This article first appeared in the April 2023 Edition of *Catholic Family News* (click HERE to subscribe; current subscribers can access the E-Edition by following the instructions posted HERE).

With a follow-up document to *Traditionis Custodes* reportedly coming soon, including the prospect that many will lose their approved Traditional Latin Mass as a result, the question has come up again regarding whether Catholics may fulfill their Sunday obligation by attending a Mass offered by priests of the Society of St. Pius X (SSPX). This question arises so often that Fr. John Zuhlsdorf of "Fr. Z's blog" has a post addressing it entitled, "Not AGAIN! 'Does attending an SSPX Mass fulfill one's Sunday obligation?'", the first line of which says, "This keeps coming up. Some people who ought to know better simply want to rehash it and rehash it, and they get it wrong."

The answer to the question has been decades in the making, and the only way to make sense of it is by analyzing what the Vatican has said on the subject chronologically over the last 40 years.

SSPX Priests are Suspended (July 1, 1976)

Following the unjust suppression of the SSPX in May of 1975, Archbishop Marcel Lefebvre was forbidden by Pope Paul VI to ordain any of his seminarians the following year.[1] Nevertheless, Archbishop Lefebvre considered himself bound in conscience to continue the work of forming holy priests according to traditional Catholic standards,[2] so he went ahead and ordained 13 priests and 14 subdeacons on June 29, 1976.[3]

Three days later, the Holy See announced that, as a result of conferring illicit ordinations, Archbishop Lefebvre "automatically incurred suspension [known as suspension *a collatione ordinum*] for a year from the conferring of orders, a suspension reserved to the Apostolic See." And furthermore, "Those who have been ordained are *ipso facto* (automatically) suspended from the order received, and, if they were to exercise it, they would be in an irregular and criminal situation."[4]

The current (1983) Code of Canon Law specifies the same canonical censures in canon 1383, which states: "A bishop who, contrary to the prescript of can. 1015, ordains without legitimate dimissorial letters someone who is not his subject is prohibited for a year from conferring the order. The person who has received the ordination, however, is *ipso facto* suspended from the order received."

"On July 22," as Lefebvre's official biography relates, "the secretary of the Sacred Congregation for Bishops notified Archbishop Lefebvre that since he had not provided signs

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of repentance as requested, the Holy Father [Paul VI] imposed on him the punishment of suspension *a divinis* according to Canon 2279 § 2, 2 [1917 Code], depriving him of the right to confect any of the sacraments."[5]

John Paul II Promulgates New Code of Canon Law (Jan. 25, 1983)

During the 1983 Code's preparatory phase, when writing canon 1248 §1, the statute concerning the Sunday obligation, a serious controversy arose within the Committee. As canonist Rev. Brian Dunn, J.C.D. relates: "While the proposed text for canon 1248 had read that the obligation of Mass attendance is satisfied 'anywhere that a Catholic rite is celebrated legitimately', the commission eliminated the word 'legitimately'…."[6]

Fr. Dunn obtained this information by reviewing the notes of the preparatory committee responsible for the statute (emphasis added): "It has been suggested that the word 'legitimately' be deleted. All the Consultors, with the exception of one, approve such a suggestion, because often ***the cause of illegitimacy resides in the sacred minister*** and ***the Christian faithful should not be punished for such a fault*** of the sacred minister."[7]

Thus the illegitimacy, both "in" and "of" the sacred minister, was removed from consideration. So the new statute, as it appears in the 1983 Code, reads simply: "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 preceding day."

Canon 923 adds a corresponding detail concerning the reception of Communion: "The Christian faithful can participate in the Eucharistic sacrifice and receive Holy Communion in any Catholic rite…."

The removal of the "illegitimacy" of the priest from canonical considerations regarding the Sunday obligation was manifested by what happened next.

The First Inquiry (March 17, 1984)

In an article published in the September 1984 issue of *The Angelus*, the SSPX's official English-language magazine, Michael Davies related:

> "In a personal letter to Cardinal [Silvio] Oddi, Prefect of the Sacred Congregation for the Clergy in Rome, a Catholic lady who recently started attending the Latin Tridentine Mass wrote to him on January 11, 1984, regarding the 'important

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issue concerning **Archbishop Lefebvre's Society of St. Pius X**' and pointedly asked His Eminence what is probably an unprecedented request:

'… could you kindly send my family and myself a letter with the information that you told me on the telephone that **we are fulfilling our Sunday obligation for Sunday Mass by attending Holy Mass at the Chapel of St. Michael the Archangel which is under Archbishop Lefebvre**…'

This letter was signed by Mrs. Barbara Kennan. The Cardinal's reply was as follows:

17 March 1984

Dear Mrs. Keenan [*sic*],

I have your letter of January 11th and thank you for it. **According to the new Code of Canon Law**, 'The obligation of assisting at Mass is satisfied **wherever** Mass is celebrated **in a Catholic rite** either on the day of obligation itself or in the evening a previous day.' (Canon 1248.1)

I hope that settles your doubts. In the meantime, I send you and your loved ones my blessing and wish you God's choicest graces,

Faithfully in Christ,

Signature"

There are several crucial points to note here: First, since the question concerned the legitimacy of the SSPX clergy and their Masses, the inquiry was quite correctly addressed to the Sacred Congregation for the Clergy, since the Pontifical Commission *Ecclesia Dei* wouldn't be established by Pope John Paul II to address questions concerning the SSPX and the Traditional Latin Mass until 1988. Second, Cardinal Oddi stated that the Sunday obligation can be fulfilled at an SSPX chapel based ***specifically*** on the new Code of Canon Law. Third, since Canon Law is universal, his determination applies to *all the faithful*, not just to Mrs. Kennan. And fourth, Mrs. Kennan is clear that she is asking about her regular, weekly Sunday obligation, not some isolated, unusual circumstance. Had it been a one-time event, she wouldn't have needed a letter to keep on hand after already getting a dispensation on the phone. Nowhere in her inquiry does she mention any unique impediments, nor does Cardinal Oddi in his response.

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The Excommunications (July 2, 1988)

On June 30, 1988, Archbishop Lefebvre consecrated four of his priests as bishops without a papal mandate and against Pope John Paul's explicit order, which, according to the Pope, resulted in *latae sententiae* (automatic) excommunications for Lefebvre and the four priests he consecrated.[8] The legitimacy of those excommunications was challenged within a few weeks by canonist Fr. Rudolf Kaschewsky and within a few months by canonist Fr. T.C.G. Glover. Subsequent to these challenges, and although Pope John Paul had claimed in his Apostolic Letter *Ecclesia Dei* (July 2, 1988) that Lefebvre's action "constitutes a ***schismatic*** act," by October of that year the Vatican backtracked, as lawyer and author Christopher Ferrara noted in 2002:

> "… Cardinal Castillo Lara, President of the Pontifical Council for the Interpretation of Legislative Texts, **conceded that under the terms of canon 1382**, 'The act of consecrating a bishop (without the agreement of the Pope) is **not in itself a schismatic act**…' since the only penalty imposed by the canon is excommunication *latae sententiae*."

"If that is true," explained Ferrara in a subsequent article, "then there was no canonical basis for the declaration of schism [Pope John Paul's term[9]] because the *motu proprio* cites only the 1988 episcopal consecrations as grounds."

Concerning Cardinal Castillo Lara, Ferrara also noted:

> "The Cardinal went on to assert that the SSPX schism had arisen before the 1988 consecrations, but that argument is **without canonical foundation since no Vatican document even suggested the SSPX was schismatic before the consecrations**. If, as Cardinal Lara admits, the consecrations **standing alone** did not produce a schism, then of course the whole question of schism becomes debatable. (I do not take up that debate here.)"

Nor will that debate be addressed here, except as it relates to the Sunday obligation. But given the Vatican's initial hardline stance against the SSPX, it is not unexpected that the initial responses of the Pontifical Commission *Ecclesia Dei* (PCED) to inquiries about the Sunday obligation after the consecrations would go beyond what Cardinal Oddi had provided in 1984.

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All subsequent letters of inquiry would to go to PCED, which had become the competent authority. PCED's responses would be sent directly to the individuals making the inquiries, and although many have official protocol numbers, they are not kept on the Vatican's PCED website. The following responses are those that have been made public, in whole or in part, often quoted (even if they don't address the obligation), and available from other sources. The inquiries themselves are often unavailable but can be inferred.

Responses from the Pontifical Commission *Ecclesia Dei* (PCED)

The first two most commonly-referenced letters demonstrate PCED's initial hardline stance.

Oct. 27, 1988: Msgr. Camille Perl, then-Secretary of PCED, issued a response (quoted here) to some statements reportedly made by some Australian members of the SSPX:

> "While the priests of the Society of St. Pius X are validly ordained, they are also suspended *a divinis*, that is, **they are forbidden by the Church from celebrating the Mass** and the sacraments because of their illicit (or illegal) ordination to the diaconate and the priesthood without proper incardination."

Notice that Perl's response did not directly address the Sunday obligation; he merely confirmed, *as he would routinely in subsequent letters*, that the SSPX priests are suspended.

Sept. 29, 1995 (Protocol N. 117/95): An inquiry addressed to Joseph Cardinal Ratzinger was forwarded to Msgr. Perl, who wrote in response:

> "The Masses they [SSPX priests] celebrate are also valid, but **it is considered morally illicit for the faithful to participate in these Masses** unless they are physically or morally impeded from participating in a Mass celebrated by a Catholic priest in good standing…**The fact of not being able to assist at the celebration of the so-called 'Tridentine' Mass is not considered a sufficient motive for attending such Masses**."

But by 1996 the dynamics had begun to change.[10] Cardinal Darío Castrillón Hoyos (d. 2018), noted for being far more sympathetic to the SSPX, was appointed Prefect of the Congregation for the Clergy in 1996 and soon thereafter was named President of PCED. Cardinal Castrillón Hoyos stated publicly on at least five occasions that the SSPX was not in

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formal schism.

This change of emphasis is manifested in a series of PCED responses from 1996 to 2008, in rapid succession, confirming that Catholics *can*, in fact, fulfill their Sunday obligation at SSPX chapels.

May 28, 1996: Letter from Msgr. Perl, the contents of which were subsequently repeated in Protocol No. 236/98 of **March 6, 1998** (quoted here):

> "**In the strict sense you may fulfill your Sunday obligation by attending a Mass celebrated by a priest of the Society of Saint Pius X**...If your intention is simply to participate in a Mass according to the 1962 Missal for the sake of devotion, **this would not be a sin**...."

Note that Msgr. Perl addresses the inquirer's intention for choosing an SSPX chapel as an unknown and does not mention any specific impediments, as if the SSPX chapel was the inquirer's only option.

Oct. 27, 1998 (Protocol N. 343/98): A response from Msgr. Perl which does not address the Sunday obligation but does state that "this Pontifical Commission has consistently *discouraged* the faithful from attending Masses celebrated under the aegis of the Society of St. Pius X." Discouraged, but not forbidden, which he would be obligated to state if it were a sin. But nowhere in the letter is there any mention of any sin or penalty.

Sept. 28, 1999 (Protocol N. 539/99): Msgr. Perl, after reiterating that the SSPX priests are suspended, stated:

> "The situation of **the faithful** attending chapels of the Society of St. Pius X **is more complicated**. They may attend Mass there primarily because of an attraction to the earlier form of the Roman Rite in which case **they incur no penalty**."

Notice that here, as with Cardinal Oddi's 1984 letter, the permission applies to all "the faithful," not just to the letter's recipient, and that Msgr. Perl is stipulating that the permission is granted *despite* the suspensions.

This often-referenced response deserves more attention. Ferrara is worth quoting here at

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length (source):

> "On September 28, 1999 (under Protocol N. 539/99), Monsignor Perl of the *Ecclesia Dei* Commission replied as follows to an inquiry about whether one incurred the delict of schism by attending Mass **each Sunday** at an SSPX chapel in Arizona…**Here an ambivalent view of the SSPX is plainly evident**: its priests are deemed *suspended* — **a penalty they could hardly incur if they were true and proper schismatics**, since non-Catholics are not subject to Church disciplinary law. SSPX priests are deemed schismatic only ***if*** they **'formally adhere'** to the schism, **a term which has yet to be defined**. Attendance at an SSPX chapel … is not *encouraged*, but **neither is it forbidden.** On the contrary, it is conceded that ***there is no penalty whatever*** for attending Mass at SSPX chapels if one does so 'because of the reverence and devotion which they find there, because of their attraction to the traditional Latin Mass and not because they refuse submission to the Roman Pontiff.' Monsignor Perl would hardly give such advice if the SSPX were a strictly schismatic association…. Yet **Cardinal Castrillón Hoyos approaches these validly ordained priests and their bishops as Catholics**, while Monsignor Perl says that **Catholics may receive Communion at SSPX chapels without incurring any penalty**… — advice that clearly concedes SSPX priests are doing no violence to the Sacrament…."

January 18, 2003: A letter was sent directly from Msgr. Perl to Una Voce America, written to clarify issues that had arisen in 2002, during a time when Fr. Zuhlsdorf, who worked at *Ecclesia Dei*, noted, "By 2002 some new dynamics entered into question, creating some doubts and contradictions." For example, in a letter dated **April 15, 2002**, quoted in the journal *Tu es Petrus*, N. 82, but lacking any protocol number, Msgr. Perl seemed to contradict his previous statements that Mass at an SSPX chapel would fulfill the Sunday obligation, but then clarified this apparent contradiction in his 2003 letter (while referencing another of his responses from **September 27, 2002**):

> "Unfortunately, as you will understand, we have no way of controlling what is done with our letters by their recipients. Our letter of 27 September 2002, which was evidently cited in *The Remnant* and on various websites, was intended as a private communication dealing with the specific circumstances of the person who wrote to us. What was presented in the public forum is an abbreviated version of **that letter** which **omits much of our pastoral counsel**. Since a truncated form

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> of this letter has now become public, we judge it appropriate **to present the larger context** of our response.
>
> Points 1 and 3 in our letter of 27 September 2002 to this correspondent are accurately reported. His first question was **'Can I fulfill my Sunday obligation by attending a Pius X Mass?'** and our response was:
>
> 1. **In the strict sense you may fulfill your Sunday obligation by attending a Mass celebrated by a priest of the Society of St. Pius X.**
>
> His second question was, 'Is it a sin for me to attend a Pius X Mass?' and we responded stating: 2. If your primary reason for attending were to manifest your desire to separate yourself from communion with the Roman Pontiff and those in communion with him, it would be a sin. **If your intention is simply to participate in a Mass according to the 1962 Missal for the sake of devotion, this would not be a sin.**"

Nowhere in this 2003 clarification letter does Msgr. Perl indicate how the individual's "specific circumstances" are radically different from those of other Catholics. More importantly, the answer given to him is the same answer— verbatim — given in 1996, 1998, and 2002: "In the strict sense you may fulfill your Sunday obligation by attending a Mass celebrated by a priest of the Society of St. Pius X," with the same rationale — verbatim — as in 1996, 1998, and 2002: "If your intention is simply to participate in a Mass according to the 1962 Missal for the sake of devotion, this would not be a sin."

This 2003 letter from Msgr. Perl was issued only days after German canonist Dr. Georg May (b. 1926), who had been a professor of Canon Law at Mainz University from 1960 to 1994, stated in a letter dated January 12, 2003 (quoted here):

> "**Absolutely nobody incurs any punishment** by attending the Masses of the Society. **Of course one can fulfill one's Sunday obligation** by attending a Sunday Mass in a chapel or church of the Society. Whoever alleges otherwise, reveals that he merely fears concurrence."

May 23, 2008: Msgr. Perl, who has been elevated to the position of Vice President of *Ecclesia Dei*, responded to several questions submitted by journalist Brian Mershon, who has written extensively on matters pertaining to the SSPX and traditional Catholicism,

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regarding the canonical status of the SSPX and those Catholics who attend their chapels *to fulfill their Sunday obligation*:

> "Your Eminence (the letter had been addressed to Cardinal Castrillón Hoyos),
>
> Q: Do lay Catholics who frequent Society of St. Pius X chapels … incur any sin or canonical delict by doing so, if done solely out of devotion to the Church's Latin liturgical tradition and not to separate one's self from communion with one's diocesan Ordinary or local pastor?
>
> **PCED: 'Catholics who frequent the chapels of the Society of St. Pius X do not incur any sin or canonical delict by doing so…'** [obviously including the sins of missing Mass on Sunday, sacrilegious Communions, failing to fulfill their Easter duty, etc.]
>
> Q: What level of authority do your answers to this private correspondence hold?
>
> **PCED: "This Pontifical Commission does its best to transmit responses which are in full accord with the magisterium and the present canonical practices of the Catholic Church. One should accept them with docility and can act upon them with moral certainty. We would further add that no dicastery of the Holy See will give other responses than those which we have given here."**

March 28, 2012 (Protocol N. 61/2010): A response signed by Msgr. Guido Pozzo, who had succeeded Msgr. Perl as Secretary of PCED:

> "1. Strictly considering the aforementioned canon [1248 §1], would a Catholic be able to fulfil his Mass obligation by assisting at Holy Mass at this 'Friends of the Society of St. Pius X' chapel [which, it turned out, was *an independent chapel not affiliated with the SSPX*]?
>
> ***Responsum*: Negative.**
>
> 2. Upon the condition that the answer to the first question is in the negative, does a Catholic sin by assisting at Holy Mass at the aforementioned chapel?

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> ***Responsum*: Negative, unless the Catholic substitutes it for his Sunday obligation.**

Following a request for clarification by the *Rorate Caeli* blog, the U.S. District for the SSPX stated that "**the chapel mentioned in the letter … is not a chapel of the Society** and that … it is *not* included in the public list of chapels, including those other chapels identified by the Society publicly as 'Friends of the Society of St. Pius X'."

Note, however, that Msgr. Pozzo stated the Sunday obligation was not fulfilled *because this was an independent chapel*, thus implying, as Msgr. Perl had maintained, that it would have been fulfilled had the chapel been run by the SSPX.

November 6, 2012 (Protocol N. 39/2011L): PCED (the letter was unsigned)responded to an inquiry, stating:

> "In response to your first question [regarding the Sunday obligation] this Dicastery would limit itself to referring you to the letter of 10 March 2009 written by Pope Benedict XVI to his brother Bishops in which he stated: **'As long as the Society does not have canonical status in the Church, its ministers do not exercise legitimate ministries in the Church.'**"

This response does not directly address the Sunday obligation, only the issue of legitimacy, which was already addressed above by both of the canon lawyers who wrote canon 1248 §1 and by Cardinal Oddi in 1984.

There is supposedly a letter dated **June 18, 2015**, which is notable for its lack of pedigree. There is apparently no complete text available, no protocol number, no addressee, no known signatory, and was first reported in a video on the anti-SSPX website ChurchMilitant.com. The alleged letter (quoted here) claims that "those who adhere to the Society of St. Pius X are to be considered as not in full communion with the Catholic Church," and further:

> "In relation to the obligation to attend Mass on Sundays and holy days of obligation, its fulfillment at Masses celebrated by priests of the SSPX is justified only in the case of physical impediment, there being no other reasonable way of fulfilling the obligation."

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Dubious origins aside, this response includes the "physical impediment" of the 1995 response, but significantly omits the moral impediment, which we will address below.

Before concluding our survey of PCED documentary evidence, we should note one final letter which does not touch directly on the Sunday obligation but provides important insight into the Vatican's current position on SSPX priests and their celebration of public Masses.

Dated March 27, 2017 (Protocol N. 61/2010) and addressed to "the Ordinaries of the Episcopal Conferences," the letter states that "the Holy Father [Francis] … has decided to authorize Local Ordinaries the possibility to grant faculties for the celebration of marriages of faithful who follow the pastoral activity of the Society, according to the following provisions," much in the same way that Pope Francis chose to directly grant all SSPX priests habitual faculties to validly and licitly absolve sins in the Sacrament of Penance roughly four months prior (Nov. 2016).[11]

According to the 2017 letter, "the Local Ordinary is to grant the delegation to assist at the marriage to a priest of the Diocese (or in any event, to a fully regular priest), such that the priest may receive the consent of the parties during the marriage rite, followed, in keeping with the liturgy of the *Vetus ordo*, by ***the celebration of Mass, which may be celebrated by a priest of the Society.***"

This is extraordinary. Despite the fact that the Vatican considers all SSPX priests to be suspended (forbidden to exercise their priestly powers) per canon 1383 (quoted above), the Holy See has no problem with local bishops allowing SSPX priests to celebrate Nuptial Masses, which are virtually always public and thus attended by the faithful.

The letter goes on to state that "if there are no priests in the Diocese able to receive the consent of the parties, the Ordinary may grant the necessary faculties to ***the priest of the Society who is also to celebrate the Holy Mass***, reminding him of the duty to forward the relevant documents to the Diocesan Curia as soon as possible."

In this paragraph, it is taken for granted that the SSPX priest *will* "celebrate the Holy Mass," thus reinforcing that the Vatican has ***no objection in principle*** to local bishops authorizing SSPX priests to say public Masses — and this, "despite the objective persistence of the canonical irregularity in which *for the time being* the Society of St. Pius X finds itself," as the letter states.

All of this raises the question: If the Vatican has no objection in principle to local bishops authorizing SSPX priests to offer Nuptial Masses — that is, *public Masses* which the faithful may attend without any fault — then why are those same priests denied faculties from those

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same bishops to offer public Masses for the faithful at other times, for example, on Sundays and holy days of obligation? Or to put it another way, how can it be perfectly fine for a Catholic to attend a Nuptial Mass offered by an SSPX priest on a Saturday and yet not be able to fulfill his Sunday obligation by attending the same priest's Mass the next day? (The absurdity speaks for itself.)

Putting It All Together

- All told, there are seven letters, from two Vatican dicasteries, over a 24-year period stating that Catholics can indeed fulfill their Sunday obligation by attending Masses offered by priests of the SSPX: **1984, 1996, 1998, 1999, 2002, 2003,** and **2008**.
- The **1984** letter from the Sacred Congregation for the Clergy specifically states that the permission rests upon the new Code of Canon Law (specifically, canon 1248 §1), and thus it applies universally.
- The remaining letters, all from PCED — the competent authority on this issue — contain the following crucial points: (1) an acknowledgment that the SSPX priests are suspended ***as a given***; (2) a confirmation that, ***despite these suspensions***, attendance at SSPX Masses would indeed fulfill the Sunday obligation, and a declaration that such attendance would not be a sin or carry any penalty; and (3) a warning that the attendee's only sin would be ***if*** he were to become schismatic.
- Both the **1999** and the **2008** letters *specifically* refer to "the faithful" and "Catholics"in general; therefore, like the **1984** letter, they are not limited only to the recipients of PCED responses.
- The **1996, 1998, 2002,** and **2003** letters use the *exact same verbiage,* indicating a *policy*: **"In the strict sense you may fulfill your Sunday obligation by attending a Mass celebrated by a priest of the Society of St. Pius X."**
- The **1996, 1998, 2002,** and **2003** letters use the *exact same rationale*: **"If your intention is simply to participate in a Mass according to the 1962 Missal for the sake of devotion, this would not be a sin."**
- In none of the responses quoted above does Msgr. Perl ever describe any specific impediments or circumstances unique to the individuals that would indicate that his responses do not apply universally.

Only two verifiable PCED letters state the Sunday obligation would *not* be fulfilled at SSPX chapels: one from 1995, in the early years following the excommunications when the Vatican was taking a harder line, and the 2002 outlier which was clarified the following

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year. Those who claim this 2002 outlier applies to all the faithful but the other letters do not ignore the fact that both prior to that letter (in 1999) and subsequent to it (in 2008), Msgr. Perl confirmed that the permission applied to all the faithful.

There is also support for the permission outside these responses. Fr. Zuhlsdorf, who worked for PCED, has gone on record saying:

> "When I worked for the Holy See's dicastery which had competence in the matter, the Pontifical Commission 'Ecclesia Dei', it was the position that, yes, you could fulfill your obligation on a day of precept at a Mass celebrated with the 1962 *Missale Romanum* by a priest of the SSPX."

The late Fr. John Stone Melnick (d. 2023), who also worked at PCED, confirmed that this was the Commission's position while he was there as well.[12]

Grasping at Straws

Those who claim that the permission only applies to a single, occasional attendance at an SSPX chapel because of unique, temporary circumstances are refuted by the letters from **1984**, **1999**, and **2008** which specifically address routine attendance.

Those who claim that Msgr. Perl didn't understand Canon Law (here, for example) fail to address that the canon lawyers who *wrote* Canon 1248 §1 must be considered the definitive interpreters of their own statute. Those who deny the aforementioned canonists' authority and claim one must consult the *New Commentary on Canon Law* (2000) (which wasn't issued by the Vatican, isn't magisterial, isn't binding, and was written by North American and European Canon Lawyers two decades after the fact[13]), or who claim one must refer back to the 1917 Code (here, for example) (which was more detailed as to place in its requirements for the Sunday obligation yet was *formally abrogated* on Nov. 27, 1983), are refuted by the canonist Count Neri Capponi (1925-2018), advocate of the Holy Roman Rota and the Apostolic Signatura — the highest court in the Church — and professor of Canon Law at the University of Florence, who stated, *specifically* in regards to the 1983 Code *as it relates to the SSPX*: "You might not like the new code, but it's what governs the Church."

Finally, those who continue to insist that the SSPX are in formal schism, despite repeated statements from the Vatican to the contrary, do nothing to help their argument against the SSPX Sunday obligation question because *if* the SSPX were, in fact, in formal schism, then can. 844 §2 comes into play:

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> "Whenever necessity requires it or true **spiritual advantage suggests it**, and provided that danger of error or of indifferentism is avoided, the Christian faithful for whom it is physically or **morally impossible** to approach a Catholic minister are **permitted to receive the sacraments of** penance, **Eucharist**, and anointing of the sick **from non-Catholic ministers in whose Churches these sacraments are valid.**"

If SSPX priests are "schismatics," then they are by definition "non-Catholic" ministers. So, if a traditional Catholic in good conscience finds it morally impossible to enter a diocesan church knowing that the Body, Blood, Soul, and Divinity of Christ, as a direct result of Communion in the hand, is strewn all over the floor to be trampled upon by the faithful,[14] or due to various other forms of grave liturgical abuse or heretical preaching, those Catholics would be perfectly justified invoking can. 844 §2 to defend their attendance at what they are being told are "schismatic" SSPX chapels.

Epilogue

There are undoubtedly other letters, as not all have been made public. There are undoubtedly other opinions; canon lawyers have the free will to disagree with the canonists who actually wrote canon 1248 §1. But the preponderance of evidence and the development of the Vatican's stance on this issue is sufficient to refute the accusation that Catholics are committing a mortal sin simply by following the majority of the Vatican's clear and repeated statements on this topic. Traditional Catholics have every right, therefore, to invoke the adage: "In necessary things unity; in uncertain things liberty; in all things charity."[15]

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[1] See Michael Davies, *Apologia Pro Marcel Lefebvre* Vol. I, Ch. 10.

[2] Archbishop Lefebvre explained to his seminarians in the fall of 1975: "Asking us to close the seminary at Ecône means asking us to take part in the destruction of the Church. When the good Lord calls me, I don't want to say in my conscience: 'Well, I have destroyed something that the good Lord allowed me to do through His Providence and which besides had canonical permission and was practically approved by the Roman visitors.' I am asked to destroy all that because it does not follow the post-conciliar tendencies that are

destroying the Church. Well, no!" Quote taken from Bishop Bernard Tissier de Mallerais (trans. Brian Sudlow, M.A.), *Marcel Lefebvre: The Biography* (Kansas City: Angelus Press, 2004), p. 484.

[3] See Tissier de Mallerais, *Marcel Lefebvre*, p. 486.

[4] See Davies, *Apologia Pro Marcel Lefebvre* Vol. I, Ch. 12.

[5] Tissier de Mallerais, *Marcel Lefebvre*, p. 487.

[6] Rev. Brian Dunn, J.C.D. "Canon 1248: The Concurrence of Liturgical Days and the Obligation of Assisting at Mass," Roman replies and CLSA advisory opinions 2008, Canon Law Society of America, 2008, p. 117.

[7] *Communicationis,* 12 (1980) 361. "*Suggestum est ut deleátur verbum « legitime ». Omnes Consultores, uno excepto, talem suggestionem approbant, quia saepe saepius causa illegitimitatis residet in ministro sacro et non debent puniri christifideles pro tali culpa ministri sacri.*"

[8] See Pope John Paul II, Apostolic Letter *Ecclesia Dei* (July 2, 1988), n. 3.

[9] See *ibid*., n. 5c.

[10] See Christopher A. Ferrara and Thomas, E. Woods, Jr., *The Great Façade: The Regime of Novelty in the Catholic Church from Vatican II to the Francis Revolution*, Second Edition (Kettering, OH: Angelico Press, 2015), pp. 342-343.

[11] See Pope Francis, Apostolic Letter *Misericordia et Misera* (Nov. 20, 2016), n. 12.

[12] Personal communication with Br. Martin Navarro who, with Fr. Stone, established the Oblates of St. Augustine.

[13] John P. Beal, James A. Coriden, and Thomas J. Green (editors), *New Commentary on the Code of Canon Law* (Mahwah, NJ: Paulist Press, 2002), pp. xix-xx.

[14] The argument that a consecrated Host ceases to be the Body, Blood, Soul, and Divinity of Christ within 15 minutes applies only if the Host becomes wet and dissolves. No such time limit applies if the Host remains (or fragments of a Host remain) dry on the floor.

[15] "*In necessariis unitas, in dubiis libertas, in omnibus caritas*," a quotation often misattributed to St. Augustine but more probably originating with Marco Antonio de

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Dominis, the Archbishop of Split (Croatia) in his 1617 treatise *De Repubblica Ecclesiastica*.

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