positive law mandated for the universal Church, or a custom approved and adopted for the universal Church.
2. Within this context the Roman rite must be considered as equivalent to universal as it includes the overwhelming majority of Catholics throughout the world, and is proper to the Holy See itself.

3. The scope of these laws includes everything which in the precepts, decisions and sanctions of the Roman Pontiff contribute visibly to forming the Christian life of the faithful. They include the divine efficacy of the Mass and the sacraments to the extent that they derive from a liturgy approved by the laws and customs of the Church. Official worship *must* conform to faith.

4. Indefectibility applies only to matters of faith and morals. Therefore the accounts of the lives of the saints in the breviary are not guaranteed to be historically accurate, all that is guaranteed is that these accounts contain nothing contrary to faith or morals.³⁶ Indefectibility does not guarantee that the new law will be the most perfect possible, or even opportune or appropriate, but only that it will be free from all error implicit or explicit in matters of faith or morals, and consequently cannot harm the spiritual life of the faithful by their observing what the law prescribes. The canonists Wernz-Widal explain: "The Pontiffs are infallible in the elaboration of universal laws concerning the ecclesiastical discipline, such that these can never establish anything that might be contrary to faith and morals even if they do not attain the supreme degree of prudence."³⁷

b. *Doctrinal Authority.*

Our Lord invested His Church with a doctrinal authority enabling her to teach with infallible certainty all that He has revealed. "And I will ask the Father: and he shall give you another Paraclete, that He may abide with you for ever: the Spirit of truth, Whom the world cannot receive, because it seeth Him not, nor knoweth Him." (John 14: 16-17). "He that heareth you heareth Me" (Luke 10: 16). The Church is "the pillar and ground of the truth" (I Tim. 3: 15).

Infallibility is the impossibility of falling into error. The Church is infallible in her office of teaching, owing to the perpetual assistance of the Holy Ghost promised to her by Our Lord, when, either in the exercise of her Ordinary and Universal Magisterium, or by a solemn pronouncement of the supreme authority, she proposes, for the acceptance of all, truths of faith or morals that are either revealed in themselves or connected with revelation.³⁸ The supreme authority

of the Church, her Extraordinary Magisterium, can be exercised by the Roman Pontiff when he speaks *ex cathedra*—that is, when by virtue of his supreme apostolic authority, he defines a doctrine regarding faith or morals to be held by the universal Church.³⁹ The definitions of a General Council also constitute an exercise of the Extraordinary Magisterium and are infallible, providing they are ratified by the Pope.⁴⁰ But the Pope does not require the ratification of a General Council or of the bishops of the Church for his own definitions. *Pastor Æternus*, the First Dogmatic Constitution on the Church of Christ of the First Vatican Council, teaches that “such definitions of the Roman Pontiff are irreformable of themselves, and not in virtue of the consent of the Church.”⁴¹

Pastor Æternus declared the extent of infallible teaching to be the same for the Pope and the Church.⁴² Some Catholics imagine that all the teaching of the Extraordinary Magisterium is infallible automatically. This is not correct. *Pastor Æternus* restricts this assistance to definitions, and these definitions must be concerned with faith or morals (*in definienda doctrina de fide vel moribus*).⁴³ The definition must bind the Universal Church (*ab universa Ecclesia tenendam definiti*).⁴⁴ Decrees which bind only part of the Church are not definitions: but only those which command the assent of *all* the faithful.⁴⁵ The definition must constitute an explicit, final, and irrevocable judgement, binding the entire Church to an irrevocable internal assent.⁴⁶ A definition does not need to be imposed under pain of anathema in order to be infallible, although this is a common method of indicating that the supreme authority has made a final decision. All that is necessary is that it should be the clear intention of the supreme authority to settle the matter forever.⁴⁷ This is because no believer who pays due attention to Christ’s promises can refuse to assent with absolute and irrevocable certainty to a definition of the Extraordinary Magisterium. Teaching which must be accepted with this degree of certainty is referred to as of divine and Catholic faith (*de fide divina et catholica*). A truth thus defined is a “Dogma of the Faith”, and its pertinacious rejection is called “heresy”.⁴⁸ (A detailed examination of the nature of heresy is provided on page 45).

In its Dogmatic Constitution *Dei Verbum*, the First Vatican Council taught that: “All those things are to be believed with divine and Catholic faith which are contained in the word of God, written or handed down, and which the Church, either by a solemn judgement or by her ordinary and universal teaching (Magisterium),

proposes for belief as having been divinely revealed."⁴⁹ Infallible teaching is not, therefore, confined to pronouncements of the Extraordinary Magisterium. All that is necessary is an indication of the manifest will of the bishops, teaching in union with the Pope, either assembled in a general council or scattered throughout the world, to propose a teaching of faith or morals as one which must be held by all the faithful.⁵⁰

Although a Catholic incurs *ipso facto* excommunication only by the pertinacious denial of doctrine that is *de fide divina et catholica*, he is bound in conscience to receive other doctrinal decrees concerning faith and morals that are issued by the Apostolic See, because of the obedience we owe to that See which exercises an authority given to it by Christ. This non-infallible teaching on faith and morals must be accepted not simply with an absence of external opposition, that is a reverent silence (*silentium obsequiosum*), but with an inner assent (*assensus internus*).⁵¹ By way of exception, the obligation of inner agreement may cease if a competent expert, after a renewed scientific investigation of all grounds, arrives at a positive conviction that the decision rests on error.⁵² Such an exception could apply only to teaching which was in itself a novelty and appeared impossible to reconcile with previous authoritative teaching.⁵³ The ordinary and usual form of the papal teaching authority is not infallible, neither is the teaching of the Roman Congregations.⁵⁴ It is of interest to note that the teaching of the Second Vatican Council contained no infallible definitions, and any teaching in its documents that is binding *de fide divina et catholica* possesses this status in virtue of some previous infallible pronouncement, and not because it is included in a Vatican II document.⁵⁵

c. *The Power of Jurisdiction*

The power of jurisdiction obliges the faithful to do what the Church judges necessary for their salvation.⁵⁶ It means that the Roman Pontiff in respect of the whole Church, and the bishops in respect of their individual dioceses, have the power of governing—that is, they have legislative, juridical, administrative, and punitive power, whereby to secure the Church's attainment of the supernatural end for which she was founded. As has been explained, a Pope can never impose or authorize as an *universal* law something which is contrary to faith or morals, although in prudential judgements on

particular matters he may err. Such instances could occur with ecclesiastical penalties such as suspensions or excommunications when a pope may act on the basis of incorrect information, or for personal reasons not connected with the good of the Church. An evident example was the excommunication by Pope Alexander VI of the Dominican monk Girolamo Savonarola (1452-1498), and his condemnation and execution for schism and heresy. Savonarola's writings were examined by a theological commission during the pontificate of Pope Paul IV (1555-1559) and declared to be free from error. There is a definite possibility that Savonarola will be beatified before the end of this century. The possibility of an erroneous papal judgement is accepted by Cardinal Journet, who writes: "The canonical power may be led astray by false witnesses, by ignorance or passion in its depositories, when it confers an office on a subject thought to be worthy, when it pronounces on the validity of a marriage, or when it issues a sentence of excommunication."⁵⁷

The Spanish Dominican theologian, Melchior Cano (1509-1560), who played a prominent part in the debates of the Council of Trent, taught explicitly what had been admitted implicitly by the theologians of the middle ages, that the Church is infallible in the laws which it establishes for all the Christian people, at least *in re gravi et quae ad christianos mores formandos apprime conducant*. He accepted that certain laws can lack prudence and balance. He made particular mention in this respect of ecclesiastical penalties, censures, excommunications, suspensions, irregularities, and interdicts, but insisted that everything in the precepts, decisions, and sanctions of the sovereign pontiffs and councils that contributes truly to the formation of the Christian life of the faithful is the object of the infallibility of the Church in the sense that the Church can, in this respect, command nothing which is contrary to the doctrine of Jesus Christ or to the precepts of reason.⁵⁸ This was also the opinion of St. Robert Bellarmine who declared it impossible for the Pope to err "in precepts addressed to the entire church" and "concerning things necessary to salvation, or in themselves good or bad."⁵⁹ It was explained to the Fathers of the First Vatican Council that although the jurisdictional power of the Pope was absolute it was not arbitrary. It is not to be used by the Pope and the bishops at their whim, but must only be used to build up the Body of Christ.⁶⁰ If either the Pope or the bishops use their power of jurisdiction in a manner that is manifestly destroying rather than building up the Mystical Body, then the faithful are not obliged

to obey them.⁶¹ But such a withdrawal of obedience could be justified only when the case for doing so was overwhelming. The initial presumption must always be that the person exercising authority is in the right. (see page 54) An example of a justifiable refusal to obey a papal precept can be found in the case of Robert Grosseteste, a thirteenth century bishop of Lincoln, who refused to obey a direct command of Pope Innocent IV to appoint his nephew to a canonry in Lincoln Cathedral. The Bishop argued correctly that the flock must inevitably suffer if their spiritual shepherds lived in another country and regarded them as nothing more than a source of income.⁶²

6. THE CHURCH IS INDEFECTIBLE IN HER DIVINE CONSTITUTION

In his Consistory Allocution of 2 June 1944, "The mandate Confided to Peter", Pope Pius XII stated:

Mother Church, Catholic, Roman, which has remained faithful to the constitution received from her divine Founder, which still stands firm today on the solidity of the rock on which His will erected her, possesses in the primacy of Peter and of his legitimate successors, the assurance, guaranteed by the divine promises, of keeping and transmitting inviolate and in all its integrity through the centuries and millennia to the very end of time the entire sum of truth and grace contained in the redemptive mission of Christ.

Pope Pius XII was referring here to one of the greatest prerogatives of the Church, her indefectibility. The word *indefectible* means unable to fail. When used with reference to the Catholic Church it means that the Church will persist until the end of time, and that she will preserve unimpaired her essential characteristics.⁶³ It can never become corrupt in faith or in morals; nor can it ever lose the Apostolic hierarchy, or the sacraments through which Christ communicates grace to men. The constitution received from her divine Founder must, as Pope Pius XII explained, remain firm. The Church will always remain faithful to it, particularly in the two aspects specifically mentioned by the Pope, the transmission of truth and

grace. We can be absolutely certain of this because the constitution of the Catholic Church has a divine origin. Our Lord Jesus Christ Himself founded His Church, and He imparted to her the divine constitution which He has solemnly guaranteed will remain essentially immutable until the end of time. The Church can never undergo any change which would make her, as a social organism, something different from what she was constituted by Our Lord.⁶⁴ If any essential change took place in her constitution she would cease to be the Church which He had founded. It would mean that Our Lord had made promises which He could not fulfil, which would mean that He was not divine. This would make the entire Christian religion meaningless. It was explained *supra* that, in her innermost reality, the Church is Christ in the world today. If the Church required us to believe what is false, Christ would require us to believe what is false. If the Church offered us sacraments that are invalid, Christ would be offering us sacraments that are invalid. If the Church offered us sacramental rites that were explicitly or implicitly heretical, or were intrinsically evil and harmful to souls, then the responsibility for these aberrations would be that of Our Lord Jesus Christ Himself. It is manifestly impossible that such a situation could ever occur if Our Lord is indeed divine, if He did indeed found a Church and did indeed endow it with an indefectible constitution. This is explained very clearly in *The Catholic Encyclopedia*:

For the Church must endure to the end the very same organization which Christ established. But in an organized society it is precisely the constitution which is the essential feature. A change in constitution transforms it into a society of a different kind. If the Church should adopt a constitution other than Christ gave it, it would no longer be His handiwork. It would no longer be the divine kingdom established by Him. As a society it would have passed through essential modifications, and thereby would have become a human, not a divine institution. None who believe that Christ came on earth to found a Church, an organized society destined to endure for ever, can admit the possibility of a change in the organization given to it by its Founder.⁶⁵

Those who claim that John Paul II is not a true pope, having vacated the Holy See through heresy, or make the same claim regarding either or both his immediate predecessors, cannot escape

the fact that this means that the Catholic Church is no longer organized in the way that Our Lord constituted it, i.e. a visible, hierarchical Church in communion with the successor of Peter. In other words, Our Lord has been unable to keep His promise to be with His Church always, and therefore the Church that He founded has failed. This would also be the case if Pope Paul VI had mandated or authorized for universal use a sacramental rite that was in itself bad, evil, or harmful to the faithful. St. Pius X assures us in his Encyclical, *Iucunda sane*, 1904, that Our Lord will never allow His Church to fail:

Never throughout the course of ages has supernatural power been lacking in the Church; never have the promises of Christ failed. They remain as powerful today as they were when they filled the heart of Gregory with consolation. Rather, having withstood the test of time and the change of circumstances and events, they possess even greater assurance.

7. THE HOUSE OF THE LIVING GOD

Reference has already been made to the fact that the Dogmatic Constitution *Pastor Æternus* of the First Vatican Council described the Church as “the house of the living God” (*Domus Dei viventis*). In this house nothing can be authorized for the universal Church that is intrinsically prejudicial to the faith or practice of the Christian life.⁶⁶

What is the basis for our belief that the divine constitution of the Church is indefectible? The First Vatican Council taught in *Pastor Æternus* that the Church is built on a rock and will continue to stand until the end of time (*ad finem saeculorum usque firma stabit*).⁶⁷ This means that she must continue to stand without essential change until the end of time. We know with absolute certainty that the Church will remain as Christ constituted her *ad finem saeculorum*. This has been guaranteed by Our Lord Who gave His powers to His Apostles in perpetuity, told them to preach His doctrine in its entirety, and promised to be with them until the end of the world.

All power is given to Me in heaven and in earth. Going therefore,

teach ye all nations: baptizing them in the name of the Father and of the Son and of the Holy Ghost. Teaching them to observe all things whatsoever I have commanded you. And behold I am with you all days, even to the consummation of the world (Mt. 28: 18-20).

Those who refused to accept the teaching of the Apostles would be condemned: "He that believeth and is baptized shall be saved: but he that believeth not shall be condemned" (Mark 16: 16).

In his work *De symbolo apostolorum* (The Apostles Creed), St. Thomas Aquinas lists four characteristics of the Church which distinguish her from all rival bodies. She is One, Holy, Catholic, and she is also "strong and firm" (*fortis et firma*). "Haec autem Ecclesia sancta habet quatuor conditiones, quia est una, quia est sancta, quia est catholica id est universalis, et quia est fortis et firma." St. Thomas presented these four characteristics as integral to her divine constitution, and by the term *fortis et firma* he taught that she is apostolic and indefectible.⁶⁸ The Church cannot fail because Jesus Christ is the foundation upon which she is built, and she has the Apostles as a secondary foundation.⁶⁹ The word "apostle" means a messenger or ambassador, but in biblical terms it came to be accepted primarily as denoting an authentic witness of the resurrection (Acts 1: 22).

Our Lord has given His formal guarantee that the gates of hell will never prevail against His Church (*et portae inferi non praevalerunt adversus eam*—Mt. 16: 18). In particular, Peter, among all the Apostles, was the rock upon which the Church was built (*tu es Petrus, et super haec petram aedificabo Ecclesiam meam*—Mt. 16: 18). Peter and his successors were guaranteed a supernatural assistance which would ensure that the faith of the universal Church could never fail—*Ego autem rogavi pro te*—"But I have prayed for thee that thy faith fail not: and thou, being once converted, confirm thy brethren" (Luke 22: 32).

The word for "Peter" and "rock" in the original Aramaic is the same—Cephas. It is Peter who is the rock of the Church. Christ teaches plainly that the Church will be the Society of those who acknowledge Him, and that this Church will be built on Peter. The Church is the house of the living God—*Domus Dei viventis*—and Peter is to be to the Church what the foundation is to a house. He is to be the principle of unity, of stability, of increase. Our Lord

established His Church as a society subordinated to a single supreme head, and so it follows from the very nature of the case that this office is perpetual.

He is the principle of unity, since what is not joined to that foundation is no part of the Church; of stability, since it is the firmness of this foundation in virtue of which the Church remains unshaken by the storms which buffet her; of increase, since, if she grows, it is because new stones are laid on this foundation. It is through her union with Peter, Christ continues, that the Church will prove the victor in her long contest with the Evil One: "The gates of hell shall not prevail against it."⁷⁰

The First Vatican Council had intended to promulgate a Constitution on the Church, but there was not enough time available to complete its work. The Constitution did not proceed further than its first draft, and is hence not part of the official teaching of the Church. But as it had been carefully prepared by theologians and presented to the Fathers of the Council it may be said to represent the mind of the Magisterium at that time. Its theological value is further attested by the conformity evident between it and later papal pronouncements on the nature of the Church.⁷¹ It summarized the indefectibility of the Church as follows:

Whether one considers its existence or its constitution, the Church of Christ is an everlasting and indefectible society, and, after it, no more complete nor more perfect economy of salvation is to be hoped for in this world. For, to the very end of the world the pilgrims of this earth are to be saved through Christ. Consequently His Church, the only society of salvation, will last until the end of the world ever unchangeable and *unchanged in its constitution*. Therefore, although the Church is growing—and we wish that it may always grow in faith and charity for the upbuilding of Christ's body—although it evolves in a variety of ways according to the changing times and circumstances in which it is constantly displaying activity, nevertheless, *it remains unchangeable in itself and in the constitution it received from Christ*. Therefore, Christ's Church can never lose its properties and its qualities, its sacred teaching authority, priestly office, and governing body, so that *through His visible body*, Christ may always be the way, the truth, and the life for all men. (My emphasis).⁷²

8. THE VISIBILITY OF THE CHURCH

The reference to the Church as a visible body here is of crucial importance. Our Lord constituted His Church as a visible hierarchically governed body founded on the rock of Peter for whom He had prayed that his faith might not fail (*Ego autem rogavi pro te*). It is incompatible with the profession of Catholicism to posit any form of the “true Church” separated from the Catholic hierarchy in communion with the Roman Pontiff. This is equally true whether the so-called “true Church” is of an invisible nature, with its members known only to God, as many Protestants maintain, or whether it is a visible hierarchically governed body with “true bishops” not in communion with the Roman Pontiff. The Orthodox Church has validly ordained bishops, valid sacraments, and teaching that is identical in most respects to that of the Catholic Church, but the Orthodox Churches are in schism and do not form part of the one, true Church founded by Our Lord. A person who refuses submission to the Supreme Pontiff or refuses communion with the members of the Church who are subject to him is schismatic.⁷³

The Church was instituted by Our Lord to guide her members effectively toward their supernatural end by continuing His own ministry. It must therefore be an essentially visible body. It must be visible by the members that compose it, by the authority which directs those members, and by the bonds which unite them with the divinely instituted authority.⁷⁴ In his encyclical *Satis cognitum*, 1896, Pope Leo XIII noted the importance of the sacraments among the visible bonds uniting the members of the Mystical Body.⁷⁵ Grace is produced in the souls of the faithful by exterior means consisting of sacraments administered with special rites, and celebrated by ministers specifically chosen for this function.⁷⁶ Any sacramental rites authorized by the Roman Pontiff must be and are official sacramental rites of the Holy Catholic Church, and, when celebrated faithfully in accordance with the text and rubrics which he has approved, must of necessity give grace, be free from error, and contain nothing intrinsically harmful to the faith.

Furthermore, when we speak of the visibility of the Church, we

do not simply mean that her members, her rites, and her ministry can be seen. What we mean is that these can be recognized to constitute the true Church of Christ; so that, in other words, we can point to a specific society and say of it: "This is Christ's Church."⁷⁷ There is not, there never has been, and there never can be, any organized body not in communion with the Roman Pontiff of which that statement can be made. As the Second Vatican Council taught, the hierarchical society and the Mystical Body form one complex reality (see page 22).

Our Lord referred to His Church as a body which can be seen and distinguished from other societies. His Church is a kingdom (Mt. 16: 19); a fold or flock (John 21: 15ff); a city (Apoc. 21: 2); a house (I Peter 2: 5). The visibility of the Church is explicitly stated by the Fathers: "It is an easier thing for the sun to be quenched than for the Church to be made invisible."⁷⁸ In his Encyclical *Satis cognitum*, Pope Leo XIII taught that:

For this reason the Church is so often called in Holy Scriptures *a body*, and even *the body of Christ*—*Now you are the Body of Christ* (I Cor. 12, 27)—and the Church is visible precisely because it is a body: and because it is the body of Christ it is living and energizing, because by the infusion of His power Christ guards and sustains it, just as the vine gives nourishment and renders fruitful the branches united to it (emphasis in original).

The perpetuity of the visible, hierarchically governed Church is integral to her indefectibility. "Behold I am with you all days" (Mt. 28: 20). "The gates of hell shall not prevail against her (Mt. 16: 18). Pope Leo XIII also states in *Satis cognitum* that:

The Church is such by divine will and constitution, such it must uniformly remain until the end of time. If it did not, then it would not have been founded as perpetual and the end set before it would have been limited to some definite place and to some certain period of time; both of which are contrary to the truth. The union therefore of visible and invisible elements, because it harmonizes with the natural order *and by God's will appertains to the very essence of the Church*, must necessarily remain so long as the Church shall endure (my emphasis).

9 . THE UNITY OF THE CHURCH

The unity of the Church, also, is integral to her divine constitution. There is only *one* Church, and those not in communion with the Roman Pontiff do not belong to it. "Let there be no schisms among you" (I Cor. 1:10). "Careful to keep the unity of the Spirit in the bond of peace; one body and one Spirit . . . one Lord, one faith, one baptism" (Eph. 4: 3-5). "We, being many, are one body in Christ" (Rom. 12: 5). "Upon this rock I will build My Church" (Mt. 16: 18). "There shall be one fold and one shepherd" (John 10: 16).

St. Augustine warned:

See what you must beware of—see what you must avoid—see what you must dread. It happens that, as in the human body, some member may be cut off—a hand, a finger, a foot. Does the soul follow the amputated member? As long as it was in the body it lived; separated, it forfeits its life. So the Christian is a Catholic as long as he lives in the body; cut off from it, he becomes an heretic—the life of the spirit follows not the amputated member.⁷⁹

10. CONCLUSION

The gift of indefectibility can be summarized as follows. The Church, in order to attain the supernatural end which has been assigned to her by Our Lord must remain indefectible in her divine constitution throughout the centuries, always true to herself in what is of divine institution, and in her teaching always faithful to the doctrine revealed by Jesus Christ.⁸⁰ *The Catholic Encyclopedia* explains:

The Church can never undergo any constitutional change which will make it, as a social organism, something different from what it was originally. It can never become corrupt in faith or morals; nor can it ever lose the apostolic hierarchy, *or the sacraments through which Christ communicates grace to men*. The gift of indefectibility is expressly promised to the Church by Christ, in the words in

which He declares the gates of hell shall not prevail against it (my emphasis).⁸¹

11. AN IMPORTANT QUALIFICATION

The Catholic Encyclopedia points out that:

The gift of indefectibility plainly does not guarantee each several part of the Church against heresy or apostasy. The promise is made to the corporate body. Individual Churches may become corrupt in morals, may fall into heresy, may even apostatize. Thus at the time of the Mohammedan conquests, whole populations renounced their faith; and the Church suffered similar losses in the sixteenth century. But the defection of isolated branches does not alter the character of the main stem. The Society of Jesus Christ remains endowed with all the prerogatives bestowed upon it by its Founder.⁸²

It is also important to note that the “main stem” of the Church need not necessarily be a majority of those who were once its members. But this minority of Catholics would still form part of a visible hierarchically governed Church, even if they were receiving neither leadership nor example from the Roman Pontiff. This is far from a hypothetical possibility. During the Arian heresy the weak Pope Liberius capitulated under pressure, signed a formula of doubtful orthodoxy, and excommunicated the heroic Athanasius. But at no time did St. Athanasius claim either that Liberius had ceased to be Pope or that the hierarchy had ceased to exist, even though most of the bishops had either succumbed to the Arian heresy or had condoned it through cowardice.⁸³ St. Peter did not forfeit his office even though he compromised the faith through cowardice and was justly rebuked by St. Paul (Gal. 2: 11). No Catholic historian has ever suggested that Honorius I ceased to be Pope even though he was eventually condemned by the Council of Constantinople (681), and by a number of his successors. The profession of faith to be taken by a new pope, as set down in the *Liber diurnus*, included the name of Honorius among a list of heretics whose views were to be repudiated. Pope Leo II (681-683), in a letter

of approbation for the acts of the Council, pointed out that it was for inexcusable carelessness and negligence that Honorius had been condemned: "He did not put out the fire of heretical teaching at its outbreak, as befitted papal authority, but fanned it by his negligence (*sed negligendo confovit*)."⁸⁴ Honorius had certainly been complaisant of a dangerous formula which was open to misunderstanding in an heretical sense, but fell short of formal heresy.⁸⁴

There have been times when two or more men claimed to be the legitimate pope, and there was great confusion among the faithful, particularly during the Great Schism (1378-1417) when the Church was divided by the creation of antipopes. It should be noted that an antipope is a person set up as Bishop of Rome in opposition to the person lawfully elected to the see.⁸⁵ A lawfully elected pope who became a formal heretic would not become an antipope but would cease to be pope (see page 43). There have been about thirty-five antipopes in the history of the Church, but in not one instance was there any question of there being no pope or of the hierarchy having ceased to exist. A true pope had always been elected, the problem was to identify him.

What of the interregnum between pontificates when the Chair of Peter is vacant? Some of these interregna have been very long, the longest being a vacancy of two years nine months between the death of Clement IV in 1268 and the election of Gregory X in 1271. In such cases the visibility of the Church is not impaired in any way as the Holy See is administered by the Cardinal Camerlengo until a new pope is elected. The Camerlengo, or Chamberlain of the papal court, administers the properties and revenues of the Holy See, and during a vacancy those of the entire Church. Among his responsibilities during a vacancy are those of verifying the death of the Pope and organizing and directing the conclave. Thus, even when the Chair of Peter is not occupied, the visible, hierarchical nature of the Church is maintained.⁸⁶

Part II

PROBLEMS RELATING TO THE INDEFECTIBILITY OF THE CHURCH

1. AN HERETICAL POPE

The problem which would face the Church if a legitimately reigning pope became an heretic has been discussed in numerous standard works of reference. The solution is provided in the 1913 edition of *The Catholic Encyclopedia*: "The Pope himself, if notoriously guilty of heresy, would cease to be pope because he would cease to be a member of the Church."⁸⁷

Many theologians have discussed the possibility of a pope falling into heresy, and the consensus of their opinion concurs with that of *The Catholic Encyclopedia*. The Pope must evidently be a Catholic, and if he ceased to be a Catholic he could hardly remain the Vicar of Christ, the head of the Mystical Body.⁸⁸ St. Robert Bellarmine taught: "The manifestly heretical pope ceases *per se* to be pope and head as he ceases *per se* to be a Christian and member of the Church, and therefore he can be judged and punished by the Church. This is the teaching of all the early Fathers."⁸⁹ Saint Robert was, of course, discussing a theoretical possibility, and believed that a pope could not become an heretic and thus could not be deposed, but he also acknowledged that the more common opinion was that the pope

could become an heretic, and he was thus willing to discuss what would need to be done if, *per impossibile*, this should happen: "This opinion (that the Pope could not become an heretic) is probable and easily defended. . . . Nonetheless, in view of the fact that this is not certain, and that the common opinion is the opposite one, it is useful to examine the solution to this question, within the hypothesis that the Pope can be an heretic."⁹⁰ The great Jesuit theologian, Francisco de Suarez (1548-1617) was also sure that God's "sweet providence" would never allow the one who could not teach error to fall into error, and that this was guaranteed by the promise *Ego autem rogavi pro te . . .* (Luke 22: 32). But, like Bellarmine, Suarez was willing to consider the possibility of an heretical pope as an hypothesis, particularly in view of the fact, he claimed, that several "general councils had admitted the hypothesis in question".⁹¹ Saint Alphonsus Liguori (1696-1787) did not believe that God would ever permit a Roman Pontiff to become a public or an occult (secret) heretic, even as a private person: "We ought rightly to presume as Cardinal Bellarmine declares, that God will never let it happen that a Roman Pontiff, even as a private person, becomes a public heretic or an occult heretic."⁹²

If, *per impossibile*, a pope became a formal heretic through pertinaciously denying a *de fide* doctrine, how would the faithful know that he had forfeited his office as he had ceased to be a Catholic? It must be remembered that no one in the Church, including a General Council, has the authority to judge the Pope. Reputable authorities teach that if a pope did pertinaciously deny a truth which must be believed by divine and Catholic faith, after this had been brought to his attention by responsible members of the hierarchy (just as St. Paul reproved St. Peter to his face), a General Council could announce to the Church that the Pope, as a notorious heretic, had ceased to be a Catholic and hence had ceased to be Pope. It is important to note that the Council would neither be judging nor deposing the Pope, since it would not possess the authority for such acts. It would simply be making a declaratory sentence, i.e. declaring to the Church what had already become manifest from the Pope's own actions. This is the view taken in the classic manual on Canon Law by Father F. X. Wernz, Rector of the Gregorian University and Jesuit General from 1906 to 1914. This work was revised by Father P. Vidal and was last republished in 1952. It states clearly that an heretical Pope is not deposed in virtue of the sentence

of the Council, but "the General Council declares the fact of the crime by which the heretical pope has separated himself from the Church and deprived himself of his dignity."⁹³ Other authorities believe that such a declaration could come from the College of Cardinals or from a representative group of bishops, while others maintain that such a declaration would not be necessary. What all those who accept the hypothesis of an heretical pope are agreed upon is that for such a pope to forfeit the papacy his heresy would have to be "manifest", as Saint Robert Bellarmine expressed it, that is notorious and public (*notorium et palam divulgata*).⁹⁴ A notorious offence can be defined as one for which the evidence is so certain that it can in no way be either hidden or excused.⁹⁵

A pope who, while not being guilty of formal heresy in the strict sense, has allowed heresy to undermine the Church through compromise, weakness, ambiguous or even gravely imprudent teaching remains Pope, but can be judged by his successors, and condemned as was the case with Honorius I.

There has never been a case of a pope who was undoubtedly a formal heretic, and it is unlikely in the extreme that there ever will be one. This will become evident if some consideration is given to examining precisely what constitutes formal heresy. The Code of Canon Law defines an heretic as one who after baptism, while remaining nominally a Catholic, pertinaciously doubts or denies one of the truths which must be believed by divine and Catholic faith.⁹⁶ It teaches us that by divine and Catholic faith must be believed all that is contained in the written word of God or in tradition, that is, the one deposit of faith entrusted to the Church and proposed as divinely revealed either by the solemn Magisterium of the Church or by its Ordinary Universal Magisterium.⁹⁷ No teaching is to be considered as dogmatically defined unless this is evidently proved.⁹⁸

A doctrine is *de fide divina et catholica* only when it has been *infallibly declared by the Church to be revealed by God*. Hence this term does not apply to doctrines which one knows to have been revealed by God, but which have not been declared by the Church to have been so revealed (*de fide divina*); nor to those which the Church has infallibly declared, but which she does not present formally as having been revealed (*de fide ecclesiastica*); nor to those which the Church teaches without exercising her infallible authority upon them. If a doctrine is not *de fide divina et catholica*, a person is not an heretic for denying or doubting it, though such a denial or doubt may be grave sin.⁹⁹

a. *Pertinacity*

Pertinacity, setting up one's own mind against the known mind of the Church, is required to make the heresy formal. For as long as one remains willing to submit to the Church's decision he remains a Catholic Christian at heart, and his wrong belief is simply a transient error.¹⁰⁰ Pertinacious denial of a doctrine not expressly defined, or which has not been clearly proposed as an article of faith in the ordinary authorized teaching of the Church, can nonetheless incur a censure. An opinion opposed to such teaching is styled *sententia heresi proxima*, that is an opinion approaching heresy. Similar, but less grave censures, can be imposed depending upon the authority of the doctrine denied.¹⁰¹ A man born and brought up in an heretical sect may live and die without ever having a doubt as to the truth of his heretical beliefs. Where heresy is adhered to from involuntary causes, such as inculpable ignorance of the true creed, erroneous judgement, imperfect apprehension and comprehension of dogmas, it is not an act of the will, and the heresy is only material and does not incur the guilt of sin.¹⁰² Those suspected of heresy are subject to penalties only, if after a warning, they fail to remove the cause of suspicion (*qui monitus causam suspicionis non removeat*).¹⁰³ It is thus evident that no one can be considered a formal heretic unless his denial of *de fide* doctrine has been brought to his attention. Under the Old Code of Canon Law, those who were subjected to penalties for refusing to heed the warning they had received could not even then be considered heretics, and become liable to the penalties for heresy, until they had persisted in their refusal for a period of six months.¹⁰⁴

Luther became a formal heretic not by expressing opinions incompatible with the Catholic faith, but by adhering to them when their heretical nature had been brought to his attention by a theologian of the eminence of Cardinal Cajetan.¹⁰⁵ An interesting contrast with the pertinacity of Luther is provided by the case of Pope John XXII. This pope expressed publicly the opinion that there is no particular judgement after death. He taught that the souls of the blessed do not enjoy the beatific vision immediately, and that the souls of the wicked are not at once eternally damned, but that all await the final Judgement of God on the Last Day. Not surprisingly, this opinion was condemned as heretical and provoked strong

opposition. The Pope appointed a commission of theologians to examine the question and they condemned his opinion. He retracted it on the day before he died, 3 December 1334.¹⁰⁶ Pope John XXII did not, therefore, come into the category of being a formal heretic, and no one has ever suggested that he lost the papacy. It should be added here that belief in the particular judgement is not a teaching which must be believed *de fide divina et catholica* as it has not yet been promulgated as such.¹⁰⁷ Thus, had John XXII been living today and had refused to retract, he would still have escaped the censure of formal heresy, although in the fourteenth century when categories of belief were not always as precisely defined, this might not have been the case.

b. *Censures*

A censure is a penalty by which a person who is baptized, who has committed a crime, and who is contumacious, is deprived of certain spiritual goods (benefits) until, having desisted from his contumacy, he is absolved.¹⁰⁸ There are three kinds of censure: excommunication, interdict, and suspension.¹⁰⁹ Only excommunication will be considered here. Excommunication is a censure by which one is excluded from the communion of the faithful with specific consequences which it is not necessary to enumerate for the purposes of this study.¹¹⁰

Excommunication can be incurred in two ways. (1) *Latae sententiae*, sentence already passed. This penalty is inflicted by the law itself immediately upon the commission of the offence. It is the automatic imposition of a penalty. (2) *Ferendae sententiae*, imposed by a sentence. This is the infliction of a penalty by a court or the action of a legitimate superior.¹¹¹

The primary object of a censure is to overcome contumacy in order to bring back the guilty person to a better sense of his spiritual condition; the secondary end is to furnish an example of punishment so that other evil-doers may be deterred.¹¹²

It has already been explained that a formal heretic is a person who pertinaciously doubts or denies a truth which must be believed by divine and Catholic faith. Such a person incurs automatic (*latae sententiae*) excommunication under both the Old and the New Codes of Canon Law.¹¹³ As with all crimes incurring a censure *latae sententiae*, the law inflicts the penalty the moment the crime is

complete. If the crime be secret the censure also is secret, known only to God, but binding before God and in conscience.¹¹⁴ Evidently, only God is able to judge when the contumacy (pertinacity) of a secret (occult) heretic has reached the stage which incurs excommunication. As was explained on page 46, under the old Code of Canon Law those suspected of heresy were to be admonished by their superiors and have a six month period to retract their errors before being considered heretics and becoming liable to the penalties for heresy.

The possibility of occult heretics holding position of authority within the hierarchy raises the question of their power of jurisdiction. A bishop can occupy his see legitimately only with the authority of the Pope, and a parish priest must be appointed by the diocesan bishop in order to obtain the ordinary jurisdiction necessary to hear confessions and solemnize marriages. The aspects of Catholic life dependent upon the exercise of valid jurisdiction at various levels of the hierarchy are very extensive. The consequences for the life of the Church if an occult heretic in a position of authority lost his power of jurisdiction are almost too terrible to contemplate. Imagine, for example, that a pope came within this category. The bishops he appointed would not occupy their sees legitimately, and all their acts requiring jurisdictional power would be invalid; the religious orders the pope approved would have no legal right to existence; the legislation he promulgated would not be binding; and the very cardinals he appointed to elect his successor would have no legal right to their position. In such cases, for the protection of the Mystical Body, even though the occult heretic would no longer be a member of the Church, he would retain his power of jurisdiction until he had committed a public act which incurred a canonical sentence of excommunication.^{*115} If this were not so no Catholic could ever be absolutely certain that any action of any cleric of any rank requiring jurisdictional authority for validity was, in fact, valid, because it could not be affirmed with absolute certainty that the cleric concerned was not an occult heretic.

Once the crime of heresy becomes public, even though it incurs *ipso facto* excommunication, the censure incurred must be made public.¹¹⁶ A judicial examination of the crime takes place, and a formal declaration (declaratory sentence) is made that the delinquent has incurred censure.¹¹⁷

*In the case of a pope this could only be a declaratory sentence that he had incurred *ipso facto* excommunication for heresy (see page 44).

It has already been explained that the primary objective of a censure is to bring back the guilty person to a sense of his spiritual condition. The basic thesis of this study has been that the Church is an extension of the Incarnation, that the Church is a perpetuation of Our Lord's presence and mission throughout the nations and the centuries. The mission of Our Lord was not to condemn souls to hell, but to save them from hell, given the requisite degree of cooperation with divine grace on their part. Our Lord is pre-eminently the Good Shepherd, *Bonus Pastor*. The Council of Trent cautioned the hierarchy in the following terms:

Bishops and other Ordinaries should remember that they are shepherds and not slave drivers, and that they must so rule over their subjects as not to domineer over them but to love them as sons and brothers; they should endeavour by exhortation and admonition to deter them from wrong doing lest they be obliged to administer due punishment after faults have been committed. Yet if through human frailty their subjects do wrong, they must observe the precept of the Apostles, and reprove, entreat, rebuke them in all patience and doctrine; for sympathy is often more effective for correction than severity, exhortation better than threats of punishment, kindness better than insistence on authority. If in view of the seriousness of a crime there be need of punishment, then they must combine authority with leniency, judgement with mercy, severity with moderation, to the end that discipline, so salutary and essential to public order, be maintained without asperity, and that those who have been punished may amend their ways, or, if they refuse to do so, that others may be deterred from wrongdoing by the salutary example of their punishment.¹¹⁸

If there is any doubt as to whether a censure is *latae sententiae* or *ferendae sententiae*, it is presumed to be *ferendae sententiae*. The reason for this is that in penal matters the more benign interpretation is to be followed.¹¹⁹ Moreover, before the infliction of the latter kind of censure, three warnings (*monitiones*) are necessary, or one peremptory warning, except where both the crime and the contumacy of the delinquent are notorious and therefore sufficiently proved.¹²⁰ Unless expressly stated, cardinals and bishops were exempted from *latae sententiae* penalties under the Old Code, with the exception of very grave offences such as heresy which resulted in *ipso facto* excommunication. Only the Roman Pontiff could declare or inflict a penalty in their cases. This is also the case in the New Code.¹²¹

The requirements for the lawful imposition of a canonical censure are: (1) Jurisdiction in the legislator or judge. As censures are punishments they can only be inflicted by a superior on his subjects. (2) Sufficient cause. (3) The correct method of procedure.¹²² An examination of the supreme jurisdictional power of the Pope will now be made, and it will be evident that as he has no ecclesiastical superior he is subject to no ecclesiastical censure apart from a declaratory sentence that he had forfeited his office through notorious public heresy.

c. *The Supreme Jurisdictional Power of the Pope*

The First Vatican Council taught infallibly that the Pope possesses full and supreme power of jurisdiction over the whole Church, not merely in matters of faith and morals, but also in Church discipline and in the government of the Church.¹²³ He is the supreme lawgiver of the Church.¹²⁴ He can be judged by no one—*Prima Sedes a nemine iudicatur*.¹²⁵ As the supreme lawgiver he is not legally bound by ecclesiastical decisions and usages but by divine law alone.¹²⁶ He has full authority to interpret, alter and abrogate both his own laws and those established by his predecessors. He has the same plenitude of power as they enjoyed, and stands in the same relation to their laws as to those which he himself has decreed.¹²⁷ This power is not arbitrary, and, in consonance with its purpose should be used for the building up of the Mystical Body, and not for its destruction.¹²⁸

In the Old Code of Canon Law it was forbidden for Catholics to take part in the divine worship of non-Catholics.¹²⁹ This is an ecclesiastical and not a divine law. The first Christians continued to take part in the worship of the synagogue, and there were circumstances in which Catholics were permitted to take part in non-Catholic worship prior to Vatican II. Canon 1258 of the Old Code listed them as “funerals, weddings, and other similar celebrations.” The interpretation given to “similar celebrations” varied widely, depending on the local bishop. It was stipulated that attendance at such services should be “passive”.¹³⁰

Canon 2316 of the Old Code condemned as suspect of heresy those who participate in non-Catholic worship contrary to the provisions of Canon 1258. The procedure for dealing with a cleric suspected of heresy was specified in Canon 2315. He was to receive

two admonitions, then be suspended *a divinis*, and, if he had not amended his life within a full six months from the time the penalty was incurred, he was subject to the penalties for heresy. This would not involve excommunication *latae sententiae* (i.e. *ipso facto*), but would require the pronouncement of the sentence by the appropriate authority, *ferendae sententiae*. This authority must be a judge or a superior.

It should be evident immediately that the Roman Pontiff could neither be judged nor sentenced under the terms of this Canon as he has no human superior competent to judge him—*Prima sedes a nemine iudicatur*. Anyone in the Church who possessed the temerity to pass judgement on the Pope, and declare him a heretic, would be acting beyond the limits of his authority, *ultra vires*, and would himself become liable to canonical censure. It is equally evident that, as the Pope is not bound by ecclesiastical laws in the same way as his subjects, he would have the right to interpret this canon in accordance with his own wishes, and broaden the grounds for participating in non-Catholic worship, e.g. to facilitate the unity of Christians or to bring about world peace. As this would be a prudential judgement he could certainly be mistaken, and his action could bring harm to the Church. There is no guarantee that simply because a pope is acting within his legal rights he is acting prudently and in a manner that is beneficial to the Church. As has already been explained, it would be for his successors to make any judgement on his decisions and to pronounce any censures they deemed necessary.

However, and this is a matter of paramount importance, since 1983 the Old Code of Canon Law is no longer in force. Those of us who belong to the Roman Rite are bound by the New Code, no matter however inferior we may think it to the old one. The Second Vatican Council taught that there can be occasions on which worship with non-Catholics can bring benefits, an expression of opinion with which we are quite free to disagree.¹³¹ At the conclusion of the Council Pope Paul VI took part in a joint service with the non-Catholic observers, an action which we are perfectly entitled to regret.¹³² The New Code of Canon Law, the only one which applies in the Church today, simply states that a person guilty of prohibited participation in the worship of non-Catholics is to be punished with a just penalty.¹³³ The offence no longer involves *ipso facto* suspicion of heresy. Once again we may regret this change, but it

does not alter the fact that this is the present law of the Church, and it is pointless to attempt to apply laws which no longer exist, even to persons who would have been subject to them when they were in force. But, in point of fact, the Pope was not subject to the provisions of Canon 2316 even under the Old Code.

The visibility of the Church is an essential element of its constitution. It has been made clear that the Church is a visible, hierarchically governed society with a visible head, the Roman Pontiff. Every society must have laws which govern it, and the legal code recognized by every legitimate authority within the Church, and in all the courts of the Church, is the New Code. It would be a contradiction in terms to claim to belong to the Catholic Church, but to be regulated not by its universally accepted laws, promulgated validly by its visible head, but by another set of laws recognized neither by that visible head nor by a single ecclesiastical court of any status anywhere within the Church.

We are, then, entitled to regret the action of the conciliar popes in worshipping with non-Catholics as this is undoubtedly leading to indifferentism. We can, however, at least be thankful that they have not taken part in the official liturgical worship of these religions. We are entitled to bring our misgivings to the Pope's attention, and, given the gravity of the matter, even to make them public in a respectful manner. We have a duty to pray that the practice will cease and that the New Code of Canon Law will be suitably amended on the lines of the Old Code. We are not entitled to behave as if the Old Code were still in force, and we are not entitled to pass judgements upon the Roman Pontiff in a matter that concerns only ecclesiastical law. It is also possible that his actions are prompted by no more than misplaced ecumenical enthusiasm and a desire to show the Church to those outside her boundaries in as favourable a light as possible. *The Catholic Encyclopedia* warns us in respect of anyone we might suspect of heresy: "It is not for man, but for Him Who searches the reins and heart, to sit in judgement on the guilt which attaches to an heretical conscience."¹³⁴

There may well be Catholics who have an unshakeable personal conviction that the Pope is a heretic. They suspect him of heresy. But to be suspect of heresy in the canonical sense has a very specific legal meaning. There is no case whatsoever for alleging that any of the conciliar popes have been suspect of heresy in the very restricted meaning of the term in the Old and New Codes of Canon Law.

d. *The Conciliar Popes*

It should now be apparent that there is no case whatsoever for claiming that any of the conciliar popes have lost their office as a result of heresy. Anyone wishing to dispute this assertion would need to state the doctrines *de fide divina et catholica* which any of these popes are alleged to have rejected pertinaciously. There is not one instance which comes remotely within this category. The nearest one can come to a formal contradiction between preconciliar and post-conciliar teaching is the subject of religious liberty. It has yet to be shown how they can be reconciled.¹³⁵ It is possible that the Magisterium will eventually have to present either a correction or at least a clarification of the teaching of Vatican II on this subject. Neither the pre-conciliar teaching nor that of the Council on religious liberty comes within the category of *de fide divina et catholica*, and so the question of formal heresy does not arise.

It should also be noted that the conciliar popes (Pope John XXIII and his successors) have upheld many doctrines which have come under attack by neo-Modernists. The *Credo* of Pope Paul VI, his encyclicals *Mysterium fidei* and *Humanae vitae*, and the Holy Thursday letters of Pope John Paul II are typical examples. The Congregation for the Doctrine of the Faith has issued a stream of documents upholding orthodoxy of which many Catholics appear unaware. Justice demands that we judge the orthodoxy of any Catholic by the totality of his published opinions, and not solely by particular actions or statements which appear suspect or ambiguous.

On the other hand, any objective assessment of the conciliar pontificates must conclude that while orthodox teaching may have been upheld in theory, virtually nothing has been done to uphold it in practice. Cases such as the disciplining of Hans Küng and Charles Curran are not only few and far between, but too little and too late. However, weakness in defending the faith and disciplining those who undermine it, and ill considered ecumenical gestures, do not put anyone, least of all the Pope, into the category of formal heretic, even though the practical effect of papal weakness and imprudence serves in itself to undermine the faith and blur the distinction between truth and falsehood. The higher the ecclesiastical office the greater the responsibility, and the greater the culpability, for the

loss of souls. No shepherd can escape the final responsibility for the members of his flock. It will be for future popes to make the necessary judgement on their conciliar predecessors, and to publish any censures they deem fitting.

While, as has been stated, the faithful (whatever their ecclesiastical rank) have no right to judge the Pope, they have every right, according to their degree of competence, to bring to his attention any aspects of his pontificate which they consider harmful to the Church. They also have the right to refuse to obey him if they are convinced in conscience that a particular command will harm rather than build up the Mystical Body. Cardinal Newman stressed the fact that if a man is convinced that "what his superior commands is displeasing to God, he is bound not to obey." He accepted that "the word 'superior' certainly includes the Pope." But he added that it must always be our initial presumption that the Pope is right, and that we should not so much as consider disobeying him unless we had reached the conclusion that to obey him would be a sin, after examining the question with serious thought, prayer, and all available means of arriving at a right judgement.¹³⁶

The doctrine of the Church's indefectibility is not weakened in any way by the fact that there have been a number of popes whose pontificates have been gravely harmful to the Church. These popes never attempted to impose upon the Church heretical teaching as of divine and Catholic faith. The survival of the Church despite the failings of some of those who have occupied the highest positions in her hierarchy is, as Hilaire Belloc noted, one of the most striking proofs of her divine nature. There could be no more eloquent testimony to her indefectibility.

2. THE NEW MASS AND INDEFECTIBILITY

Professor Dublanchy has been cited *supra* as explaining that the Church is infallible "... in the discipline and in the general practice of the Church, at least in all that is truly *commanded, approved, or authorized* by the universal Church, for in this teaching from the time that it truly exists, the Church is no less infallible than it is in the solemn definitions of its councils." It will be noted that he

refers to what is approved or authorized as well as what is commanded, and so even if Pope Paul VI had not mandated the use of his New Missal throughout the Roman Rite it can hardly be argued that he had not authorized or approved its use. There can, however, be no doubt whatsoever that the New Missal was promulgated according to the proper legal form. It can nonetheless be argued that priests of the Roman Rite who so wished could still continue to use the 1962 Missal on the basis of immemorial custom. Given that this claim is correct it cannot change the fact that the supreme legislator, the Roman Pontiff, mandated his new Missal for use as the norm throughout the Roman Rite which is equivalent to the universal Church. This is explained in Appendix I.

The argument from indefectibility can be described as the “*a priori* approach”, which means, briefly, that because the New Mass was promulgated with the full authority of Pope Paul VI, a lawfully reigning pontiff, it is protected by the indefectibility of the Church, which guarantees the infallibility of its universal disciplinary laws. This ensures that the New Mass, at least in the Latin typical edition, cannot be invalid, contain heresy, or be evil, that is to say it cannot contain anything intrinsically harmful to the faithful present at its celebration. It could also be expected to give explicit liturgical expression to the fundamental Eucharistic doctrines of the Church, namely the Real Presence and the sacrificial nature of the Mass. Using this *a priori* approach it is not even necessary to examine the 1970 Missal in order to be certain of its Catholicity. All that is necessary is to be sure that Pope Paul VI was a true pope and that his Missal was promulgated according to the accepted canonical norms. In his classic exposition of the invalidity of Anglican Orders, Dr. Francis Clark undoubtedly the greatest authority on sacramental theology in the English-speaking world, explains:

So it can be argued that when the head of the Church officially rejects a rite as incapable of mediating sacramental efficacy, as he did in the constitution *Apostolicae curae*, he is not only judging authoritatively about a past dogmatic fact, but is also exercising in the present what may be called “practical infallibility”. Even by itself, prescinding from anything that had gone before, this solemn act of the Holy See was sufficient to disown the Anglican rite as not a sacramental rite of the Catholic Church. Thus there has been since 1896 an added source of certainty about the invalidity of the Anglican rite—a certainty based on the “practical infallibility”

of the Church's determining decrees, which in the sacramental sphere effectively guarantee what they declare.¹³⁷

It is hardly necessary to be a trained logician to understand that if the Pope is empowered to decide authoritatively what is "not a sacramental rite of the Catholic Church", he most certainly has the authority to decide what does constitute such a rite. No rational person could read the Apostolic Constitution *Missale Romanum* of Pope Paul VI, even those who claim that it did not make the New Mass mandatory, and deny that the Pope had judged authoritatively that the New Mass is "a sacramental rite of the Catholic Church". Those who deny that the New Mass is indeed a sacramental rite of the Catholic Church can do so with any credibility only if they also deny that Paul VI was a true Pope. The Pope is the only person with the authority to decide what is or is not a Catholic rite. The Catholic Church is an hierarchical body, and it is totally inconsistent for any Catholic, whatever the degree of theological knowledge he possesses, to claim to belong to the Church, to recognize the Pope as the head of the hierarchy, and yet to take it upon himself to overrule the successor of St. Peter upon a decision that it is his exclusive prerogative to make.

(a) *The Objective Approach*

It has been claimed that the use of the *a priori* approach cannot be justified in the case of the New Mass, because, if examined objectively, it must be seen to be harmful to the faith, and thus evil. This fact cannot be altered, it is claimed, no matter how strong the *a priori* case from indefectibility may appear to be. The *a priori* argument is disposed of by claiming that it has protected the New Mass only to the extent of ensuring that it is valid and does not contain heresy,¹³⁸ or by arguing that indefectibility applies only to what is mandatory, and that, due to deficiencies in its promulgation, the New Mass is not mandatory.

The documentation provided in this book should be sufficient to prove conclusively that the *a priori* argument from indefectibility is unanswerable. We can be absolutely certain that a papally approved Latin Missal cannot be harmful, cannot be bad or evil. This is, to quote Dr. Clark once more, a certainty based on "the 'practical infallibility' of the Church's determining decrees, which in the

sacramental sphere effectively guarantee what they declare." Without conceding in any way that the *a priori* argument from indefectibility can be called into question, it is instructive to consider the New Mass from the objective approach alone. The *Novus Ordo Missae*, promulgated in 1969 would appear at first to be a very strong argument against the doctrine of indefectibility. I subtitled the first volume of my Liturgical Revolution trilogy, *Cranmer's Godly Order*, "The Destruction of Catholicism through Liturgical Change". I show in this book that it was not so much by their heretical doctrinal teaching that Cranmer and his fellow Protestants in England destroyed the faith of the Catholic people, but by forcing them to worship in a manner that was a negation of that Catholic faith. The law of prayer is the law of faith (*lex orandi, lex credendi*). The way we worship reflects what we believe. I have devoted countless articles, pamphlets, and, above all, my book *Pope Paul's New Mass*, to documenting the manner in which the Catholicism of millions has been undermined by the liturgical revolution which has followed Vatican II. A personal experience after the publication of my book made it sadly clear to me how accurate my judgement had been. I had entered a Catholic church to say a prayer before the tabernacle, which had been torn away from the High Altar and thrust into a corner. The altar itself had been replaced by a table. A children's choir was practising what I presume was meant to be a hymn accompanied by guitars. A lady who walked out as I entered remarked that one could not even pray in this church any longer. One could hardly disagree. I was just about to go when the choir practice was terminated. The children leapt from their seats and charged out of the church as if they had been released from school after a day of non-stop examinations. Not one child so much as glanced at the tabernacle, let alone slowed down for a moment to turn a few degrees and twitch a knee. Could one, I wondered, really claim that these children (from a Catholic school) had the faith? They had grown up knowing only the New Mass as it is celebrated in most English parishes. They were victims of the post-conciliar liturgical and catechetical revolutions. If asked what a tabernacle was it is unlikely that any of them would have known. It would be most unusual to find a graduate of a typical Catholic high school today who could explain the sacrificial nature of the Mass.

How, then, can the example of this parish, and the hundreds of pages of documentation that I have provided in *Pope Paul's New*

Mass, be reconciled with the indefectibility of the Church in regard to her liturgy and the sacraments, which was explained under the heading of "The Power of Order"? The ordinary faithful will naturally find themselves more convinced by the reality of what is taking place in their parish church each Sunday than by abstract theology. What needs to be appreciated clearly is that the *a priori* approach applies only to the Latin typical edition of the 1970 Missal, which is protected by the indefectibility of the Church, and that the vast majority of the faithful have experienced only vernacular Masses which are not protected by indefectibility, and which, in some cases, as will be shown *infra*, can be considered harmful to the faith of those assisting at them. In the second volume of *Apologia Pro Marcel Lefebvre* I have included a very severe critique of a typical celebration of the New Mass made by the Archbishop.¹³⁹ He listed many of the deficiencies which characterize such a celebration, among them being the replacement of the altar by a table, Mass facing the people, Mass in the vernacular, the cheapening of sacred vessels, the use of leavened bread, Communion in the hand, the Blessed Sacrament hidden in a corner, the Epistle read by women, the use of extraordinary ministers to distribute Holy Communion. It would be easy to extend the Archbishop's list by many examples from our own experience. These practices are certainly harmful, and would appear to undermine the doctrine of the Church's indefectibility, but they do not as indefectibility applies only to what is mandated or authorized for universal use, and cannot, therefore, be applied to any vernacular celebration. This book is concerned with indefectibility, and it is only the Latin Missal as an universal disciplinary law to which the doctrine of indefectibility can be applied. When this Latin Missal is subjected to the objective approach nothing can be found that is positively harmful to the faith. I have challenged a number of priests who have claimed that the Latin Missal does contain such positively harmful elements to name them. They have been unable to do so and have fallen back on the argument that the Missal is harmful in view of what it omits rather than what it contains.

(b) *The Latin Missal of Pope Paul VI*

Let us examine the Latin Missal promulgated by Pope Paul VI, first published in 1970.* Not one of the practices cited by Archbishop

*The New Order of Mass itself was promulgated in 1969, but the first complete Missal did not appear until 1970. A revised edition was published in 1975.

Lefebvre *supra* is mandated or even mentioned in this Missal. Its rubrics clearly envisage Mass celebrated by a priest who is facing the altar in the normal manner.¹⁴⁰ The indefectibility of the Church does not apply to deviations from the universal law represented by that Missal. Permissions, concessions, exceptions, and indults can be imprudent or even harmful. Indefectibility guarantees no more than that the Pope will never command or authorize for universal use a practice that is intrinsically harmful to the faith. Any Roman Rite priest anywhere in the world is free to use his discretion in using the options this Missal provides. He is not bound to have a lector for the first two lessons, and can, in fact decide to have only one lesson before the Gospel. He is not bound to include an offertory procession. He has the option of using the Roman Canon at every celebration, in the *Communicantes* he has the option of including or omitting all the saints' names from *Petri et Pauli* to *Cosmae et Damiani*. He is, however, bound to use the revised consecration formulæ (which uses the words *pro multis*), and one of the acclamations after the words *Mysterium Fidei*. He is not obliged to include the sign of peace. He evidently has the option of not using the Roman Canon, and of incorporating all the practices just cited, but, in themselves, if carried out in a reverent and dignified manner, they could not be said to be positively harmful to the faith within the context of a reverently celebrated Latin Mass. However much we may dislike the sign of peace we must be certain, reverting to the *a priori* approach, that if it were positively harmful the Pope would not have sanctioned it. One must also concede that it was a standard feature of ancient liturgies and therefore cannot possibly be harmful in itself.¹⁴¹

Father Francesco-Antonio Zaccaria, writing in the 18th century, insisted upon two important principles: "That which appears in the liturgy should be taken in the true and proper sense unless there be a reason to the contrary."¹⁴² There can be no possible reason to the contrary for a Missal that has received the explicit approbation of the Roman Pontiff, particularly a Roman Pontiff whose personal Eucharistic teaching was of exemplary orthodoxy and in total conformity with the teaching of the Council of Trent,¹⁴³ and who had used his authority to overrule the decision of the *Consilium* which had composed the New Missal to omit the Roman Canon.¹⁴⁴

Father Zaccaria also teaches that: "If a text in the liturgical books appears obscure, or seems to contain a doctrine which is not expressed

explicitly, it must be understood in the light of other passages in the same book."¹⁴⁵ Thus where the 1970 Missal is concerned, it can be argued quite correctly that the sacrificial nature of the Mass receives very muted expression in Eucharistic Prayer II, but the Missal also includes the Roman Canon, and Eucharistic Prayer II cannot be considered in isolation from this venerable prayer which gives very explicit expression to the dogmas of sacrifice and the Real Presence. (The modifications made to the Roman Canon in the 1970 Missal in no way compromise its clear liturgical expression of the doctrine of sacrifice). Eucharistic Prayer III is also explicitly sacrificial and has been criticised for this by Protestants.¹⁴⁶ Nor can one ignore the proper of the Feast of Corpus Christi, which includes St. Thomas Aquinas's sublime sequence *Lauda Sion*, or the votive Masses of the Blessed Sacrament and the Precious Blood. The first preface of the Blessed Sacrament and the preface for the Chrism Mass of Holy Thursday, found in the 1970 Missal, provide explicit liturgical expression of Catholic Eucharistic teaching. Excerpts are included as Appendix III.

The case put forward by traditional Catholics for the superiority of the 1962 Missal over that of 1970 as a liturgical expression of Catholic Eucharistic teaching is unanswerable, but they will not enhance that case, their own credibility, or the credibility of the traditionalist movement, by ignoring the positive aspects of the New Missal. One cannot expect to be taken seriously by insisting that the doctrines of sacrifice and the Real Presence do not receive explicit liturgical expression in the 1970 Missal when they manifestly do. The Roman Canon and the preface for the Chrism Mass, for example, are contained in the 1970 Missal, and no critic of the New Mass can ignore this fact and expect to be taken seriously. It is incontestable that there is no aspect of Catholic Eucharistic teaching that is not given explicit liturgical expression in the 1970 Missal. I have asked traditionalist priests who deny this to cite those aspects of this teaching which they claim are not specifically affirmed. Their failure to respond is very significant.

The prayers of the 1970 Missal must also be interpreted in the light of the Foreword (*prooemium*) which was appended to this Missal as an evident response to the criticisms of the 1969 Order of Mass made in the Ottaviani intervention. The use of the word "propitiation" in the passage which follows is of the greatest possible significance.

Thus in the new Missal the Church's rule of worship corresponds with her unchanging rule of faith. From this we learn that the sacrifice of the Cross and its sacramental renewal in the Mass are, apart from the difference in the manner of offering, one and the same sacrifice; it is this sacramental renewal which Christ the Lord instituted at the Last Supper and commanded His Apostles to celebrate in his memory. The Mass is therefore a sacrifice of praise, thanksgiving, of propitiation and of satisfaction.¹⁴⁷

Therefore, taking part in a Latin Mass celebrated faithfully according to the rubrics of the new Latin Missal of Pope Paul VI cannot possibly be spiritually harmful to the faithful, although it is spiritually less beneficial in view of the removal of such sublime prayers and ceremonies as the Offertory rite in the 1962 Missal. The fact that the Latin Missal of Pope Paul VI is valid, free from doctrinal error, mandates no intrinsically harmful practice, and gives specific liturgical expression to all the essential dogmas of Catholic Eucharistic teaching, will not surprise any Catholic acquainted with the doctrine of indefectibility. He would be astonished if it were otherwise. As was noted *supra*, there are, unfortunately, very few churches throughout the world where the New Mass is celebrated in Latin strictly according to the rubrics of the Missal of Pope Paul VI, and the typical Catholic in most parishes today is less likely to have access to this form of Mass than he is to the Tridentine Mass itself.

(c) *A Harmful Acclamation?*

It has been argued that there is at least one positively harmful element in 1970 Missal which certainly undermines belief in the Real Presence. The acclamation after the consecration of the Chalice, it is claimed, gives the impression that Our Lord is not present in the consecrated elements. Those who make this claim have evidently not so much as glanced at the Latin Missal in which, after the consecration of the Chalice, the priest is instructed to show the chalice to the people, place it on the corporal, genuflect, and adore it (*Calicem ostendit populo, deponit super corporale, et genuflexus adorat*). This rubric, like the one commanding adoration of the Host, is an explicit profession of faith in the Real Presence which is totally unacceptable to Protestants. After adoring the Chalice the priest

says the words *Mysterium Fidei*, which are followed by a full stop, and as well as introducing the acclamation refers to the consecrated elements upon the altar, which are indeed the Mystery of Faith. The faithful then acclaim Christ present upon the altar with the words: *Mortem tuam annuntiamus, Domine, et tuam resurrection confitemur, donec venias.*—"We proclaim Your death O Lord, and we acknowledge Your resurrection until You come." This acclamation is addressed directly to Our Lord, now present sacramentally upon the altar, and is thus a clear affirmation of belief in the Real Presence. This acclamation is falsified in the English translation. *Mysterium Fidei* is wrongly translated as "Let us proclaim the Mystery of Faith": followed by a colon and the incorrect translation: "Christ has died, Christ has risen, Christ will come again", as if Our Lord had not just been made present upon the altar. This falsification in the ICEL translation could undermine faith in the Real Presence for those who are present, particularly when they use this mistranslation week after week and year after year. This acclamation provides a useful instance of the need for care in attributing any error of the English Missal to the Latin typical edition without first verifying the fact that it is indeed found there.

In the *Brief Critical Study of the Novus Ordo Missae* sent to Pope Paul VI, with an accompanying letter from Cardinals Ottaviani and Bacci (*The Ottaviani Intervention*), it is alleged that the Latin text of this acclamation, and even more so the second acclamation, create ambiguity through being "proclaimed at precisely the moment when He is *actually* present on the altar—as if the second coming, and not this, were the true coming."

The second acclamations reads: *Quotiescumque manducamus panem hunc et calicem bibimus, mortem tuam annuntiamus, Domine, donec venias.*—"As often as we eat this Bread and drink this Chalice, we proclaim Your death, O Lord, until You come again."¹⁴⁸ As this acclamation is virtually identical with verse 26 of I Corinthians 11, which follows the consecration of the Chalice in oldest extant account of the Eucharist, it can hardly be doctrinally suspect! Both acclamations are addressed directly to Our Lord "actually present on the altar". These acclamations have a sound liturgical as well as biblical basis. In the Ambrosian Rite after the elevation of the Chalice the priest says: "Commanding also and saying to them: As often as you shall do this, you shall do it in memory of Me, you shall show forth My death, you shall announce My resurrection, you shall hope

for my advent until I come again from heaven to you.”

In the Stowe Missal after the consecration of the Chalice the priest says: “You shall show forth My passion, you shall proclaim My resurrection, you shall hope for My coming, until I come again.”

In the Mozarabic Rite after the consecration of the Chalice the priest says: “As often as ye shall eat this Bread and drink this Chalice, You shall show forth the Lord’s death until He comes in brightness from heaven.”

Among the other liturgies in which these formulae are found are those of St. James, St. Mark, and St. Basil. In the Latin Missal of 1970 the acclamation after the consecration of the Chalice thus does not have the least taint of unorthodoxy, and has a sound basis in Scripture and liturgical tradition. This provides a useful indication of the fact that the Ottaviani Intervention should not be treated as an infallible pronouncement of the Extraordinary Magisterium, which is the manner in which some traditionalists appear to regard it. It must be remembered that when it was written in 1969 the authors had only the Order of Mass available to them, and not the complete 1970 Missal with, for example, the prefaces included in Appendix III.

(d) *Harmful Masses*

The ICEL travesty of the 1970 Missal, with at least 400 mistranslations,¹⁴⁹ indults permitting Communion in the hand or altar girls, the unnecessary use of extraordinary ministers, and countless other aberrations, both official and unofficial, are in no way protected by the Church’s indefectibility. To state that they can be harmful is plain common sense and does not conflict with Catholic doctrine. It is also a fact that the conciliar Popes have been aware of abuses and have not taken effective action to stamp them out. Pope John Paul II did publish a document entitled *Inestimabile donum*, intended to curb some of the worst abuses, but it has been almost universally ignored.¹⁵⁰ It is evident that in such countries as the U.S.A. any action that might now be taken to curtail abuses would be greeted with derision in many dioceses. The widespread use of altar girls before the Pope surrendered on the issue denotes the contempt for the authority of the Holy See which characterizes so many bishops today. The capitulation of the Holy See in this case to radical feminists and their clerical allies is an only too typical

example of the anarchy prevailing in the Church today. The Instruction *Inaestimabile Donum* (1980) stated explicitly that women are not permitted to act as altar servers (no 18). This was contested by feminists and their clerical supporters who claimed that Canon 230, §2 could be interpreted to permit female altar servers. It reads: "Lay persons (*laici*) can fulfil the function of lector during the liturgical actions by temporary deputation; likewise all lay persons (*omnes laici*) can fulfil the function of commentator or cantor or other functions, in accord with the norm of law."

It was claimed that among the "other functions" which "all lay persons" could undertake must be that of altar server. Such a claim was clearly ludicrous in view of the explicit prohibition of female altar servers contained in *Inaestimabile donum*. This interpretation was rightly rejected by the Vatican until the surrender of 1994 brought about as a result of consistent pressure from American bishops.¹⁵¹ The interpretation of Canon 230, §2 permitting female altar servers by no means comes into the category of an universal law or authorization. Just as the indults allowing Communion to the hand or Communion under both kinds on Sundays are exceptions to the existing universal law,¹⁵² so is the permission for altar girls. The fact that their use is to be considered as an exception to the norm is made clear in the wording of the relevant Vatican Instruction: "If in this or that diocese (*si autem in aliqua dioecesi*) the bishop for particular reasons (*peculiares ob rationes*) permits females as well (as males) to serve at the altar . . ." ¹⁵³ After a careful examination of the Vatican Instruction the American canonist, Msgr. John F. McCarthy drew the following conclusion:

The implication is that the general liturgical norm prohibiting female altar servers remains in existence, so that in general women may not serve at the altar unless a local ordinary intervenes by a positive act and grants permission for his territorial jurisdiction. Thus the Congregation has clarified the authentic interpretation to mean that an indult is given to diocesan bishops to permit the use of female servers.¹⁵⁴

(e) *The Reception of Holy Communion*

One of the most evident examples of the manner in which belief in the Real Presence could be undermined at a typical

celebration of the New Mass is the manner in which Holy Communion is received. In all too many parishes today the reception of Holy Communion seems little more than an anti-climax after the antics which tend to characterize the Sign of Peace. It is the tradition of the Roman Rite that the faithful should receive Holy Communion kneeling at the altar rails, on the tongue, from the consecrated hands of a priest. When Holy Communion is received standing, in the hand, from a layman, a widespread practice at vernacular celebrations today, the consciousness of the communicant that he is receiving Our Lord Himself, Body, Blood, Soul and Divinity, may be diminished or even vanish entirely. This is even more likely to be the case when the communicant has recited a vernacular version of the first acclamation giving the impression that Our Lord who has just been made present upon the altar will not be truly present until His second coming. The use of a table in place of an altar gives the impression that the communicant is present at a commemorative meal rather than a solemn sacrifice. The Council of King Edward VI made this clear in November 1550 in a letter to Nicholas Ridley, the Protestant Bishop of London, urging him to destroy the remaining altars in his diocese:

First the form of a table shall more move the simple from the superstitious opinions of the Popish mass unto the right use of the Lord's Supper. For the use of an altar is to make sacrifice upon it: the use of a table is to serve for men to eat upon.¹⁵⁵

It is hardly surprising that a Gallup Poll conducted on behalf of the St. Augustine Center Association in 1992 revealed that only 30% of American Catholics now believe the Church's teaching on the Real Presence. It would be totally unrealistic to claim that the collapse in Mass attendance in the United States and throughout the entire western world is unconnected with the manner in which Mass is now usually celebrated. In one of his responses to the *Ottaviani Intervention* Pope Paul VI remarked that we should not be talking "about a 'new Mass', but rather a 'new era' in the life of the Church."¹⁵⁶ The unhappy pontiff could not have foreseen that the new era would be one of what Father Louis Bouyer described as the accelerating decomposition of Catholicism.¹⁵⁷

Monsignor Philip Hughes had no doubt whatsoever that in the reign of Elizabeth I the faith of the Catholic people was destroyed

almost entirely by the fact that they were forced to worship as Protestants for the thirty years of her reign, and the principle *lex orandi, lex credendi* imposed itself as it invariably will—the manner in which we worship will determine what we believe:

Once these new sacramental rites, for example, had become the habit of the English people the substance of the doctrinal reformation, victorious now in northern Europe, would have transformed England also. All but insensibly, as the years went by, the beliefs enshrined in the old, and now disused, rites, and kept alive by these rites in men's minds and affections, would disappear—without the need of any systematic missionary effort to preach them down.¹⁵⁸

It is indisputable that at least in what is called the Western World the liturgical reform has not achieved its stated objectives. The American *Adoremus* organization, which is not traditionalist and does not seek to promote the use of the 1962 Missal, accepts unequivocally that: "The experience of the last thirty years has convinced us that the liturgical renewal intended by *Sacrosanctum Concilium* has not been achieved."¹⁵⁹ Cardinal Ratzinger has gone to the extent of asking: "Is there a Latin Rite at all any more? Certainly there is no awareness of it. To most people the liturgy seems to be rather something for the individual congregation to arrange."¹⁶⁰ His Eminence has called for a Reform of the Reform, which he would hardly have done had its effects proved beneficial.

The disastrous effects of the liturgical reform, more accurately termed a revolution, have been denounced by one of the greatest liturgists of this century, perhaps the greatest, the late Msgr. Klaus Gamber. Cardinal Ratzinger described him as "the one scholar who, among the army of pseudo-liturgists, truly represents the liturgical thinking of the centre of the Church."¹⁶¹ Msgr. Gamber stated unequivocally:

One statement we can make with certainty is that the new *Ordo* of the Mass that has now emerged would not have been endorsed by the majority of the Council Fathers.¹⁶²

He further insisted that:

The liturgical reform, welcomed with so much idealism and hope

by so many priests and lay people alike has turned out to be a liturgical destruction of startling proportions - a *débâcle* worsening with each passing year. Instead of the hoped-for renewal of the Church and of Catholic life, we are now witnessing a dismantling of the traditional values and piety on which our faith rests. Instead of the fruitful renewal of the liturgy, what we see is a destruction of the forms of the Mass which had developed organically during the course of many centuries.¹⁶³

(f) *Deprivation of a Good*

St. Thomas Aquinas defines evil as the “defect of the good which is naturally due” (*malum est...defectus boni quod natum est et debet habere*).¹⁶⁴ It is argued by some of those who accept that there is nothing positively harmful in the New Mass that it can still be condemned as evil in the sense that it deprives the faithful of the spiritual benefit that they would have derived from all the sublime prayers and actions in the 1962 Missal which have been abolished. A traditionalist priest for whom I have the very greatest respect expressed this position to me as follows: “Now one must not make us say what we did not say. The evil of the New Mass, its harmful character does not consist in professing heresies, but rather in failing to profess that Catholic Faith when it should.”

Using the *a priori* approach the answer to what appears to be a convincing argument is that if we accept the doctrine of indefectibility a Latin celebration strictly according to the rubrics of the 1970 Missal cannot be evil, not only in the sense that it cannot contain positively harmful elements, but even in the sense of the deprivation of good. Using the objective approach the question must be asked as to what precisely is the good that should be expected from the celebration of Mass. Firstly, there are the sacrificial fruits of the celebration. At every Mass Jesus Christ is the High Priest who offers the Sacrifice, which is not only His Sacrifice but the Sacrifice of the Church. Secondly, there is the sacramental grace to be received in Holy Communion. In Holy Communion we receive Our Lord himself, whose presence cannot be diminished or increased by the rite of Mass which makes Him present. The grace we receive in Holy Communion is dependent not upon the rite used but upon our own disposition. Theologians would express this by stating that the rite makes Our Lord present *ex opere operato*, but that the grace that we receive is determined *ex opere operantis* (see Appendix II). The

sacrificial fruits and the sacramental grace constitute the good “which is naturally due” to the faithful from a celebration of the Mass (*boni quod natum est et debet habere.*) Therefore it cannot be claimed that the New Mass is evil even when the concept is restricted to the definition of St. Thomas.

It can be argued that in addition to producing sacrificial fruits and sacramental grace a rite of Mass should also give specific liturgical expression to the teaching of the Church on these two fundamental Eucharistic dogmas. As was made clear on page 56, Pope Paul VI has, beyond any possible doubt, judged authoritatively that the New Mass is “a sacramental rite of the Catholic Church”, and no other member of the Church has the right to declare that it lacks something which it should *necessarily* contain. But, reverting to the objective approach, the claim of the priest just cited, that the New Mass is evil for “failing to profess the Catholic faith when it should”, cannot be sustained. More than sufficient documentation has been provided to prove that there is no aspect of Catholic Eucharistic teaching that is not given explicit liturgical expression in the 1970 Missal. Thus, even though such liturgical expression is far less frequent than that found in the 1962 Missal, it is nonetheless present. The same priest remarked that although “a few expressions or actions” upholding the essential dogmas can be found in the 1970 Missal: “Yet the result is an insufficient profession of Faith, the many omissions remain deeply harmful, though not bringing as rapid a destruction as would a complete omission.” As regards sufficiency, it is hard to see how any bishop, priest or layman has the right to state, for example, that the sacrificial nature of the Mass must be affirmed on a specific number of occasions in any Missal or otherwise the rite of Mass that it contains becomes evil. The approval of the Pope must, surely, be the deciding factor, even if he decided that one unambiguous affirmation would be sufficient to safeguard the Catholicity of the rite.

It can, nonetheless, be stated that the drastic reduction in liturgical expressions of Catholic Eucharistic teaching in the 1970 Missal makes assistance at the celebration of the New Mass less beneficial than assisting at the Traditional Mass. Some readers may well consider the distinction between “less beneficial” and “evil” or “harmful” is merely semantic, but what matters is that “less beneficial” can be reconciled with the doctrine of indefectibility, whereas “evil” or “harmful” cannot. It is also of great importance to

note that the definition of evil given by St. Thomas, the absence of a good that is due, is not found in several pages of definitions of evil found in the complete *Oxford Dictionary*. When the term evil is used today it is almost invariably understood as meaning something positively bad, e.g. abortion is evil. Those who use the term evil in the Thomistic sense can hardly expect more than the smallest fraction of the faithful to understand that they do not mean evil in a positive sense. Although the priest cited above states: "Now one must not make us say what we did not say," it is almost inevitable that the faithful will understand them as meaning evil in a positive sense. From a practical standpoint, words mean what the majority of people believe them to mean. It was for this reason that Pope John XXIII removed the word "perfidious" from the Good Friday Collect for the Jews. Its original meaning was faithless or unbelieving, but today, as reference to any dictionary will make clear, it is understood as treacherous, deceitful, dishonest, disloyal, traitorous. Even the expression "faithless Jews" (*perfidis Judæis*), used in some bi-lingual missals, carries an implication of dishonesty or treachery in contemporary usage.

Even though there are many disturbing parallels between the New Mass, particularly in its vernacular version, and the communion services of Martin Luther and Thomas Cranmer, the reforms are certainly not identical. As my book *Cranmer's Godly Order* makes clear, Luther and Cranmer stripped their rites of every text that could be taken to imply that a propitiatory sacrifice was taking place. The Roman Canon was the *bête noire* of all the Reformers, while the 1970 Missal contains this Canon which could hardly affirm the dogma of sacrifice more specifically.

(g) *An Objective Assessment*

Let us make an objective assessment of a New Mass celebrated in Latin or English by a priest of impeccable orthodoxy such as the late Father Vincent Miceli, who celebrated the Tridentine Mass frequently. When Father Vincent Miceli celebrated the New Mass he certainly did so with the same intention and the same devotion that he used when celebrating the Tridentine Mass. When he pronounced the words of consecration Our Lord Jesus Christ was made present upon the altar to be offered as a Victim to the Father and as spiritual food to the faithful just as certainly as was the case when he celebrated

the Tridentine Mass. How can the making present of the Sacrifice of Calvary with the utmost possible reverence be described as bad or evil in the contemporary understanding of the term?*

The very same sacrifice is made present in any Eucharistic rite recognized as valid by the Church in both the East and the West, and the same sacramental grace is offered to those who receive Holy Communion in any of these rites, including that found in the Missal of Pope Paul VI. To claim that every celebration of the New Mass is evil is offensive and insulting to tens of thousands of exemplary Catholic priests who have dedicated their lives to the service of Our Lord, and believe sincerely that they are bound in obedience to use the 1970 Missal, whatever their opinion of that Missal might be.

(h) *Defending the New Mass?*

Does what I have written in this book mean that I have changed my position from that of a critic to a defender of the New Mass? By no means. To the best of my knowledge my book *Pope Paul's New Mass* is the most comprehensive critique of the New Mass yet written in any language. If there is any valid criticism that is not contained in it, I would very much like to be informed so that it can be included in future editions. All the criticisms made in my book can, I hope be substantiated, and to claim, as has been done, that by refusing to endorse allegations that cannot be substantiated I have become an apologist for the reform is ridiculous. Anyone who studies the fruits of the reform in the western world from an objective standpoint must concur with Mgr. Gamber that the liturgical reform "has turned out to be a liturgical destruction of startling proportions."

*The specious argument is sometimes put forward that as a validly ordained priest can make Our Lord present in a Black Mass, and such Masses are definitely evil, why could not the New Mass be evil? The answer is that in a Black Mass the making present of Our Lord is used for a perverted and sacrilegious purpose, whereas in a reverently celebrated New Mass, in Latin or in English, Our Lord is made present for precisely the purpose that He instituted the perpetuation of His sacrifice.

A few specific examples should make clear the difference between legitimate criticism of the New Mass and drawing untenable conclusions from such criticisms. It can be argued that the virtual abolition of the traditional Offertory rite considerably impoverishes the liturgical expression of sacrifice. In order to defend the New Mass it would have to be argued that there were good reasons for abolishing these prayers, or even that the rite of Mass is improved by their abolition. In my chapter on the Offertory in *Pope Paul's New Mass* I have, I hope, refuted all such arguments in defence of the omission of these prayers, but I also reject the claim made by some traditionalists (but not by priests of the Society of St. Pius X) that this Offertory rite is necessary for validity. By accepting that the traditional Offertory is not necessary for validity I am not defending the New Mass but simply stating a fact that is accepted by every Catholic with a modicum of theological knowledge.

Similarly the changes in the Latin words of consecration cannot be defended. It is an unprecedented breach with the liturgical tradition of both East and West to have an ancient sacramental formula changed by a committee. In order to defend the New Mass it would be necessary to justify these changes, whereas in my book *Pope Paul's New Mass* I not only do not do this, but show how closely they correspond with changes in the words of consecration made by Thomas Cranmer. But once again it is a simple statement of fact to insist that the form of consecration found in the 1970 Latin Missal is undoubtedly valid, as was the case with both Cranmer's Communion services. It resembles very closely the formulæ found in a number of ancient liturgies and I Corinthians Chapter 11. (I have no doubts concerning the validity of the English form of consecration, but this book is concerned primarily with the Latin Missal which is the only one protected by the indefectibility of the Church.)

Some traditionalists have even claimed that the moving of the words *Mysterium Fidei* to their position in the 1970 Missal could invalidate the consecration. Changing the position of *Mysterium Fidei* can rightly be criticized, but to claim that they are necessary for the validity of the consecration is ludicrous as these words are not found in Eastern liturgies which the popes have always recognized as valid.

It is easy to list a whole series of changes in the prayers and actions of the Mass that traditional Catholics can rightly regret: the abolition of the *Judica me*, of the double *Confiteor* which

differentiated priest from layman, the suppression of the genuflection at the *Homo factus est* in the Creed, the reduction in genuflections at the Consecration, and in the signs of the Cross in the Canon, the suppression of the Last Gospel—these and many more of the changes can be deplored, and cannot be defended from the standpoint of tradition, but they must not make us lose sight of the fact that the Missal of Pope Paul VI makes present the sacrifice of Calvary just as certainly as does the Missal of St. Pius V, and offers the same sacramental grace. These are facts which would be confirmed by every theologian in every pontifical university throughout the world. Any priest or layman wishing to dissent from this consensus would, to put it mildly, have great difficulty in providing a convincing argument to show why he should be right and the Magisterium of the Church and the consensus of Catholic theologians wrong.

A crucially important question for some traditionalist priests to ask themselves is which Mass matters more to them—the traditional or the New Mass. The principal aim of the traditionalist movement is, surely, to secure the continued and permanent use of the 1962 liturgical books within the Catholic Church. The persecuted Catholics of Elizabethan England had the saying: "It is the Mass that matters." All traditionalist Catholics, priests and laymen, should, surely, say: "It is the Traditional Mass that matters." It is, alas, evident that for a good number of them it is really the New Mass that matters. In some cases this Mass seems to have become an obsession, and on a practical level they are ready to condemn any and every fellow Catholic who will not endorse any and every theory that they have thought up concerning the New Mass. The fact that they would not be able to find a single professional theologian anywhere in the entire world who would so much as take these theories seriously does not trouble them in the least. We must pray that for the sake of the traditionalist movement and the Church all traditionalist priests will come to realize that it is the Traditional Mass and not the New Mass that matters. The martyr priests of Elizabethan England did not devote their time to theorizing on the Anglican Prayer Book but to bringing the Missal of St. Pius V to the faithful Catholic remnant. Their example is one which all traditionalist priests today would do well to emulate.

(i) *Why the Tridentine Mass?*

A final question to be answered is why, if it cannot be said that a celebration strictly according to the 1970 Latin Missal is harmful, should we not be satisfied with this and cease our demands for the use of the 1962 Missal? The obvious answer is that the Traditional Mass is, as Father Faber expressed it, “the most beautiful thing this side of heaven”. The Tridentine Mass is the birthright of every Catholic of the Latin rite, our most precious spiritual heritage, a living celebration of the faith of our Fathers which, for the sake of our children, we have no right to abandon. The great liturgist Father Adrian Fortescue gives us more than sufficient reason to concur with Mgr. Gamber that the Traditional Mass “must become once more the norm of our faith . . . a rock of stability in a period of upheaval and never-ending change”:

Essentially the Missal of Pius V is the Gregorian Sacramentary; that again is formed from the Gelasian book, which depends on the Leonine collection. We find the prayers of our Canon in the treatise *De Sacramentis* and allusions to it in the 4th century. So our Mass goes back, without essential change, to the age when it first developed out of the oldest liturgy of all. It is still redolent of that liturgy, of the days when Caesar ruled the world and thought he could stamp out the faith of Christ, when our fathers met together before dawn and sang a hymn to Christ as to a God. The final result of our enquiry is that, in spite of unsolved problems, in spite of later changes there is not in Christendom another rite so venerable as ours.¹⁶⁵

(j) *The Duty of a Catholic*

The doctrine of indefectibility does not protect us from harm done by weakness, poor judgement, or lack of liturgical sensibility on the part of a pope. In the present crisis we can see that the Holy Ghost has done sufficient to prevent the Church from failing in her divine constitution, and no more. This should both comfort and strengthen the faith of traditional Catholics, and inspire them to play their full part as members of the Mystical Body to restore that Body to sound health again. The first requirement to achieve this

must be to obtain as many celebrations of the traditional Mass as possible. The number of such celebrations is increasing daily. The second is to work respectfully, as Mgr. Gamber expresses it, for the eventual restoration of the 1962 Missal as “the primary liturgical form for the celebration of Mass”. Dietrich von Hildebrand, described by Pope Pius XII as *the* twentieth century doctor of the Church, reminds us that:

The faithful are not obliged to regard all ordinances as good and desirable. They can regret them and pray that they be taken back; indeed, they can work, with all due respect for the Pope, for their elimination.¹⁶⁶

The fact that the Latin Missal of Pope Paul VI can not be described as bad, evil, or intrinsically evil does not mean that we must consider it an acceptable substitute for the traditional Missal. The devastating critique of the 1970 Latin Missal sent to Pope Paul VI by Cardinals Ottaviani and Bacci makes this quite clear. In their covering letter they explain to the Pope that:

The *Novus Ordo Missae* - considering the new elements susceptible of widely differing evaluations, which appear to be implied or taken for granted - represents as a whole and in detail, a striking departure from the Catholic theology of the Mass which was formulated by Session XXII of the Council of Trent, which by fixing definitively the “canons” of the rite, erected an insurmountable barrier against any heresy which might attack the integrity of the Mystery.¹⁶⁷

Msgr. Klaus Gamber could envisage only one realistic solution to the present crisis in the liturgy:

In the final analysis, this means that in the future the traditional rite of Mass must be retained in the Roman Catholic Church ... as the primary liturgical form for the celebration of Mass. It must become once more the norm of our faith and the symbol of Catholic unity throughout the world, a rock of stability in a period of upheaval and never-ending change.¹⁶⁸

Will such a day ever come? Who can say? It may well be that we

are even now in the last days. What we can be certain of is that it is our duty to work for this restoration however faint our chances of success may appear at present. In the days of the Arian persecution, when St. Athanasius was a hunted fugitive, excommunicated by the Pope, who could have imagined that the day was drawing near when true Catholics who had been forced to worship outside their parish churches would be able to return to them in triumph? We must pray for a pope such as Paul IV, St. Pius V, or St. Pius X, who will not shrink from taking the measures needed to restore orthodoxy whatever the consequences. It would indeed be preferable to have a Church reduced to a fraction of its present size, but composed of true Catholics, rather than a Church composed of hundreds of millions of Catholics, a large proportion of whom have no right to the name. Cardinal Newman wrote:

May God arise and shake terribly the earth (though it be an awful prayer), rather than the double-minded should lie hid among us, and souls be lost by present ease. . . . Let Him winnow us, till the chaff be clean removed: though, in thus invoking Him, we know not what we ask, and, feeling the end in itself to be good, yet cannot worthily estimate the fearfulness of that chastisement which we so freely speak about.¹⁶⁹

However lamentable the state of the Church at present, however terrible the trials and tribulations we may have to face—Our Lady of Fatima warned us of them—we must under all circumstances remain in the barque of Peter which is the one Ark of Salvation. Pope Leo XIII warned us in *Satis cognitum*:

The Church of Christ, therefore, is one and the same forever: those who leave it depart from the will and command of Christ the Lord. Leaving the path of salvation they enter on the path of perdition.¹⁷⁰

Appendix I

THE LEGAL STATUS OF THE 1970 MISSAL

There has been a great deal of confused and confusing comment on the legal status of the 1970 Missal, much of which does not deserve to be taken seriously. Father Thomas Glover, JCD, explained in 1982, when he was Professor of Canon Law at the Seminary of St. Pius X, Ecône, Switzerland, that Canon law is a very specialized subject and can confuse those who do not possess the specialized knowledge necessary to understand the Code. He notes that there are even those who imagine that the Bull *Quo Primum* of Pope St. Pius V, 1570, makes any alteration of the rite of Mass found in his Missal unlawful: "No pope can bind his successors in disciplinary matters, and St. Pius V's bull was disciplinary...The strong wording and prohibition against future changes were customary at a time when Church government was far less centralized than it is today, and was not aimed at future popes."¹⁷¹

Another argument put forward is that although Pope Paul VI possessed the same authority as St. Pius V he did not engage the fulness of that authority in promulgating his Missal. It is claimed that in his Apostolic Constitution *Missale Romanum* of 3 April 1969 he did not mandate the use of his Missal, but simply permitted it as an alternative to the Missal of St. Pius V. The difference in the style of language used by the two pontiffs is adduced as proof of this. *Missale Romanum*, it is claimed, lacks the proper juridical language to be binding upon all priests and faithful. It is further argued that the authority of *Missale Romanum* is weakened by an irregularity in its promulgation, that is to say that an alteration was made to the original text.

Where the question of language is concerned, there are no set formulae that a legislator is obliged to use. The only requirement is that the language he uses should make his intention clear. If that intention is clear it cannot be called into question because a specific form of juridical language is not used. Before examining the intention of the legislator the changes made to the text of *Missale Romanum* must be dealt with.

The Missal of Pope Paul VI was not published until 1970, but

was promulgated by the Apostolic Constitution *Missale Romanum* in April 1969. The *Ordo Missae* (the Order of Mass) was published in that month in advance of the publication of the complete Missal in 1970. This *Ordo* was promulgated by a decree of the Sacred Congregation of Rites on 6 April 1969. This decree appeared at the beginning of the 1969 Typical Edition of the *Ordo Missae*, as does *Missale Romanum*. The decree does not appear in the *Acts of the Apostolic See* (AAS), presumably because the publication of the *Ordo* in isolation from the complete Missal was only a temporary measure. When *Missale Romanum* appeared in the AAS the text differed from that found at the beginning of the typical edition of the *Ordo Missae*. The difference consisted of the addition of a sentence which reads: "We order that the prescriptions of this Constitution go into effect on November 30th this year, the first Sunday of Advent." However, as I explained in my book *Pope Paul's New Mass*, published in 1980, the official text of any Vatican document is the one which appears in the AAS and this must be accepted as the definitive text.¹⁷² There is thus, from the canonical standpoint, no confusion and no irregularity in the promulgation of the 1970 Missal as a result of this addition. This would be confirmed by any professional canonist.

Having established that the AAS text of *Missale Romanum* must be considered as the authentic version, the question arises as to the intention of the Pope, the mind of the legislator (*mens legislatoris*), and as to whether he has made this intention clear. After explaining the principal revisions made to the Missal of St. Pius V, and the fruits expected from the changes, Pope Paul VI expressed the hope that his Missal would prove to be an instrument of liturgical unity and the devotion of the Church's worship just as that of St. Pius V had been. This expectation was certainly not fulfilled, but it has no bearing on the fact that the Pope clearly envisaged his Missal as replacing that of St. Pius V. He states:

It is our will that these decisions and ordinances should be firm and effective now and in the future, notwithstanding any Constitutions and Apostolic Ordinances made by our predecessors, and all other decrees including those deserving of special mention, no matter of what kind.

The question as to whether the Missal of Pope Paul VI was legally promulgated must be considered independently of whether it

abrogated the Missal of St. Pius, and whether for every priest of the Roman Rite the use of the 1970 Missal is now mandatory. There can be no doubt that Pope Paul VI believed this to be the case. In his Consistory allocution of 24 May 1976 he insisted that: "The adoption of the Ordo Missae is certainly not left to the free choice of priests or faithful." But the point that concerns us here is the legal status of the 1970 Missal, and not that of the 1570 Missal. The status of the Pauline Missal is certainly that of an universal law. Every priest of the Roman Rite is entitled to (if not obliged) to use it. The fact that there are exceptions to many laws does not detract from the fact that they are laws. In every country there is a speed limit, but in an emergency ambulances, doctors, fire-engines, and the police can exceed it. Parking on yellow lines is forbidden in England, but doctors on duty and handicapped citizens are provided with a certificate exempting them from this law, the equivalent to an indult in ecclesiastical law. A priest must have at least one other person present when he celebrates Mass, but there have always been exceptions to this rule. The Roman Rite once had strict laws of fasting and abstinence, but there were always grounds for exemption. I would be surprised if a single professional canonist or theologian could be found who would question the fact that the 1970 Roman Missal is now the norm for the Roman Rite, comes into the category of an universal disciplinary law, and is therefore infallibly protected by the indefectibility of the Church in the sense explained in this book.

It has even been claimed by some traditionalist priests, incredible as this may seem, that the Mass of Pope Paul VI is not an official Mass of the Catholic Church and that assisting at it does not fulfil the Sunday obligation. The Code of Canon Law rules that: "The precept of participating in the Mass is satisfied by assistance at a Mass which is celebrated anywhere in a Catholic rite either on the holy day or on the evening of the day before." The Mass of Pope Paul VI is indubitably a Catholic rite and assisting at it indubitably fulfils the Sunday obligation. It is the Roman Pontiff who decides what is or what is not a Catholic rite, and any rite recognized by him as such undoubtedly comes into this category. Traditionalist priests do nothing to enhance their own credibility or that of the traditionalist movement by making claims that no professional canonist or theologian would consider as worthy of consideration.

This brings us to the second question, as to whether *Missale Romanum* made the Missal of Pope Paul VI mandatory for every

priest of the Roman Rite, so that the Missal of St. Pius V could only be used under the terms of the English Indult of 1971¹⁷³ or the provisions of *Quattuor abhinc annos*, 3 October 1984. Count Neri Capponi maintains that "at least by virtue of established custom all celebrants should be free to use it (the Missal of St. Pius V) and all the faithful to take part in it"¹⁷⁴ Given that this is the case (even though the Vatican does not concede it), it in no way detracts from the status of the 1970 Missal as an universal disciplinary law.

Appendix II

THE OPUS OPERATUM

The Sacramental system, the *opus operatum*, imparts grace directly from God. The Sacraments themselves are the source of the grace they convey providing they are administered by an authorised minister who intends to do what the Church does, and observes the correct ritual. This automatic transmission of grace through a correctly administered sacrament is referred to as grace received *ex opere operato*. It is made possible because Christ Himself is the true minister of all the sacraments, the human ministers only acting as His instruments. We receive the grace of the sacraments directly from Christ no matter how unworthy the intermediary. It would, of course, be a grave sin on the part of the minister to administer a sacrament while conscious of unabsolved mortal sin, indeed it would be a sacrilege. But if, for example, a priest offered Mass or heard confessions while in a state of mortal sin this would not prevent the faithful receiving the sacramental grace which comes to them from Christ.

Although the grace of the sacraments is made available automatically, *ex opere operato*, its fruitfulness in those who have reached the age of reason is affected to some extent by their dispositions. As we are told in the *Lauda Sion*, the sequence for *Corpus Christi*, the same sacrament can have the opposite effect, life for some and death for others. This is the teaching of St. Paul: "For he that eateth and drinketh unworthily, eateth and drinketh judgement to himself, not discerning the body of the Lord" (I Cor. 11: 29).

The influence of the dispositions of the recipient upon the fruits of the sacrament is referred to as *ex opere operantis*. In no way at all is the grace of a sacrament ever produced *ex opere operantis*, the dispositions of the recipient can only help to determine its effectiveness. They are never the cause or source of sacramental grace, which comes directly from Christ Himself.

Because the Church is nothing less than the extension of the Incarnation throughout the ages and throughout the nations, because the Church is Christ saving and sanctifying His elect, it is clear that the Mystical Body is to be the normal channel of grace, above all through the Seven Sacraments. The specific theological terminology is that the Sacraments are the "ordinary means of salvation". But God, who is omnipotent, is not bound by the sacramental system, and He can convey His grace by "extraordinary" means to those who for some good reason are denied access to them.

Appendix III

TWO PREFACES FROM THE MISSAL OF POPE PAUL VI

Preface of the Blessed Sacrament—I

Vere dignum etc

Qui, verus aeternusque Sacerdos,
 formam sacrificii perennis instituens,
 hostiam tibi se primus obtulit salutarem,
 et nos, in sui memoriam, præcepit offerre.
 Cuius carnem pro nobis immolatam
 dum sumimus, roboramur,
 et fustum pro nobis sanguinem dum potamus, abluimur.

He was the true and eternal Priest
 who instituted the rite of the unending sacrifice,

and offered Himself in it as the Victim for our salvation,
and commanded us to offer the same sacrifice
in His memory.

As we eat His Body, which has been offered up for us,
We are strengthened, and, as we drink His Blood,
which He poured out for us, we are washed clean.

Preface for the Chrism Mass - Holy Thursday

Vere dignum et iustum est, æquum et salutare,
nos tibi semper et ubique gratias agere:
Domine, sancte Pater, omnipotens æterne Deus:

Qui Unigenitum tuum Sancti Spiritus unctione
novi et æterni testamenti constituisti Pontificem,
et ineffabili dignatus es dispositione sancire,
ut unicum eius sacerdotium in Ecclesia servaretur.

Ipse enim non solum regali sacerdotio
populum acquisitionis exornat,
sed etiam fraterna homines eligit bonitate,
ut sacri sui ministerii fiant manuum impositione participes.

Qui sacrificium renouent, eius nomine, redemptionis humanæ,
tuis apparantes filiis paschale convivium,
et plebem tuam sanctam caritate præueniant,
verbo nutriant, reficiant sacramentis.

Qui, vitam pro te fratrumque salute tradentes,
ad ipsius Christi nitantur imaginem conformari,
et constantes tibi fidem amoremque testenter.

Unde et nos, etc.

It is truly meet and just,
right and availing unto salvation,
that we should at all times and in all places
give thanks unto Thee, O holy Lord,
Father almighty and everlasting God.

By thy Holy Spirit
 Thou didst anoint Thine only Son,
 High Priest of the new and eternal covenant.
 With wisdom and love Thou hast planned
 that this one priesthood should continue in the Church.
 Christ gives the dignity of a royal priesthood
 to the people He has made His own.
 From these with a brother's love,
 He chooses men to share His sacred ministry
 by the laying on of hands.

He appoints them to renew in His name
 the sacrifice of our redemption
 as they set before your family his paschal meal.
 He calls them to lead Thy holy people in love,
 nourish them by Thy word,
 and strengthen them through the sacraments.

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| APML1 | <i>Apologia Pro Marcel Lefebvre</i> , vol. I, M. Davies (Dickinson, 1979). |
| APML2 | <i>Apologia Pro Marcel Lefebvre</i> , vol. II, M. Davies (Dickinson, 1983). |
| BE | <i>Canon Law, A Text & Commentary</i> , T. Bouscaren & A. Ellis (Milwaukee, 1958). |

- CC *Catholic Catechism*, P. Gasparri (London, 1932).
- CCL *Code of Canon Law*.
- CE *Catholic Encyclopedia* (New York, 1913).
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- PJC *Pope John's Council*, M. Davies (Angelus Press, 2918 Tracey Avenue, Kansas City, MO, 64109, 1992).
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- ST *Summa Theologica*, St. Thomas Aquinas.
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NOTES

- ¹ LG, no. 2, AF, p. 350.
- ² DTC, vol. IV, col. 2108.
- ³ LG, no. 2, AF, p. 351.
- ⁴ LG, no. 9, AF, p. 360.
- ⁵ ST, III, Q.8, art. 4, ad 2.
- ⁶ DTC, vol. IV, cols. 2109-2110.
- ⁷ *Ibid.*, col. 2110.
- ⁸ SC, p. 13.
- ⁹ D, 1821.
- ¹⁰ CE, vol. III, p. 751, col. 1.
- ¹¹ *Ibid.*

- 12 Ibid.
- 13 In. Joan., Tract lxxx, vii, n. 2. PL xxxv.
- 14 TCC, p. 659.
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- ⁸⁸ A detailed examination of this question is available in APLM1, Appendix II, Part 2. A more detailed explanation is available in A. X. de Silveira, *La Nouvelle Messe de Paul VI: Qu'en penser?* (Chiré-en-Montreuil, France, 1975), pp. 218-281.
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- ⁹¹ F. Suarez, *De legibus* (Paris, 1856), vol. IV, chap. 7, no. 10, p. 361.
- ⁹² *Dogmatic Works of St. Alphonsus Maria de Ligouri* (Turin, 1848), vol. VIII, p. 720.
- ⁹³ Wernz-Vidal, *Jus Canonicum* (Rome, 1942), vol. II, p. 518.
- ⁹⁴ Ibid., p. 433.
- ⁹⁵ Ibid., Wernz-Vidal, (Rome, 1937), vol. VII, pp. 46-47.
- ⁹⁶ CCL: Old Code, Canon 1325; New Code, Canon 751.
- ⁹⁷ D, 1792; CCL: Old Code, Canon 1323; New Code, Canon 750.

- ⁹⁸ CCL, Old Code, 1323, §3; New Code, 749, §3.
- ⁹⁹ BE, p. 724.
- ¹⁰⁰ CE, vol. VII, pp. 256; BE, p. 938.
- ¹⁰¹ CE, vol. VII, pp. 256-257.
- ¹⁰² Ibid., p. 256.
- ¹⁰³ CCL, Old Code, Canon 2315.
- ¹⁰⁴ CCL, Old Code, Canon 2315; S. Woywod, *The New Canon Law* (New York, 1918), p. 389; BE, p. 898.
- ¹⁰⁵ CE, vol. IX, p. 443.
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- ¹⁰⁷ LO, p. 475: "The doctrine that there is a particular judgement for each soul immediately after death is not defined, but is presupposed by the dogma that departed souls go forthwith (immediately) after death into heaven or into hell or into purgatory." The theological note given to the doctrine of the particular judgement is *sententia fidei proxima*, that is a teaching proximate to faith. This is a doctrine which is regarded by theologians generally as a truth of revelation, but which has not yet been finally promulgated as such by the Church.
- ¹⁰⁸ BE, p. 860.
- ¹⁰⁹ Ibid., p. 875.
- ¹¹⁰ Ibid., p. 876.
- ¹¹¹ CE, vol. III, p. 529.
- ¹¹² Ibid.
- ¹¹³ CCL. Old Code, Canon 2314; New Code, Canon 1364.

- ¹¹⁴ Op. cit., note 111.
- ¹¹⁵ C. Journet, *Théologie de l'Église* (Bruges, 1960), p. 329.
- ¹¹⁶ Op. cit., note 111.
- ¹¹⁷ Ibid.
- ¹¹⁸ Cited in BE, p. 845.
- ¹¹⁹ Op. cit., note 111, p. 530.
- ¹²⁰ Ibid.
- ¹²¹ BE, p. 852; CCL, Old Code, Canons 1557 & 2227; New Code, Canon 1405.
- ¹²² Op. cit., note 119.
- ¹²³ D, 1831; LO, p. 285.
- ¹²⁴ LO, p. 286.
- ¹²⁵ CCL, Old Code, Canon 1556; New Code, Canon 1404.
- ¹²⁶ LO, p. 286.
- ¹²⁷ CE, vol. XII, p. 269.
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- ¹²⁹ CCL, Old Code, Canon 1258.
- ¹³⁰ BE, p. 688; CCL, Old Code, Canon 1258.
- ¹³¹ Decree on Ecumenism (*Unitatis Redintegratio*), no. 8, AF, pp. 460-461.
- ¹³² PJC, p. 204.

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- ¹³⁴ CE, vol. VII, p. 256.
- ¹³⁵ M. Davies, *The Second Vatican Council and Religious Liberty* (The Neumann Press, Long Prairie, Minnesota, 1992).
- ¹³⁶ J.H. Newman, *Difficulties of Anglicans* (London, 1876), pp. 256-261.
- ¹³⁷ F. Clark, *Anglican Orders and Defect of Intention* (London, 1956), p. 10.
- ¹³⁸ Archbishop Lefebvre accepted unequivocally that the New Mass was neither invalid nor heretical. APML2, p. 378.
- ¹³⁹ APML2, p. 369.
- ¹⁴⁰ M. Davies, *The Catholic Sanctuary and the Second Vatican Council* (Tan Books, PO Box 424, Rockford, Illinois 61105, 1997).
- ¹⁴¹ CE, vol. VIII, pp. 3-665, article "Kiss". The abuses to which this form of salutation might lead were avoided in the East and West by separating men and women during the liturgy so the the kiss of peace was given only to members of the same sex. In some countries such as England in about the twelfth or thirteenth centuries the use of the "pax board" or "pax brede" was substituted for the kiss of peace. See the article "Pax", CE, vol. XI, pp. 595-595.
- ¹⁴² F-A Zaccaria, S.J., *De usu librorum liturgicorum in rebus theologicis*, in *Theologiae cursus completus*, vol. V, Migne (Paris, 1860), col. 286.
- ¹⁴³ See the Encyclical Letter *Mysterium Fidei*, 3 September 1965, and *The "Credo" of the People of God*, 30 June 1968.
- ¹⁴⁴ PPNM, p. 329.

- ¹⁴⁶ PPNM, p. 275.
- ¹⁴⁷ A detailed analysis of the Foreword to the 1970 Missal is included in PPNM, pp. 297-306. While accepting that it contains an unequivocal reaffirmation of the teaching of Trent it is pointed that this foreword is the most damning indictment of the New Missal that will ever be written, as never before in the history of the Catholic Church has one of her sacramental rites required the addition of a foreword to justify its orthodoxy within one year of its publication.
- ¹⁴⁸ This is now the third acclamation as a new one was inserted before it in the 1970 Missal. There is also a fourth.
- ¹⁴⁹ PPNM, p. 616-619.
- ¹⁵⁰ Instruction *Inestimabile Donum*, 3 April 1980.
- ¹⁵¹ During a visit to the Congregation for Divine Worship in February 1994 I was informed by a prelate that thirty-five American bishops had visited the Congregation since the beginning of that year, and all of them wished only to discuss the authorization of altar girls.
- ¹⁵² See the booklets by Michael Davies, *A Privilege of the Ordained and Communion under both Kinds*, available from The Neumann Press, Box 30, Long Prairie, MN 56347
- ¹⁵³ *Acts of the Apostolic See*, 86 (1994), p. 542.
- ¹⁵⁴ John M. McCarthy, "The Canonical Meaning of the Recent Authentic Interpretation of Canon 230.2 Regarding Female Altar Servers", *Living Tradition*, January 1995.
- ¹⁵⁵ Thomas Cranmer, *Works*, Vol. II (Cambridge: Parker Society, 1846), pp. 524-525.
- ¹⁵⁶ Address to a General Audience on the New Rite of Mass, 19 November 1969. See PPNM, pp. 556-559.

- ¹⁵⁷ L. Bouyer, *The Decomposition of Catholicism* (London, 1970), p. 1.
- ¹⁵⁸ P. Hughes, *The Reformation in England*, vol. II (London, 1953), p. 111.
- ¹⁵⁹ *Adoremus* promotional letter dated 29 June 1995.
- ¹⁶⁰ J. Ratzinger, *Feast of Faith* (San Francisco, 1986), p. 140.
- ¹⁶¹ RRL, p. xiii
- ¹⁶² *Ibid.*, p. 61.
- ¹⁶³ *Ibid.*, p. 9
- ¹⁶⁴ ST, I, I, Q. 48, art. 5, ad. 1.
- ¹⁶⁵ A. Fortescue, *The Mass: A Study of the Roman Liturgy* (London, 1912), p. 213.
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- ¹⁶⁷ PPNM, p. 493.
- ¹⁶⁸ RRL, p. 114.
- ¹⁶⁹ 116. Sermon, "Religious Cowardice", *Parochial and Plain Sermons*, vol. II, Sermon XVI.
- ¹⁷⁰ SC, p. 16.
- ¹⁷¹ M. Davies, *The Legal Status of the Tridentine Mass* (Angelus Press, 1982), Foreword.
- ¹⁷² PPNM, pp. 23 & 554.

- ¹⁷³ PPNM, pp. 564-568.
- ¹⁷⁴ PPNM, pp. 581-583. See also the article: "The Legal Status of the Tridentine Mass" by Count Neri Capponi and Michael Davies, *The Latin Mass*, May-June 1994, and the booklet: *The Legal Status of the Tridentine Mass* by Michael Davies (The Angelus Press).

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