

THE PROBLEM OF AUTHORITY IN THE POST- CONCILIAR CHURCH

THE CASSICIACUM THESIS

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The “Thesis of Cassiciacum” is a theological clarification by Bishop Guérard des Lauriers, O.P., the purpose of which is to explain the current status of authority in the Church which is a Church in crisis. The name is drawn from a review called “Cahiers de Cassiciacum” [1], which first made the thesis available to the Catholic public.

We shall, as a matter of convenience, call those Catholics who hold that the Second Vatican Council and the Reforms which followed in its wake departed from the teaching of the Catholic Church as it has been transmitted to us up to the present time that is, up to Vatican II, “traditional”.

The criticism of traditional Catholics is not directed against the abuses committed by members of the teaching Church; nor is it concerned with the deviations of individuals who are more or less connected with the Episcopacy. It is above all and essentially a criticism of the errors and deviations contained in the Council itself, of the official reforms which followed (particularly with regard to the liturgy and the sacraments), and of the statements and writings of Paul VI and John Paul II which claim to be based on and to develop the teachings of this Council.

We have already shown (“Cahiers de Cassiciacum” No. 5, pp. 61-72) that these are the characteristic and typical attitudes of those who are labelled “traditional”. Both the document signed by Bishop de Castro Mayer entitled “A Letter to the Bishops...” [2] and then a text signed conjointly by Bishop Lefebvre and Bishop de Castro Mayer [3] confirm that these issues are central to the traditional battle.

It is well-known that the members of the hierarchy, including the pope, have committed themselves in texts and reforms that are opposed (in part and to various degrees) to Catholic Tradition. It is because of this that the “question of authority” arises: what in fact is the authority of a hierarchy which has compromised itself in such a way?

And even more to the point, what is the authority of the Bishop of Rome who has officially committed himself to these deviations which are unacceptable to the Catholic Faith?

We do not intend to review the history of this question among the various traditional groups, but it is possible to summarize them under four categories.

In the Present Crisis of the Church:

- 1.) The Pope preserves his Pontifical authority which is divinely assisted.
 11. And one should submit to his disciplinary decisions, while at same time denouncing the doctrinal errors of his teaching and his personal responsibility for them (CRC).
 12. But one should not submit to his disciplinary dispositions. It is necessary to transmit the Sacraments and the Faith against his authority ("ECONE").
- 2.) He no longer has his divinely assisted Pontifical authority.
 21. He is deposed because of his personal heresy. ("Sedevacantism")
 22. But he is not yet deposed: he materially occupies the Apostolic throne. ("Thesis of Cassiciacum")

As can be seen, the Thesis of Cassiciacum is completely different from those theses which proclaim that Authority continues to exist in those who occupy the Apostolic See, and from those who claim that Paul VI and John Paul II are pure and simply deposed, that they are anti-popes and that the See is vacant.

The Thesis of Cassiciacum can restated in the following manner: Since December 7, 1965 (the reasons for our specifying this particular date will become clear later), the person occupying the Apostolic See is no longer formally the pope: He no longer has any divinely assisted Pontifical authority; he however remains materially a pope insofar as he has not been juridically deposed.

The distinction between thesis 21 and 22 (referring to the above chart) can give rise, on first sight, to the classic debate on the problem of a heretical pope: is he *depositus* or *deponendus*? [4]

This juxtaposition is however inadequate.

The first and most important reason is that the Thesis of Cassiciacum does not appeal to any preexisting theory on the problem of a heretical pope. It remains apart from the debate. As we shall see, this is what gives it force and allows it to establish, in its essential elements, independent of open theological discussion, something approaching a certitude of the order of the Faith.

The second reason is that the Thesis of Cassiciacum which says the occupant of the See is not deposed, does not ABSOLUTELY say he should be deposed. It only says this hypothetically: he should be compelled (by the Catholic bishops and by the cardinals, or by any competent authority in the Church) to condemn the errors; it is only after such an official demand is made on the part of those who have Authority in the Church that

deposition can occur: that is to say, when the occupant of the Apostolic Throne refuses to confess the Faith and condemn the errors contradicting it. (Only then could the Bishops and or cardinals officially state that he is deposed, the person responsible for deposing him being Christ.) But, should the occupant of the Throne comply with the demand: then his act of condemning the errors would ipso facto establish him as being formally the Pope.

On the one hand, the Thesis of Cassiciacum clearly establishes the different parts of its argument, in specifying the degree of objective certitude which pertains to each part; on the other hand, it gives clear expression to its criticisms of the other theses.

Let us briefly consider the second point.

Its disagreement with theses 11 and 12 (again in the above delineated chart) is radical. All the theses that affirm the persistence of Authority in the present circumstances implicitly deny the infallibility of the Church's Ordinary and Universal Magisterium as defined by Vatican I (Denz. 1792). This affirmation is the reverse side of the proof which establishes the first part of the Thesis of Cassiciacum: the cogency of this statement will become clear when we study this proof (Chapter I below).

The Thesis of Cassiciacum will add to this decisive and radical disagreement other theological and philosophical considerations in order to make the origin and dimension of the errors in theses 11 and 12 clear. It will especially expose the voluntarist conception of authority which generally permeates these two theories, a conception which leads to a naturalistic understanding of Authority in the Church.

Specifically, Thesis 11 places the Church as a "human society" over and above the reality of the Mystical Body of Christ, which is an inversion of their proper order.

Thesis 12, for its part, specifically undermines the entire Catholic teaching about the Primacy of Peter.

The error of Thesis 21 lies in its affirmation of conclusions that cannot be proved, or at least proved with the certitude necessary in such matters.

This deficiency pertains above all to two aspects of the thesis.

On the one hand, with regard to the factual heresy of the pope, Thesis 21 passes from the objective aspect to the subjective aspect without any proofs. [5] This first objection pertains, not only "de facto," but also "de jure." For this "passing" from the objective to the subjective plane without any admission of culpability on the part of the person involved does not provide us with that quality of objectivity which would be absolutely necessary to come to such a conclusion independent of the intervention of Authority. A proof based on these premises is, in the eyes of the Church, too weak to impose itself on the Church by necessity.

On the other hand, the question of knowing what actually happens with regard to a heretical pope continues to be openly discussed, and has never been officially decided by the Church. As a result, it is impossible by means of this route to actually arrive at a conclusion which imposes itself in law on every Catholic, and which the Church would have to consider as doing so.

The reader now has a general outline of the situation out of which the Thesis of Cassiciacum developed. It remains to give a summary presentation, and then to enter into a detailed discussion of the different sections.

The Thesis can be divided into two main sections; the fact and the commentary.

The fact: the occupant of the Apostolic See is not formally the Pope. The comment: He is not formally the Pope, but he remains materially the Pope.

The first section can be demonstrated by a process of deduction, by what in logic is called “*reductio ad absurdum*”. This proof only requires the givens of the Faith, facts which are completely obvious, and the principle of non-contradiction.

As a result, this first part of the Thesis is established in an absolute manner, with a certitude that pertains to the faith. In other words, the manner of expression of the first part of the Thesis in the form of a reasoned conclusion, imposes itself “*in actu exercito*” on every believer (even if he is not a theologian) who effectively exercises the Faith.

We have already emphasized this most important point; [6] Father Belmont will once again discuss this with great clarity in the second edition of his work on the status of the Apostolic See. [7]

The present work is primarily consecrated to a discussion of the second part of the Thesis (the “commentary”). However, before doing so, we shall recall in the first chapter, the essentials relating to the first part. Without a firm knowledge of these, the reader would not be able to fully understand all the ramifications of the Thesis of Cassiciacum.

CHAPTER I

PROVING THE FACT THE OCCUPANT OF THE APOSTOLIC SEE IS NO LONGER FORMALLY THE POPE

We shall, first of all, give the outline of the argument.

It consists of noting a fact from which follows a deduction. And the substance of this deduction is a teaching of the Faith.

THE FACT OBSERVED: There is a direct and irreconcilable contradiction between the teaching of Vatican II on Religious Liberty (the law of civil liberty in matters of religion) and the previous infallible teaching of the Church on this matter.

A REASONED REDUCTIO AD ABSURDUM: If Paul VI was formally Pope at the moment when this doctrine of Vatican II was promulgated, it would have been impossible, by virtue of the infallibility of the Ordinary Magisterium, for this new doctrine to be opposed to the infallible teaching of the Church.

But this new doctrine was, in fact, “infallibly” promulgated in direct contradiction to the previous infallible teaching.

Therefore, Paul VI could not have been formally the Pope.

It is obvious that the major premise of this argument draws all of its force from Catholic teaching on the infallibility of the Ordinary and Universal Magisterium of the Church. Let us recall the essentials of this teaching.

The Church affirms its own infallibility NOT ONLY in her “solemn judgements,” which can be pronounced by Ecumenical Councils or Popes speaking “ex Cathedra,” [8] BUT ALSO in the exercise of her ordinary and universal Magisterium, WHICH IS TO SAY, in the (morally) unanimous teachings of the Bishops in union with the Pope and outside of such formal definitions.

This doctrine is taught by the First Vatican Council and being “de fide,” must be accepted by all the Faithful. [9]

It must be clear that the charism of infallibility is being exercised, and for this it suffices that the doctrine unanimously taught be presented by the teaching Church as related to and/or part of her infallible Magisterium. This can be done in several ways:

- by specifying that the doctrine in question is revealed, or drawn from Revelation;

- by specifying that the doctrine has been passed down by Tradition and that it has always been believed;
- by specifying that the doctrine is obligatory on the Catholic conscience;
- etc. (One cannot “a priori” limit the number of ways by means of which the Magisterium can express its intention.)

Well and good, it matters not by which method the teaching Church (Magisterium) expresses itself, providing that the method clearly witnesses to the intention of the Magisterium.

There is absolutely no doubt about this doctrinal point. It was recalled by Pius IX [10], before Vatican I, and again referred to by Leo XIII and Pius XII. [11] It is considered “de fide” by all the theologians that discuss it.

However, because it is so important to our argument, and because it has been repudiated in recent times by several so-called “traditional” authors, we have dealt with it in a special study. [12] We call particular attention to the Acts of the First Vatican Council which make the true meaning of this dogma clear, and we reproduce the teaching of more than fifteen theologians in order to show the unanimity of Catholics on this matter.

All the theses which fail to recognize the actual absence of Authority in the occupant of the Apostolic See must logically deny this doctrine of the infallibility of the ordinary and universal magisterium such as it has been defined by the Church. In other words, objectively they imply a heretical doctrine. (This does not [subjectively] involve the sin of heresy as will be explained in Chapter VII.)

The minor premise is nothing other than observable fact: the contradiction precisely on the issue of religious liberty between the teaching of Vatican II and the constant teaching of the Church prior to this Council.

With regard to this several elements require emphasis:

This contradiction is a fact about which there is no debate. It is something which is immediately obvious because the Declaration of Vatican II consists of the affirmation of a right which the teaching Church previously, specifically and infallibly denied existed.

This contradiction of necessity imposes itself on a person who has the faith, for the act of Faith has, as its intelligible object, whatever the Church infallibly teaches. At the very least this understanding perception involves (for every believer in the act of believing) the ability to reject whatever is contradictory to and opposed to this object.

Every Catholic who really adheres to the constant infallible teaching of the Church is capable of discerning that the teaching of the Second Vatican Council is diametrically opposed to prior teaching on this matter, and hence he is obliged to reject the innovation. This negative judgement or rejection is intrinsic to the exercise of the Faith; it is the natural reaction of a person who habitually exercises what is called the instinct of the Faith.

And this ability to discern the contradiction involved shows that the believer is living under the influence of, and in the light of, the Faith.

We will describe the process by means of which the believer, “in actu exercito,” understands the fact which is at the basis of this argument. And we have been able to verify that nothing else is involved than the contiguous observation of the facts and the light of the Faith.

Beyond this, since faith never contradicts reason, the theologian can, and should elucidate, the reality of the opposition between the two teachings in a critical manner.

This critical examination which imposes itself on us from an ecclesiastical point of view, and which is written, as it were, on the rational substructure of the Faith, plays no intermediate role in the believer’s act of discerning this contradiction. It is important to stress this because everyone can easily understand that the complex character of the ramifications that one can supply from the theological point of view in no way contradicts our affirmation that the believer is spontaneously capable of coming to a negative judgement with regard to this issue. [13]

At this point it should be noted that the infallible character of the traditional teaching about religious liberty involves several constituent elements.

First, there is the infallible authority that derives from the extraordinary magisterium which Pius IX invoked in his Encyclical “Quanta cura.” [14]

Secondly, there is the infallibility that derives from the constant teaching of the Roman Church. This point is developed in a brief but adequate manner in the letter of Bishop Lefebvre to Cardinal Seper. [15]

Thirdly there is that infallibility which derives from the constant practice of the Church and which must be taken into account; the kind of guarantee which her universal discipline ensures. Whenever possible, the Church’s actions with regard to the matter of religious liberty have been in conformity with the traditional teaching and opposed to that envisaged by Vatican II.

Lastly we should note that this teaching has effectively been accepted by the community of the faithful. This acceptance by believers is obviously not a condition or a prerequisite for infallibility! Nevertheless, it is an ABSOLUTE “a posteriori” sign that infallibility has been exercised.

We will return to this issue later.

These precisions show that the argument’s conclusion of necessity imposes itself on us; objectively this is because it is based on the facts and the certitudes of the Faith. And subjectively, the same conclusion imposes itself with certitude on every believer who effectively exercises the Faith.

The fundamental reason for this is that the immanent norm of every true act of the intellect is the principle of non-contradiction. This is true in both the natural and supernatural order.

Finally, to complete this analytic overview of the first part of the Thesis of Cassiciacum, we should note that the conclusion (that the occupant of the Chair of Peter is not formally Pope) concretely implies that it is not impossible to deny the hypothesis (that Paul VI was, or John-Paul II is, formally Pope).

That such is not impossible is well established in Catholic doctrine. And indeed, most theologians admit that an “heretical pope” would lose the papacy, and even those who deny it declare that their opinion is only “probable,” and therefore not something binding the faithful.

Because of the importance of this issue, we will discuss it further in the appendix at the end of this work.

In order to understand the full import of this proof, we must now consider an essential point.

Let us return to the topic of the Infallible Magisterium.[16] The “Magisterium” is above all the “power” or the “function” of teaching; and then by extension, the subject (physical or moral person) who possesses this power (or function). And with regard to the Magisterium, by divine law, which is the only thing we are considering in this discussion, the subject is either the Pope himself, or the entire teaching Church (i.e., the bishops in union WITH the Pope).

With regard to the infallibility of the “teaching Church,” we should clearly understand that this only exists by virtue of the reigning Pope. Moreover, this is the case, regardless of which theory one professes about how this infallibility is conveyed to the Church, directly communicated to everyone, or communicated first to the Pope (for an initial discussion of the Magisterium the reader is referred to “Cahiers de Cassiciacum,” Supp. No. 5, pp. 13-19) and through his mediation to the Bishops in union with him.

Let us also note that the subject of the Magisterium becomes such only as a result of a certain determination, a “form” which is a condition, itself inaugurated by an act which is its origin. And this act, as far as we can determine, occurs when an individual who is elected Pontiff accepts his election. This act initiates a condition or state in the subject (in the Pope himself and in the teaching Church), which is to say, a determination which IN ITSELF persists through time.

In order to prevent possible confusion, let us recall that there are many different kinds of states or conditions. Baptism imparts a character on the soul which is a condition which cannot be lost; the bonds of marriage are a state which can be destroyed by the death of one or the other party; sanctifying grace is a condition (“state of grace”) which can be lost in this world, but which cannot be lost in the next. But regardless of the diversity of

states, every condition, in itself, persists; that is to say, persists in the absence of some new determination capable of destroying it.

In the Church, the actual state or condition which one observes (i.e., that such an individual is the Pope) corresponds to a mental state or condition in the mind of the believer. This mental condition is itself initiated by an affirmation (this person was legitimately elected, etc.), and as a result resides in the mind of the faithful as a habitual or virtual condition of his mind.

There is thus an initial adherence of the faithful to the Magisterium envisioned as “subject”: a habitual adherence initiated by an act, but which persists as a state in virtue of the initiating act.

This initial adherence which we have mentioned, is not an essential constituent of the relationship existing between the faithful and the Magisterium. The Magisterium - and we are here strictly speaking of the infallible Magisterium - is ordered to its ends; it is defined by its function of teaching infallibly. And the essence of the relationship between the faithful and the Magisterium consists in the fact that the former adhere to the teaching of the latter.

In each case (which is to say, each time that the Magisterium teaches) this adherence is a specific act of habitual adherence to the Magisterium as subject [i.e., to the Pope who is the subject of the Magisterium]. The former presupposes the latter even if it is not constitutive.

Let us examine the believer’s act of adherence to an infallible act of the Magisterium. First of all, the believer notes that the requisite conditions, both OBJECTIVE and OBSERVABLE for such an act are present. The statement is clear: the believer notes that the necessary conditions for the ACT are fulfilled. But he does not and has no need to again recognize the SUBJECT of the act, for he simply carries within himself a habitual adherence to the Magisterium as subject.

Noting that the requisite conditions for the ACT are fulfilled, the believer is led, by the light of the Faith, to adhere to the OBJECT (doctrine) present in the act of the Magisterium. Thus, in the very act of adhering to the doctrine by means of the Faith, the believer discerns, both in the Faith and concretely, that the act of the Magisterium is the voice of God revealing. It is, in virtue of the light of the Faith, that by this same act the believer adheres to both the object and the infallibility of the act which is presented. But he does not, and cannot have, an antecedent adherence of faith with regard to any particular infallible act of the Magisterium, from which the believer infers the truth of the Object presented in order to adhere with Faith to this Object.

Having reviewed the general principles which explain the theology of an act of Faith, we can now approach a crucial problem which is linked to the proof which the Thesis of Cassiacum provides concerning the loss of the Pontificate. [17]

Let us consider the believer “in the process of adhering” to the Object presented by the Magisterium.

The intellect of the believer is naturally regulated by its being and by the principle of non-contradiction, and supernaturally by the light of the Faith. This latter potentially implies its adhesion to all those truths which are revealed, and its explicit adherence to all the truths that are known to be such. However, this “potentiality” that derives from the light of the Faith, in accord with the divinely established economy, does not constitute a positive criterion for the discernment of revealed truths. This criterion is to be found in the teachings of the Magisterium.

On the other hand, since Faith resides in the intelligence, the principle of non-contradiction constitutes a negative but objective criteria of discernment.

As a result, the believer “in the process of adhering” to the (revealed) Object clearly taught by the Magisterium, is forced to terminate this process if he discerns in this statement something which is opposed and contradictory to statements already accepted by him through the Faith, statements already effectively tied to the revealed Object and which therefore have FOR HIM a defined and absolute value.

Thus, the act of the believer is always and of necessity linked to a criterion which is both intrinsic and objective, one which despite its negative nature is authoritative: namely the principle of non-contradiction.

From a completely external and objective point of view, the authentic Magisterium is perpetually endowed with an absolute and definitive criterion - the internal coherence that results from the principle of non-contradiction.

And, from the subjective point of view, the act of the believer can only be complete if this negative criterion does not interpose itself.

And so, even if one limits oneself to the realm of logic, an inherent difficulty in the argument of the Thesis of Cassiciacum is resolved.

With regard to the contradiction between Vatican II and Quanta cura, one can easily conclude that one or the other teaching must be erroneous; and hence that one or the other of these acts promulgated by the Magisterium lacks infallibility (in both cases, the necessary conditions for an infallible act are present: in the first case, an act of the ordinary and universal Magisterium, and in the second a solemn act of the Pope).

Obviously, logic alone does not allow us to say which of the two teachings is false.

But the light of the Faith allows us to decide in favor of the anterior decision of Pius IX in an ABSOLUTE manner. This earlier act is also internally consistent with all the prior explicit teaching of the Magisterium. This

is why it has been received by the faithful as part of the Faith. And THUS, it is quite impossible that this teaching should in any way depart from the Faith.

Opposed to this, the declaration of Vatican II is intrinsically tied to criteria that make its non-authenticity obvious: namely its contradiction with what has been accepted as already revealed in an explicit manner.

This situation is completely different than the previous one. The believer, even if he is not a logician, can and must decide which is correct.

Let us stress that we IN NO WAY SAID that the infallible act was irreformable “because of the consent of the Church,” (or the believer)! It is infallible because of divine assistance. A Magisterial Act, under the required conditions, is infallible and hence irreformable in and of itself. But let us note that:

- 1 - an authentic act necessarily embraces in an immanent manner, the criteria of non-contradiction with the rest of revelation;
- 2 - this act is not authentic in itself; it is not in conformity with its nature, unless it relates to a subject which is itself authentic.

And thus, at the end of the believer’s process of adhesion to an act of the Magisterium, the authenticity of the subject supports the contra-proof of authenticity in the act.

In this way an (eventual) realization of the absolute criteria for the non-authenticity of the act (an act which otherwise fulfills the objective conditions of infallibility), constitutes “ipso facto” the determination, both objective and observable in law by all the faithful, which forces them to affirm the non-authenticity of the subject (of the Magisterium). [i.e., the person who is responsible for the promulgation of a Magisterial act that contradicts the constant teaching of the Church cannot in fact be the subject of the Magisterium.]

We have thus been able to show, both in its principle and in its way of proceeding, the perfect conformity of our proof with the certainties of the Faith.

The conclusion is clear: the absence of [Papal] Authority is firmly established; it now is appropriate to consider, insofar as it is possible, the essential issue.

CHAPTER II

FROM THE “FACT” TO THE “CAUSE”

The Thesis of Cassiciacum takes great care to distinguish between the affirmation of the fact that “since December 7, 1965, the occupant of the Chair of Peter is not formally a pope,” and its explanation.

We have demonstrated the existence of the fact; in doing so we have ignored its real nature.

This is not to say that at this point we are without any understanding of the problem (in the same manner that the affirmation “God exists” is not unintelligible for the philosopher; but it can exist as an affirmation apart from any knowledge of the essence or nature of God).

For the present, the importance of our conclusion derives from its status as a conclusion, which is to say, as a result of its connection with the argument that establishes it.

In other words, the proposition “the occupant of the Apostolic See is not formally a Pope as of December 7, 1965” directs the mind to a clearly determined reality (the occupant of this See since this date); and this “reference” is itself determined by the proof which is its basis. But the proposition in question does not signify the nature of this reality in itself.

This is where we found ourselves at the end of the first chapter on the Thesis of Cassiciacum. We must now go on to consider the essential nature of this fact.

The first step consists of clearly delineating the meaning of the former conclusion and considering its logical implications relative to the argument on which it is established. The present chapter will attempt to do just this. Subsequently we will be able to determine if the other givens allow us to fruitfully investigate the inner nature of the reality which we will initially delimit and describe.

Let us then return to the first part of the Thesis.

From the start, before the action of December 7, 1965, a habitual [18] affirmation subsisted in the mind of every Catholic to the effect that “Paul VI is Pope.” This imposed itself on the faithful because Paul VI embraced in his person, all the necessary and sufficient prerequisites which allowed one to affirm “He is the Pope.”

We should review the various prerequisite determinations which are brought together in the person of a Pope:

The Roman Pontiff, legitimately elected, as soon as he accepts the election, receives by divine law, the full power of supreme jurisdiction. [19]

There are three elements to be distinguished in the canonical attitude which lies at the basis of the affirmation that a given person is Pope:

- legitimate election, [20]
- his accepting the election,
- the plenitude of power.

These three elements are by nature distinct realities. Their own causes are diverse:

- the election (passive) requires the active election carried out by the electors.
- the personal acceptance of the election on the part of the individual elected.
- the full power communicated to him immediately by God. [21]

Robert Bellarmine has clearly specified the two most important elements involved: [22]

“... the cardinals, when they create a Pontiff, exercise their authority, not on the pope as such, since he is not yet such, but on the matter, that is to say, on the person which they dispose in some way by the election in order that he might receive from God the form of the pontificate.” [23]

These different statements allow us to precisely limit the elements which lead up to the “statement of a fact” provided by the Thesis of Cassiciacum.

The Thesis demonstrates that the occupant of the Apostolic Chair lacks that determination which is intrinsically linked to infallibility. This determination is of necessity “that which is communicated by God,” even though it is only by divine “assistance” that the Pope is infallible.

In other words, what the proof demonstrates is the absence of the function and the power of (infallibly) teaching, and along with this the absence of the supreme power of jurisdiction which is directly linked to the former. This is what Pontifical Authority, or the “Primacy of Peter,” considered formally, consists of. According to the phrase of St. Robert Bellarmine, it is the “form of the pontificate,” which is immediately communicated by God Himself. [24]

Finally, since what the occupant of the Apostolic Chair lacks is the “form” of the Pontificate, the determining and formal element which makes the Pope to be such, we say: “He is not formally the Pope.”

This, then, is what directly and with certitude establishes the basis for the first part of the Thesis.

But the argument says nothing about the other determinants (such as the duration, such as would be logical) which also pertain to the Roman Pontiff. These antecedent determinations (to the form) involve at least his legitimate election and his acceptance of same (insofar as they are publicly manifest).

St. Robert Bellarmine says that the person of the elected can be likened to the “matter,” and the election is like a disposition to the form of the Pontificate. And as every disposition is attached to a material cause, [25] we say at the end of our first section that the person who occupies the Apostolic See remains materially a Pope. At this point we should positively affirm this because, quite simply, we have provided no element which permits us to sustain the contrary. We will soon demonstrate that one can be much more positive with regard to this affirmation.

We must now exert ourselves in order to clearly grasp the import and consequences of what has been said.

The Church is at one and the same time both the Mystical Body of Christ and a human society; invisible and visible, supernatural and natural, divine and human. [26] We will soon demonstrate that one can be much more positive with regard to this affirmation.

Any teaching which suppresses one or the other of these two aspects of the Church is obviously false and cannot be adhered to by any Catholic. Leo XIII exposed these errors in a passage to which we shall return. For the present, suffice it to say that certain theories can distort the truth in one or the other direction. This occurs in theories about the Church, which while not denying anything, fail to take account of one or the other of these two aspects of the Church in an ORGANIC manner. One can do this by means of an exaggerated and erroneous supernaturalism that absorbs the human aspect of the Church as a human society to the point of obscuring this aspect in that of the Mystical Body; in this case in fact, the former completely loses its own reality. One can equally meet with a naturalism which in ignorance inverts the proper order of these two aspects, subordinating the reality of the Mystical Body to that of the human society. This, in turn, would lead to the elimination of the truly supernatural aspect of the Church.

The second of these two errors is brought about, as we have already shown, by those theses which we have characterized as (11) and (12) in our earlier table. With regard to the issue which we are now considering (the “material” occupation of the Chair of Peter), it is the first of these two errors which is involved.

The Church is a perfect human society; by nature a juridical order is part and parcel of her integrity. This order is expressed in her laws (ecclesiastical laws, “Canon Law”), and proceeds immediately from the visible Authority of the Church. The Church’s juridical order (unlike the juridical order of civil societies) depends on compliance with her essence which is relative and subordinate to the supernatural reality of the Church as the Mystical Body. This juridical order nonetheless possesses a real and intrinsic constancy.

As a result of the irreducible reality of the juridical order of the Church, any determination connected with this order cannot be purely and simply annulled without the intervention of another determination of the same (juridical) order opposed to the first. And since the juridical order precedes directly from the visible Authority of the Church, any determination which “annuls” it should also proceed from this same Authority (or delegated authority at the competent level in the matter under consideration).

All this immediately flows from the essence of the juridical order existing in a human society; it thus belongs to the Church by her nature, insofar as she is by divine institution a human society.

A most important consequence follows.

To affirm that in the present crisis, God would directly abolish (that is to say, without the mediation of a visible Authority) the existence of juridical determinations legitimately established, is to affirm that God has ceased to sustain His Church as a human society, at least for a period of time. And this would introduce a total rupture in the Church as a human society. The Apostolicity of the Church, insofar as she is a human society, would be destroyed. God without doubt could, “after the crisis,” once again establish His Church as a human society. But from this point of view (namely, that of the human society), this would no longer be the Church instituted by the Apostles. [i.e., there would be a break in the continuity of this society with that established by the Apostles.]

Such consequences are diametrically opposed to the Faith. Apostolicity belongs to the Church by her very institution, and hence also to the Church as a human society. The Faith forbids us to admit that God, even for a period of time, would fail to sustain the Church in accordance with this aspect of her essential nature.

Under such circumstances the affirmation “the occupant of the Apostolic See remains materially a pope” imposes itself on us, not only as a fact (the contrary not having been proven), but by law and in an absolute manner, as long as the situation is not changed by the intervention of a competent Authority (an intervention which would have the value “of law” for the entire Church).

What could this Authority be? In the light of earlier discussions on the possibility of a heretical pope, one would obviously think of either the cardinals, or a “general though imperfect Council.” But the question requires study in itself. “Non possumus omnia!” [27]

We have now sufficiently determined the content of our first affirmation and have established by means of a “*reductio ad absurdum*” that “the occupant of the Apostolic See is not formally Pope...”. We have circumstantial evidence that he is not such, that he does not possess that which is directly communicated by God, whether the “form of the Pontificate,” or the “Authority provided by divine assistance,” or the “Primacy considered in a formal manner,” with the supreme powers of jurisdiction and Magisterium that go along with it.

We have also pointed out the determining factors which remain inherent in the person who only exists “materially” Pope: these are those that God communicates by the total mediation of Authority. These determinations are found moreover to be factually reduced to their external valence: and this because they are cut off from their relationship with supernatural elements to which they are ordered by their essence.

This last remark underlines the fact that we must recognize that the person who occupies the Apostolic See is actually in a state of violent dissociation that goes against nature (i.e., normally materiality and formality would be united in this individual.)

How is such a rupture possible? This is what we must now examine. The response to this question will lead us to make the essential nature of the fact that we have already established clear (Ch. I), and then delimited to its external aspects (Ch. II).

CHAPTER III

THE “HOW” - PART I, PHILOSOPHY OF AUTHORITY

How is it possible for a person who should have [Divine] Authority not to possess it?

The occupant of the chair of Peter should be endowed with [Divine] Authority because he realizes in his person all the a priori juridical criteria observable, necessary and sufficient for him to be so.

But, as the facts clearly demonstrate, he is totally lacking in such Authority.

We must insist on this point before continuing with our investigation. In the Thesis of Cassiciacum, the absence of this Authority is not demonstrated, regardless of how justified this might be, from a theory, or from a doctrine about the nature of authority in general, but from the facts and from the givens of the Faith (i.e., specifically, as a result of the promulgation of the Vatican II document “Dignitatis Humanae Personae” on December 7, 1965 which contradicts the constant Catholic teaching on religious liberty and the infallibility of the Ordinary and Universal Magisterium). It is especially to be noted that the various theories with regard to the question of a heretical pope ARE IN NO WAY INVOLVED in this demonstration.

This situation provides the conclusion of the first part of the Thesis of Cassiciacum with a double character:

- on the one hand, an objective and absolute certitude with regard to the Faith;
- on the other, and so to speak, its counterpart: its insufficiency with regard to putting the intellect at rest.

By its nature, the intelligence seeks to know the essence of a reality of which it grasps the existence. Now the first part of the Thesis of Cassiciacum leaves the essence of the fact which it has shown exists, in obscurity. And this is because the reasoning is based on a “reductio ad absurdum” which emerges from a negative conclusion.

We are then in the position of seeking understanding.

And as the question concerns the problem of Authority in the Church, we must bring its nature to light. In order to do this, we must first of all examine the metaphysics (or philosophy) of authority in a human society. This is the purpose of the present chapter. In the next chapter, we will study how these general principles are realized, analogically, in that special society which is the Church, and we shall use the lights which flow from this to understand the present situation with regard to authority in the Church.

“A society is but a collection of men who unite in order to achieve something in common.” [28]

Society, being a union of substantial beings, is not itself a substance. Its unity is not a substantial unity, but a unity of order, which is realized by linking together the many elements of order. [29] Under these circumstances, the principle of order, as the definition of a society indicates, is something realized in common, or more precisely, the common good. Thus the very nature of society is constituted by the relationship between its different members and the common good; and also, in a subordinate manner, by the relations between the members which result in a direct manner from this.

This first description of the essence of a society immediately raises a question: how is it possible for the multiple agents which are the members of society to be united from the very beginning in their pursuit of the common good? If one considers the multiplicity of agents, and if one takes into consideration contingencies which necessarily affect the actions of free people, such is impossible. That which is BY NATURE multiple cannot be BY NATURE one.

“A multitude left to itself follows multiple ends, a single agent follows a single end.” [30]

As a result, society by its very nature seeks out a principle which is in itself singular, and which is capable of unifying the actions of society’s diverse members in view to a common good. This principle is that of authority. This latter, by nature inherent in society, essentially defines itself in terms of its proper function of assuring a unity of action that has the common good in view: this implies the realization of a certain amount of agreement of minds as well as the harmonization of means. [31] Several statements of St. Thomas Aquinas shed further light on this definition of authority in connection with the common good, which is its real purpose: [32]

“Social life cannot exist among a number of people unless under the presidency of one to look after the common good; for many, as such, seek many things, whereas one attends only to one.” [33]

“Since it is natural for man to live in a society of many people, it is necessary, that there be among these one responsible for governing. In effect, as men are numerous, and as each is able to seek out what is good for himself, unless there is an individual who occupies himself with what is good for all, society would soon fall apart at the seams.” [34]

At this point we find ourselves in possession of a formal definition of authority relative to its true purpose, namely the common good. We must now examine how the essence of authority is concretely realized in the subject which possesses it.

In reality this “function” consists of a series of acts accomplished by the subject who possesses and exercises this function. The subject, being a human being, acts by means of his intelligence and his will: the human act as such is produced by a deliberate act of the will. [35] Thus the source of a human act ordered to the common good, source of an act of authority, is of necessity the deliberate will to perform this act. We call this deliberate will to

perform an act the objective and real (or efficacious) intention. We call it “objective” to distinguish it from the “subjective” intention which concerns the MOTIVE for which the person acts. This “subjective” intention can remain partially or even totally inaccessible to the external observer. Contrary to this the “objective” intention, which bears immediately on the act which is performed, and not on the motives for performing it, is discernible, if not always absolutely, at least “in the majority of cases,” by the external observer. What the man does is what in reality the man wants to do: such is the norm of objective intention.

Moreover, just as society is a reality which is in itself permanent, so also authority, a component inherent in the nature of society, should be a stable and permanent reality.

Thus, the function which defines authority consists of a series of acts that are promulgated in time and which are directed towards the same common good. This convergence of acts, this coherence of many different laws ordered to the same end, requires a principle of unity which transcends the multiplicity of elements involved. This principle is a will that is deliberate and stable; a will not only bearing on a single or particular action, but on all the actions which are in harmony and work together. This deliberate and STABLE will is the necessary origin of coherent acts which constitute the function of authority, and we designate this under the title of HABITUAL Intention. We have in this manner made clear the metaphysics of authority such as it is realized in the person who possesses it:

“Authority, defined by its true function of assuring the unity of action of the members in view of a common good, is formally constituted by the specific relationship that the leader maintains with the common good. The real foundation of this relationship is the habitual intention, objective and real, of procuring the common good.”

Thus, it is clear that the linkage with the end in view or purpose is necessary component of authority. This is but the specific application of an axiomatic metaphysical principle enunciated by St. Thomas Aquinas: “The reason for things ordered to an end (or purpose) is drawn from their end (or purpose).” [36]

Moreover, it is easy to understand that the essence of authority must encompass its connection with the end in view. As we have seen, Authority derives from the nature of society; and this is ontologically an order of which the principle is the end. It is hardly surprising then, that what is inherent in the nature of society should encompass, by virtue of this very nature, this connection with the end in view. [37]

It should be noted that we have so far said nothing about how the chief who wields authority is designated. Our study, which deals with authority as such, has not discussed the way in which it is established. Usually these things are completely different realities: the manner in which the leader is designated is the result an established juridical process such as is customary, in civilized societies. Situations however can occur when these two realities coincide. For example, that of an uprising against a tyrant where the individual who has assumed the leadership of a movement effectively unites the means apt to (probably) assure success, designates himself as the

authority (at least provisionally), showing by his actions that he has really taken over responsibility for the common good.

Despite such special situations, the usual mode of designating a chief remains one thing, and authority another. And strictly speaking, the designation of the person (regardless of the method used) becomes the necessary condition for the possession of authority.

One should then distinguish between authority considered as such, which is what we have analyzed up to now, i.e., the metaphysical nature of authority which consists in its special association with the common good based on an objective and real habitual intention to procure such; and authority considered concretely, i.e., the person designated to be the leader of a society and actually possessing authority strictly speaking, insofar as he is ontologically its subject.

Moreover, this distinction is a matter of common sense. It is proved by the fact that in common language one says of a chief that he IS the authority (i.e., authority materially considered), or that he HAS authority (which is authority formally considered).

Because these considerations are so important for our study, it seems opportune for us to establish the same conclusions by a different method.

The nature of authority, relative to the other members of a collectivity, is to command obedience. This is so well known that it is often the only thing that canonists or moralists, over-influenced by voluntarism, give their attention to.

We will consider this aspect and attribute of authority without confusing it with the nature from which it derives, as the voluntarists do. Authority by its nature implies the “right to command, with its correlative in the subordinate, namely the “obligation to obey.” But what is the foundation of this right? And what is the nature of this obligation? [38] These are issues that society cannot ignore, even though the casuists are hardly concerned with them.

Obviously, we can only consider the answer in a superficial manner. These things are moreover well known ... at least by those faithful to the directives and councils of the Church as taught by St. Thomas Aquinas.

The rule of human action is right reason. This rectitude derives from conformity to the natural order there we place ourselves on the plane of philosophy, and thus argue by the light of natural reason).

Human nature makes man a social animal, for which reason he must live in society. This is why the pursuit of the common good is obligatory on man. It is imposed on him by right reason.

Now, as we have seen, the nature of society is such that it requires authority in order to unify activity for the common good. Thus it is that right reason finds itself tied to the decisions made by authority. Authority has the right to command, and the subordinate individual(s) the obligation to obey. [39]

This bond clearly shows us what is essential: the right and the obligation exist as a result of the intrinsic nature of authority such as necessarily follows from the nature of society. Let us repeat the principle: what nature imposes on man is the need to live in society and to pursue the common good.

What results is of the greatest importance.

Some wish to reduce authority to the person (subject) who is designated as the leader, neglecting or forgetting his true relationship to the common good.

But it is necessary to clearly see that any “authority” defined in such terms neither possesses the right to command, nor creates the obligation in subordinates to obey. And those who would push this theory cannot escape from sophistry. Having defined authority in this manner, they pretend to apply what has always been said about authority - but authority defined and understood in a different way, which is to say in a manner which the very nature of society demands.

Obedience consists of regulating one’s practical judgement by the judgement of a superior. But obedience, in order to be virtuous, and quite simply, in order to be a human act, should conform to right reason. Now no one has shown, nor is anyone likely to show in the near future, that a subject who is obliged to seek after the common good finds himself as a consequence obliged to regulate his actions by the judgements of a false leader - one who does not wish to procure the common good!

The conclusion is inescapable. The teaching is admitted by all: any authority that has the right to command and to oblige subordinates, necessarily presupposes that the authority in question by its very nature be linked to the principle of effecting the common good. Thus we see that the metaphysical doctrine regarding authority finds itself established by a second argument, and as such is absolutely confirmed.

CHAPTER IV

THE “HOW” - II - AUTHORITY IN THE CHURCH

In order to understand how the metaphysical principles concerning authority apply in the situation of the Church, we must first briefly recall the analogy which exists between a natural human society, in particular a civil society, and the Church as a society.

The following general principals are provided by Cardinal Journet: [40]

“The Church as a whole, having for its end and purpose union with the divine persons and the eternal life, we refuse to distinguish in her any one specific aspect by reason of which she would be supernatural and possess the powers of order and of the magisterium, and another generic aspect by reason of which she would be social, visible, and possess, like all other societies, legislative, juridical and coercive powers. She is a total entity, at one and the same time supernatural and visible: first of all because of the power of order and teaching; and then, because of her canonical power which includes legislative, judicial and coercive powers. She has only an analogic similarity with political societies. As a result, her canonical power can be compared to political power - but as an analogy and not as being equivalent; similarly, her legislative judicial and coercive powers can be compared to the legislative, judicial coercive powers of the State. They are analogous but not equivalent.”

Pope Leo XIII has given precise _expression to the principal of this analogic distinction: [41]

“But Christ is by means of the union of two natures both visible and invisible, and he is one and the same in both; in the same way His Mystical Body is only the true Church on the condition that the visible aspects of the Church draw their life from supernatural principles and the other invisible elements. And the proper nature of the external aspects themselves results from this Union.”

Thus the particular nature (the Latin text expresses this clearly: *propria ipsarum ratio ac natura*) of the external parts that we see (*partes conspicuae*) result (*efforescit*) from their union with the other elements and supernatural gifts.

And as this union belongs to the nature of the Church, unlike any other society, it follows, according to Leo XIII, even the visible elements of the Church are different in nature than their homologous equivalents in natural societies. [42]

Cardinal Journet gives important supplementary details about the real nature of authority in the Church. [43]

“2: But the powers which are transmitted in this way from one generation to another should not be considered as sufficient in themselves. These powers are used relative and subordinate to the power of Christ, who constantly rules over His Church from heaven on high, and relative and subordinate to the infinite power of God. As a result it is right that, apart from their horizontal and univocal transmission in time, and this is the point of view which we have most often adopted, to consider their ever-present dependence on the analogic and supertemporal causes to which they remain tied. This is true of the power of order, which is a strictly instrumental power. And this is also true of the power of jurisdiction, which functions without doubt as a second cause, but which even more than the dependence of other secondary causes in relation to the prime Cause, has need to constantly be raised up and directed by divine movements of a new order. This character of the continued hierarchical dependence in which temporary charisma are relative to the humanity and the divinity of Christ, can be found expressed In the great text of St. Paul to the Ephesians: “For it is He who has made some apostles, others prophets, others evangelists, and some others pastors and doctors, for the perfecting of the saints, for the work of ministry, for the edification of the Body of Christ: Until we all meet into the unity of faith and of the knowledge of the Son of God, unto a perfect man, unto the measure of the age of the fullness of Christ; ... from whom the whole body, being compacted and fitly joined together, by what every joint supplieth, according to the operation in the measure of every part, maketh increase of the body, unto the edifying of itself in charity.” (Eph. IV, 11-16).

Thus, hierarchical powers can be considered under three aspects: First, “horizontally,” insofar as they are transmitted in time by an univocal, organic and uninterrupted succession that goes back to Christ and the Apostles. Then “vertically” and in harmony with eternity, insofar as humanity is always dependent on the Savior and the all-powerful God, and insofar as these powers are tools, instrumental and ministerial agents, that have the function of communicating the most pure and most valuable movements to us. Finally, from their roots, which is to say, the subjects in, which they reside, who are normally members of the believing and loving Church to the degree that although they are ministerial causes of the Church, these same powers appear as rooted in the Church and seem in some way to arise out of her very bosom.”

These texts already give us a more precise idea of the proper nature of authority in the Church. [44]

Natural human society is an “exterior and visible” reality, and the same is true of authority considered from a natural point of view.

In the Church however, the “proper nature” of authority cannot be reduced to the exterior and visible elements usually associated with authority; its real nature results from its union with invisible elements, specifically with the Mystical Body. Such is the principle which Leo XIII recalled and which is brought out by Cardinal Journet (under the “vertical” aspect of hierarchical powers: “ever-present dependence relative to analogic and supertemporal causes,” dependence proportionate to “the humanity of the Savior and the all-powerful God”).

We will look more deeply into these essential principles, taking as our basis the teaching of the Magisterium and especially that of Pius XII on the “three powers.”

In his Encyclical “Mystici Corporis,” Pius XII vigorously affirmed that Christ conferred these three powers on the Church:

“Moreover, He conferred on the Apostles and their successors, a triple power: that of teaching, that of governing and that of leading mankind to holiness; making this power, defined by special ordinances, rights and obligations, the fundamental law of the whole Church.” [45]

These three powers of the Church are directly attached to the three prerogatives which everyone recognizes in Our Lord. Christ is prophet (doctor), priest and king. It is precisely this triple charge (and function) which He conferred on His Church, which visibly and socially continues his work on earth. Leo XIII clearly affirms this “continuation of this Mission.” [46]

“What did Our Savior Jesus Christ seek and wish in establishing and sustaining His Church? Only one thing: to transmit to the Church the continuation of his own mission, the same mandate that He himself received from his Father. This is what he ordered to do and what he did. “As my Father sent me, I also send you” (John XX:21). “As you have sent me into the world, I also have sent them into the world” (John XVII:18).”

Pius XII returns in a very precise manner to this teaching:

“It is absolutely necessary to hold that those in the Body [of the Church] who are in possession of these sacred powers, are her first and chief members, for it is by them that the triple functions of Christ - doctor, king and priest - are perpetuated in accord with the mandate of the Divine Redeemer.” [47]

Let us clarify an essential aspect of this doctrine which deals with the relationship between the powers of the Church with those of Christ.

The perpetuation of Christ by the Church cannot be considered as merely the pursuing of the work of a person by other people who sequentially follow after him in time. This way of viewing things - “horizontal and univocal” - to use the expression of Journet, is a totally inadequate way of explaining the reality of the Church.

Just as Christ was sent by the Father and always lives in the Father,[48] so also the Church, “sent” [established] by Christ, always lives in Christ: this is the complete doctrine of the Mystical Body.

The Church, the Body of Christ, does not subsist apart or independent from its Head; the Church subsists in virtue of its ever-present relationship with Christ. As a result, there is nothing whatsoever in the Church which in its own way is not linked to Christ the Head. In this regard one can recall the celebrated formula of Bossuet:

“The Church is Jesus Christ poured forth and communicated,” as well as the famous response of Saint Joan of Arc to her interrogators: “In my opinion, God and the Church are the same thing...”

Thus Jesus always remains present in His Church, in which and by which He continuously acts. In a word, in the doctrine dealing with the Mystical Body of Christ, we find once again the inspired affirmation “Jesus IS WITH His Church in the accomplishment of the Mission that He confided to her:

“Going therefore, teach ye all nations; baptizing them in the name of the Father, the Son and the Holy Ghost. Teaching them to observe all things whatsoever I have commanded you: and behold I AM WITH YOU all days, even to the consummation of the world.” [49]

Let us recapitulate what has been said. According to the teaching of Leo XIII (Cf. supra p. 42), the real nature of Authority in the Church, defined by its functions of teaching and governing in view of the sanctification of souls, should flow from its union with invisible and supernatural elements. Ontologically, these elements constitute the COMMUNICATION which proceeds from Christ towards the Authority, and which results in a reciprocal RELATIONSHIP between Authority and Christ. This Communication-Relationship is concentrated in the “three powers.” The Church participates in these powers and functions of Christ. Finally, the ontological reality of this Communication- Relationship is revealed by Christ’s statement: “I AM WITH YOU.”

Jesus “IS WITH” this Authority in its proper function. This “being with” determines the true nature of Authority in the Church, and hence the nature of our submission which must be of a theological, and not only a moral order; “He who hears you hears me, and whosoever rejects YOU, rejects me.” [50] This statement is true precisely because Christ is with the Authority.

This “being with” is of an ontological order, and as such is constitutive of the reality of the Mystical Body. In connection with Authority, it is the source of what is usually called the divine assistance. This latter is directly concerned with the effectuation of the acts of Authority, while the “being with” which is the source, in conformity with the teaching of Leo XIII, concerns the very nature of Authority in the Church.

It follows that this assistance which flows from the “being with” distributes itself according to the powers involved (magisterial or jurisdictional), and even possesses divers degrees within each of them: such is classic and does not require further development here. But in every case there is this active presence of Christ which is constitutive of the true nature of Authority in the Church, and which makes this latter only analogically similar to civil authority, even with regard to the power of jurisdiction (Cf. quote from Journet, supra).

This central theological doctrine of the Church has been especially emphasized and explained in diverse ways by Pius XII in his Encyclical “Mystici Corporis” which we have already quoted. We follow this with several other passages. (Paragraphs identified by No.):

“Because Christ is so exalted, He alone by every right rules and governs the Church; and herein is yet another reason why He must be likened to a head. As the head is the “royal citadel” of the body - to use the words of Ambrose - and all the members over whom it is placed for their good are naturally guided by it as being endowed with superior powers, so the Divine Redeemer holds the helm of the universal Christian community and directs its course.” (Para. 37)

“By this interior guidance He, the ‘Shepherd and Bishop of our souls,’ not only watches over individuals but exercises His providence over the universal Church, whether by enlightening and giving courage to the Church’s rulers for the loyal and effective performance of their respective duties, or by singling out from the body of the Church - especially when times are grave - men and women of conspicuous holiness, who may point the way for the rest of Christendom to the perfecting of His Mystical Body.” (Para. 39).

“But we must not think that He rules only in a hidden or extraordinary manner. On the contrary, our divine Redeemer also governs His Mystical body in a visible and normal way through His Vicar on earth” (Para. 40).

“Nor against this may one argue that the primacy of jurisdiction established in the Church gives such a Mystical Body two heads, for Peter, in virtue of his primacy, is only Christ’s Vicar; so that there is only one chief Head of this Body, namely Christ, who never ceases Himself to guide the Church invisibly, though at the same time He rules it visibly, through him who is His representative on earth. After His glorious Ascension into heaven this Church rested not on him alone, but on Peter too, its visible foundation stone. That Christ and His Vicar constitute only one Head is the solemn teaching of Our predecessor of immortal memory Boniface VIII in the Apostolic Letter *Unam Sanctam*, and his successors have never ceased to repeat the same” (Para. 40).

“As Bellarmine notes with acumen and accuracy, this appellation of the body of Christ is not to be explained solely by the fact that Christ must be called the Head of His Mystical body, but also by the fact that He so sustains the Church, and so in a certain sense lives in the Church, that she is, as it were, another Christ. The Doctor of the Gentiles, in his letter to the Corinthians, affirms this when, without further qualification he calls the Church ‘Christ’ (I Cor. XII:12), following no doubt the example of his Master who called to him from on high when he was attacking the Church: ‘Saul, Saul, why persecutest thou me?’ (Cf. Acts IX:4; XII:7; XXVI:14). Indeed, if we are to believe Gregory of Nyssia, the Church is often called simply ‘Christ’ by the Apostle (Cf. S. Greg. Nyss., “De vita Moysis”) and you are familiar, Venerable Brethren, with that phrase of Augustine: ‘Christ preaches Christ’” (Para. 53).

“Nevertheless this most noble title of the Church must not be so understood as if that ineffable bond by which the Son of God assumed a definitive human nature belongs to the universal Church; but it consists in this, that our Savior shares prerogatives peculiarly His own with the Church in such a way that she may portray, in her whole life, both exterior and interior, a most faithful image of Christ. For in virtue of that juridical mission by which our divine Redeemer sent His Apostles into the world, as He had been sent by the Father, it is He who through the Church baptizes, teaches, rules, loses, binds, offers, sacrifices” (Para. 54).

We can now, drawing from both Revelation and the teaching of the Magisterium, harmonize all these notions of Authority in the Church.

The true and proper Mission of the Church which characterizes the Common Good towards which she is ordered, can be summed up as the transmission of the Truth which was revealed to her and the sanctification of souls: “Go, teach, baptize, teach to observe....”

Authority of the Church, as with all authority, should have the habitual objective and genuine intention of accomplishing this Good: this overriding need is of a metaphysical order which continuously resides in this society which is the Church.

But this intention cannot be genuine in a person who does not have the means of accomplishing this mission. [51] A genuine intention, as we have explained, is an efficacious intention which is translated into actions.

Now, in the Church, according to the Apostle, this Mission is entirely beyond the capacities of any individual:

“Not that we are sufficient to think anything of ourselves, as of ourselves: but our sufficiency is from God, WHO HAS ALSO MADE US FIT MINISTERS.” [52]

Under these conditions, the habitual intention of realizing the Common Good appropriate to the Church can only be genuine in a person who has Authority based on the COMMUNICATION- RELATIONSHIP with Christ the Head. It is this that gives to human heads (and first of all to His Vicar) the genuine ability of accomplishing His Mission: not by giving them some new qualities, but by “being with them” in their function.

This “being with” (“I am with you always, even to the consummation of the world”, is, by the very nature of things, absolutely necessary for Authority in the Church. [53] Authority as such, Authority in the Church formally considered, is thus comprised of two elements. One is (analogically) common with authority in natural societies: the habitual intention proceeding from the person in authority; the other, which is only to be found in the Church, in the Mystical Body, is that “with you” which proceeds from Christ.

These two elements obviously become “one” since they constitute the essence of Authority in the Church. What remains for us to show is how this unity comes about.

This habitual intention, insofar as it proceeds freely from the head, is a necessity. On the other hand, this intention can only be what it should be, it can only be genuine and efficacious, by virtue of the “being with.”

It is then by means of this “being with” that the intention is really and formally related to the Common Good. It follows that, in conformity with the metaphysical principles that normally relate to Authority, this “being with” is the most formal element of Authority such as is realized in the Church.

The habitual intention, insofar as it proceeds from the head, is then the condition sine qua non for the reception of this “being with.” And the two elements (intention, being with) thus realize their unity in accord with the classic schema for the reciprocity of causes. [54] The “being with” depends on the “intention” from the material and dispositive point of view; the “intention” depends on the “being with” from the formal point of view.

CHAPTER V

THE HOW - III - THE PRESENT SITUATION WITH REGARD TO AUTHORITY

Let us review what we have achieved:

We have first of all demonstrated (Ch. I) that, as of December 7, 1965, the occupant of the Apostolic See no longer has any pontifical Authority. This conclusion is imposed on every Catholic by the light of the Faith, because this Authority is not sustained by the criteria which the Faith provides, and by the principle of non-contradiction (which is itself immanent from the light of the faith).

In the second Chapter we observed two things:

First of all, we showed that even though one has recourse only to Chapter I, one should affirm that the occupant of the Chair of Peter remains materially a pope; that is to say that what is determined by the juridical order inaugurated in him by the fact of his having been elected, and having accepted his election, is not annulled. Or more exactly, the demonstration provided by Chapter I in itself does not allow one to say that this determination [the materiality of the Pope] would be annulled. Providing one has recourse only to this demonstration, the materiality of the pope persists.

We have moreover demonstrated in a positive manner that, in the present circumstances, the occupant of the Apostolic See remains effectively a material pope. "In the present circumstances" signifies: insofar as the persons who have in law a share in the Authority of the Church (residential Bishops, Cardinals, etc...) have not officially placed the occupant of the Apostolic See under the necessity of condemning the errors of Vatican II and its wake. If such a demand were to be made, it would enable us to add that:

- either the occupant of the Apostolic See would condemn these errors in which case he would "ipso facto" become formally Pope.
- or he would refuse, and then those responsible for demanding that he condemn these errors could and would be obliged to declare him deposed.

As neither event has come about, the occupant of the See remains materially pope: we have shown that, considering the theology of Apostolicity as applied to the Church as a human society, this conclusion imposes itself on us. We consider then that this conclusion can be considered as theologically certain. [55]

At this point, the question which ineluctably poses itself is that of the immediate cause of the violent break, a break that goes against nature (i.e., the observable fact that the occupant of the Chair of Peter is materially, but not formally a pope). To discern the real cause of this situation, to determine the reasons that underlie it, is to show the intrinsic possibility and to expose its essential nature. [56]

One should first of all think of an “a priori” method of shedding light on the problem.

If one were to demonstrate that there can only be one possible cause, one could immediately conclude that even though we were unable to directly observe it, this was effectively the cause. For example, if the only way a person could lose the Pontificate was to commit the sin of heresy, we could conclude in full certitude that the occupant of the See had committed such a sin and had lost the Papacy as a result.

But such is not the case.

First of all, the theologians have advanced several different hypotheses. Thus, apart from sin of heresy we have the sin of schism which could also produce the effect observed; one could also envisage the possibility that the election itself was invalid.

Above and beyond this, the Church has never made a categorical and definitive pronouncement on the number of possibilities that exist; and even though theologians have considered a number of them, they have not absolutely demonstrated the impossibility of yet others existing. The question remains an open one.

Since one cannot “a priori” cut off all discussion, it is useful to make an inventory of the various possibilities, even though, as we have just said, one cannot be certain that such a list is exhaustive. [57] At least these “possible causes” can serve as a hypothesis for reevaluating the facts. And perhaps it will lead us to an effective realization of one of the hypotheses. Should such occur, the real cause and essence of the present situation in the Church with regard to the problem of Authority would be effectively determined by a process of induction. We have already pointed out that the classical hypotheses such as the sin of heresy, the sin of schism, and the invalidity of the papal election would be part of this inventory. The latter could itself be the result of different causes, though these in turn can be reduced to two: defects in the election process, and defects with regard to the individual subject elected. We will consider these hypotheses later. For the present, suffice it to say that they appear to us as possibilities without any real value in the present situation because it is not possible to prove that they play a role from the available facts.

Despite all this, we have not come to the end of our investigation into the essence of the present situation with regard to Authority in the Church.

In point of fact, our study on the nature of authority, both in general and in the Church (Chapters III and IV), allow us to add a new “possible cause” to the inventory.

This “possible cause” for the loss of Authority (a hypothesis to be tested) is the absence of habitual intention (to obtain the common good).

We have in effect shown that this habitual intention pertains to the very essence of authority, whether formally based on this principle (as in the natural order) or because it is the *sine qua non* for it (as in the case of the Church).

If the facts clearly demonstrate the absence of intentions in the person who occupies the Apostolic See, we would prove by induction the reason for the situation that exists. That is to say that we would have proved that this person is materially a pope, but not formally such BECAUSE he does not have the habitual intention, both objective and genuine, of procuring the common good that is appropriate to the Church.

In principle, the verification of this hypothesis presents no difficulty. [58] The intention required for Authority is the objective intention which is manifested in the person’s acts. If one considers the collection of convergent actions of a person, they necessarily correspond to this objective intention which is their underlying or proximate principle. And such must be the case, for as we noted above, Authority is by nature an exterior and visible reality.

The question to be considered is the following: are the collection of convergent acts of Paul VI (and then of John-Paul II) objectively ordered to the real good of the Church, or to some other end?

This issue has been examined with great care. The result is available to us in the two *Liber Accusationis* of the Abbé de Nantes. [59]

On the basis of these two documents (as well as innumerable other studies published in traditional periodicals and reviews), we hold that the facts prove that Paul VI did not have (and that John-Paul II does not have) the habitual objective and genuine intention of procuring the Good of the Church. The Abbé de Nantes effectively proves that their acts are directed towards some other end than the good of the Church which he has named, not without good reason, MASDU (A Movement whose spiritual animation is Universal Democracy). [60]

And it is in this way that the second part of the Thesis of Cassiciacum is established by induction, namely, that the person occupying the Apostolic See, while materially pope, is not formally such. And this BECAUSE he does not have the objective and genuine habitual intention of procuring the common good proper to the Church.

Is this conclusion subject to any qualifications?

From the point of view of the principle established (i.e., knowing that the absence of a habitual intention implies the absence of authority), we possess metaphysical certitude as has been established in Chapter III.

The entire matter depends upon the facts, on the certitude that we can have about the observation of the actions of Paul VI and John-Paul II. In our opinion, the facts presented by the Abbé de Nantes provide us with real

certitude. It is obviously a question of that certitude which is appropriate to induction, which one can qualify, according to St. Thomas Aquinas and his followers, as probable certitude. [61]

Moreover, one knows that induction by its very nature leads the mind from probability to certitude, and this without one being able to fix a rational criterion for the passage from the former to the latter. Some minds are more demanding than others. But one can OBJECTIVELY say that the observation of the actions revealed in the works of the Abbé de Nantes allows us to prudently adhere to the conclusion without any fear of error. [62]

In order for this exposition to be complete we must still show the essential difference between the absence of intention - the reality of which we have seen - and the sin of schism of which a pope can be guilty.

First of all, let us recall the teaching of Cajetan as explained by Cardinal Journet on just what is required for a pope to become schismatic:

“the Pope could break communion [with the Church] by refusing to act as the spiritual head of the Church, as for example, by deciding to act as a temporal prince. If in order to safeguard his liberty, he were to avoid the obligations of his function; and if he did this with pertinacity, he would be schismatic.” [63]

The pope, “avoiding the obligations of his function,” “refusing to act as the spiritual head of the Church.” Do such actions not demonstrate the absence of intention such as we have been construing?

One should, however, take note of an important constituent of schism, of the sin of schism that Cajetan and Journet are discussing. This sin requires a supplementary element which they take great care to point out: namely, pertinacity (obstinacy). We will study this concept in greater detail in the next Chapter where we deal with the problem of heresy. For the present, we will confine ourselves to noting that pertinacity involves the subjectivity of the person who performs an act. Is it possible to judge with certainty the subjective state of a person’s conscience merely on the basis of the external nature of his observable actions? One can certainly judge the tree by its fruits. [64] But the imperfection of the fruit, if it proves to be that of the tree, does not necessarily indicate its nature.

What happens is that the defective objective intention proves the existence of a fault which is in the mind of the responsible person. But this defect can be the result of either a corrupted (bad) will, or of a faulty conscience. [65] In the first case the subject is conscious of his refusal to follow the good of the Church and the sin of schism. In the second case, the subject erroneously thinks that he is pursuing the good of the Church, even though he is oriented towards some other end. Such an action is not pertinacious in itself and cannot be labelled as the sin of schism. [66]

One could say with St. Paul:

“For what man knoweth the things of a man, but the spirit of a man that is in him? (I Cor. 11:11.)

Without doubt, in certain cases it is possible - assuming that it is morally licit [67] - to form an opinion based on the culpability of a given person. But then one must also take into consideration other factors beyond the simple observation of the evil actions of the person (for example, an intimate knowledge of the motives this person has). Thus we can only use induction, drawing upon observable actions relative to the good of the Church as a means of determining the habitual absence of intention. We are not allowed to judge the state of a person’s conscience, and on this basis to prove that he is guilty of the sin of schism. [68]

It would be useful to call attention to an observation made by St. Robert Bellarmine, which while not on all fours with our exposition, presents interesting analogies with it. The saintly Doctor considered the case of a bishop teaching his flock heterodox doctrine, and he calls attention to the following: [69]

“It is true that the people should discern the true prophet from the false, but not by any other rule than the following: Observe carefully if what he teaches is contrary to what his predecessors have said, [70] or that which is said by other pastors, ordinaries, and above all the Apostolic See and the principal Church; for it is commanded that the people should listen to their pastors: Luke X: He who listens to you listens to me; and Matt. XXIII, do that which they tell you to do. The people ought not to judge their pastors except when they introduce innovations or doctrines which are in disagreement with those of the other pastors.” [71]

“Moreover, it is necessary to observe that the people can clearly discriminate, by the rule that we have given, between true and false prophets. But for all that they cannot depose of a false pastor if he is a bishop and substitute another in his place. For the Lord and Apostle only commanded that false prophets not be listened to by the people; but not that the people should depose them. It has always been the practice of the Church to depose heretical bishops by councils of bishops or by an act of the sovereign pontiffs.” (Cf. loc. cit., Note 15).

On the basis of such considerations St. Robert Bellarmine distinguishes between an act of Authority considered formally, and the material occupation of the Apostolic See. The pastor who teaches what is contrary to his predecessors teaching (or to what the other ordinary pastors teach), by this very fact no longer has any Authority. In effect, the people should: 1) judge that such a contradiction exists and 2) refuse to listen any further to a false pastor (they should, of course, listen to true pastors who do have authority and who are instruments of Christ).

However, if such a false pastor is not as yet deposed, he must be deposed by proper Authority according to the laws and customs of the Church. In the interim, he continues to materially occupy the See.

And this is the summation of what we have shown and said with regard to the pope in the present crisis of the Church. [72]

CHAPTER VI

THE ARGUMENTS ABOUT A HERETICAL POPE: THE FIRST DIFFICULTY

For many centuries Catholic theologians have discussed the problems that would arise if a Pope became a heretic. Perhaps it would be possible to clarify the present situation in the Church by having recourse to their works.

The idea is attractive, for one has a sense of security by following such a course. It is intellectually satisfying to be able to quote ancient and “approved” authors whose orthodoxy is universally recognized in the Church. Unfortunately, on closer examination, this turns out to be unfruitful. The present chapter will provide the reader with the essential reasons for this.

Whenever one wishes to give a brief summary of the positions adopted by theologians on the question of a heretical pope, one comes up with well-known alternatives. Either a heretical pope is deposed (“depositus”), or he should be deposed (“deponendus”), by the very fact of his heresy. [73] In brief, this is the correct rendering of the state of this question.

Other positions have been held. A. X. Da Silveira, [74] who is the principle author to have recently studied this issue in detail, and who has examined the position of 136 different authors, concludes that the classification of St. Robert Bellarmine into five distinct categories of opinions is “absolutely applicable... even today.” [75]

The First Position holds that a pope is not capable of being a heretic. The important authorities who hold to this position (such as Robert Bellarmine himself, or Suarez) only offer it as more probable, or (according to others) as very probable. They are not able to base their opinion on either Revelation or tradition. Moreover, they have no hesitation in studying the question of the possibility of a heretical pope, even though they consider the possibility to be improbable.

This already shows us that there is no certain argument which allows one to say, in the name of Catholic doctrine, that it is impossible for a pope to be a heretic.

The Second Position envisaged by St. Robert Bellarmine affirms that if the pope were to fall into heresy, even though it only be secret (internal), he would lose the Pontificate. This opinion is professed most notably by Turrecremata, and according to Da Silveira is no longer considered a possibility. [76]

“For several centuries, none of the authors which we have consulted have defended this position.” [77]

One can say that this thesis has lost its attraction with Catholic theologians. And this seems to be justified, for it says nothing about the visibility of the Church.

The Third Opinion falls into the opposite excess: even when the pope’s heresy is clearly manifest, the pope does not lose his Pontificate and cannot be deposed. Of the 136 authors consulted, Da Silveira only found one who supported this position: the canonist Francis Bouix in the 19th Century. One can thus describe it as a “singular” opinion.

This brief review of the situation regarding manifestly heretical popes shows that our summary of commonly held theological opinions can be reduced to the alternatives of “depositus or deponendus.” Let us then examine these alternatives in greater detail.

The “classical” and well-known defender of the first (that the pope is deposed by the very fact of his heresy) is St. Robert Bellarmine. [78] For the second, the names of Cajetan and John of Saint-Thomas are dominant. [79] As for Suarez, equally well known in this controversy, Journet places him on the side of Saint Bellarmine (*op. cit. supra*), and Da Silveira with Cajetan (*op. cit. p. 220*). [80]

It is important for us to determine in what ways these two theses - depositus or deponendus - differ.

According to Da Silveira, the essential differences between these two appear to result from the fact that in the thesis of Robert Bellarmine, the various ecclesiastical organs (such as an imperfect General Council[81]) have no role to play; no other right or function than that of any other member of the faithful, while in the thesis supported by Cajetan and Suarez (and also by John of Saint-Thomas), a General imperfect Council ought to intervene in order for the deposition to effectively occur.[82]

Here is what Suarez says: [83]

“I say thirdly: if the Pope is a heretic and incorrigibly such, because of the declarative sentence of his crime, through the legitimate jurisdiction of the Church, he ceases to be Pope. This is the common opinion of the Doctors of the Church” (No. 6). “This [judgement] is itself that of all the Bishops of the Church, and thus of a General Council” (No. 7).

For his part, John of Saint-Thomas says: [84]

“Thus the pope does not cease to be the pope because of the fact that he is a heretic, even a public heretic, before the clear sentence of the Church, and before this sentence instructs the faithful to avoid him” (No. 24).

“The declaration of the crime pertains, not to the Cardinals, but to a General Council” (No. 17).

What can we say at this point about the position of Robert Bellarmine? Is Da Silveira correct when he thinks that according to this Doctor no judgement of the Church (by an imperfect General Council or some other organ) is required for the pope to lose his pontificate on account of heresy? The issue seems to us to be at least debatable.

Is it true that Robert Bellarmine does not explicitly speak of a specific intervention on the part of the Church as being necessary before the loss of the Pontificate?

“The fifth opinion is thus the true one: a manifestly heretical pope ceases by that very fact to be pope and head, even as he ceases by this reason to be a Christian and a member of the Body of the Church; and this is why he can be judged and punished by the Church. This is the position of all the ancient fathers who teach that manifest heretics immediately lose all jurisdiction” (Loc. Supra, Note 2).

However, before giving this solution, Saint Robert Bellarmine provided other indications as to his thinking by his criticism of the various alternative possibilities. It is important to consider these, especially with regard to the opinion expressed by Cajetan.

“The fourth opinion is that of Cajetan in his treatise on the authority of the Pope and of a Council, Ch. XX and XXI, where he teaches that a manifestly heretical pope is not deposed by that very fact, but can and should be deposed by the Church. In my opinion this cannot be defended, for first of all, the fact that a manifest heretic is by that very fact deposed is proven by means of authority and of reason. The authority is that of the blessed Paul who, in his Epistle to Titus, Chapter III, commands the faithful to avoid the heretic after two warnings, which is to say, after it is clear that he is pertinacious, and that above all he understands the excommunication and sentence of the judge. As Jerome says in this place: other sinners are excluded from the Church by the sentence of excommunication, while heretics separate themselves, and cut themselves off from the Body of Christ; but one cannot shun the pope as long as he remains pope. How, in effect, is it possible to avoid our head? How can we be separate from a member of our body that we are attached to?” (loc. cit. supra, Note 2).

Thus St. Robert Bellarmine, like Cajetan and others that treat of the subject, refer back to St. Paul’s letter to Titus (III:10): Avoid the heretic after the first and second admonition. And St. Bellarmine recognizes and affirms that [the rejection] of two warnings manifests the pertinacity of the heretic:

“The Blessed Paul... commands us to avoid a heretic after two warnings, which is to say, after it is clear that he is manifestly obstinate.”

At this point a question to which our Doctor has not given a clear answer ineluctably raises itself: Who (and by what method) should the warnings be given? For a matter of such great importance for the entire Church, is it not necessary that the warning possess a clear import for the whole Church (at least to the degree possible in the situation under consideration) - perhaps an imperfect General Council?

Even though he does not affirm this in an explicit manner, it is difficult to claim that Saint Bellarmine rejected such an intervention on the part of the Church, for he explicitly refers to the “two warnings” of St. Paul which would seem to impose just such an intervention.

An additional argument along the same lines comes from the criticism which St. Bellarmine makes against the second opinion (according to which the Pontificate would be lost even if the heresy was entirely interior). Our Doctor observes:

“I do not approve of this opinion, for jurisdiction has been given to the Pontiff by God, but not without the consent of men, as is evident from the fact that it is through the medium of man that this man who was not a pope began to be a pope; because he was not raised up by God (a Deo) other than through the intervention of human beings (PER hominem): But the secret heretic cannot be judged by men; and he himself would not desire to spontaneously give up his power” (loc. cit. supra, Note 2).

Thus, St. Bellarmine states, as against the second opinion, the necessity of an intervention through the judgement of men in any process which would end up in the loss of the Pontificate. In view of this it would be rather difficult to attribute to him an opinion which absolutely excluded such a judgement!

We can confirm the above analysis by observing that this is precisely the manner in which John of Saint-Thomas understood Robert Bellarmine in classifying him with Suarez (and the same is true of Cardinal Journet):

“This why Bellarmine and Suarez consider that the pope, by the very fact that he is a manifest heretic and is declared to be incorrigible [by the Church], is immediately deposed by Our Lord Jesus Christ, and not by means of some authority in the Church. (loc. cit. supra, Note 6, No. 20).

But what then, one can ask, is the difference between Saint Bellarmine and Cajetan, if as we claim, they are in agreement about the need for the intervention of the Church?

This difference, we think, rests on the nature or the scope of this intervention. One should not forget the general setting in which the possibility of a heretical pope was studied during the 16th and 17th centuries. It was always that of knowing if there was any authority on earth superior to that of the Pope who has the last and final word with regard to all disputes. This is shown by the title of Cajetan’s work. And similarly, Chapter XXX of Bellarmine’s “De Romano Pontifice” had as its purpose the demonstration that the Roman Pontiff is neither judged nor deposed by the Church, even in the case where he is a heretic; and this is also the perspective embraced by Chapter XXVI which proposed to establish the primacy of the Roman Pontiff from the fact that no one on earth could judge him.

Catholic authors are clearly in agreement on this principle. There is no power on earth superior to that of the Pope. Cajetan considers that he has sufficiently safeguarded this principle in introducing the idea of the ministerial power of the Church in the case of a heretical pope; this power is not superior to that of the Pope, but

it is superior to the union of the Pontificate with a heretical individual. The following is the conclusion of his XXI Chapter (op. cit. supra, Note 6):

“With this power which we recognize in him, it is clear that the Church has absolutely no power over the Pope, and even in the situation where he is a heretic, it does not, properly speaking, have power over the Pope, but on the conjunction of the Papacy with Peter which it dissolves.[85] And thus it clearly appears that the power of the Church is on the conjunction of the papacy and Peter, both in his becoming such and in the destruction of such, the subject being disposed to the accession as such by means of the faith and the will, and the destruction of such by heresy or the will; and as this power is inferior to that of the papacy, it cannot in any way limit the power of the papacy. And so one sees that the Pope has no power above him, even in the case where he is a heretic: which it is our purpose to show.”

St. Bellarmine, on his part, does not think that these explanations really safeguard the absolute superiority of pontifical power. What he denies and rejects is the affirmation of Cajetan according to which the intervention of the Church constitutes a deposition (of a heretical pope). And this is, as we see it, the exact point of disagreement between these two notable authors.

This is why we believe that John of Saint-Thomas provides the best account of the true state of the question as it has been elaborated during the course of the centuries. He writes:

“Even though some seem to have held this opinion, one cannot admit that the pontiff, even if he is a heretic, ceases to be pope before the declaration of the Church. That which is objectionable in this opinion is this: The declaration of the Church being on the fact that the pope is a heretic, is he by this very fact deposed by the Church, or is he by this fact deposed by Jesus Christ? Until the Church decides which of these statements is correct, one should always consider that the pope is pope, as will become clearer from the following section.”
[86]

We will not go farther with the examination of the state of this question at this time. We believe, however, that we have sufficiently demonstrated from theological tradition that the subject - that is to say, a heretical pope - loses his pontificate without any official intervention on the part of the Church - is a long way from being affirmed.

Such then is the reason why we consider that the hypothesis of a heretical pope, such as it has been classically studied, cannot provide us with any decisive light on the present situation. From the actual state of the doctrine it is clear that, at least in practice, a declaration of the Church would be necessary for one to be able to conclude with certitude that a pope had effectively lost the pontificate because of personal heresy.

CHAPTER VII

THE ARGUMENTS ABOUT A HERETICAL POPE - SECOND DIFFICULTY

The preceding chapter has shed light on the doctrinal difficulties associated with “the argument about a heretical pope.” A second difficulty arises with regard to the fact of heresy.

How can we be certain in a particular case that the pope, or more generally, any Christian whatsoever, is truly a heretic?

The question will only surprise those who confuse the SIN of heresy with a heretical DOCTRINE. The two things are certainly connected; but not in an absolute or rigid manner. We must review this issue before we can draw the appropriate consequences for our discussion.

Currently the theologians of the Church understand the meaning of the words “heresy” and “heretic” in several different ways. [87] In order for us not to be misled by serious errors in our argument with regard to this matter, it is important for us to distinguish their different meanings. Further, we would like to call attention to the fact that the terminology used by different authors is far from uniform. [88]

Let us start by noting that the word heresy can be used to qualify a given doctrine. A heresy is then a proposition opposed to a truth revealed by God. But such is only a general view of the situation.

First of all, the opposition at issue can be immediate, direct and an open one, or more or less mediate, indirect and only contrary. For example, the affirmation that there is no eternal Hell is directly opposed to a revealed doctrine, while the denial of Limbo (for infants who die without being baptized) is not an immediate contradiction (but only indirect) to an explicitly revealed doctrine.

Again, Revelation comes to Christians through the infallible propositions of the Church. Now such propositions can be more or less explicit and carry various degrees of certainty. To be precise, the Church can present a doctrine as infallible, either affirming or without (explicitly) affirming that it is revealed.

To summarize, there are two great sources of distinction for the characterization of doctrines: on the one hand, their connection with the sources of Revelation, and on the other their being taught by the Magisterium. From this the theologians and canonists have established under the eyes of Authority, lists of categories with their censures. We provide two examples of this, those of Salaverri and Cartechihi. [89]

ACCORDING TO SALAVERRI

<i>NOTES</i>	<i>CONDITIONS REQUIRED</i>	<i>CENSURES</i>
Of Divine Faith.	Found formally or directly in the Sources of Revelation.	Error in Divine faith
Theologically Certain	Strictly deducted from the Sources of Revelation by means of natural truths that are certain	Theological Error
Pertaining to the Faith in general	Concerning what is revealed either formally or directly, or virtually and indirectly	Error with regard to the faith
Infallibly certain = Pertaining to the Faith in general	Taught by the Magisterium of the Church, an infallible act.	Error in doctrine or the faith
Catholic Doctrine	Taught by the universal Magisterium in a clearly authentic manner	Error in Catholic doctrine
Catholic Doctrine in general	Taught by the universal Magisterium either infallibly or in a clearly authentic manner	Error with regard to Catholic doctrine
Of Divine and Catholic Faith	Formally contained in the Sources of Revelation, and proposed to us as infallible and as an object to be believed DOGMA OF DIVINE FAITH (Denzinger 1972)	Formal and General heresy
Of Divine faith so defined	Formally contained in the Sources of Revelation, and defined as an object to be believed by a solemn judgement DOGMA OF DIVINE FAITH SO DEFINED (Denzinger 1792)	Formal and grave heresy
Of Divine and Catholic Faith strictly speaking	Formally contained in the Sources of Revelation, and infallibly proposed by the universal Magisterium as an object to be believed DOGMA OF DIVINE & CATHOLIC FAITH (Denzinger 1792)	Formal heresy in the strict sense
Of Catholic Faith in general	Necessarily tied to Revelation and infallibly proposed as an object to be believed	Error with regard to the Catholic Faith in general
Defined as Catholic Faith	Linked to Revelation and defined as an object to be believed by a solemn and infallible judgement	Error in Divine Faith
Pertaining to the Catholic in the strict sense	Linked to Revelation and proposed as an object to be believed by the Universal and infallible Magisterium	Error in Catholic Faith in strict sense
lose to any of the 12 above	Approximating to the above 12 according to the virtually unanimous	Approximating to the censures

	opinion of theologians	
Theologically Certain	Strictly deduced from what is Theologically certain by means of a natural truth that is certain. Or presented as such according to the unanimous opinion of theologians	Temerarious and false

(The Table of Cartechini is not translated, but is quite similar in content.)

Let us indicate one of the important theological controversies linked to this issue. As we have said, when the Church infallibly defines a doctrine, it does not always affirm that said doctrine is revealed. Some theologians consider such doctrines as infallibly defined, but not as revealed, and hence to be believed, not with “divine,” but [only] with “ecclesiastical” faith. Along with this they do not consider contrary or opposed doctrines as heretical in the strict sense of the word. (Moreover, there are many nuances in their expositions which we need not go into here.) Others consider that “ecclesiastical faith” is in no way different from “divine faith,” and consider doctrines which dissent from such as heretical. [90]

In the second place, the word “heresy” can designate, not only a doctrine considered objectively, but also the act of an individual subject: here the word is used to designate “the sin of heresy.”

In this situation heresy involves the adhering of a subject to a heretical doctrine. But it is not just any kind of adhesion that constitutes the sin of heresy.

This is how Merkelbach defines the sin of heresy: [91]

“An error in the Catholic faith which a person who professes Faith in Christ willfully holds with obstinacy.” [92]

The last element (“in one who professes Faith in Christ”) concerns the individual subject adhering to the heresy. This element allows one to distinguish between heresy and apostasy (which is the total rejection of all that the Christian Faith teaches), and from the infidelity of the Jews and Pagans (who never received the Faith).

The first three determinants: “error,” “in the Catholic Faith,” and “willingly,” constitute the material element of heresy. There must above all be an error in judgement. As a result, a person who in the external forum denied the Faith, as for example from fear when threatened, or in a joking manner, without any interior adherence to this negation, is not a heretic - not even a material heretic. Such a person however sins gravely against the external manifestation or “confession of the Faith.”

Next, the error must relate to the Catholic Faith. Here we must go back to what we have said about heretical doctrines. It must be an error opposed to a revealed truth and presented to us as such by the Church. We have already pointed to the debates that exist with regard to the extent of what is covered by the terms “Catholic

Faith” and “heresy.” Whatever view one takes of these issues, from the external point of view which is that of Canon Law, and hence from the point of view of the Church as a society, heresy is what is opposed to one “one of the truths one is obliged to believe with divine and Catholic Faith” (C.I.E., Canon 1325, Para. 2); and these truths are for the Code of Canon Law, those which are revealed, or which are presented to us as such by the Church.

“All those things are to be believed with divine and Catholic Faith which are contained in the word of God either written or transmitted, and which the Church proposes to us to be believed as divinely revealed, either by a solemn judgement, or by the ordinary and universal Magisterium” (1917 Code; Canon 1323:1).”

According to this, at least canonically, and in the external forum, a person who denies a truth infallibly defined by the Church, but not as a revealed truth, would not be a heretic. [93]

Finally, the third constitutive and material element of the sin of heresy is the will. A deliberate and conscious adhesion to the doctrine which is heretical is necessary. But if the person who willingly adheres to this doctrine does not know that it is heretical, he is only materially a heretic, and he does not commit the sin of heresy by his adherence (even though he may gravely sin in proportion to the culpability that he bears for his ignorance).

The formal element is absolutely required for the sin of heresy to be involved. That is to say, the person must adhere to the heresy with OBSTINACY. All the theologians are in agreement on this point. Let us cite several authors:

“The formal element [of heresy]: Obstinacy of the kind where someone opposes the authority of God and the Church, not by ignorance, even though it may be culpable ignorance, but knowingly and willingly, which is to say, with a bad will, while at the same time the truth proposed by this same authority is sufficiently clear to him; that he acts in this way through pride or vainglory, by a desire to contradict because of frivolity for some other reason.” [94]

“Obstinacy essentially consists in this, that an individual retains his erroneous judgement while knowing that the contrary to his position is held by the Church; in that he prefers his own judgement on account of pride, the desire to contradict, etc.” [95]

“Everybody admits that obstinacy is required for someone to be a heretic, and when such is the case, he incurs the ecclesiastical penalties against heresy.” [96]

Obstinacy is then a formal constituent of heresy; it is conscious opposition to the infallible authority of the Church (and God). And more precisely, it consists of adhering to one’s own judgement when one knows that the Church teaches a contrary doctrine to what one holds and teaches that said doctrine is revealed. [97]

It is necessary to clearly understand that it is not the duration of time that is involved in adherence to an error that constitutes the formal sin of heresy.

“It is not necessary that one persist for a long period of time in error, that one defend an error with violence, or that one belong to a sect. - On the contrary, a person who is disposed to submit his judgement to that of the Church is exempt from the formal sin of heresy, even though he defends his position strongly through ignorance, and even though this is culpable and crude.” [98]

Let us examine the role of ignorance in the matter of heresy more carefully. Ignorance precludes the sin of formal heresy and reduces it to material heresy. On the other hand, it does not always excuse the individual from sin, for the ignorance itself may be culpable.

“Material heresy is without sin, if ignorance is invincible; if the ignorance is culpable, providing there is no serious negligence, the sin is venial; otherwise there is the sin of grave ignorance of the faith, but not the sin of heresy.” [99]

Ignorance, even when vincible and culpable, prevents the sin of heresy from being formal. But is this true of all and every kind of ignorance, or are there exceptions?

Moralists distinguish principal degrees of ignorance: ignorance which is simply vincible, ignorance which is crass or supine, and ignorance which is affected.

In the first situation, there is simply a certain degree of negligence in avoiding ignorance (and hence the culpability is light). In the situation where the ignorance is crass or supine, the negligence is almost absolute (and hence, if the subject matter is serious, the culpability is grave). When ignorance is affected, it is expressly engaged in order to sin (as for instance if one doubts if a given book is on the Index, and is capable of finding out, but does not find out in order to be able to read the book).

The majority of Catholic writers agree that ignorance, even when crass and gravely culpable, prevents heresy from being formally sinful (Cf. *supra*, the quotes from Genicott and Merkelbach). This is also the teaching of St. Alphonsus de Liguori: [100]

“A person is not a heretic as long as he is ready to submit his judgement to that of the Church, or if he does not know that the true Church of Christ holds to the contrary [of his opinion] even though he stubbornly holds to his position because of ignorance, and even if the ignorance is culpable and crass.”

It is only with regard to ignorance which is affected that opinions of the theologians are at variance. Some consider that affected ignorance does not prevent heresy from being formally sinful. Others say it does not excuse, if it is affected for an error against the Faith (but that it excuses from the sin of formal heresy if it is affected for some other culpable end). Finally, some absolutely affirm that affected ignorance is opposed to the

formal sin of heresy: this is for example the opinion of Cardinal de Lugo which he further qualifies as being the most common.

“The fifth position, most true and commonly accepted, says that all ignorance, even if it be crass or affected, excuses the person from heresy and from the penalties of heresy.” [101]

These brief considerations sufficiently demonstrate how difficult it would be in the majority of situations to determine if a given person who adheres to a heretical doctrine is actually a formal heretic.

Certainly, if a Catholic expressly states that he rejects the Church, or that he adheres to a heretical sect, one can have the basis for an objective moral certitude that he is a formal heretic. Similarly, if a Catholic denies a doctrine which is actually taught by the living and unanimous Magisterium (the ordinary universal Magisterium) as revealed, and which is explicitly confessed with total agreement by all the living faithful in the world, one could normally acquire an objective and moral certitude of his formal heresy.

But, apart from such situations, it is difficult if not impossible to have objective certitude about the matter; and most often one remains doubtful, or at best, suspicious.

In effect, as soon as one leaves the domain of the truths of the Faith which are currently explicitly taught by the ordinary and universal Magisterium, or believed in all those faithful to the said Magisterium, it is practically impossible to discard the possibility of ignorance, an ignorance which, even if it be crass, is real.

On the basis of a personal knowledge, one can sometimes have a moral certitude with regard to a given person's obstinacy, but then one finds oneself in the private domain, and such privately obtained knowledge cannot have any value for the Church in determining objective certitude; nor can it be imposed as such on the other faithful.

To return to the question of a heretical pope, one must hold that is not enough to show that he adheres to a doctrine which is in fact heretical. It is necessary to prove that he does this while at the same time knowing that the Church condemns said doctrine as heretical.

And to say that the pope, in view of his responsibilities, should know this is also not sufficient to this purpose. We have already shown that ignorance, even when crass and gravely culpable, protects the individual against the sin of formal heresy.

In practice, and apart from the improbable situation where such a pope would spontaneously acknowledge his heresy, one does not see how an objective moral certitude having value in the eyes of the Church can be established apart from an intervention of some Authority in the Church, an intervention the purpose of which is to “warn” the pope about the error to which he is adhering. And so, from the point of view of establishing the

fact of heresy with certitude, one once again comes back to the need for a warning (or even “two warnings”) as was demanded by St. Paul: [102]

“After one or two warnings reject the heretic.”

In the present circumstances, in the absence of the necessary warning(s), we do not see how it is possible to affirm that Paul VI or John-Paul II are guilty of the sin of formal heresy.

This then is the second determining reason which makes it absolutely useless to refer to the various theses with regard to the case of a heretical pope in order to clarify the present situation in the Church. [103]

No one should claim that if what we have said is true, the faithful find themselves without any recourse from the bishops and pastors who are spreading heresy or errors that have been infallibly condemned abroad.

We have in effect shown, in the first five chapters, that every Catholic can and should conclude that there is an absence of Authority in the Church today. And that this is the case without appealing to the possible personal heresy of the pope (or bishops). This conclusion is based solely on the opposition or contradiction that exists between the teachings of these false prophets and that of the true Church. This alone suffices, as St. Robert Bellarmine points out in the text which we have already quoted, to enable the faithful to save themselves from being led astray.

In a word, in order to be protected against false teachers, it suffices that the faithful be able to recognize that these teachers no longer have any Authority. It is not necessary for the faithful to accuse them of the sin of formal heresy. Nor is it necessary for them to affirm that these teachers are definitively and juridically deposed, and as a result no longer hold their sees even materially.

One should not be surprised that the classical thesis of an “heretical pope” clarifies nothing about the present situation in the church; for in fact this thesis was proposed and discussed with regard to an entirely different situation.

According to the spirit and the letter of the classic discussions, the matter under consideration was a pope who held to a heresy on his own; the theologians did not envisage that the other bishops and cardinals would find the errors so acceptable! They admit as understood that they react and ask themselves how the Church could legally defend itself.

Today we have a problem with a pope who not only is spreading error in his official teaching, but what is more, is spreading error by means of an ecumenical council; and this in a situation where no bishop possessing any degree of authority has reacted.

It is only natural that principles developed for use in one situation do not decisively clarify matters when the circumstances are entirely different.

CHAPTER VIII

THE CASE OF A HERETICAL POPE CAN CANON LAW PROVIDE US WITH A SOLUTION?

Some authors, doubtless aware of the impossibility of coming to any firm conclusion by means of the various theological hypotheses regarding a heretical pope, have thought that they might be able to resolve the problem with the help of Canon Law.

With this in mind they have especially considered Canon 188, paragraph 4 (the loss of ecclesiastical office by public defection from the Catholic faith) and Canon 2314 (listing the penalties imposed on heretics).

This attempt also seems to us to be inoperative. We shall show the mistakes involved: first in principle, and then, in order to be exhaustive, in application.

First of all, the attempt to impose the strictures of Canon Law on the Pope finds itself in conflict with an irreducible principle. And this is that the Roman Pontiff is not subject to Canon Law, which is a collection of Ecclesiastical Laws. Bride has made this principle clear in his article on ecclesiastical censures. [104]

“The subject [person] penalized must be subordinate to the jurisdiction [authority] of the prelate who imposes the penalty, for jurisdiction, whether territorial or personal, can only be validly exercised on those over whom one has authority. It follows that:

1 The sovereign Pontiff can never be subject to any censure, whether imposed by another, as he has no superior on this earth, or by himself which would imply a contradiction.”

In a similar manner Wernz-Vidal writes: [105]

“As censures cannot bind those who are not subject to the ordinary or delegated jurisdiction of a prelate who inflicts the censure, it follows that no ecclesiastical Superior can incur a censure imposed upon himself, because no one is his own subject. Thus the Roman Pontiff, as long as he is the Roman Pontiff, cannot be bound by ecclesiastical censures; in effect, he has no one superior to him in this world.”

And Father Cappello states: [106]

“The Pope enjoys universal ecclesiastical authority, both extensive and intensive. He is, in effect, above Canon Law; and his authority is not limited in any way by the decrees of the Councils and the statutes of the Fathers, as the Gallicans wrongly pretended.

The power of the Roman Pontiff is such that in its valid exercise it is only limited by the natural and positive divine law, and by the goals of the Church, of which he is the chief. The licit exercise of his power is subordinate to prudence and to the obligation to act with the edification and not the destruction of souls in view. Outside of these limits the Pope can validly and licitly do anything he wishes.”

In order to establish this doctrine on ground beyond all doubt, it should suffice to quote Pope Benedict XIV:

“The Pope is superior to Canon Law, and because of this no bishop exists who is not his inferior.” [107]

Now clearly the question of an “heretical pope” above all involves the divine law. We have examined this issue with care in chapters VI and VII and have seen what conclusions can be drawn when one examines the question from this point of view.

But Canon Law provides supplementary determinations, which relate as such to ecclesiastical law and not to divine law.

As a result, the determinations that one finds in the Code of Canon Law on the penalties that heretics sustain with regard to the loss of ecclesiastical offices cannot be used against the Pope.

It follows that as a matter of principle, a solution cannot be provided “by means of Canon Law.”

It would, however, be useful to examine the two texts which are most often quoted and to show how their application once again demonstrates that they have no bearing when the subject is the Roman Pontiff.

Canon 188:4

“By virtue of a tacit renunciation, admitted by the law itself, any office whatsoever is vacant by this very fact and without any declaration if the cleric:

4: Publicly defects from the Catholic Faith.” [108]

As the canonists recognize, this text establishes a legal presumption. Let us quote several authors to show that such is the case.

“Tacit Renunciation. Only those acts which are free, certain, criminal, and admitted by the incumbent of an office, lead to the loss of same in virtue of the law itself (either by a presumption of the law or the law), without any notification of the renunciation, nor accepting of same by a superior. Eight of these are enumerated in Canon 188 (a restrictive enumeration and hence tacit resignation cannot be invoked in other similar situations.”[109]

“The law admits certain situations where a tacit renunciation results from an act of an incumbent office holder which results in his losing his office in virtue of a juridical presumption, and by which the office involved becomes ipso facto vacant without any declaration or acceptance by the competent superior of the office holder, and which occurs without any declaration or resignation or other special formality” (Canon 188).[110]

“Renunciation in general: 1. One can define it as the resignation of an office placed in the hands of a Superior who accepts it. This is a voluntary and legitimate situation. 2. One can divide such into express and tacit categories. It is express when one renounces an office orally or in writing; it is tacit when the office is abandoned, not by means of words or a written statement, but by a free act from which the renunciation follows; hence a situation where the office becomes vacant because of a disposition of the law. Such is not a true renunciation, but it is presumed by the law as the result of a fact...” [111]

“The renunciation is express when it is presented in formal terms or by writing to a competent superior under those conditions foreseen by the law. It is tacit when it comes about because of the presumption of one of the acts laid down by the law, notably by Canon 188.

“Tacit renunciation. One knows that it is the result of a legal presumption, and never the object of a declarative judgement.” [112]

One can see that the entire force of Canon 188 flows from a legal presumption (and from the law) which this Canon establishes. Now, by nature, a presumption of law (or legal presumption) draws its power from the law, and hence from the authority which establishes the laws. [113]

It follows that Canon 188 cannot be applied to the Pope who is not subject to ecclesiastical Authority insofar as it is he who gives force to the law.

Thus, even if we suppose that one can prove that the Pope is “publicly detached from the Catholic faith” (in the sense of Canon 188:4, which must be clarified; cf. infra, one could in no way conclude, that as a result of the application of Canon 188, his office is vacant. [114]

Canon 2314:1

“All apostates from the Christian faith, all heretics and all schismatics:

- 1) incur excommunication “ipso facto” and;
- 2) Unless they repent, shall be deprived of any benefice, dignity, pension or other charge which they may hold in the Church, and be declared infamous; clerics, after repeated warning, shall be deposed;
- 3) If apostates, heretics or schismatics have joined a non-Catholic sect, or publicly professed themselves members thereof, they are by this very fact (“ipso facto”) infamous; clerics, after having been warned without result, may be degraded and their offices thereby become vacant.

This Canon establishes two penalties “*latae sententiae*” against heretics (and also against apostates or schismatics): a medicinal penalty (censure), excommunication which strikes against all the offenses of heretics (apostates and schismatics); and a vindictive penalty, the ignominy of the law particularly directed against heretics (apostates, schismatics) who publicly join a non-Catholic sect.

Now, as we pointed out at the start of this chapter, the penalties cannot be adapted to a Sovereign Pontiff who has no superior in this world. One cannot then utilize this Canon in order to prove anything whatsoever against Paul VI and John-Paul II.

We would like to add a few observations that deal with the spirit of Canon Law when dealing with heretics.

First of all, excommunication *latae sententiae* as foreseen by Canon 2314:1 does not carry in itself the loss of jurisdiction. It is only after a declarative sentence that jurisdiction is lost. This is what Canon 2264 states:

“A jurisdictional act on the part of someone who is excommunicated, whether in the external or internal forum, is illicit; and if a condemnatory or declarative sentence has been passed, it is also invalid, except where the rule of Canon 2261:3 applies [i.e., when the recipient is in danger of death]; otherwise it is valid, and even licit, if it is demanded by the faithful in accord with the norms of Canon 2261:2.

In Canon 2314:1, the first clause only restricts a heretic who has lost his jurisdiction as a result of this fact. And such conforms to what the second clause of the same Canon envisioned: the heretic should be deprived of his office, if after a warning he does not repent.

Secondly, where the issue is one of public heresy, Canon 188:4 applies (cf. *supra*) which deals with the possible *ipso facto* loss of office. [115] The public defection in the faith can occur by the fault of apostasy or heresy. We will examine the latter, but what we say applies naturally to apostasy also.

That which must be public is the defection from the faith, that is to say, formal heresy such as it is defined by the Code (Canon 1325:2):

“If anyone, after the reception of Baptism and retaining the name of Christian, denies or doubts with obstinacy one of the truths which it is necessary to believe with divine and Catholic faith, he is a heretic.”

As one can see, for both the canonist and the theologian, obstinacy is intrinsic to the very idea of heresy.

The material adherence of a person to a condemned doctrine, even though it be public, is insufficient for the application of Canon 188:4. It is also necessary for his obstinacy to be public. One finds here again all the difficulties we analyzed in the last chapter. In practice, if it is not a matter of dealing with a doctrine actually taught by the universal Magisterium, and received as such by all the faithful, it would be impossible for defection from the faith (with obstinacy), to be known, even though it be public, unless the delinquent himself affirmed his refusal to submit to the judgement of the Church.

Apart from this the fault remains - prior to the intervention of competent Authority - formally occult, and canon 188:4 does not apply. [116]

And it is not possible to believe that one can escape from this conclusion by invoking Canon 2200:2:

“The external violation of a law being certain, the intention [or deceit] is presumed in the external forum until the contrary is proved.”

This prescription obviously does not imply that every public material crime is automatically to be considered as formally public! (Otherwise, the distinction established in law between materially occult and formally occult would have no meaning.)

The presumption of the law does not permit any one or particular individuals to judge their neighbor as morally culpable as soon as he openly commits an evil act (until the contrary is proven!), which would be opposed to the Divine Law (you shall not judge). The presumption of the law is a means of providing proof and requires a competent judge. Its effect is to separate the charge from the evidence (Canon 1827). We have but to quote Wernz-Vidal on this subject:[117]

“The presumption of the law, in the first place, supports the party in favor of which it is instituted, be it the accuser or the accused, from the obligation of proof, providing that the facts on which it is based are established.”

The authors make further qualifications in a note:

“But, for the charge to be free from the evidence: 1) the antecedent facts on which the presumption is based should be stated in a legal form in the judicial act; 2) the facts should be notorious and confessed in the judgement.”

These various indications, we hope, will allow the reader to better understand the import of these various canonical sources which are often cited with regard to the matters under consideration. Above all, they will allow him to understand that Canon Law in no way allows for the resolution of the “question of Authority” which the present situation in the Church raises.

CHAPTER IX

ONE LAST POSSIBILITY THE BULL “CUM EX APOSTOLATUS” OF PAUL IV

On February 15, 1559, Pope Paul IV established the following in his Constitution “Cum ex Apostolatus”:

“Para. 6: In addition, if ever at any time it shall appear that any Bishop, even if he be acting as an Archbishop, Patriarch or Primate; or any Cardinal of the aforesaid Roman Church, or, as has already been mentioned, any legate, or even the Roman Pontiff, prior to his promotion or his elevation as Cardinal or Roman Pontiff has deviated from the Catholic Faith or fallen into some heresy:

(i) the promotion or elevation, even if it shall have been uncontested and by the unanimous assent of all the Cardinals, shall be null, void and worthless.

(ii) it shall not be possible for it to acquire validity (nor for it to be said that it has thus acquired validity) through the acceptance of the office or consecration, of subsequent authority, nor through possession of administration, nor through the putative enthronement of a Roman Pontiff, or veneration, or obedience accorded to such by all, nor through the lapse of any period of time in the foregoing situation.

(iii) it shall not be held as partially legitimate in any way;

(iv) to any so promoted to be Bishops, or Archbishops, or Patriarchs, or Primates or elevated as Cardinals, or as Roman Pontiff, no authority shall have been granted, nor shall it be considered to have been so granted either in the spiritual or temporal domain;

(v) each and all of their words, deeds, actions and enactments, howsoever made, and anything whatsoever to which these may give rise, shall be without force and shall grant no stability whatsoever nor any right to anyone;

(vi) those thus promoted or elevated shall be deprived automatically, and without need of any further declaration, of all dignity, position, honor, title, authority, office and power, without any exception in respect of those to which they may have been promoted or elevated before they deviated from the faith, became heretics, incurred schism, or provoked or committed any or all of these.”[118]

Does this apply to the Roman Pontiff? This Constitution states that, if one day it is found that the pope in charge has deviated from the faith or fallen into heresy prior to his election, this election and all the acts which followed

are null, no matter how much time has passed and regardless of whether the whole world recognizes him as Pontiff.

We will come to an important theological conclusion which flows from this clause in the appendix where we discuss “The Legitimacy of the Roman Pontiff.”

At this time we will only examine the arguments based on this Constitution which some think is capable of resolving the problem of a heretical pope.

The argument is the following: Rather than examining the heterodox teachings of Paul VI and John-Paul II, all we have to do is to prove that they fell into heresy prior to their election, and then to apply the Constitution of Paul IV.

We oppose this argument with two objections:

The first concerns the very fact of heresy. The proof of the sin of formal heresy encounters in the present state of affairs, the same insurmountable problems we pointed out in Chapters VII and VIII. [119]

It suffices to show that the Constitution provides us with no new grounds from which we can draw conclusions.

The second objection is based on the fact that the canonical dispositions of this Constitution have not been included in the 1917 Code of Canon Law and are therefore, by this fact, abrogated. [120]

It thus seems impossible to apply the disciplinary dispositions of this Constitution. All that remains of these dispositions is what is contained in Canons 188:4 and 2314:1 of the Code of Canon Law. It is to these two texts and not to the Constitution of 155 - that one should refer oneself (as we have said in the preceding chapter) in order to know the law as it is currently in force.

It does not suffice to note, as against this objection, that the dispositions of the Constitution of Paul IV “have their origin in the divine law,” and hence are still in force. For it is in the very nature of positive law to be “in the line” of natural or divine law. The positive law carries determinations which are necessary for the divine or natural law to be concretely applied, even though their precise nature is not fixed by the latter.

In the case of the heretic, as a consequence of the “divine law,” there is clearly a certain radical incompatibility between the condition of a heretic and ecclesiastical duties.[121] But how this radical incompatibility leads up the ultimate consequences (privation of office, of jurisdiction; deposition...) is something that the divine law does not determine, and furthermore, this is something that the Church has never made explicit to the degree that these determinations implicitly exist in Revelation.

And Paul IV does not affirm in the other parts of his Constitution that these dispositions which he draws from the revealed Deposit cannot be considered as ecclesiastical laws.

We conclude thus that the argument founded on said Constitution lacks conclusive force. [122]

As for the current dispositions (Canons 188:4 and 2314:1), we have already examined their essential nature in the previous chapter.

The application of Canon 188:4, as we have seen finds itself up against the impossibility of objectively proving (in the current state of affairs) that the sin of formal heresy is involved in a manner that has value in the eyes of the Church.

There remains notoriety as established by the law in Canon 2314:1&3 with regard to heretics (schismatics and apostates) who give their name or adherence publicly to a non-Catholic sect. But whatever may come from a detailed consideration of this disposition, we do not see that Paul VI or John Paul II can be accused of such adherence either before or after their election. [123]

We conclude that from the studies which we have developed, not only does the Thesis of Cassiciacum point to the absence of [Papal] Authority and the material occupation of the See of Peter, as being well established; but even more, as being the only thesis that can furnish a clear and objective description of the present state of Authority in the Church.

CHAPTER X

THE MATERIAL PERMANENCE OF THE HIERARCHY

This study (Chapters I-IX) of the various arguments advanced in hopes of proving the formal heresy of the person who occupies the Apostolic See has shown us that no one can come to such a conclusion. We have further confirmed this by means of our positive inquiry (Chapters I-V) which demonstrates that after December 7, 1965, the occupant of the Apostolic See no longer possessed Pontifical Authority, even though he remained materially the pope.

It remains for us to examine the problems that directly concern the validity of the election. And we have on the one part to consider the election of Paul VI which occurred before the present situation in the Church which is characterized by the absence of any Authority, and on the other hand, the election of his successors (taking into consideration the absence of Authority which the Church militant is subject to). We will concentrate on this second study and this will lead us to enlarge and stabilize our view of the entire situation in the Church today.

With regard to the first point, several individuals have argued that the election of Paul VI was invalid because the conclave consisted of more than 70 Cardinals which fact was contrary to the stipulations of Pope Sixtus V (Const. "Postquam verus," December 3, 1586). Whatever the outcome of a detailed examination of this document, and admitting certain difficulties, it is possible to come to one basic conclusion with certitude. Namely, the number of Cardinals [required at a Conclave to elect a Pope] is a matter of ecclesiastical law and not part of divine Revelation. As a result, one pope cannot bind his successors in an absolute manner with regard to this issue. This objection against the validity of the election of Paul VI is thus specious and useless.

Returning to the election of the successors of Paul VI, we face a real problem which it is now appropriate to consider.

How can those who no longer have formal Authority in the Church (Paul VI and the Cardinals who recognize him) effectively function within the Church (in the election of a successor, and in determining the current form of this election)?

In order to understand this, we must precisely situate the results of our demonstrations (Chapters I-V) in the overall picture of the Church militant.

What is the primary and essential intention of Christ in founding his Church? That is what must engage us in pursuing His Mission. Pope Leo XIII recalls this in his Encyclical "Satis cognitum": [124]

“What did Our Lord, Jesus Christ, seek and wish in establishing and sustaining His Church? This: to transmit to the Church the continuation of the very mission, the same mandate which He Himself received from His Father. This is what He commanded to be done and this that He really did.: As my Father sent me, I also send you” (John XX:21).

Thus the Church militant above all else encompasses a MISSION. And the essential character of this mission is that which Christ Himself imparted to it.

This Mission of Christ can be summarized in two statements: the glory of God and the salvation of Souls.

First, the Glory of God:

“I have glorified you on earth, I have finished the work which Thou gavest me to do” (John XVII:4).

The glorification of God is characterized by submission to His will, and especially with regard to the reestablishment of the clearly acceptable Sacrifice:

“Wherefore when He cometh into the world, He saith: Sacrifice and oblation though wouldst not: but a body thou hast fitted me: Holocausts for sin did not please thee. Then said I: Behold I come, in the head of the book it is written of me: that I should do Thy will, O God” (Hebrews, X:5-7).

Moreover, this glorification of God involves the witness rendered unto Truth:

“For this that I was born, and for this came I into the world, that I should give testimony to the truth” (John XVIII:37).

Subordinate to the glorification of God, but always essential, is the Mission that Christ embraced for the salvation of souls:

“For God sent not his Son into the world, to judge the world, but that the world may be saved by him” (John III:17).

The essential Mission of the Church is thus the Glory of God and the saving of souls.

It is for the accomplishment of this supernatural Mission that our Lord established the Church with its own characteristics, especially that of a visible hierarchy.

If we call the material occupation of the See of Peter SESSION (Sessio = the action of sitting), we must say that the Church embraces by her nature, according to divine institution, a SESSION and a MISSION; moreover, we

further observe that this SESSION is essentially ordered to her MISSION [i.e., the purpose of the Session is to promote the fulfilling of the Mission.]

It is precisely this ordering of the SESSION to the MISSION which is lacking in the Church militant today, as a result of the absence of “habitual intention” in the person who occupies the See of Peter. This is what we have already proved.

But the fact that Christ wished His Church to endure as a human society throughout time leads to the fact that there exists another connection between SESSION and MISSION, one which is secondary and ontologically accidental.

The prolonged existence of the Church as a human society requires that responsibility (charges) be handed down, such as occurs with public human acts in the external forum by means of the juridical order. Since the Church must enact such acts because it is the will of Christ, they form an integral part of her MISSION.

As a result of this, one can distinguish two elements in the MISSION of the Church militant. On the one hand, there is the primordial and essential element which is on a supernatural order: the glory of God and the salvation of souls; on the other, there is a secondary and accidental element belonging to the natural order: the perpetuation of the visible hierarchical structure.

From the secondary point of view, the relationship is inverted: the MISSION exists for the sake of the SESSION. And thus the function which in the Church corresponds to this secondary aspect of her MISSION is by definition natural, because its object is in the natural order. This function, along with the acts that it encompasses (elections, determining the modalities of elections...) do not FORMALLY arise from the Authority which is inherent in the Church, that Authority which results from the Church being one with Christ.

It is this Authority (i.e., that derives from being one with Christ) which is ordered to her MISSION according to her essential and supernatural aspect; that which, according to her three functions of teaching, of communicating grace by means of sacraments which are certainly valid, and of educating souls in the practice of the commandments and the divine councils. [125]

The two connections between SESSION and MISSION, as we shall see, are inverted in order and diverse in specification. They are thus really distinct. It follows and what is of capital importance for our subject, is that the rupture between the first connection does not imply a rupture in the second.

In other words, the absence of Authority does not in itself imply that the function of the transmission of responsibility (charges) cannot be exercised: this second function does not formally flow from the first.

It is thus quite possible that Christ, Head of the Church, continues to exercise His MISSION by means of acts undertaken by the SESSION (i.e., by those who materially occupy their posts), though only to this degree: for that secondary aspect of the MISSION required for the continuation of the SESSION.

One should even, in the present circumstances, conclude that God would never withhold His graces or desert his creatures unless his creatures abandoned Him first. [126]

As a result, as long as the occupant of the See of Peter does not depart from his function of transmitting the occupation of this Chair, Christ will continue to exercise His MISSION with regard to this point through his acts. And then one should affirm that the merely material occupation of Sees is effectively transmitted in the Church, as long as the external human acts of a juridical order which are required for this continuance are carried on.

One can clarify this by a comparison with the order of grace. In man, the state of grace, the virtue of the Faith, flows concretely from sanctifying grace as with all supernatural organisms. However, the Faith can continue to exist in a subject who loses grace by mortal sin; only providing that this subject does not formally reject the Faith by sinning against it. Similarly, under normal circumstances, the function of passing on the SESSION is concretely attached to the Authority; it however has its own specification and reality. And so, this secondary function subsists in the “authority. which is only material, and who has lost Authority by the absence of intention, but who does not directly oppose this function of the transmission of responsibilities (charges).

The case for the material permanence of the hierarchy in the present crisis is thus established by the principle of “non desertion.”

One can confirm this conclusion by observing that this permanence is most fortuitous, even necessary, according to the promises which Christ gave His Church.

Even in times of crisis, Christ remains with His Church, and continues to sustain her in conformity with her nature which He gave her when He instituted her; this we believe because of the Faith: it is the indefectibility of the Church.

This affirmation, in order to not be not just a matter of words, ought to have some concrete reality: how other than the fact that Jesus is still even today with his Church?

If one considers the Church as the Mystical body of Christ, Jesus remains today with her in maintaining alive the Witness of the Faith and the sanctification by means of the authentic Sacraments, as well as the Oblation of the true Sacrifice. What proves the existence of these are the “traditional Catholics.”

But how is Jesus still concretely with His Church considered as a human society? To this question which should be answered we respond: by maintaining in place the visible hierarchical structure, even while allowing the great trial which the eclipse of Authority and the absence of her supernatural functions involves, to continue.

This permanence of the hierarchical structure constitutes the foundation while patiently awaiting the divine renovation of Authority; and it assures the material continuity of the hierarchical succession, a continuity absolutely required for the Church to retain her Apostolic Nature. [127]

CONCLUSION

Faith is a grace from God (Eph. II:8-9) without which it is impossible to please Him (Heb. XII:6).

Man must, on his part, consent to this grace by preparing his soul (Prov. XVI:1), and effectively accepting it by his acts and by living in accord with this divine light (Heb. X:38). Now this life of faith involves an interior and an exterior act: the adherence to revealed truth, and the witness rendered to these truths (Rom. X:10).

In the present situation, the virtue of faith demands these two acts of every believer.

First of all, by adhering to the truth which the situation in the Church imposes: specifically, the believer who lives the faith should recognize the absence of Authority at the present time.

We have in effect shown that, if one considers the facts, without going into their explanation, it is the light of the faith which is directly involved. The faith assures us of the infallibility of the ordinary and universal Magisterium: this certitude in and of itself prevents us from considering Paul VI and John-Paul II as true popes, because of their promulgation and maintenance, in union with the bishops, of a doctrine already infallibly condemned by the Church (Cf. Chapter I).

Every faithful Catholic is confronted with this double given: the infallibility of the ordinary and universal Magisterium (as was implicitly defined at Vatican I) and the erroneous teachings contained in the texts of Vatican II. From this, he can and must conclude that there is an absence of Authority.

But interior adhesion while necessary, is not enough.

The Glory of God, the salvation of souls, command the witnessing of the faith: we cannot in justice remain silent (Acts. IV:20), because we believe (II Cor. IV:13).

The first thing that flows from this situation is negative: the duty to say and do nothing that in the practical order would give recognition to the Authority of John-Paul II (or Paul VI). In particular, the priests should not name him in the "Te Igitur" of the Holy Mass, nor in the other prayers undertaken for the Sovereign Pontiff. (This in no way hinders them from praying for him as a person. [128])

Positively, those who understand the situation also have the duty, each according to his means, of proclaiming the actual absence of any Magisterial Authority, a fact which results in a great and imminent danger to souls; and the duty of reclaiming of the Honor of God by the witnessing of those whom He has in His mercy preserved in the purity of the Faith.

God is inclined to be merciful towards His Church, to whom He has promised indefectibility. This especially requires that God not allow the faithful to fall into error that goes against the faith. Such is, from the point of view of God and the Church, the sense of resistance among traditional Catholics.

It is necessary to proclaim in season and out of season (II Tim. IV:2) that on the one hand the “official” teaching of Vatican II, of Paul VI and of John-Paul II involves certain erroneous doctrines which have already been condemned by the Church, [129] and on the other hand that the person occupying the Chair of Peter has no Authority in the Church, until he condemns these errors: the present study reviews the reasons.

One cannot construct the House other than the Lord constructed it. We know that that we work in vain if we pretend to serve God and the Church, while going against or stepping apart from the Faith and from witnessing to the Faith.

APPENDIX I

THE LEGITIMACY OF THE ROMAN PONTIFF - DOGMATIC FACT

We have proven (Chapter I) that as of December 7, 1965, the occupant of the Apostolic See is not formally a Pope.

Without answering our argument, some have declared that it is certainly false, for according to them, its conclusion is contrary to the faith, and at least proximate to heresy. They remind us that the legitimacy of a Pope is a dogmatic fact, and they add that the infallible sign of this legitimacy is his acceptance (lit. the adhesion of) by the universal Church. Or else they argue that for several years after December 7, 1965, no one in the Church publicly raised any question about the legitimacy of Paul VI, and hence they conclude that since the universal Church continues to recognize him, it is impossible that he should have ceased to be Pope as of that date.

These same individuals also claim that the universal Church continues to recognize John-Paul II, since no member of the magisterial hierarchy has challenged him: and this hierarchy (the resident bishops in union with the Pope) authentically represent the universal Church.

In this appendix it is not necessary to discuss every aspect of this complex question concerning the legitimacy of the Pope as a dogmatic fact. It is sufficient for us to demonstrate that this objection carries no weight.

The first clear cut reason why this objection is in itself without any force is that the thesis in question (the adhesion of the universal Church as an infallible sign of the legitimacy of the Pope), if one understands it in the absolute sense that the argument offers, is only a theological opinion and neither Revelation nor the official teaching of the Church.

Our affirmation is easy to prove.

A Sovereign Pontiff, exercising his supreme Authority, has admitted the contrary thesis as possible, and legislated on this subject.

Pope Paul IV, in his Constitution *Cum ex Apostolatus*, envisaged the following situation:

A subject is elected as Pope, accepts this election and is received by all the faithful. Later on, one comes to know that this subject was a heretic prior to his election. Paul IV then decrees that regardless of how much time has passed since his election, and in spite the fact that the body of the faithful have accepted his election, both his election and all his subsequent acts are null.

We have already cited the pertinent text in Chapter IX, and refer the reader back to this quotation.

It is true that this Constitution no longer has the force of law insofar as its legal dispositions are not incorporated into the Code of 1917.

But the dogmatic principles that it expresses remain true. Thus it is that the Magisterium of the Church, through this Constitution, has officially recognized the fact that it is not impossible for the entire Church to give its adhesion to a false pope.

It is thus absolutely false to pretend that our conclusion would be unacceptable on the grounds of this argument, namely that it is a legally impossible situation.

The second reason will not only show that the objection lacks all weight, but that even beyond this, that it actually provides further confirmation of our conclusion.

To understand this, it is first of all necessary to examine the reasoning of the theologians who support this thesis and which some would raise in order to oppose our stand. Let us then read the text of Cardinal Billot, a vigorous partisan of this position:

“At the minimum one should firmly hold as absolutely unshakable and beyond all doubt the opinion that the adherence of the universal Church is always for her the one infallible sign of the legitimacy of the person of the Pontiff, and hence the existence of all the conditions required for this legitimacy. And one does not have to search far and wide to find reasons for this. It derives directly from the infallible promise and providence of Christ: The Gates of hell shall not prevail against her, and again, I shall be with you till the end of days. In point of fact, it would be one and the same thing for the Church to adhere to a false pope as it would be for her to follow a false rule of faith, because the Pope is the living rule of faith which the Church is obliged to follow in believing, and certainly this is always the case, as will appear most clearly from what we say below. God can certainly permit that on occasion the vacancy of the Holy See should persist for a long time. He can also permit that a doubt could arise about the legitimacy of a given person who was elected. But He cannot allow that the entire Church would accept as a true Pontiff one who is not truly and legitimately such.” (“De Ecclesia Christi,” Rome, 5th edition, p. 635).

We have already shown, and we once again refer the reader back to the Constitution of Paul IV, that this conclusion can only be a theological opinion. We will now go on to prove that the argument of Cardinal Billot,

when applied to the present situation, leads to a real dilemma in opposing the objection that we have brought forth.

All the traditional Catholics recognize, and we have proved the objectivity of the fact that, at least on the matter of religious liberty, the Second Vatican Council has promulgated a teaching that goes against the Faith.

And it is clear that from the start, this Council was not accepted by all of the faithful, at least with regard to its innovative teachings.

We are thus faced with the following dilemma:

1) If the argument of Cardinal Billot is true (the Church in believing, should always follow the Pope, and indeed she always does).

Then, insofar as they have not accepted this teaching of the pope (and of the bishops in union with him), the traditional Catholics have objectively affirmed BY THEIR ACTIONS, if only implicitly (even if they have verbally pretended the contrary), that they do not any longer adhere to this Pontiff, and that he is therefore not legitimate.

Thus, from the beginning (1965), a part of the universal Church has not recognized the occupant of the Apostolic See as the true pope.

Under such circumstances, the thesis of Billot cannot be opposed to ours because it presupposes the adherence of the entire Church to these popes, and IN FACT, such has not been the case.

2) Or, if the argument of Cardinal Billot is false (it is not true that the Church should always follow the Pope), then the thesis of Cardinal Billot, which is based on this argument is also false.

And then, even if in the first years after the Council the entire Church recognized the legitimacy of these popes, this does not prove that their legitimacy was real.

Thus, we have taken account of the realities: the non-reception of Vatican II with regard to its innovations by the Catholic faithful, which shows us that the argument of Cardinal Billot is not opposed to our conclusion. On the contrary, our conclusion is supported by the dilemma which this argument leads to in the present situation.

Let us add that the adherence of the entire body of bishops is also not an absolute sign.

This is obviously included in the previous conclusion (the adherence of everyone does not constitute a sign). But we must here stress a supplementary reason.

All the bishops IN THE ABSENCE OF A POPE ARE NOT infallible.

Their common judgement cannot provide us with infallible criteria in the situation we are considering, where the entire body of bishops is of necessity considered as lacking the leadership of a pope (since it is his legitimacy which is in question).

It is typical, moreover, that it is so often the very same people (the traditional Catholics) who refuse to recognize the infallibility of the bishops IN UNION WITH the Pope (and who would reject our conclusion regarding the absence of Authority) and who wish to impose on us the obligation of recognizing this authority (i.e., to affirm the legitimacy of the “pope”), which is to say, the infallibility of these same bishops WITHOUT the pope.

(Let us add that these bishops do not IN FACT recognize Paul VI and John-Paul II as Catholic bishops should recognize a Catholic pope. One sees, for example, the attitude of the Episcopate towards the promulgation of *Humanae vitae*. These “popes,” moreover, do not demand from their bishops, the obedience due to Popes. And of what value in this state of affairs, is the half-hearted obedience which they do receive?)

Let us return to the real issues as we have already discussed them in the first Chapter.

The absolute impossibility to which Cardinal Billot implicitly refers, is that the entire body of the faithful should adhere to a false doctrine: such immediately raises the problem of the indefectibility of the Church.

Now, the recognition of a false pope is not yet the adhesion to a false doctrine. Said recognition cannot involve such an adhesion except in the situation where error is promulgated by a Magisterial act. But we have seen that each and every faithful intrinsically possesses a criterion for discernment: namely the principle of non-contradiction between such a false promulgation and what has already been infallibly taught by the Church.

The indefectibility of the Church most certainly implies that the possible “false pope” (accepted as a true one by all) cannot falsely define a point of doctrine freely discussed up to now in the Church. If the contrary were to be the case, the faithful would be deprived of all objective criteria for refusing their adhesion to an error: they would thus be ineluctably led into error and the indefectibility of the Church would be lost. (This is the true aspect of the thesis of Cardinal Billot.)

But the indefectibility of the Church is not assaulted when a false pope claims to officially teach a point of false doctrine which has already been infallibly condemned by the Church.

Quite the contrary. This is an infallible sign that the false pope possesses no divinely assisted pontifical Authority. To refuse to conclude from this that Authority is absent is to refuse the Light which is providentially provided to us.

In the present situation, God has given us, with Vatican II, the necessary and sufficient sign for us to avoid falling into error, and to strip the mask from these false popes. Every member of the faithful should welcome this Light and draw from it the obvious practical conclusions.

APPENDIX II

REMARKS ON THE “VISIBILITY” OF THE CHURCH

Our Lord founded a Church which is at one and the same time His Mystical Body and a human society. As a result, she is both spiritual and external; invisible and visible.

“In this wise, and on this principle the Church was begotten. If we consider the chief end of His Church and the proximate efficient causes of salvation, it is undoubtedly spiritual; but in regard to those who constitute it, and to the things which lead to these spiritual gifts, it is external and necessarily visible.” [130]

The Church, insofar as she is the Mystical Body of Christ; insofar as she subsists in relation to her Head who is Christ, is thus supernatural, invisible and spiritual. Insofar as she is a human society composed of a government and diverse institutions (especially the sacraments, preaching, and in the profession of the same faith), she is a natural entity, visible, external and perceptible to the senses.

Beyond this it is necessary to state that the invisible reality of the Church should be manifest through the visible elements, and that these latter receive their true nature as a result of their relationship with the former:

“And as in animals, the vital principle is unseen and invisible, and is evidenced and manifested by the movement and actions of the members, so the principle of supernatural life in the Church is clearly shown in that which is done by it.” [131]

“But Christ is one by union of His two natures, visible and invisible, and He is one in both; in the same way, His Mystical Body is the true Church only because its visible parts draw life and power from the supernatural gifts and other things whence spring their very nature and essence. [132]

Thus it is that there are two ways in which the Church is visible.

First of all, quite simply, insofar as she is a human society. Then more profoundly, because her supernatural life appears before everyone’s eyes by means of the actions which she executes. It is a matter of the signs of credibility which always accompany the Church. As Vatican I defined it:

“For only to the Catholic Church belong all those many and admirable tokens which have been divinely established for the evident credibility of the Christian Faith. Nay, more, the Church itself, by reason of its marvelous extension, its eminent holiness and its inexhaustible fruitfulness in every good thing, its Catholic

unity and its invincible stability, is a great and perpetual motive of credibility, and an irrefutable witness of its own divine mission.” [133]

It is thus easy to see that the present crisis, serious and profound as it is, in no way places this double nature and double visibility of the Church in question. Such is easy, always provided that one has correctly described this situation. To explain this will allow us to once again confirm our conclusions.

First of all, the crisis in no way questions the fact that the Church is a visible human society. This society has actually been subjected to a grave trial: the defection of the leaders. She thus finds herself in a state of privation with regard to Authority. This trial however is not the same thing as its destruction. The Church truly preserves in her bosom the power to recover her normal state. Christ, in effect, faithful to His promise of indefectibility, maintains everything that is necessary for that to happen. In brief, as we have shown, he sustains the faithful who profess the true faith and [adhere to] the true sacraments, and he assures the material permanence of the hierarchy for the sake of the continuity of this institution.

It is moreover useful to recall that if the faith assures us that the Church will continue to exist, even as a human society, until the end of time, this same faith says nothing to us about the severity of the crisis that she must undergo.

It suffices for us to mention the Arian crisis, with its dizzying reduction of the number of those professing the true faith, or the Great Western Schism (1378-1417) with two and then three concurrent doubtful Popes!

The Gospel also leads us to believe that a profound crisis in the church will occur as we approach the end of time.

On the one hand, Our Lord asks if the Faith will be found at this time (Luke XVIII:8). On the other hand, the prophet Daniel tells us that the perpetual sacrifice, the Sacrifice of the Mass according to the usual and indeed obvious interpretation, will be abolished during the times of Antichrist (Dan. XII:11).

Finally, the insolvency of the Magisterium is suggested by the fact that the elect run the risk of being deceived by false prophets (Matt. XXIV:24). Would this risk be possible for the elect, that is to say, for those who are unquestionably faithful to the Church, if the Magisterium was present to guide them?

It would not be impertinent to recall here some of the words of the Most Holy Virgin at La Salette:

“The Church will undergo a frightful crisis...” “Rome will lose the faith...” “The Church will be eclipsed.” [134]

In the second place, the crisis does not destroy the credibility of the Church; providing that one can affirm the identity of the Church today with the Church of All Times in which all the signs of her divine origin are manifest throughout the world.

This identity can be affirmed if one recognizes that the members of the present hierarchy no longer have any Authority, and hence do not speak in the name of the true Church.

This identity is no longer accessible to reason (which would be necessary, since one is considering the matter from the point of view of credibility) unless the members of the hierarchy are authentic. In effect, there can be no identity between two different societies which essentially present themselves as the depositories of a single teaching, and which affirm in the name of this deposit contrary doctrines.

On the other hand, if one recognizes that the witnesses to the Catholic Faith today are those who refuse the novelties of Vatican II and what followed in its wake, one can understand that the Catholic Church subsists today identical with itself, even though in a state of privation. It is moreover understood, as we have explained, that this perception of the permanence of the Church requires that the witnesses to the faith affirm the material continuance of the hierarchy.

Under such conditions, the worldwide credibility that the Church manifests by all her history belongs at once to the Church as she is today. And as visibility-credibility should always belong to the Catholic Church, the description of the present situation which we have given finds itself confirmed.

If one now turns to the social visibility of the Church, one finds the same confirmation.

For as Leo XIII taught in the texts which we have cited at the start of this Appendix, it is not important what social bonds constitute the true Church; it is only necessary that the exterior elements be intimately united to the invisible realities and manifest their presence.

Now, the existing “hierarchy” has officially provided the faithful with a council that has broken away from Catholic teaching on several points; it has imposed dubious sacraments that go contra to the witness of the faith, a parallel defective code of canon law, a pastoral practice that violates the natural law, especially with regard to marriage, catechisms void of all content and often heretical, etc. The viciousness is so generalized that the faithful find themselves obliged to organize apart from and against this “hierarchy” in order to obtain valid sacraments and orthodox doctrine. THESE ARE THE FACTS.

If, in spite of these objective givens, one affirms that this “hierarchy” is formally a Catholic hierarchy, one falls into the second of these “great and pernicious errors” denounced by Leo XIII when dealing with the topic:

“From this it follows that those who arbitrarily conjure up and picture to themselves a hidden and invisible church are in grievous and pernicious error: as also are those who regard the Church as a human institution which claims a certain obedience in discipline and external duties, but which is without the perennial communication of the gifts of divine grace, and without all that which testifies by contrast and undoubted signs to the existence of that life which is drawn from God.” [135]

To sum up, the Church, insofar as she is a human society, can undergo crises throughout the course of her history; this precisely because she is by nature a human society, she is subject to the contingencies that affect such societies. But the Faith assures us that when it comes to the Church, these crises will never bring about her destruction.

The continuance of the Church is not placed in doubt by affirming that she is currently undergoing a crisis. And one does not raise doubts about its social nature in saying that she is presently in a state of privation with regard to one of her elements.

One would raise a doubt about the social nature of the Church if one affirmed that the present “hierarchy” was formally a Catholic one because, when the hierarchy is that which it should be, when it conforms to its true nature, it is divinely united with Christ, the Head, and necessarily confers by its exercise the gifts of divine grace: the true doctrine and the true sacraments as well as a single “Pastoral” truly conformed to the Christian law.

APPENDIX III

JUDGEMENT ABOUT BELONGING TO THE CHURCH

The absence of divinely assisted Authority at the summit of the Church since the promulgation of the false doctrine on religious liberty by Vatican II is a certainty that we believe with the certitude that arises from the Faith: we have shown this in our first chapter.

Under these conditions, should one not state that those who recognize John-Paul II (and Paul VI) as formally pope(s) are effectively no longer members of the Church, which is to say that they find themselves no longer visibly belonging to the Church?

In other words, should we not consider them, as regards BELONGING to the Church, like the Orthodox or the Protestants?

Such a conclusion would be illegitimate.

One should not forget that the PRESENT living Magisterium and that alone, which is divinely instituted in order to authentically present everything which is the object of the Faith is PRESENTLY involved.

As a result, those who are opposed to our presentation of the Revelation of the doctrine of the Church, are not in law necessarily and formally opposed to the Magisterium of the Church itself.

The formal opposition to the Magisterium of the Church, apart from a possible admitting of culpability, is certainly not manifest in a manner that has official force in the Church unless one is effectively opposed to the living present Magisterium. The deprivation of Authority which currently affects the entire Church makes such a manifestation quite impossible.

Thus one CANNOT state that those who recognize John-Paul II as formally Pope are because of this, personally guilty of the sin of heresy or of schism and that they thus place themselves outside the Church.

Moreover, one cannot state that those persons who adhere to the “Conciliar Church” are outside the Church because they adhere to a non-Catholic sect. We have already pointed this out, but will add further provisions here.

Belonging to the Orthodox Church immediately involves the adherence to a formal principle of rupture with the Church’s Magisterial institution. This is why belonging to the Orthodox Church places one outside the visible Church.

To return to the present situation, following John-Paul II does not necessarily and formally constitute a direct rupture with the authentic Magisterium of the Church: and this quite simply because John-Paul II actually remains in material possession of this institution.

Such an adherence leads to participating in a capital schism (which is to say, a schism which is a rupture with the head - caput - with authority as such). But this capital schism is not (because of the material permanence of “authority”) equivalent to a complete rupture with the visible Church. This capital schism includes, as we have seen, the adhesion to “irregular propositions” (propositions already condemned by the Church; Cf. “Cahiers de Cassiciacum,” No. 3-4, p. 43).

This is why one can say that it places one in a condition of precarious adherence to the Church. And this is a secondary motive for publicly denouncing this capital schism, perilous in the extreme for all the faithful who adhere to it. But as following John-Paul II is not adherence to a complete and formal principle of rupture with the real institution of Authority in the Church, one cannot say that those who follow him are outside the visible Church.

This is a most important consequence of the present situation in the Church (described correctly), above all in the practical order of proceeding with regard to those who are in error, and whom we try to enlighten, and for the sake of the average Catholic who does not fully “understand” the situation. It is important to stress this at the end of our exposition.

What is the primary and essential intention of Christ in founding his Church? That is what must engage us in pursuing His Mission. Pope Leo XIII recalls this in his Encyclical “Satis cognitum”:[136]

“What did Our Lord, Jesus Christ, seek and wish in establishing and sustaining His Church? This: to transmit to the Church the continuation of the very mission, the same mandate which He Himself received from His Father. This is what He commanded to be done and this that He really did, As my Father sent me, I also send you” (John XX:21).

Thus the Church militant above all else encompasses a MISSION. And the essential character of this mission is that which Christ Himself imparted to it.

This Mission of Christ can be summarized in two statements: the glory of God and the salvation of Souls.

First, The Glory of God:

“I have glorified you on earth, I have finished the work which Thou gavest me to do” (John XVII:4).

The glorification of God is characterized by submission to His will, and especially with regard to the reestablishment of the clearly acceptable Sacrifice: “Wherefore when He cometh into the world, He saith: Sacrifice and oblation though wouldst not: but a body thou has fitted me: Holocausts for sin did not please thee. Then said I: Behold I come, in the head of the book it is written of me: That I should do Thy will, Oh God” (Hebrews X:5-7).

FOOTNOTES/ENDNOTES:

- [1] “Cahiers de Cassiciacum,” *Etudes de Sciences Religieuses*. Association Saint Hermenegilde, 18 avenue Bellevue, 06100, Nice, France.
- [2] “Lettre a quelques Evöques sur la situation de la Sainte Eglise, et Memoire sur certaines erreurs actuelles,” Janvier 1983. A work published by the Société Saint-Thomas-d’Aquin, 21 bd Lannes, 75116, Paris, France.
- [3] “Fideliter,” No. 36, Nov.-Dec. 1983, Notre-Dame-du Pointet, Brout-Vernet, 03110, Escurolles, France.
- [4] Whether he is deposed or whether he should be deposed.
- [5] [Renderer’s note: A reference to a footnote 5 appeared in the main text, but its content did not appear at the bottom of the page or anywhere else. In the original text, at the end of each chapter (or section), page and footnote numbers are reset to zero. In this version, page numbers and footnotes advance progressively throughout the work.]
- [6] “Cahiers de Cassiciacum,” No. 5, 74-79.
- [7] Available from the Author, 35 rue Peyronnet, 33800, Bordeaux, France.
- [8] Code of Canon Law (1917), Canon 1323.
- [9] Constitution “Dei filius,” April 24, 1870. Cf. Denz. 1792: “Further, by divine and Catholic faith, all those things must be believed which are contained in the written word of God and in tradition and those which are proposed by the Church, either in a solemn pronouncement, or in her ordinary and universal teaching authority, to be believed as divinely revealed.”
- [10] “Tuas Liberter,” December 21, 1836. Denz. 1683.
- [11] Leo XIII: “Satis cognitum,” June 29, 1896, E.P.S.E. 574; Testem benevolentiae, Jan. 22, 1899, E.P.S.E. 629; Pius XII: “Munificentissimus Deus,” No. 1, 1950, E.P.S.N. D.493.
- [12] “L’Infallibilité du Magistere Ordinaire Universel,” Collection, “Documents de Catholicité”; Association Saint-Hermenegilde, 18 avenue Bellevue, 06100, Nice, France.
- [13] We have critically demonstrated the reality of this contradiction in the work mentioned above (Introduction, Page X, Footnote 2, Lettre a quelques évöques... “Annexe”, pp. 71-118.
- [14] Denzinger 1689-1690. An excellent study by Michel Martin on the infallibility of this document can be found in *Courier de Rome*, March 1978, (No. 180), pp. 2-21.
- [15] Letter of February 26, 1978. Cf. “Itinéraires,” No. 233, pp. 28-81 (rue Garanciere, 75006, Paris).
- [16] For an initial discussion of the Magisterium, the reader is referred to “Cahiers de Cassiciacum,” Supp. No. 5, pp. 13-19.
- [17] For a study of the theology of the act of faith the reader is referred to: Garrigou-Lagrange, “De Virtutibus Theologicis,” Torino, Roma, 1949, available in English translation from TAN: Duroux, “La psychologie de la Foi...”, Desclee, 1963. For an overall view of the discussions of the theology of the act of Faith: Aubert, “Le Probleme de l’acte de Foi,” Louvain, Fourth ed., 1969.
- [18] Cf. *Supra*.
- [19] Code of Canon Law (1917). Canon 219.
- [20] Here we are directly considering the election “passively,” the fact of being elected.
- [21] The First Vatican Council rejected the thesis according to which “this primacy was not conferred directly and immediately on blessed Peter, but on the Church, and by the latter on Peter as its minister.” Cf. *Pastor Aeternus*, July 18, 1870; Denz. 1822.
- [22] Cf. “Cahiers de Cassiciacum,” No. 2, p. 83.
- [23] St. Robert Bellarmine, “De Romano Pontifice,” I, II, c. 30.
- [24] Cf. Vatican I: As soon as the Primacy is received (Denz. 1822), it carries with it the plenitude of power, both of supreme Jurisdiction, and of the Magisterium (Denz. 1832).
- [25] Cf. St. Thomas, “De Veritate,” Q. 7a 7 ad. 1: “every disposition which prepares a subject to receive a form or a perfection is linked to a material cause.”
- [26] Cf., among others, Leo XIII, “Satis cognitum.”
- [27] We cannot do everything.
- [28] “Societas nihil aliud esse videtur quam adunatio hominum ad aliquid unum communiter agendum,” St. Thomas Aquinas, “Contra Impugnantes Del Cultum ac Religionem,” C. III.
- [29] For a study of the metaphysics of order, one can refer to the thesis presented by Dom Renzo Lavatori at the Pontifical University of Lateran in 1965/66: “La 4a via et la métaphysique de l’ordre selon St. Thomas” (in Italian).
- [30] St. Thomas Aquinas, “Summa,” I, q. 96, a. 4.

[31] Thus Father Cappello, S.J. wrote: "Moreover, the formal part of society only originates in the agreement of wills tending together (*conspirantium*) towards the same end, from where flows a certain harmony of execution and of means; and the procuring of this accord and this harmony is the proper responsibility of authority." (*Summa Juris Publici Ecclesiastici*, ed. 6a, Université Grégorienne, Rome, 1954, p. 27.) From a slightly different point of view, Fr. Schwalm, O.P. notes: "Since each individual tends towards his own individual good, it is necessary that one of the members of the society have as his action and purpose the maintaining of unity and of leading all the others towards the path of their common good." (*La Société et L'Etat*, p. 69.)

[32] Translations used are taken from that of the Fathers of the English Dominican Province (Benzinger, 1947) with slight modifications to follow the rendering used by the author.

[33] "Socialis vita multorum esse non posset, nisi aliquis praesideret qui ad bonum commune intenderet. Multi enim per se indendunt ad multa, unus vero ad unum" (*Summa*, I, q. 96. a.4).

[34] "Si naturale est homini quod in societate multorum vivat, necesse est in hominibus esse per quod multitudo regatur. Multis enim existentibus hominibus et unoquoque id quod est sibi congruum providente multitudo in diversa multitudinis pertinet, curam habens..." (*De Regimine Principum L.*, I. C.1.)

[35] "Of actions done by man, those alone are properly called human which are proper to man as man. Now man differs from irrational animals in this, that he is master of his actions. Wherefore, only those actions are properly called human of which man is the master. Now man is master of his actions through his reason and will; thus the free-will is defined as the faculty and will of reason. Therefore those actions are properly called human which proceed from a deliberate will" (*Summa*, I-II, q. 1, a. 1).

[36] "Comm. in Metaphys," XII, 9: "ratio eorum quae sunt ad finem sumitur ex fine." Cited by M. Madiran in "Le principe de Totalité" N.E.L., 1963, p. 30.

[37] Father Cappello writes (*Summa Juris Publici Ecclesiastici*, ed. 6a, Rome, 1954, p. 26) "Thus, to say things briefly, it is not only the means which depend on the end, but also the nature and the juridical laws of society. This is why the end is the principal and formal element of society, or the essential principle of social unity" (italics are those of the author).

[38] On the nature of this obligation one can read with profit the work of Father Tonneau, O.P., "Absolu et Obligation en Morale," Vrin. 1965.

[39] Pope Leo XIII develops the logical consequences of these philosophical principles of society in his Encyclical "Immortale Dei" on the Christian Constitution of States: "Man's natural instinct moves him to live in civil society, for he cannot, if dwelling apart, provide himself with the necessary requirements of life, nor procure the means of developing his mental and moral faculties. Hence it is divinely ordained that he should lead his life - be it family or civil - with his fellow men, amongst whom alone his several wants can be adequately supplied. But as no society can hold together unless someone be over all, directing all to strive earnestly for the common good, every body politic must have a ruling authority, and this Authority, no less than society itself, has its source in nature, and has, consequently, God for its Author. Hence it follows that all public power must proceed from God. For God alone is the true and supreme Lord of the world. Everything without exception, must be subject to Him, and must serve him, so that whosoever holds the right to govern holds it from one sole and single source, namely God, the sovereign Ruler of all." (*The Papal Encyclicals*, ed. Claudia Ihm, McGrath, 1981).

[40] "L'Eglise du Verbe Incarné" Second ed., T. 1, p. 243. We do not accept every affirmation made by Journet in this quotation. We are only concerned with his testimony regarding the fundamental issue of the theology of the Church. There is only an analogy and not an equivalency between the Church and civil society, even with regard to authority (canonical power - political power, according to the usage of Journet.)

[41] Encyclical "Satis cognitum," June 29, 1896, the italics are the author's.

[42] We should remember that "An analogy is a predicate which is common to by many in accord with an essentially diverse reason, but similar under a certain relationship." (Cf. Maquart, "Elementa Philosophiae," T. 1, pp. 97-98).

[43] "L'Eglise de Verbe Incarné" T. 1, p. 645 and 647.

[44] "Proper" as opposed to "common." One could translate the French propre as "real" or "true," but philosophically speaking real would be opposite to "ideal" (Translator's comment).

[45] Para. 38.

[46] "Satis Cognitum"; E.P.S.E. (Standard French Source) 550.

[47] Para. 18.

[48] "No one has ever seen God; the only begotten who IS in the bosom of the Father, He has declared him." (John I:18) (Emphasis is the author's.)

[49] Matt. XXVIII:19-20 (Emphasis, the author's)

[50] Luke X:16.

[51] I have translated the French réelle - literally "real" as "genuine".

[52] II Cor. III:5-6. Emphasis is the Author's. Cf. Salaverri, "De Ecclesia Christi," in the collective work "Sacrae Theologiae summa," T. 1, B.A.C., Madrid, 5th. ed., 1962, No 13001303. The author cites other texts from Holy Scripture besides Matt. XXVIII:20 and concludes: "from these texts it becomes completely clear that the Church, by means of her powers, is minister and participates in the very same functions that Christ does."

[53] We have already explained (Cf. p. 45) that this "being with" is the ontological basis of the "divine assistance." One can get some idea of the various aspects of this assistance by considering its effects. Cf. Journet, "L'Eglise du Verbe Incarné" T. 1, 2nd ed., pp. 203-236; 426-435; 436-456.

[54] On the interdependence of causes, one can consult: Garrigou-Lagrange, "Le Réalisme du Principe de Finalité" pg. 336-366.

[55] One can envisage another way in which the material occupation of the Chair of Peter could terminate without the events we have discussed occurring. It is the situation where the pope is a notorious heretic (notoriously guilty of the sin of formal heresy). We hold that such a notoriety, in the absence of any action on the part of those who share in the Church's Authority, could only effect such if based on a formal admission on the part of the interested party, which has not happened (i.e., the person sitting in the Chair of Peter were to publicly admit that he was a heretic.) We will return to this issue in the next chapter which is dedicated to considering the debates about an "heretical pope."

[56] One knows that the possibility exists for the reality of the possibility flows from the facts which have been demonstrated. But this manner of thinking only allows us to know this possibility extrinsically. The intelligence naturally desires to know, and thus aspires to penetrate the intrinsic possibility or the essence of the problem.

[57] Unless we were in some way to demonstrate the impossibility of other cause. But we are unaware of the existence of such a demonstration and we ourselves do not have one to offer.

[58] As we shall see, at this point in time the hypothesis of the "sin of heresy" presents the insurmountable difficulty of passing from the objective to the subjective plane.

[59] Available from "The Catholic Counter-Reformation," 31 Wimbotsham Road, Downham Market, England PE 38 9PE. We neither subscribe to the style of the author nor to his theological positions with regard to the present situation, but an examination of the acts of Paul VI and of John-Paul II which he collates remains a rich synthesis that provides a precise verification of our hypothesis. With regard to John-Paul II, one can also consult the two booklets of Father Louis-Marie de Blignieres, "John-Paul II and Catholic Doctrine," available from The Society of Pius V, 8 Pond Place, Oyster Bay Cove, N.Y. 11566, and "L'enseignement de Jean-Paul II," available from the Prieur?Saint-Thomas d'Aquin, Chemere-le-Roi, 53340 Ballâe, France. We have, moreover, shown ("Cahiers de Cassiacum," No. 5, pp. 61-72) that most "traditionalists" in fact admit of this situation. Father Coache has supported it strongly (Cf. No. 68, of "Combat de la Foi," February 18, 1984, p. 3).

[60] Mouvement d'Animation Spirituelle de la Democratic Universelle.

[61] "Summa" II-II, Q. 70, a. 2. Cf. "Cahiers de Cassiacum," No. 5, pp. 73-74. On the certitude linked to induction one can consult: "Cahiers de Cassiacum," No. 1, pp. 6-62, note 48. One can also study a mimeographed paper: Comment les catholiques sont trompes, Examen d'un article de "Forts dans la Foi," pp. 8-20.

[62] Anyone who denies this minimal qualification should show how the facts and actions of Paul VI and John-Paul II, as brought out and analyzed by the Abb?de Nantes can be shown to coherently be ordered to the Good of the Church.

[63] "L'?glise du Verbe Incarn?" T. II, pp. 839-840.

[64] Matt. VII:16.

[65] For a detailed analysis of this subject, Cf. M. L. Guérard des Lauriers, "La conscience faussée et la pathologie de la Foi," "Cahiers de Cassiacum," No. 2.

[66] But he can be guilty of another kind of sin, such as serious negligence with regard to the knowledge of the duties of his state. A faulty conscience does not always excuse, but only when the error itself is not culpable. On the other hand, even if it does not excuse, it can change the nature of the sin.

[67] "Do not judge lest ye be judged," Matt. VII:1, Cf. Thomas Aquinas' commentary on this passage: "Judgement belongs to the Lord; The judgement of external things is given to us but those of an internal nature are reserved to Him." We will consider the proper role of authority in this respect in the next chapter.

[68] There is another classic situation for the "absence of intention," which while not constituting the sin of schism, renders the reception of pontifical authority impossible. Pius XII describes this situation in the following manner: "If a lay person were elected Pope, he could not accept the election unless he was capable of being ordained and disposed to be ordained; the power of teaching and of government, as well as the charism of infallibility would be accorded to him from the moment He gave his assent, even though it be before his ordination" (Allocution to the Second World Congress of the Apostolate of the Laity, October 5, 1957, E.P.S.W. 1491). If a lay person were elected in this manner, and then subsequently manifested in action that he refused ordination, the cardinals would have no choice but to declare the Apostolic See vacant. The absence of intention (to have himself ordained) would prevent the reception of Authority, and the verification of this defect in intention would lead to the proclamation of the fact that the See was empty.

[69] "De Membris Ecclesiae," Lib. 1, "De Clericis," Cap. 7, Cf. "Opera Omnia," edited by C. Pedone Lauriel, T. II, 1872, p. 159.

[70] Let us note that it is precisely this method which was followed in the first part of the Thesis of Cassiacum, and which proved the fact of the absence of Authority from the contradiction between the teaching of Vatican II and that of previous Popes.

[71] As we can see, St. Robert Bellarmine does not say that the people should pick and choose among the teachings of such a pastor; that they should decide what is "in conformity with Tradition," and what is opposed to it. On the contrary, the people should "carefully listen" and see if the pastor says something which is contrary to Tradition. If such should happen they should consider him a false pastor and refuse to listen to him any longer. The reason indicated by St. Bellarmine is that the people are commanded in an absolute manner to listen to their pastors. Jesus is with them: "He who listens to you, listens to Me." Once again one finds all the principles which we have considered in our conclusion about the proper nature Authority in the Church. The Abbé Coache, in an article which we have already quoted, ("Combat de la Foi," No. 68. pl. 3.) also teaches the same doctrine: "Every theologian should know that a single serious and pertinacious heresy or defect suffices to discredit a spiritual head."

[72] Another example in an entirely different domain, allows us to illustrate the reality appropriate to the juridical person, who is established as the “material occupant of the Holy See.” Consider a marriage in which all the exterior ceremonies were correctly performed but in which one of the parties involved refuses to give his or her interior consent. In such a situation the marriage is invalid. Formally, according to the essence of marriage, the two “united parties” are no more married than two individuals who have not fulfilled the exterior acts required in the marriage ceremony. For example, in the eyes of the Church, these two individuals are married, and they could not validly contract another marriage. (It would be necessary for the delinquent party to prove his lack of consent.) On the other hand, if the guilty party were to repent, if he were to give interior expression to his consent, the marriage would become a reality (C.I.C., 1917, Canon 1136, Para. 2). Insofar as all the exterior ceremonies had been performed and had not been declared null and void by any (Ecclesiastical) Authority, they persist and are truly effective (in the juridical order) with regard to the two individuals. One can easily draw an analogy between this situation and that of the post-Conciliar “popes.”

[73] Cf. for example Journet: “L’Eglise du Verbe Incarné” T. I, Second Ed., p. 626.

[74] “La Nouvel Messe de Paul VI: Qu’en penser?” (DPF, 1975). The second part of this book is dedicated to “the theological hypothesis of a heretical pope” (pp. 213-231).

[75] “De Romano Pontifice,” lib. II, Chap. XXX.

[76] Cardinal Jean de Torquemada, a Dominican and uncle of the celebrated inquisitor Thomas de Torquemada. Turrecremata is the Latin form of his name. He is the author of a well known “Summa on the Church” (1448-1449).

[77] By “several centuries,” one must surely understand since the 16th Century (inclusive). Turrecremata lived during the first part of the 15th Century (1388-1458). Cardinal Journet, who does not mention this opinion, refers to theologians from the 16th to the 17th Century (loc. cit. supra).

[78] Cf. Note 2 above.

[79] These are the famous commentators on St. Thomas Aquinas. Cf. Cajetan, “De Comparatione autoritatis Papae et Concilii,” Cap. XVII-XXIII; John of Saint-Thomas, *Cursus Theologicus*, T. VII, Disp. II, Art. III.

[80] Suarez, “Opera Omnia,” Vives, T. XII, tract de fide, disp. X, Sect. VI.

[81] An Imperfect General Council is a somewhat anomalous term. No finding of a General Council is binding until it is given Papal approval and no Council can overrule the Pope. However, as will become clear in the next few paragraphs, there may be situations in which a Council has “authority,” of an “imperfect” nature. Translators comment.

[82] These two authors however see the real role of the Church in slightly different ways. For Suarez, the Church would juridically declare that the pope is a heretic. (Cf. loc. cit. supra, Note 7, No. 10), and then, because of this he would be deposed by Christ. While according to Cajetan the General Imperfect Council, in the case of manifest heresy on the part of the Pope, possesses a ministerial power which permits it to depose the pope (Cf. loc. cit. supra, Note 6, Cap. XX and XXI).

[83] Source is Note 6, above. Numbers indicate a subdivision of the text.

[84] Source is Note 6 above. Numbers at the end indicate the subdivisions of the text.

[85] In his exposition (op. cit. Ch. XX) Cajetan distinguishes: “... in the Pope one finds three elements, namely: the papacy, the person who is pope, for example Peter, and the conjunction of the one with the other, the papacy in Peter, the union of which results in Pope Peter. In the same chapter Cajetan declares: “the papacy and Peter are in the same relationship to one another as form and matter.”

[86] “Cursus Theologicus,” T. VII, Disp. II, art. II, towards the end.

[87] For an overall view of this subject the reader should consult Cardinal Journet’s “L’Eglise du Verbe Incarné” op. cit.

[88] It goes without saying that we ourselves also must adopt a terminology in this section which differs from that of other authors. The reader is warned that he should not so much consider the words used as the sense that the author gives to them in the passage under consideration. It is, moreover, not unusual that a given author will change meaning in accordance with what is most commodious to his purpose. It is virtually impossible to unify the terminology in the present state of the question because the doctrinal divergences between Catholic theologians is what underlies the variations in usage.

[89] Respectively: “*Sacrae theologiae summa*,” by the Jesuit Fathers, B.A.C.T., I, 5th ed., 1962, p. 799 and “*De Valore Notarum Theologicarum*,” Rome, 1951 (Gregorian University), pp. 134-135.

[90] Cf. Journet, “Le Message Révélé” DDB, 1964, pp. 102-109.

[91] “*Summa Theologiae Moralis*,” T. II, 11th ed., DDB, 1962 p. 577, (No. 744).

[92] The profession of faith in Christ which resides in the heretic does not any longer flow from the supernatural virtue of Faith, but from an opinion, or even from a human moral certitude.

[93] Thus, Merkelbach writes (loc. cit. supra): Thus one distinguishes between heresy and a simple error against ecclesiastical faith, or against obedience due to the Church’s teaching.” Similarly Genic, “*Institutiones Theologiae Moralis*,” Vol. I, 17th ed., p. 153 (No. 203): “He is in no way a heretic who denies a truth that the Church proposes by means of her magisterium, but not as revealed, for example that a given canonized saint is in heaven.” Genic makes it clear, however, by adding “he would sin gravely by refusing his religious assent against both prudence and that submission due to the Church.” The theological debate about this issue is not without importance. If, as the strict Thomist theologians hold, “ecclesiastical faith” cannot be distinguished from “divine faith,” it is possible that someone loses divine faith (in sinning against “ecclesiastical faith” without being considered a heretic in the Church as a society. [He would then be a heretic in the eyes of God, similar in this to an “internal” or “secret” heretic,

without being such in the eyes of the Church, and hence without incurring the canonical penalties imposed on heretics.] Let us also recall that Canon 2317 provides penalties against those who teach or defend condemned doctrines, without considering them formally as heretics.

[94] Merkelbach, loc. cit. supra.

[95] Genic, loc. cit. supra.

[96] Cardinal De Lugo, "Disputationes Scholasticae et Morales," Tract. "De Virtute Fidei," disp. XX, sect. V; ed Vives 1868, T. II, p. 29.

[97] Let us note that heresy exists not only in the affirmation of an error, but also in a positive doubt. But in this latter situation, once again obstinacy is required: what is involved is doubting a doctrine to be true which the Church presents as revealed. (Here the "doubter" is in essence denying the infallibility of the Church. Translator's comment.)

[98] Genicott, loc. cit. supra.

[99] Merkelbach, op. cit. supra, p. 578, Note 1.

[100] "Theologia Moralis," lib. II, tract. I, No. 19, Resol. 3.

[101] Op. cit. supra., sect. VI, p. 37. P

[102] Titus, III, 10, cf. supra.

[103] Let us stress another point which is frequently misunderstood. We are not saying that an individual is incapable of really being a culpable heretic in the absence of warnings from the Church. The issue under consideration concerns that which can be exteriorly affirmed with an objective moral certitude that imposes itself on the Church as such, and hence also on all the faithful. It is from the point of view of judging in the public or external forum, that the warning by a competent Authority (according to the classic theological phrase, an "imperfect General Council") is required.

[104] A. Bride, Censures (peines) in "Dictionnaire de Droit Canonique," col. 187.

[105] Wernz, S. J., reviewed by Vidal, S. J., "Jus Canonicum," T. VII, ed. altera, 1951, p. 252 (Rome, Université Grégorienne).

[106] "Summa Juris Canonici," Vol. I, 6th ed., 1961, pp. 293-294 (Rome, Université Grégorienne).

[107] Constitution "Magna nobis," June 29, 1748, Cf. C.I.C. Fontes, edited by Cardinal Gasparri, Vol. II, p. 150:9, last sentence.

[108] "A fide Catholica publice defecerit."

[109] Stephanus SIPOS, "Enchiridion Juris Canonici," 7th ed., Herder, 1960, p. 133.

[110] Adrien CANCE, "Le Code de droit canonique," T. I, 8th edition, Gabalda, 1950, p. 186.

[111] CAPPELLO, "Summa Juris Canonici," Vol. I, 6th ed., Rome, 1961, p. 285.

[112] NAZ, "Dictionnaire de Droit Canon," art. "Office ecclésiastique," Col. 1098, p. 186.

[113] Cf. Canon 1825, P. 1: "Presumption is the probable conjecture concerning an uncertain thing; one is the law and is determined by the law itself; the other is from man, and is established by a judge. (Translator's comment: Father Augustine's Commentary on Canon Law likens presumption to circumstantial evidence.)

[114] Moreover, if the Canon has any application, it would be one that favors the "Thesis of Cassiacum." In effect, it only stipulates the loss of office, but says nothing about the occupation of the Holy See. It then at least leaves the material occupation of the See as an open question while awaiting the declaration of competent Authority. Moreover, Canon Law envisages a situation which is not completely identical, but rather analogous to that of only the material occupation of the See. Canon 150 states: "An office vacant in law, but illegitimately occupied by someone, can be conferred on another on condition that there has been a proper declaration that follows the canonical rules, stating the possession of this office is illegitimate, and that the letters of collation [appointment] mention this declaration. Without studying the analogy between this canon and the present situation, it should be noted that according to us, "to state that material occupation of the See is illegitimate," is necessary first of all for those who have Authority in the Church to warn the pope about the errors he is spreading (conforming to Titus III:10 which refers to theologians in these matters.) If the pope subsequently fails to condemn these errors, the Church can then state that the See is illegitimately possessed"; but should he condemn these errors, then by this very fact he would receive his office and legitimately occupy it; he would become pope in a formal manner.

[115] Every offense should be an external act and gravely culpable. But the fault can be either hidden or public. The fault is public when it is already divulged, or when it is committed in circumstances such that one can and should prudently judge that it would be easily divulged; if not it is secret (Canon 2197).

[116] Canon 2197: "the fault is...4: Occult, if it is not public; materially occult, if the fault itself is hidden, formally occult, if its imputability is hidden [i.e., if we do not know who is responsible for the fault].

[117] "Jus Canonicum," T. VI, "De Processibus," 2nd edition, op. cit.

[118] Full text available in the "Codicis Juris Canonici Fontes" edited by Cardinal Gasparri, Vol. I, pp. 163-166. An English translation of the full text is available from Briton's Catholic Library, London, England.

[119] Especially the incontestable fact that at present there is no proclamation of the Catholic Faith by the Magisterium. This is what above all makes it currently impossible to consider obstinacy as public and notorious (apart from the hypothetical situation where the individual in question publicly declares that he holds to a heretical position with pertinacity).

[120] Cf. Canon 6 of the Code.

[121] We are recalling here the expression used by A. X. Da Silveira in his "La Nouvelle Messe de Paul VI..." p. 273.

[122] It is not without use to stress that such statements as “valid in perpetuity” do not indicate that the disposition cannot be abrogated by competent Authority, but simply that they are not established “a priori” for a limited or fixed period of time. In itself, and apart from a new intervention on the part of Authority, this disposition remains “valid in perpetuity.”

[123] One cannot without a manifest abuse or begging the question, consider the “Conciliar church” as a “non-Catholic sect” in the eyes of Canon Law. The “Conciliar Church” is only a label which embraces a host of deviations which have been introduced into the bosom of Catholicism by the Council and what followed in its aftermath because of the blatant absence of Authority. To truly be a sect in the canonical sense of the word, would require a rupture with the Church as a society, consummated in a legal manner, and then the question of the pope would no longer arise (lit. it would be officially buried). To make this clearer it should be noted that Masonry is not considered as a non-Catholic sect under this Canon (Cf. Naz, *Traité de Droit Canonique*, T. IV, Second ed., 1954, Loetouzey. p. 704). The non-Catholic sects envisioned by Canon 2314 are truly religious groups as well as atheistic sects in which militant atheism is considered officially as of primary importance (Commission for the interpretation of the Code, July 30, 1934 - Cf. Naz, *ibid*).

[124] Promulgated June 29, 1896.

[125] Cf. Matt. XXVIII:19: “Teach ... Baptize ... teaching them to observe all things ...”

[126] Cf. St. Augustine, “De nature et gratia,” Chapter 26:29. This axiom is also cited by me Council of Trent (Cf. D. S. 1537) and retained by Catholic theology.

[127] This uninterrupted succession is demanded by the divine institution: “If anyone says that it is not from the institution of Christ the Lord Himself, or by divine right that the blessed Peter has perpetual successors in the primacy over the universal Church, or that the Roman Pontiff is not the successor of blessed Peter in the same primacy, let him be anathema” (Const. “Pastor Aeternus,” Denz. 1825). This uninterrupted succession obviously does not mean that there will always be a functioning pope. It demands the continuity and the permanence of the institution, according to the nature of things in a human society, such as the Church is. As Father Goupil, S. J. said (“L’?glise,” 5th ed., 1946, Laval, pp. 48-49) with regard to this: “Let us not forget that this formal and uninterrupted succession should be understood morally, and such is of the very nature of things where there is a succession of persons who are elected, as Christ wished and which as been practiced since times of ancient Christianity. This perpetuity does not require that there be no lapse of time between the death of a predecessor and the election of a successor; nor that in a series of such pastors there never be one who is dubious; but one understands by this a succession of legitimate pastors, such that the pastoral See, even when vacant, even when occupied by someone whose title is dubious, cannot really be thought to have ceased to exist. This is to say that the government of the predecessors virtually perseveres in the law of the See which remains always in force and always recognized; and that it will also always persevere in its solicitude for electing a successor” (Cf. Antoine, *De Eccl.*). As the reader sees by these theological explanations written before the present crisis, the material occupation of Sees corresponds very well to the need for the continuity of the hierarchy.

[128] When he is prayed for in the Holy Mass, It as an “orthodox” individual with whom the priest is in union. This is distinct from praying for his soul outside of the Mass. Translator’s comment.

[129] The work, “Lettre à quelques évêques,” published by the Société Saint-Thomas d’Aquin (21 bd Lannes, 75116, Paris) discusses the substance of this witnessing.

[130] Leo XIII, “Satis cognitum,” Para. 3.

[131] *Ibid.*, Para 3.

[132] *Ibid.*, Para. 3.

[133] Constitution “*Dei Filius*,” Chap. III, Vatican I.

[134] Cf. “Documents pour servir l’histoire réelle de la Salette,” T. I, N.E.L., 1963, pp. 76-79. It is known that Bishop Zola gave the Imprimatur to the complete text of the message after having referred it to Rome on November 15, 1879. Cf. *Ibid.*, p. 69. The complete text is available from the Gregorian Press, Most Holy Family Monastery, 261 Cross Keys Road, Berlin, N.J. 08009.

[135] “Satis cognitum,” Para. 3.

[136] Promulgated June 29, 1896.