

WHETHER THE EPISCOPAL CONSECRATIONS REFORMED BY PAUL VI ARE VALID

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On June 18, 1968, Paul VI promulgated the Apostolic Constitution *Pontificalis Romani*, by which he approved the new rites for the Ordination of deacon, priest and bishop, reformed according to the principles of the Second Vatican Council. "*Fu il primo libro liturgico della riforma ad essere pubblicato*" (1). The rituals of the diaconate and the priesthood arise from a more or less general reform of the previous Roman rituals, but that of the episcopate – the nature of which had been especially considered by the Council - is a work that is entirely new and distinct from the previous rite.

If we take into account the anti-liturgical spirit that dominated the Conciliar reform, the almost heretical doctrine of the collegiality of the episcopate taught by *Lumen Gentium*, which made the *nota previa* necessary, and the infirmity which has since affected the exercise of authority in the Church, especially of Her Magisterium, Catholics are justified in being concerned about the validity of this new rite. And this concern borders on anguish when one considers that upon the validity of the episcopate depends the entire sacramental order and the very existence of the Church.

Asked by those who have the authority to do so, we give our humble opinion on so important a matter, humble not because of our great humility but on account of our little knowledge. As is necessary, we first explain the theological principles on which we rely and then apply them to the concrete case at hand.

ELEMENTS FOR JUDGING THE VALIDITY OF THE NEW RITE OF EPISCOPAL CONSECRATION

It is not a question of judging whether this or that particular Consecration was valid, but whether or not the rite, as formulated in its text and context, ensures, or not, the validity of the sacrament. The validity in practice presupposes, in addition, the validity of the minister and the proper application of the rite.

The validity of the rite as such depends on three elements: matter, form and intention (2). And these three things must be judged according to the Divine institution of the sacrament.

1) Of the Divine Ecclesiastical Institution of the Sacrament of Orders

The judgment about these three elements, not only of the matter and form but also of the intention, depends principally on the Divine institution of the sacrament, the only Authority capable of giving supernatural efficacy to a simple sign. It is a matter of faith that the seven sacraments were immediately instituted by Jesus Christ, but – a fundamental distinction for our purpose - they were instituted with greater or lesser determination, according to the nature of each sacrament. For Baptism and the Eucharist Our Lord specifically pointed out both the material element and the words to be used in conferring them. The other sacraments were instituted under a certain indeterminacy, greater or lesser, leaving the Church the charge and authority to specify them.

In order to distinguish in each sacrament what is fixed by Divine institution and what has been left to the determination of the ecclesiastical institution, chronologically, the first criterion is the actual practice of the Church; because She is the faithful interpreter of the intentions of Jesus Christ. Theologically, however, the explanations and definitions that the Magisterium subsequently gave concerning these matters have primacy. In order to judge the validity of the new rite of Episcopal Consecration, we must rely, then, on a comparison with the various liturgical usages of the Church, a difficult terrain because of the uncertainty of the information; but it will be useful to rely above all on the Roman judgement concerning Anglican Ordinations, because not only are the criteria for the validity of the sacrament of Holy Orders explained and applied therein, but also because there is a relationship between the Anglican liturgical reform and the Conciliar reform (3).

2) On The Matter and The Form

"Everyone knows that the sacraments of the New Law, as signs that are sensible which produce invisible grace, must signify the grace they produce, as well as produce the grace they signify. This signification, while it must be given in the whole essential rite, that is to say, in the matter and the form, belongs, nevertheless, principally to the form; since the matter is in itself an undetermined part, which is determined by the form" (4).

In this regard, in addition to what has been said about the greater or lesser determination in which the Divine institution can leave the form and matter, let us make another clarification that seems necessary. One who reads the explanations of St. Thomas on the suitability of the matter and form of each sacrament with respect to the signification of its effects, may be left with the impression that it is necessary for the form to explicitly define the effect in order to be able to produce it, for "they produce what they signify". This is appropriate, but it is not necessary. The relationship between these signs and their signification is not natural but conventional: by instituting them, Our Lord linked the sacramental signs to their effects and explained to His Church how they signify them; in Revelation, then, the Christian "convention" that links the sacramental signs to their effects is made explicit. Clearly, neither Our Lord nor his Church have used capricious signs, but rather suitably adapted, yet the full signification of the sacraments is only found in the profession of the Christian faith. The expression "I baptize you in the name of the Father, and of the Son and of the Holy Ghost" suggests a sanctifying washing, yet it signifies, and thus produces, the erasure of Original Sin, the infusion of grace, virtues and gifts, and the imprinting of the baptismal character; only the context of the profession of the Christian faith indicates this sufficiently. This is always the case with human signs: their meaning is determined by a certain convention in the society in which they are used.

The Roman genius, trained in the precision of legal definitions, sought - whenever it could - to specify as far as possible the signification of the sacraments, and in this it differs from the other Eastern rites. The essential rite of Baptism was given with all precision by Our Lord, so it was not touched; the rite of Confirmation was not, and the Roman rite brings together for its matter the imposition of hands and the anointing, and in the form it explicitly distinguishes that which constitutes the grace and that which constitutes the character, a richness that is not found in the other Catholic rites. In the Eucharist, the Romans removed all reference to the effects in the first consecration, in order to make it clear that the Sacrifice has not yet been accomplished, and detailed them precisely in the consecration of the wine (in addition to having removed the epiclesis, which in the Eastern rites casts doubt on the moment of the consecration). So too, in the Ordination of priests, the Roman rite specified both the form and the matter of the sacrament, with the giving of the instruments and the reference to the power to celebrate the Mass, which is the power by which the priesthood must be defined as the profession of the Christian faith teaches. Underlining the centrality of the Eucharist in the sacramental order, it does not consider Episcopal Consecration a new order, since nothing is greater nor comparable to the celebration of the Eucharistic Sacrifice.

But the Greek genius feels more at ease in the shadow of mystery, and did not seek so much precision in its liturgical ordinances. Going especially to the various Eastern Ordination rites, one observes a great deal of indeterminacy about the effects produced by each Order. In one way or another, the only thing that is always clearly determined is which Order is involved: deacon, priest or bishop. There is no major obstacle in this, because the context of the profession of Christian faith, in which these rites are applied, makes it clear what are the graces and power proper to each of these Orders (5).

Hence Leo XIII, in having to judge of Anglican Ordinations, affirms, by way of disjunction, that the essential form must mean "*definite ordinem sacerdotii vel eius gratiam et potestatem*" (6). That is to say, that it must at least say clearly what Order is conferred (as do some Eastern rites), or better and more fittingly, define the grace and power that characterises such an Order (as does the Roman rite). In the first case, the grace and power are implicitly understood by the context of the profession of Christian faith.

In *Sacramentum Ordinis*, Pius XII also deals with the essential form of the sacrament of Holy Orders, saying: "*Effectus, qui sacra Diaconatus, Presbyteratus et Episcopatus Ordinatione produci ideoque significari debent, potestas scilicet et gratia*" (7). But by "*potestas*" he does not understand, as did Leo XIII, the determination of the particular powers that each Order confers, for example, the power to celebrate Mass for the priest, but rather the generic mention of the Order conferred, that is to say, what Leo XIII understands by the first member of his disjunction. This is not an error, because - as we have said - each Order implies, according to the profession of Christian faith, certain proper powers, so that, for a Catholic, it is enough to say that the priesthood is conferred in order to know that the power to celebrate Mass is conferred. Using, then, the formula of Leo XIII to express what Pius XII requires, it would be necessary to say that, since *Sacramentum Ordinis*, the essential Roman form signifies "*definite ordinem sacerdotii et eius gratiam*", no longer signifying *definite* the *potestas*. It is almost the formula that Pius XII uses a little further on from the place cited: "*potestas Ordinis et gratia Spiritus Sancti*" (8).

Clearly, the decision that Pius XII took in *Sacramentum Ordinis* entailed a loss of determination in the essential elements of the sacrament of Orders, because - as St. Thomas teaches and as is evident in the rite - the words of the Preface explicitly refer only to the grace which the Order confers, while the power is defined in the giving of the instruments (9). Hence, since it is more fitting to define the priesthood by the power than by the grace, the Roman Church, a lover of doctrinal rigor, had added as also necessary for the validity of the sacrament - according to the more serious theological opinion - the giving of the instruments with the explicit mention of the *potestas*. But even if Pius XII abandons the determination of the *potestas* as one of the essential elements of the sacrament, he settles the question about the elements necessary for validity by defining according to what is most certain. In any case, in the rite, there remained the giving of the instruments explaining *ex adjunctis* that which the form, the essential part of the Preface, was bestowing.

We pause to discuss this point because, in the discussion that arose around the validity of the new Episcopal Consecrations, there are some who, taking into account only what Pius XII says in *Sacramentum Ordinis*, confuse things a little, demanding that the essential form should signify distinctly the power and the grace, while at the same time accepting that the power remains implicit in the mention of the Order given (10). Also, in reality, the grace could remain implicit in the reference to the Order being conferred, given that the mere expression of the Order is the least that is required of the essential sacramental form, according to the usage of some Churches and the teaching of Leo XIII.

The disjunction of *Apostolicae Curae* is especially emphasized by the English Bishops, in their *Vindication* of the Pontifical Letter (1897), in their refutation of the *Responsio* of the Anglicans to Leo XIII - they are authoritative interpreters, because they were closely involved in the drafting of the document. Among many other things, the Anglicans object that what the Pope requires of their rites in terms of signification, is not fulfilled in many accepted Catholic rites. To this the English Bishops reply that the Pope requires *disjunctively* that the rites explicitly express the Order conferred or [ve/] the grace and the power, the two ways being equivalent, because, according to the Catholic profession of faith, to confer such an Order means to confer such a grace and power, and vice versa (11). If the Anglican rites have been declared invalid, it is because for more than a century they did not even signify distinctly the Order given, and if afterwards they added to them the explanation of each Order conferred, the Anglican profession of faith positively excluded that the priesthood implied the power to consecrate the Eucharist. In reality, for Leo XIII, the decisive defect in the Anglican Ordinations for which they were declared invalid, was not so much in the rite but rather in the context of their heretical doctrinal profession.

As we have pointed out elsewhere (12), the matter (13) as well as the form of the Ordination rites can suffer so much indeterminacy because - as St. Thomas says - this sacrament is conferred in the manner of a generation, for the bishop communicates to the ordinand what he is and has, and generation is a mode of univocal causality, determined by the very nature of the generator. For this reason, it is sufficient to specify whether the priesthood is transmitted partially (deacon), substantially (priest) or fully (bishop).

3) On The Intention

The intention can and should be considered only insofar as it is objectively manifested in the rite and in the circumstances of its promulgation: "*De mente vel intentione, ut pote quae per se quidam est interius, Ecclesia non iudicat: at quatenus extra proditur, iudicare de ea debet*" [The Church does not judge the mind or intention, insofar as it is something by its nature internal; but insofar as it is manifested externally, She is bound to judge" – *transl. note*] (14). It is not a question of the personal intention of the material authors of the rite, which could be deduced considering the circumstances of its development, but rather, the intention of the Authority that promulgates it, considered in the context of its promulgation.

The proper intention is *to do what the Church does*. "Now", declares Leo XIII, "when someone, in administering and conferring a sacrament, has seriously and properly employed the required matter and form, precisely for this reason he is considered to have intended to do what the Church does. On this principle rests the doctrine which holds that a sacrament is truly conferred by the ministry of one who is a heretic or unbaptised, provided the Catholic rite be employed" (15).

The judgment on the intention, then, must be objective, that is, in some way independent of what the minister thinks about the Church. If the minister belongs to a heretical sect, which he considers to be the true Church, but uses *the same rite* that the true Church uses, then, in spite of his heretical error, he wants *to do what the Church does*. But if a validly consecrated heretical bishop uses, in order to ordain, a rite that observes all that is required by the Divine institution, that is to say, whose matter and form sufficiently signify what they must essentially signify, but which has been determined by the heretical sect in particular, i.e., in that which Our Lord left to his Church to determine, such a bishop lacks the due intention and his Ordinations are invalid. For no matter how much he may subjectively believe that his sect is the Church of Christ and is persuaded that by accepting the rite instituted by her he *does what the Church does*, it is not objectively true, because he does not use a *Catholic* rite.

In the sacraments of Baptism and the Eucharist this does not happen, because the Divine institution fixed the substance of the rite in particular, but in the other sacraments whose ultimate determination has been left to the Church, it is not enough that the essential rite complies with what is required by the Divine institution, but rather, that a rite should be used that is accepted by the Church -*ab Ecclesia receptus*- because She alone has the authority to legitimately establish such a determination (16).

In the case of Anglican Ordinations, this was another of the main reasons why they were declared invalid: "If the rite is changed to introduce another not approved by the Church - *ab Ecclesia non receptus* - and to reject what the Church does and what belongs to the nature of the sacrament according to the intention of Christ, then it is clear that not only is the intention necessary to the sacrament lacking, but that there is even an intention contrary and opposed to the sacrament" (17).

The use of a rite *ab Ecclesia non receptus* not only implies a *defect of intention*, but also a *defect of form*. Because for the sacraments whose essential rite has not been determined in particular by Jesus Christ, the form must not only be *true*, that is to say, have the proper meaning of the words according to the Divine institution, but it must also be *legitimate*, that is, it must have been determined in its words by the ecclesiastical institution.

CONCERNING THE VALIDITY OF THE NEW RITE OF EPISCOPAL CONSECRATION

According to what we have said, the first thing that we should consider in the new rite of Episcopal Consecration is its legitimacy. Then we will deal with its validity.

1) The New Rite is Certainly Illegitimate

The new rite, which Paul VI pretended to promulgate by his Apostolic Constitution *Pontificalis Romani*, is certainly illegitimate, for the combination of two reasons: firstly, because no Pope has the authority to abrogate the Roman liturgical tradition and, even less so, to invent a rite in rupture with all of Catholic tradition; secondly, because the contagion of modernist doctrines renders it harmful to the faith, and a determination contrary to the common good of the Church cannot have the force of law.

Firstly. In their reforming fever and protected by the complicity of Paul VI himself, the experts of the *Consilium* dared to set aside completely the traditional Roman rite of Consecration of bishops. Now, no Pope has the authority to abrogate the traditional liturgical rites of the Roman Church, a fact we will not even bother to demonstrate because it is so obvious, so much so that even the current Pope himself acknowledges it.

If a Pope were to seek to abrogate the Roman liturgical tradition and to accept a liturgy of the Eastern tradition, the manoeuvre would be illegitimate but the rite, considered in itself, would not cease to be Catholic. But the experts of the *Consilium*, in the most excessive archeologism, took as the basis of their reform the *Traditio Apostolica* [Apostolic Tradition of Hippolytus of Rome – *transl. note*] an ancient document that belongs to no particular liturgical tradition of the East or the West, of uncertain origin, which bears only a resemblance to liturgical rites recognised by the Church.

Moreover, even if it were proved that the *Traditio Apostolica* was once used as a Catholic liturgical rite, the rite of Paul VI is so novel that it cannot be said to be a form of that rite, but has only taken it as a source of inspiration.

For all this, even if the rite, considered in itself, were fully orthodox and better in the expression of the doctrine of the episcopate, it would not be legitimate, because no Pope has the authority to

break with the liturgical tradition of the Church. The invention of a new rite is a *certainly illegitimate* act, no matter whether it be a Pope or an Angel from Heaven who pretends to establish it.

Secondly. The liturgical reform in general and the new rite of Consecration in particular, are tainted with the principles of modernist theology. We will deal with this only insofar as it has to do with the validity of the rite. But just as the Society [SSPX – *transl. note*] has been obliged to declare the illegitimacy of the *novus ordo Missae*, because of the doctrines of the Paschal Mystery which animate it (18), so it must also be recognised that the *novus ordo* of Episcopal Consecration is *certainly illegitimate*.

2) The New Rite is Probably Valid

A sacramental rite can certainly be illegitimate, but it is not for that reason necessarily invalid. Archbishop Lefébvre and the Society have maintained that the *novus ordo Missae* is illegitimate, but they have not considered it invalid. Is it valid to hold the same position with respect to the *novus ordo Consecrationis*? As we pointed out in the first part, there is an important difference between these two sacraments: the matter and the form of the Eucharist have been determined in particular by *Divine institution*, whereas those of the sacrament of Holy Orders have been determined by *ecclesiastical institution*. Therefore, in having to recognise that the pretended institution of the new rite of Episcopal Consecration by Paul VI is illegitimate, the shadows that are cast over the validity of this sacrament are darker than in the case of the Mass. But let us go from the clearest to the more obscure.

a) The Intention

If the *Consilium* had acted under the authority of the Queen of England, we could declare it invalid without further inquiry by defect of intention, because we would be in the presence of a sect proposing a rite *ab Ecclesia non receptus*. But Bugnini and company acted in close dependence upon the highest Authority of the true Church. Paul VI justified the rupture with the liturgical tradition with the motive, in itself sufficient, of the greater good of souls (19). In fact, he was careful not to go openly against the dogmas, in the doctrinal order, nor against the Divine liturgical institution, in the practical order; a care in which modernism has specialised, in its desire to remain Catholic. Therefore, even if the rite introduced is not legitimate, it cannot be said that the one who uses it does not want *to do what the Church does*, because it was the Authority of the Church which, in appearance, approved it.

There is, however, a certain shadow as to the intention, because of the intrinsic contradiction of the dialectical game that modernism sets in motion. The modernist reformer *posits and does not posit* an intention that is contrary to what the Church had done up to that time: he puts it forward in the first instance to then, supposedly, overcome it in the second. The neo-liturgists' criticism of the traditional rite of Episcopal Consecration is severe and they manifest their unwillingness to continue to do what the Church had done up until then (20). But if they are pressed, they do not want to dissociate themselves from what has gone before and incoherently justify the Church's actions with the historical circumstances. And since it is now the very Church Authorities that have taken on this procedure, this contrary intention remains latent and does not become manifest. Therefore, the new rite does not imply an intention *simpliciter* opposed to the intention of the Church, but only *secundum quid*: whoever uses the new rite seems to not want to do what *until then* the Church has done.

b) The Matter

The traditional Roman *ordo* mandates the imposition of the Gospels as a yoke, on the nape of the neck and shoulders of the Elect, and then the laying on of the hands of the consecrating bishops. The

novus ordo interposes the imposition of the Gospels, on the very head of the Elect, between the laying on of hands and the consecratory Preface. This is a daring modification, because of the timing and the manner of the imposition of the Gospels - the book is opened like two hands over the head - it does not appear as an accessory ritual, but as determining the undetermined laying on of hands.

But even if this modification were seen as intending to specify the essential matter, the laying on of hands does not cease to be done and the interposition of a ritual cannot be said to break the moral union between matter and form. Prior to the definition of Pius XII, serious theologians thought that, in the Ordination of deacons and priests, the giving of the instruments with its formula kept a close moral union with the laying on of hands and the words of the Preface, completing their essential signification, being, however, rituals that are liturgically even more separate. It does not seem, then, that the sufficiency of the matter can be seriously questioned.

c) The Form

Absence of an authoritative judgement. Paul VI establishes, in the Constitution *Pontificalis Romani*, the essential elements of the Episcopal Consecration: "The matter of the Ordination of the bishop is the laying on of hands on the head of the one elected, made in silence by the consecrating bishops, or at least by the principal consecrator, before the consecratory prayer; the form is the consecratory prayer itself, of which are essential, and therefore necessary for validity, the words: *"Et nunc effunde super hunc Electum eam virtutem, quae a te est, Spiritum principalem, quem dedisti dilecto Filio Tuo Iesu Christo, quem Ipse donavit sanctis Apostolis, qui constituerunt Ecclesiam per singula loca, ut sanctuarium tuum, in gloriam et laudem indeficientem nominis tui"* ["And now pour out upon Thy Chosen One the power that comes from Thee, the governing Spirit, which Thou didst give to Thy beloved Son Jesus Christ, the same Spirit He Himself gave to the holy Apostles, who established the Church in every place as Thy sanctuary, to the unceasing glory and praise of Thy Name" – *transl. note*]. However, the judgement that affirms the validity of this form has the guarantee neither of the Extraordinary Magisterium, nor of the Universal Ordinary Magisterium:

1. *Extraordinary Magisterium.* Paul VI seems to suggest that his Constitution has a similar value to Pius XII's *Sacramentum Ordinis*, from which he takes his very words: "It has seemed necessary to Us, in order to avoid any controversy or cause for qualms of conscience, to declare which parts of the reformed rite are to be considered essential. Therefore, with our Supreme Apostolic Authority, we decide and dispose what follows concerning the matter and the form of each Order" (21). Even though the decision of Pius XII is not dogmatic but practical in nature, all theologians agreed in recognising its infallible character. If that of Paul VI could be accorded the same character, then truly there would be no controversy or qualms of conscience. But, as we have said, verbal expressions must be considered in their context. Since the Council and *Ecclesiam Suam*, the expression "Supreme Apostolic Authority" has meant something very different than it did for Pius XII, and hierarchical acts no longer offer us the assurance of Divine Authority (22). Moreover, the new Roman liturgical prescriptions are merely a framework to be taken into account for the liturgical inculturation in each place. If we wanted complete peace of mind, we would have to ask the Pope for an infallible declaration for each of the vernacular versions of the sacramental forms. Unfortunately, there remains room for controversy and confusion of conscience.

2. *Universal Ordinary Magisterium.* As Benedict XVI has recognized, Paul VI had no authority to abrogate the traditional Roman rite. But if he had introduced into the Roman Church some liturgical usage *ab Ecclesia receptus*, although his act would have been illegitimate, the rite would certainly be valid with the guarantees of the Universal Ordinary Magisterium, which is infallible. For the acceptance of the Church means nothing else. But the experts of the *Consilium*, even though they did not invent the consecratory prayer entirely *de novo*, they based themselves on the *Traditio*

Apostolica, which is an ancient document of uncertain origin which, as such, was not in use in any Church of the East or the West.

Theological judgment. In the absence of a judgment of higher authority, there is nothing left - for now - but to judge in the light of our own theological authority. In order to judge its validity, the essential form must be considered in itself, in the context of the rite in which it is inserted and in the broader context of its institution. A form in itself insufficient is inevitably invalid, but if it is ambiguous, it can be validated or invalidated by its context (23).

The form of Anglican Ordinations, an example which it is interesting to keep in mind, was for more than a century invalid in itself. Because both for the Ordination of deacons and priests, as well as for the Consecration of bishops, the following words were used as the form: "*Accipe Spiritum Sanctum*", which not only did not specify the grace and the power that were conferred, but not even which Order was intended to be given in each case. Then, affected by Catholic criticism, they added: "*Accipe Spiritum Sanctum ad officium et opus episcopi*", vel "*presbyteri*", etc. Although ambiguous, since they do not say what these offices are, they could be valid in a Catholic context. But considered in the context of their institution, they are certainly invalid, because the Anglican sect excluded from the rite and from their profession of faith the essential relationship of the priesthood to the Sacrifice of the Mass (24). Let it be established, then, that in order to judge an ambiguous form, "nothing is more important than to consider carefully under what conditions - *quibus adiunctis rerum* - it was composed and publicly constituted" (25).

3. *The form itself.* Considered in themselves, the essential words certainly suffer from some ambiguity, because it is requested that the Holy Ghost, Who is the source of every gift, whether of grace or of power, be infused into the one chosen. But there are two determinations that can be understood as referring especially to the episcopate: the Spirit is qualified as "*principalis*", meaning that it is infused as a cause of sovereignty, and it is proper to the Bishop to be a Prince in the Church. In addition, it is said to be the same one as that which was given to the Apostles "*qui constituerunt Ecclesiam*", an operation related to the sovereignty and which belongs to them as the first bishops and sources of the episcopate.

As Fr Pierre Marie OP points out (26), the validity of this interpretation is confirmed by the close resemblance of this form to that of two other Catholic rites *ab Ecclesia recepti*: the rite of Episcopal Consecration of the Coptic Catholics and that of the Consecration of the Maronite Patriarch. The consecratory prayers of both rites show a close relationship with the *Traditio Apostolica*. The Coptic rite brings: "*Tu iterum nunc effunde virtutem Spiritus tui hegemonici, quem donaste Apostolis tuis in nomine tuo*". It does not say that the virtue is the governing Spirit Himself, but that it comes from the hegemonic or governing Spirit (which is what the Greek term means); but this variation is not significant, because whenever the Holy Spirit is given, it is given as the source of some gift. Since these words are commonly considered as the essential ones in the Coptic consecratory prayer (27), evidently the mention of the sovereignty must be sufficient to signify the episcopate, because the rite is certainly valid and could not be valid without sufficiently defining the Order that is given (28).

The consecration of the Maronite Patriarch brings: "*Illumina eum et effunde super eum gratiam et intelligentiam Spiritus tui principalis, quem tradidisti dilecto Filio tuo, Domino nostro Iesu Christo*". There are some who object that this is not a rite of Episcopal Consecration, because the one chosen for Patriarch had to be previously a bishop. But it is probable that in the beginning it did have consecratory efficacy, because in the early centuries a bishop never left his diocese, so that the one chosen for Patriarch was always, necessarily, a simple priest (29). In any case, even if it were not a sacramental rite, it does not fail to show that the mention of the *governing Spirit* refers to the episcopal office.

4. *The form in the context of the rite.* The undeniable ambiguity suffered by the essential words is sufficiently removed by the rest of the consecratory prayer. Immediately before, it says: "*qui constituisti principes et sacerdotes, et sanctuarium tuum sine ministerio non dereliquisti*". By saying there that God constitutes the ministers of the sanctuary as *princes and priests*, it is sufficiently clear that, in the following words, the outpouring of the *governing* Spirit signifies the operation by which they are constituted. And the words immediately following dissipate all possible ambiguity: "*Da, cordium cognitor Pater, huic servo tuo, quem elegisti ad Episcopatum, ut pascat gregem sanctum tuum, et summum sacerdotium tibi exhibeat sine reprehensione*". The sufficiency of these concepts is supported, as we have said, by the similarity with the Coptic and Maronite rites (30).

5. *The form in the context of its institution.* The darkest shadow appears when considering the broader context of the Conciliar liturgical reform and the *novus ordo Consecrationis* in particular, because if we consider the circumstances of the institution of the new rite, the modernist spirit that guided its creation is notorious. If there is one thing that modernism subverts, it is the notion of authority; hence, in the Second Vatican Council, the greatest efforts were made to give a more democratic version of ecclesiastical authority, under the sophism of "collegiality". Now, if the rite of Episcopal Consecration was not reformed but rather created *de novo*, it was precisely in order that the *lex orandi* might express the Conciliar *lex credendi*.

If we wanted to point out what is at the heart of the new thinking on the episcopate, we believe we would not be mistaken in saying that it consists in the denial of the personal powers of the bishop: that of teaching (proper exclusively to bishops) and that of celebrating the Eucharist (proper to priests in general). If the bishop has personal powers, he has personal authority, which the democratic Christian abhors. The effort of modernism was directed, therefore, to transferring these powers to a broader subject: the People of God. Conciliar doctrine strives to show that the priesthood belongs to the Church as a whole, that the whole Church teaches and celebrates.

Hence, the new rites tend to avoid references to the transmission of personal priestly powers and keep only the concepts of presidency and sovereignty over the ecclesiastical community. Nothing could be more obvious than the change in what had been the excellence of the Roman rite of Ordination of priests, the formula at the giving of the paten and chalice, where the proper and principal power of the priesthood was defined: "*Accipe potestatem offerre sacrificium Deo, Missasque celebrare, tam pro vivis, quam pro defunctis*". In the *novus ordo* it says: "Receive the offering of the holy people to present it to God: consider what you do and imitate what you commemorate, and conform your life to the mystery of the Lord's cross" (31). The personal power has been changed into a presidential function with respect to the "holy people".

The entire rite of Episcopal Consecration is diluted in this direction. The giving of the mitre, which signifies the power to teach, and which was done with great solemnity after the celebration of Mass: "*Imponimus, Domine, capiti hujus Antistitis et agonistae tui galeam munitiois et salutis, quatenus decorata facie, et armato capite, cornibus utriusque Testamenti terribilis appareat adversariis veritatis; et, te ei largiente gratiam, impugnator eorum robustus exsistat, qui Moysi famuli tui faciem ex tui sermonis consortio decoratam, lucidissimis tuae claritatis ac veritatis cornibus insignisti: et capiti Aaron Pontificis tui tiaram imponi jussisti*". In the new rite, the mitre is "imposed in silence". We even dare to affirm that if, in the essential words, it has avoided speaking of the infusion of a created virtue, as do the *Traditio* and the Coptic and Maronite rites, and speaks of the infusion of the Holy Ghost Himself, Uncreated Virtue, it is precisely following this tendency to avoid that the priesthood be understood as a true personal power.

If the institution of the *novus ordo Consecrationis* had been made in the context of an explicit profession of these modernist doctrines, it seems clear to us that it would have to be declared invalid

for the same reason that Anglican Ordinations were declared invalid: for understanding the priesthood in a non-Catholic way, in particular, by not referring it essentially to the celebration of the Eucharistic Sacrifice. But here it is necessary to point out again what we said about the intention: the Conciliar hierarchy has been infected by modernist doctrines, but it has not made an explicit profession of them. On the contrary, although with the incoherence typical of the Catholic modernist, it has always said and repeated that the new orientations do not go against the traditional doctrine and practice. Benedict XVI is, perhaps, the last survivor and the best example of the contradictory conciliar spirit, seeking with complete conviction the synthesis of continuity between the traditional thesis and the antithesis of the Conciliar rupture. For this reason, although it is easy to discern the germ of the new doctrines that, developed, would lead to invalidity, nevertheless, it cannot be said that the new rite was instituted in an explicit denial of the traditional doctrine of the priesthood.

CONCLUSION

If we consider the matter, form and intention of the new rite of Episcopal Consecration in the context of the rite and in the circumstances of its institution, it seems to us that *it is very probably valid*, because not only does it signify what it should signify, but most of its elements are taken from rites received by the Church (32).

But we also believe that *there is no certainty of its validity*, because it suffers from two important defects, which we could classify as one canonical and the other theological:

- *Canonical defect*. From what has been said above, the institution of this new rite cannot be considered legitimate.

- *Theological defect*. The *novus ordo* is not the same as, but only similar to, other rites accepted by the Church. Although certainly valid, these rites, on the one hand, are not very precise in their concepts; and on the other hand, the differences introduced by the *novus ordo* follow tendencies of bad doctrine. All this makes theological judgment, which is always difficult in these matters, even more difficult. Now, in a matter of the utmost importance for the life of the Church, such as the validity of the episcopate, it is necessary to have absolute certainty. Therefore, in order to be able to accept this rite with peace of conscience, it would be necessary to count not only on the judgement of theologians, but also on the infallible judgement of the Magisterium.

As for the practical attitude to be taken with regard to the new Episcopal Consecrations, the one that the Society has maintained up to now seems to us to be justified:

1. The very probable validity of the rite seems to us to make it morally acceptable to occasionally assist at the Mass (traditional rite) celebrated by a priest or a bishop ordained or consecrated in the new rite, and even to receive Communion therein; it seems to us acceptable, in case of necessity, to receive absolution from them; to treat them as priests and bishops and not as laymen in costume; it seems to us acceptable to allow them to celebrate in our own houses. For the shadows that hover over the validity of their priesthood are but shadows and in all these activities our responsibility is not engaged concerning their exercise of the priesthood. And the remote risk that *one* communion or *one* absolution may be invalid is not so serious.

2. But the positive and objective defects from which this rite suffers, which prevent our having *certainty of its validity*, it seems to us - until there is a Roman judgement, for which many things would have to change - justify and make necessary the *conditional reordination* of priests ordained

by New Bishops and, if necessary, the *conditional reconsecration* of these bishops. Such doubts cannot be tolerated at the very root of the Sacraments (33).

Father Alvaro Calderon

FOOTNOTES

1) A. Bugnini, *La Riforma Liturgica*, Edizione Liturgiche. Rome 1983, p. 697. ["It was the first liturgical book of the Reform to be published" – *transl. note*]

2) Matter and form must not only be valid in themselves separately, *per se seorsum*, but also, as the terms themselves indicate - must be given together in the same meaning, because the matter is said to be matter with respect to a form to which it is subjected, and the form is said to be form with respect to a matter which it determines.

3) Cf. Leo XIII, Encyclical *Apostolicae Curae*, September 13, 1896 (DS 3315-3319). The bibliography from this decision is extensive. John Paul II opened access to the Vatican archives of the Commission that prepared this document (in an attempt to revise it for ecumenical purposes). So far, we only know of the publication of a first volume of documents: *Fontes Archivi Sancti Officii Romani, La Validité des Ordinations Anglicanes. Les Documents de la Comision Préparatoire à la Lettre "Apostolicae Curae"*, Tome I: *Les Dossiers Précédents*. Firenze, Leo S. Olschki Editore, 1997, by von Gunten OP (deceased at the time of the publication of this volume). This volume brings a *votum* by J-B Franzelin, of great authority and usefulness. G. Rambaldi SJ has published several articles shedding light on various documents from these archives of the Holy Office, both in the journal *Gregorianum* and in other publications.

4) Leo XIII, *Apostolicae Curae*. DS 3315.

5) Canon Leon Marchal, "Anglican Ordinations", *DTC* Vol XI, Col. 1177: "If we compare all these Consecration formulas [Eastern rites and ancient Western rites], it will be seen that the Order conferred is always clearly mentioned; as for the nature of the function, it is not so clearly determined. For example, in the case of the diaconate, only once is found the precision: *ministerium mensae sanctae tuae* (Armenian lit.); everywhere else, *ministerium ecclesiae*, *ministerium altaris*. In the conferring of the priesthood, the power to sacrifice is mentioned more or less vaguely in the Greek, Maronite and Nestorian liturgies and the Apostolic Constitutions; explicitly in the Gallican and Armenian liturgies; the Coptic and Roman liturgies make no allusion to it. Nowhere is there any question of the power to forgive sins. For the episcopate, the Leonine Sacramentary is very vague, speaking only of episcopal authority, *summum sacerdotium*. The most explicit are the Jacobite and Syrian rituals. We can therefore conclude that the minimum required is the generic mention of the Order conferred; it cannot be required that the designation of the powers specific to each Order, in particular, mention of the office of sacrificer in the conferring of the priesthood, be included in the formula of Ordination itself, since some of these forms, recognized as valid, do not have it. But it should be noted that the functions of deacon, priest and bishop, *were sufficiently determined elsewhere; firstly by the belief of these Churches and the intention of the consecrator* [it would be better to speak of the intention of these particular Churches in the institution of the rite – the underlining of this phrase is ours], for whom the presbyterate was a true priesthood, including the power to consecrate the Body of Christ; then, by secondary rites, through the prayers that preceded or followed the consecratory prayer. *The generic mention of the Order, specified as we have said, constitutes the minimum strictly indispensable for the validity of the sacrament of Holy Orders*".

6) Leo XIII, *Apostolicae Curae*, DS 3316. ["definitely the Order of the priesthood or its grace and power" – *transl. note*]

7) Pius XII, *Sacramentum Ordinis*, November 30, 1947, DS 3858. ["The effects which must be produced and therefore also signified by the sacred Ordination to the diaconate, the priesthood and the episcopacy, namely, the power and the grace" – *transl. note*]

8) Pius XII, *Sacramentum Ordinis*, DS 3859: "Decernimus et disponimus: Sacrorum Ordinum Diaconatus, Presbyteratus et Episcopatus materiam eamque unam esse manuum impositionem; formam vero itemque unam esse verba applicationem huius materiae determinantia, quibus univoce significantur effectus sacramentales - scilicet potestas Ordinis et gratia Spiritus Sancti- quaeque ab Ecclesia qua talia accipiuntur et usurpantur" ["We decree and provide: that the matter, and the only matter, of the Sacred Orders of the Diaconate, the Priesthood, and the Episcopacy is the imposition of hands; and that the form, and the only form, is the words which determine the application of this matter, which univocally signify the sacramental effects – namely the power of Order and the grace of the Holy Spirit – and which are accepted and used by the Church in that sense" – *transl. note*]. The last words indicate that such power and grace must be understood according to the doctrine of the Church, for in phrases as brief as are the sacramental formulas, they necessarily remain very indeterminate.

9) *Summa Theologica*, Suppl. q.37, a.5: "Per manus impositionem datur *plenitudo gratiae*, per quam ad magna officia sunt idonei... Sed *potestatis collatio* fit per hoc quod datur eis aliquid quod ad proprium actum pertinet. Et quia principalis actus sacerdotis est consecrare corpus et sanguinem Christi, ideo in ipsa datione calicis, sub forma verborum determinata, character sacerdotalis imprimitur". ["By the imposition of hands *the fullness of grace* is given, whereby they are qualified for exalted duties... But *the conferring of power* is effected by giving them something pertaining to their proper act. And since the principal act of a priest is to consecrate the Body and Blood of Christ, the priestly character is imprinted at the very giving of the chalice under the prescribed form of words" – *transl. note*]

10) Cf. Rev. Anthony Cekada, *Absolutely Null and Utterly Void*: "Pius XII, in his Apostolic Constitution *Sacramentum Ordinis*, laid down the general principle when he declared that for Holy Orders these must 'univocally signify the sacramental effects - that is, the power of the Order and the grace of the Holy Ghost'. Note the two elements that it must univocally (i.e., unambiguously) express: the *specific Order* being conferred (diaconate, priesthood or episcopacy) and the *grace* of the Holy Ghost".

11) Cardinal Vaughan and the Bishops of Westminster, *A Vindication of the Bull "Apostolicae Curae"*, December 29, 1897, n. 26: "These forms [Catholic rites which appear not to meet the requirements of Leo XIII], however, fully satisfy the requirements of the Bull. You have failed to observe the word "or" in the proposition in which the Bull states what the requirements are. The proposition is disjunctive. The rite for the priesthood, the Pope says, "must definitely express the sacred Order of the priesthood *or* its grace and power, which is chiefly the power of consecrating and offering the true Body and Blood of the Lord". You do not seem to have perceived the importance of this little word "or", and have taken it to be the equivalent of "and". What Leo XIII means is that the Order to which the candidate is being promoted must be distinctly indicated *either* by its accepted name *or* by an explicit reference to the grace and power which belongs to it. And, of course, he means us to understand that the same alternative requirements hold with regard to the form for the episcopate. The form must *either* designate the Order by its accepted name of "bishop" *or* "high priest", *or* it must indicate that the high priesthood is the grace and power imparted. Nor is such a disjunctive statement unreasonable, for in the Catholic Church the alternative phrases are perfectly equivalent. The Catholic Church has always meant by the term 'priest' (*sacerdos*) a person appointed and empowered to offer sacrifice, and again by the terms 'priest' (*presbyter*) and 'bishop' (*episcopus*) or

'high priest' (*summus sacerdos*), the possessors of this power in its substance and in its plenitude respectively".

12) Cf. *Le Sel de la Terre* No. 58. "Sont-ils eveques? La validité du rite de consecration episcopale", p. 215-216.

13) Leo XIII, *Apostolicae Curae*, DS 3315: "[The matter for conferring the Sacrament of Holy Orders] is the imposition of hands, which certainly by itself signifies nothing specific and is equally used for several Orders as well as for Confirmation".

14) Leo XIII, *Apostolicae Curae*, DS 3318.

15) Leo XIII, *Apostolicae Curae*, DS 3318.

16) So teaches St. Thomas, III, q.60. a.8: "Circa omnes istas mutationes quae possunt in formis sacramentorum contingere, duo videntur esse considerata. Unum quidem ex parte eius qui profert verba, cuius intentio requiritur ad sacramentum, ut infra dicitur. Et ideo, si intendat per huiusmodi additionem vel diminutionem *alium ritum inducere qui non sit ab Ecclesia receptus*, non videtur perfici sacramentum [even when the correct meaning of the words is not removed], quia non videtur quod intendat facere id quod facit Ecclesia. Aliud autem est considerandum ex parte significationis verborum [in the above consideration it is not necessary to take into account the meaning of the words: they could have the correct meaning]. Cum enim verba operentur sacramentis quantum ad sensum quem faciunt, ut supra dictum est, oportet considerare utrum per talem mutationem tollatur debitus sensus verborum, quia sic manifestum est quod tollitur veritas sacramenti. Manifestum est autem quod, si diminuatur aliquid eorum quae sunt de substantia formae sacramentalis, tollitur debitus sensus verborum, et ideo non perficitur sacramentum".

[“With regard to all the variations that may occur in the sacramental forms, two points seem to call for our attention. One is on the part of the person who says the words, and whose intention is essential to the sacrament, as will be explained further on. Wherefore if he intends by such addition or suppression to perform a rite other than that which is recognised by the Church, it seems that the sacrament is invalid: because it does not seem that he intends to do what the Church does. The other point to be considered is the meaning of the words. For since in the sacraments, the words produce an effect according to the sense which they convey, as stated above, we must see whether the change of words destroys the essential sense of the words: because then the sacrament is clearly rendered invalid. Now it is clear, if any substantial part of the sacramental form be suppressed, that the essential sense of the words is destroyed, and consequently the sacrament is invalid” – *transl. note*]

17) Leo XIII, *Apostolicae Curae*, DS 3318. In the paragraph quoted above, Leo XIII says that the intention is certainly lacking when a rite *non receptus* is introduced and adds for the sake of completeness - because this was the case with Anglican Ordinations - that even more clearly the proper intention is lacking when there is not even respect for "that which pertains to the nature of the sacrament according to the intention of Christ", that is to say, what is of Divine institution. But the intention to introduce a new rite *non receptus* would certainly suffice for there to be invalidity, however much it respects what pertains to the nature of the sacrament (because, we repeat, this nature was not determined in words by Christ): "Thus the rejection of the rite adopted by the Church, the adoption of a new rite, with the intention of introducing heresy, are indeed a proof of the minister's lack of intention to do what the Church does; there is not even any need, in the opinion of Cardinal d'Annibale, that essential changes are made to the form: an accidental modification, with the intention of introducing a new rite or a heresy, is enough to testify to a lack of intention" (L. Marchal, "Ordinations Anglicanes" *DTC* vol. XI, col. 1190)

18) Society of St. Pius X, *The Problem of The Liturgical Reform*, n. 122 and Appendix: "It cannot be said that the rite of the Mass resulting from the liturgical reform of 1969 is that of the Church [*ritus non receptus*], even if it was conceived by men of the Church". "The missal of Paul VI, because of its grave theological defects, contributes positively to the decline of faith, piety and religious practice, as daily experience shows. For this reason, it is neither honest, nor just, nor useful for the good of the community, and therefore does not have the character of a true law, nor can it be obligatory".

19) Certainly, the salvation of souls is the first law of the Church's action, and for it all the rest must be sacrificed. The salvation of souls, for example, justified St. Gregory VII's abrogation in Spain of the secular use of the Mozarabic liturgy: although Christian peoples have the right to preserve their liturgical customs, these rights yield to what favours the unity of the Church, such as liturgical uniformity. If, for some reason, the Roman liturgical usage were to the detriment of souls, the Pope could and should abrogate it. But this is unthinkable, and in fact it did not happen in the time of Paul VI.

20) A. Bugnini, *La Riforma Liturgica*, p. 693: "The Roman part [of the ancient Roman Pontifical] carries only one theme: the bishop is the high priest of the New Testament... Which is true, but too little after the Vatican II doctrine on the episcopate... The Gallican part is but a hundred scriptural quotations, which in part can be applied to apostles and in part to all Christians. Here, too, there is no coherent doctrine on the episcopate. Furthermore, one has the impression that the bishop is the successor more of the High Priest of the Old Testament than of the Apostles of Christ".

21) Paul VI, *Pontificalis Romani*. Pius XII said in *Sacramentum ordinis*, DS 3859: "From this it follows that We declare, so as to close the way to all controversy and anxiety of conscience, with Our Apostolic Authority We truly declare, and, if ever it was lawfully provided otherwise, We establish that, at least henceforth, the giving of the instruments is not necessary for the validity of the Holy Orders of Diaconate, Priesthood and Episcopate. With regard to the matter and the form in the collation [bestowing – *transl. note*] of Orders, by our same Apostolic Authority, We decree and constitute the following". Paul VI says nothing about what happens with the traditional rite: he did not dare to declare it abrogated.

22) This we have discussed at length elsewhere.

23) Father Cekada insists that the words of the form must signify the Order and the grace (we have seen that the former is sufficient) in a *univocal and unambiguous* manner, based on what Pius XII said: "[declaramus formam esse verba] quibus *univoce* significantur effectus sacramentales –scilicet potestas Ordinis et gratia Spiritus Sancti-" (DS 3859). This is true, but considering the words not in themselves, but in their broad context. That is why the quotation of Pius XII goes on to say: "quaeque ab Ecclesia qua talis accipiuntur et usurpantur", that is to say, that the words must signify *univoce* according to the use made of them by the Church in the context of the rite. This Father amuses himself by distinguishing the various senses that the expression "*Spiritus principalis*" could have, stopping at twelve. If we were to consider what "*baptizare*" might mean in isolation, we could easily arrive at twenty-four. The only meaning that matters is that which it acquires in the context of the rite and its institution.

24) Leo XIII, *Apostolicae Curae*, DS 3317a: "Knowing full well the necessary link between faith and worship, between the rule of faith and the rule of prayer, under the pretext of restoring the order of the liturgy to its primitive form, they corrupted it in many respects to bring it into accord with the errors of the innovators. Hence, in the entire Ordinal, not only is there no clear mention of sacrifice, of consecration and of the power of the priest to consecrate and to offer sacrifice; but, as we have already indicated, every trace of these and such realities remaining in such prayers of the Catholic rite that were not totally rejected, was purposely suppressed and erased."

25) Leo XIII, *Apostolicae curae*, DS 3317a: "Ad rectam vero plenamque Ordinalis anglicani aestimationem, praeter ista per aliquas eius partes notata, *nihil profecto tam valet quam si probe aestimetur quibus adiunctis rerum conditum sit et publice constitutum*". ["For a correct and adequate appraisal of the Anglican Ordinal, besides what we have noted as to some of its parts, *it is above all important to consider the circumstances under which it was composed and publicly instituted*" – *transl. note*]

26) Fr. Pierre-Marie OP, "Le nouveau rituel de consécration épiscopale est-il valide?". *Le Sel de la Terre* n° 54, p. 72-129. On pages 101-104 he gives a comparative table of the new rite with the *Traditio* and the Coptic and Maronite rites.

27) Thus argues L. Marchal in the article cited from the *DTC*, vol. XI, col. 1176.

28) When Fr. Cekada, in the article cited above, considers the various meanings of "*Spiritus principalis*", he studies what is said in the dictionaries, Psalm 50, the Fathers of the Church, some ancient and modern theologians, and even some non-sacramental ceremonies of the Coptic rite, but he never stops to consider the meaning it has in the Coptic Rite of Episcopal Consecration. Although his study "reveals a dozen possible meanings", he is not entitled to conclude that "none of these expressions specifically signifies the episcopate in general nor the fullness of the Holy Orders that a bishop possesses". At least in the Coptic (and in the Maronite) rite it has that meaning.

29) This is what Dom Puniet says about the Patriarch of the West, the Pope, in *Le pontifical romain*, vol. II, p. 26: "Quite late in the Church's history, was introduced the practice of choosing as successor to Peter a prelate who had already acquired the episcopal character. But this practice, which has become the rule since the beginning of the XVIth Century, was formerly considered illegal by virtue of the prohibition against the transfer of bishops. Until the IXth Century, not a single pope was known to have been already a bishop at the time of his election to the pontifical throne".

30) A major flaw in the study of Fr. Cekada, is the little attention he gives to the influence of context on the signification of the essential form. He does not consider this point of doctrine among the "principles to be applied", taking it into account only as an objection of Fr. Pierre-Marie OP (n. IX of his article). He responds to the objection by affirming that "the new form does not signify, even in an equivocal way, one of the elements whose expression Pius XII had demanded in the sacramental form, namely, the power of Order which is conferred". But we have demonstrated that this is not true, confirming it with the Coptic and Maronite rites.

31) "Recevez l'offrande du peuple Saint pour la présenter a Dieu. Ayez conscience de ce que vous ferez, imitez dans votre vie ce que vous accomplirez par ces rites, et conformez-vous au mystère de la croix du Seigneur".

32) Fr. Cekada concludes that the rite is invalid. But - as can be seen even more clearly in the summary of his position that he presents in a later article: *Still Null and Still Void* - in arriving at this conclusion he makes two errors: 1. Relying exclusively on Pius XII's *Sacramentum Ordinis*, when it would have been just as appropriate, or even more so, to take into account *Apostolicae Curae* of Leo XIII, he demands that the essential form should mention the Order and the grace to be conferred, whereas the former is sufficient. 2. He arbitrarily denies that the new form can signify, even ambiguously, the Episcopal Order; for which he always avoids discussing the meaning of "*Spiritus principalis*" in the Coptic and Maronite rites.

33) Much is said by the moralists about the necessity of certainty in the validity of the sacraments.