

The Society of St. Pius X and the Diocesan Bishops

Introduction

One of the essential requirements prior to being canonically regularized by Rome that the leadership of the Society of St. Pius X (SSPX) had proclaimed for many years is that the work of the Society must be free from the control of the Diocesan Bishops; otherwise, its very survival would be at stake. A Catholic who is faithful to Tradition and understands the gravity of the Church crisis of the last 50 years clearly sees the wisdom of taking this position. However, during the year 2012 the SSPX leadership made a dramatic change regarding such an important matter. It is the purpose of this paper to demonstrate that this is indeed the case as well as to show some of the absurdities, discrepancies, and ambiguities in the speech of the SSPX leaders. The author of this paper believes the reader will find the evidence compelling that the current SSPX leadership cannot be trusted, regardless of good intentions, and instead must be opposed for the sake of saving the largest organized bastion of Catholic Tradition and many souls who will otherwise be like sheep led to the slaughter of Modernist Rome.

The Record of Events

1) "We must absolutely convince our faithful that is no more than a maneuver, that it is dangerous to put oneself into the hands of Conciliar bishops and Modernist Rome. It is the greatest danger threatening our people. If we have struggled for 20 years to avoid the Conciliar errors, it was not in order, now, to put ourselves in the hands of those professing these errors."

(One Year after the Consecrations: an Interview with Archbishop Lefebvre, Fideliter, July-August 1989 Issue)

2) In the August 2001 issue of *Communicantes* (former Canadian SSPX Magazine), there was published an interview conducted by Fr. de Tanouarn with His Excellency Bishop Bernard Fellay in which His Excellency spoke of a canonical structure proposed by Rome:

"You have no doubt heard talk of this idea of an apostolic administration. The Society of St. Pius X would have become incorporated into an apostolic administration. What does this signify? The apostolic administration ordinarily is a diocesan structure, or quasi diocesan, in a time of crisis, over a given territory. Well! For us this territory would be the entire world. In other words, they offered us a structure that covered the entire world, a kind of personal diocese..."

Fr. de Tanouarn intervened:

"Excuse me for interrupting, Your Excellency, you mean **a personal prelacy**..."

Bishop Fellay responded (this author's emphasis in bold):

"Not at all. **The apostolic administration is better than a personal prelacy.** In the first place, a personal prelacy is not necessarily governed by a bishop. An apostolic administration, which is quasi diocesan, normally would be. **Furthermore, and above all, the action of an apostolic administration is not limited to its members. The *Opus Dei*, which is the personal prelacy that exists today, is not subject to the local bishop in all that concerns its members, but it could not consider any external action without the consent of the bishop. With the apostolic administration, we avoid this restriction. We would be able to take an autonomous apostolic action without having to ask authorisation from the diocesan bishop, since we would have a veritable diocese, whose distinctive characteristic is that it extends to the entire world.** It is very important that such a proposition has been made, because after all, this juridical solution has never happened before, it is 'sui generis'. Now that it has been established, it can represent for us, from a juridical point of view, a reference, a position of comparison. Especially since it is to the Society of St. Pius X that this possibility has been proposed, which shows just how seriously Rome sees our resistance. It's not by vainglory that I say that, believe me: symbolically (first of all, it's not a question of numbers) we represent something very important for Rome, and this also is new."

3) In an interview conducted by Brian Mershon of *The Remnant* and published on February 18, 2009, His Excellency Bishop Bernard Fellay was posed the following question (my emphasis in bold):

"Do you foresee **any oversight by territorial diocesan bishops** once the Society is regularized?"

His Excellency answered (this author's emphasis in bold):

“That would be our death. The situation of the Church is such that once the doctrinal issues have been clarified, **we will need our own autonomy in order to survive.** This means that we will have to be **directly under the authority of the Pope with an exemption.** If we look at the history of the Church, we see that every time the Popes wanted to restore the Church, they leaned upon new strength like the Benedictine Cistercians whom the pope allowed to act as best as possible during the crisis, in a status of exemption, in order to overcome the crisis.”

4) On June 1, 2012 an interview was conducted by Rivarol with His Excellency Bishop Bernard Tissier de Mallerais. The question was asked by Rivarol:

“Some believe that the statute of a personal prelature proposed to you will provide sufficient guarantee to you concerning all danger of abandoning the combat for the faith.”

Bishop Tissier de Mallerais responded (this author’s emphasis in bold):

“That is incorrect. According to the project of prelature, we **would not be free to create new priories without the permission of the local bishops** and, additionally, **all our recent foundations would have to be confirmed** by these same bishops. It would thus **mean subjugating us quite unnecessarily to an overall Modernist episcopate.**”

5) On June 8, 2012, the official international news organ of the Society of St. Pius X published an interview with His Excellency Bishop Bernard Fellay in which the following question was asked:

“A personal prelature is the canonical structure that you mentioned in recent statements. Now, in the Code of Canon Law, canon 297 requires not only informing diocesan bishops but obtaining their permission in order to found a work on their territory. Although it is clear that any canonical recognition will preserve our apostolate in its present state, are you inclined to accept the eventuality that future works may be possible only with the permission of the bishop in dioceses where the Society of Saint Pius X is not present today?”

His Excellency answered (this author’s emphasis in bold):

“There is a lot of confusion about this question, and it is caused mainly by a misunderstanding of the nature of a personal prelature, as well as by a misreading of the normal relation between the local ordinary and the prelature. Add to that the fact that the only example available today of a personal prelature is Opus Dei. However, and **let us say this clearly, if a personal prelature were granted to us, our situation would not be the same.** In order to understand better what would happen, we must reflect that our status would be much more similar to that of a military ordinariate, because **we would have ordinary jurisdiction over the faithful. Thus we would be like a sort of diocese, the jurisdiction of which extends to all its faithful regardless of their territorial situation.**”

“All the chapels, churches, priories, schools, and works of the Society and of the affiliated religious Congregations would be recognized with a real autonomy for their ministry.

“It is still true—since it is Church law—that in order to open a new chapel or to found a work, it would be necessary to have the permission of the local ordinary. We have quite obviously reported to Rome how difficult our present situation was in the dioceses, and Rome is still working on it. Here or there, this difficulty will be real, but since when is life without difficulties? Very probably we will also have the contrary problem, in other words, we will not be able to respond to the requests that will come from the bishops who are friendly to us. I am thinking of one bishop who could ask us to take charge of the formation of future priests in his diocese.

“In no way would our relations be like those of a religious congregation with a bishop; rather they would be those of one bishop with another bishop, just like with the Ukrainians and the Armenians in the diaspora. And therefore if a difficulty is not resolved, it would go to Rome, and there would then be a Roman intervention to settle the problem.

“Let it be said in passing that what was reported on the Internet concerning my remarks on this subject in Austria last month is entirely false.”

6) In a statement dated July 14, 2012, the 2012 SSPX General Chapter declared, “We have determined and approved the necessary conditions for an eventual canonical normalization.”

7) In a letter dated July 18, 2012 and addressed to the superiors and priests of the SSPX, Fr. Christian Thouvenot, Secretary-General of the SSPX, outlined the conditions for a canonical normalization. Desirable condition #2, which is related to the subject of this paper, is stated as follows:

“Exemption of houses of The Society of St Pius X in respect of diocesan bishops.”

8) In a conference given by Fr. Arnaud Rostand, SSPX District Superior of the United States, on October 29, 2012 in Post Falls, Idaho he admitted that under an agreement opening new chapels would require the approval of the diocesan bishop. This was stated in the question and answer period during which a person asked whether giving the diocesan bishops control of where the SSPX can locate hinders the Society’s growth and undermines the claim of the “state of necessity” that the SSPX currently uses to run and open up new chapels without the permission of the local bishops. In other words, the SSPX claims that it can morally open chapels wherever the faithful call and the means exist. The SSPX claims this moral right in the name of the “state of necessity”. However, given that the state of necessity would still exist under an agreement (this was even admitted by Fr. Rostand himself), why would the SSPX want to restrict this moral right to open up chapels, where necessary and where the means exist, by placing this moral right under the canonical control of the local bishops. This seems to be like shooting oneself in the foot. In reply, Fr. Rostand said the following:

“Will a recognition of the Society make the Society grow and influence the Church more to the point that even to have to ask permission to the other bishops will become over time not a problem; it’s a question of prudence.”

9) In a conference given by Bishop Bernard Fellay on December 29, 2012 in Toronto, Canada he spoke about the canonical offer of a personal prelature. Note that the term “personal prelature” was not used, but we know that it is the canonical structure offered by Rome. Refer to the June 8, 2012 interview in point #4 above.

“One of the major accusations which is made against me is to pretend that I would accept that we would be under the local bishops. That’s crazy! It’s impossible! We have the example of St. Peter and Christ the King and we see what the bishops do. They (impose?) whatever they want. They’re transforming puppets – these priests which are under them for the apostolate. The only way to be able to continue the apostolate is to have our autonomy, that is, our own jurisdiction. It must be very clear for everybody....the argument to say, “Well you did put this element only in the second part of your conditions with Rome. Why?” Because we have already (got?) it. So it is not necessary that we emphasize (it). Rome, in the project, has already granted that, that is, that we are not under the bishops. That we have our own jurisdiction. That the faithful depend on us. It’s already granted. That’s why we don’t emphasize it so much. We already have it.....So just to say, well, but you put in (the) not indispensable (set of conditions). And we already have it; we are not going to insist on it. We have it. But it’s clear that taken in itself I would say it’s number one.”

An Analysis of the Record of Events

The numbered points below correspond to those above.

1) If His Excellency Bishop Bernard Fellay remained faithful to the memory of Archbishop Lefebvre, he would today be saying the following:

“We must absolutely convince our faithful that is no more than a maneuver, that it is dangerous to put oneself into the hands of Conciliar bishops and Modernist Rome. It is the greatest danger threatening our people. If we have struggled for 40 years to avoid the Conciliar errors, it was not in order, now, to put ourselves in the hands of those professing these errors.”

Instead, what he has demonstrated in the past year is a departure from this line of the saintly founder of the society of priests that has handed down Tradition to a generation of Catholics in the aftermath of the Conciliar Revolution. After all, have there been any significant positive changes in Rome and among the Bishops in their attitude towards Tradition? One can easily argue that the situation is actually worse, especially in the wake of Assisi III, where the Holy Father committed, objectively speaking, a public mortal sin against the First Commandment. Where was the

outcry from the Bishops who are supposed to defend the Faith? Even more pathetic, where was the outcry from the SSPX leadership?

2) Note how in 2001 His Excellency Bishop Bernard Fellay undermines the adequacy of a Personal Prelature as the canonical structure for the Society of St. Pius X, mainly in that this structure is not completely free from the influence and control of the Diocesan Bishop. Would this freedom not be essential for the growth and preservation of Tradition given the crisis in the Church? It seems that His Excellency believed so back in 2001.

3) The position of His Excellency Bishop Bernard Fellay that the Society of St. Pius X needed to be free from the control of the Diocesan Bishops, if it was to be canonical regularized, was still alive and well in 2009. Here his position seems to have strengthened since 2001. The canonical structure would not only need to be free of the control of the Diocesan Bishops, but it would also need to be directly under the authority of the Pope. Otherwise, it would spell the Society's death! Note also that His Excellency indicates that even this unique canonical structure would be considered "once the doctrinal issues have been clarified".

4) In 2012 (or perhaps even earlier), we learn that Rome has proposed a personal prelature to the Society of St. Pius X. It is interesting to note that in the so called "leaning towards Tradition" era of Pope Benedict XVI, the canonical structure proposed for the Society is the one that incorporates influence from the Diocesan Bishops and not the freedom from these same Bishops as in the apostolic administration proposed to the Society under the papacy of John Paul II in 2001. The credit rating has been downgraded! His Excellency Bishop Bernard Tissier de Mallerais admits that the canonical structure of a personal prelature does not provide a sufficient guarantee in the defence of the Faith.

5) In this interview, His Excellency Bishop Bernard Fellay tries to explain the nature of a personal prelature and that despite its weaknesses, at least in respect to its application to Opus Dei, the situation of the Society of St. Pius X would be different. His Excellency states that Rome had been informed that requiring permission from the Diocesan Bishops to found a work would be problematic for the Society and that "Rome was still working on it".

Note how in this interview the attitude of His Excellency has changed. He is not firm in his demand of a canonical structure that would provide freedom from the Diocesan Bishops. The idea of an apostolic administration or some similar structure is no longer the emphasis. He now seems willing to work within or at least with the diocesan authorities. Some will defend this change in attitude by affirming that at this point in time (June 8, 2012) His Excellency was under the impression that Rome was willing to accept the Society of St. Pius X without its needing to accept Vatican II and the New Rite of Mass. Even if this was Rome's real stance, would Rome be able to demand the same stance from the Diocesan Bishops and consequently permit the Society's work to establish itself or grow within their dioceses? One can very much doubt it. Also note that Bishop Fellay's stated conception of what Rome was offering is significantly different than that of Bishop Tissier de Mallerais. At that time, many of us were left wondering who was right and who was wrong.

6) The 2012 SSPX General Chapter Statement announces that the necessary conditions for a canonical regularization have been determined. However, the Statement itself does not outline these conditions.

7) In a letter leaked out to the public shortly after the General Chapter Statement, the SSPX faithful learn that the exemption of the houses of the Society of St. Pius X from the control of the Diocesan Bishops is listed only as a "desirable" condition! What a shock! The SSPX leadership went from demanding complete freedom from the Diocesan Bishops (and even this being only possible after the resolution of the doctrinal differences) to simply desiring to be free from the Diocesan Bishops (and this even though the doctrinal differences were said to be insurmountable after almost two years of discussions after which each side admitted were a failure in their attempts to convince the other side)! Talk about a formidable collapse in as little as three years!

8) In this October 2012 conference, Fr. Rostand tried to defend the Society of St. Pius X leadership's openness to permitting its work to be controlled by the Diocesan Bishops by declaring it to be a matter of prudence:

“Will a recognition of the Society make the Society grow and influence the Church more to the point that even to have to ask permission to the other bishops will become over time not a problem; it’s a question of prudence.”

Firstly, this author asks Fr. Rostand, “Please, Father, tell us what has changed in Rome and/or among the Diocesan Bishops in a few short years for the SSPX leadership to consider this question to become one of prudence from one of just plain common sense?” By the time of the 2012 General Chapter, His Excellency Bishop Bernard Fellay had already known (i.e., as early as June 30, 2012 to prior to the commencement of the General Chapter) that the Pope himself expressly demanded acceptance to Vatican II and the New Rite of Mass as a pre-condition for canonical regularization. Hence, it was back to square one by the time of the General Chapter, which nonetheless proceeded to conclude that an exemption of the houses of the Society from the control of the Diocesan Bishops was a mere desirable. And if one defends this decision of the General Chapter by stating that the three essential conditions determined at the same Chapter provide the framework in which this desirable condition can only be considered as non-essential, then this author argues that the Society leadership had previously maintained the necessity of being free from the Diocesan Bishops even while it demanded other much stronger essential conditions (e.g., no practical agreement prior to a doctrinal agreement as evidenced by the 2006 SSPX General Chapter Declaration and by Bishop Fellay himself in the February 2009 Remnant interview) than those essential conditions determined at the 2012 General Chapter. Furthermore, as this author mentioned above, there is no guarantee that Rome would be able to get the Diocesan Bishops to agree with whatever it decides (e.g., conceding to the three essential conditions of the 2012 SSPX General Chapter and not overturning this decision at a later date). Therefore, no matter how one slices it, the General Chapter cannot justify changing this formerly essential condition (i.e., exemption of the houses of the Society from the control of the Diocesan Bishops) to one of mere wishful thinking.....Something has gone rotten in the state of Denmark!

Secondly, Fr. Rostand, this author certainly agrees with your claim that the state of necessity would still continue to objectively exist even after the canonical regularization of the Society, given the current state of the Church. However, this author cannot help but conclude that you are contradicting yourself from a subjective point of view. If you answer in the affirmative to your own question, then you would be admitting that the current situation in the Church is such that you believe the gains will outweigh the losses. For every one Bishop that would say “no” to the work of the Society, there would be at least two Bishops that would say “yes”, for example. How then could you simultaneously claim the existence of the state of necessity when this existence, by its very nature, demands that the losses outweigh the gains? You could not.

9) In this December 2012 conference, His Excellency Bishop Bernard Fellay asserts, as in former times, that it would be crazy for the Society of St. Pius X to place itself under the authority of the Diocesan Bishops like the Priestly Fraternity of St. Peter and the Institute of Christ the King. With this assertion, one gets the impression that Bishop Fellay is contradicting what Fr. Rostand said in his October 2012 conference. However, this is not the case as we shall see.

Bishop Fellay continues his conference by stating that the Society requires its own autonomy, that is, jurisdiction for itself and over the faithful who depend on the Society. His Excellency then relates the issue of this autonomy to the desirable condition of the houses of the Society being exempt from the control of the Diocesan Bishops. He claims that since Rome had already granted the Society’s autonomy (which must have been before the 2012 General Chapter) from the Diocesan Bishops, the General Chapter decided to place the exemption condition only as a desirable. When one listens to this part of the conference via recorded audio, the passion by which it is delivered to the audience gives the impression that the Society obtained from Rome everything it wanted from a canonical standpoint, even perhaps the structure of an apostolic administration universal in scope. This leaves the audience with a feeling of relief. However, if one takes a closer look at the transcript of this conference and places it in the context of what has actually happened in the past year or so, a different story emerges.

Firstly, why would the General Chapter place the exemption condition only as a desirable **even** if Rome had granted it complete freedom from the Diocesan Bishops prior to the commencement of the same General Chapter? Knowing that Rome has had difficulty keeping its promises and that it had previously given Bishop Fellay mixed messages, would not the safest thing be to place the exemption condition as one of the necessary conditions? One could argue

that doing this would have created tension on Rome's side due to suspicion that the Society does not trust it. Well, even if this argument could be legitimately defended, the counter-argument could be that the Society should not then have mentioned the exemption condition at all because by placing it as a desirable, Rome would reasonably conclude that the exemption condition is no longer important. Any reasonable person would conclude the same. Bishop Fellay's explanation on this point just does not make sense.

Secondly, we know that Bishop Fellay was still speaking about a personal prelature at this point in time as Rome had tabled no other canonical structure. The question is, then, how could the canonical nature of a personal prelature evolve into something substantially different and still be called a personal prelature? The answer is that it did not evolve; rather, we shall see that Bishop Fellay was not entirely clear and accurate in his statements. Whether this was intentional or not on his part is not for this author to judge.

In regards to Bishop Fellay's clarity, let us lay out the following points regarding the canonical nature of a personal prelature (taken from Wikipedia's page called "Personal Prelature"):

1. A personal prelature is a canonical structure conceived during the Second Vatican Council and later enacted into law by Pope Paul VI (this is enough to make one weary of it).
2. A personal prelature is described by Canons 294 to 297 of the 1983 Code of Canon Law.
3. A personal prelature is an ordinary jurisdictional structure of the Catholic Church.
4. A personal prelature is not linked to a territory, but over persons wherever they happen to be.
5. A personal prelature is not a particular church as is a diocese.
6. A personal prelature includes clergy and lay members which carry out specific pastoral activities.
7. Lay members being under the jurisdiction of the prelate does not impede their being also under the authority of the Diocesan Bishop.

The key point here is that a personal prelature may include lay members. However, these lay members work with the personal prelature towards the **specific pastoral end** for which the personal prelature was established.

Canon 296: Lay persons can dedicate themselves to the apostolic works of a personal prelature by agreements entered into with the prelature. The statutes, however, are to determine suitably the manner of this organic cooperation and the principal duties and rights connected to it.

Canon 297: The statutes likewise are to define the relations of the personal prelature with the local ordinaries in whose particular churches the prelature itself exercises or desires to exercise its pastoral or missionary works, with the previous consent of the diocesan bishop.

We can get further understanding about a personal prelature in this regard by looking at the only personal prelature that exists to date, Opus Dei. On its <http://www.opusdei.org/art.php?p=25462> web page, we read:

Both the personal prelatitudes and the dioceses are communities of the faithful of an hierarchical nature. The dioceses are particular Churches and include all the faithful in a specific territory. The personal prelatitudes live and act within one or various dioceses, with which they cooperate by fulfilling their specific ecclesial purpose, in a complementary relationship.

On its <http://www.opusdei.org/art.php?p=25470> web page, we read:

John Paul II, when speaking about the Prelature of Opus Dei, stressed: "First of all, I wish to emphasize that the membership of the lay faithful in their own particular Churches and in the Prelature, into which they are incorporated, enables the special mission of the Prelature to converge with the evangelizing efforts of each particular Church, as envisaged by the Second Vatican Council in desiring the figure of personal prelatitudes" (Address, 17 March 2001).

Finally on its <http://www.opusdei.org/art.php?p=25464> web page, we read:

One must also take into account that this prelatore, unlike what might happen in the future in others, does not carry out certain functions of ordinary pastoral care (baptisms, confirmations, marriages, funerals, etc.).

After reading all this, it is clear that Bishop Fellay was correct in that the personal prelatore offered by Rome does allow for the Society's own autonomy and even jurisdiction over the faithful. However, what is not entirely clear is whether this jurisdiction over the faithful incorporates ordinary pastoral care, which would be the most important aspect. It is true that Bishop Fellay has claimed on previous occasions that the faithful would not see any difference regarding their pastoral care if a canonical regularization was to occur. However, it is reasonable to believe that Rome would not grant the Society jurisdiction over the faithful in all pastoral matters within every diocese the Society was located because this degree of authority over the faithful would be more akin to a universal apostolic administration, that is, a canonical structure which currently does not even exist in law. Furthermore, what is not clear is what would be the Society's special pastoral activities and goals and how would these harmoniously converge with those of the dioceses in which the Society would exist.

In regards to Bishop Fellay's accuracy, he relates his statements on autonomy and jurisdiction over the faithful to the exemption condition of the General Chapter. However, this exemption condition does not directly deal with these matters. Instead, the exemption condition concerns whether the Society's work would even be permitted to exist with a diocese. A personal prelatore can be autonomous in the sense that it does not directly report to the Diocesan Bishop. In fact, it directly reports to the Congregation for Bishops in Rome. A personal prelatore can also have jurisdiction over the faithful as described above. However, if a Diocesan Bishop forbids the personal prelatore's existence within his diocese in the first place, how can it possibly be of help to those faithful in that diocese starving for Catholic Tradition?

The points above demonstrate that Bishop Fellay's statements in his December 2012 conference are not as sensible and reassuring as they were made out to be. This author most welcomes clarifications and further details.

Conclusion

Many priests and faithful alike were upset to see the dramatic change in the Society of St. Pius X leadership's position in regards to its relation with the Diocesan Bishops, as officially declared at the 2012 SSPX General Chapter. In order to alleviate their concerns, the Society leadership has been working hard over the last several months in trying to justify its newly found position. Unfortunately, many of the same priests and faithful have been lulled back to sleep by the comforting words offered by Bishop Fellay and other Society superiors appointed by his own hand. Regardless, it does not change the fact that at the time of this writing (first week of February 2013), there has been no retraction on the part of the Society's leadership of a severe slackening on a principle that, if it was to be executed by means of a canonical regularization, would gravely endanger the Faith of hundreds of thousands of Catholics and prevent the same Faith from reaching millions more.

It is the hope of this author that this paper has sufficiently demonstrated to the reader that there has indeed been a dramatic change in the wrong direction. Consequently, we cannot continue to blindly trust the current SSPX leadership to guide the large majority of Traditional Catholics into 2013 and beyond; rather, with charity and without judging the interior of those who have defended this perilous stance, it is time for more priests and faithful to help build up again the fortress of Catholic Tradition before the enemy takes up permanent residence.

For the Reign of the Sacred and Immaculate Hearts!