

# Facts which Demolish the “No independent priest today has Jurisdiction” Position

By Bro. Peter Dimond, O.S.B.

- Did St. Vincent Ferrer have jurisdiction? If you hold the position that “no independent priest today has jurisdiction,” your answer must be *no*.

- Refuting a growing “traditionalist” error -

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TODAY

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## A QUICK INTRODUCTION TO JURISDICTION AND THE NJP

Some time back a number of laypeople published some short books and articles on the issue of jurisdiction. Few Catholics realize that in order for a priest to validly absolve in confession he must not only possess valid orders and pronounce the correct words, but he must also have jurisdiction.

Pope Julius III, *Council of Trent*, Sess. 14, Chap. 7: "Therefore, since the nature and essence of a judgment require that the sentence be imposed only on subjects, there has always been the conviction in the Church of God, and this Synod confirms it as most true, that **this absolution which the priest pronounces upon one over whom he has no ordinary or delegated jurisdiction has no value.**"<sup>1</sup>

Jurisdiction is an authority in a spiritual matter. Jurisdiction is defined in two ways. There is *ordinary jurisdiction*, which means jurisdiction which is attached to an office, such as that possessed by a pope over the universal Church, or a bishop over a diocese, or the major superior of an exempt religious order. A pastor of a parish also has ordinary jurisdiction over souls in the internal forum.<sup>2</sup>

The ordinary jurisdiction which a bishop possesses over a diocese is conferred by a pope when he appoints the bishop to his office. The ordinary jurisdiction which a major superior of an exempt religious order possesses is granted when he is lawfully approved in that office. The ordinary jurisdiction which a pastor of a parish has in the internal forum is granted to the pastor when he is lawfully appointed by his bishop.

There is also *delegated jurisdiction*, which is jurisdiction given to a person either by law or by a superior. An example of this would be the faculties expressly given to assistant parish priests for confessions.

The tracts which have been published by various people on jurisdiction conclude that since a priest's jurisdiction is obtained from a valid bishop who had ordinary jurisdiction given to him by a valid pope, only priests today who were ordained under a valid bishop during the reign of Pope Pius XII (the last true pope) have jurisdiction.

NOTE: IN THIS ARTICLE THE "NO INDEPENDENT PRIEST TODAY HAS JURISDICTION" POSITION IS REFERRED TO AS "THE NJP."

The NJP may vary slightly depending upon which NJP author you are reading, but the description given below is essentially the position. Supporters of the NJP are in agreement that the post-Vatican II sect is not the Catholic Church and that its antipopes are invalid. Hence, they hold - in accordance with their position - that its invalid

leaders cannot confer jurisdiction on priests to hear confessions. To restate their position in different words: **according to them only priests who are operating in a way that would have been acceptable in normal times can be considered to have valid jurisdiction.** Independent priests, who have been ordained in the last few decades by valid “traditionalist” bishops who were not given a mandate to consecrate bishops or permission to ordain priests but have acted anyway in the present crisis out of a perceived necessity, have all acted illegally and “outside the Church” (according to the NJP) and thus have no jurisdiction to operate. The consequences of this “no independent priest has jurisdiction” position are far-reaching and very obvious.

Advocates of the NJP agree that all “bishops” of the Vatican II sect are manifest heretics and do not hold true authority. Thus, almost zero priests today could possibly have jurisdiction, according to their requirements, for only extremely old priests, who received the normal approval under the last valid pope (Pius XII), could have received jurisdiction in a fashion that would have been considered normal. That means that essentially no one has the power to forgive sins in confession today, and innumerable souls are making worthless confessions to “traditionalist” priests who cannot absolve them.

In this article I will show that the position put forward by these authors is completely wrong. It stems from ignorance of, or contempt for, a proper understanding of the distinction between ecclesiastical law and divine law and how it applies to this issue. To put it another way: the false position of these authors stems from a failure to understand the vital distinction between *laws which are instituted by the Church for the governance of the Church, and which therefore can be modified, can have exceptions, and can cease to apply in certain cases*, and the unchangeable truths of the deposit of faith which have been delivered by God, and which therefore cannot be modified, cannot have exceptions, and cannot cease to apply.

## **HOW THESE AUTHORS MISLEAD ON THE ISSUE OF JURISDICTION**

The primary way that these authors mislead people and convince them of the NJP is by quoting, and then misapplying, many texts from past councils, past popes and past Church laws. They quote texts which actually contain ecclesiastical or disciplinary laws intended for normal times and they treat them as dogmatic definitions which admit of no exceptions or alterations. Those who don’t have a proper grasp of the distinction referred to above are impressed and overwhelmed by these quotations and thus fall prey to the NJP. What these authors and those who are convinced by them misunderstand is that the laws they are quoting fall into the category of laws which pertain to the governance of the Church. Such laws are distinct from magisterial statements on faith or morals. These laws, instituted by the Church itself, are called disciplinary laws or Church laws or canon laws and they can be modified, have been modified, and can cease to apply in certain cases.

***Epieikeia* or *Epikeia*, meaning “equity,” is the name for the canonical principle that merely Church laws, a.k.a. ecclesiastical laws or disciplinary laws, can cease to bind in**

**particular cases which were not envisioned by the lawgiver.** This term can be found in any book dealing with these subjects. This principle does not apply to dogmatic teachings of faith or morals, but laws instituted by the Church for the governance of its members.

Advocates of the NJP either don't take these principles into account or completely pervert them, as we will see. The advocate of the NJP quoted below is referring to laws of the Church which pertain to the issue of jurisdiction, how priests operate in normal times, etc. She states:

Barbara Linaburg, *Authentic Illusions* [Advocate of the NJP], p. 26: "They argue that the lawgiver, if he had foreseen the crises, would not have insisted that his law be followed to the letter... First, let me say that to presume is to assume authority without the right to do so. Second, **in the 'mind' of the lawgiver they are talking about God!**" (Terry, MT)

This is wrong. We talk about God as the lawgiver when we talk about dogmas, the divine laws of the Old and New Testaments. But when we talk about the laws which pertain to the Church's governance – that is, canon laws, laws which have been instituted by past councils and the Code of Canon Law – we **talk about human laws.** This author fails to understand this point which is of crucial relevance to how jurisdiction is dispensed in the Church. Canon laws or ecclesiastical laws or Church disciplines, even those promulgated at general councils, fall under the classification of *human laws*.<sup>3</sup>

Let's look at an example: The Second Lateran Council is the 10<sup>th</sup> ecumenical or general council of the Catholic Church. It was held under Pope Innocent II. Here's what canon 29 says:

Pope Innocent II, *Second Lateran Council*, 1139, Canon 29: "**We prohibit under anathema that murderous art of crossbowmen and archers, which is hateful to God, to be employed against Christians and Catholics from now on.**"<sup>4</sup>

Notice that no exceptions are given to this law. According to the advocates of the NJP, if no exceptions are given to such an ecclesiastical law, there is no excuse whatsoever for not following it and considering it binding.

Barbara Linaburg, *Authentic Illusions* [Advocate of the NJP], *speaking of the law forbidding a bishop to consecrate a bishop without a papal mandate*, p. 33: "**Since this is a dogma that forbids, then there must be (for Christ cannot deceive) elsewhere in the same dogmatic laws something that would say, for example 'in certain cases,' or 'times,' or 'crisis,' etc., permission is given and/or one is excused from these laws. There isn't! And since there isn't, then these laws are still in effect and are still to be obeyed!**"

Putting aside for a moment her egregious error, in which she identifies the ecclesiastical law requiring a papal mandate for the licit consecration of a bishop as a "dogma" (it is

not, as I will prove later), notice that she emphasizes that there is no excuse for not adhering to these laws. With that in mind, consider once again the law from the Second Lateran Council on the art of crossbowmen and archers.

Now suppose there is a parish priest living in the 12<sup>th</sup> century, shortly after the Second Lateran Council. A group of young men recently moved to his area. They have been attending his Mass for a few days and looking around the church. One day, as the priest is holding a well-attended catechism class in the building adjacent to his church, these young men storm in and begin to shoot down with their crossbows one parishioner after the other. One of the young men begins to loot the church, while the others attempt to murder all the parishioners and would-be witnesses.

The priest launches a sudden attack against the closest attacker, striking him and getting a hold of his crossbow and his arrows. The priest then scurries away, shields himself behind an overturned desk, and crouches in a good position to take out some of the evil intruders with his recently-acquired bow.

Suddenly, however, it occurs to him that canon 29 of the recent Second Lateran Council forbids (under anathema) using the crossbow against Catholics! That's the law of the Church. According to those who hold the NJP, he must put down his weapon. He must hide, as his parishioners continue to be shot down; or he must make a rash dash for the exit, leaving himself totally vulnerable to lethal strikes and his parishioners to fend for themselves; or he must run directly at the crossbowmen and probably take a painful shot to a vital organ, especially now that the young men are paying close attention to him as they shoot at the others.

According to a Catholic with common sense, however, using the bow to shoot the attackers is an obvious case of *epikeia*: a correct interpretation "of a law whereby it is held not to bind in a particular case because some special hardship would result."<sup>5</sup> The law of the Second Lateran Council was not a dogmatic pronouncement, but a disciplinary law meant to eliminate abuses. It was not intended for the extraordinary situation, but the normal situation.

The Catholic priest, recognizing this, immediately begins to take action. He begins to fire at the murderous criminals. He takes one out; this emboldens his parishioners to make a united charge at the others, overwhelming them and bringing their violent assault to an end.

This look at a real law which was promulgated by the Second Lateran Council should begin to illustrate the drastic mistake of understanding and application that has been made by advocates of the NJP. But let's move to two other examples.

The Council of Vienne is a dogmatic council of the Catholic Church. It took place from 1311-1312 under Pope Clement V. The text of this council can be read in about 40 pages in an English version of it.<sup>6</sup> However, only a *small portion* of those 40 pages deals with dogmatic-type statements on matters of faith or morals. The rest of the 40 pages deals

with Church laws which pertain to the governance of the Church. These laws can be modified or can cease to apply in a necessity. Here's an example:

Pope Clement V, *Council of Vienne*, Part of Decree #14, 1311-1312: "At least once every month, both inside and outside the monastery, each and all of the monks must go to confession... **All [the monks] shall always abstain from hunting and fowling.** They shall not be present at them, nor presume to have hunting-dogs or birds of prey in their keeping or in that of others, nor permit familiars living with them to keep them, unless the monastery has woods, game preserves or warrens, or has the right to hunt on property belonging to others, in which there might be rabbits or other wild animals. They are then permitted to keep such dogs and birds, as long as they do not keep the hunting-dogs in the monastery or the houses in which they live or within the cloister, and **the monks themselves do not appear at the hunt.**"<sup>7</sup>

This is a law which was promulgated as part of a general or ecumenical council of the Catholic Church. According to it, no monk can go on hunts. While there is an exception given for keeping hunting-dogs for monks who have "woods, game preserves or warrens," no exception is given for monks themselves to participate in the hunt.

Now suppose that a gang of evil marauders invaded and pillaged a very remote monastery. They killed all the monks except one. Taking the last monk hostage, they blind-folded him and took him with them on a three-week trip into the unknown wilderness. They gave their hostage only water on the long trip. They finally stopped in a very remote forest. And in their perverse sense of mercy and humor, the gang of robbers released the monk, gave him some hunting equipment, and then left to pillage another area.

Starving, confused, and having no idea where he was, could the monk hunt in order to eat? Could he hunt in order to live? According to those who hold the NJP, he would have to adhere to the law of the Church, walk aimlessly into the wilderness hoping that a friendly person is somewhere in the area, and possibly die a miserable death on his way.

According to a Catholic with common sense and an understanding of the nature of Church law, hunting in this case is another obvious example of *epikeia*: a correct interpretation "of a law whereby it is held not to bind in a particular case because some special hardship would result."<sup>8</sup>

According to a Catholic with common sense, the monk could immediately hunt to eat and live and find help, and then would be able to carry on his vocation for God. The law forbidding him to hunt is a Church law, an ecclesiastical law, a Church discipline, which is intended for the normal course of action, not this unusual predicament. The lawgiver did not envision or intend to bind one in a scenario such as this. Like other such laws, this law can be changed **and does not bind in a necessity.**

Some might say that these examples seem somewhat unrealistic. They are very unlikely, of course, but they demonstrate a point. They demonstrate that **one can quote laws (not dogmas) from past ecumenical councils and, wrongly thinking that adherence to those rules is fidelity to the Church, fall into a disastrous error as a result.** That is precisely what the advocates of the NJP have done. Failure to understand the proper nature of such laws can lead to spiritual death or even, as we just saw, physical death.

But there are many other examples that could be given. If you would like another **more plausible example** of the above principle, we need only to look closely at the very first part of the passage that was just quoted from the Council of Vienne.

Pope Clement V, *Council of Vienne*, Part of Decree #14, 1311-1312: **“At least once every month, both inside and outside the monastery, each and all of the monks must go to confession... All [the monks] shall always abstain from hunting and fowling.”**<sup>9</sup>

Here’s another law from the same council, from the very same decree, and from the very same passage. Every monk must go to confession at least once a month. According to the NJP, there is nowhere for all monks today to go to confession, since there is essentially no one whom they deem to be lawful and in possession of jurisdiction. So I guess that just stinks for monks; according to the NJP, we are literally damned if we do and damned if we don’t.

Barbara Linaburg, *Authentic Illusions* [Advocate of the NJP], p. 2: **“Ask your priest if he has jurisdiction, and he will no doubt tell you that he does not. He will excuse himself by telling you that in ‘these times of crisis in the Church’ he doesn’t need it, or ‘the Church supplies him jurisdiction,’ or that it is the ‘desire of Christ’ to carry on His Church,” or ‘certain Canon Laws excuse him,’ or any number of different ideas he may come up with. But, if he doesn’t have jurisdiction then your Mass is an illusion, your sins are not forgiven, and you have become an accomplice in his sin.”**

Barbara Linaburg, *Authentic Illusions*, p. 6: “[quoting a priest] ‘The local ordinary is the one and only source from whence jurisdiction for hearing confessions... may be obtained.’”

Let’s assume, for the sake of argument, that the law requiring monks to go to confession once a month is still in force – just as advocates of the NJP assume that all the past ecclesiastical laws they quote are still in force. Are monks who are left in this day of apostasy supposed to disobey this law from the Council of Vienne in order to adhere to the laws cited by the advocates of the NJP? Are monks supposed to disobey one law promulgated by a council in order to obey another from a different council? Or does this law from the Council of Vienne not bind anymore? No matter which way advocates of the NJP answer the dilemma, they are left endorsing an unavoidable case of *epikeia*. Yet, *epikeia* is a principle they attack. One of their number even ignorantly called it horrifying in this regard (as we will see). Hopefully those who don’t already grasp this

principle are beginning to see that there is a fundamental difference between laws which pertain to the governance of the Church and unchangeable truths of faith and morals.

**YOU MAKE SOME GOOD POINTS ABOUT CHURCH LAWS,  
THEY WILL SAY, BUT DOES THIS PRINCIPLE APPLY TO  
CASES OF JURISDICTION FOR CONFESSIONS?**

Well, they will say, you have a point about some of these Church laws. There might be an exception to that law on crossbows and the one on hunting and the one about going to confession and some others, BUT NOT ON JURISDICTION FOR CONFESSION! That's different, they say. Having jurisdiction for confessions is tied in with dogma. As the aforementioned advocate of the NJP attempted to express it:

Barbara Linaburg, *Authentic Illusions* [Advocate of the NJP], p. 14: "As you can see, **the Church has been through the ages, unanimous in her teachings concerning jurisdiction, and it would be contradictory for this infallible Church of Christ to explain differently somewhere else in her teaching, or to make exceptions to her own rules**, to coincide with various ideas concerning the 'crisis' in the Church we see today. For as Pope St. Boniface declared at the Council of Ephesus (431): 'For it has never been allowed that that be discussed again which has once been decided by the Apostolic See.' (Denz. 110) In other words Rome has spoken - case closed."

First of all, the passage she has quoted (Denz. 110) is not from the Council of Ephesus, but from an epistle of Pope St. Boniface entitled "Retro maioribus tuis." Second, to assert that it is contradictory for the Church to "make exceptions to her own rules" - "rules" obviously meaning Church laws - displays, once again, a profound ignorance of the subject. The Church has changed and made exceptions to many of her rules - her laws, not her dogmas. That's precisely why Pope Benedict XIV said that a pope is above canon law.

Pope Benedict XIV, *Magnae Nobis* (#9), June 29, 1748: "**The Roman Pontiff is above canon law, but any bishop is inferior to that law and consequently cannot modify it.**"<sup>10</sup>

When he speaks of "canon law," this term refers to ecclesiastical laws or Church laws, such as the examples given above. That's how Archbishop Cicognani - a professor of canon law at The Pontifical Institute of Canon and Civil Law in Rome before Vatican II - defined it: "*Canon law may be defined as 'the body of laws made by the lawful ecclesiastical authority for the government of the Church.'*"<sup>11</sup>

Pope Benedict XIV says the Roman Pontiff is above canon law because popes have the power to change canon laws - to make exceptions to them, to overturn them. Here are just two examples:



- 1) Pope Innocent III at the Fourth Lateran Council in 1215 decreed that no new religious orders should be instituted.

Pope Innocent III, *Fourth Lateran Council*, Constitution 13, 1215: "Lest too great a variety of religious orders leads to grave confusion in God's church, **we strictly forbid anyone henceforth to found a new religious order.** Likewise, whoever wishes to found a new religious house should take the rule and institutes from already approved religious orders."<sup>12</sup>

However, it's a well known fact that many entirely new religious orders were instituted after this point. Here's a second example of the Church changing or making exceptions to her rules.

- 2) With the fullness of his papal authority, Pope Clement XIV solemnly suppressed the Jesuit order in a 1773 papal bull entitled *Dominus ac Redemptor noster*.

Pope Clement XIV, *Dominus ac Redemptor noster*, 1773: "We declare the aforesaid society to be dissolved, suppressed, disbanded, and abolished for all eternity... We declare all their offices, authorities, and functions to be null and void..."

But Pope Pius VII reinstated the Jesuits in his Bull *Sollicitudo omnium ecclesiarum*, of Aug. 7, 1814, after his captivity in France. These are just two examples of the principle we are discussing. Many others could be given.

Popes are still bound to follow the canon laws they promulgate, however. And they have no power over, and are not above, dogmas. But just as popes can change such canon or ecclesiastical laws or make exceptions to them, *such laws can also cease to apply in circumstances that were not envisioned by the lawgiver or when a greater good is clearly at stake.* Hence, for the author quoted above to state that the Church cannot "make exceptions to her own rules" is a severe theological error which betrays a dangerous ignorance of the entire subject of her book.

Nevertheless, the two errors quoted above are not the biggest of her problems; for here I will give an example of precisely what NJP advocates, such as herself, say is impossible.

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Now we will see that a priest who doesn't have jurisdiction for confessions somehow gets it to absolve someone in danger of death. Let's quote the 1917 Code of Canon Law (the most recent collection of ecclesiastical laws) to prove the point.

Canon 872, 1917 Code of Canon Law: “For the valid absolution of sins, **the minister requires**, besides the power of Orders, **either ordinary or delegated power of jurisdiction over the penitent.**”

Canon 879.1, 1917 Code of Canon Law: “**To hear confessions validly jurisdiction must be granted expressly, either orally or in writing.**”

Here we see that the Code of Canon Law states that jurisdiction is necessary for absolution, and that jurisdiction (if not had as part of an office) is only delegated orally or in writing. But wait a second... look at this:

Canon 882, 1917 Code of Canon Law: “**In danger of death all priests and bishops, even those not approved for confessions, validly and licitly absolve all penitents whatsoever** of all sins and censures whatsoever, no matter how reserved or notorious...”

**We see that canon 882 teaches that priests who were never approved for confessions** (i.e. never given jurisdiction in the normal channel) can validly absolve anyone in danger of death. **How did these priests get jurisdiction when it wasn't given to them orally or in writing?** The advocates of the NJP said that was impossible, remember?

Barbara Linaburg, *Authentic Illusions*, p. 6: “[quoting a priest] ‘The local ordinary is the one and only source from whence jurisdiction for hearing confessions... may be obtained.’”

Barbara Linaburg, *Authentic Illusions* [Advocate of the NJP], p. 10: “**The Apostles would be horrified today to see what has been added to the meaning of Tradition, i.e., epikeia, common error and Church supplied jurisdiction, or whatever else might sound plausible to the unwary to sanction these deceptions.**”

We can see that this advocate of the NJP is completely wrong, again. **The central tenet of her argument, namely, that no exceptions are possible to the way that jurisdiction is granted to priests to hear confessions, has been refuted.** We clearly see that all priests, even those who were never approved for confessions and thus *never given jurisdiction by the local ordinary orally or in writing, get it somehow* to absolve in danger of death. **How did they get it? The answer is that it is supplied automatically to them by the Church** for the salvation of souls. It's called supplied jurisdiction, which is a part of Catholic teaching, no matter how much advocates of the NJP want to attack it and trash it. This is why the Code of Canon Law also explicitly mentions that excommunicated persons may administer the sacraments (including the Sacrament of Penance) in certain cases.

Canon 2261.2-3, 1917 Code of Canon Law: "... **the faithful may for any just cause ask the sacraments or sacramentals of one who is excommunicated**, especially if there is no one else to give them (c. 2261.2)... But from an excommunicated vitandus or one against whom there is a declaratory or condemnatory sentence, the faithful may only in danger of death **ask for sacramental absolution** according to canons 882, 2252, and also for other sacraments and sacramentals in case there is no one else to administer them (c. 2261.3)."

Supplied jurisdiction is part of delegated jurisdiction. It is jurisdiction automatically delegated to a priest by the Church itself. The fact that it exists is also why the concept is mentioned in canon 209 of the 1917 Code of Canon Law:

Canon 209, 1917 Code of Canon Law: "In common error or in positive or probable doubt about either law or fact, **the Church supplies jurisdiction** for both the external and internal forum."

But there's more, so much more.

## **THE NJP HAS BEGUN TO CRUMBLE: LET'S ANALYZE ITS PRIMARY MISTAKE**

At this point, the advocate of the NJP should be unsettled. This is because any honest and attentive reader can see that one pillar of the NJP has already been refuted. Their position rests on the claim that the Church cannot supply jurisdiction automatically to a priest who was not given it in a normal or discernible fashion. But we just proved that the Church does supply it automatically to all priests in danger of death, including those who were never given it before.

**Before we proceed to an even more crushing blow, we must stop to make a careful note of the primary error of the NJP.**

The primary mistake of advocates of the NJP is the failure to make proper distinctions. Many Protestant heresies are a result of a failure to make proper distinctions. For instance, Luther's primary error that justification by faith alone was taught in Romans 3:28 was a result of his failure to make a distinction. Luther failed to see that when St. Paul says justification occurs "apart from works of the law" (Rom. 3:28), St. Paul was only referring to the works of the Old Law (e.g., circumcision), not all works. In other words, justification comes by the faith or religion of Christ, not the works of the Old Law.

The error of the NJP results from their failure to distinguish between the nature of ecclesiastical laws (which can be changed and modified and can cease to apply) and unchangeable truths of the divine law (e.g., dogmas of faith), as mentioned above. **But there is a yet more subtle distinction which is the key to this issue and to refuting their error. This crucial distinction is between the necessity to have jurisdiction, which is of divine law, and the way that jurisdiction is dispensed in the Church, which**

**is of ecclesiastical law.** This distinction is of paramount importance in properly understanding this issue.

Since there are no exceptions *to having jurisdiction* for a priest to validly absolve, there are many things that can be quoted emphasizing the necessity of having jurisdiction; but they are, for the purposes of their argument, beside the point. Advocates of the NJP must prove that there are no exceptions to *the way that jurisdiction is dispensed in the Church*. Not only can they not prove that, but the opposite has just been proven: priests who were never given jurisdiction are granted it automatically by the Church in danger of death. **Hence, as we will continue to see, the laws which govern the way that jurisdiction is dispensed by the Church can be changed, can have exceptions, and can cease to apply in a necessity because they are *merely ecclesiastical laws*.**

When a convinced advocate of the NJP is presented with some of these facts – for instance, the canon from the 1917 Code which acknowledges that priests who were never given jurisdiction can absolve in danger of death – he begins (if he possesses a shred of honesty) to see his argument slowly crumble. Unfortunately, however, in most cases the person then begins to squirm, grasp at straws, and object irrationally in an attempt to save the unsalvageable position.

For instance, I brought some of the above points forward in a conversation with a married couple named Brian and Laura K. They were fierce advocates of the NJP. Brian K. had written a short work advocating the NJP which was filled with theological errors and misapplications. Some time after writing this short work they began to follow a wacky schismatic from the Southwest who claims to be a witness of the Apocalypse, has written blatantly schismatic and contradictory documents, and has claimed to be such a prophet while admitting that he was a heretic. They thus became schismatics and certainly left the Catholic Church. To my understanding, they have since abandoned his sect, yet it goes to show how theologically unsound advocates of the NJP tend to be.

In my conversation with Brian and Laura K., I demonstrated to them that the Code of Canon Law itself indicates that priests who were never given jurisdiction before have it supplied to them in danger of death. I then explained that this violates a fundamental premise of their argument. **They responded by stating that this is *only in danger of death, ignoring the fact that, even if it were only in danger of death, it still refutes their claim*: that jurisdiction supplied to a priest outside the normal way of approval is inadmissible and a fiction.**

So, in order to completely destroy the NJP, we must examine if there is any proof that an independent priest, who has not been approved for confessions, or even had his ordination approved by a true ecclesiastical authority, can have jurisdiction to hear confessions and carry on an apostolate blessed by God from day to day and NOT MERELY FOR SOULS IN DANGER OF DEATH? If we can demonstrate this, then there is nothing more that an advocate of the NJP could reasonably require to see that his position has been torpedoed, completely destroyed, and left sunk at the bottom of the ocean. The case of the great St. Vincent Ferrer gives us just this proof.

**HERE'S THE PROOF THAT THE CHURCH GIVES  
JURISDICTION TO INDEPENDENT PRIESTS WHO WERE  
NEVER APPROVED FOR CONFESSIONS OR EVEN HAD THEIR  
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MERELY IN DANGER OF DEATH**

**THE CASE OF ST. VINCENT FERRER TOTALLY CRUSHES AND  
BURIES THE NJP**

St. Vincent Ferrer (1350-1419) was an extraordinary Dominican saint who lived during the tumultuous times of the Great Western Schism. As discussed in my article on **The Great Western Schism (1378-1417)**, this extraordinary period of Church history saw massive confusion, multiple antipopes, antipopes in Rome, an antipope recognized by all the cardinals, and three competing claimants to the Papacy at one time. **Focusing in on the career of St. Vincent Ferrer also serves to demolish the NJP.**

It was in 1378 that the true pope, Pope Urban VI, had his valid election rejected by eventually all the living cardinals, as discussed in the aforementioned article. These cardinals proceeded to elect their own "pope" at Avignon. That was Antipope Clement VII, who was an antipope precisely because Pope Urban VI's election as the true pope was valid. On Aug. 9, 1378, Pope Urban VI issued an excommunication against Antipope Clement VII and all the cardinals who took part in the antipope's "election."

**St. Vincent Ferrer was ordained during this period**, in the year 1379,<sup>13</sup> after the Great Western Schism had begun. St. Vincent Ferrer was from Spain. Shortly after the schism, Spain was swung to the obedience of Antipope Clement VII. As *The Catholic Encyclopedia* points out, **"In 1379 Vincent was retained by Cardinal Pedro de Luna, legate of the Court of Aragon, who was endeavoring to win King Peter IV to the obedience of Avignon [i.e. the antipope]. The saint [Vincent Ferrer], thoroughly convinced of the legitimacy of the claims of the Avignon pontiffs, was one of their strongest champions."**<sup>14</sup>

Cardinal Pedro de Luna (Peter de Luna) – the cardinal mentioned in the citation above as having a close relationship with St. Vincent – was one of the cardinals who rejected Pope Urban VI and took part in the "election" of Antipope Clement VII. As mentioned above, Cardinal de Luna was excommunicated, along with the other cardinals, by Pope Urban VI. De Luna would eventually become Antipope Benedict XIII, the second Avignon antipope during the Great Western Schism. He was Antipope Clement VII's successor at Avignon.

**It was the excommunicated Cardinal de Luna himself** (the future Antipope Benedict XIII) **who ordained St. Vincent Ferrer.**<sup>15</sup> **Thus, the Avignon antipopes and those under them thus constituted the "authority" under which St. Vincent Ferrer was ordained a priest, sent to preach, and approved for confessions. St. Vincent was**

**ordained under an antipope whom he wrongly (and in good faith) believed was the true pope at that time. (He was in good faith because the antipopes he was following were not manifest heretics, but more on that later.) He was not ordained under a lawful ordinary in the Catholic Church, and was not sent or given jurisdiction to hear confessions by a lawful ordinary in the Catholic Church.** That is a fact.

According to those who hold the NJP, this is a clear case: St. Vincent Ferrer could not have received jurisdiction to hear confessions. (I've already made it quite clear that they despise the notion of exceptions in that regard.) All the confessions he heard, therefore, in his wide apostolate, were invalid. According to their position, **St. Vincent would have to be considered** as one who was operating as a renegade without true ecclesiastical approval, who had no jurisdiction to hear confessions (and thus was not validly absolving) and was not authorized to preach. Allow me to quote one of them again to illustrate the point:

Barbara Linaburg, *Authentic Illusions* [Advocate of the NJP], p. 6: "[quoting a priest] **'The local ordinary is the one and only source from whence jurisdiction for hearing confessions... may be obtained.'**"

Barbara Linaburg, *Authentic Illusions*, [Advocate of the NJP], p. 22: "A bishop cannot consecrate **with an excommunication hanging over his head**. There is no law that permits this... **any priests ordained under them are also suspended, and their Masses are sacrilegious and void of divine power.**"

Barbara Linaburg, *Authentic Illusions*, [Advocate of the NJP], p. 28: "From these brief overviews... it can be shown that **epikeia can in no way be used** by clergy in the traditional movement **to support** belief that the mind of the lawgiver, had he foreseen the crises in the Church, would not have stood in their way **while they function outside the perimeters set by the Church.**"

Barbara Linaburg, *Authentic Illusions*, [Advocate of the NJP], pp. 33-34: "... **how can these usurpers claim the Church will supply them jurisdiction when this selfsame Church never sent them in the first place?**... No one has ever had permission, or justification to come into a diocese and set up shop without the approval and permission of the local bishop. There is absolutely no law that sanctions this. None! St. John tells us that those who come into the sheepfold not by the door, Christ has called them 'thieves and robbers.' This means those who came of their own accord without being sent... **She [the Church] can't supply jurisdiction to priests that she never sent in the first place,** and all priests must be validly, as well as, licitly ordained to even receive jurisdiction in the first place."

Their position is clear: priests who were not "sent" in the first place or approved in the normal fashion cannot receive supplied jurisdiction. It's not possible. Therefore, **according to the NJP, St. Vincent Ferrer did not have jurisdiction.** There is absolutely NO WAY around this conclusion!

Now, St. Vincent Ferrer is a canonized saint. This alone should prove that the confessions he was hearing from his multitudes of converts and penitents were not invalid, and that he therefore had jurisdiction automatically supplied to him! St. Vincent is not a convert, who began as a schismatic and then became a Catholic! No, he was working miracles during this time! To assert that he had no jurisdiction and that all his confessions were invalid is absurd!

A saint *could* be mistaken for a time about the identity of the true pope, as many Catholics were – for that is not directly incompatible with faith unless one has seen the relevant evidence to draw the proper conclusion – but *he could not* be considered a saint or saintly while operating a schismatic apostolate as a renegade usurper who is in violation of the laws of the Church and who is leading souls astray by presuming to be able to forgive sins when, in fact, he cannot! As we proceed, I will further establish that the Church has sanctioned the priestly apostolate of St. Vincent *even when he was wrong* in following the Avignon antipopes – and therefore when he could not have had jurisdiction according to the (now totally refuted) advocates of the NJP.

St. Vincent was canonized by Pope Calixtus III in 1455. The Bull of Canonization was published by Pope Pius II after the death of Pope Calixtus III. According to biographers, St. Vincent Ferrer worked well over a thousand miracles. He raised the dead, miraculously cured people, and much more. St. Vincent Ferrer worked so many miracles that, at his canonization trial, they “stopped the recitation of validated miracles after they had exceeded 800.”<sup>16</sup>

It is also estimated that he converted hundreds of thousands by his preaching. “In a work entitled *Juehasin*, it is related that in the year 1412, a Friar named Brother Vincent [meaning Vincent Ferrer], having preached to the Jews, the latter renounced their law to a number of more than two hundred thousand.”<sup>17</sup> Some say that the number of Jews converted was closer to 100,000. Whole synagogues were converted and turned into churches.<sup>18</sup>

St. Vincent converted so many Jews that he seemed to consider his success the fulfillment of the prophecies about the Jews being converted before the end of the world.

St. Vincent Ferrer: “**The End of the World cannot be far distant, and the kingdom of God is at hand.** Has not our Lord Himself said that the bearing of the fig-tree foreshadows the coming summer?... **Nor is the Jewish fig-tree any longer barren,** for we see it daily producing its abundant and choicest fruits in every city in Spain.”<sup>19</sup>

He also called himself the Angel of Apocalypse 14:6. He raised a woman from the dead to prove it.

“At Salamanca he raised a woman to life, to prove to his audience that he was himself the Angel Precursor of the Judgment, announced in the Apocalypse [Apoc. 14:6].”<sup>20</sup>

Before I proceed, I want to note that I do believe that St. Vincent Ferrer was, in fact, the one described in Apocalypse 14:6. Some say St. Vincent was exaggerating or that he didn't really mean it or that he was simply wrong. The fact is that not all of the events described in the Apocalypse foretell things which will only occur a few years before the Second Coming of Christ. They describe crucial moments in Church history which bear apocalyptic import because they change the world in a way that will shape it for the rest of its history and especially in the final days. An example of this would be the Protestant revolt of Luther. This was an event which unleashed devils all over the Earth in the forms of hellish perversions of the Gospel which would ensnare millions of souls. Fr. Herman Kramer, who studied the Apocalypse for many years and wrote a well known book about it, held the opinion (with many others) that the Protestant revolt is described in chapter 9 of the Apocalypse.<sup>21</sup>

It's interesting that St. Vincent lived only 100 years before this apocalyptic event. So, just as some of these events, which have been predicted to occur before the end, don't necessarily happen in the few generations or the few years prior to the end, I likewise believe that some have erred thinking that just prior to the end of the world there must be a massive conversion of Jews. Our Lord Himself implies there will hardly be any faith (Luke 18:8). The truth, in my opinion, is that St. Vincent was right that his massive conversion of Jews – in addition to the many Jews converted by others in the Middle Ages – constituted the fulfillment of that commonly talked about prophecy about Jewish conversion prior to the end of the world. **I wanted to make that point to demonstrate that St. Vincent's claim to have been the Angel of Apocalypse 14:6 is quite plausible.** (St. Vincent also converted multitudes of heretics and Muslims, though not nearly as many Muslims as Jews.<sup>22</sup>)

## **ST. VINCENT WAS ALSO TOLD TO "PREACH" EVEN THOUGH HE HAD NEVER BEEN OFFICIALLY SENT, THUS REFUTING ANOTHER FAVORITE CLAIM OF NJP ADVOCATES**

Now, let's dig into this even more deeply to see the truth further illuminated. It was in the very same year that St. Vincent Ferrer began to hear confessions for Antipope Benedict XIII – the year 1396 –<sup>23</sup> that Our Lord reportedly appeared to him and stated: "Arise, then, and **go to preach** against vice, for this have I specially chosen thee. Exhort sinners to repentance, **for My judgment is at hand.**"<sup>24</sup> This "marvelous apparition, recorded by the oldest biographers of the saint, is all the more worthy of belief inasmuch as St. Vincent himself confirmed it in a letter which he wrote to Benedict XIII fifteen years later."<sup>25</sup> A little later I will show that papal authority has approved this vision!

**Therefore, St. Vincent was told to "preach" by Our Lord at a time when he had never been "sent" to preach or hear confessions in a normal way!** This is fascinating and extremely important because the advocates of the NJP not only state that priests who did not receive approval in the normal fashion cannot validly hear confessions, but that they sin WHEN THEY PREACH! However, these NJP advocates hypocritically have no



problem violating the canon law which forbids laymen to publish books on theology or Holy Scripture without the approval of a lawful ordinary!

Canon 1385.1 of the 1917 Code of Canon Law requires all books, published by laymen on theology or Holy Scripture, to be approved beforehand by a lawful ordinary.

They have no problem violating that canon law – and if they had followed it many fewer people would have been misled by their false views on jurisdiction – **but the NJP advocates nevertheless declare that preaching cannot lawfully be done unless one has been “sent” in the normal fashion.** Some hold variations of this position. One Fr. Egregyi, for instance, held (and still might hold) that one may lawfully and validly hear confessions – something advocates of the NJP reject – but that one cannot preach sermons, lest one violate canon law! How ridiculous, even to Catholic common sense!

NJP advocates love to quote the following passage from Denzinger in an attempt to prove their position:

Pope Pius IV, *Council of Trent*, Sess. 23, On the Sacrament of Order, Can. 7: “If anyone says that bishops are not superior to priests; or that they do not have the power to confirm and to ordain, or, that the power which they have is common to them and to the priests; or that the orders conferred by them without the consent or call of the people or the secular power are invalid, **or, that those who have been neither rightly ordained nor sent by ecclesiastical and canonical authority, but come from a different source, are lawful ministers of the word and of the sacraments: let him be anathema.**”<sup>26</sup>

The original Latin of the relevant part of the passage is:

“Si quis dixerit... ordines ab ipsis [episcopis] collatos sine populi vel potestatis saecularis consensu aut vocatione irritos esse; aut eos, qui nec ab ecclesiastica et canonica potestate rite ordinati nec missi sunt, sed aliunde veniunt, legitimos esse verbi et sacramentorum ministros: A.S.”<sup>27</sup>

A more accurate translation of this oft-quoted passage is as follows:

“If anyone says... that orders conferred by [bishops] without the consent or call of the people or of the secular power are invalid; or, that those who have been neither **ordained by ecclesiastical and canonical power with the proper ceremonies** nor sent, but come from elsewhere, are lawful ministers of the word and of the sacraments: let him be anathema.”

The phrase which was translated in Denzinger as “rightly ordained,” which advocates of the NJP understand to mean with normal approval by a lawful ordinary, actually refers to being validly ordained with the proper ceremonies. The Latin is “rite ordinati.” Even in the Denzinger translation, however, I believe this can be seen.

With the latter more accurate translation, however, it can clearly be seen that the canon is condemning the idea that those who were *neither validly ordained nor sent* are lawful ministers of the word and the sacraments. In other words, those who, like Protestant ministers, assume the duties of preaching or providing sacraments without proper ordination or canonical approval, are not lawful ministers of the word. For instance, those who are called by the people without proper ordination according to Church rites are not lawful ministers. It would make sense that people such as that are the subject of the canon's anathema, for this is precisely what is condemned in Chap. 4 of Trent's Decree on the Sacrament of Orders:

Pope Pius IV, *Council of Trent*, Decree on the Sacrament of Orders, Chap. 4: "The holy Synod teaches, furthermore, **that in the ordination of bishops, priests, and of other orders, the consent, or call, or authority of the people, or of any secular power or magistrate is not so required for the validity of the ordination; but rather it decrees that those who are called and instituted *only* by the people, or by the civil power or magistrate and proceed to exercise these offices, and that those who by their own temerity take these offices upon themselves, are not ministers of the Church, but are to be regarded as "thieves and robbers, who have not entered by the door."**<sup>28</sup>

A priest or a bishop who is operating an independent apostolate for the salvation of souls (preaching, hearing confessions, publishing) in an unusual situation or a crisis is not assuming an office. That's what advocates of the NJP don't understand. Such a priest is simply acting for the salvation of souls. Thus, none of these citations from Trent prove that all priests or bishops who are ordained without normal approval of a Church ordinary are unlawful ministers of the word or the sacraments. If they did, then St. Vincent Ferrer would have been a prime example of such a "thief" and a "robber" who had not been "sent." But no, he's a canonized saint.

Even though St. Vincent never received jurisdiction to hear confessions, he heard them validly because jurisdiction was supplied to him. Even though he was never "sent" or commissioned to preach in the *official and normal* fashion by any ordinary, Our Lord specifically called him to preach and he converted multitudes. This Our Lord said because **in order to be "sent" by the Church, one doesn't have to have all of the normal requirements of canon law.** They are *merely ecclesiastical laws*. A priest who is operating for the salvation of souls in a situation that is unique and extraordinary, and thus cannot receive the normal approval, is sent automatically by God and the Church (as was St. Vincent).

John 20: 21-23- "He said therefore to them again: Peace be to you. **As the Father hath sent me, I also send you.** When he had said this, he breathed on them; and he said to them: Receive ye the Holy Ghost. **Whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained."**

The following canon from the Fourth Lateran Council demonstrates that it's actually a duty of Catholic priests to celebrate Mass, administer the sacraments and preach. It's also the duty of bishops who can provide the Church with such priests to do so. In

normal times, this duty of priests is *regulated* by the Church so that those who perform it must get specific permission first. But the ecclesiastical laws which usually govern the permission to do such things provide no obstacle when those who would grant such permissions are not available and there is a genuine need of carrying out these tasks which are so connected with the salvation of souls.

Pope Innocent III, *Fourth Lateran Council*, Constitution 9, 1215: "Since in many places peoples of different languages live within the same city or diocese, having one faith but different rites and customs, **we therefore strictly order bishops of such cities and dioceses to provide suitable men who will** do the following in the various rites and languages: **celebrate the divine services for them, administer the Church's sacraments, and instruct them in the divine word.**"<sup>29</sup>

## **PAPAL AUTHORITY APPROVES THE VISION IN WHICH ST. VINCENT WAS ALSO TOLD TO "PREACH" BEFORE HE WAS OFFICIALLY "SENT" OR GIVEN JURISDICTION BY A LAWFUL ORDINARY OF THE CATHOLIC CHURCH**

The case of St. Vincent proves in striking fashion that one doesn't have to be "officially" sent by an ordinary to be sent by the Church, just like it proves that to have jurisdiction for confessions (in a necessity or an unusual situation) one doesn't have to receive it from a lawful ordinary. Now let's look at further proof that this is, in fact, the mind of the Catholic Church.

The bull issued by Pope Pius II for the canonization of St. Vincent Ferrer states:

"In the countries of the West the number of Jews and infidels increased, who by their wealth and their culture of letters exercised a fatal influence. The Last Day, the terrible Day of Judgment, was almost forgotten, but Divine Providence was pleased to restore and beautify His Church by illustrious men. At a favorable moment He sent into the world, for the salvation of the faithful, Vincent of Valencia, of the Order of Friars Preachers, a skillful professor of sacred theology... Like a vigorous athlete, he rushed to combat the errors of the Jews, the Saracens and other infidels: **he was the Angel of the Apocalypse**, flying through the heavens to announce the day of the Last Judgment, to evangelize the inhabitants of the earth, to sow the seeds of salvation among all nations, tribes, peoples and tongues, and to point out the way to eternal life."<sup>30</sup>

Pope Pius II identifies St. Vincent as the Angel of the Apocalypse. This is extremely significant, for in approving this title for him the pope thus lends his papal support to the very vision in which **God commanded Vincent to preach and informed him about his apocalyptic ministry**. Remember, this crucial vision, where St. Vincent is told to preach and about his ministry, occurred (as stated above) in 1396, when he still was following the Avignon antipope and before he had ever been approved for preaching or

confessions or any priestly function by a true ordinary.<sup>31</sup> Thus, we have **papal authority that St. Vincent's apostolate of preaching, administering sacraments and hearing confessions was legitimate at the very time when, according to the NJP, he could not have possibly had jurisdiction for confessions or a right to preach and was acting as a renegade. Consider this the nail in the coffin of the "no independent priest today has jurisdiction" position.**

As a final note in this section, it's also interesting to consider the bull which was promulgated by Pope Martin V in 1418, shortly after the Great Western Schism came to an end. The bull was entitled *Ad evitanda scandala*. This bull significantly relaxed the law regarding the obligation to avoid those presumed to be excommunicated.<sup>32</sup> This was intended to make it easier to transition from the very confusing times of the Great Western Schism. What's extremely significant for the purpose of this article is that nothing was mentioned about a problem of jurisdiction. In other words, not only were there many priests operating who hadn't been approved or sent by a lawful ordinary, but other priests and bishops who operated with even greater degrees of irregularity; for instance, priests who were ordained by bishops who were themselves consecrated by bishops who were part of the original schism. If all these priests and bishops were operating without jurisdiction supplied or otherwise - and therefore the myriad of confessions heard during the Great Western Schism by these priests and bishops all invalid - one would think that remedying that *severe problem* would have been a big consideration for Pope Martin V at the end of the Great Western Schism. But nothing was mentioned, simply because the NJP position and the corruption of Catholic principles upon which it is based are false. Supplied jurisdiction does exist, and it was supplied to those independent priests in that situation for the salvation of souls.

## THREE OTHER EXAMPLES WHICH DEMONSTRATE THE ERROR OF THE NJP

Now that the NJP has been completely refuted, we can say, once again, that their primary mistake was to misunderstand the nature of Church laws and to treat them like dogmas.

Here's an example of how they completely misunderstand and misapply Church laws:

Barbara Linaburg, *Authentic Illusions* [Advocate of the NJP], p. 20: "The Council of Chalcedon (Canon VI) solemnly decreed that each and every bishop or priest had to be 'sent' to a specific place or specific persons: **'Neither presbyter (i.e. bishop), deacon, nor any of the ecclesiastical order shall be ordained at large, nor unless the person is particularly appointed to a church in a city or in a village, or to a martyr, or to a monastery.'**"

This is a prime example of the complete perversion of these principles which is commonly demonstrated by advocates of the NJP. Nor is the author above the only advocate of the NJP who attempted to use this canon. Brian K. did as well. This canon is a law from the year 451. It was meant for the governance of the Church at that specific

time. It is not a teaching of the Catholic Church, but merely a law which was promulgated at that time WHICH HAS ABSOLUTELY NOTHING TO SAY ABOUT THIS UNIQUE PERIOD IN CHURCH HISTORY TODAY. In fact, **it didn't even remain the strict law in normal times.** The key phrase which declares that priests, deacons, etc. shall not be ordained "at large" is also translated as "**without title.**"<sup>33</sup> In the following canon from the Third Lateran Council, we see that some priests were ordained without a specific title or assignment to a specific church:

Pope Alexander III, *Third Lateran Council, 1179, Canon 5*: "**If a bishop ordains someone a deacon or priest without a definite title** from which he may draw the necessities of life, let the bishop provide him with what he needs until he shall assign him the suitable wages of clerical service in some church, unless it happens that the person ordained is in such a position that he can find the support of life from his own or family inheritance."<sup>34</sup>

This completely refutes the objection posed by the advocates of the NJP from the law of the Council of Chalcedon. The law from Chalcedon wasn't even adhered to strictly in the time of Lateran III, either because it had been overturned or had fallen out of use with the changing circumstances. But even if we didn't have any citation to show that priests were sometimes ordained without a title, it would be ludicrous to apply that law to our situation. There are literally hundreds of such laws that don't apply anymore and don't bind in a situation as grave and unique as the Great Apostasy we are dealing with now.

To further illustrate how ridiculous it is for NJP advocates to attempt to apply that canon law to our situation, let's look at some other examples from canon law and past councils. I'm only going to look at three more examples in this regard, even though many others could be given. Since advocates of the NJP assume that all past laws from councils are still in force, in giving these examples I will assume the same (for the sake of the argument).

Besides canon 1385.1 of the 1917 Code of Canon Law, which forbids laymen to publish books on theology without approval from the ordinary – a law they ignore – we have given numerous examples of ecclesiastical laws which can change and can cease to apply in a necessity. Here are three more which even advocates of the NJP would have to admit cannot be practiced and must have ceased to apply to our situation:

#### ADVOCATES OF THE NJP CANNOT BAPTIZE THEIR CHILDREN

- Canon 755.1 of the 1917 Code of Canon Law states that Baptism is to be performed solemnly (i.e. with all the proper ceremonies) except in danger of death. Canon 757.1 states that the priest **must use solemnly blessed baptismal water.** Private baptisms by laypeople are only allowed in danger of death, according to canon 759.1.

**Therefore, according to the strict letter of the 1917 Code of Canon Law, the advocates of the NJP cannot even baptize their children.** Their children must go through life

unbaptized and, according to the Council of Florence, “under the dominion of the Devil.”<sup>35</sup> Failure to see the true application of the principle of epikeia is truly disastrous, is it not? This hopefully further demonstrates that, contrary to what they claim, the advocates of the NJP are not adhering strictly to the Catholic Faith. **They are adhering to a tragic and devastating corruption of Catholic principles.** Here’s another example:

#### ADVOCATES OF THE NJP CANNOT RECOMMEND MARRIAGE

Pope Innocent IV, *Fourth Lateran Council*, 1215, Constitution 51: “Following in the footsteps of our predecessors, we altogether forbid clandestine marriages and we forbid any priest to presume to be present at such a marriage. Extending the special custom of certain regions to other regions generally, **we decree that when marriages are to be contracted they shall be publicly announced in the churches by priests, with a suitable time being fixed beforehand within which whoever wishes and is able to may induce a lawful impediment...** If any persons presume to enter into clandestine marriages... the offspring of the union shall be deemed **illegitimate.**”<sup>36</sup>

According to this decree, no marriages shall be conducted without the customary announcement of the coming marriage in the churches. Since advocates of the NJP treat past Church laws as dogmas, this presents them with an interesting problem. Since there are no churches to attend – and obviously no lawful priests who could make such an announcement – in order to adhere to this law, as they must if they are going to demand that others abide by all ecclesiastical laws from past ages, they must inform any people who are interested in marriage that they should not pursue it because any children they would have would be illegitimate.

A Catholic, on the other hand, understands the principle of epikeia and the nature of such laws. A Catholic realizes that this is merely a Church law which doesn’t bind anymore, and that in a necessity two people can marry without even a priest in the presence of witnesses. This example demonstrates, once again, the NJP’s corruption of Catholic principles. Let’s move on to the next example:

#### THE LAW OF THE CATHOLIC CHURCH STIPULATES THAT THE FAITHFUL MUST RECEIVE COMMUNION ONCE A YEAR – ADVOCATES OF THE NJP ARE EXCOMMUNICATED

This is one of the six commands of the Catholic Church. It was decreed by the Fourth Lateran Council. Here’s how the Catechism of the Council of Trent summed it up:

Catechism of the Council of Trent, *The Church commands the faithful to communicate once a year*, pp. 250-251: “But subsequently, when charity and devotion had grown so cold that the faithful very seldom approached Communion, **it was decreed by Pope Fabian, that all should communicate three times every year, at Christmas, at Easter and at Pentecost. This decree was afterwards confirmed by many councils**, particularly by the first Agde.

“Such at length was the decay of piety that not only was this holy and salutary law unobserved, but Communion was deferred for years. **The Council of**

**Lateran, therefore, decreed that all the faithful should receive the body of the Lord, at least once a year, at Easter, and that neglect of this duty should be chastised by exclusion from the society of the faithful.**"<sup>37</sup>

We see a number of things here. First, we see that the law of the Church on receiving Communion three times in a year (which had been decreed by Pope Fabian and repeated by many councils) was later changed. It therefore is another example of an ecclesiastical law; that is, a law which is qualitatively different from an unchangeable dogmatic truth.

Second, we see that the Fourth Lateran Council decreed that Communion must be received once a year, at Easter, and that those who fail to do so are considered outside the Church. The Fourth Lateran Council put it this way:

Pope Innocent III, *Fourth Lateran Council*, 1215, Constitution 21: "Let them reverently receive the sacrament of the Eucharist at least at Easter unless they think, for a good reason and on the advice of their own priest, that they should abstain from receiving it for a time. **Otherwise they shall be barred from entering a church during their lifetime and they shall be denied a Christian burial at death.** Let this salutary decree be frequently published in churches, so that nobody may find the pretense of an excuse in the blindness of ignorance."<sup>38</sup>

Notice that the only exception mentioned is for people who, with the advice of *their priest*, abstain for a time. This obviously refers to a lawful pastor who has been appointed by a bishop with ordinary jurisdiction. No exceptions are made for people above the age of reason who are unable to reach what they deem to be a lawful priest. Thus, there would be no exception for the advocate of the NJP. According to this law, advocates of the NJP – as well as any other person who finds himself unable to approach a priest he deems approachable for Communion in this time of almost universal apostasy – is deprived of Christian burial – that is, is considered outside the Church. Wow! I guess writing those tracts about how no priests today have jurisdiction today won't really matter in the end, since they are considered outside the Church by decree of the law of the Church! They are condemned, once again, by their own arguments.

Advocates of the NJP, such as the one quoted below, have not spared harsh words in denouncing priests who "presume" to operate in this time of crisis:

Barbara Linaburg, *Authentic Illusions* [Advocate of the NJP], p. 41, speaking of independent priests and bishops who operate without jurisdiction given in a normal way: "For it is **this very Church [i.e. the Catholic Church] that they claim to represent that has proclaimed them 'usurpers', 'illicit/criminal and sacrilegious', 'thieves and robbers', 'anathema', 'schismatic', 'heretics', 'sinful', 'condemned' and 'excommunicated.'**"

Not only has she been proven completely wrong; but, if she is judged by her own judgment, the laws of the Church, which she wrongly elevates to the status of dogmas,

are measured back to her again. She would thus be excommunicated for failing to live up to the law on receiving Communion once a year at Easter.

Matthew 7:2- "For with what judgment you judge, you shall be judged: and with what measure you mete, it shall be measured to you again."

A true Catholic, on the other hand, recognizes that the law which requires one to receive Holy Communion once a year – just like the laws on how bishops and priests are not to be ordained at large and the laws on how jurisdiction is normally dispensed – is another example of an ecclesiastical law, which applies in the normal state of affairs but not in a grave necessity or unusual circumstance.

I could continue with other examples, but the reader should now be totally convinced of the grave mistake of advocates of the NJP. One should also have an understanding of the principles and distinctions which are relevant to the issue of jurisdiction, and how advocates of the NJP have grievously erred in dealing with them.

## **THE LAW PROHIBITING THE CONSECRATION OF BISHOPS WITHOUT A PAPAL MANDATE IS CONNECTED WITH THIS ISSUE; IT'S ANOTHER EXAMPLE OF A DISCIPLINARY LAW WHICH WAS INTENDED FOR NORMAL TIMES AND DOES NOT BIND IN OUR SITUATION**

Intimately connected with the issue of whether independent traditional priests can be given jurisdiction automatically by the Church – which we have seen is the case – is the issue of consecrating a bishop without a papal mandate. In canon 2370 of the 1917 Code of Canon law, it is declared that no one may consecrate a bishop without a papal mandate. It declares that those who do so are suspended. During the crisis in China in the 1950's, when consecrations without the approval of Pope Pius XII became a problem, Pope Pius XII wrote an encyclical entitled *Ad Apostolorum Principis* which addressed the issue. He increased the penalty for consecrating bishops without his approval from suspension to automatic excommunication. This is, once again, another example of an ecclesiastical law which binds under penalty in the normal state of affairs, but not in an unusual situation not envisioned by the lawgiver.

In the following passage of his encyclical, notice that Pope Pius XII acknowledges that consecrations without a papal mandate have been done in the past and that this is a disciplinary (not a dogmatic) matter. He is simply emphasizing that it's wrong to do it in normal times, that is, in his face and contrary to his decree.

Pope Pius XII, *Ad Apostolorum Principis* (#43), June 29, 1958, referring to *Episcopal Consecrations without a papal mandate*: "We are aware that those who thus belittle obedience in order to justify themselves with regard to those functions which they have unrighteously assumed, defend their position **by recalling a usage**



**which prevailed in ages past.** Yet everyone sees that all ecclesiastical **discipline** is overthrown if it is in any way lawful for one to restore arrangements which are no longer valid because the supreme authority of the Church long ago decreed otherwise. In no sense do they excuse their way of acting by appealing to another custom, and they indisputably prove that they follow this line deliberately in order to escape from **the discipline which now prevails** and which they ought to be obeying. 44. We mean that discipline which has been established not only for China and the regions recently enlightened by the light of the Gospel, but for the whole Church, a discipline which takes its sanction from that universal and supreme power of caring for, ruling, and governing which our Lord granted to the successors in the office of St. Peter the Apostle."<sup>39</sup>

With this we can further illustrate that the NJP advocate quoted below possesses **no understanding** of the key principles dealing with this issue:

Barbara Linaburg, *Authentic Illusions* [Advocate of the NJP], p. 33: "St. Ignatius is talking about one 'small' lie. How then, can priests, who are looked upon as the messengers of God and dispensers of His mysteries (truths of Faith and the Sacraments), turn away from the laws of God that are found in the Dogmas and tell us they no longer need to obey them, i.e., making bishops without a mandate from Rome? Since **this is a dogma** that forbids..."

She considers the discipline which requires a papal mandate to lawfully consecrate a bishop to be a dogma. This is utterly ridiculous and false. In the few paragraphs quoted above, we saw Pius XII make it quite clear (numerous times) that this is a disciplinary law (not a dogma), and that this law was not always the same in ages past. In fact, Pius XII even makes reference to the issue of "vacant sees," and implies that they might have an argument for their actions of consecration if there were really a crisis of vacant sees!

Pope Pius XII, *Ad Apostolorum Principis* (#50), June 29, 1958: "It is obvious that no thought is being taken of the spiritual good of the faithful if the Church's laws are being violated, and further, **there is no question of vacant sees, as they wish to argue in defense**, but of episcopal sees whose legitimate rulers have been driven out or now languish in prison or are being obstructed in various ways from the free exercise of their power of jurisdiction."<sup>40</sup>

This should make it very clear that Pius XII was not legislating for any situation remotely comparable to our own. In a situation such as ours, this discipline does not bind, just like many of the other laws we've looked at in this article.

## ADVOCATES OF THE NJP ARE GUILTY OF PHARISEEISM; THEY ARE REFUTED BY JESUS HIMSELF, THE MACHABEES, THE SUPREME LAW OF THE CHURCH, AND COMMON SENSE

Advocates of the NJP have constructed a position which, if it isn't schismatic for all of its supporters, at least approaches schism and is rooted in a Pharisee-like mentality. It violates all common sense or Catholic sense, AS IF GOD WOULD BE OPPOSED TO THE CONCEPT OF PRIESTS AND BISHOPS WHO WANT TO SPREAD THE TRADITIONAL MASS AND SACRAMENTS FOR THE SALVATION OF SOULS in this nightmare of a situation which has reduced the true Church to a remnant! Anyone in possession of Catholic sense should see the absurdity in their claims, even before a detailed refutation of their arguments. The salvation of souls is the supreme law of the Catholic Church!

Pope Pius IX, in *Luctuosis exagitati*, on March 12, 1877, speaks of the Church's sole purpose as **the "salvation of souls, which is the supreme law for us,** and which were called into open risk."<sup>41</sup>

Our Lord denounced the Pharisees in His day for precisely the same type of mistake: elevating the lower things, which are not of unchangeable quality, above the higher and more important things and thus thwarting the divine purpose.

Matthew 12:1-6 "At that time **Jesus went through the corn on the sabbath: and his disciples being hungry, began to pluck the ears, and to eat. And the Pharisees seeing them, said to him: Behold thy disciples do that which is not lawful to do on the sabbath days. But he [Jesus] said to them: Have you not read what David did when he was hungry, and they that were with him: How he entered into the house of God, and did eat the loaves of proposition, which it was not lawful for him to eat, nor for them that were with him, but for the priests only? Or have ye not read in the law, that on the sabbath days the priests in the temple break the sabbath, and are without blame? But I tell you that there is here a greater than the temple.** And if you knew what this meaneth: I will have mercy, and not sacrifice: you would never have condemned the innocent. For the Son of man is Lord even of the sabbath."

In 1 Machabees we also read that some of them made a mistake which is similar, though not quite as absurd, to what the advocates of the NJP argue.

In the Machabees, the resisting Israelites were attacked on the Sabbath because the allies of evil King Antiochus didn't believe that they would fight back on the Sabbath. At first, the resisters did not fight back on the Sabbath because they believed it would be unlawful [*read: they did not say Mass; they did not hear confessions; they did not consecrate bishops, etc. because they believed it was unlawful*]; but after their people were all being slain, they changed their course and did fight back on the Sabbath.

1 Machabees 2:32 ff. "And forthwith they [the allies of king Antiochus] went out towards them, and made war against them on the Sabbath day... **But they [the resisting Israelites ] answered them not, neither did they cast a stone at them, nor stopped up the secret places [because it was the Sabbath],** Saying: Let us all die in our innocency: and heaven and earth shall be witnesses for us, that you put us to death wrongfully. **So they [the allies of evil King Antiochus] gave them battle on the Sabbath: and they [the resisting Israelites] were slain, with their wives, and their children, and their cattle, to the number of a thousand persons. And every man said to his neighbor: If we shall do as our brethren have done, and not fight against the heathens for our lives, and our justifications: they will now quickly root us out of the earth. And they determined in that day, saying: Whosoever shall come up against us to fight on the Sabbath day, we will fight against him: and we will not all die, as our brethren that were slain in the secret places."**

## **CONCLUDING WORDS: UNDERSTANDING THIS ISSUE SHEDS LIGHT ON NUMEROUS ISSUES TODAY**

We have looked at many facts which demonstrate how, in this time of crisis, a Catholic should look at the issues of jurisdiction, episcopal consecrations, the operations of independent priests, etc. We've seen how the advocates of the NJP are completely wrong. This is not, of course, to vouch for the theological positions of all independent priests, most of whom are heretical (as our material covers in detail). It is, rather, to show how a Catholic should view *the specific question* of whether a priest can lawfully operate and have jurisdiction when he has not been approved in the normal fashion.

Understanding this issue, and the nature and purpose of ecclesiastical laws, also sheds much light on how to look at many other issues today. These other issues and decisions which traditional Catholics are faced with often intersect with ecclesiastical laws which are intended for the normal time, but not the extraordinary time, such as our own.

*"Necessity makes licit that which is illicit"* is a principle in canon law, as we've seen illustrated by many examples in this article. **This principle doesn't apply to issues of the faith itself, which can never, under any circumstances, be compromised.** But with issues that deal with laws which are not directly connected with the preservation of the faith, but the Church's governance, this principle must be understood. That's why people may receive sacraments from priests they normally would not be able to receive sacraments from. That is explicated, as quoted above, in canon 2261.2 of the 1917 Code of Canon Law, provided no sin or compromise of the faith is entailed.

Thus, for one to make an assertion that people should not approach this or that priest or chapel under pain of grave sin, one cannot prove such a position by quoting laws which are merely ecclesiastical. One must demonstrate that to approach such a priest or chapel necessarily involves a compromise of the faith or a sin against the moral law. Many are

making claims in this regard which are invalid because they cannot make such a demonstration.

Understanding this issue is likewise instructive on the issue which concerns some today: the normal approval given not only for priests and bishops and their operations, but for the members of religious orders. How nuns or monks are normally approved to be part of a particular religious order involves, of course, ecclesiastical laws. They are not unchangeable dogmas. These procedures developed over time. St. Benedict was living as a religious, directing and founding monasteries for the religious life before there is any record of his order and apostolate having been officially approved.

There are many today who are denouncing as invalid and “fake” religious who are living the religious life, and fulfilling their religious vows in dedication to a particular order, but who may not have been approved to be part of an order in the way that is done when there is a valid pope and Catholic ordinaries everywhere: by a superior approved by a Major Religious Superior who was approved by a pope – simply because such approval today is not possible. All such denunciations are rash and betray not only the evil spirit of the Pharisees, but an ignorance of Church history and the nature of these laws. They reveal that such persons don’t possess a true knowledge of God, how He works, or how He looks at things.

Yet, with so many of these evil people, while they wrongly, ignorantly and schismatically elevate such ecclesiastical laws to the status of dogmas and thus strain out gnats, they are simultaneously swallowing camels by denying other dogmatic issues which truly admit of no exceptions (such as Outside the Church There is No Salvation) or by accepting as Catholic heretics who deny these dogmas.

**“These things you ought to have done, and not to leave those undone. Blind guides, who strain out a gnat, and swallow a camel. Woe to you scribes and Pharisees, hypocrites; because you make clean the outside of the cup and of the dish, but within you are full of rapine and uncleanness.”** (Matthew 23: 24-25)

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#### Endnotes:

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<sup>1</sup> Denzinger, *The Sources of Catholic Dogma*, B. Herder Book. Co., Thirtieth Edition, 1957, no. 904.

<sup>2</sup> Rev. P.J. Lydon, *Ready Answers in Canon Law*, Benziger Bros., 1934, p. 326.

<sup>3</sup> Archbishop Amleto Giovanni Cicognani, *Canon Law*, Philadelphia: The Dolphin Press, 1935, p. 32 (Imprimatur: C. Card. Dougherty).

<sup>4</sup> *Decrees of the Ecumenical Councils*, Sheed & Ward and Georgetown University Press, 1990, Vol. 1, p. 203.

<sup>5</sup> *A Catholic Dictionary by Attwater*, Tan Books, p. 172.

<sup>6</sup> *Decrees of the Ecumenical Councils*, Sheed & Ward and Georgetown University Press, 1990, edited by Fr. Norman Tanner.

<sup>7</sup> *Decrees of the Ecumenical Councils*, Vol. 1, p. 371.

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- <sup>8</sup> *A Catholic Dictionary* by Attwater, Tan Books, p. 172.
- <sup>9</sup> *Decrees of the Ecumenical Councils*, Vol. 1, p. 371.
- <sup>10</sup> *The Papal Encyclicals, The Papal Encyclicals*, by Claudia Carlen, Raleigh: The Pierian Press, 1990, Vol. 1 (1740-1878), p. 21.
- <sup>11</sup> Archbishop Amleto Giovanni Cicognani, *Canon Law*, p. 43.
- <sup>12</sup> *Decrees of the Ecumenical Councils*, Vol. 1, p. 242.
- <sup>13</sup> Fr. Stanislaus Hogan, *St. Vincent Ferrer*, New York: Lingmans, Green & Co., 1911, p. 8.
- <sup>14</sup> *The Catholic Encyclopedia*, "Heresy," New York: Robert Appleton Co., 1912, Vol. 15, pp. 437-438.
- <sup>15</sup> Fr. Stanislaus Hogan, *St. Vincent Ferrer*, New York: Lingmans, Green & Co., 1911, p. 8.
- <sup>16</sup> Fr. Andrew Pradel, *St. Vincent Ferrer: The Angel of the Judgment*, Tan Books, 2000, Inside back cover description.
- <sup>17</sup> Fr. Andrew Pradel, *St. Vincent Ferrer: The Angel of the Judgment*, p. 81.
- <sup>18</sup> Fr. Andrew Pradel, *St. Vincent Ferrer: The Angel of the Judgment*, p. 81.
- <sup>19</sup> Fr. Andrew Pradel, *St. Vincent Ferrer: The Angel of the Judgment*, p. 86.
- <sup>20</sup> Fr. Andrew Pradel, *St. Vincent Ferrer: The Angel of the Judgment*, p. 92.
- <sup>21</sup> Fr. Herman Kramer, *The Book of Destiny*, Tan Books, 1975, p. 223.
- <sup>22</sup> Fr. Andrew Pradel, *St. Vincent Ferrer: The Angel of the Judgment*, pp. 85-86.
- <sup>23</sup> Fr. Andrew Pradel, *St. Vincent Ferrer: The Angel of the Judgment*, p. 39.
- <sup>24</sup> Fr. Andrew Pradel, *St. Vincent Ferrer: The Angel of the Judgment*, p. 44.
- <sup>25</sup> Fr. Andrew Pradel, *St. Vincent Ferrer: The Angel of the Judgment*, p. 44.
- <sup>26</sup> Denzinger 967.
- <sup>27</sup> *Enchiridion Symbolorum* edited by Denzinger, Latin Edition, 1937, no. 967.
- <sup>28</sup> Denzinger 960.
- <sup>29</sup> *Decrees of the Ecumenical Councils*, Vol. 1, p. 239.
- <sup>30</sup> Fr. Andrew Pradel, *St. Vincent Ferrer: The Angel of the Judgment*, p. 51.
- <sup>31</sup> Fr. Andrew Pradel, *St. Vincent Ferrer: The Angel of the Judgment*, pp. 44-45.
- <sup>32</sup> *The Catholic Encyclopedia*, "Excommunication," Vol. 5, pp. 680-681, 1909.
- <sup>33</sup> *Decrees of the Ecumenical Councils*, Vol. 1, p. 90.
- <sup>34</sup> *Decrees of the Ecumenical Councils*, Vol. 1, p. 214.
- <sup>35</sup> Denzinger 712.
- <sup>36</sup> *Decrees of the Ecumenical Councils*, Vol. 1, p. 258.
- <sup>37</sup> *Catechism of the Council of Trent*, Tan Books: Rockford, IL, 1982, pp. 250-251.
- <sup>38</sup> *Decrees of the Ecumenical Councils*, Vol. 1, p. 245.
- <sup>39</sup> *The Papal Encyclicals*, Vol. 4 (1939-1958), p. 369.
- <sup>40</sup> *The Papal Encyclicals*, Vol. 4 (1939-1958), p. 370.
- <sup>41</sup> Denzinger 1847.