

NOTES TO BOOK II

1. James A. Coriden, Thomas J. Green, Donald E. Heintschel; *THE CODE OF CANON LAW, A Text and Commentary*, Commissioned by THE CANON LAW SOCIETY OF AMERICA, p. 548.
2. “It is difficult to determine precisely when an individual or group is guilty of apostasy, heresy, or schism according to law ... In any event, juridical certainty about the existence and imputability of such offences presupposes a careful inquiry into the pertinent facts.” *Ibid.*, p. 920.
3. Felix Cappello, *Summa Iuris Canonici*, Vol. II, Pars II, Caput II, Articulus II de excommunicationibus speciali modo reservatis Ap. Sedi. p. 193.
4. *Ibid.*, p. 193.
5. Wernz-Vidal, *Ius Canonicum*, Rome, Gregorian Univ. 1937, Vol. II, p. 398.
6. The Tridentine Profession of Faith solemnly issued by Pope Pius IV in 1564, states:

“I most steadfastly admit and embrace Apostolic and Ecclesiastical Traditions and all other observances and constitutions of the said Church ...

“I also receive and admit the received and approved rites of the Catholic Church used in the solemn administration of the ... sacraments”.
7. *De Fide*, disp. IX, sect. 1, n. 15.
8. Cappello, *op. cit.*, p. 193 — “*inobedientia rem ipsam præceptam, non autem imperium sive auctoritatem respiceret*”.
9. Dominicus Prümmer, *Manuale Theologiæ Moralis*, vol. II, p. 457; St. Thomas, *Summa Theol.*, II - II, q. 104, a. 5, q. 105, a. 2.
10. “Schismatici non solum sunt Græci non-uniti, Veteres Catholici, sed etiam illi baptizati, qui pertinaciter recusant obœdientiam Romano Pontifici in quantum est caput Ecclesiæ ...” (Prümmer, Vol. III, p. 364) and similarly Regatillo-Zalba: “**Schisma**, negatio subiectionis Romano Pontifici ut capiti supremo Ecclesiæ Christi ...” *Theologiæ Moralis Summa*, vol. III, p. 946.
11. “... schisma autem per se opponitur unitati ecclesiasticæ caritatis. Et ideo sicut fides et caritas sunt diversæ virtutes, quamvis quicumque caret fide, caret caritate; ita etiam schisma et hæresis sunt diversa vitia...et hoc est quod S. Hieronymus dicit: ‘Inter schisma et hæresim hoc interesse arbitror, quod hæresis perversum dogma habet, schisma ab Ecclesia separat.’” — St. Thomas, *Summa Theol.*, II-II, q. 12, a. 1 ad 3.
12. Coriden, et al., *op. cit.* p. 128.
13. *Ibid.*, p. 129.
14. “*It is not the consecration of a bishop which creates the schism ... even if it is a grave faux pas against the discipline of the Church; what makes the schism a fact, is to give the bishop an apostolic mission.*

“For this usurpation of the powers of the Sovereign Pontiff proves that one has created a parallel Church.” (*Question de Droit ou de confiance, L’Homme Nouveau*, 17 Feb. 1988.)
15. *La Repubblica*, October 7, 1988.
16. *Ibid.*
17. “Omnes a christiana fide apostatae et omnes et singuli haeretici aut schismatici ... Yncurrunt ipso facto excommunicationem.” (CIC 1917, c. 2314, § 1, 1.)

18. “Episcopus aliquem consecrans in Episcopum, episcopi vel, loco Episcoporum, presbyteri assistentes, et qui consecrationem recepit sine apostolico mandato contra prescriptum can. 953, ipso iure suspensi sunt, donec Sedes Apostolica eos dispensaverit”. (*can. 2370*)
19. In the above-cited interview given by Cardinal Castillo Lara, His Eminence pointed out that schism is a crime against the unity of the Church, whereas another section of the Code deals with the offence of unauthorised episcopal consecration.
20. Furthermore, one must bear in mind that it pertains to the very essence of a law or juridical act that those subject to the ruling must be clearly specified. The reference to the “Schism” does not make any such clear specification, but only speaks of “the movement of Archbishop Lefebvre”, and hence is defective in what regards the very essence of a juridical act. Theoretically considered, if the Pope had actually made a ruling, the reference to the “schismatic act” in the aforementioned Motu Proprio mentioning by name the six bishops involved in the unauthorised episcopal consecrations, in accord with the principle “odiosa sunt restringenda”, according to which the strictest and narrowest literal application must be made, the references to schism would not legitimately be able to be applied to anyone beyond the six bishops named therein. Hence, the Law of the Church would not allow the attribution of the term “schism” in this particular reference to extend beyond the six bishops named in the document. (Canon 18: “*Laws which establish a penalty or restrict the free exercise of rights or which contain an exception to the law are subject to a strict interpretation.*”)
21. cf. Vatican Council I, Dogmatic Constitution *Dei Filius*, 3 (DB 1792); Vatican Council II, Dogmatic Constitution *Lumen Gentium*, 25; *Code of Canon Law*, cann. 749, 750.
22. Cardinal Castillo Lara, in *La Repubblica*, Oct. 7, 1988.
23. T.C.G. Glover, *Schism and Archbishop Lefebvre*.
24. Count Neri Capponi is a recently retired professor of Canon Law and a canon lawyer accredited to argue cases before the Sacred Roman Rota.
25. *Church Law, Jargon Free; An Interview with Count Neri Capponi*, in *The Latin Mass Magazine*, May-June, 1993.
26. “Schismatici non solum sunt Graeci non-uniti, Veteres Catholici, sed etiam illi baptizati, qui pertinaciter recusant oboedientiam Romano Pontifici in quantum est caput Ecclesiae ...” (Prümmer, Vol. III, p. 364) and similarly Regatillo-Zalba: “*Schisma*, negatio subiectionis Romano Pontifici ut capiti supremo Ecclesiae Christi ...” *Theologiae Moralis Summa*, vol. III, p. 946.
27. Letter of the Apostolic Pro-Nuncio Mons. Cacciavillan communicating the ruling of the Holy Office (June 28, 1993).
28. “Permanentia vel publica sectae adhæsiō, etsi sine adscriptione; ostendendo factis vel se ad sectam pertinere vel illam sibi placere; v. gr., conventibus sectae interveniendo, eius doctrinam vel statuta defendendo, sectam promovendo.” (Regatillo-Zalba, *Theologiae Moralis Summa*, vol. III, p. 947.)
29. Edward Cardinal Cassidy, President of the *Pontifical Council for the Promotion of Christian Unity*, in an official letter (Prot. N. 2336/94) dated May 3rd, 1994, declared: “I would point out at once that the Directory on Ecumenism is not concerned with the Society of St. Pius X. ***The situation of the members of this Society is an internal matter of the Catholic Church. The Society is not another Church or Ecclesial Community*** in the meaning used in the Direc-

- tory.”
30. This is the expression used by Paul VI in his general audience of November 19, 1969. It is a clear admission that the *Novus Ordo* liturgy is something more than a mere revision of the Roman Rite of Mass.
 31. “Since the ‘Normative mass’, now reintroduced and imposed as the *Novus Ordo Missae*, was in substance rejected by the Synod of Bishops, was never submitted to the collegial judgement of the Episcopal conferences, and since the people — least of all in mission lands — have never asked for any reform of the Holy Mass whatsoever, one fails to comprehend the motives behind the new legislation which overthrows a tradition unchanged in the Church since the Fourth and Fifth centuries, as the Apostolic Constitution itself acknowledges. As no popular demand exists to support this reform, it appears devoid of any logical grounds to justify it and make it acceptable to the Catholic people.” (from the *Critical Study* presented to Pope Paul VI by Cardinals Ottaviani and Bacci)
 32. Canon 28 — “... unless it makes express mention of centenary or immemorial customs, a law does not revoke them, nor does a universal law revoke particular customs”.
 33. Council of Trent, Session VII, Canon XIII.
 34. Pope St. Stephen I (254-257): “Let them innovate in nothing, but keep the traditions.”
 35. “Let all everywhere adopt and observe *what has been handed down by the Holy Roman Church*, the Mother and Teacher of the other churches, and *let Masses not be sung or read according to any other formula than that of this Missal published by Us.*”
 36. “*Si quis dixerit, receptos et approbatos Ecclesiae catholicae ritus in sollemni sacramentorum administratione adhiberi consuetos aut contemni, aut sine peccato a ministris pro libito omitteri, aut in novos alios per quemcumque ecclesiarum pastorem mutari posse: anathema sit.* – Session VII Canon XIII.
 “If anyone shall say that the received and approved rites of the Catholic Church accustomed to be used in the solemn administration of the sacraments may be disdained or omitted by the minister without sin and at pleasure, or may be changed to other new ones by any pastor of the churches whomsoever: let him be anathema.”
 37. Pope Paul VI, Nov. 19, 1969.
 38. *The Canonical Status of the Lay Faithful Associated with the Late Archbishop Marcel Lefebvre and the Society of St. Pius X: Are They Excommunicated as Schismatics?* The portion of this work which I have quoted was published in the Fall 1995 issue of *The Latin Mass*.
 39. *The Latin Mass*, May-June 1993, “Church Law, Jargon-Free”.
 40. Felix Cappello, *Summa Iuris Canonici*, Vol. II, Pars II, Caput II, Articulus II de excommunicationibus speciali modo reservatis Ap. Sedi. p. 193.
 41. Wernz-Vidal, *Ius Canonicum*, Rome, Gregorian Univ. 1937, Vol. II, p. 398.
 42. cf. H. Noldin, *De Censuris*, 1940, pp. 55-56: “Qui non renuens quidem subesse capiti Ecclesiae Romano Pontifici aliquid legitime praecipienti vel prohibenti, pertinaciter non obtemperet, schismaticus non est neque huic poenae obnoxius.”
 43. Bouscaren and Ellis, quoted by M. Davies in his debate with E.M. Jones.
 44. Cappello, *op. cit.*, p. 193 — “*inobedientia rem ipsam praecipitam, non autem*

- imperium sive auctoritatem respiceret*".
45. P. Matthæus Conte a Coronata O.F.M., *Institutiones Iuris Canonici ad usum utriusque cleri et scholarum*, vol. 4 *De Delictis et Poenis*, Turin and Rome, 1955, p. 301. (quoted by G. Murray)
 46. "Schisma intelligitur perfectum et completum, quo quis renuit obedientiam S. Pontifici, non autem simplex inobedientia nec contemptus legis particularis, nec rebellio adversus episcopum." – Benedictus Henricus Merkelbach O.P., *Summa Theologiae Moralis*, Vol. I, p. 598.
 47. Quoted by M. Davies.
 48. St. Thomas, *Summa Theol.*, II-II, q. 39, a. 1: "... peccatum schismatis proprie est speciale peccatum ex eo quod intendit se ab unitate separare quam caritas facit ... Et ideo proprie schismatici dicuntur qui propria sponte et intentione se ab unitate Ecclesiae separant ..."
 49. Benedictus Henricus Merkelbach O.P., *Ibid.*, p. 598.
 50. Alphonse Borras, *Les Sanctions dans L'Eglise*, Paris 1990. p. 163. (quoted by G. Murray)
 51. "talis inobedientia — secum quæ infert veram repudiationem Primatus Romani – actum *schismaticum* efficit" – *Ecclesia Dei* [3].
 52. Diekamp, *Theologiae Dogmaticae Manuale*, Vol. I, p. 72.
 53. Pesch, *Praelectiones Dogmaticae*, Vol. I, p. 315.
 54. Merkelbach, *Op. cit.*, Vol. I, p. 601.
 55. 1) "We have deemed it our duty to oppose the spirit of Vatican II and the reforms inspired by it ..."
 2) "We feel that it is absolutely necessary to have ecclesiastical authorities who share our concerns and help to protect us against the spirit of Vatican II ..."
 3) "Since our requests have been refused consideration ... we believe it preferable to await a more propitious time for Rome's return to Tradition ... This is why we ourselves will provide the means to continue the work which Providence has entrusted to us ..."
 4) "We shall continue to pray that the Rome of today, infested by modernism, will again become Catholic Rome ..."
 56. Archbishop Marcel Lefebvre, *An Open Letter to Confused Catholics*, p. 186.
 57. *Circular Letter* No. 8/93, Prot. No. 741/93, Dec. 8, 1993.
 58. "obedientiæ opponitur 1. per excessum servilitas seu obœdientia indiscreta, quæ scil. etiam in illicitis obtemperat ..." [Dominicus Prümmer, *Manuale Theologiae Moralis*, vol. II, p. 457.]
 59. *De Romano Pontifici*, II, 29.
 60. It is precisely because the traditional rite of Mass explicitly professes a faith that is radically opposed to the doctrinal novelties of Vatican II, that Modernist Rome remains so obstinate in its schismatical suppression of the Tridentine Mass and in its heretical attachment to the *Novus Ordo*. The *Conciliar Church is an Ecumenical Church*. Father Dörmann observes:
 The "new ecumenical orientation" is an *absolute novelty in the history of the Catholic Church and represents an undeniable break with pre-conciliar doctrine and practice*. (p. 96)
 The concept of an "ecumenical Church," which is gathered around Christ in a fuzzy pluralism of "Churches and Church communities" who find in Christ their fundamental, though imperfect unity, solemnly pleads ignorance of the

dogma of the visibility of Christ's Church, which is a historical reality in virtue of the Catholic faith (*unitas fidei*) and in the unity of the communion of the Catholic Church (*unitas communitatis*, i.e. hierarchical and liturgical unity).

The new definition of the Church's nature by the Second Vatican Council is a new dogma of the new Church, the "Conciliar Church." (Karol Wojtyła, [Sign of Contradiction], p. 28.) ... the Church is the "sacrament of unity of all mankind". (*Lumen Gentium* 1,1) (p. 79)

The declaration *Nostra Aetate* lays the theological foundation for the path of interreligious dialogue, which is the aim in view. The main idea is: that which is common to all men leads to unity among all men. In the area of religion, the motto runs: what is common to all religions leads to unity among all religions. Translated that means a one-world religion. (p. 145)

Thus it is only logical if the ecumenical efforts are directed towards the formulation of Eucharistic liturgies which all Christians can pray together. **"Then the rejection of the Mass of St. Pius V is fully understandable, since the rite was so decidedly Catholic!"** (p. 231) cf. Fr. Johannes Dörmann, *Pope John Paul II's Theological Journey to the Prayer Meeting of Religions in Assisi*, II/1.

61. cf. Michael Davies, *Apologia Pro Marcel Lefebvre*, vol. I, p. 415.

62. *Reflections Concerning the Consecrations*, in *The Angelus*, July, 1988, p. 43.

63. "This new religion is what countless bishops and priests all over the world, and nearly all of the most influential theologians, are pretending is the Catholic Faith as renewed by the Second Vatican Council." — Philip Trower, *The Church Learned and the Revolt of the Scholars*, p. 53.

"... the 'historical turning point,' officially introduced into the Church since the Council: There is public talk of a 'new religion,' (Eugen Biser, *Glaubenswende* [Freiburg i. Br. 1987]) and not only of manifest innovations in theology and liturgy. This 'historical turning point' was in the making among theologians long before Vatican II, and was nowhere given more official status, as the 'new religion' of the Conciliar Church, than in Assisi under the Pope's leadership ..."

Fr. Johannes Dörmann, *Pope John Paul II's Theological Journey to the Prayer Meeting of Religions in Assisi*, II/I, Angelus Press, 1996, p. 6-7.