

Is the Sedevacantist Apostolate Legitimate?

by Rev. Nicolás E. Despósito

Objection: if Vatican II *popes* do not possess papal authority, how is the mission of the Church being accomplished? Isn't ecclesiastical jurisdiction a necessary condition for legitimate apostolate? How do sedevacantist clergy justify their apostolate?

Short answer. The mission of the Church is being carried out today in an *extraordinary manner* by those bishops and priests who integrally profess the Catholic faith, offer the Holy Sacrifice of the Mass, and administer the Sacraments to the faithful. This apostolate is justified under the principle of *epicheia*, and the Church supplies sacramental jurisdiction for the sacrament of Penance in a situation where the Church is deprived of ecclesiastical jurisdiction.

Exposition. The mission of the Church is a *command* given by Christ to the Apostles and their successors: “Going therefore, teach ye all nations; baptizing them in the name of the Father, and of the Son, and of the Holy Ghost.” (Matt. 28:19) Christ passed on to the Church the continuation of the same mission He received from His Father: “As the Father hath sent me, I also send you” (Jn. 20:21). The mission of the Church must continue until the end of times. By divine command the Gospel must be preached and sacraments must be administered. Therefore:

The apostolate of sedevacantist clergy is not only justified; it is necessary. In normal times a legitimate apostolate would require *ecclesiastical* jurisdiction, since the Church is a visible, hierarchical society. This jurisdiction is conferred by the mission of Christ or of the Church upon those who are designated to places of authority.¹ When ordinary or delegated jurisdiction is lacking, the Church is able to supply the jurisdiction. The supplying of jurisdiction by the Church is a provision of the law whereby jurisdiction is supplied automatically at the very moment in which it is exercised (*ad modum actus*), lest the spiritual welfare of a person suffer harm because of a lack of jurisdiction by the priest through no fault of the beneficiary.² This is especially true of the jurisdiction we call *sacramental*. St. Thomas Aquinas explains that the power of jurisdiction is not granted to a

¹ The power of jurisdiction (with its triple function: legislative, judicial, and coactive) is conferred by the mission of Christ or of the Church. The jurisdiction found in the Church has a twofold degree by divine right: the episcopacy and the papacy. This description of jurisdiction regards the external forum, and is directly ordered to the good of the community; but there is another kind of jurisdiction in the internal forum which is ordered directly to the good of the of particular persons, which is able to be exercised either sacramentally (as in the sacrament of Penance), or extra-sacramentally, as for example, when a person is freed from an obligation contracted by an oath or a vow. Zapelena, *De Ecclesia Christi*, Sect. III, T. VII.

² Article: *Jurisdiction, supplied*, in Palazzini's *Dictionary of Moral Theology*, 2nd Ed., En. trans., 1962, Newman Press.

man for his own benefit, but for the good of the people and for the glory of God.³ Also, when showing that all validly ordained priests can absolve a penitent at the point of death, the Angelic Doctor brings up the principle that “necessity knows no law”⁴, which applies to our present circumstances in a particular way: Catholics do not find the true faith or the true sacraments in the local parish. Therefore the serious need of the faithful justifies an apostolate which functions outside the letter of the law but certainly according to its spirit. To deprive the faithful of the sacraments in order to fulfill the requirements of a positive ecclesiastical law would be contrary to the divine law. “To follow the letter of the law when it ought not to be followed is sinful. Hence it is written in the Codex of Laws and Constitutions under Law V: ‘Without doubt he transgresses the law who by adhering to the letter of the law strives to defeat the intention of the lawgiver.’”⁵ Therefore, the apostolate of the sedevacantist clergy is not only justified; it is necessary.

Administration of the sacraments without ecclesiastical approval. In virtue of holy orders, every priest is bound in charity to use his sacramental power to assist those in spiritual need. Saint Alphonsus is very emphatic: every priest is bound to attend, in the way he can, to the salvation of souls, according to their necessity.⁶ The salvation of souls is the highest law: *salus animarum suprema lex*. And the salvation of souls is *morally impossible* without the sacraments.⁷ Hence, moral theologians teach that when priests who have the care of souls are lacking, other priests are bound out of charity to administer the sacraments. If the necessity is serious, the obligation is also serious (under the pain of mortal sin) provided no great inconvenience results for the priest. If the necessity is extreme, or if serious necessity affects the whole community, the obligation of the priest is serious, even if his life is at risk - provided there is a reasonable hope of success in helping the community and there is no one else to do it.⁸ It is clear, then, that sedevacantist clergy have not only the right but even the *obligation* of administering the sacraments.

³ S. Thomas Aquinas, *Summa Theologiae*, Suppl. q. 8, art. 5, ad 1um.

⁴ S. Thomas Aquinas, *Summa Theologiae*, Suppl. q. 8, art 6, in corp. art.

⁵ S. Thomas Aquinas, *Summa Theologiae*, IIa IIae, q. 120, art. I, ad 1um.

⁶ “It is useless to say, I am a simple priest; I have not the care of souls; it is enough for me to attend to myself. No: every priest is bound to attend, in the way in which he can, to the salvation of souls, according to their necessity. And in a district in which souls are in grievous spiritual necessity for want of confessors a simple priest is, as we have proved in our Moral Theology, bound to hear confessions; and if he has not the necessary qualifications, he is obliged to qualify himself for the office of confessor. This is the opinion that the learned Father Pavone of the Society of Jesus has held in his works, and not without reason; for as God has sent Jesus Christ to save the world, so Jesus Christ has appointed priests to convert sinners.” St. Alphonsus de Liguori, *Dignity and Duties of the Priest*, Chapter IX.

⁷ Those who do not have access to a valid *and licit* (non *una cum*) Mass, and are deprived of the sacraments, must remember that God always provides sufficient graces in every circumstance. Moral impossibility is not physical impossibility: “The things that are impossible with men, are possible with God.” Luke 18:27.

⁸ Obligatio ministrandi sacramenta in simplicibus sacerdotibus. Alii sacerdotes non ex iustitia, sed deficientibus illis qui curam animarum habent, ex *charitate* tenentur ministrare sacramenta. Et quidem: 1) *in communi necessitate*, sub levi, si id possunt sine incommodo; 2) *in gravi necessitate* proximi, sub gravi, cum incommodo non valde magno; 3) *in extrema necessitate* proximi, vel *gravi necessitate communitatis* tenentur ministrare etiam cum periculo vitae, dummodo sit fundata spes iuvandi et non sit alius qui adjuvet. Merkelbach, *Summa Theologiae Moralis*, III, n. 87.

The jurisdiction which is supplied in the administration of the sacrament of Penance is not to be confused with ordinary or delegated jurisdiction. This sacramental jurisdiction, explains Merkelbach, is conferred in the very act of confession, and extinguished afterwards. The jurisdiction which is ordinary or delegated is given before the confession and remains after the absolution.⁹

That Christ is able to supply sacramental jurisdiction without the mediation of the pope or the Church is clear from the fact that popes are absolved of their sins by their confessor with a power that cannot be given by the pope himself. No one can grant jurisdiction to another to be used in one's favor.¹⁰ Likewise, the jurisdiction necessary for absolution is supplied to sedevacantist clergy immediately by Christ in virtue of the power of orders. The notion of a power immediately supplied by Christ will be discussed in the answer to the next objection.

Summary and conclusion. The imposition of Vatican II doctrines upon the universal Church is an infallible sign that those who claim supreme authority in the Church lack the required objective intention to receive such authority. The See of Peter is formally vacant (as proven [here](#)) and the Catholic Church finds itself deprived of the actual administration of the supreme power of jurisdiction¹¹. The imposition of Vatican II doctrines upon each and every diocese is a further sign that all ecclesiastical territories in the world are equally deprived of the actual exercise of ecclesiastical jurisdiction. Therefore it is up to sedevacantist bishops and priests to continue the mission of the Church by the preaching of the Gospel and the administration of the sacraments. This apostolate is not only justified; it is necessary.

⁹ Haec jurisdictio, quam supplet Ecclesia, differt a jurisdictione ordinaria aut delegata, in eo quod confertur solum *in ipso actu confessionis*, posteaque extinguitur, dum altera ante confessionem datur et post absolutionem de se permanet. Merkelbach, *Summa Theologiae Moralis*, III, n. 584.

¹⁰ Sane jurisdictionem in se ipsum nemo alteri dare potest, cum nemo habeat; quam si quis haberet, etiam sibi ipsi aliquid proprie praecipere, sententiam judicalem in se ferre, se punire posset ita, ut renitendo contra se per inoboedientiam peccaret, id quod natura duce est apud omnes prorsus inauditum; videlicet jurisdictio vera voluntates saltem duas re distinctas, unam obligantem, alteram obligandam nec valentem solvere, efflagitat. Straub, *De Ecclesia Christi*, vol. 2, thesis 22, scholion.

¹¹ Potestas ergo ecclesiae non moritur mortuo papa quantum ad jurisdictionem, quod est quasi formale in papatu, sed remanet in Christo. Nec moritur quantum ad personae electionem et determinationem, quod est tamquam quid materiale, sed remanet in collegio cardinalium, sed moritur quantum ad actualem administrationem jurisdictionis ejus, quia mortuo papa ecclesia vacat, et privatur administratione talis potestatis. St. Antoninus of Florence, *Summa Theologiae*, p. III, c. II.