

## John Salza Responds to “Novus Ordo Watch”

### “The Chair is Empty? Says who?”

A patron recently sent me a “rebuttal” of two of my articles on sedevacantism published on a lay sedevacantist website called “NovusOrdoWatch” – and, specifically, by someone who goes by the name “Gregorius” (the author never contacted me about his “rebuttal”). I have never responded to a critic who is presumably hiding behind a pen name, fails in professional courtesy to give me notice about his public “rebuttal,” and yet assails me with childish invective (“moron,” “idiotic,” “hilarious,” “ludicrous,” “dumber,” “asinine,” etc) which only reveals his state of mind and the bitter fruit of sedevacantism. But I was encouraged by several patrons to make an exception in this case due to the “confident nature” of this particular “rebuttal” and the errors, misrepresentations and presumptions it contains. So I am providing a response, limiting myself to the most relevant errors of his position, which can be generalized to the sedevacantist thesis as a whole. I also note that any strong objection against sedevacantism always runs the risk of giving the false impression that the author is defending the regime of novelty of the conciliar Popes, and not just their claim to office. *In no way* do I wish to give that impression, especially in light of the Bergoglio pontificate.

The articles that Gregorius critiqued are my short essays called “The Errors of Sedevacantism and Ecclesiastical Law” (2010) and “Sedevacantism and the Sin of Presumption” (2011). My purpose for writing these brief articles (five and four pages respectively) was simply to highlight certain canonical laws that are often overlooked in evaluating the question of sedevacantism, and the 2010 article was specifically devoted to the narrow question of pre-election heresy for a newly-elected Pope. I did not intend to address the many issues concerning Divine law which Gregorius now brings up (and which, frankly, pose even more problems for the sedevacantist thesis as this essay will demonstrate). Nevertheless, Gregorius deemed it expedient to both critique my articles as well as write one of his own within the very same critique, thus giving the impression that he had a lot to say about my articles, when in reality, he merely used it as a platform to explain his own erroneous views while raising issues that I never intended to address or are not relevant to the sedevacantist position (but, thankfully, have given me the opportunity to further expose the errors of sedevacantism).

Let me say that my most recent article called “Pope Francis, Archbishop Lefebvre, and Sedevacantism” from this past February 2014 (published in *Catholic Family News*) reflects my position on sedevacantism (and no sedevacantist, as far as I’m aware, has ventured a “rebuttal” of it). In that article, I concede, with Archbishop Lefebvre, that the sedevacantist position is a speculative theological possibility, and that someday the Church may condemn the conciliar Popes as manifest heretics (that is, the Church will confirm in the external forum what only God knows exists in the internal forum). In the

meantime, because we do not have the authority to judge and depose any Pope, nor can we have a moral certitude of the consequences of a heretical Pope should one even exist (because of the varied theological opinions that Gregorius says I did not address), we wait for the Church to sort this out for us.

The problem with almost all of these sedevacantist groups is that they are dogmatic about their conclusion (a mere speculative theological opinion) that the conciliar Popes are anti-popes due to their manifest heresy, and label as heretics those who don't agree with them (which, due to their lack of moral certitude on the question, shows a profound absence of charity and an ignorance of moral theology). In fact, the "NovusOrdoWatch" website classifies me as a "*Novus Ordo*" apologist, even though I left the *Novus Ordo* establishment over ten years ago (and which is why I was removed from EWTN, Relevant Radio and other mainstream Catholic media outlets). Obviously, as with their critique of my article, their characterizations of me are unfair and inaccurate, and they don't even get basic facts correct.

Gregorius starts out his critique by warning us that lawyers who are involved in civil law find it difficult to understand canon law, and then cites a piecemeal quote from a *Novus Ordo* commentary on canon law in support of his gratuitous speculation. I got a chuckle from that one. Perhaps Gregorius can tell us what legal degrees or formal training he has in jurisprudence, or why he thinks that his interpretation of canon law is better than mine (all the while he assumes that I have not had course work in canon law but only civil law). As we will see, it is Gregorius who doesn't comprehend even the most basic legal principles concerning fact and law as applied to the question of sedevacantism. The introductory *ad hominem* attempt to poison the well also reveals the insecurity of my critic (perhaps that is why he masquerades behind a phony name without revealing his true identity or credentials).

I will now address the main points that Gregorius makes in Part I of his critique, noting that the following analysis will suffice to refute all his errors and the sedevacantist thesis in general.

Supposed "Error #1": *The Claim that Sedevacantism is based on Ignorance of Canon Law regarding Public Heresy in Clerics*

Gregorius begins his critique as follows: "From the very start, Salza reduces the issue of sedevacantism to a problem of alleged public heresy in individual claimants to the papacy, as though the whole issue were one of certain individuals having publicly defected from the Faith, and nothing more than that." "Reduces the issue" to public heresy? "Nothing more than that"? The "whole issue" is *not* manifest papal heresy? Then what is it? No, Gregorius, that is the *entire* issue; that is what sedevacantists assert, and thus that is what Gregorius must prove. It is only as a result of this alleged

“public defection,” according to their theory, that the conciliar Popes are false leaders of a false church. Gregorius’ efforts to reframe the question (as if we were not debating whether the Pope is a manifest heretic!) reveals that he is not comfortable with the burden of *proving* manifest heresy in the cases of the conciliar Popes (and that is because he cannot prove it, as I will demonstrate).

It is understandable why sedevacantists like Gregorius try to color the argument this way, for they know they cannot carry the burden of proving moral imputability in the Popes for the sin of heresy, even though that is precisely what they are alleging (that the Popes are willfully rejecting Catholic doctrine, all the while claiming to be teaching the Catholic Faith). Because they cannot prove or even presume the same, as we will see, sedevacantists like to “back into” their conclusion by making generalized claims like “Popes can’t teach error,” “true authority can’t give evil,” and similar arguments, but they cite no Magisterial authority for such claims.

For example, where did the Vatican Council, in defining the strict and narrow parameters of infallibility, teach that those in authority cannot err or give evil? Where did Vatican I teach that true pastors cannot abuse their authority and deviate from the faith? Where did Vatican I say the Pope will be spotless in his teaching, discipline and governance? I will tell you: Nowhere. This is why the sedevacantists’ favorite theologian, St. Robert Bellarmine, says that a true Pope can attack souls and even attempt to destroy the Church (which he would attempt to do with heresies), but we cannot depose him, only resist him.

When you boil this down, the real issue is that sedevacantists presume to know the limits of what God wills to permit. In their minds, God could never will to permit the crisis of Faith we are experiencing, especially when it is being principally caused by God’s Vicar on Earth. Says who? Didn’t God will to permit the defection of almost the entire Church during the Arian crisis? Didn’t Jesus reveal in advance His will to permit universal apostasy, whereupon His return He will not “find faith on Earth?” Sedevacantists put an artificial limit on God’s permissive will, but certainly not on their own abilities to play God and depose a Pope under “Divine law.” This is because sedevacantism embodies the reflexive faith of Protestantism, where man and his judgments are the center of everything.

In his 1882 book *The Relations of the Church to Society*, Fr. Edmund O’Reilly warns us not to put limits on what God wills to permit. He says:

“The great schism of the West [in the 14<sup>th</sup> century] suggests to me a reflection which I take the liberty of expressing here. In this schism had not occurred, the hypothesis of such a thing happening would appear to many chimerical. They would say it could not be; God would not permit the Church to come into so

unhappy a situation...Yet is has been; and we have no guarantee that it will not be again, though we may fervently hope otherwise. What I would infer is, that we must not be too ready to pronounce on what God may permit...But we, or our successors in future generations of Christians, shall perhaps see stranger evils that have yet been experienced, even before the immediate approach of that great winding up of all things on earth that will precede the day of judgment. I am not setting up for a prophet, nor pretending to see unhappy wonders, of which I have no knowledge whatever. All I mean to convey is that contingencies regarding the Church, not excluded by Divine promises, cannot be regarded as practically impossible, just because they would be terrible and distressing in a very high degree."<sup>1</sup>

We would be prudent to heed Fr. O'Reilly's counsel as regards our current crisis.

Gregorius, like most sedevacantists, repeatedly alleges that I have failed to recognize the distinction between the sin of heresy and the crime of heresy (this is a favorite straw man of sedevacantist priest Fr. Cekada as well, which he uses in almost all of his "rebuttals"). But I have done no such thing (in fact, I have written articles and given talks on these very distinctions). As I said, the purpose of these limited-scope articles was to highlight canon laws (not the Divine law) which pertain to the question of a heretical Pope (and, specifically, pre-election heresy for a newly-elected Pope), and not to give a thorough exposition on heresy and Divine law. Gregorius' accusation that I don't know what I'm talking about may persuade his more gullible readers, but those who carefully read this essay will understand who the ignorant one really is. I will take up Gregorius' invitation to address his claim under Divine law and prove that his efforts to use it only backfire on him.

Further, Gregorius' claim that canon law doesn't apply to the Pope is obviously not true where, according to his own thesis, the "Pope" has already judged himself to be a heretic (and the very reason why I and others invoke canon law to rebut their conclusion!) This is why Gregorius and other sedevacantists use canon law themselves to support their thesis, such as canon 188.4. Thus, his assertion is patently absurd and amounts to playing on both sides of the fence. It's like saying Francis is a heretic and is thus subject to canon law, but Francis is the Pope and is not subject to canon law! Which one is it, Gregorius? Is the heretic Pope subject to canon law or not?

Moreover, because not even the Church judges the internal forum, in order to prove the sin of heresy under Divine law, one must prove the crime of heresy under canon law. Gregorius' attempt to make this solely a question of Divine law begs the question of how he as a private individual can make a formal declaration of sin when not even the

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<sup>1</sup> Fr. O'Reilly, *The Relations of the Church to Society*, pp. 287-288.

Church makes a definitive judgment of sin (only crime) when it issues an excommunication. His appeal to the Divine law only highlights the impossible burden of proof that remains for him.

Gregorius attempts to explain his infallible ability to depose the Pope under “Divine law” with the following example: “While canon law can help us understand divine law, it is crucial not to mix the two or to reduce divine law to canon law. This is easily apparent when we consider, for example, that there is no ecclesiastical law against entertaining impure thoughts. Are we, then, to conclude that it is not an offense against divine law? Are we to conclude that unless there be an ecclesiastical trial, no one can know if someone has entertained such thoughts? What if the person in question makes this fact manifest by his actions?” This is an example of how sedevacantists oversimplify these complex issues and rush to judgment. Allow me to explain how the Catholic approaches this question:

First, Gregorius’ example of the sin of impure thoughts is not on point because it is not a sin against the Faith. Hence, the example doesn’t carry with it the critical issue in question, namely, what happens to a manifest heretic who holds an office in the Church, and who decides.

Second, Gregorius has to prove (not just presume) that the alleged “actions” in question are manifestly contrary to Catholic moral doctrine, which means they are plain and unmistakable in themselves, and do not depend upon additional steps of reasoning (this factor is more obvious when evaluating theological error).

Third, what is “made manifest by his actions” does not prove any sin was committed, and this hasty conclusion is the fundamental error of sedevacantism. Gregorius must prove (not just presume) that the person *consciously* departed from the teachings of the Church on Catholic morality before drawing such a conclusion, which cannot be sustained by looking at the objectively sinful actions alone (and given today’s confusion in the Church on sexual morality, one can obviously have prudent doubt that the person was not aware of the conflict).

Finally, even if Gregorius proves there was a conscious departure from Catholic teaching, the presumption of guilt is always rebuttable (*praesumptio iuris tantum*)<sup>2</sup> in the external forum. Gregorius fails to mention these details as he kicks the Pope out of the Church. We will apply this approach to the conciliar Popes and their errors later in this essay.

Continuing with his theme that he can depose the Pope under “Divine law,” Gregorius says, “John Salza’s error lies in his claim that ‘Catholics are required to look to the

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<sup>2</sup> An assumption that is considered true unless someone proves otherwise.

ecclesiastical law of the Church to resolve' the issue of whether someone is a heretic or not. Note that Salza does not quote any proof for this claim—he merely makes the assertion, hoping everyone will accept it. But the assertion is false.”

This is quite an incredible (and ignorant) statement, since as we will see the majority of scholars who addressed the hypothetical question of a heretical Pope since the 16<sup>th</sup> century (e.g., Cajetan, Suarez, Francis de Sales, John of St. Thomas, etc.) said it was the *crime* of heresy that resulted in the loss of office (since both the crime and the office are in the external forum), and not the *sin* of heresy (which regards the internal forum and the Church does not judge internals). This is why John of St. Thomas says that in the absence of ecclesiastical inquiry, “the Church, by divine law, cannot declare him [a heretical Pope] deposed,” which is exactly the opposite of the sedevacantist position. Hence, Gregorius’ appeal to Divine law proves too much for him and shows just how unread he is on these issues.

#### Supposed “Error #2” – *The Claim that Catholics are required to look to canon law to resolve the issue of sedevacantism*

This supposed Error 2 is really just a repeat of supposed Error 1. Gregorius continues to say that we cannot look to canon law and must instead look to Divine law in order to privately judge the Pope as a heretic (because the Pope is above canon law). He evidently needed two “Error” sections in his “rebuttal” to make the same argument (but I guess it looks more substantial!) But Gregorius again misses the point of our analysis. As previously explained, Gregorius must prove the crime of heresy in the external forum because he cannot judge sin in the internal forum. Also, if Gregorius is arguing that the Pope isn’t the Pope, then we can also look to canon law (in addition to Divine law) to rebut his conclusion, for canon law applies to self-judged heretic, as Gregorius admits. By arguing that canon law doesn’t apply to the question of sedevacantism, Gregorius wants his cake (Ratzinger is a manifest heretic), and wants to eat it too (Ratzinger is not subject to canon law)! Any reasonable person can see the inanity of this argumentation.

Like other sedevacantists, Gregorius tends to oversimplify the issues with a superficial, drive-by analysis. This is the nature of the sedevacantist approach, which seeks a simple solution to a very complex problem. At the end of this section, he attempts to boil everything down to the question of whether the conciliar Popes “professed the Catholic faith, as is required for membership in the Church.” If only it were that simple. As with his example of the person with impure thoughts, heretical professions do not necessarily establish manifest heresy, much less moral imputability. To jump to such a conclusion is entirely rash and presumptuous. What about the occult heretic who “professed the Catholic faith”? Is he a member of the Church? If this question were so simple, then why have theologians been divided on the question for hundreds of years?

Neither an objective (material) profession of faith nor an objective (material) departure from the faith tells the entire story. It's not as simple as Gregorius and the sedevacantist camp pretend it is.

Moreover, Gregorius also claims that whether the conciliar Popes are heretics who lost their office is solely a question of fact, not law. He says: "And this, we are bound to inform Mr. Salza, is not a matter of *law* but of *fact*." This assertion is beyond a gross oversimplification; it is patently false because it ignores the very legal question that is at the heart of this issue: Who judges the facts? Church authority or individuals with no authority? While proving the offense of heresy is indeed a question of fact, *who* makes the judgment against a reigning Pope and *how* punishment for the offense is carried out are questions of law<sup>3</sup> which have been debated for centuries. Thus, sedevacantism is not simply "a matter of fact" as Gregorius contends, whose errors on fact and law are further highlighted in the next section.

Supposed "Error #3" – *The Claim that Sedevacantism depends upon illicit usurpation of authority by Sedevacantists*

In this section, then, Gregorius takes issue with the conclusion that sedevacantism illicitly usurps ecclesiastical authority to judge the question because he alleges that I fail to distinguish the order of law from the order of fact. He says, "Salza's failure to properly distinguish law from fact is the most fundamental error of his entire piece. He makes everything into a matter of Church law, when the sedevacantist position is based on the order of fact, not the order of law." He then goes on to allege the "fact" that the conciliar Popes are anti-popes, and that Catholics can know this without a judgment of the Church.

This shows just how little our lay legal "scholar" understands about the principles surrounding fact and law. The sedevacantist position is not based solely on "the order of fact, not the order of law" as Gregorius confidently proclaims, because the position is actually what true legal scholars recognize as a "mixed question of fact and law." The sedevacantist position (that the "chair is empty") is a mixed question of fact and law because one cannot look solely to the law or to the facts to resolve the question (whether the "chair is empty"). Following illustrates this point:

Question of Fact – Is the Pope a manifest heretic?

Question of Law – Who judges that the Pope is a manifest heretic?

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<sup>3</sup> These theological questions are "questions of law" insofar as they cannot be resolved by a finding of fact but are determined by authority (they also relate to transgressions of the Divine and positive law).

As we will see below, St. Bellarmine said there were five different opinions relating to this question of law, none of which have been adopted by the Magisterium as Catholic doctrine. This demonstrates that sedevacantism is not “solely a question of fact” but involves much more. Even agreeing, as I do, with Bellarmine’s opinion of the consequences of a manifestly heretical Pope (he is automatically severed from the Church according to Popes Eugene IV, Leo XIII and Pius XII), there is a more fundamental legal question that must first be resolved: Who judges whether the Pope is a manifest heretic? The sedevacantist cannot even get to first base with his “question of fact” approach until he resolves this “question of law” (which, as we will see in the next section, is resolved in favor of Church authority and not private judgment).

By taking the question out of the realm of law and making it “solely a question of fact,” the sedevacantist dismisses the need for authority (who must necessarily judge questions of law) and appoints himself as judge and jury. The way he does this is to argue that individual Catholics can judge heresy because it is a judgment of sin under Divine law (that all Catholics can make), and not a judgment of crime under canon law (that only an ecclesiastical court can make). Thus, they make it all about “Divine law” and that is the end of the story. This is the foundation of their entire position, and it is proven to be erroneous, on the basis of both fact and law.

First, from the standpoint of fact, sin resides invisibly in the will. It is a matter of the internal forum and the Church does not judge internals. Thus, sedevacantists cannot prove the very foundation of their thesis, namely, that the conciliar Popes are *guilty* of the *sin* of heresy, no matter how objectively heretical their words and actions may be (guilt being what severs a man from the Body of Christ). At most, they can only *presume* the conciliar Popes have sinned, but a presumption about a matter of the internal forum is always rebuttable, especially when we are dealing with the elected Vicar of Christ (and this principle of justice is also codified in the 1917 code of canon law, in canon 2220.2).

Second, in order to be able to morally adhere to a rebuttable presumption that someone has committed the sin of heresy in the internal forum (which all sedevacantists necessarily choose to do), it must be proven (not just presumed) that the accused has committed the *crime* of heresy in the *external* forum. This requires proving that the proposition is both (1) manifestly heretical (the material or objective element) and also that (2) the person is aware (sometimes called “pertinacity”) of the conflict between his proposition and the dogma of the Faith (the formal or subjective element).

By proof we mean the moral certitude (or the “the certitude of probability” as St. Thomas calls it), which implies the exclusion of well-founded, reasonable doubt (even though the contrary may be true). While Gregorius provides the hypothetical of the person with impure thoughts, he fails to provide, much less prove, concrete examples of “manifest heresy” in the teachings of the conciliar Popes (and which do not include those that are

“proximate to heresy,” or “suspect of heresy” or “theologically erroneous,” or “scandalous,” or “rash” or any lesser category of error). Moreover, he cannot exclude prudent, positive doubt that the Popes subjectively believe they are teaching the Catholic Faith, however objectively wrong they may be. It is not possible.

Let’s set aside the questions of law for a moment (who judges the Pope; what are the consequence of manifest heresy), and look at the question of fact, in order to demonstrate why sedevacantists – even if they were allowed to use their private judgment on the question of a heretical Pope – cannot meet the burden of proof.

### *Manifest Heresy?*

In order for a theological error to be considered “manifest heresy,” it must not only be publicly proclaimed or divulged (as opposed to being occult), but also *clearly and directly* contradict a truth that must be believed with divine and Catholic Faith. In other words, the heretical proposition *in itself* must be plain and unmistakable, evident and obvious such that no other interpretation is possible, nor explanation needed (which is the definition of the Latin “*manifestum*”). This clarity is what makes the heresy “manifest,” and the fact that the conciliar errors are subject to so many different interpretations proves they are not manifest. As sedevacantist John Daly correctly explains, “Giving the name ‘heresy’ to an error which is opposed to a doctrine to be believed with divine and Catholic faith, where the opposition is not direct and manifest but *depends on several steps of reasoning*: in such cases the qualification ‘heresy’ is not applicable before a definitive judgment on the part of the Church.”<sup>4</sup>

Of course, the very technique of modernism intentionally *avoids* manifest clarity, which equivocates on doctrine and gives rise to multiple interpretations and explanations. As a result, modernist propositions, by their nature, do not directly contradict the Faith, but require several steps of reasoning to demonstrate the contradiction. This means they cannot be considered heresies without a definitive judgment from the Church. For example, Vatican II’s teaching that “the Church of Christ subsists in the Catholic Church” does not clearly and directly contradict the dogma *extra ecclesiam nulla salus est*, but requires “several steps of reasoning to demonstrate the contradiction,” specifically, that (1) the Church of Christ is not the same thing as the Catholic Church, and, if so (2) this Church of Christ is also a means of salvation (which only then would make the proposition formally heretical). Likewise, Vatican II’s teaching that “man has a right to religious liberty” requires additional steps to demonstrate its manifest contradiction with the faith, specifically, that (1) this is a God-given moral right and not a man-made civil right or a subjective psychological liberty and, if it’s a moral right (2) it means man has the right to worship outside the Catholic Church.

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<sup>4</sup> John Daly, *The Right to Judge Heresy* (2000). <http://strobertbellarmine.net/judgeheresy.html>

Many more examples could be provided, but the point is that the modernist teachings of the Conciliar church, as problematic as they are, do not constitute “manifest heresy,” but rather, lesser theological categories of error (e.g., propositions proximate to heresy or theologically erroneous). As Mr. Daly rightly concludes, such errors cannot be classified as heresies “before a definitive judgment on the part of the Church.” Moreover, one who advances such teachings or even helps to “propagate heresy” is not considered a “manifest heretic,” but is only “suspect of heresy” (as specified in canon 2316), and remains in the Body of the Church (as St. Pius X teaches in *Pascendi* when he speaks of the Modernists as concealing themselves “in the very womb and heart of the Church”). Therefore, having failed to prove even the material or objective element of manifest heresy, the sedevacantist’s case is dismissed.

### *Pertinacity?*

Continuing for the sake of argument, even if the theological proposition is manifestly heretical because no further steps are necessary to demonstrate its contradiction with Church dogma (which has not been proven in the case of the conciliar Popes), the sedevacantist would have to further prove the Pope is morally culpable for the heresy (thus, proving both the objective and subjective elements of heresy). This means the sedevacantist must prove, by excluding all well-founded reasonable doubt, that the Pope is aware his teaching contradicts a revealed truth of the Faith (pertinacity or malice). In other words, you have to prove the crime before you can impute the guilt. This principle is enshrined in the 1917 code of canon law which requires proof (not just a presumption) of a violation of law before malice can be presumed (canon 2220.2). Thus, sedevacantism’s second error on the question of fact: Objectively heretical teachings do not by themselves prove an external infraction of law (crime), much less moral culpability (sin).

Sedevacantists attempt to prove the conciliar Popes are consciously dissenting from Church teaching, for example, by referring to their education in theology, their speeches, their public gestures, and other similar evidence (C’mon, the conciliar Popes *must* know they are teaching heresy!). The sedevacantist takes this approach because he knows the alleged objectively heretical propositions alone do not prove the crime (much less the sin) of heresy, and so he needs to gather additional evidence in an effort to prove the subjective element of pertinacity, which is his burden.

But what is good for the sedevacantist goose is good for the Catholic gander. We can also refer to the conciliar Popes’ testimony, for example, of their belief that Vatican II was in conformity with the teaching Tradition of the Church, however objectively wrong their assessments may have been. That Paul VI, John Paul II and Benedict XVI all publicly lamented the disastrous effects of the council is further evidence of their subjective intention *not* to depart from Church doctrine with their novel “pastoral”

approach, even if they did so objectively. While more evidence could be provided, the point is that the sedevacantist cannot prove with moral certitude that the conciliar Popes willfully (pertinaciously) departed from Catholic teaching, even if they believe they have objectively done so. He cannot exclude prudent, positive doubt that these Popes subjectively *intended* to teach the Catholic faith, however objectively wrong they were.

We also noted that even when the crime of heresy has been proven (which is not the case here), the presumption of guilt which follows is rebuttable. If the average Catholic is afforded the opportunity to rebut the canonical presumption of guilt in the external forum, then the Pope, who is judged by no one on Earth (and who is above the canonical element of presumption) should be afforded the same dignity, which we do, as St. Thomas says, by “giving him the benefit of the doubt, because the judge ought to be more inclined to acquit than to condemn.”<sup>5</sup>

Sedevacantists often accuse us of duplicity because we hold that “Catholic” politicians who deny the Church’s teaching on, for example, homosexuality and abortion are automatically excommunicated from the Church. But this position only highlights the truths of the principles previously set forth. First, the positions of these politicians are manifestly heretical and immoral because they do not depend on several steps of reasoning to demonstrate their contradiction with Catholic doctrine (e.g., the Divine law says “thou shalt not kill,” and these politicians accept and promote murder). Second, these politicians both publicly acknowledge their correct understanding of Catholic teaching and publicly dissent from it all the time (establishing both the crime and the guilt). Finally, these politicians do not sit in the Chair of Peter, which is made occupied by the authority of the Church, and made vacant by that same authority. In fact, this example highlights the lack of foundation for the sedevacantist thesis, which can prove neither manifest heresy nor pertinacity in the teachings of the conciliar Popes.

We reiterate the necessity of having moral certitude on the question of a heretical Pope. According to the Church’s moral theology, we must have moral certitude when resolving questions that pertain to salvation, and submission to the Holy Father (which requires we know who he is) is necessary for salvation. By submitting we mean acknowledging that he is the validly elected Vicar of Christ and following him in all things lawful (and, as the Fathers and Doctors teach, resisting him when he deviates from the Faith). Because the sedevacantist cannot have moral certitude of his position on the question of fact, he must abandon his “the chair is empty” position and leave the judgment to the Church, who alone can provide moral certitude on the question.

Thus, even after putting aside that this is not a matter of private judgment, the sedevacantist still fails to prove his case. He fails not only to prove the objective

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<sup>5</sup> ST, II-II, Q 70, Art 2, ob 2.

element of manifest heresy, but also subjective element of pertinacity which is required for moral imputability. *Ergo*, the sedevacantist thesis collapses and his case is dismissed.

### *Question of Law*

Let us now turn to the complex questions of law, namely, who judges whether a Pope is a manifest heretic, and what are the consequences of his manifest heresy. As I mentioned, in his treatise *De Romano Pontifice*, Bellarmine said there were five different opinions concerning the implications of a heretical Pope (with the Fourth and Fifth Opinion as the most commonly accepted). Arnaldo Xavier de Silveira, in his book 'La Nouvelle Messe de Paul VI: *Qu'en penser*', surveyed 136 authors who wrote about the consequences of a heretical Pope, and Fr. Dominique Boulet of the Society of St. Pius X categorized the various authors according to the five opinions laid out by Bellarmine which Fr. Boulet essentially describes as follows:<sup>6</sup>

- First Opinion: The Pope can never fall into heresy (e.g., Bellarmine, Billot)
- Second Opinion: The Pope loses his office *ipso facto* for occult heresy (e.g., Torquemada)
- Third Opinion: The Pope never loses his office for manifest heresy (Bouix)
- Fourth Opinion: The manifestly heretical Pope loses his office only upon declaration (e.g. Cajetan, Suarez???)
- Fifth Opinion: The manifestly heretical Pope loses his office *ipso facto* without a declaration (e.g. Bellarmine, Billot)

Now, at this juncture I would like to note something that I have not seen addressed before (and which will become relevant as we proceed). While Silveira and Boulet (who are not sedevacantists) have included Francisco Suarez as a supporter of the Fourth Opinion, I will demonstrate that this conclusion is not correct. Suarez (along with Bellarmine) actually held the Fifth Opinion (office lost *ipso facto*), and this is why Bellarmine does not mention Suarez when he refutes the Fourth Opinion held by Cajetan (office lost by declaration) in *De Romano Pontifice*, chapter 30. Interestingly, sedevacantists also erroneously believe that Suarez held the Fourth Opinion in opposition to Bellarmine's Fifth Opinion, and this false belief exposes another critical error in the sedevacantist thesis.

What is the critical error? By failing to recognize that Bellarmine and Suarez are addressing two different issues and not expressing two different opinions, sedevacantists have failed to distinguish when the theologian is addressing *the offense of heresy versus the punishment for the offense*. When they read, for example,

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<sup>6</sup>See Fr. Boulet's study at [http://fsspx.com/Communicantes/Dec2004/Is\\_That\\_Chair\\_Vacant.htm](http://fsspx.com/Communicantes/Dec2004/Is_That_Chair_Vacant.htm).

Bellarmino who says a heretical Pope automatically loses his office, and Suarez who says a heretical Pope loses his office upon a declaration from the Church, they immediately jump to the conclusion that Suarez is contradicting Bellarmine, and then they reason that Bellarmine's position must prevail because he is a Doctor of the Church and Suarez is not! This is another example of their over-simplistic and *a priori* approach to these issues.

Unfortunately for them, Suarez also says a manifestly heretical Pope "*is ipso facto and immediately deposed by Christ*"<sup>7</sup> and *not* by Church declaration. Because Suarez voices *both* opinions (that a Pope is declared a heretic by the Church *and* also automatically falls from his office) definitively *proves* that he (along with Bellarmine and others) viewed the offense and the punishment as two different aspects of the question, a distinction that no sedevacantist to my knowledge has addressed. What this means is that the sedevacantist cannot use Bellarmine's teaching on *ipso facto* deposition to prove the crime of heresy is determined by private judgment, when Bellarmine in that case is referring to the *consequences* of the crime (that is, the divine punishment, and not the crime which is determined by the Church). As we will see, for the initial inquiry into the potential crime, Bellarmine and Suarez both defer to ecclesiastical authority.

We can understand the distinction between the crime and the punishment by looking at our own American legal process, where the offense (the crime) must be proven before the sentence (the punishment) is imposed. In fact, in secular criminal courts, both phases usually require separate legal proceedings. While not a perfect analogy (because a sitting Pope is above ecclesiastical law), the investigation and removal of a heretical Pope would necessarily follow the secular process: The crime (heresy) must be determined before the punishment for the crime (loss of office) can be inflicted. As Bellarmine, Suarez and the consensus of theologians maintain, the offense of Papal heresy is determined by the Church, and the divine punishment is inflicted by God (severance from the Body of Christ), with the optional human punishment being imposed by the Church, if she so chooses (with a decree of excommunication). That's the distinction (crime versus punishment) that reconciles the seemingly inapposite statements from Bellarmine and Suarez.

More proof for this point is that Bellarmine (d.1621) and Suarez (d.1617) lived at the same time, and both held that their "opinion" was the *common opinion* of the Fathers and Doctors of the Church. Both were also eminent theologians (Pope Paul V declared Suarez "*Doctor Eximus et Pius*" during Suarez's lifetime, and Bellarmine became a Doctor of the Church). After teaching that a heretical Pope ceases to be Pope upon a **declaration** of the Church, Suarez says, "This is the *common opinion among the doctors.*" However, when Bellarmine says a heretical Pope ceases to be Pope

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<sup>7</sup> De Fide, Disp. 10, Sect 6, n. 10, pg. 317.

**automatically**, he says, “This is the teaching of *all the ancient Fathers* who teach that manifest heretics immediately lose all jurisdiction.” How can they both hold that their seemingly contradictory opinions represented the common teaching of the Fathers and Doctors of the Church? Again, because they were not giving two different opinions but addressing two different issues: The crime is determined by the Church (common opinion number one), and the punishment is inflicted by God (common opinion number two).<sup>8</sup>

In support, then, of the Fifth Opinion that a manifestly heretical Pope is automatically deposed (punishment), Suarez says, “Therefore on deposing a heretical Pope, the Church would not act as superior to him, but juridically, and by the consent of Christ, she would declare him a heretic [crime] and therefore unworthy of Pontifical honors; he would be then *ipso facto* and immediately be deposed by Christ [divine punishment], and once deposed he would become inferior and would be able to be punished” [human punishment].”<sup>9</sup> Notice the chronology: The Pope is first declared a heretic (crime) and “then” is *ipso facto* deposed (punishment).

Bellarmino agrees with Suarez: “The fifth opinion therefore is the true one. A pope who is a manifest heretic automatically (per se) ceases to be pope and head [divine punishment], just as he ceases automatically to be a Christian and a member of the Church. Wherefore, he can be judged and punished by the Church [human punishment]. This is the teaching of all the ancient Fathers who teach that manifest heretics immediately lose all jurisdiction.”<sup>10</sup>

In complete agreement, Suarez and Bellarmine are simply restating the Divine law that a manifestly heretical Pope (whose crime is judged by the Church and not presumed by the faithful) automatically ceases to be Pope without any further declaration. Moreover, when they both say the heretical Pope can now be “punished,” they are confirming that the Church can publicly declare under ecclesiastical law what has already occurred under Divine law: The Pope, being severed from the Body of the Church by Divine law, can now be excommunicated under canon law. Again, the declaration of the punishment (removal from office) is not strictly necessary, but it is practically necessary because the faithful have a right to know the man is no longer Pope. Furthermore, because the heretical “Pope” is no longer “superior” to the ecclesiastical authority, the Church can judge and remove [punish] him and declare him deprived of the pontificate.

John of St. Thomas (d.1644), a contemporary of both Suarez and Bellarmine, confirmed their agreement by saying: “And for that reason Bellarmino and Suarez judge that the

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<sup>8</sup> Bellarmine and Suarez both agreed that ecclesiastical authority was required to determine the crime of heresy (although Suarez said an actual declaration of the crime of heresy was also required).

<sup>9</sup> De Fide, Disp. 10, Sect 6, n. 10, pg. 317.

<sup>10</sup> De Romano Pontifice, II, c.30.

pope, by the very fact that he is a manifest heretic and has been declared incorrigible [crime], is deposed immediately by the Lord Christ [divine punishment], not by some other authority of the Church.”<sup>11</sup> (Again, notice the “declaration” is past tense and the “deposition” is present tense, underscoring the chronology.) Cardinal Journet also read Bellarmine and Suarez the same way: “Some, such as Bellarmino and Suarez, considered that such a Pope, withdrawing himself from the Church, was *ipso facto* deposed, *papa haereticus est depositus*.”<sup>12</sup> Because Bellarmine and Suarez essentially agreed on both the crime and punishment aspects of this question they could both say they held the “common opinion.”

In regard to the determination of the *crime* (not the punishment), Suarez says: “I affirm: if he were a heretic and incorrigible, the Pope would cease to be Pope just when a sentence was passed against him for his crime, by the legitimate jurisdiction of the Church. This is the common opinion among the doctors.”<sup>13</sup> Notice that Suarez is speaking of the determination “of the crime” (of manifest heresy), and which must be made by “the legitimate jurisdiction of the Church.” Suarez thus establishes that the Pope is not declared a heretic as an exercise of private judgment under “Divine law” as the sedevacantists claim. Rather, ecclesiastical authority is required to prove the crime of heresy. Suarez is clearly not speaking of the consequences of the crime, that is, the removal of office (punishment) which happens without a declaration by Divine law.<sup>14</sup>

Suarez also says: “[I]f the external but occult heretic can still remain the true Pope, with equal right he can continue to be so in the event that the offense became known, as long as sentence [crime] were not passed on him.”<sup>15</sup> Suarez then explains the obvious consequences of “sentencing” a Pope based on private judgment and not the authority of the Church: “In effect, there would arise doubt about the degree of infamy necessary for him to lose his charge; there would rise schisms [sedevacantism?] because of this, and everything would become uncertain, above all if, after being known as a heretic, the Pope should have maintained himself in possession of his charge by force or by other.”<sup>16</sup>

In this passage, Suarez again does not say a Pope is declared a heretic by private judgment under “Divine law” but rather by the Church through an official “sentence.” He

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<sup>11</sup> Cursus Theologici (Theological Courses), II-II, De Auctoritate Summi Pontificis, Disputatio, Disp II, Art. III, De Depositione Papae.

<sup>12</sup> Cardinal Charles Journet, The Church of the Word Incarnate, Chapter VIII.  
<http://www.ewtn.com/library/THEOLOGY/chwordin2.htm#O7>

<sup>13</sup> De Fide, disp. X, sect. VI, nn. 3-10, pp. 316-317.

<sup>14</sup> The Church may not issue a declaration of heresy or apostasy in the case where a Pope openly leaves the Church to join another religion, or as Bellarmine says, would “depart...from her” and “turn away from the Church,” citing John Driedo. But again, even in that case, a declaration would seem to be a practical necessity, to give peace to the Church as it prepared for the conclave.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

is also speaking of a Pope whose heresy is “external but occult” and thus is not manifestly heretical. In other words, he is affirming the necessity of ecclesiastical authority (the one who passes the “sentence”) to determine the heresy is manifest before the punishment is imposed. He also explains that without this assurance from ecclesiastical authority (“sentence”), there would be uncertainty about a heretical Pope’s status, which would even lead to “schisms” (and which is an accurate description of the Church today). Again, Suarez here is not addressing the consequent loss of office for a manifestly heretical Pope, but only the Church’s determination of the crime of heresy for a heretical Pope.

In refuting Cajetan’s position (the Fourth Opinion that the punishment must be declared), Bellarmine also says: ““For in the first place, it is proven by authority and reason that a manifest heretic is *ipso facto* deposed [divine punishment]. The authority is that of Blessed Paul, who in his Epistle to Titus, chapter 3, orders that the heretic be avoided [punishment] **after two warnings**, that is **after** he clearly appears pertinacious [crime], and he understands (by this) before any excommunication and judicial sentence; as Jerome writes regarding this passage, where he states that other sinners are excluded from the Church through a sentence of excommunication, but heretics depart from and are cut off from the Body of Christ through themselves.”<sup>17</sup>

Bellarmino first affirms with Suarez the Divine law that “a manifest heretic is *ipso facto* deposed” as we have already seen. But he then says this conclusion is *based* on the authority of Titus 3:10, which requires *warnings from ecclesiastical authority* (specifically, the authority that Titus, as a Bishop, had in his diocese). Bellarmine’s language is clear, although sedevacantists attempt to deny what he actually said. Bellarmine and Suarez appear only to have different opinions on how the result of the ecclesiastical inquiry is communicated: Suarez requires a formal declaration by the Church, while Bellarmine requires the establishment of “pertinacity.”<sup>18</sup> Either way, however, they both held that ecclesiastical authority, and not private judgment, establishes the crime of heresy. That means they both disagreed with sedevacantism.

In the face of the plain meaning of Bellarmine’s words, sedevacantists *must* argue that Titus 3:10 is not about ecclesiastical authority, but is directed to individual Catholics to make private judgments about who is and is not the Pope. But who are they kidding? It is obvious that St. Paul is instructing a fellow bishop and not the faithful. More importantly, St. Thomas Aquinas disagrees with the sedevacantists. He confirms that Titus 3:10 is about ecclesiastical authority. For example, in his *Commentary on St. Paul’s Epistle to Titus*, he says: “Such a person should be warned, and if he does not desist, he should be avoided. And he says, *after the first and second admonition, for*

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<sup>17</sup> *De Romano Pontifice*, II, c.30.

<sup>18</sup> Bellarmine may also require a declaration but does not mention it here.

that is the way the Church proceeds in excommunicating.” In other words, the “first and second admonition” (two warnings) is “the way the Church proceeds” (ecclesiastical procedure) before factually establishing manifest heresy and the resultant loss of office.

In the *Summa*, St. Thomas also says, “On the part of the Church, however, there is mercy which looks to the conversion of the wanderer, wherefore she condemns not at once, but “*after the first and second admonition*,” as the Apostle directs: after that, if he is yet stubborn, the Church no longer hoping for his conversion, looks to the salvation of others, by excommunicating him and separating him from the Church, and furthermore delivers him to the secular tribunal to be exterminated thereby from the world by death.”<sup>19</sup> In other words, just as the Church hopes for the person’s conversion through the “two warnings,” so the Church declares him severed from the Church by failing to heed those warnings.

In the original annotations of the Rheims New Testament, it also says, “These admonitions [of Titus 3:10] or corruptions must be given to such as err, by our spiritual governors and pastors, to whom if they yield not, Christian men must avoid them.”<sup>20</sup> The 1910 Catholic Encyclopedia’s article on heresy also explains that Titus 3:10 was an early reference to the Church’s ecclesiastical law (not Divine law as sedevacantists claim) as regards the investigation and excommunication of heretics: “St. Paul writes to Titus: “A man that is a heretic, after the first and second admonition, avoid: knowing that he, that is such a one, is subverted, and sinneth, being condemned by his own judgment” (Titus 3:10-11). This early piece of legislation reproduces the still earlier teaching of Christ, ‘And if he will not hear the church, let him be to thee as the heathen and the publican’ (Matthew 18:17); it also inspires all subsequent anti-heretical legislation. The sentence on the obstinate heretic is invariably excommunication.”

Many other examples from theological commentaries could be provided, but the point is made: The requirement to prove pertinacity in the external forum must be carried out by ecclesiastical authority (the legitimate trier of fact), and not individual Catholics. This is the true and unequivocal meaning of Titus 3:10 upon which Bellarmine relies.

John of St. Thomas, one of the greatest Thomists the Church has ever known, confirms that the “two warnings” mentioned by Bellarmine must come specifically “from Church authority, and not according to private judgment.”<sup>21</sup> Thus, Bellarmine clearly states that the *foundation* for the automatic loss of office of a manifest heretic (punishment) is an inquiry by ecclesiastical authority (whether or not a declaration of the crime is made, or rendered unnecessary by the same authorities – for example, in the case of a Pope who

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<sup>19</sup> ST, II-II, Q 11, Art 3, *sed contra*).

<sup>20</sup> Rheims New Testament, p.549.

<sup>21</sup> See “Robert Siscoe and John of St. Thomas Respond to Fr. Cekada,” Catholic Family News, September 2014, p. 28.

openly joined another religion), and not private judgment. In other words, the Pope accuses himself of the crime (he, in a sense, “binds on Earth”), and God imposes the punishment, without the necessity of a declaration (He “binds in Heaven”).

Again, whether the Church issues a declaration of the crime of heresy (as Suarez says) or not (as Bellarmine says) is not absolutely essential to the point. The point is that Church authority, based on Titus 3:10 and not private judgment, determines the offense, with God (and the Church) imposing the punishment. In Bellarmine’s teaching, an ecclesiastical inquiry is needed, and it is quite unreasonable to imagine his approach would be different in the case of the conciliar Popes, particularly where pertinacity has not been established. The ecclesiastical process of warnings factually establishes that the Pope is “pertinacious” (crime of heresy), only *after* which time he can be “avoided...before any excommunication and judicial sentence” (human punishment). He further affirms that “heretics” (whose crime is determined on the authority of Titus 3:10) “are cut off from the Body of Christ” as a punishment for their heresy (divine punishment).

To anticipate the sedevacantist objection, note that neither the crime nor the punishment strictly and necessarily requires a declaration by the Church for manifest heresy. If the Pope is a manifest heretic, he automatically loses his office (because formal heresy severs one from the Body of the Church). But to get to first base, the legal question of *who* determines manifest heresy (the crime) must first be resolved. And, as we have seen, it is resolved in favor of ecclesiastical authority, and not private judgment, as concerns a reigning Pope. Moreover, an actual declaration of the crime of heresy as supported by Suarez (while theoretically unnecessary) would be practically required for the common good of the Church (as even canon 2223.4 provides), so that the 1.4 billion Catholics of the world would be aware of it.

The following quotes prove how sedevacantists have misunderstood the teachings of Suarez and thus have failed to recognize the distinction between the crime and punishment aspects of the process. For example, sedevacantist priest Fr. Cekada erroneously interprets Suarez to require a declaration of the punishment, when Suarez was actually referring to the declaration of the crime. Fr. Cekada boldly proclaims: “But Suarez, who tended to lose most controversies with other Catholic theologians, was the **only** theologian [also not true!] who held that position [that a declaration of punishment was required]. The rest all taught that a schismatic pope loses the pontificate automatically because heresy and schism both represented ‘defection from the faith.’”<sup>22</sup>

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<sup>22</sup> “Sedevacantism and Mr. Ferrara’s Cardboard Pope,”  
(<http://www.traditionalmass.org/articles/article.php?id=66&catname=14>)

We could thus say about Fr. Cekada what he has publicly said about his opponents: “He’s a windbag who has no idea what he is talking about.”<sup>23</sup>

Sedevacantist John Lane makes the same mistake when he interprets Suarez as requiring a declaration for the deposition (punishment): “Francisco Suarez did in fact hold the discredited minority position that a public heretic would have to be deposed by the Church.”<sup>24</sup> As we have seen, Mr. Lane commits the same error. Lane also says: “It is true that some authorities have taught that in the extraordinary case of a *pope* falling into heresy (something the best authorities believe to be impossible), the loss of office would not occur, or would not be known, until after a declaration by a General Council or a Conclave. Who are these few? John of St. Thomas, Suarez, Cajetan, Bioux. Not a canonised saint or a Doctor among them, and they constitute a tiny minority.”<sup>25</sup> Lane thus denigrates the opinion of the “Doctor Eximus et Pius” without understanding his actual position.

John Daly also says: “Those involved reject the Vatican II changes in liturgy and doctrine, but believe that Wojtyla is still pope because they think that the canonical effects of heresy do not occur automatically and because they follow the opinion of those theologians who hold that a heretic can continue to be pope - Cajetan, Suarez and John of St Thomas.”<sup>26</sup> As we have seen, Suarez (and also John of St. Thomas) did not believe a manifest heretic could “continue to be pope” as Mr. Daly maintains, but, like Bellarmine, held that he “is *ipso facto* and immediately deposed by Christ” (punishment), that is, *after* ecclesiastical authority (not private judgment) judged the offense (crime). Sedevacantist Peter Dimond is so confused on these issues that he even refers to “Suarez’s fallible speculations from 400 years ago” and “the inaccurate speculations of Suarez”<sup>27</sup> – which would necessarily include the “fallible” and “inaccurate speculations” of Bellarmine “from 400 years ago” as well!

Sedevacantists cleverly attempt to pit Bellarmine against Suarez, and now we know why: By pretending that they are addressing the same issue, they can argue that Bellarmine’s opinion (loss of office without a declaration for the **punishment**) and Suarez’s opinion (loss of office upon declaration for the **crime**) are two opposing

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<sup>23</sup> In addition to stooping to the level of insulting me for my last name in “Salza on Sedevacantism: Same Old Fare” (2011), Fr. Cekada refers to both Chris Ferrara and Robert Siscoe as “windbags” who “don’t know what they are talking about.” See Sedevacantism and Mr. Ferrara’s Cardboard Pope (ibid.), and Siscoe Plays Hopscotch with Bellarmine, <http://www.fathercekada.com/2014/05/07/bergoglio-hes-got-nothing-to-lose/bellarmino-fraud-copy/>

<sup>24</sup> “Anti-Sedevacantism: Is it Catholic,?” <http://sedevacantist.com/isitcatholic.html>

<sup>25</sup> “Responses to Some Anti-Sedevacantist Objections,” [http://www.the-pope.com/contra\\_objections.html](http://www.the-pope.com/contra_objections.html)

<sup>26</sup> “Have We Correctly Understood Schism,?” <http://sedevacantist.com/npis.html>

<sup>27</sup> “The Remnant and Robert Siscoe Refuted on Sedevacantism,”

[http://www.mostholyfamilymonastery.com/catholicchurch/remnant-robert-siscoe-refuted-sedevacantism/#.VE3JAI\\_u3VI](http://www.mostholyfamilymonastery.com/catholicchurch/remnant-robert-siscoe-refuted-sedevacantism/#.VE3JAI_u3VI)

opinions, and that Bellarmine's opinion must therefore prevail because he is a Doctor of the Church! We have proven this to be a false distinction and thus a completely fallacious argument. Bellarmine and Suarez *both* held that a manifestly heretical Pope automatically loses his office, *ipso facto* – but only after being judged by ecclesiastical authority.

The sedevacantist's last-ditch effort will be to accuse us of saying no one can determine if someone is a manifest heretic without a declaration from the Church. We, of course, do not hold that position, where the heresy is both objectively manifest and subjectively pertinacious (as we see in the case of "Catholic" politicians). This is not the case with the conciliar Popes. For Popes who propagate heresy, promote modernist theology, practice black magic, kiss Korans, and worship with pagans at Assisi, they are considered only "suspect of heresy" (but not manifest heretics).<sup>28</sup> It's only "after he appears clearly pertinacious," which happens only "after two warnings" by ecclesiastical authority, that he becomes a manifest heretic upon the "judgment of the Church." Thus, Bellarmine and Suarez confirm that ecclesiastical authority (with a declaration, according to Suarez) is required to resolve the question of manifest heresy, especially when we are questioning the pertinacity of a reigning Pope. A more obvious need for official inquiry from Church authorities for a sitting Pope who claims to be Catholic is difficult to imagine.

To anticipate another facile objection, it should be noted that, because the Cardinals have no authority over the Pope, they would have to issue these warnings as a matter of charity, not jurisdiction. As St. Thomas Aquinas and many other theologians teach, any subject can warn a superior as an act of charity, through fraternal correction (since no one has authority over the Pope, such a warning would not be juridical). For example, in his *Commentary on Galatians 2*, St. Thomas says, "the Apostle [St. Paul] opposed Peter in the exercise of authority, not in his authority of ruling. Therefore, from the foregoing we have an example: prelates, indeed, an example of humility, that they not disdain corrections from those who are lower and subject to them; subjects have an example of zeal and freedom, that they fear not to correct their prelates, particularly if their crime is public and verges upon danger to the multitude."<sup>29</sup> In regard to the investigation of a heretical Pope, the 18<sup>th</sup> century theologian Fr. Pietro Ballerini (d.1769) stated: "...whatever would be done against him before the declaration of his contumacy and heresy, in order to call him to reason, would constitute an obligation of charity, not of jurisdiction..."<sup>30</sup>

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<sup>28</sup> See, for example, *Essay on Heresy*, by Arnaldo Vidigal Xavier da Silveira.

<sup>29</sup> *Super Epistulas S. Pauli, Ad Galatas*, 2, 11-14, lec. III, Taurini/Romae: Marietti, 1953, nn 77.

<sup>30</sup> *De Potestate Ecclesiastica*, c.6, sec.2, p.124.

If a Pope would obstinately refuse to heed these charitable warnings and retract his heresy, his response would prove pertinacity in the external forum and the Church would judge him as a heretic, or, rather, declare that he has judged himself. Pope Innocent III explained that the Roman Pontiff “should not mistakenly flatter himself about his power, nor rashly glory in his eminence or honor, for the less he is judged by man, the more he is judged by God. I say ‘less’ because he can be judged by men, or rather shown to be judged, if he clearly loses his savor to heresy, since he ‘who does not believe is already judged.’”<sup>31</sup> Pope Innocent III, whose teaching was followed by Suarez and Bellarmine, says the Church judges (or shows that the Pope has judged himself) for the crime of heresy, while Divine law confirms he has fallen from his office (and “is already judged”).

Fr. Sebastian Smith also confirms that Bellarmine and Suarez held the same “common opinion.” His classic work *Elements of Ecclesiastical Law* (1881) provides: “*Question*: Is a Pope who falls into heresy deprived, *ipso jure*, of the Pontificate? *Answer*: There are two opinions: one holds that he is by virtue of divine appointment, divested ipso facto, of the Pontificate [Bellarmine and Suarez on the **punishment**]; the other, that he is, *jure divino*, only removable [Cajetan]. Both opinions agree that he must at least be declared guilty of heresy by the church [Bellarmine and Suarez on the **crime**] i.e., by an ecumenical council or the College of Cardinals. The question is hypothetical rather than practical.” We see Fr. Smith making this same clear distinction between Bellarmine and Suarez’s common treatment of the crime versus their common treatment of the punishment, a distinction that sedevacantists have failed to notice or acknowledge (but will surely claim to have done after the publication of this article).<sup>32</sup>

In light of the foregoing, one can see how other theologians whom sedevacantists cite for their position actually contradict it. For example, when addressing the scope of the Pope’s authority, St. Francis de Sales says: “Under the ancient Law, the High Priest did not wear the *Rational* except when he was vested with the pontifical robe and was entering before the Lord. Thus we do not say that the Pope cannot err in his private opinions, as did John XXII; or be altogether a heretic, as perhaps Honorius was. Now when he is explicitly a heretic [crime] he falls *ipso facto* from his dignity and out of the Church [divine punishment], and the Church must either deprive him, or as some say,

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<sup>31</sup> Between God and Man: Sermons of Pope Innocent III, Sermon IV, pp. 48-49.

<sup>32</sup> Fr. Boulet correctly describes the Fourth Opinion (of Cajetan) as: “The heretical pope would lose effectively his pontificate only upon an official declaration of heresy.” However, he incorrectly accuses Suarez of holding this position: “Even though such opinion is defended by serious theologians, like Cajetan and Suarez, it is not admitted by St. Robert Bellarmine.” As we have demonstrated, this assessment is erroneous.

declare him deprived of his Apostolic See, and must say as St. Peter did: Let another take his bishopric" [human punishment].<sup>33</sup>

Here, St. Francis de Sales (d.1622), who also lived during the time of Bellarmine and Suarez, is addressing the case of a Pope who is "explicitly a heretic," like the "clearly pertinacious" heretic in Bellarmine's hypothetical, and not simply an "external but occult" heretic, for example, in Suarez's hypothetical. For such a manifest heretic, St. Francis reiterates the divine punishment that he falls automatically from his office (but as we have seen, this does not preclude a declaration of the crime of heresy by the Church). Further, St. Francis says the Church must declare the human punishment (the removal from office), which is canonical excommunication. In short, St. Francis' teaching cannot be used to support the position that the manifest heresy (the crime) is determined by private judgment, for he does not address the determination of the crime of heresy as do Bellarmine and Suarez.

John of St. Thomas wrote extensively about dealing with a heretical Pope. For example, in referring to the teaching of St. Jerome, he writes: "in saying that a heretic departs on his own from the Body of Christ does not preclude the Church's judgment, especially in so grave a matter as is the deposition of a pope. He refers instead to the nature of that crime, which is such as to cut someone off from the Church on its own and without other censure in addition to it - yet only so long as it should be declared by the Church... So long as he has not become declared to us juridically as an infidel or heretic, be he ever so manifestly heretical according to private judgment, he remains as far as we are concerned a member of the Church and consequently its head. Judgment is required by the Church. It is only then that he ceases to be Pope as far as we are concerned."<sup>34</sup>

In this passage, John of St. Thomas, who also lived during Bellarmine and Suarez's time, affirms their teaching regarding the crime of heresy (and also cites St. Jerome of the fifth century as precedent for his position, as did Bellarmine). John acknowledges that the nature of heresy severs one from the Body of Christ as a matter of Divine law (punishment) and without "other censure," but that this determination (crime) belongs to the "Church's judgment" and not to "private judgment." John's teaching further demonstrates the distinction between the crime and the punishment, the former which is determined by the Church, and the latter imposed by God Himself.

Fr. Paul Laymann (d.1635), one of the great canonists and moralists of this same time period, also taught: "It is more probable that the Supreme Pontiff, as a person, might be able to fall into heresy and even a notorious one, by reason of which he would merit to be deposed by the Church, or rather, declared to be separated from her" [crime]. Consistent with his contemporaries, Fr. Laymann also says the Church must declare the

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<sup>33</sup> St. Francis de Sales, Doctor of the Church, [Tan Books] pg 305-306.

<sup>34</sup> John of St. Thomas, Disp. II, art III 26.

crime of heresy in the case of the Supreme Pontiff, even if the Pope is a “notorious” heretic. Fr. Laymann goes on to say that “while he [the heretical Pope] were tolerated by the Church, and publicly recognized as the universal pastor, he would really enjoy the pontifical power, in such a way that all his decrees will have no less force and authority than they would if he were truly faithful.”<sup>35</sup>

The esteemed Fr. Pietro Ballerini (d.1769) confirms the consensus of the 17<sup>th</sup> century theologians: “For the person who, admonished once or twice [ecclesiastical inquiry/crime] does not repent, but continues pertinacious in an opinion contrary to a manifest or public dogma - not being able, on account of this public pertinacity to be excused, by any means, of heresy properly so called, which requires pertinacity - this person declares himself openly a heretic. He reveals that by his own will he has turned away from the Catholic Faith and the Church, in such form that now no declaration or sentence of any one whatsoever is necessary to cut him from the body of the Church” [divine punishment].

He also says: “Therefore the Pontiff who after such a solemn and public warning by the Cardinals, by the Roman Clergy or even by the Synod [ecclesiastical inquiry], maintained himself hardened in heresy and openly turned himself away from the Church, would have to be avoided, according to the precept of Saint Paul. So that he might not cause damage to the rest, he would have to have his heresy and contumacy publicly proclaimed [crime], so that all might be able to be equally on guard in relation to him. Thus, the sentence which he had pronounced against himself would be made known to all the Church, making clear that by his own will he had turned away and separated himself from the body of the Church [punishment], and that in a certain way he had abdicated the Pontificate, which no one holds or can hold if he does not belong to the Church.”<sup>36</sup>

Cardinal Billot (d.1931) also affirmed this long line of thought when he said, “Given, therefore, the hypothesis of a Pope who would become notoriously heretical [crime], one must concede without hesitation that he would by that very fact lose the pontifical power, insofar as, having become an unbeliever, he would by his own will be cast outside the body of the Church” [punishment].<sup>37</sup> Because “notorious heresy” is a “crime” per canons 2197.2 and 2197.3 of the 1917 code means that Billot, like his predecessor theologians, held that the *crime* of heresy (not the sin of heresy) as determined by the Church brings down the divine punishment that is inflicted by God Himself.

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<sup>35</sup> Laymann, Theol. Mor., Lib, tract . I, cap, VII, pp. 145-146, 1625. Cited in the book Can Popes Go Bad, by De Silveira, pg. 87

<sup>36</sup> *De Potestate Ecclesiastica*, pp.104-105

<sup>37</sup> *De Ecclesia* (1927), p.632.

The Church's other canonical legislation reflects these principles. For example, the sedevacantists' favorite canon 188.4 says: "There are certain causes which effect the tacit (silent) resignation of an office, which resignation is accepted in advance by operation of the law, and hence is effective without any declaration. These causes are... (4) if he has publicly fallen away from the faith." Again, what is "effective without any declaration" is the "resignation of an office" (divine punishment), but not the "certain causes" (crime) which "effect the resignation." The Church first establishes the cause (crime) before God effects the resignation without declaration (punishment).

Moreover, canon 188.4 references canon 2314, and thus they must be harmonized (as canon 18 also requires). Canon 2314.2 provides: "All apostates from the Christian faith and each and every heretic or schismatic: Unless they respect warnings, they are deprived of benefice, dignity, pension, office, or other duty that they have in the Church, they are declared infamous, and [if] clerics, with the warning being repeated, [they are] deposed." In other words, the deprivation of the office (divine law) is premised on the ecclesiastical process of warnings (canon law), which means Bellarmine's teachings have been codified in the 1917 code of canon law. Pope Paul IV's legislation in *Cum Ex Apostolatus* (1559) describes the divine punishment using very similar language: "If ever at any time it appears that... the Roman Pontiff has deviated from the Catholic Faith or fallen into some heresy [crime] before assuming the papacy... let such ones by that very fact (*ipso facto*) and without any declaration required to be deprived of all dignity, place, honor, title, authority, office, and power [punishment]."

Other examples could be provided, but the point has been made: Not only is sedevacantism not "solely a question of fact," but the answers to the "questions of law" (who judges the Pope, what are the consequences of his heresy) contradict the sedevacantist thesis. The testimony of the theologians who addressed the question is remarkably consistent: The Church determines the crime (heresy), while God inflicts the divine punishment (severance from the Body) and the Church inflicts the human punishment (excommunication). Of course, answers to such questions of law, especially those that have the social (not just moral) consequence of a loss of public office (here, the very office of the elected Vicar of Jesus Christ), must be decided by a competent legal authority (the Church), not laymen who run websites under Latinized pseudo-names.

In pursuit of justice and the "certitude of probability," St. Thomas teaches that when there are witnesses of equal number and standing on both sides of the argument, "the accused should have the benefit of the doubt, because the judge ought to be more inclined to acquit than to condemn..."<sup>38</sup> (Should it be any less for the Pope?) However, St. Thomas also says, "Now it is probable that the assertion of several witnesses

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<sup>38</sup> ST, II-II, Q 70, Art 2, ob 2.

contains the truth rather than the assertion of one” and thus “the assertion of several witnesses should be upheld.”<sup>39</sup> This is the case against sedevacantism, where the assertion of “several witness” (Bellarmine, Suarez, Francis de Sales, John of St. Thomas, and many others.) contains the truth against the “one” witness of sedevacantism. Case dismissed.

Supposed “Error #4” – *The Claim that Sedevacantism ignores the fact that the law of the Church allows even excommunicated cardinals to be elected Pope validly*

Next, Gregorius claims I err in bringing up the legislation of Pope Pius XII which removed ecclesiastical censures from Cardinals in order for them to participate in the conclave. Gregorius reasons that because such legislation could have no effect on those who committed the “sin of heresy” (and were thus barred from the conclave independently of the legislation because they were non-Catholic heretics), the legislation “is irrelevant to the question of sedevacantism.” As we will see, in his drive-by approach, Gregorius fails to understand why I brought this legislation up, and how it is in fact relevant to the sedevacantist position. He also continues to fail to distinguish between crime and punishment. Before I further explain, let’s see what he says about the legislation:

“In other words, the Pope is saying that no one may bar from the conclave a cardinal who has any ecclesiastical penalty against him. Note that the emphasis is on the word “ecclesiastical.” The Pope, obviously, can only dispense from *ecclesiastical* penalties, not from divine ones, for he has no power to reinstate into the Mystical Body of Christ those who have been cut off from it by the *divine* law... Of course, if the Church has no power to dispense from the natural law, then, all the more so, she does not have the power to dispense from the divine law, either. What this means, quite simply, is that heretics, schismatics, and apostates are, of course, banned from a conclave, but not because they are excommunicated by the Church, but because they are not members of the Church to begin with, because of their heresy, schism, or apostasy (second emphasis in original).

But “of course”!!! And how are we to know exactly *who* has been “cut off” from the Body of the Church “by the divine law,” since the effect of the ecclesiastical censure (which has now been lifted) is to provide evidence of same? Private judgment, of course! Just ask any sedevacantist, and he will clarify everything for you. No ecclesiastical authority, no warnings, no Titus 3:10, no worries. Private judgment alone. He goes on to explain:

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<sup>39</sup> Ibid.

“If the Pope, *hypothetically*, had wished to do the impossible and include even heretics as ‘licit’ electors or recipients of an election, he would have said so – he would have written, ‘None of the Cardinals may, by pretext or reason of any *apostasy, heresy, schism, excommunication, suspension, or interdict whatsoever, or of any other ecclesiastical or divine impediment, be excluded from the active and passive election of the Supreme Pontiff.*’ But of course, such a statement would have been absurd on the face of it, especially considering that, just as a ‘heretical Pope’ is no Pope at all, neither is a ‘heretical cardinal’ even a cardinal.”

That’s three “of course” affirmations in a paragraph and a half! Do you see how easy this is, dear reader? Of course you do!

He concludes: “Therefore, the fact that Pius XII lifted all excommunications from cardinals for the purposes of holding a licit conclave is irrelevant to the question of sedevacantism. Salza is merely demonstrating his ignorance on this point, failing to realize that Pius XII is speaking of Catholics who are excommunicated, not of non-Catholics.”

No, Gregorius is the ignorant one, because he has failed to grasp the consequences of his own position concerning Divine law and why I brought up Pope Pius XII’s legislation in the first place. Pope Pius XII’s removal of *any* canonical censure is relevant to the question of sedevacantism because it demonstrates that even a formal judgment for the *crime* of heresy by the Church does not definitively prove the *sin* of heresy was committed in the internal forum, notwithstanding the presumptions of vigilante sedevacantist priests and laymen who make private judgments to the contrary. As such, Pius XII’s legislation removed the presumption of guilt for such offenses, and this is why such excommunicates could participate in the conclave. Since not even the diabolical Luther was declared to have committed the sin of heresy as he was excommunicated from the Church by Pope Leo X, no such charge can be made against a reigning Pope, especially from the amateur heresy sleuths at NovusOrdoWatch.com.

As we’ve mentioned, sedevacantists will continue to accuse their Catholic opponents of rejecting the truth that heretics can be identified without a declaration from the Church. Of course, we will continue to object to that false accusation. According to the principles previously discussed, heretics can indeed be known without an official declaration of excommunication by the Church. But as we have seen, one must first prove the proposition in question is manifestly heretical (not dependent upon additional steps of reasoning; not a lesser grade of theological error, such as “suspect of heresy” or “proximate to heresy,” etc.).

One must then prove the Catholic is consciously dissenting from Church dogma and thus judging himself to be a heretic (this too must be unmistakable, and not subject to alternative interpretations which raise prudent doubt). Finally, there is an obvious distinction between the office of the Vicar of Christ and everyone else, and not a single theologian of any significance has ever said private individuals can reject (declare and depose) a heretical Pope under Divine law. Not one. Just as the Pontifical office is declared occupied through authority, the office is also declared vacated by that same authority.

Bellarmino certainly emphasized this distinction between the Pope and everyone else. He who said “the manifest heretic is *ipso facto* deposed,” was also clear that Church authority must provide the foundation for the deposition. In other words, we are to resist a heretical Pope while leaving the final judgment to the Church. Bellarmine elaborates:

“Just as it is licit to resist the [Roman] Pontiff who attacks the body, so also it is licit to resist him who attacks souls, or who disturbs civil order, or, above all, him who tries to destroy the Church. *I say that it is licit to resist him* by not doing what he orders and by impeding the execution of his will; *it is not licit, however, to judge, punish or depose him*, since these are acts proper to a superior.”<sup>40</sup>

A Pope who attacks souls? A Pope who tries to destroy the Church? Could any better statements be used to describe the objective actions of the conciliar Popes, whose modernist deviations from the Faith have caused the crisis we are suffering? And how do the enemies try to destroy the Church? Popes Vigilius and Leo IX declare by the “tongues” and “disputations of heretics”!<sup>41</sup> Yet Bellarmine tells us that we must resist such heretical Popes but not depose them. Bellarmine was affirming the doctrine of Pope Paul IV who taught in *Cum Ex Apostolatus* (1559) that “the Roman Pontiff, who is the representative upon earth of our God and Lord Jesus Christ, who holds the fullness of power over peoples and kingdoms, who may judge all and be judged by none in this world, may nonetheless *be contradicted* if he be found to have deviated from the Faith.” Contradicted, not deposed. Resisted, not excommunicated.

Notice also that Bellarmine says we cannot depose the Pope “since these acts are proper to a superior.” Why would Bellarmine say the deposition of a Pope is an act “proper to a *superior*” when the Pope has no superior on Earth? To underscore the point we’ve been making, namely, the role that ecclesiastical authority has in this process: Just as the Church’s authority investigates the question of pertinacity, so the same authority issues the declaration of heresy (at which time the college of Cardinals or a council would be “superior” to the fallen Pope). Offices are obtained through legitimate authority, and can only be lost through the same legitimate authority. As Fr. Ballerini

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<sup>40</sup> *De Romano Pontifice*, II, c.29.

<sup>41</sup> Pope Vigilius, Second Council of Constantinople (553); Pope Leo IX, *In terra pax hominibus* (1053).

explains, “if, after his [the heretical Pope] turning away from the Church had been made manifest, there was a sentence passed on him by the Council, such a sentence would be pronounced against one who was *no longer Pope nor superior to the council*.”<sup>42</sup> Thus, it is only through the investigation and determination of legitimate ecclesiastical authority that the Pope relinquishes his own authority.

Sedevacantists attempt to neutralize Bellarmine’s instructions to resist a Pope “who attacks souls” by saying they cannot apply to the universal laws and the Ordinary and Universal Magisterium of a true Pope, which cannot be resisted. Even if true, however, this argument is irrelevant to the “Recognize and Resist” movement because the errors and novelties of the modern Church have not been imposed upon us as “universal laws” and do not come from the “Ordinary and Universal Magisterium” of the Church. There is no universal law, for example, that requires Catholics to attend the *Novus Ordo* Mass or engage in ecumenism, and the novelties of Vatican II were not proposed as truths necessary for salvation. Hence, we are not resisting the Pope’s “universal laws” or “Ordinary and Universal Magisterium,” but rather his non-binding novelties and “deviations from the faith.”

Bellarmino confirms the necessity for Church authority to depose clerics in his treatment of heretical bishops. This is another most critical insight from St. Bellarmine. He says, “...if the pastor is a bishop, they [the faithful] cannot depose him and put another in his place. For Our Lord and the Apostles only lay down that false prophets are not to be listened to by the people, and not that they depose them. And it is certain that the practice of the Church has always been that heretical bishops be deposed by bishop’s councils, or by the Sovereign Pontiff.”<sup>43</sup>

Bellarmino’s treatment of “heretical bishops” is consistent with his treatment of a “manifestly heretical Pope” – the basis for the *ipso facto* deposition (punishment) is the determination of the crime (offense) by ecclesiastical authority (confirming what he said when rejecting Cajetan’s Fourth Opinion). Clearly, if bishops cannot be deposed by the faithful (but must be judged by bishops’ councils or the Pope), then it follows that the Pope, who has no judge on Earth, cannot be deposed by the faithful either. This teaching expressly demonstrates once again that Bellarmine rejected the sedevacantist position of deposition by the faithful. This is the mind of St. Robert Bellarmine, lead prosecutor for Gregorius and his sedevacantist colleagues.

It is very important to note that Bellarmine in his treatment of heretical bishops was simply following the teaching of the Fourth Council of Constantinople (869-870). Using Scripture (i.e., Titus 3:10) as its authority, the council declared excommunicated anyone (whether cleric or lay) who adopted the sedevacantist position, that is, who separated

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<sup>42</sup> *De Potestate Ecclesiastica*, c.6, sec.2.

<sup>43</sup> *De Membris Ecclesiae*, I, De Clericis, c.7.

themselves by private judgment from their patriarch for an alleged crime before ecclesiastical judgment. Hence, an official teaching of the Church also refutes the sedevacantist position. Canon 10 says: “

“As divine scripture clearly proclaims, Do not find fault before you investigate, and understand first and then find fault, and does our law judge a person without first giving him a hearing and learning what he does? Consequently this holy and universal synod justly and fittingly declares and lays down that no lay person or monk or cleric should separate himself from communion with his own patriarch [the Pope is the patriarch of the West] before a careful enquiry and judgment in synod, even if he alleges that he knows of some crime perpetrated by his patriarch, and he must not refuse to include his patriarch's name during the divine mysteries or offices...If anyone shall be found defying this holy synod, he is to be debarred from all priestly functions and status if he is a bishop or cleric; if a monk or lay person, he must be excluded from all communion and meetings of the church [i.e. excommunicated] until he is converted by repentance and reconciled.”

As applied to the Pope, once the crime has been established (by Church authority), the Pope is automatically deposed (by God's authority). As we discussed, the Church may also issue a decree of deposition and excommunication, although this is not required for him to cease to be Pope (he is no longer Pope because he is no longer a Catholic). Nevertheless, because it is necessary for the universal Church to know the Pope has fallen from office, theologians have debated how this would be effectuated. John of St. Thomas addressed this question at length, concluding that only a General Council could declare the vacancy of the Papal office.

For example, he says: “Second it is also agreed that the power of treating the cases of popes, and those things that pertain to their deposition, has not been entrusted to the cardinals; therefore, the deposition belongs to the Church, whose authority is represented by a general council; truly, only the election is entrusted to the cardinals and no more, as can be clearly shown by reading those things which we have drawn out from the law in Art. 1.”

He also says: “I respond that such a council can be assembled by the authority of the Church, which is in the bishops themselves, or the majority thereof. Indeed the Church has the right to separate herself from a heretical pope according to divine law. Consequently it has the right, by the same divine law, to use all means of themselves necessary for such separation, and the means that are ‘of themselves necessary’ are those that juridically correspond to such crime; one, however, cannot proceed juridically unless a competent tribunal is formed and in such a grave matter as this, the only competent tribunal is that of a general council. Since we are treating here with the

Universal head of the Church, this pertains to the tribunal of the universal Church, which is a general council.”

Other resources for this proposition could be cited, such as Herve’s *Manuale Theologiae Dogmaticae*, but our point is reaffirmed. After the Church determines the crime and God inflicts the punishment, the Church can also issue a declaratory sentence of deposition, presumably through a General Council. But whether it’s a General Council, the College of Cardinals, a special Synod or other official ecclesiastical body, none of this happens by private judgment. None of it.

### Supposed Error #5 – The Claim that Sedevacantists are Schismatics

Gregorius completes his article by addressing my claim that sedevacantists are schismatics, at least objectively, because they refuse to submit to the Holy Father and have communion with those subject to him. Of course, if the conciliar Popes are true Popes, then my claim is true. Thus, he responds the way he must, which is another case of *petitio principii*: He does not submit to the conciliar Popes because they are not true Popes. While that may spare Gregorius from the subjective guilt of schism (although he accuses me of the sin of schism by calling me a “subjective schismatic”!), it does not rebut the claim of objective schism unless he can prove the conciliar Popes are not true Popes (which I have demonstrated he cannot do).

Gregorius further explains that, even if the conciliar Popes are true Popes and the sedevacantists are mistaken, the sedevacantist would be in objective schism only. In what amounts to an embarrassing contradiction for his position, he says, “While this would make the sedevacantist a schismatic *objectively* if Benedict were indeed the Pope, nonetheless there would be no *sin* of schism here and consequently no true severing from the Mystical Body of Christ...” Did you catch that? Note carefully that with this argument Gregorius is telling his opponents that they cannot accuse him of the very thing of which he accuses the conciliar Popes: Sin! In an astounding example of hypocrisy, he proclaims that sedevacantists can impute the guilt of sin to the conciliar Popes while being exempt from the same accusations. While I do not accuse any sedevacantist of the actual sin of schism, neither can they accuse the conciliar Popes of the same, for the many reasons we have covered in this essay. And that’s the end for sedevacantism.

As we’ve also noted, the sedevacantist could only adhere to his position if he had a moral certitude that it is correct. Moral certitude is required on matters pertaining to salvation (such as submission to the Pope), and excludes prudent, positive doubt that the contrary (sedepenist) position is correct. How can the sedevacantist possibly have moral certitude that the last six Popes were all manifest heretics who automatically lost

their office without any ecclesiastical inquiry while almost the entire world accepted them as true Popes? How can any sedevacantist exclude prudent, positive doubt that the conciliar “heresies” are lesser categories of theological error, or that the conciliar Popes actually believe they are teaching the Faith, or that ecclesiastical authority is required to determine the crime of heresy per the teachings of Bellarmine and Suarez, etc. etc.? To ask these questions is to answer them. The sedevacantist cannot have a moral certitude of his position, but only positive, prudent doubt, and therefore must reject it, at the risk of eternal damnation (of which God alone is the judge).

Gregorius then attempts to flip the argument around by accusing us of being the real schismatics because we don’t actually “submit” to the conciliar Popes, but rather disobey them. He goes on to cite the teaching of the Vatican Council that the Pope has supreme jurisdiction not only in matters of faith and morals but also in discipline and governance (*Pastor Aeternus*, 1870). He then goes on to say that we are refusing “submission to the *licit* exercise of the putative papal authority” in their teaching, laws and disciplines. In doing so, Gregorius catches himself in another contradiction. On the one hand, he admits that the conciliar Popes have deviated from the Faith (so much so that they are manifest heretics), but on the other hand, claims they have done so as “a *licit* exercise of the putative papal authority.”

Of course, the Popes cannot licitly exercise their authority by deviating from the Faith as Gregorius claims. This means their “supreme authority” is not absolute, but is subject to the authority of Christ. While it is necessary for salvation to be subject to the Pope, this is true only to the extent the Pope is subject to God, for St. Peter teaches that “we ought to obey God rather than men” (Acts 5:29). For example, the Pope’s supreme doctrinal authority can only be exercised according to the principle “Our first salvation is to guard the rule of right faith”<sup>44</sup> as taught by the Fourth Council of Constantinople and reaffirmed by Vatican I when defining the parameters of infallibility. Similarly, the Pope’s supreme disciplinary authority cannot be used to suppress “the received and approved rites of the Church” or her “ecclesiastical traditions.” If the Pope operates beyond these objective boundaries (the same ones sedevacantists use to declare the Pope a heretic), he is not licitly exercising his authority because he has separated himself from Christ. As Torquemada said, “The Pope can separate himself from Christ by either disobeying the laws of Christ, or by commanding something that is against the divine or natural law.”<sup>45</sup>

St. Thomas further explains: “Anyone should be subject of a lower power [the Pope] only in so far as it preserves the order established by a power higher than itself [God]: but if it [the Pope] departs from the order of the higher power [God], then it is not right

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<sup>44</sup> Prima salus est rectae fidei regulam custodire (DS 3066).

<sup>45</sup> Torquemada, cited in Fr. Paul Kramer’s *The Suicide of Altering the Faith in the Liturgy*, p.36.

for anyone to be subjected to that lower power [the Pope]...”<sup>46</sup> This is why Pope Innocent III, who taught that a Pope could fall into heresy, also said “that it is necessary to obey a Pope in all things as long as he does not go against the universal customs of the Church, but should he go against the universal customs of the Church, he need not be followed.”<sup>47</sup> Not deposed, just not followed. Resisted, not removed. Thus, to accuse “Recognize and Resist” Catholics of schism for refusing the Pope’s *illicit* exercise of authority (based on the objective standard of Tradition in which sedevacantists also believe) is to also accuse Pope Innocent III, St. Thomas, Bellarmine and many others of condoning schism as well. We can assure the sedevacantists that these men were not schismatics, and neither are we. Quite the contrary, it is those who refuse authority as *such*, rather than an *illicit exercise* of that authority, who are the true schismatics.

Indeed, the conciliar crisis is a crisis of authority, and Gregorius’ erroneous understanding of the nature of Papal authority only contributes to the crisis. He makes the same “error of excess” as our neo-Catholic friends, namely, that due to the Pope’s universal and supreme power he must be obeyed in all things, even though the entire witness of the Church teaches the contrary. It is another example of sedevacantism’s extreme overgeneralization of principles and failure to make necessary distinctions (e.g., “True authority can’t give evil,” “The Magisterium cannot err,” “The Pope’s authority is licitly exercised,” etc.). The same is no better demonstrated than by how Gregorius completes this fifth and final section of his essay when he says (about Benedict XVI): “He *is not* the Pope because he *cannot be*” (emphasis in original). On that profound note, we move to close.

## Closing

In closing, I would like to mention that Gregorius advanced a number of other misguided and off-pointed criticisms as he wrapped up his “rebuttal,” peppered with immature and insulting language, which have nothing to do with the false thesis of sedevacantism, and thus merit little if any response. For example, he criticized me for calling sedevacantism a sin of “presumption,” claiming that I didn’t know St. Thomas uses the phrase to describe the presumption of salvation (and as if the word “presumption” cannot be used in any other context). For Gregorius’ information, I wrote a book on St. Thomas’ teaching on predestination which has been endorsed by Catholic scholars as one of the most significant contributions to the study of predestination in modern times, so I do know what St. Thomas teaches in this regard.

St. Thomas in the *Summa* teaches that when we make a final decision about something (based on judgments of the reason), we are giving consent, which is an appetitive

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<sup>46</sup> See ST, II-II, Q 104, Art 5.

<sup>47</sup> Pope Innocent III, De Consuetudine.

movement of the soul. St. Thomas further teaches that the act of presuming is such an appetitive movement which, when conformed to a false intellect, is objectively evil and sinful.<sup>48</sup> This analysis can be applied to sedevacantism, and that is why I made the connection (and one that Gregorius obviously missed). Their decision (the appetitive movement or consent to judge the Pope a manifest heretic) is conformed to a false intellect (their erroneous conclusion about who judges the Pope), which renders their adherence to the sedevacantist position objectively sinful (while noting that I do not presume sedevacantists are guilty of the sin of schism like they do with the conciliar Popes). I was so obviously using the term “presumption” in a more general theological sense that for Gregorius to make my usage of the word an issue shows just how anxious he is to impugn his opponents’ abilities to advance his sterile case (and it perhaps also reveals his ignorance of Thomistic terminology).

He also falsely accuses me of saying that St. Peter lost the Catholic Faith when he denied Christ during the Passion, when I said no such thing. In fact, my words were intended to say just the opposite, by noting that St. Peter’s public denial of Christ in the external forum did not mean that he sinned in the internal forum (which is the sedevacantist accusation against the conciliar Popes; and now Gregorius is accusing me of his own error!). The intent was to highlight that external infractions (e.g., Peter’s denial) do not necessarily prove the state of sin (the major flaw with sedevacantism) which, for heresy, severs one from the Body of Christ. The section was also meant to highlight the presumptive validity of papal elections, particularly when almost the entire Church universally and peaceably accepts the conciliar Popes as Popes, which is an infallible sign that they are true Popes, according to St. Alphonsus Liguori, among others.

Speaking of papal elections, Gregorius closes his article by proving he doesn’t have even an elementary understanding of Pope Paul VI’s *Cum Ex Apostolatus* which voided the election of a Pope who was a manifest heretic “*prior* to his promotion or his elevation as...Roman Pontiff.” In another “drive-by” analysis, Gregorius inquires:

“However, there is another essential consideration that Salza must have missed: His argument makes absolutely no sense because the whole point of Pope Paul’s bull *Cum Ex Apostolatus* is to *prevent* a heretic from being able to claim the papacy. How, then, does Salza think the “Pope” will judge the heretical “cardinal” if that very “cardinal” is now the one claiming the papal throne? Is the heretical “Pope” supposed to judge himself? Or are we to wait until the heretic’s bogus “reign” is over, and a genuine papal successor declares that the man everyone thought was Pope in the prior years really wasn’t?”

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<sup>48</sup> See ST, II-II, Q 21, Art 2.

Is Gregorius serious? One can only wonder how his mind cooks up contradictions that don't exist. It wasn't the newly-elected heretic Pope who had to render the judgment against himself, because *Cum Ex* required the manifest heresy to already be established "prior to his promotion or elevation as...Roman Pontiff." In other words, the ecclesiastical censure would have already been rendered. As I explain in my original article, if the *Cum Ex* legislation applied to the election of Cardinal Roncalli, for example (although it did not), *Cum Ex* would have required a judgment against Roncalli as a heretic for the election to be voided (e.g., by Pope Pius XII) "prior to his elevation" to the Pontificate. This is yet another example of how Gregorius spills a lot of ink on issues he truly does not understand or hasn't thought through.

Gregorius thought he hit a "home run" with his "rebuttal," but careful analysis has shown that it is filled with errors, misrepresentations and presumptions of fact and law that he does not understand. He has certainly given us another opportunity to highlight the many unavoidable problems with the sedevacantist thesis. He and his colleagues have failed to understand what the great theologians of the Church have really taught on this question, and have not thought through the implications of their position.

There is a reason why Our Lady commanded the Pope to reveal the Third Secret in 1960 – because She as Queen of Prophets knew the future, namely, that John XXIII (who reigned 1958-1963) and his immediate successors *would be valid Popes*, just like She predicted the end of World War I, the reign of Pius IX and the beginning of World War II, among other things. May the Triumph of Her Immaculate Heart hasten to bring about an end to this horrible crisis, through the Pope's consecration of Russia to that same Heart.

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September A.D. 2014