

Our Lady of the Rosary Chapel

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Dear Father,

You have asked me my opinion regarding the jurisdiction of the Bishops stemming from Archbishop Thuc, and I am glad to give it to you for what it's worth. At the same time I would share it with other traditionalist priests, in the hope that if I should be mistaken in my reasoning, one of you may charitably "set me straight" and show me where my error lies.

For the same reason that I believe these Bishops legitimately (not only validly but lawfully) consecrated, I believe them to have jurisdiction, and indeed the "Ordinary", or normal, jurisdiction attached to the episcopal order. Namely because of, or by reason of, epikeia.

Epikeia, as explained by St. Thomas (II-II^a, q. 120, a. 1; also I-II^a, q. 94, a. 6) is the virtue that guides one in those cases where a law fails because of its universality, in suchwise that to observe it strictly according to its letter manifestly defeats the "spirit" or very purpose of law to provide for the common good. In such exceptional cases epikeia directs us to disregard the literal sense of the law and be guided rather by the obvious intent of the legislator - the Church, in the case confronting us. (Note needs to be taken of the word "manifestly," as epikeia is by no means a mere interpretation or accommodation of law to suit one's convenience.

Just as, then, epikeia (as I see it) was rightly used by Archbishop Thuc to provide Bishops for the Church extra-canonically, i.e. without the express papal appointment/authorization normally required, so does it seem to supply also the "Ordinary" (and not merely occasional or transient) jurisdiction that is normally annexed to the bishopric. Unless one is to question the legitimacy - and therefore Apostolic succession - of the Bishops in question, on what grounds is the authority implied in that succession - Ordinary jurisdiction - to be denied them? Is not jurisdiction (power to govern) as much, if not more, the purpose of the episcopacy than its (sacramental) power of Order? Is not this last, indeed, in view of the former? I have in mind here the contention of those who would see in the new Bishops only such jurisdiction as might be involved in their exercise of properly episcopal Orders, such as administering Confirmation or Holy Orders.

The stumbling block for these - who would admit no Ordinary but only a per modum actus jurisdiction in these Bishops - seems to be their lack of any appointment to a determinate diocese, which of course would depend upon an explicit papal election to the bishopric. (I say "explicit" because epikeia amounts in my

opinion to a presumed papal appointment: the right and duty by epikeia to actively consecrate Bishops implies passively a per-mission or appointment to be consecrated on the part of those priests made Bishops.) But it seems to me that just as the supplied-jurisdiction of Canon 209 has, under the extraordinary circumstances, providentially enabled traditionalist priests to hear confessions validly anywhere, so the Ordinary jurisdiction otherwise accounted for by epikeia can be said to be territorily unlimited - not per se but per accidens - until such time as there is a legitimate Pope to assign these extra-canonically ordained Bishops particular dioceses. In the meantime it seems only natural for them themselves to divide (for practical purposes) their jurisdiction.

It may be too that because the jurisdiction of the "epikeia" Bishops comes to them extraordinarily, it is assumed not to be "Ordinary" jurisdiction. But this of course is an equivocation or play on words. Their "extraordinary" - and admittedly "Supplied"-jurisdiction (supplied by the Church, not by the consecrating prelate(s)) is yet canonically Ordinary jurisdiction. Or if not, I beg to know of someone, why not?

As for the circumstances of the Church in fact being such as to dispense (by epikeia) from the literal prohibition of the Code for ordaining Bishops without papal appointment or election, I don't see how this can be seriously contested - at least by traditionalist priests aware of the real doubt (if not certainty) as to the valid consecration of Bishops under the new rites, and the consequent grave threat to Apostolic succession continuing - whether or not they be "sedevacantists." For those of us who are, the demand for (or of) epikeia is even more manifest. Were I in Archbishop Thuc's shoes, I too would fear to face Judgment without having done what reasonably seemed within my power to insure the continuation of genuinely Catholic Bishops in Apostolic succession. And I dare say God will be more merciful to him than perhaps those who on earth have condemned him. Nor am I thinking of the Establishment (Vat-II-can) and its hypocritical excommunication. So what that the first man (or group) that he consecrated proved a mistake? Ought we not correct our mistakes when possible? Anyway it is not my intention here to answer extraneous arguments against the justice of the Archbishop's action or against the jurisdiction of his Bishops. Not that I think they can't all be answered, but I am looking at the whole question of jurisdiction for these Bishops in se. I for one simply see good reason (epikeia) for, and no (longer) any good reason against, their enjoying Ordinary jurisdiction. In the same way, I shunt aside the merely personal - or if you will, purely political - objections to the individual Bishops involved. Sound Theology and Faith should alone guide us.

Hoping again, dear Father, for you or some other fellow priest to enlighten me as to any error in my logic, I remain

Fraternally in the Faith,

Ed. Albert McKeown, S.P.