

Critique of *Sedevacantism*

Under the Laws of the Catholic Church the Papal See Is Vacant

author wishes to remain anonymous

1982

2008 : Because the post-Vatican II conciliar church has worsened the crisis in the Catholic Church since the death of Karol Wojtyla and the election of another anti-Pope, Benedict XVI, the title of "Pope" having been bestowed upon Josef Ratzinger does not alter the theme of this paper, though matters have certainly worsened since 1982.

Contents

Preface.....	01
Introduction.....	01
Historical Background.....	02
Canon 188, No. 4.....	10
Obstinacy, Heresy and the Documents of the “Second” Vatican Council.....	13
“Simon, Simon . . . I Have Prayed for Thee That Thy Faith Fail Not.”	17
The Implications for Catholicism	20
Appendix 1. Some Objections Considered.....	23
Appendix 2. ..Traditionalist Movements.....	40
Appendix 3. Important Extracts from St Robert Bellarmine’s <i>DeRomano Pontifice</i> and from <i>Jus Canonicum</i> by Wernz-Vidal.....	45
Appendix 4. <i>Quanta Cura</i> and the Thirty-Second Edition of Denzinger’s <i>Enchiridion Symbolorum</i>	51
Appendix 5. Additional Heresies in the Documents of the “Second” Vatican Council.....	52
Appendix 6. St Alphonsus Liguori on Whether It Is Necessary To Warn a Heretic Before Denouncing Him.....	53
Appendix 7. Works Consulted.....	55
Appendix 8 “Is John-Paul II a Roman Catholic?” (Article written by author of this paper on the occasion of John Paul II’s visit to the United Kingdom in 1982.....	56

Foreword

Attempts by Mr. Zenon Kuzik, a layman, to communicate
with Cardinal Basil Hume, Archbishop of Westminster

7 Campden Hill Mansions
Edge Street
Kensington
London W8 7PL

31st May 1983

Cardinal Basil Hume

Your Eminence,

The enclosed document has been passed on to me. I feel its thesis has been presented so coherently that I would be obliged if you could study it in depth and show me where it is wrong, in order that my mind may be put at rest. Obviously if the document's conclusion is correct then you are affected because you would have no jurisdiction as Archbishop of Westminster.

Thank you for considering my request, and I look forward to hearing from you in due course.

Yours faithfully,
Z.S.J. Kuzik

Archbishop's House
Westminster
London SU1P 1QJ

1 June 1983

Z.S.J. Kuzik, Esq.

Dear Mr. Kuzik,

Thank you for your letter to Cardinal Hume. His Eminence is out of London at present and so I write immediately to avoid the discourtesy of a long delay in replying.

I have glanced through the document enclosed but I am afraid it makes little sense to me. I notice it is not signed and wonder where it comes from. I would suggest you ignore such works but if you are worried then perhaps you could discuss the matter with a priest in your own area who I am sure would be happy to help you.

With kindest regards.
Yours sincerely,
(Secretary)

7 Campden Hill Mansions

Edge Street
Kensington
London, W8 7PL

4th June 1983

Cardinal Hume's Secretary

Dear Sir,

Thank you for your letter of 1st June. In answer to your question in respect of the document's authorship, I have discussed the matter with the writer. He thinks that its thesis should stand or fall on its own merits, and that if his name were known - for the present - it would divert attention from the document itself. (I can assure you I am not the author!)

Your suggestion that the matter could be discussed with a local priest was done initially. It was his advice that the document should be forwarded to the Cardinal. I hope that the Cardinal can look into it when he returns. Thanking you,

Yours faithfully,
Z.S.J. Kuzik

Archbishop's House
Westminster
London SU1P 1QJ

8th June 1983

Mr. Z.S.J. Kuzik
7 Campden Hill Mansions
Edge Street
London W8 7PL

Dear Mr. Kuzik

The document is receiving our attention.

With very best wishes.

Yours sincerely,
Rev. G.W. Liddle
Private Secretary

7 Campden Hill Mansions
Edge Street
Kensington
London, W8 7PL

4th July 1983

Cardinal Basil Hume

Your Eminence,

On 31st May, I forwarded a document to you entitled Under the Laws of the Catholic Church the Papal See is Vacant for you to study, and comment on. I was informed by your secretary, in your absence, that the document would receive your attention.

I write again about the matter as it does cause me anxiety, especially as the priest to whom the paper was given had been unable to resolve my concern, and he referred me to yourself. I do realize your work keeps you busy, but could you give some indication as to how your analysis is proceeding? Your consideration would be most gratefully appreciated.

Yours sincerely,
Z.S.J. Kuzik

Archbishop's House
Westminster
London SU1P 1QJ

6th July 1983

Z.S.J. Kuzik, Esq.

Dear Mr. Kuzik,

Thank you for your letter.

I am afraid that the pressure of work upon me at the present time makes it very difficult for me to study all the documents which arrive on my desk. It simply is not possible.

With kindest regards.
Yours sincerely,
Basil Hume
Archbishop of Westminster

7 Campden Mansions
Edge Street
Kensington
London W8 7PL

7th July 1983

Cardinal Basil Hume

Your Eminence,

Thank you for your letter of 6th July. I appreciate the fact that your work keeps you very busy; nonetheless, I beg that the document I sent be studied with the utmost urgency because it cogently argues that you are not, in fact, Archbishop of Westminster in that you are in communion with a person (John Paul II) who, according to the document, is not the Vicar of Christ.

As you can imagine, the conclusion causes one fearful worry until this vital position is clarified. The priest who was initially given the same documentation was unable to find a flaw in its presentation and expressly gave direction that you should be asked to study it.

In the event that you cannot give your concentrated, personal attention to the matter, could you ask a qualified theologian under your influence to analyse and comment on the document and, in turn, confirm your agreement with what he says? Nothing has greater priority for me than to know who my shepherd is – it seems that it could make all the difference between going to Heaven or not.

Yours sincerely,
Z.S.J. Kuzik

As with the others, this letter received no reply

End of effort to communicate with the Cardinal

Preface

This essay is longer than ought to be necessary, but I have found from experience in discussing the topic with which it deals that it is not longer than is necessary. Simply to state the law is not enough, since for some people the conclusions that flow from it are so unacceptable that they will explore every possible avenue, however unlikely, that could lead away from those conclusions. And because our very salvation depends on arriving at the right conclusion – for, as I shall show, the church of John Paul II and his bishops is not the Catholic Church and a person who acknowledges their authority over him is submitting himself to a non-Catholic sect and placing himself outside the Ark of salvation – it has seemed to me essential to examine the subject in the fullest detail and, in particular, as far as possible to block every possible escape route into error. It has been my intention to ensure that those who read this document and reject the conclusions will have only their own indifference, or obstinacy, rather than any omission of mine, to blame; and it is my earnest prayer, and the prayer of those who have been kind enough to check what follows for accuracy, that all who read it will be enlightened by it.

Introduction

In an essay written in May 1983 [Is John Paul II a Roman Catholic?¹] I gave reasons, mainly derived from logic, why Karol Wojtyła, who has taken the name of John Paul II, is not and can never have been pope. Some people, however, are not prepared to rely on their logic and common sense on so weighty a matter, and this attitude is by no means unreasonable. Although nothing in the Catholic Faith can be in contradiction to logic and common sense, it is above all things an authoritative religion. In other words, while every rational human being can use his reason to work out that the Catholic Church is the unique Church of God and that she has the power and authority to teach in God’s name, the actual teachings of the Church are to be accepted on the authority of the teacher. And, of course, one of the functions of the Catholic Church is to decide who her members are and which of her members are authorized to teach in her name. “Surely, therefore,” (the argument very reasonably runs) “for junior members of the Faithful to use their common sense, darkened as it is by Original Sin, to come to a personal decision that the man appointed and generally acknowledged as pope does not in fact hold that office is presumption in the extreme. The Pope has the right and duty to teach and govern the Faithful. If it were really true that any layman could take it upon himself to decide that he should neither listen to nor obey the elected Bishop of Rome, the Catholic Faith would be a religion of chaos and anarchy.”

Anarchy and chaos are of course as foreign to the Catholic Church as to God Himself; but nevertheless it is a fact, and an indisputable teaching of the Church, that the Faithful do indeed have to make up their minds about whether a person purportedly elected as pope really is pope. Just like anyone else a pope has free will and can leave the Catholic Church, either by open

¹ This article, very slightly expanded, is reproduced in Appendix 8. The reader may find it helpful to turn to it at this point for a very briefly summarized version of what is argued in this essay. It should be borne in mind, however, that the main purpose of the article was to be thought-provoking. It contains no canonical details and does not attempt to answer any possible objections; nor does it seek to examine any implications that must arise if the conclusion reached in it be valid.

resignation or by publicly ceasing to believe any of the things that the Church requires to be believed as a condition of membership; and the Church herself places upon the Faithful the responsibility for deciding when such abandonment of the Church (and thus of course any offices held in the Church) has taken place, and for making the decision without any help in the form of official verdicts or pronouncements whatever. And, as I shall shortly show, in the period in which we now live the Church, through her laws, requires and directs the Faithful to reach the conclusion that every single person purporting to be a cardinal or bishop, including the Pope, has left the Church and ceased to hold any office of authority in it.

I emphasize that this is not a matter of opinion. The laws of the Church, principally that body of laws collected together in the 1917 *Code of Canon Law*, exist to be obeyed and are on this subject perfectly clear and completely unambiguous. Moreover, terrifyingly weighty though the issue may appear, we may not complain at being given the responsibility of making up our minds on it. God is entitled to set us whatever test He chooses for the purpose of deciding our eternal destiny; and all that He owes us (all that He has obliged Himself to owe us, that is) are the graces necessary to triumph in the test if we do but co-operate with those graces. And above all we cannot complain that the test, even such a searching one as this, is unreasonable. To God alone belongs the decision of what constitutes a reasonable test for His creatures, and nothing is more presumptuous and dangerous than to assume that God's judgements are as ours might be if we were in His Place. "For my thoughts are not your thoughts, nor your ways, my ways, saith the Lord. For as the heavens are exalted above the earth, so are my ways exalted above your ways, and my thoughts above your thoughts." (Isaias 55:8,9) What is about to be investigated, therefore, is not how matters ought to be in our opinion, but whether the laws of the Church say what I assert they say. And what I am asserting is that under Canon 188 no.4 of the 1917 *Code of Canon Law*, promulgated by Pope Benedict XV and still in force today, John Paul II, the entire purported College of Cardinals, and all those holding themselves out to be Catholic bishops, are without any office or authority in the Catholic Church and must, without the help of any official announcement, be treated as being without any such office or authority by the Faithful.

Historical Background

As both the literal meaning of the words of the canon and the explanations of the canon by all the officially acknowledged commentaries² on the 1917 *Code of Canon Law* unmistakably show, the problem with which Canon 188 no. 4 confronts the Faithful, in addition of course to that of establishing clearly the meaning of the canon itself, can be briefly summarized as that of deciding whether or not any prelate who claims or is claimed to be a Catholic priest teaching and acting in the Church's name is or is not a public heretic.

This obligation is laid on the Faithful for good reason. A heretic, even a doubter of a single small but essential Catholic truth, is not a Catholic; and both logically and, as we shall see, legally a non-Catholic cannot hold office in the Church of which he is not even a member. Moreover no Catholic is required to submit for one moment to the spiritual authority of a non-member of his religion,

² A list of the recognized commentaries on the *Code* in the English language is included in the bibliography in Appendix 7.

even if the appointed watchdogs are neither barking nor biting and no official steps have been taken to denounce the impostor and physically remove him from his position of apparent authority.

By way of introduction to Canon 188 it is worth mentioning that although in one sense it says nothing new, in that there has never been any question, even before 1917, of a public heretic's being able to obtain or retain ecclesiastical office, nevertheless in another sense it did break new ground. For it provided a definite solution to something that had been frequently debated in the past and on which the Church had not directly pronounced. What was not in dispute was that the tradition of the Church, going back to earliest times, affirmed that a man who ceased to be a Christian could retain no vestige of spiritual power over those remaining within the Church; and the many learned theologians who had considered how this obvious truth should be applied in the hypothetical case of a heretical or schismatic pope had made it clear that the office of the Holy See was no exception to the principle. What did exercise these theologians, however, was simply a practical problem: that of working out the mechanics of how the loss of jurisdiction should take effect. And of course the solution was far from obvious; for, since it is an axiom of the Church, officially underlined by Canon Law, that the pope has no earthly superior power to pass judgement on him,³ how could he be tried for the crime of heresy, pronounced guilty, and physically removed from office, so as to permit a new election?

During the Middle Ages a number of attempts to wrestle with the problem, most notably by Suarez and Cajetan,⁴ had failed to produce a satisfactory solution, and it was not until the seventeenth century that the obvious answer, and one that has been generally accepted ever since, was produced by St. Robert Bellarmine, one of the great Doctors of the Church. In the section devoted to the hypothesis of a heretical pope in his famous *Treatise De Romano Pontifice* he took special trouble to refute the opinion of Cajetan, who had said that a manifestly heretical pope was not "*ipso facto*" ("by that very fact") deposed but could and should be deposed by the Church – thereby both implying that until so deposed he could validly exercise his office and breaching the principle that no person or body of people was competent to judge a pope. Relying on the teachings of the Fathers, and also of St. Thomas Aquinas, what St. Robert Bellarmine, by contrast with Cajetan, asserted was that a pope who was a manifest heretic would indeed cease by that very fact to be head of the Church, in exactly the same way that he would cease to be a member of the Church; and that therefore, the principle that no one can judge the Pope notwithstanding, he could certainly be tried and punished by an appropriate Church body, for the person being tried is no longer pope and no longer beyond the reach of earthly tribunal.⁵

Of course what St. Robert Bellarmine did not foresee and consider – and who can blame him? – was the situation, far beyond the wildest imaginings of the most extravagant writer of fiction, in which not only the pope but all the bishops and the cardinals also should publicly fall into

³ Canon 1556: "*Prima sedes a nemine iudicatur.*" (The first, or primatial, See is subject to no one's judgement.)

⁴ Cajetan's suggested solution is summarized by St. Robert Bellarmine in the passage from the latter's *De Romano Pontifice* reproduced in Appendix 3.

⁵ The exact wording of the most important part of St. Robert Bellarmine's teachings concerning the case of a heretical pope in *De Romano Pontifice* is reproduced in Appendix 3.

heresy at the same time, so that no ecclesiastical body remained with the remotest claim to competence to judge, punish, or in any other way remove from office, anyone. It was not until 1917 that what the obligations of the Faithful were, and of course in reality always had been, were codified with crystal clarity.

It must be emphasized that it is not implied that any diligent Catholic had sufficient excuse for misjudging his obligations even before 1917. On the contrary, even earlier than the publication of St. Robert Bellarmine's *De Romano Pontifice*, an infallible Bull had been promulgated; and this Bull, although (for a reason that will be given in due course) it did not deal with precisely the situation covered by Canon 188 no.4 (that of what happens to a cleric who falls into heresy after his appointment of office), did nevertheless make clear the obligation of each of the Faithful, individually if necessary, to make up his or her own mind about whether an ecclesiastic had fallen into heresy – and to be prepared to do so without assistance from any senior Church officer or tribunal. A product of the period when the Reformation was devastating Europe, the Bull in question, *Cum Ex Apostolatus Officio*, was published by Pope Paul IV on 15 March, 1559. It deserves most careful study, for although, unaccountably if one assumes that the editors of Denzinger's *Enchiridion Symbolorum* were honest, it is not included in that work, it is expressly mentioned in the 1917 *Code of Canon Law* as one of the sources used in the drafting of the *Code*, indeed of Canon 188 no.4 of the *Code*; and it is a principle of Canon Law that, where there is any doubt, a law is to be interpreted according to sources on which it is based.⁶

The Bull is quite a long one and, while I stress that nowhere in it is there anything which contradicts or weakens what I am about to quote, I have selected from it the parts which are directly relevant to the topic of this essay. Even so, the fact that the translator has given as exact a translation as possible of some fairly complex Latin results in its being at first not very easy reading;⁷ but, as already suggested, the importance of its subject matter is such that

⁶ Even prior to that, however, there were some extra-ordinary omissions of dogmatic decrees of the highest importance – such as *Com Ex Apostolatus Officio*, the decree of the Fifth Lateran Council laying down the necessity for salvation of obeying the reigning pope, and Pope St. Pius V's Bull on the Mass, *Quo Primum* – which must suggest at least the possibility that such omissions were tendentious.

Cf. Canon 6, which includes the following:

(2) Those canons which re-state former laws in their entirety must be interpreted in accordance with the old law, and hence the interpretations accepted by approved authors are to be followed in the interpretation of these laws of the *Code*.

(3) Those canons which agree in part with the former law must be interpreted according to the old law in the part in which they agree with the former law; in the parts which differ from the old law, the canon must be interpreted according to the meaning of the words employed.

“(4) In case of doubt whether some provision of the canons differs from the old law, one must adhere to the old law.”

⁷ In order to make the translation somewhat easier to follow than the original the translator has broken up long sentences and added numbers where it is obviously appropriate.

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

it deserves whatever concentrated effort is needed to grasp it. (Emphases added)

In addition, (by this our constitution which is to remain valid in perpetuity, we enact, determine, decree and define): –

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

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

Finally, [by this our constitution which is to remain valid in perpetuity, We] also [enact, determine, define and decree:-] that subject persons, be they members of anysoever of the following categories: –

(i) the clergy, secular and religious;

(ii) the laity;

(iii) the Cardinals, even those who shall have taken part in the election of this very Pontiff previously deviating from the Faith or heretical or schismatical, or shall otherwise have consented and vouchsafed obedience to him and shall have venerated him;

(iv) Castellans, Prefects, Captains and Officials, even of our Beloved City and of the entire Ecclesiastical State, even if they shall be obliged and beholden to those thus promoted or elevated by homage, oath or security; shall be permitted at any time to withdraw with impunity from obedience and devotion to those thus promoted or elevated and to avoid them as warlocks, heathens, publicans and heresiarchs (the same subject persons, nevertheless, remaining bound by the duty of fidelity and obedience to any future Bishops, Archbishops, Patriarchs, Primes, Cardinals and Roman Pontiff canonically entering).

To the greater confusion, moreover, of those thus promoted or elevated, if these shall have wished to prolong their government and authority, they shall be permitted to request the assistance of the secular arm against these same individuals thus promoted or

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

(iv) to any so promoted to be Bishops, or Archbishops, or Patriarchs, or Primes or elevated as Cardinals, or as Roman Pontiff, no authority shall have been granted either in the spiritual or the temporal domain;

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

(vi) those thus promoted or elevated shall be deprived automatically (*ipso facto* and without need for any further declaration, of all dignity, posit of n, honour, title, authority, office and power, without any exception in respect of those to which they may have been promoted or elevated before they deviated from the Faith, became heretics, incurred schism, or provoked or committed any or all of these.

elevated; nor shall those who withdraw on this account, in the aforementioned circumstances, from fidelity and obedience to those thus promoted or elevated, be subject, as are those who tear the tunic of the Lord to the retribution of any censures or penalties.

No one at all, therefore, may infringe this document of our approbation, innovation, sanction, statute, derogation, wills and decrees or by rash presumption contradict it. If anyone, however, should presume to attempt this, he shall know that he is destined to incur the wrath of Almighty God and of the blessed Apostles, Peter and Paul.

Note in particular the following: “...or even the Roman Pontiff ... it shall not be possible for it to acquire validity ... nor through the putative enthronement of a Roman Pontiff, or veneration, or obedience, accorded to such by all, nor through the lapse of an period of time ... automatically and without need for any further declaration.” Note also that all have the right and the duty to refuse obedience, even laymen, without any declaration being made. Note finally that the Bull fulfills all the conditions required for infallibility. It is addressed to the whole Church; it deals with matters of both faith (a Catholic is forbidden to believe that a man who has fallen into heresy can ever be eligible for the papacy) and morals (i.e. how a Catholic is required to conduct himself towards such a person); in dealing with faith and morals it defines; it is intended to be binding for all time; and the author invokes his apostolic authority in promulgating it. Attempts have been made in recent years, notably by a certain Fr. des Graviers,⁷ to dismiss the Bull as out-of-date, superseded, etc; but such attempts have been condemned in advance. First, the Bull itself condemns them. “To infringe or by rash presumption to contradict” the document is, in the words of Pope Paul IV, “to call down the wrath of Almighty God and of the Blessed Apostles Peter and Paul.” And secondly, the Bull was comprehensively and emphatically confirmed by the second last pope to be canonized, Pope St. Pius V, in 1566. Here is paragraph 3 of St. Pius V’s Bull *Inter Multiplices*:

“And moreover, cleaving to the footsteps of Pope Paul IV, our predecessor of happy memory, by the burden of this present document we renew and we also confirm the constitution against heretics and schismatics (in different matters from those which we are herein treating) of this same Paul our predecessor, namely that given at Rome in St. Peter’s

⁷ A summary of the arguments of Fr. des Graviers on this issue was given in a pretended-traditionalist periodical (published in Scotland) called *Approaches*, no. 49/50. (In using the term pretended-traditionalist, I do not imply an allegation of insincerity on the part of the editor, but merely assert that those who think that the publication is truly Catholic are being deceived. The editor defiantly rejects the logic and evidence that demonstrate that the Holy See is vacant, and the resulting error inevitably leads him into many further errors. The same applies, incidentally, to a number of other publications of the 1970’s and 1980’s ostensibly devoted to the defence of Tradition, examples being *Christian Order* in the United Kingdom, *The Remnant* in the U.S.A., and *Itinéraires* and the Abbe de Nantes’ *Catholic Counter-Reformation of the XXth Century* in France.)

in the year of the Incarnation of the Lord 1559 on the 15th February in the fourth year of his Pontificate, and we will and command that it be observed inviolably and to the letter, according to its order and meaning.”

“Inviolably and to the letter.” Anyway common sense confirms that if the contents of the Bull were once true they must always be true. It is hardly reasonable to suppose that God would abhor the idea of His Church being taught and governed by a non-Catholic in 1559 and yet be able to contemplate it with equanimity a few centuries later.

So an *ex cathedra* (this term explained in paragraph 2 on p. 15), and thus infallible, statement by a pope in conjunction with the teachings of a Doctor of the Church should have been sufficient to show Catholics their rights and duties in relation to a heretic in Papal office even before the promulgation of the 1917 *Code*. But, justifiably or not, a Catholic searching through his available sources of information could have gone wrong, nevertheless. Consider the following passage on page 362 of volume 1 of the well-respected *Elements of Ecclesiastical Law* by the Rev. S.B. Smith, first published in 1877 in America, but used all over the English speaking world.⁸ In the only section on heresy in the entire three-volume work, the author writes:

“The proper judges in regard to the crime of heresy are: (1) The Supreme Pontiff, all over the world. (2) Bishops, in regard to all their subjects. (3) Those Papal delegates who are named inquisitors (*inquisitores fidei*). Laymen are not competent judges in matters of heresy, even as to mere questions of fact. In a diocese where there exists an inquisitor – i.e., a judge deputed by the Holy See – the power to examine and punish heretics resides cumulatively in him, and, at the same time, in the bishop. At present, however, the tribunal of the Sacred Inquisition (Sanctum Officium) exists, perhaps, nowhere else except in Rome. Hence, bishops, almost everywhere, exclusively possess all the authority which was ordinarily vested in inquisitors of the Holy See.”

So that, on the face of it, puts Pope Paul IV, and any lay member of the Faithful who thought he had the right to assess that a man was heretic and thereafter treat him as out of office, in their places. It need hardly be said that in this case appearances deceive. It was indeed true that at that period the judging of heretics and the pronouncing of sentence on them in the name of the Church, in other words as a judicial procedure, was restricted to the Pope, the bishops and the inquisitors. It is equally true, however, that the judging of heretics falls into two distinct categories: that concerning what the attitude of the Faithful towards them should be when the fact that the heretics’ heretical status is manifest, and that concerning the punishment that the Church may see fit to mete out to them for this most abominable of crimes after due judicial process. And never, never has the Church taught that a Catholic must suspend judgment about whether a person is a heretic until he has been officially pronounced to be one. Indeed such a proposition has been so clearly condemned as to be possibly heretical itself. I refer to one of the decrees of 24th December, 1665, published by Pope Alexander VII and entitled “Various Errors on Moral Matters”, to be found in Denzinger’s *Enchiridion Symbolorum* (reference no. 1105):

“(5) Although it is evidently established by you that Peter is a heretic, you are not

⁸ The edition about to be quoted is the 1893 edition. It quotes approbations from a large number of bishops, including H. E. Cardinal Manning, Archbishop of Westminster.

bound to denounce him if you cannot prove it. . . . (This statement is) condemned and prohibited, at least as scandalous.”

It is not, let it be noted, the obligation of accusation, or of laying a charge before an appropriate official or body, that is laid upon us in this decree: it is the obligation of denouncing. And if further evidence that God requires the Faithful on occasion to make up their own mind on whether a person be a heretic be required, it is contained in the Church’s traditional interpretation of two famous passages in the *New Testament*. “If any man come to you and bring not this doctrine, receive him not into the house, nor say to him, God speed you,” wrote St. John in *2 John* 1:10, and “A man that is a heretic, after the first and second admonition, avoid,” are the words of St. Paul in *Titus* 3:10. There is no support in Church tradition for the view that St. John and St. Paul meant us to wait until a heretic was officially pronounced a heretic before fleeing from poisonous contact with him. Nor would it be logical if there were: the poison of heresy does not acquire its deadliness only after its propagator’s condemnation.

Nevertheless, as I have said, despite the evidence just given concerning the real meaning of that passage from Fr. Smith’s *Elements of Ecclesiastical Law*, a member of the Faithful living in the nineteenth century who came across it could perhaps have gone wrong; for Fr. Smith does not qualify the passage as I have done, and his words exactly as they stand, with the word “judge” not defined, could be misleading. A Catholic living then should not have gone wrong and most probably he would not have gone wrong – it can hardly be thought, for instance, that he would have supposed that it was not his duty to remove his children from a school which suddenly started teaching them to deny the divinity of Christ, and that he would have left them there, cheerfully reciting as his justification for doing so: “Laymen are not competent judges of heresy even as to mere questions of fact.”

Even so, prior to the promulgation of the 1917 *Code of Canon Law*, someone who had firmly adopted the view that a layman was forbidden to use his powers of reason to decide whether the man ensconced in the Chair of Peter was or was not the Vicar of Christ, would, as has already been said, have had an argument, and it would have been a better one than any available to those who maintain the same position today. We can write his script without difficulty. In vain might the appeals have been made to him that Fr. Smith was merely denying that laymen could pronounce judgment and sentence on behalf of the Church at ecclesiastical tribunals, that a completely literal interpretation of the words would be irreconcilable with the commands given in *2 John* 1:10 and *Titus* 3:10 and would also be in complete contradiction to the obligations laid on each individual Catholic in Pope Paul IV’s *Cum Ex Apostolatus Officio*, and that in any case Fr. Smith’s treatise on Church Law was not an exact reproduction of a *Code of Canon Law* as such, for no complete code existed, but was simply the best summary a particular cleric could come up with of the main legal principles and decrees accumulated by the Church over centuries and as such did not have the infallible status of a Papal Bull or even of a work by a Doctor of the Church. “You may interpret the word ‘judge’ to suit your case if you please,” he could have replied. “The book received its imprimatur, and many unreserved commendations from many bishops, without its being thought necessary to incorporate such a refinement as you suggest into the text. The words are perfectly clear and are

also in obvious accord with Our Lord's 'Judge not...' of *Matthew* 7:1. Even on the hypothesis that I am wrong, I do not see that I can be blamed on the Day of Judgement for having believed them."

As to whether or not he would have been to blame it is unnecessary to speculate. For by a characteristically appropriate dispensation of Divine Providence the Faithful were not, on this issue, subjected to a test on which their salvation was at stake until after the 1917 *Code of Canon Law* had been promulgated and fully examined, digested and commented upon. And the 1917 *Code* contains no suggestion whatever that laymen are not competent to judge whether a man is a heretic, nor do any of the approved commentaries on the *Code* repeat, even by implication, what Fr. Smith said. Indeed, presumably because the Church recognized that it was no longer practical or helpful to treat heretics with the severity that had been used during the Middle Ages in order to protect the Faithful from her enemies, no mechanism for establishing that a man is heretic and pronouncing sentence on him is contained in the *Code* at all. A heretic is merely defined,⁹ with certain effects, penalties and disabilities being stated to flow from the fact of his heresy automatically. The only responsibilities that are laid on ecclesiastics or ecclesiastical bodies are those of subsequently having to apply such penalties as have not already been applied by the law itself, such as, if the heretic does not repent, depriving him of all dignities, benefits and pensions and declaring him infamous (Canon 2134 no.1).

Thus although, as has been shown, the Faithful have had the definite legal responsibility of making their own assessment of whether the Holy See is occupied by a true shepherd or an impostor throughout history, it was not until the promulgation of the 1917 *Code of Canon Law* that the obligation was made so clear as to be beyond the reach of any but the most far-fetched attempts at refutation. St. Robert Bellarmine, as we have seen, did not foresee the extent of the crisis which would engulf the Church in our day, nor is there any documentary evidence that those engaged in drafting the 1917 *Code* did either; but Divine Providence, of course, did. And Divine Providence, it surely cannot be doubted, arranged that the Faithful should have no reason to lose their way during the crisis, by seeing to it that every last "i" was dotted and "t" crossed just a few decades before the crisis occurred.

⁹ Canon 1325: "Any baptized person who, while retaining the name of Christian, obstinately denies or doubts any of the truths proposed to be believed with divine and Catholic Faith is a heretic."

Canon 188 no.4

Although *Cum Ex Apostolatus Officio* stands on its own and, as the wording makes clear, will always be true (and, for that matter, was true before it was promulgated even though the facts had not been expressly stated) , it has also been substantially incorporated into Canon 188 no.4, which by itself sufficiently clarifies the status of John Paul II and all the cardinals and bishops who either signed the official documents of the “Second Vatican Council”¹⁰ or have acknowledged them since.¹¹ I shall give the Latin original and follow it with an exact translation in English.

“Ob tacitam renuntiationem ab ipso iure admissam qualibet officia vacant ipso facto et sine ulla declarationis, si clericus....(4) A fide catholica publice defecerit.”

“Through tacit resignation, accepted by the Law itself, all offices become vacant by the fact itself (by the very fact) and without any declaration, if a cleric.. . (the canon gives eight possible occurrences of which the fourth is) ... (4) has publicly defected from the Catholic Faith.”

Simply because the vast majority of those who consider themselves Catholics, even those who acknowledge that the documents of “Vatican II” contain items in contradiction to what was previously held to be the teaching of the Catholic Church, refuse to acknowledge that Canon 188 no.4 really means what it appears to say, it is necessary to analyze carefully each important word and phrase in it. In each case what I shall be giving will be not my own interpretation, but the Church’s official interpretation coming either from other canons in the *Code* itself or from some of the commentaries on the *Code* approved by the Church.

(a) Resignation: is one of the ways in which offices can be lost, examples of others being deprivation, transfer, completion of a term, etc. Deemed resignation is obviously a convenient way of declaring an office vacant if it is desired that the vacancy shall be an immediate effect of a particular action. (Another action which has an identical effect is marriage – Canon 188 no.5.

¹⁰ I have put “Second Vatican Council” inside quotation marks when referring to the council held at the Vatican from 1962 to 1965, and henceforth shall refer to it for convenience as “Vatican II”, because, on the hypothesis that by the end of this essay the case argued in it is proved, that council was not the second council held at the Vatican by the Catholic Church. Rather it was the first, and so far only, council held at the Vatican by a new religious sect that emerged from the council, with its new doctrines, liturgy, Sacramental rites and much much else. (A convenient title for the new sect is the “Conciliar Church”, a title that is sometimes used by its own members.) Similarly, whenever reference is made to the council held at the Vatican in 1870 as the First Vatican Council, at which, among other things, the doctrine of Papal infallibility was defined, the word “first” will be placed in brackets; for on the same hypothesis it is the only council of the Catholic Church at the Vatican that has so far been held.

¹¹ Some will doubtless see the use of this convention at this early stage of the essay as a form of begging the question. Such people would be mistaking the purpose of this essay, which is not to debate the matter as though it were an open question, which it is not, but simply to state the facts, provide the evidence necessary to support the facts and look at the objections raised by those who deny the facts. This being so, care has been taken to avoid the use of any terms that are inconsistent with the facts, even before the facts have been proved.

From the very moment a marriage is either contracted or attempted the offices held by a clergyman become vacant, and restitution of the revenues derived would begin from the moment of the marriage [Fr. Augustine's *A Commentary on Canon Law*]. And, incidentally, it is clearly shown in Canon 221 that resignation, in this or any other legal manner, is as applicable to a pope as to any other cleric: "If it befalls that the Roman Pontiff resigns, it is not necessary for the validity of the resignation that it should be accepted by the cardinals or by others."

(b) Tacit means "understood" or "without being stated" i.e. by the person resigning, Canon 186 requires that resignations must be made either in writing or before two witnesses; so the word tacit is necessary in order to waive this requirement. The eight conditions of Canon 188 themselves constitute resignation.

(c) Accepted by the Law itself. To be valid a resignation must normally be accepted by a superior (Canons 187 and 189) but the phrase makes it clear that this requirement also is waived in the case of Canon 188.

(d) All offices. "Office" is defined in Canon 145 to mean any employment which is legitimately practised for a spiritual purpose and entailing some participation at least in ecclesiastical power, whether of orders or jurisdiction. "All" of course means all without any exception and includes the papacy. If there were any doubt about this it would be put to rest by *Cum Ex Apostolatus Officio* (one of the sources of this canon) which expressly mentions the papacy.

(e) Become Vacant. We have seen from *Cum Ex Apostolatus Officio* that offices can become vacant by Law and, as far as the faithful are concerned, even if the incumbent appears to continue to exercise the office, and that this applies no matter how many people acknowledge and obey the usurper and no matter for how long the situation may continue.

(f) Ipsa facto or "by the very fact". These are the words which most clearly close off all avenue of escape to the heretic and of which a clear understanding is therefore most necessary of all. There are two ways in which Canon Law penalties take place. One is known as *ferendae sententiae*, which means that it must be imposed by a judge or superior. Penalties are assumed to be *ferendae sententiae* when the intervention of a superior is explicitly mentioned, or when they are expressed in the future tense or in the subjunctive mood (e.g. "shall be deposed", "are to be deposed"), or in cases of doubt (Ayrinhac's *Penal Legislation in the New Code of Canon Law*: p.56). The other way is known as *latae sententiae*, and is indicated by such phrases as *ipso facto* and *ipso iure* (by the law itself) and by words referring to the present

(Ayrinhac: op. cit. p.56). Perhaps the most important (for our purposes) difference between a *ferendae sententiae* penalty and a *latae sententiae* penalty is that, whereas in the case of a *ferendae sententiae* penalty the delinquent must always be warned before the penalty is inflicted (Canon 2233), this is not so in the case of a *latae sententiae* penalty. I quote from Fr. Ayrinhac's *Penal Legislation in the New Code of Canon Law* (p.90):

"When the censure is one *latae sententiae*, explicitly declaring that the penalty will be incurred by the mere fact of the commission of the offence, this is an official warning and a peremptory one. Whoever violates the Law knowing the censure attached to it shows

contempt for the censure and the Law.”

(g) Without any declaration. These words were also used in the Bull *Cum Ex Apostolatus Officio* and are of course an express instruction to each member of the faithful that he must make up his own mind and cannot rely on any assistance in doing so from the official Church hierarchy. Indeed in the case of an usurping pope he can be quite certain that he will not receive any official assistance, for no one and no court whatever has the power to subject the pope to judicial trial (Canon 1556).

(h) Publicly: is defined in Canon 2197 no.1. “A crime is public if it has already been divulged, or if the circumstances in which it took place or which have since arisen are such that it can and must be prudently concluded that it will easily be divulged.” (It is contrasted with “occult”, or secret, which applies to every crime “which is not public.”) The number of persons who must know that a crime has been committed to render it public obviously varies according to the size of the community – canonists have argued that at least six people must know, even in a small community, according to Fr. Augustine’s *A Commentary on Canon Law* – but what is completely certain is that “it can and must be prudently concluded” that anything contained in the documents promulgated at “Vatican II”, and kept constantly in print all over the world ever since, “will easily be divulged.”

(i) Defects from the Catholic Faith. “*Deficere*” means “defect from” “forsake” “abandon”. It is one of the most fundamental principles of the Catholic Faith that to deny or even doubt one of its dogmas is to abandon the Catholic Faith entirely. For confirmation of this fact, if confirmation be needed, it is only necessary to take one of the dogmas of the Faith and look at what a pope has infallibly pronounced in respect of those who reject it. Pope Pius XII, for instance, in his encyclical *Nunificentissimus Deus*, after defining the dogma of the Assumption of the Blessed Virgin Mary, closed with the words: “Hence if anyone, which God forbid, should dare willfully to deny or call into doubt that which we have defined, let him know that he has fallen away completely from the divine and Catholic Faith.”(Emphasis added) It could not be more abundantly clear that merely the doubt of one tiny dogma is all that is needed to abandon totally the Faith. Nevertheless, because “defect” or “one who defects” is not defined in Canon Law – unlike “heretic”, “schismatic” and “apostate” which are (Canon 1325) – some of those who maintain that John Paul II is pope have asserted that “to defect” is solely a synonym for “to apostatize” (defined as “to abandon the Catholic Faith entirely” – Canon 1325). We can go even further than merely noting that no authoritative evidence is even produced in support of their assertion; because all the Canon Law commentaries which deal with the issue expressly affirm that “heresy” (though not “schism”) is included in the word “defect” (*defecerit*). As an example I quote from Fr. Augustine’s *A Commentary on Canon Law* (vol.2, p.161): “Defection from the Catholic faith, if public, deprives one of all ecclesiastical offices he may hold; not, however, mere schism if unconnected with heresy.”¹² (Emphases added)

¹² At the risk of confusing the issue, I add that anyone who accepts the Conciliar Church and its leader, John Paul II, must in consequence accept the 1983 *Code of Canon Law* promulgated by John Paul II. Interestingly this goes even further than the 1917 *Code of Benedict XV* in that, in its equivalent of Canon 188 No.4, it explicitly states that all heretics and also all schismatics automatically resign their offices.

Obstinacy, Heresy and the Documents of the “Second” Vatican Council

So much for Canon 188 no.4. Two questions remain to be answered, however, before a Catholic can safely decide that he owes no obedience to John Paul II, the College of Cardinals, the entire episcopate and all the priests who have not denounced “Vatican II”. The first is: at exactly what point does someone who utters a heretical doctrine become a heretic under the Law? And the second is: are there in fact any definite heresies to be found in the documents promulgated by “Vatican II”?

Heretic, as already mentioned, is defined in Canon 1325. The definition is as follows: “Any baptized person who, while retaining the name of a Christian, obstinately (*pertinaciter*) denies or doubts any of the truths proposed for belief with divine and Catholic Faith is a heretic.” Two of the expressions used must be looked at more closely. We must ascertain what exactly is meant by “obstinately” and what exactly constitutes a “truth of the Catholic Faith”.

Obstinacy does not (as some claim) imply any particular duration of time nor even necessarily any duration of time at all. I quote from Bouscaren and Ellis’ *Canon Law* (p.902): “*Pertinaciter* (in definition of heretic) does not imply duration, nor violence; it simply means setting up one’s mind against the known mind of the Church.” Thus of course the way in which an action would be judged as “*pertinaciter*” would vary from individual to individual. A relatively uneducated Catholic who uttered a heretical doctrine would not be considered obstinate, and thus a heretic within the meaning of the Law, until the correct doctrine had been pointed out to him together with the evidence supporting it and he had continued to maintain his erroneous belief. By contrast, each member of a council consisting of all the bishops of the Catholic Church – none of whom could fail (unless deliberately) to have at hand his copy of Denzinger’s *Enchiridion Symbolorum* which contains in one volume the great majority of the most important pronouncements by popes and councils of the past – would inevitably be a pertinacious heretic the instant he signed a document put forward after due debate and deliberation and containing a heretical proposition.

“But surely,” it is often argued, “before a man is considered by the Law to have been a heretic he must have been first given a Canonical warning? Heresy is a criminal offence, after all, and we cannot know the mind of a person. How can a member of the Faithful know that the doubt or denial is obstinate?” If common sense does not answer this question (some of the more controversial doctrines of the “Second” Vatican Council were fully debated before the erroneous propositions were signed, in the case of some there were bishops who actually refused to sign them), Canon 2200 does. It says that, given the breaking of a law, malice (i.e. full knowledge by the law-breaker of what he is doing) is always presumed until the contrary is proved. Given the fact of a violation of the Law, in other words, a person is to be presumed

Thus the Conciliar “Faithful” are confronted with the incredible paradox that John Paul II’s own laws have instantaneously deprived him of the leadership of, indeed any office in, the Conciliar Church. Not that there is anything they can do about it; for in typical Conciliar Church fashion the same canon contradicts itself at the end by saying that the removal by automatic resignation can only be “insisted upon” if it is established by a declaration of the competent authority.

guilty unless he can be proved innocent.¹³

We have looked at obstinacy. The other question arising from Canon 1325 is what exactly is meant by the expression “truth proposed for belief in the divine and Catholic Faith.” The answer is authoritatively and unambiguously given in the dogmatic constitution promulgated *ex cathedra*, and thus infallibly, by the Vatican Council of 1870. I quote from Session III, chapter 3 (“Of Faith”) :

“Further, all those things are to be believed with divine and Catholic faith which are contained in the word of God, written or handed down, and which the Church either by a solemn judgment, or by her ordinary and universal teaching (magisterium), proposes for belief as having been divinely revealed.”

In other words a doctrine on faith or morals is infallibly true either if it has been solemnly defined by the Pope (or count li presided over by the Pope) in the Extraordinary Magisterium¹⁴ or if it has been continually taught by the Church in the Ordinary Magisterium; and one who doubts or denies a teaching coming from either commits the crime of heresy.

Thus we arrive at the second main question to be answered in this section. Did any of the documents of “Vatican II” contain statements condemned by the Church or in contradiction to previous teaching of the Church, whether in the extraordinary or in the ordinary magisterium?

And the answer is that the “Vatican II” documents contain statements in handfuls condemned by the Church in both the Extraordinary and the Ordinary Magisteriums.

Since the identification of only one heretical teaching in the “Vatican II” documents is all that is necessary to demonstrate that it was not a council of the Church, divinely protected from error by the Holy Ghost – for the notion that the Holy Ghost protected some parts of the Council from error but allowed Satan free rein during others, and that it is up to the faithful Catholic to sift out for his edification the parts dominated by the Holy Ghost, is ludicrous – I shall select for the purpose of this essay what is probably the best known of the conciliar heresies and certainly one of the most blatant, being an almost word-for-word repetition of a teaching not only consistently condemned by popes in the ordinary magisterium but also anathematized by a pope in the extraordinary magisterium. This is contained in the Declaration on Religious Liberty. Admittedly, although almost the entire document is heretical, it is arguable that most of it is sufficiently ambiguously worded to allow people to assume that what the document is intended to teach is the correct Catholic doctrine that a person has a duty to follow his conscience even if what his conscience tells him to do is wrong. But no such “interpretation in the light of tradition” is possible in respect of the last sentences of the first paragraph of Section 2:

¹³ It is also sometimes contended that Christ Himself prescribed at least two canonical warnings, or anyway warnings of some sort, in *Matthew* 18:15-17. An examination of this argument will be found in paragraphs 96-98, and an examination by St. Alphonsus Liguori of the same argument will be found in Appendix 6.

¹⁴ Magisterium means “teaching authority”.

“The Council further declares that the right to religious freedom has its foundation in the very dignity of the human person... This right to religious freedom is to be recognized in the constitutional law whereby society is governed. Thus it is to become a civil right.”

And here is what the Church in her Ordinary Magisterium has to say. Of many documents from which quotations could be taken, Pope Pius IX’s *Quanta Cura* written in 1864, is convenient; for this Bull not only fulfills all the requirements necessary for it to be classed as a document of the Extraordinary Magisterium but also demonstrates that it is not inventing new doctrine but emphatically repeating what has been said before. Here it is as contained in Denzinger’s *Enchiridion Symbolorum*, the book which no cleric engaged in a discussion of Catholic doctrine would dream of being without.

“And from this wholly false idea of social organization they do not fear to foster that erroneous opinion, especially fatal to the Catholic Church and the salvation of souls, called by our predecessor of recent memory, Gregory XVI, insanity: namely, that liberty of conscience and worship is the proper right of every man, and should be proclaimed by law in ever correctly established society.”¹⁵

“Religious freedom is to be recognized in the constitutional law whereby society is governed,” say the Fathers of “Vatican II”.

“Liberty of conscience and worship should be proclaimed by law in every correctly established society,” are the almost identical words of Pope Pius IX and Gregory XVI. But in the latter case they are not advanced as the teaching of the Catholic Church; they are condemned as “erroneous...wholly fatal to the Catholic Church and the salvation of souls” – indeed so far from the teaching of the Church as to be properly described as “insanity”.¹⁶

¹⁵ Here are two other emphatic condemnations by Pope Pius IX of the doctrine that religious liberty should be permitted in a Catholic State - this time in his famous *Syllabus of Errors* of 8th December 1864. The condemned propositions are:

“77. In this age of ours it is no longer expedient that the Catholic religion should be the only religion of the State, to the exclusion of all other cults whatsoever.

“78. Hence, in certain regions of Catholic name it has been praiseworthy sanctioned by law that men immigrating there be allowed to have public exercises of any form of worship of their own.”

¹⁶ Although it is not necessary for the purpose of what is being argued in this essay, it is nevertheless worth pointing out – in that it puts into context the assertions of those who insist that the “Vatican II” was inspired and presided over by the Holy Ghost – that the Declaration on Religious Liberty contains error so absurd that it scarcely even reaches the dignity of heresy. In section 3 are the words: “A man's conscience is the means whereby he recognizes the dictates of the divine law. He is bound to follow it faithfully... therefore he must not be forced to act in any way against his conscience. Nor must he be prevented from acting according to his conscience, particularly in religious matters.”

One is left gasping for breath. Even a child can work out that one man's conscience may tell him to do something incompatible with another man's conscience, but not, it seems, thousands of learned so-called Catholic bishops gathered together in mature deliberation under the presidency of the so-called Bishop of Rome and with the divine assistance (it is claimed) of the Holy Spirit. The learned Fathers tell us that the rulers of a Catholic country must not forbid Protestants to spread their doctrines in that country; for to do so would be to “prevent them from acting according to their

“But is an erroneous opinion especially fatal to the Catholic Church and the salvation of souls, insanity the same as heresy?” a defender of the erroneous, poisonous, insane Fathers of “Vatican II” might desperately cry.

Can it really be argued that those who publicly and officially teach doctrines “especially fatal to the Catholic Church and the salvation of souls” are not among those envisaged by Canon 188 no.4 as having publicly defected from the Catholic Faith? No matter: even if such a fantastic argument be tried, even if, impossibly, the argument be conceded, the “Vatican II” Fathers and their leaders do not escape; for in *Quanta Cura* Pope Pius IX went even further than in the passage quoted in paragraph 51. According to the requirements set out in the (1887) Vatican Council, to make an infallible definition in the Extraordinary Magisterium, a pope must: speak *ex cathedra*, that is in discharge of his office of pastor and teacher of all Christians; he must invoke his apostolic authority; he must be speaking on a subject concerning faith (what a Christian must believe) or morals (how a Christian must behave); and he must make it clear that he is intending a binding definition. How does he make it clear that he is intending a binding definition? In respect of doctrines that the Faithful are required to believe, he does so with such words as “We pronounce, we declare, we define;” and in respect of doctrines that they are forbidden to believe he does so by attaching to the doctrine to be condemned words such as “if anyone say... let him be anathema (accursed)” or “We reject, we proscribe and we condemn.”

Here, now, is how Pope Pius IX ends *Quanta Cura*, closing the door completely, even against those who wish to escape with the help of the most far-fetched technicalities that can be imagined:

“And so all and each evil opinion and doctrine individually mentioned in this letter, 12y Our Apostolic Authority We reject, proscribe and condemn (*reprobamus, proscribimus atque damnamus*); and we wish and command that they be considered as absolutely rejected, proscribed and condemned by all the sons of the Church.” (Emphases added)

Every single requirement given in paragraph-2 of this page is met. The doctrine of religious liberty taught by “Vatican II” is therefore not “only” erroneous, fatal to the Church and to souls, and insanity; it is also heretical.¹⁷

consciences, particularly in religious matters.” But what if the ruler's conscience tells him that he must forbid them? Must he be “prevented from acting according to his conscience, especially in religious matters”? It is such grotesque nonsense, that it should hardly be necessary •to demonstrate that it is also heretical.

¹⁷ Even if Pope Pius IX had been slightly less comprehensive in his denunciation of the doctrine of religious liberty, there is still sufficient authority to leave no doubt that it is genuinely heretical. Cf. the following passage from The Reception of Converts, Commentary with Historical Notes by the Rev. J.G. Goodwine, A.B. S.T.B., J.C.L. (p.128):

“Authors generally agree that if one fully embraced the doctrine of Liberalism or its principal tenets, e.g. full and absolute independence of the State from the Church, or the subjection of the Church to the State, he could not be excused from heresy. The same can be said of those who try to divine the hidden things of the heart, the future free actions of men through hypnotism, spiritistic media or other magic arts of this kind. They are to be considered as heretics, if in such acts they adverted to their heresy.”

Thus it is a matter, not of theological opinion, but of definite and brutal fact that those who signed, or have since acknowledged, the “Vatican II” documents have publicly subscribed to blatantly heretical teaching and, under Canon 188 no.4, have resigned from every single office they may have held. I add that recognition of this fact is crucial to anyone’s salvation; for the person who acknowledges a heretic as his leader is making himself a member of the heretic’s heretical church; and under the rules of the Catholic Church it is impossible to be a member of a false church and of the Catholic Church as well.

“Simon, Simon... I Have Prayed For Thee That Thy Faith Fail Not.”

“But Christ taught that it is impossible that a pope should fall into heresy, or in any other manner fall away from the Catholic Church. He said: ‘Simon, Simon... I have prayed for thee that thy faith fail not’ (*Luke 22:32*). He also said: ‘All power is given to me in Heaven and in earth,’ thus guaranteeing that such a prayer must have been granted. It is impossible to restrict the meaning of ‘that thy faith fail not’ simply, for instance, to a protection from error when speaking *ex cathedra* on faith or morals, or to reconcile those words with a pope so losing his faith that he falls into heresy and thus falls out of the Church.”

The argument appears to be convincing. However, St. Robert Bellarmine, who has been declared a doctor of the Church and thus, while not infallible, speaks with an authority second only to that of a pope, has expressed a contrary opinion. In a passage, which I have already cited on page-16, paragraph-2, from his famous treatise on the papacy, *De Romano Pontifice* (C.XXX), he writes:

“The fifth opinion is correct because it is in accordance with that which teaches that a Pope who is a manifest heretic ceases, in consequence of his own actions, to be a Pope and Head of the Church, in the same way as he ceases to be Christian and a member of the Body of Christ. This being the case, he can be tried and punished by the Church. All the early Fathers are unanimous in teaching that all manifest heretics immediately lose all power of jurisdiction. St. Cyprian, in particular, laid great stress on this point.”¹⁸

Even there the matter does not end. As I have indicated, great though St. Robert Bellarmine’s authority is, it is second to that of a pope (or, of course, to that of a dogmatic council presided over by a pope) and at first sight it would appear that the Church in her extraordinary

¹⁸ A fuller extract from this important section of St. Robert Bellarmine's *De Romano Pontifice* is given in [Appendix 3](#).

It is worth mentioning that, not only has no Doctor of the Church writing subsequently to St. Robert Bellarmine sought to correct him, but also the only other Doctor who wrote specifically on the issue of a pope falling into heresy, St. Alphonsus Liguori, exactly confirms St. Robert Bellarmine's conclusions. Here is what he wrote in his *Vindiciae Contra Justinum Febronium*, 8.8:

“If the Pope ever, as a private person, were to fall into heresy, then at that moment (Emphasis added) – he would cease to be pope, because he would then be outside the Church and, as such, would no longer be able to be the head of the Church. In this case, the Church would not depose him, because no one has authority above the Pope. It would simply declare that he had fallen from his pontificate. We have said, ‘if the Pope as a private person were to fall into heresy,’ for the Pope as Pope – i.e., as teaching the whole Church *ex cathedra* – is not able to teach anything against faith...”

magisterium has in some degree corrected him. The (1870) Vatican Council, of which the principal purpose was to pronounce on the functions, powers and prerogatives of the papacy, did not expressly deny that if a pope became a manifest heretic he would cease to be pope, but it did appear to deny the possibility that a pope could become a heretic, manifest or otherwise. Consider the following passage from the Dogmatic Constitution of the (1870) Vatican Council, Session IV, Chapter 3:

“For the Holy Spirit was not promised to the successors of Peter, that by His revelation they might make known new doctrine, but that by His assistance they might inviolably keep and faithfully expound the revelation or deposit of faith delivered through the Apostles. And indeed all the venerable Fathers and the holy orthodox Doctors have embraced and followed their apostolic doctrine; knowing most fully that this See of Saint Peter remains ever free from all blemish of error, according to the divine promise of the Lord Our Saviour made to the Prince of His disciples: ‘I have prayed for thee that thy faith fail not; and that thou being once converted confirm thy brethren.’ (Luke 22:32)”

“This gift, then, of truth and never-failing faith was conferred by Heaven upon Peter and his successors in the Chair, that they might perform their high office for the salvation of all...” (Emphasis added)

If those words, which are nowhere qualified, do not mean that a pope will never apostasize or fall into pertinacious heresy, words have lost their meaning.

And yet theologians have continued since the (1870) Vatican Council to maintain St. Robert Bellarmine’s teaching. I select as a representative example the *Catholic Encyclopaedia* published nearly forty years later in 1907. In Volume VII, page 261, we read: “Heretical clerics and all who receive, defend or favour them are *ipso facto* deprived of their benefices, offices and ecclesiastical jurisdiction. The Pope himself, if notoriously guilty of heresy, would cease to be pope because he would cease to be a member of the Church.” And of course facts cannot cease to be facts. The obstinate, undeniable fact is that the Declaration on Religious Liberty, along with many other teachings of the “Second” Vatican Council confirmed by Paul VI, is heretical. Wherein lies the solution?

There is only one possible reconciliation of the apparently contradictory teachings; and, although it only has reason and logic, rather than an authoritative pronouncement, to support it, it is obvious and definite enough. The key to it is contained in the opening words, already quoted in paragraphs 2 and 3 of page 4, of Pope Paul IV’s Bull, *Cum Ex Apostolatus Officio*: “Should it ever happen that a bishop, cardinal, legate or even the Roman Pontiff had deviated from the Catholic Faith or had fallen into some heresy before his nomination as bishop, cardinal or pope the following dispositions are compulsory...” Why should Pope Paul IV take the trouble to tell us the status of an otherwise validly elected pope who had defected from the Catholic Faith before his election and not bother to inform us on how to conduct ourselves in the equally catastrophic event of a pope falling into heresy after his election? The answer, taking into consideration the passage of the (1870) Vatican Council (quoted on page 17, last paragraph, and on page 18, 2nd paragraph) can surely only be that, protected from error by the Holy Ghost, Paul IV knew that the defection from the Church of a true pope could not happen.

The defection from the Church of a pope cannot happen, but it can appear to happen, and that is where Canon 188 no. 4 and the teachings of St. Robert Bellarmine and other theologians play their part. On their authority, we are not required to deny the clear evidence of our eyes and ears and force ourselves to disbelieve that facts are facts if a pope publicly¹⁹ professes heresy. On the contrary, if a person manifestly professes heresy, be he layman or pope, he is a manifest heretic, and “a manifest heretic,” to quote St. Robert Bellarmine again, “is not a member of the Church in any way, physically or spiritually...and those separated from the Church retain not one single vestige of spiritual power over those who remain in the Church – and it is not even thinkable that anyone could be head (of the Church) and pope without being either a part or member of the Church.” Thus we can be in no doubt about how to conduct ourselves if such circumstances should arise. But *Cum Ex Apostolatus Officio*, by omitting the case of a pope who falls into heresy after his election, and the (First) Vatican Council, by surely indicating that a pope cannot fall into heresy after his election, tells us more. They inform us that, since it is divinely revealed that the faith of a pope will never fail, we can know with complete certainty that a pope who publicly and pertinaciously denies or doubts a definite truth of the Faith, was a heretic before his election, and therefore never pope, even if direct evidence of his earlier heresy is lacking. Public heresy during office, in other words, would strip him of his office if it were necessary, but it is not necessary. Rather, taken in conjunction with the (1870) Vatican Council and the Biblical text “I have prayed for thee that thy faith fail not”, public heresy in a holder of the papal office is simply circumstantial but undeniable evidence of heresy prior to office, thus rendering him for all time ineligible for election.

Moreover it is worth reflecting that it is perhaps just as well that we have the certainty that a “pope” who teaches heresy was never at any time pope; for were this not so we should be faced with a difficult problem. Are we to accept as valid, and supported by the authority of Christ, a heretical “pope’s” regulations, canonizations, appointments of bishops and cardinals, and other actions performed up to the time that we first became aware that he was a heretic? Must we undertake an arduous search for evidence of the exact moment of his first public heresy so as to establish the cut-off point between the actions of his that we acknowledge as binding on us and those we reject? Instead we can answer that the fact of his teaching heresy at any point during his papacy is proof that he was in heresy before his election and that not one of his actions during his usurped office is of any binding effect on Catholics whatever.

¹⁹ I qualify “heresy” and “heretic” with the word “publicly” often in this essay, in order to stress that it is necessary that heresy be public for a cleric to lose his offices. Not only does Canon 188 no.4 explicitly include the word “*publice*” (“publicly”), but St. Robert Bellarmine, and the earlier teachers on whom he relies, unanimously teach that secret heretics, who are still outwardly members of the Church, do not automatically lose their offices; so that a secretly heretical pope is still pope. Pragmatically this obviously makes sense: on the one hand the burden on the Faithful of establishing that a secret heretic was a heretic would be unrealistic, to say the least; and on the other hand the damage that can be caused to the Church by a heretic who keeps his heretical views to himself is fairly limited. And there is of course also a theological reason: the Church is of her nature an external and visible body, united by profession of the same faith, so that membership of her must be begun or terminated by an external and visible word or action.

In brief summary of this section, therefore (and I make no apology that the summary amounts to repetition):

(a) *Luke 22:32* and the (1870) Vatican Council tell us that with the Keys given by Christ to Peter and his successors was given also the gift that they should never lose their faith, that is fall into heresy or apostasy.

(b) Canon 188 No. 4, supported by St. Robert Bellarmine and other theologians, tells us that if, *per impossibile*, a pope did publicly lose his faith, he would be deemed without any official declaration to lose his office and retain no vestige of power over any Catholic, even if by common consent he on the face of it continued to exercise the powers of the papal office.

(c) *Cum Ex Apostolatus Officio*, taken in conjunction with (a) and (b), tells us that what in fact has taken place if a pope propagates heresy is that a heretic, therefore ineligible for election, has succeeded in being elected. He thus occupies the Holy See as a usurper, and as a usurper is not protected from error since the gift of indefectibility that goes with the Keys is only conferred on true popes.

The Implications for Catholics

“Surely, then,” some argue, “if the entire hierarchy of the Church has vanished through a combination of the heresy promulgated at “Vatican II” and the operation of Canon 188 no.4, the promises of Christ have failed. How can the foregoing be reconciled with *Matthew 16:18*, ‘Thou art Peter, and on this rock I will build my Church, and the gates of Hell will not prevail against it,’ and with the teaching of the Church that it will survive as a visible organization until the end of the world?”

Christ’s promises have not failed, and of course cannot fail. The Church has not failed. What has happened is that a huge portion of the faithful have left the Mystical Body. It has happened before, though never on this scale. It should be made clear also that the term “visible”, when applied to the Church, does not necessarily imply that one must be able to read about the Church’s activities in the newspapers nor even that the Church is to be found in the buildings that were once Catholic. All it means is that there will until the end of time be people, however few and however humble, who believe the one, holy, Catholic and Apostolic Faith. Even as long ago as the fourth century, St. Athanasius had been compelled, by a huge defection on the part of the hierarchy, to say: “They have the buildings but, please God, we have the Faith.”

Moreover, not only do we see from history that huge defections do take place; we are warned in Holy Scripture that in the last days there will be a defection that will make previous ones seem insignificant by comparison. The very words “not prevail”, in the words of Christ quoted above, suggest that the gates of Hell may come near to doing so, and such suggestion is reinforced in His words in *Luke 18:8*, “But yet the the Son of man, when He cometh, shall He find, think you, faith on earth?” Even more explicit are St. Paul’s words in *2 Thessalonians 2:3*. “The day of the Lord” is not at hand, he writes, until “there comes a revolt first, and the man of sin be revealed, the son of perdition.” Bearing in mind the revolts from the Church that have taken place throughout her stormy history, a revolt that

St. Paul singled out for mention as a sign of the last days must be special indeed.

“But,” it is often argued, “the word ‘visible’ must certainly mean that the hierarchy which governs the Church must continue to exist at least in some form. Otherwise the Church is a body without a head with the faithful able to believe and act as they please. Tradition has always taught that while individual bishops can defect the episcopacy cannot fail totally.”

Certainly it is true that many have taught this, and it is also true that most teachers who have written about the last days have, scarcely suprisingly, not foreseen the extent of the apostasy that will then take place. But it is not a dogma of the Church that the entire hierarchy cannot defect. On the contrary, St. Athanasius by clear implication denied that there was such an article of the Faith with his words, “Catholics who remain faithful to tradition, even if they be reduced to a handful, they are the true Church of Christ.” (Letter of St. Athanasius, Bishop of Alexandria, to his flock) And St. Vincent de Lerins, another of the great Fathers of the Church, not only expressly envisaged the possibility that it could happen, but even told us how to cope with the situation if it arose. Here is what he wrote early in the fifth century (he died in 450 A.D.) in his famous tract usually known as the *Commonitorium* but sometimes called For the Antiquity and Universality of the Catholic Faith against the Profane Novelties of Heretics:

“Chapter III

“What Is to Be Done When One or More Separate?

“What then shall a Catholic Christian do, if some small part of the Church cut itself off from the communion of the universal faith? What else but prefer the health of the whole body before the pestiferous and corrupt member? What if some new infection goeth about to corrupt not in this case only a little part, but the whole *Church*? Then likewise shall he regard, and be sure to cleave unto, antiquity, which can now no more be seduced by any crafty novelty.”

Clearly, in the words “the whole Church” St. Vincent is including the Pope, for otherwise he would have simply said “adhere to that which is taught by the reigning pontiff.” If one of the great Fathers of the Church envisaged the possibility of a complete defection of the Church hierarchy over fifteen hundred years ago, at a time when no such defection had taken place, surely it is not up to us to say that such a defection is impossible, at a time when on the objective evidence it is quite certain that it has taken place?

What then are the Faithful to do, at a time when we have no pope, no bishops, almost no Catholic priests and thus almost no Sacraments administered by the Catholic Church? The Holy Ghost has taught us what to do through the medium of history. From the beginning of the seventeenth century until the 1880’s the persecution of Catholics in Japan was so intense that for over two hundred years the Faithful had no bishops or priests whatever. The only Sacraments they had, therefore, were the two that can be administered by laymen: Baptism and Matrimony. Nevertheless, when Japan was opened up once again to the West and to the Catholic missionaries, it was found that large numbers had kept the Faith. God has ordained that in the

ordinary course of His providence we need all His channels of grace for our salvation; but if He permits such Sacraments as the Eucharist, Confession and Extreme Unction to be withdrawn from us He is bound to supply sufficient graces in compensation to those who earnestly ask for them. What are we to do? Evidently we are to do the same as the Japanese Catholics presumably did for over two centuries: keep the Faith, transmit the Faith where we can, say the Mass prayers in our homes or in small groups on Sundays and Feast-days, make Spiritual Communion, say the Rosary, make the Stations of the Cross, avail ourselves of Baptism and Matrimony, and in every other way possible lead a Catholic life, thanking God for the trials He has sent us and praying for the gifts of counsel and fortitude necessary to overcome them.

Appendix 1 Some Objections Considered

Although I have tried to answer in the course of this essay the most substantial objections to my assertion that the vacancies of the Holy See, the College of Cardinals and all the bishoprics of the Catholic Church are a matter of undeniable fact, I have by no means answered all the objections that can be made. For the sake of completeness, therefore, I shall now put forward a number of arguments not covered in the above that have been put to me by people who disagree with my conclusion, and attempt to show that they have no weight. Because some of the objections I deal with may seem absurd I emphasize that none of them is my own invention, simply put up by me for the purpose of being easily knocked over. I have had the task (and privilege) of debating the whole issue with very many people, priests and laymen, some learned and some with little education; and while what follows clearly cannot cover every argument, however ludicrous, that can be proffered, I believe it to be comprehensive to the extent that there are no better arguments available. The many who were not convinced by the evidence I put forward had every reason to produce the best possible justification for their stand; and if the reader is disappointed by the quality of the justifications that follow, it only needs to be said that arguments produced to support what cannot be true must inevitably sound far-fetched and hollow. Objections follow . . .

“A Body Without a Head Is Not a True Body . . .

“Although you have demonstrated that all but a tiny number of Catholics can defect from the Church without Christ’s promise that the Church will never completely fail being broken, the fact remains that the Church is a body – the Mystical Body of Christ – of which the Pope is head. A body without a head is not a true body, so if there is no pope the promises of Christ have failed.”

No, the head of the Mystical Body of Christ is not the Pope but Jesus Christ Himself. The Pope, who is the visible head of the Church, is only His vicar, His representative. The Mystical Body has not been a body without a head during the present vacancy of the Holy See any more than it has been during any other of the hundreds of vacancies of varying duration in the last nineteen and a half centuries. Moreover, even though there be now no visible head, the papacy as such has not ceased to exist. We still have the great body of recorded papal teachings and commands as our guide.

Perhaps it is relevant to mention that the other traditional term used to show the place of the papacy in the Church is “pillar”, the papacy and the Mass being described as the two great pillars on which the Church stands. We know that one of these pillars, the Mass, will be taken away before the end of the world, for this is emphatically prophesied in two places in the book of *Daniel* (8:11,12 and 12:11) and the validity of the obvious interpretation of that prophecy has been confirmed by saints, including St. Alphonsus Liguori, a Doctor of the Church. Given this, there can be no logical reason why God will not allow the removal of the other pillar also.

(I use “pillar” to denote a visible pope, rather than the institution of the papacy, which of course can never be taken away. The same applies to the Mass: the presence of the Mass can be “taken away”, to use Daniel’s exact words, but not the institution.)

“Vatican II” Was Not Intended To Be Infallible . . .

“Vatican II” was expressly declared to be a pastoral council. Both John XXIII and Paul VI stated that it was not an infallible council. Therefore in its own terms it was not guaranteed

free from error. If it be true that errors there were, they can be corrected in due course without the whole hierarchy having to be deposed by the laity in the meantime.”

Whether or not “Vatican II” was described as infallible is irrelevant. All that is relevant is that a number of senior clerics publicly professed doctrines which had previously been condemned, and not only publicly but so pertinaciously that twenty years later, after the errors have been pointed out yet again and again, they still have not retracted them. A Catholic who utters heresy does not escape being labelled a heretic by adding the obvious truth that he is not speaking infallibly.

“The “Vatican II” Documents Must Be Interpreted in the Light of Tradition . . . John Paul II has said that if there is any doubt about what the Council documents mean they must be interpreted in the light of Tradition.”

Some things in the documents can no more be interpreted in the light of Tradition than black can be interpreted as meaning white, and the passage from the Declaration on Religious Liberty is one of them. In any case, the Church has always condemned wording that is designedly ambiguous (in other words clouding an issue that has previously been raised and clarified). Every sentence of documents arising from the Council of Trent and the (1870) Vatican Council, for instance, can stand on its own without fear of being misunderstood. The job of the teaching Church is to give all the Faithful clear and definite doctrine, not to put them into a muddle and allow different people to read different things into the same words.

“Your Tortuous Reasoning Has No Authoritative Support . . . Your suggestion that the public utterance by a pope of a heretical teaching somehow proves that he was a heretic before his election, and therefore ineligible for office, is a piece of tortuous reasoning especially concocted for the sake of supporting your argument. It has no authoritative support and is simply an invention”

I have invented neither the fourth chapter of Session Four of the (1870) Vatican Council, nor Canon 188 no.4 of the 1917 *Code of Canon Law*, nor Pope Pius IV’s Bull, *Cum Ex Apostolatus Officio*. Each of them is absolutely binding on all Catholics and all of them fit together to make a harmonious whole as completely and as satisfactorily as the pieces of a jig-saw puzzle. There can be no possible doubt that what is asserted in Section 7 of this essay is correct, for it is the only way in which three infallible statements can be reconciled.

And even if it were hypothesized that the conclusion reached in Section 7 were incorrect, it is no real help for someone seeking to deny the overall thesis of this essay. The fact would still obstinately remain that Paul VI, John Paul I and John Paul II never have been and never can be popes. John Paul I and John Paul II signed the heretical documents of Vatican II and by that fact alone both lost their existing offices under Canon 188 no. 4 and rendered themselves ineligible for election under *Cum Ex Apostolatus Officio*; while there is abundant evidence that Paul VI was a heretic many years before his election.²⁰ The only question mark, therefore, concerns John XXIII, who was

²⁰ An excellent source of public heretical teaching by Giambattista Montini (Paul VI) before his invalid election to the papacy is *Pope Paul VI Dialogues*, translated and arranged by John S. Claney and published by Simon and Schuster. To give just one example: “revelation, I insist, does

certainly guilty of heresy during his “pontificate;”²¹ for if it be debatable at exactly what moment he ceased to be pope it could also be argued that some of his canonizations of saints and liturgical changes must be accepted – important enough matters, but negligible compared to the unquestionable lack of papal status of his (so far) three successors.

“To Condemn and Punish without Official Warning Is Unreasonable . . . Despite the evidence you cite it is wholly unreasonable and against the principles of law, Church or otherwise, that a man be condemned and punished as a heretic without some sort of official warning. Therefore you must be misrepresenting or misinterpreting the canons.”

If I am doing so, so are all the commentators and also all the priests whom I have consulted, even those who nevertheless refuse to accept that the Holy See is vacant. “*Ipsa facto*” (automatically) and “*sine ulla declaratione*” (“without any declaration”) mean exactly what they appear to mean. Moreover, it can be shown that no warning is necessary by comparing the procedure in the case of heresy with the procedure in the cases of “suspicion of heresy”. Suspicion of heresy is incurred in a number of ways, detailed in Canons 2316, 2319, 2320, 2332, 2340 and 2371. It always results from actions, never words, and the law explicitly says that such actions must be followed by canonical warnings, whereafter, if during the following six months the person “suspect of heresy” remains pertinacious, he joins the ranks of those guilty of heresy itself.²² Heresy, by contrast, is almost always spoken or written, and the consequences, provided that it is pertinacious, rather than accidental or the result of ignorance (which can certainly not be imputed to a council of

not of itself oblige. What it announces is not verified by intrinsic evidence”. (*Epiphany*, 1958, Milan).

It need scarcely be pointed out that revelation is not in fact “of itself” but comes from Authority and thus must be accepted. Moreover what is revealed most certainly does oblige, for on it depends our salvation. “He that believeth and is baptized shall be saved; but he that believeth not shall be condemned.” (*Mark* 16:16)

²¹ For instance in his encyclical *Pacem in Terris* in which he gave a foreshadowing of the “Vatican II” Declaration on Religious Liberty.

²² The exact wording of Canon 2315, dealing with the procedure in cases of “suspicion of heresy” is as follows:

A person who is suspected of heresy, and who after admonition has not removed the cause for suspicion, shall be forbidden to exercise legal ecclesiastical acts; if he is a cleric, and after repeated admonition has not removed the cause for suspicion, he shall be suspended ‘a divinis’ (‘from divine things’, such as administering the Sacraments). If a person suspected of heresy is punished with the penalties here stated, and does not amend within six months of their imposition, he shall be considered a heretic and liable to the penalties for heresy.”

The criminal actions incurring “suspicion of heresy” are detailed in Canons 2316 (helping to propagate heresy and taking part in sacred rites with heretics), 2119 (agreeing to educate one’s children as non-Catholics, or procuring their baptism or education outside the Catholic Faith), 2320 (sacrilegious abuse of the Holy Eucharist), 2332 (appeal from a decree of the Roman Pontiff to an ecumenical council), 2340 (stubborn perseverance in excommunication for one year), and 2371 (reception of orders through simony or ordaining or administering other Sacraments through simony).

bishops with copies of Denzinger on the table in front of them) , are immediate and imposed by the law leaving no discretion to ecclesiastical courts or superiors.

Does anyone retain any least glimmer of doubt about whether “ipso facto” and “sine ulla declaratione” mean, in Canon 188 no.4 and everywhere else, exactly what the words say? Any such doubt must surely be extinguished completely by comparing Canon 188 no.4 with its equivalent in the *Code of Canon Law* promulgated by John Paul II on 25th January 1983. (Since John Paul II is not pope and, for that matter not even a member of the Catholic Church, his *Code* does not, of course, bind Catholics in any way whatever.) I invite the reader first to turn to 2nd & 3rd paragraphs of page 10 and read once more Canon 188 no.4 and then to note the contrasting features of the following extract from the corresponding Canon 194 of the 1983 Code of the Conciliar Church.

“1. The following are removed from ecclesiastical office by virtue of the law itself: (i)...
(ii) One who has publicly defected from the Catholic Faith or from communion with the Church,

So far so good. But now look at the second half of the same canon, which simultaneously contradicts the first half and shows how Canon 188 no.4 of the 1917 *Code* would have been worded if that is what the legislator had wanted to convey:

2. “The removal mentioned in numbers (ii) and (iii) can be insisted upon only if it is established by a declaration of the competent authority.”

So, according to the 1983 Code, if the competent authority is doing its job properly the Faithful have some measure of protection; if not, they must submit docilely while wolves in sheep’s clothing use illegally and invalidly held ecclesiastical offices (illegally and invalidly even according to the 1983 Code) to guide them to eternal destruction.

“Matthew 18:15-17 Contradicts You . . .

“But Our Lord Himself laid down that even a heretic could not be punished without at least two canonical warnings, or anyway warnings of some sort. In *Matthew 18:15-17* He says: ‘But if thy brother offend thee, go, and rebuke between thee and him alone. If he shall hear thee, thou shalt gain thy brother. And if he will not hear thee, take two or three more: that in the mouth of two or three witnesses every word may stand. And if he will not hear them, tell the Church. And if he will not hear the Church let him be to thee as the heathen and the publican.’ It cannot be demonstrated that John Paul II has received warning of any sort; therefore he is Pope.”

It is scarcely necessary to do more than repeat what was said in 3rd paragraph of page 25, though it might be added that since a pope has no superior there is no one competent to give him an official warning. This means that if a heretic were to succeed in getting himself elected to the papacy before receiving canonical warning he would immediately on doing so acquire immunity from any action the Church would take against him - which would be insane, even if it did not also frustrate *Cum Ex Apostolatus Officio*, the teaching of St. Robert Bellarmine and much else.

Of course there are those who say that *Matthew 18:15-17* does not demand canonical warnings as such but certainly does demand clear warnings of some sort before denunciation is

permissible. This specific point is answered by a Doctor of the Church, St. Alphonsus Liguori, whose massive treatise *Theologia Moralis* did for moral theology what St. Thomas Aquinas' *Summa Theologica* did for philosophy, natural theology and dogma. A Catholic most certainly is not required to warn heretics twice before denouncing them publicly, he states emphatically. Heresy is different from other offences and duty to community takes precedence over duty to individuals: hence, denunciation must be immediate.²³

“Canon 2314 . . .

“You claim that under Canon 188 no. 4 public heretics lose their offices automatically, without declaration and without even canonical warning. This is directly contradicted by Canon 2314 no. 1, which makes it clear that, while heretics are indeed automatically excommunicated, they do not lose their offices until they have received a canonical warning and failed to repent. Moreover, they are not deposed until they have received two warnings. Even if you can prove that John Paul II is a heretic and therefore automatically excommunicated, therefore, he remains pope; for he has had no canonical warnings, nor has any other official action been taken against him.”

Of all the purely legal arguments – that is, the arguments which take no account of infallible papal decrees, the unanimous teaching of Doctors of the Church, the consensus of Canon Law commentators, and common sense – this one is certainly the most plausible, and it has been used more than once by people who maintain that the Holy See is still occupied. However, the fact that the objector ought properly to be directed by the other arguments supporting the vacancy of the Holy See towards examining Canon 2314 no.1 with a view to seeing how it can be reconciled with everything that clearly contradicts it, rather than on relying on one canon that appears to support his case and ignoring the other arguments as though they do not exist – this fact does not mean that a purely legal argument does not deserve, and indeed need, to be examined on its purely legal merits. Let us therefore look at Canon 2314 no.1 and see what it says and what we must conclude from it. Here it is in full:

“All apostates from the Christian Faith and each and every heretic or schismatic:

- (1) Incur *ipso facto* excommunication;
- (2) Unless they repent upon being warned, they are to be deprived of benefice, dignity, pension, office or other position they may hold in the Church; they are to be declared infamous and, if they are clerics, they are, after second warning, to be deposed;
- (3) Those who have joined or publicly adhered to a non-Catholic sect incur infamy *ipso facto*, and, according to the firm prescription of Canon 188 no.4, clerics, having been warned in vain are to be degraded.”

Before commenting on this canon, I must first make it clear that “deposition” and “degradation”

²³ Because of the importance of the principle, the full text of what St. Alphonsus says on this question is reproduced in Appendix 6.

are technical legal terms defined in the Code. Deposition (Canon 2303), which can only be imposed after warning and by a tribunal of five judges (Canon 1576), consists of the cleric being suspended from office, disqualified from any office, dignity, benefice, pension or ecclesiastical charge, and deprived of all offices, dignities, benefices, pensions, and charges that he may hold. Degradation, the severest of all clerical penalties, means not only deposition but also perpetual privation of the right to wear clerical garb and reduction to the lay state. Against this background, we can now give proper consideration to Canon 2314 no.1.

The first thing to notice is that the questioner has got himself into a logically impossible position, to which it has not suited him to draw attention. He has admitted that if heresy could be proved against John Paul II his excommunication would be automatic. He has admitted this because he has to, for his whole case depends on the fact that, whereas excommunication is *ipso facto*, as the canon says clearly, loss of offices, benefices, dignities and the rest are not automatic but occur only after warning followed by judicial process, as the canon says equally clearly. So for him *ipso facto* needs different meanings, according to which canon he turns to. In Canon 2314 he agrees that he has to maintain that it means automatically, without warning, and without judicial process, while in Canon 188 no.4 it means neither automatically, nor without judicial process, even though the words “without any declaration” are added to it. A truly honest man, sincerely seeking the truth, would realize that there was on the face of it a complete contradiction between what is prescribed in Canon 188 no.4 and what is prescribed in Canon 2314 no.1, would remember that the Holy Ghost presides over the Church and protects her juridical pronouncements from error, and would search for the necessary reconciliation until he found it. He would, however, be quite certain that the reconciliation, when he found it, would be in accord with the unanimous voice of *Cum Ex Apostolatus Officio* (which, as already mentioned, is explicitly cited in the 1917 *Code* as a source for Canon 188 no.4), the Fathers of the Church, the Doctors of the Church, and the Canon Law commentators of this century.

Where is the solution? Well, the first thing to say is that Canon 2314 no.1 is without question a long way from being the most perfect piece of drafting in the *Code*, because, strictly on the exact wording, it does appear to contradict what both Canon 188 no.4 and the unvarying pronouncements of Pope Paul IV, Pope St. Pius V, St. Robert Bellarmine, St. Alphonsus Liguori, and all Canon Law commentators on Canon 188 no.4 who deal with the subject, constantly and emphatically affirm. It must also be said that on this particular point the reader will not receive any help from the Canon Law commentaries. That is, he will indeed, as I have shown, receive confirmation that a heretic cleric loses his offices and all authority automatically and without the necessity of any declaration, and he will also receive confirmation that, on the hypothesis that a true pope could fall into heresy, he would at that moment resign as surely and as completely as any other cleric; but he will not receive any help in his search for the solution to the problem of how Canons 188 no.4 and 2314 no.1 fit together. We shall for once, therefore, have to search without help of authority to guide us.

I must start off by saying that there is simply no point in starting the investigation with the preconception that there is even the possibility that the apparently obvious interpretation of Canon 2314 is correct; because this would be to say that the clear and obvious interpretation of another canon – supported, as I must keep repeating, by the authority of popes, Doctors and Canon Law commentators – is wrong. This could not be so. The only way in which it could even be argued that the clear, traditional and authoritative interpretation of Canon 188 no.4 would not

apply would be in the event of a pope's using the full weight of his apostolic authority to repeal the canon and the doctrine, practice and constant custom of the Church which support it. Not only has this not happened, but it is in fact not possible that it could; for it is a matter of Divine Law (and common sense) that Catholics cannot be subject to non-Catholics in spiritual matters and that their duty of severing themselves from anyone who is poisoning their minds and souls cannot be dependent on whether there happens to be a superior who tells them to do so. Therefore, while I doubtless risk being accused of prejudging the crime without warrant in suggesting it, we must in our investigation, start off from the position that the weight of authority behind Canon 188 no.4 is infallible and conclusive; and we must wrestle with Canon 2314 until we see how it fits with Canon 188 no.4 without contradicting it.

It is tempting to suggest, as the solution, that Canon 188 no.4 describes the automatic and necessary consequences of a cleric's fall into public heresy, while Canon 2314 no.1 governs how the cleric's superior, if there be one, must act when the fact of the heresy has come to his attention. The suggestion, in other words, is that Canon 2314 no.1 puts into practical effect what, under Canon 188 no.4 has already happened in fact. This would mean that Canon 2314 no.1, far from contradicting Canon 188 no.4, would be a most necessary addition to it; for without such judicial procedure the Church could find herself faced with the anomalous situation of a cleric who had resigned from all his offices still carrying on as though the resignation had never taken place (and indeed continuing to draw a salary) – which indeed is exactly what has happened on a gigantic scale since “Vatican II”.

Certainly Canon 2314 no.1 does, at least to some extent, have this effect, but it cannot be claimed that the solution is at all satisfactory. First, if it were intended that Canon 2314 no.1 were merely a declaratory sentence,²⁴ as opposed to a condemnatory sentence, simply putting into practice all the external effects that are implied in Canon 188 no.4, there are clearer ways of saying so than does Canon 2314 no.1. Moreover, Canon 2314 no.1 cannot be at root a declaratory sentence. Canon 1948 says that a judicial rebuke is not admitted when there is question of issuing a declaratory sentence of censure to which one has become liable on committing the offence. In other words the judge is not permitted to say, “Unless you listen to my warning and repent, I shall issue a declaratory sentence” – which is in effect what a judge would have to say if Canon 2314 no.1 were a declatory sentence..

Since the judge is not allowed to threaten a penalty which has already been incurred, the only possible solution must be that Canon 2314 no.1 goes further than Canon 188 no.4. I hope I am not reading more into the legislator's words than he intends, but the implication seems to be that, contrary to practice in earlier times when a heretic who lost office was never eligible for office again, if a cleric loses office under Canon 188 no.4 and immediately repents after a reprimand, it is virtually automatic that his superior would reinstate him in his office. (Of course no such virtually automatic reinstatement could take place if there were no superior, because offices must be given by competent authority. They are not acquired automatically, nor are they re-acquired “*ipso facto* and without any declaration” by simple act of repentance and

²⁴ Canon 2232 says that, where a declaratory sentence is passed in respect of a *latae sententiae* (automatic) penalty, the effect of the penalty is retroactive to the moment when the offence was committed.

retraction of heresy.) That there should be such a provision in the *Code* is in fact very reasonable when it is remembered that even a material heretic who made public his beliefs would almost certainly lose his offices under Canon 188 no.4. The reason for this is that, under Canon 2200, malice is always assumed unless lack of it can actually be proved; and it would not be inappropriate that a purely material heretic, even possibly a formal heretic who was docile enough to repent immediately on being reprimanded, should be restored to his office with the minimum of fuss. By contrast, in the case of a formal heretic who does not repent after the first warning – and the Church’s experience over two thousand years has shown that very few formal heretics do repent after the first warning, it being scarcely more difficult to rebel against a superior than to take the initial act of rebelling against Divine revelation – the big guns must obviously be brought out; so that the loss of office, and consequent loss of authority and jurisdiction, under Canon 188 no.4 is reinforced by the physical and public privation of any benefice, pension, dignity, office, or other position he may hold, by his being declared infamous, and, after one more warning, by his being deposed (see page 27, last paragraph).

Why, if he has already lost his offices under Canon 188 no.4, would Canon 2314 mention “office” among the things he is stripped of after a warning? As I have already stated, the Canon Law Commentators, to a man, pass over this problem in silence – whether in embarrassment or because the solution is so evident that only an idiot could see a problem, I cannot say. Anyway the problem is not one to which it is difficult to find an answer. First, the obvious purpose behind the wording of Canon 2314 no.1 is that of a “sweeping up” operation, embracing everything possible and avoiding even the slightest chance of anything being omitted. (That this is so is evident from the fact that “office” is mentioned last on the list rather than first. If ecclesiastical offices were intended in the canon, they would be the very first to be mentioned.) Second, there is a difference between the factual loss of office on the one hand and physical expulsion from it on the other, and, as already suggested, it is not unreasonable to ascertain, by means of warning, whether the former can be swiftly reversed (not without the delinquent being subject to very careful vigilance by the superior in the future, of course), before putting into painful operation the latter.

Have I reproduced what the legislator had in mind when he drafted Canon 2314 no.1? I do not know. Indeed I do not believe any of us will know until the Day of Judgment: I have as good research facilities available to me as most, and, as I have already made clear, to the best of my knowledge and belief, no one has before now ever addressed himself to the problem. In short, I believe Canon 2314 no.1 to be less than well drafted. What I am confident about, however, is that I have to a reasonable extent reproduced what the Holy Ghost “had in mind” when He permitted the legislation to be drafted in that way. It is the only way that Canon 2314 no.1 can be interpreted other than as a direct contradiction of another canon in the same *Code* which carries the full weight of the Church’s authority.²⁵

²⁵ It is worth noting that the distinction between a cleric’s losing office, thus rendering any official acts he may perform thereafter null and void, and being physically expelled, so that he could not even appear to be functioning as a Catholic official, is one that has been part of ecclesiastical law from earliest times. An example of its application is the case of Paul of Samosata. Paul was elected Bishop of Antioch in 250 A.D. He was already a secret (occult) heretic by the time of the Council of Antioch in 264; but since he successfully concealed his beliefs, he retained his offices, and this council over which he

And if it be granted that the true meaning of Canon 2314 no.1(2) has now been established, I must point out that this canon is in our day irrelevant. Since the Holy See is vacant and all the cardinals and bishops have lost their offices, there are no superiors to administer the warnings demanded under Canon 2314 no.1 or to take any other action. Thus a person who has lost office under Canon 188 no.4 cannot get it back even if he would have repented when reprimanded; for, as already mentioned, offices can only be given or restored by competent authority and there is now no competent authority in the Catholic Church to do this.

“Pope John XXII and the Beatific Vision . . .

“Pope John XXII taught an incorrect doctrine about the Beatific Vision, but he did not cease to be pope.”

What he taught was indeed incorrect, but at the time he taught it it had not been condemned. It would have been possible in his day to have argued against the Immaculate Conception of the Blessed Virgin without being a heretic: in both cases the doctrine had not been sufficiently examined and clarified for it to be possible to call a denial or doubt of them heretical. Moreover Pope John XXII most certainly was not pertinacious. Once his teaching was questioned he threw the subject open to discussion and debate, and at the time of his death was in the process of drafting the correct doctrine, which was then promulgated by his successor.

“Two Saints Have Disagreed About Who Was Pope . . .

“In the fourteenth century two saints, St. Catherine of Siena and St. Vincent Ferrer, disagreed about who was pope, St. Catherine supporting the claims of Urban VI and St. Vincent those of Clement VII. Although Clement VII was an anti-pope, clearly St. Vincent did not put himself outside the Church by acknowledging him as pope, for it was no barrier to his canonization.”

Both if the two claimants adhered to orthodox Catholic doctrine, and which of them was truly pope hinged on the legal technicalities of the election; and since the question was not finally resolved until much later, to be in error at the time was not to put oneself outside the Church. One does not put oneself outside the Church through being wrong on matters of opinion.²⁶ There is no possible technical argument, legal or otherwise, which could make a heretic such as John Paul II pope, any more than there is any possible technical argument which could

presided is admitted as valid by the Church. In 269 a second council was summoned which found sufficient evidence to convict him of the crime of heresy and brand him as a public heretic, now fallen from office. Despite this, he remained obdurate and refused to depart from his episcopal residence. To all outward appearance he continued in office until 272 when, upon a decision of the Emperor Aurelian, he was physically deposed and expelled. All theologians are agreed that his official actions between 264 and 267 were null and void.

²⁶ This is not to deny that St. Vincent Ferrer was undoubtedly in material schism, and indeed had he asked for Sacraments from a priest who adhered to the true pope, such a priest would have been legally obliged to refuse them to him. As it turned out, he survived long enough to recognize in due course the true pope and thus beyond any argument died within the Catholic Church. Had he died in visible communion with an anti-pope, there can be little doubt that, united by desire to the Church, he would have gone to Heaven, but it is most unlikely, indeed almost certainly impossible, that he would have been canonized.

make the Church of England the true Church; so to adhere to John Paul II is to make oneself a member of a sect which cannot by any stretch of logic be called Catholic.

“Canon Law Says That No One May Judge the Pope . . .

“You have forgotten Canon 1556, which says: ‘The Primal (first) See may be judged by no one.’ You are breaking the law by taking it upon yourself to judge the Pope.”

No, this canon has not been forgotten. I have already shown how St. Robert Bellarmine, confirmed by St. Alphonsus Liguori, dealt with the problem (see p. 3, para. 3; p. 17, para. 4; p. 17, footnote 18)²⁷ This is reconciled with Canon 1556 by the careful drafting of Canon 188, which is worded so that a heretic cleric does not lose his office through any trial or judicial process to lose his office, but is deemed to resign – just as would be the case if he became a monk or got married, which circumstances are also covered in Canon 188. And to close the door finally to any doubt that a pope can resign, Canon 221 expressly confirms, not only that he can, but also that the resignation does not need to be accepted by anyone for it to be effective: “If it befalls that the Roman Pontiff resign, it is not necessary for the validity of the resignation that it be accepted by the cardinals or by others.”

Moreover, to remove any still lingering possibility that the 1917 *Code* may have introduced a change of principle, more than one Canon Law commentary written after the *Code* expressly confirms that a pope could fall from office without declaration if he could fall into heresy (which as we have seen in section 7, he cannot). This includes the most authoritative of all the commentaries on the 1917 *Code*, the seven volume *Jus Canonicum* (Canon Law) by WernzVidal published in 1937. Because this work deals with the subject at considerable length I have reproduced the relevant passage virtually in its entirety in Appendix 3 (see p.49, para.3-6; p.50, para.2-4). The following briefer but no less definite treatment is taken from a French commentary called *Traite de Droit Canonique* (Treatise on Canon Law) by R. Naz *et al*:

“Moreover the power of the pope would cease following perpetual insanity or formal heresy... The second case, according to the most common teaching, is theoretically possible insofar as the pope would be acting as a private doctor. Given that “the first See is judged by no-one” (Canon 1556), it would be necessary to conclude that, automatically and without declaratory sentence, the pope had fallen from office. Nevertheless, there is no example in ecclesiastical history of a true pope falling into formal heresy even as a private doctor.”²⁸

Nor is there any example of a true pope falling into heresy yet!

“Canon Law Is Not The Province of Laymen . . .

²⁷ The relevant passage from St. Bellarmine’s *De Romano Pontifice* is quoted in Appendix 3.

²⁸ *Traite de Droit Canonique* (Treatise on Canon Law) by R. Naz *et al*.: Book 2, chapter 6, “The Supreme Power... V. Cessation of Papal Power.”

“You are a layman and not authorized to teach Canon Law. Canon Law is an extremely difficult subject requiring many years of study.”

We are all bound by the laws of the Church; and if during normal times we were able to go to our parish priest for the answer, in the times we live in we must do what we can with the means of finding out what God has given us. And that means includes a number of commentaries that have been written for the very purpose of instruction and of showing how the canons are to be interpreted. Moreover, although even with the study I have done I cannot describe myself as qualified to teach Canon Law, I have taken the precaution of submitting this document to two priests who certainly have had a training in Canon Law; and both have confirmed that the foregoing contains no error of law.

Furthermore, even if I had been unable to take this precaution, never has the Church so much as hinted that only a super-expert can know the plain sense of the Law, and it certainly is not true that laymen may not inform others what the laws of the Church are, in appropriate circumstances, whether it be the ban on women attending divine services with their heads uncovered or the requirements for gaining indulgences. Indeed, in today’s particular circumstances, where the normal functions of the Church’s hierarchy are not being performed, a layman is obliged, by Canon Law itself, to point out to all who will listen, what the legal situation is. The obligation is imposed by Canon 1935: “Any member of the faithful may at all times denounce the offence of another,” under certain circumstances stated in the canon, “and the obligation of denouncing another becomes even urgent ... when one is obliged to do so in virtue of the natural law where there is danger to faith or religion or other imminent public evil.” Never was there such danger to faith or religion or of imminent public evil as today among those who through ignorance of the law give their allegiance and fidelity to a heretic in the belief that he is the Vicar of Christ.

“I Am Not an Expert on Canon Law . . .

“I am just a simple Catholic, not an expert on Canon Law. I do not know enough about it to judge whether you are right or wrong.”

The law on the subject is perfectly straightforward and logical, with the words meaning exactly what they say. All that is needed is a certain amount of concentration and hard work, and God does not guarantee our salvation if we are not prepared to devote these to finding out the truth and to His service generally.

“To Know Canon Law is Unnecessary . . .

“God does not require me to know Canon Law.”

As already noted, all are bound by the laws of the Church, and we are therefore bound to acquire to the best of our ability a sufficient knowledge of what these laws are. It is true that in a period when there are almost no Catholic prelates to help us it may require extra work and effort; but, also as already noted, God does not guarantee us freedom from work and effort.

“Those With No Access to Canon Law . . .

“What about the millions of simple Catholics who cannot possibly have access to books on Canon Law?”

The problems of their salvation, as with the salvation of millions of Protestants who have never been put on inquiry that theirs is not the Church that Christ founded, we must leave to Almighty God. We may hope that many of them are invincibly ignorant and if they did have access to the truth would submit to it immediately. And we may be sure that where such people exist God, who condemns no one who is not truly culpable, will find some way to give them at some point before their death, whatever light they need to see the path they must take in order to attain Heaven – even if this must be done by some special revelation as happened to Saul on the way to Damascus. With people who are prepared to trust and do the will of God, at no matter what cost, salvation will certainly not be denied simply because they do not have access to facts which are ordinarily necessary for salvation. What is equally certain, however, is that you and I cannot claim invincible ignorance and thus hope to receive special graces in compensation. If you are reading this essay, it is because God has planned from all eternity that you should be presented in this manner with information that He wishes you to have; and you will be judged according to how you respond to this information. It is worth adding that, to my certain knowledge, many so-called “simple Catholics” have come to the truth about the status of the Conciliar popes and bishops without any need to worry about Canon Law, finding it perfectly obvious that what has emerged from “Vatican II” is a new church, with its new liturgy, doctrine, Sacramental rites, and so on. This essay is addressed to the less simple, for whom the obvious is not obvious, and who have the intellect to think up quantities of reasons why what is evidently false must be true nevertheless. But whether one comes to the conclusion that John Paul II is neither a Catholic nor pope either from common sense or from sifting the technicalities of Canon Law, the result is the same.

“Judge Not . . .

“Do you not remember Our Lord’s comment, ‘Judge not that ye may not be judged’? Most especially we are not permitted to judge the pope. You may assume papal powers and dismiss popes and bishops if you wish, but you will suffer the consequences. God certainly does not require it of the Faithful.”

True, God forbids us to judge our fellow-men rashly; but He certainly requires us to judge their religion. We are commanded to be obedient to our Catholic superiors, but we are not relieved of the responsibility of assessing whether or not our superiors are Catholics, and we are most certainly not assured that no attempts will be made to deceive us. “Beware of false prophets who come to you in the clothing of sheep, but inwardly they are ravening wolves,” Our Lord said. It is worth noting that on another occasion He used the term “sheep” expressly to indicate pastors of the Church (*John 21:17*); but even if this is not in itself conclusive, the words of St. Paul in *Acts 20:28-30* are clear enough. “Take heed. . .to the whole flock, wherein the Holy Ghost hath placed you bishops to rule the Church of God. . . I know that after my departure ravening wolves will enter in among you. . .and of your own selves (the bishops) shall arise men speaking perverse things, to draw away disciples after them.” Can it seriously be claimed that a Catholic is forbidden to make a judgment that clerics are saying “perverse things” but must remain their disciple and meekly submit to being “drawn away after them”? On the contrary, both Pope Paul IV (in *Cum Ex Apostolatus Officio*) and Canon Law make it clear beyond doubt that there are occasions when we are obliged to make a judgment and that to refuse to do so, far from being an act of praiseworthy humility, is to set our minds obstinately against the

mind and the laws of the Church.

And let us not forget that, whatever our private opinions may be about the good faith of such as Paul VI and John Paul II, Canon Law forbids us to act on the assumption that the Council Fathers are sincere men who have innocently erred in a few matters of doctrine. Canon 2200 says that, for legal purposes, where an infraction of the law takes place malice must always be assumed unless the contrary can actually be proved.

“A Layman Cannot Judge a Pope . . .

“A layman is simply not in a position to judge a pope. He is not competent to do so. He is no way able to do so.”

What is being suggested is that a layman is not competent to assess whether a pope has definitely committed a crime to which the law attaches *latae sententiae* (automatic) penalties, and that therefore he cannot judge whether the penalties have in fact, “*sine ulla declaratione*”, been incurred.

This is manifest nonsense. A crime is a crime, and does not become less manifest or definite as the dignity of the person committing it are greater. I am, for instance, in as good a position, once the facts have been established, to assess whether the Queen of England or the President of the United States has committed a clear breach of her or his respective country’s laws as I would be if anyone else had committed the same breach. The only difference lies in the fact that in civil law there are no *ipso facto* penalties, so that we are unlikely to find ourselves in the position of having to judge. Moreover even in the laws of the Church there are, in the external forum, only *ipso facto* penalties (a)when no special legal knowledge is required, and (b)when there can be no doubt that the crime has been committed. Both conditions are met in the case of a cleric publicly professing heresy, no matter who the cleric is.

“St. Matthew 23:2,3 Contradicts You . . .

“No matter how strong your legal arguments and other justifications may be, and no matter how deplorable the activities of John Paul II and some of his predecessors have been, Our Lord said: ‘The Scribes and Pharisees have sitten on the chair of Moses. All things therefore whatsoever they shall say to you, observe and do; but according to their works do ye not.’(Matthew 23:2,3) That is my position exactly.”

The Scribes and Pharisees had every necessary qualification to make them legitimate occupants of the chair of Moses. They were Jews and, notwithstanding the ridiculous and insupportable additions and interpretations with which they augmented the laws of Moses, they did preserve and protect the revelations and laws of the prophets and patriarchs, and indeed with fanatical zeal. In the terrifying invective of that twenty-third chapter of St. Matthew’s Gospel, Our Lord castigates the Scribes and Pharisees for lack of compassion, for self-esteem, for vanity, pride, greed, hypocrisy, injustice, iniquity and even murder; but He does not suggest that they expounded the laws of Solon or the Code of Hammurabi, nor charge them with heresy, apostasy, illegitimate usurpation of their positions, or idolatry. On the contrary, the legitimacy of the positions they held was questioned neither by our Lord nor by anyone else, and (unlike the Sadducees, who were

heretics, twice being singled out in the New Testament for denying the resurrection from death²⁹) it was well known that they were reliable expounders of objective Mosaic law and doctrine, however much they twisted it to their own advantage and ensured that the letter was adhered to while ignoring entirely the spirit behind it. As the preface to Matthew 23 in the standard edition of the Douai-Rheims Bible, in complete accord with the constant tradition of the Church, says: “Christ admonishes the people to follow the good doctrine, not the bad example of the Scribes and Pharisees.” (Emphases added)

Therefore what Christ commands us to do in *Matthew* 23:2,3 is to listen to the doctrine and obey the legitimate demands of those who sit eligibly and legally in the Chair of Peter - even if, as some popes have been, they be public sinners, for it is no teaching of either Christ or His Church that popes receive the gift of impeccability as well as infallibility. What is not said, either by Our Lord or by any popes, Fathers or Doctors of the Church, is that we must “observe and do” what is told to us by any ineligible illicit usurpers of ecclesiastical office who expound false doctrine. By contrast with the Scribes and the Pharisees John Paul II has no legitimacy at all, not even being a Catholic and being therefore ineligible for the papacy. One does need certain minimal qualifications in order to receive the right and the power to govern the Catholic Church; one does not acquire the right and power simply by fraudulently obtaining physical occupation of the headquarters of the Church. If, for instance, King Herod had invaded the Jerusalem Temple and had himself proclaimed High Priest by force, Our Lord would certainly not have said: “Whatsoever he shall say to you, observe and do” - if only because, not being a member of the tribe of Levi and a descendant of Aaron (both necessary qualifications for the priesthood) his occupation of the seat of Moses would have been entirely illegitimate. With the superseding of the Mosaic Law by the Catholic Church, racial qualifications became no longer necessary for the exercise of ecclesiastical office, but qualifications of belief and of genuine membership of the Catholic Church certainly are.

Perhaps it will illustrate the principle with maximum clarity if I add that qualifications of gender are necessary for the exercise of ecclesiastical office also. Had the apocryphal Pope Joan really succeeded in occupying the Chair of Peter in the twelfth century, as some of the more extravagant opponents of the Catholic Church would have us believe, it would have been the duty of anyone aware of it at the time to pay not the slightest attention to the Bulls, laws, canonizations, ecclesiastical appointments and other directives issuing from the “Holy Father”. John Paul II, as Pope Paul IV’s Cum Ex Apostolatus Officio has made clear, is no whit more eligible for, and legitimate in, the Holy See than would have been “Pope” Joan.

“Anarchy and Confusion . . .

“The next thing that laymen who take the law into their own hands and dismiss the pope will do is to elect a pope of their own. In fact lots of groups of the laity will probably elect lots of popes who will doubtless add to the confusion by anathematizing and excommunicating each other.”

²⁹ *Matthew* 22:23 and *Acts* 23:8. In the second passage it is stated that they also deny the existence of angels.

I am not taking the law into my own hands, but simply stating and applying the law as the Law itself says it is to be applied (“*ipso facto* ... without any declaration”). As far as the election of new popes is concerned, some members of the laity are already talking about this, claiming that Canon 2030 gives them their authority while ignoring the laws on papal elections passed by Pope Pius XII³¹ limiting the right to elect popes solely to the Sacred College of Cardinals and ignoring also Canon 436 which says “*Sede vacante nihil innovetur*” (during the vacancy of a see nothing is to be changed). But a law does not cease to exist simply because people who obey it then break other laws. People who reject John Paul II as pope are not thereby guaranteed freedom from delinquency any more than people who acknowledge him.

“The Situation is Absurd and Therefore Impossible . . .

“If, as you claim, John Paul II is not pope, and only the College of Cardinals can elect a future pope, and there are now no members of the College of Cardinals, and no change in the method of election is possible while the Holy See is vacant, the election of another pope is impossible. Such a situation is impossible and indeed absurd. Therefore your interpretation of Canon Law cannot be correct.”

It does indeed look as though Divine Providence has slammed the door against the possibility of the election of another pope, unless God proposes to break the laws of His Church, which is impossible since God has delegated His supreme legislative authority to the popes and promised to be eternally bound by their decisions. (*Matthew* 16-19) But facts do not cease to be facts simply because we find the consequences that flow from them unacceptable. And in fact the notion of there being no more popes is only absurd if it be assumed that our present world is going to continue for eternity, which it certainly is not. Our Lord commanded us to watch for the signs that the Second Coming is nigh (*Matthew* 24:33). The end of the line of popes is not one of the signs He mentioned in *Matthew* 24, but it would certainly fit in.³² Anyway, be that as it may, what has happened cannot be impossible.

“Prophecies Contradict You . . .

“I appeal to prophecy to which you, very properly, give full weight.”

First, let us look at the expectation, foretold in Holy Scripture and supported by many of the Fathers, of the conversion of the Jews (as a nation) to the Church before the end of the world. Is this to be to your remnant of a remnant, popeless Church?

As far as fulfillment of prophecy is concerned, God alone knows how He will dispose on these and other issues. I agree that there are apparent difficulties, but can make two

³¹ The new laws were promulgated by Pope Pius XII in the Constitution, *Vacantis Apostolicae Sedis*, on 8th December 1945. The Constitution expressly abrogated and supplanted all previous legislation concerning the election of a pope.

³² Indeed, more than “fit in”, it can be argued that parts of *Matthew* 24 do imply that there will be no popes in the later days. It seems improbable that the “false Christs and false prophets” (*Matthew* 24:24) would come near to deceiving “even the elect” if “the elect” had available the support of a true pope dispensing sound doctrine.

comments. First, prophecies often cannot be relied upon in order to discern exactly how things will work out, and often in the past they have been fulfilled in the most unexpected fashion. Prophecy is frequently somewhat obscure and in general its purpose is less to give us an accurate, detailed road-map for the future than to reassure us, when catastrophes do occur (and we find on inspection that they have been foreseen in prophecy), that the Divine Plan has not gone awry and that everything is still under control. Thus, as I have tried to show, prophecy can be useful to show that something can indeed happen, so that one can safely believe the clear evidence in front of one's face; but it can seldom be used to prove that it is impossible for something to happen. (One negative that we do know, of course, is that there will never be a time when there will not be at least some Catholics on Earth, however few – such is the traditional, and only possible, interpretation of *Matthew* 16:18.³³)

There is only one infallible source of the Church's teaching and that is Tradition, contained in Holy Scripture, in the constant teaching of the Church in her Ordinary Magisterium and in her occasional utterances through her Extraordinary Magisterium; and private revelations have never been permitted the same status. Indeed even in the private revelations that are most venerated, such as those of the Venerable Mother Mary of Agreda, there are clear errors of fact, as though God is emphasizing to us that such revelations, while given to us because He deems them to be helpful, are not the equivalent of the Gospels. If there is an apparent conflict between Church teaching, Canon Law or mere fact on the one hand and a prophecy that seems difficult to reconcile with those on the other hand, it is prophecy, or anyway what looks to be the obvious interpretation of it, that must give way.

It would be well to consider the apparition of Our Lady at La Salette in 1846, that should at least be carefully considered by those who deny the conclusions drawn in this essay. La Salette has been approved by the Church. "Rome will lose the Faith and become the seat of the Anti-Christ." (Page 18 of *Apparition of the Blessed Virgin on the Mountain of La Salette* on 19th September, 1846, with Imprimatur of Bishop Zola of Leclerc dated November 1879). If those who deny in principle that the hierarchy in Rome, including the Pope, can defect from the Faith are consistent, surely this prophecy is morally impossible of fulfilment.

"I Know You Are Wrong . . .

"All that you say is logical, and I can think of no arguments to refute it; and I will even go so far as to say that the position I hold (that John Paul II is a true pope) is ridiculous; but nevertheless I know with absolute certainty that I am right. There is no purpose in your pursuing the subject any further with me."

Not only have I not invented these words, but they were said to me by one of the most intelligent persons of my acquaintance, a man to whom I have been grateful to submit many of my writings for criticism and whose comments have been more helpful and penetrating than those of anyone else. His statement is a spectacular demonstration of the facts that, as the Catholic Church teaches, the intellect is under the control of the will, that intellectual blindness is self-inflicted, and that there are none so blind as those who will not see. We know that it can happen, of course, from the teaching of the Church and from passages in Holy Scriptures such as this one:

³³ "...and upon this rock I will build my Church, and the gates of hell shall not prevail against it."

“Because they receive not the love of the truth, that they might be saved. Therefore God shall send them the operation of error, to believe lying.”(2 *Thessalonians* 2:10,11) If someone intellectually turns his back on God, in other words, God may turn his back on him and withdraw from him the ability to see the truth. Even though we have St. Paul’s word for it, it is a shock when we see it happen, nevertheless.

Appendix 2

Traditionalist Movements

In Section 6, discussing what implications the present collapse of the Church's hierarchy might hold for Catholics, I gave my opinion, based on authority and on history, that, with all bishops and almost every priest having defected, Catholics must resign themselves to treading the same path as the Japanese Catholics during the two century persecution in Japan, and to doing without every Sacrament except those of baptism and marriage.

As is well known, there are many who reject the *Novus Ordo Missae* imposed by the new church and who also reject the opinion I have just given; and large numbers of traditionalist organisations, ostensibly set up to defend the Catholic Faith and to provide the true Sacraments to those who need them, have sprung up all over the world. The Society of St. Pius X, the Old Roman Catholic Movement, the Powers Lake organisation, the Schuckhart group, the Knights of Malta, the followers of the Vietnamese Archbishop Thuc: the list is almost endless.

Canon Law exists not only to tell the Faithful what to do, but also to make it clear to them when they are being preyed upon by false shepherds. It is by adhering strictly to the laws of the Church that we are preserved from deception.

There is not a single traditionalist organization that has not put itself outside either the Church itself or outside the laws of the Church. Nor, it seems almost certain, can there be; for Canon Law provides that ecclesiastical institutions, however low in the hierarchical scale, can only be set up with ecclesiastical approval. And since all existing institutions defected with the "Vatican II" Fathers the only "traditional" organizations now in existence are new moral bodies set up without the approvals required by Canon Law.

It is worth adding that this particular requirement of Canon Law is almost never the only law that such organizations break. Anarchy breeds more anarchy and, spurred on by pride or by greed for money that can be extracted in huge quantities from the Faithful who think they are contributing to the defence of the Faith and the Church, most of the traditionalist organizations treat the *Code of Canon Law* as though it had been abolished. No purpose would be served by analysing each traditionalist group, for it would be mostly repetitive; so I shall merely examine two of the most prominent, briefly but sufficiently to demonstrate that their claims to be legitimate representatives of the true Church are without foundation.

The most obvious example to select is the international, multi-million pound organization called the Society of St. Pius X, founded and presided over by "Archbishop" Marcel Lefebvre. Seizing as his pretext the fact that the law is not being complied with at the Vatican, Lefebvre has himself set about breaking the law on a truly majestic scale. There is no need to argue against his contention that the operation at Econe and the ordinations he performs are legal (though they are not), for neither he nor any of the Society's members even claim that the Society's seminaries in the United States and Argentina and its religious houses all over the world can be justified within the letter of the law. But, far more serious than illegality, the Society of St. Pius X is not part of the Catholic Church. Mgr. Lefebvre officially acknowledges John Paul II as pope and ejects from his seminaries anyone who refuses to do likewise. If you acknowledge a non-Catholic as your leader you are unavoidably a member of his non-Catholic sect, even if you disagree with much of what he says; and if you are a member of a non-Catholic sect you cannot also be a member of the Catholic Church,

which according to its own rules is an exclusive church. And to receive the Sacraments from priests of the Society of St. Pius X is therefore “communicatio in sacris” (assistance in the sacred service of non-Catholics), forbidden by Canon 1258 and thus mortal sin, just as much as would be active participation in the rites of the Greek Orthodox Church.

It is important that there be no doubt about the status of Mgr. Lefebvre and his Society. Just as the Protestant Church of England contains various sects within it, ranging from the high-church to the low-church Protestants, so also does the Conciliar Church contain many sects, with, on the right wing, the Lefebvre group corresponding approximately to the Anglo-Catholics who can be termed the right wing of the Church of England. Lefebvre is on his own affirmation part of John Paul II's church no matter how many issues he may disagree with him about; even by calling John Paul II “Most Holy Father”, even by expressing fear of being excommunicated by John Paul II's anti-Church, he is showing himself to be part of it. And a priest who acknowledges Lefebvre as his leader is part of Lefebvre's group and thus part of the conciliar church, even if that priest's personal opinion is that John Paul II is not pope. If he is a member of a non-Catholic religious group he cannot also be a Catholic no matter what his personal beliefs may be: as a parallel example a member of the Church of England might believe everything taught by the Catholic Church including the doctrine of Papal infallibility, but while he continued to remain formally inside the Church of England he would continue also to remain outside the Catholic Church.

And in any case even if Lefebvre had become a genuine Catholic after Vatican II and had denounced Paul VI and his (so far) two successors as non-popes, there could still be not the remotest legality in his actions, nor in those of his Society of St. Pius X. This is because, even though he refused to sign the Declaration on Religious Liberty and indeed denounced it as heretical at the Council, he signed a number of other documents³⁴ at the Council which were also heretical, such as the Declaration on Ecumenism; so that he too lost all his offices under Canon 188 no.4. And even if it were possible to advance a valid hypothesis that Lefebvre retracted his heresies subsequently to “Vatican II”, which it is not, his lost offices would not thereby have been restored. There is no counterpart to Canon 188 no.4 saying that if a cleric who has publicly defected from the Catholic Faith recants and rejoins the Faith his offices are “*ipso facto*” and “without any declaration” restored to him. Such a restoration can only be brought about by competent authority, which in respect of a bishop is the Pope – and there is no pope.

So much for Lefebvre. The other organization I shall look at is that of the Vietnamese Archbishop Ngo-Dinh-Thuc, which came into prominence recently after Mgr. Thuc's public statements that the Holy See was vacant and his subsequent consecration of a number of bishops.

By declaring the Holy See vacant Archbishop Thuc has certainly made himself eligible to return to the Church, but other than that it is difficult to think of anything to say that is favourable. First, he committed himself to the heretical “Vatican II” documents and in doing so lost all his ecclesiastical offices. A cleric who has lost his offices does not regain them simply by repenting; and while they can be restored to him if proper authority sees fit to do so, there is now no authority competent for this purpose. Moreover, even if this barrier did not exist, a further impenetrable barrier is erected by Canons 953 and 2370. Canon 953 reads: “The episcopal consecration is

³⁴ See Appendix 5.

reserved to the Roman Pontiff such that no bishop is allowed to consecrate a bishop unless he has first ascertained that there is a papal mandate to that effect.” A papal mandate, in other words, may never be assumed. And, if a bishop does consecrate without a definite papal mandate, Canon 2370 says: “A bishop who consecrates another bishop, the assistant bishops, or the priests who in place of the assistant bishops assist the consecration, and the newly consecrated bishop who receives consecration without an apostolic mandate in violation of Canon 953, are all automatically suspended until the Apostolic See shall have relieved them of the penalty,” which relief the Apostolic See is not at present in a position to give. Nor is this all. On 9th April 1951, a decree was published by the Holy Office, further punishing with excommunication reserved in most special manner to the Pope (this means that the excommunication can only be lifted by the Pope) any bishop who consecrates one not nominated by the Pope, as well as the recipient of the consecration, even if they were acting under stress or grave fear.

Since the Thuc-ites put forward legal maxims to justify the illegal consecrations (examples of such maxims being Pope Gregory IX’s “Necessity makes licit what is illicit” and Pope Boniface VIII’s rule “It is true that one sins against the rule who adheres to the letter and leaves aside the spirit”) it is important that it be emphasized most strongly that Canons 953 and 2370 are absolute, allowing for no discretion and not depending for their applicability on whether or not those taking part in breach of the law are or are not in good faith. Although Pope Pius XII’s supplementary decree is sufficient to leave no doubt about this, what I have just stated can equally clearly be known by comparing the wording of the canons in question with other canons where penalties only come into effect where there is full knowledge and malice. Thus, for instance, by Canon 2366 a priest who presumes to hear sacramental confessions without the necessary jurisdiction is automatically suspended *a divinis* (“from divine things,” e.g. from administering the Sacraments), and in all cases where penalties depend on the motive of the delinquent, “presume” or equivalent word is to be found in the relevant canon. No such word is to be found in Canons 953 and 2370. Clearly the Church’s opinion is that the danger of bishops using bad judgement in selecting candidates for consecration is not lessened during periods when the Holy See happens to be vacant. And equally clearly the Church regards the risk of bad bishops as a far greater evil than no bishops at all. St. Paul, after all, said “Impose not hands lightly upon any man” (*1 Timothy 5:2*) and this command has been repeated by popes and saints throughout history. Nowhere are to be found, in Scripture or elsewhere, words such as “At no matter what cost, make sure there are always enough bishops and priests to go round.”

So much for all the ex-Archbishop Thuc’s new bishops. Contrary to all their attempts to justify their criminal actions, it does not follow that when there is universal abandonment of the Law it becomes virtuous for everyone else to abandon the Law also. The Divine Plan can be consummated without the help of self-appointed elite rescue squads taking the law into their own hands.

“But I need the Sacraments,” it is often said; “I do not agree with some of the things these groups, societies, movements, etc, are doing; but God has commanded us to nourish ourselves with His precious Body and Blood and I know He does not wish us to forego the graces to be received from doing so.”

We must not fool ourselves. To receive the Sacraments from a heretic, schismatic or even

public sinner, far from giving us graces, involves us in mortal sin. Here is what St. Thomas, a great theologian of the Church, says in his *Summa Theologica*, III, Q..82, art.9:

“Heretical, schismatic, excommunicated or even sinful priests, although they have the power to consecrate the Eucharist, yet they do not make proper use of it; on the contrary they sin by using it. But whoever communicates with another who is in sin becomes a sharer in his sin. Hence we read in John’s second canonical Epistle that ‘He that sayeth unto him, God speed you, communicateth with his wicked works.’ Consequently, it is not lawful to receive Communion from him, or to assist at their Mass.”³⁵

So, those of us who know of a validly ordained priest who does not acknowledge John Paul II as pope, who does not acknowledge the authority of any conciliar bishop or religious superior, who refuses to become part of any “traditionalist” institution, who refuses to break Canon 731³⁶ by giving the Sacraments to any member of the conciliar church or of any other illegal organization, a priest in other words, who does not trespass outside his station – those of us who know such a man may, I believe, receive the Sacraments from him and count ourselves truly blessed by God in being given the opportunity.³⁷ But such priests are a great rarity. For most of us our obligations as

³⁵ To at least a small extent St. Thomas’ conclusion does appear to have been modified by Canon 2261, which, in exceptional circumstances, permits the Faithful, “for any just cause to seek the Sacraments and Sacramentals from an excommunicated priest” provided that the priest is not a “*vitandus*” *excommunicate* (i.e. excluded from the Church by reason of particularly serious crime such as laying violent hands on the Roman Pontiff).

With all due reserve I mention that it seems probable that anyone who is considering applying Canon 2261 should never lose sight of the above-stated principle taught by St. Thomas, logical and rooted in Divine revelation as it is; in other words that he should beware of a reckless interpretation of the phrase “any just cause” when the priest in question is conducting himself in a manner that is publicly and scandalously sinful.

I say “with all due reserve” because I have no authority to interpret Canon Law, and on this occasion (one of only two such occasions in this essay) I am going beyond my duty, which is simply to pass on what Canon Law, approved authorities on Canon Law, and undeniable logic say; I am giving a private interpretation for which there is no authoritative support, other than the need to take into account principles laid down by St. Thomas Aquinas, the Church’s official theologian.

Finally, it must be emphasized that under no circumstances, except in imminent danger of death, may a Catholic, even under Canon 2261, go to a heretical or schismatic priest for the Sacraments; and “heretical or schismatic Priest” includes all priests who acknowledge John Paul II as Pope (thus making themselves members of his non-Catholic church) and even all priests of the Society of St. Pius X, of which the official policy is to recognize John Paul II as pope. Any involvement in the services of a false religion, known as *communicatio in sacris*, is forbidden under Canon 1258.

³⁶ Canon 731: “...It is forbidden to administer the Sacraments of the Church to heretics or schismatics, even though they are in good faith and ask for them, unless they have first renounced their errors and then reconciled with the Church.”

³⁷ But we are obliged to take every reasonable step to ensure that he is not in any way a delinquent. In the days when the Church had a functioning hierarchy, the Faithful could assume that a priest was sound until given clear evidence to the contrary; in these days, with all the normal protections absent, prudence, the most important of the cardinal virtues, dictates that we fear that a priest is a hireling (*John* 10:12) until we are satisfied otherwise. And there is no need to be diffident; in my personal experience genuine priests with

Catholics are as I summarized at the end of Section 6: keep the Faith, transmit the Faith where we can, say the Mass prayers in our homes or in groups on Sundays and Feast-days, make Spiritual Communion, say the Rosary, make the Stations of the Cross, and in every other possible way lead a life pleasing to God.

nothing to hide are perfectly happy to be examined as to their convictions and credentials.

Appendix 3
Important Extracts from St. Robert Bellarmine's
De Romano Pontifice
and from
Jus Canonicum
by Wernz-Vidal

Of the many discussions concerning the hypothetical case of a pope falling into heresy, there are three which are of outstanding importance; those of St. Robert in his *De Romano Pontifice*,³⁸ of St. Alphonsus Liguori in his *Vindiciae Contra Justinium Febronium*,³⁸ and of Fathers Wernz and Vidal in their *Jus Canonicum*.³⁸ The authority of Sts. Robert Bellarmine and Alphonsus Liguori hardly needs emphasizing. Both are Doctors of the Church, a title and accolade bestowed with great rarity on saints especially renowned, after a most painstaking examination of their writings has been conducted, for the greatness and soundness of their learning as well as for the holiness of their lives.

The most important of the three sources mentioned is that of St. Robert Bellarmine, because it was he who first submitted the hypothesis of a pope falling into heresy to detailed analysis, and in order to come to his conclusion he had to consider and weigh every teaching and argument on the subject that had been advanced in the past. For this reason his treatment is much the most comprehensive, and indeed the works of St. Alphonsus and Frs. Wernz and Vidal are important not for any original opinions they have on the subject but simply as evidence that St. Robert Bellarmine's findings have been authoritatively accepted as the last word on the subject ever since.

Indeed it would be virtually impossible for the authority of the three sources, taken in conjunction, to be greater. By raising no objection to this part of their writings and by proclaiming them Doctors, that is to say official teachers, of the Church, the papacy has ratified the findings of St. Robert and St. Alphonsus as surely as if those findings had been pronounced by the papacy itself, while Wernz-Vidal's *Jus Canonicum* in seven large volumes, published in 1938 and acknowledged to be the single most authoritative and complete of the treatises on the 1917 *Code of Canon Law*, demonstrates conclusively that nothing in the *Code* or in any other Papal decrees has made any alteration to those findings subsequently.

It should be noted that although I maintain in section 7 that the dogmatic teachings of the 1870 Vatican Council show the hypothesis of a pope falling into heresy to be an impossible one, this does not destroy the value of the conclusions reached by these three authorities. The fact remains that if the impossible did happen certain consequences would necessarily flow. There is no possible doubt that John Paul II and his immediate predecessors promulgated heresy at Vatican II, and what St. Robert, St. Alphonsus and Wernz-Vidal unanimously tell us is that, if, "per impossibile", any of them had at any stage been pope, he would simply by the fact of having promulgated the heresies at that point automatically lost his office. What the 1870 Vatican Council does on top of that is to make it clear that, since a pope cannot fall into heresy, the fact

³⁸ The English translation of these works is Concerning the Poman Pontiff, Condemnations of Justinus Febronius, and Canon Law.

that the most recent physical occupants of the See of Peter are heretics means that they can never have been popes at any stage, and that therefore they must have been heretics before their elections. St. Robert Bellarmine, St. Alphonsus Liguori, Wernz-Vidal, Canon 188 no.4, and all the other respected authorities which consider the subject, simply tighten the net, making it impossible for the Faithful, in the light of the clear heresies promulgated at “Vatican II”, to acknowledge John Paul II as pope on any pretext whatsoever.

I start with St. Robert Bellarmine’s *De Romano Pontifice*. As already mentioned, his discussion of the hypothesis of a pope falling into heresy is a comprehensive one, and because of its length I shall reproduce only the extracts which bear most closely on the subject we are looking at. They repay careful study.

“The fourth opinion is Cajetan’s. According to him a manifestly heretical pope is not *ipso facto* deposed,³⁹ but can and should be deposed by the Church.

“In my view, this opinion cannot be upheld.⁴⁰ First and foremost, it has been established by arguments from both authority and reason, that a manifest heretic is deprived ‘ipso facto’ of office. The argument from authority rests on St. Paul’s injunction to *Titus* (3:10) to avoid further contact with a heretic after making two attempts at remonstrating with him, i.e. after the latter has made his obstinacy perfectly clear but before any excommunication or judicial sentence has been passed on him. St. Jerome wrote in a

³⁹ It is incorrect in this context to understand “deposed” in the sense of being stripped of rank by some superior authority or jurisdiction. Bellarmine is using it here to mean loss of office in a general sense. (Translator’s note)

⁴⁰ The Cajetan in question, incidentally, is not the great Venetian saint who lived from 1480 to 1547 but the Dominican cardinal, philosopher, theologian and Biblical exegete of 1469-1534. A student of Cajetan’s career might consider that he had good reason to suspect the motive behind his view, since shown to be incorrect, on how a heretical occupant of the Holy See should be dealt with; for he seems to have been the first prominent propagator of what subsequently (in the nineteenth century) came to be known as Biblical “Higher Criticism”, roundly condemned by Pope Pius XII in his encyclical *Divino Afflante Spiritu* (1943). The *Catholic Encyclopaedia* says of Cajetan in the context of his Biblical exegesis:

“It was his object, he declared in a dedicatory letter to Clement VII published in his edition of the Gospels, to ascertain the true literal sense of the Scriptures, and he did not hesitate to adopt new renderings, provided they did not conflict with the Sacred Word and with the teaching of the Church. This position, much criticized in his time, is now quite in line with the common method of Catholic exegesis. (Emphases added) Though closely following St. Jerome on the authenticity of the Biblical text and utilizing the New Testament version and notes of Erasmus, with whom he was on friendly terms, he produced a work whose importance was not overlooked, but whose freedom and wide departure from the Fathers and the theological schools created distrust and alarm. In his critical interpretation, for instance, he ventured an allegorical explanation of the first chapters of *Genesis*, and he seemed more than three centuries in advance of his day in questioning the authenticity of the last chapter of *St. Mark*, the authorship of several epistles, viz., *Hebrews*, *James*, *2 Peter*, *2* and *3 John*, *Jude*, the genuineness of the passage of the three witnesses (*1 John*, 5:7), etc.”

Clearly he was one of the more dubious of the sons of the Catholic Church of that era.

similar sense and added the warning, that while other kinds of sinners are excluded from the Church by sentence of excommunication, heretics cut themselves off from the Body of Christ. Now, on the supposition that a heretical pope remains pope, how could he be avoided? How could we separate ourselves from a member who is united to us?

“Cajetan admits one principle as certain, namely that anyone who is not a Christian cannot be pope. The reason is simple: what does not belong to the body cannot be considered its head. Now anybody who is a heretic cannot be a Christian. This is the unequivocal teaching of Cyprian, Athanasius, Augustine, Jerome and numerous other Fathers of the Church. It follows that a palpable heretic cannot be pope.

“Finally, the Fathers are unanimous in teaching not only that heretics are outside the Church, but also that they are ‘*ipso facto*’ deprived of all jurisdiction and ecclesiastical rank. Witness St. Cyprian:

‘We assert without any qualification that no heretic or schismatic can possess any power or any rights’. He also teaches that heretics returning to the Church must be received as laymen, even if they had formerly been priests or bishops.

“St. Optatus, St. Ambrose, St. Augustine, St. Jerome, all teach that heretics and schismatics cannot possess the power of the Keys, nor that of binding and loosing.

“Pope Celestine I wrote: ‘It is obvious that anybody, be he bishop or cleric, who has been excommunicated or removed from office by Bishop Nestorius, or by his adherents since they began to preach heresy, has remained and remains still in *communion* with us, and that we *in no* way consider such a one to have been deprived of his office. In fact the sentence passed by anyone who has himself been shown to have been deposed has no power whatsoever to depose another.’

“The same pope wrote in his letter to the clergy of Constantinople as follows: ‘The authority of our Apostolic See ordains that no one, be he bishop or cleric or simple Christian, can be considered as having been removed from office, or excommunicated, by Nestorius and his followers since they first set out to preach heresy. Nobody who has flouted the Faith by such preaching has power to depose or remove from office *anyone* at all.’

“The same teaching was repeated and confirmed by St. Nicholas I.

“Finally, St. Thomas Aquinas teaches that schismatics lose all jurisdiction immediately, and that as a result *anything* they attempted, which required such powers, would be null and void.

“Some theologians have raised objections to this ruling, arguing that the Fathers based it on old laws while in fact, since the Council of Constance (1414-1418), only those excommunicated by name, or those who make an assault upon the clergy, lose their power of jurisdiction. This objection is without substance. In fact, the Fathers cited are not invoking any human law, when they assert that heretics lose all power of jurisdiction: their argument was based on the essential nature of heresy.

“The Council of Constance was principally concerned with those who had been

excommunicated, i.e. those whose power of jurisdiction had been removed by a judgment passed on them by the Church. Heretics do not fall into this category because, before there is any question of their being formally excommunicated, they are outside the Church and thus deprived of all jurisdiction; and this is so because as St. Paul teaches (*Titus* 3:10), they have condemned themselves, i.e. separated themselves from the body of the Church without being excommunicated as was explained by St. Jerome.

“In addition to all these considerations, Cajetan’s second assertion, which teaches that a heretical pope can, in fact, be deposed by the authority of the Church, is as ill-founded as his first. In fact, if the Church deposes a pope against his will, it is precisely because her authority is greater than that of the pope. Cajetan denies this, for he maintains that the Church, when she deposes a pope, has no authority over him as a pope, but solely over the bond uniting the individual to the office of Supreme Pontiff.

“Nevertheless, it remains true that to remove a pope from office against his will is undoubtedly to punish him, and the power to inflict punishment belongs to a superior or judge.

“This second assertion cannot therefore, be maintained.

“The fifth opinion is correct because it is in accordance with that which teaches that a pope who is a manifest heretic ceases, in consequence of his own actions, to be pope and head of the Church, in the same way as he ceases to be a Christian and a member of the Body of Christ. This being the case, he can be tried and punished by the Church. All the early Fathers are unanimous in teaching that all manifest heretics immediately lose all power of jurisdiction. St. Cyprian, in particular, laid great stress on this point.

“It is likewise the conclusion of more recent Doctors, such as Juan Driedo, whose teaching is that there are only two categories who cut themselves off from the Church, *viz.* those who have been expelled as the result of a formal sentence of excommunication, and those who have grown away from the Church, and come to be in opposition to her, i.e. heretics and schismatics. Driedo’s seventh proposition maintains that those separated from the Church retain not one single vestige of spiritual power over those who remain in the Church.

“The same view is held by Melchior Cano. He teaches that heretics are not members of nor part of the Church, and that it is not even thinkable that anyone could be head (of the Church) and pope without being either a part or member of the Church. But in the same passage he teaches clearly that secret heretics are still of the Church, for they are still outwardly members and part of it: consequently, a secretly heretical pope is still pope.

“This is also the view of all the other authorities we have quoted in *De Ecclesia*, Book I.

“This conclusion is based on the fact that a manifest heretic is not a member of the Church in any way, physically or spiritually, or, to put it another way, he is united to the Church by neither an interior nor by an exterior union. Thus it is that even bad Catholics are still united to the Church, and are members spiritually by faith, and physically by their profession of faith and reception of outward and visible Sacraments. Secret heretics are also united with the Church, and remain members at least by exterior union. On the other hand, good catechumens are united to the Church by an interior union only, but not by an

external union. But manifest heretics do not belong to the Church in any way whatsoever, as we have already proved.”

St. Alphonsus Liguori’s discussion of the subject, written of course subsequent to St. Robert Bellarmine’s and confirming it exactly, has already been covered (see p. 17, footnote 18 in its entirety), so there is no need to repeat it here. We can therefore move straight on to the examination of the issue in Wernz-Vidal’s *Jus Canonicum*, which, although it is as up-to-date as could be wanted and is the most authoritative commentary on the 1917 *Code of Canon Law*, seems never previously to have been referred to by the many who have discussed today’s situation. Although he mentions all the essential issues, he could afford to be much more succinct than St. Robert Bellarmine, because, with St. Robert’s evidence and reasoning already recorded, there was no need to cover the ground again in as much detail. For this reason I am reproducing the relevant passage almost in full, and this will be especially helpful in that the authors not only confirm St. Robert Bellarmine’s teaching, but also make reference to other arguments considered by him which considerations of space required me to omit.

What follows is taken from chapter VII of *Jus Canonicum*. The chapter is entitled The Supreme Pontiff, and the passage which follows is introduced with the words, “The power of the Roman Pontiff ceases...”

453. By heresy which is notorious and openly made known. The Roman Pontiff, should he fall into it, is by that very fact even before any declaratory sentence of the Church deprived by his power of jurisdiction. Concerning this matter there are five opinions, of which the first denies the hypothesis upon which the entire question is based, namely that a pope even as a private doctor can fall into heresy. This opinion, although pious and probable, cannot be said to be certain and common.⁴¹ For this reason the hypothesis is to be accepted and the question resolved.

A second opinion holds that the Roman Pontiff forfeits his power automatically even on account of occult heresy. This opinion is rightly said by Bellarmine to be based upon a false supposition, namely that even occult heretics are completely separated from the body of the Church... The third opinion thinks that the Roman Pontiff does not automatically forfeit his power and cannot be deprived of it by deposition even for manifest heresy. This assertion is very rightly said by Bellarmine to be “extremely probable”.

The fourth opinion, with Suarez, Cajetan and others, contends that a Pope is not automatically deposed even for manifest heresy, but that he can and must be deposed by at least a declaratory sentence of the crime. “Which

⁴¹ Innocent III in his 4th Sermon says: “The Pontiff can be judged by men or rather be shown to have been judged if namely he should vanish into heresy, for he that believeth not is already judged.” Those canons, however, which are alleged concerning a heretical Pope are either apocryphal or of doubtful value.

opinion in my judgment is indefensible,” as Bellarmine teaches.

Finally, there is the fifth opinion - that of Bellarmine himself - which was expressed initially and is rightly defended by Tanner and others as the best proven and the most common. For he who is no longer a member of the body of the Church, i.e. the Church as a visible society, cannot be head of the Universal Church. But a pope who fell into public heresy would cease by that very fact to be a member of the Church. Therefore he would also cease by that very fact to be the head of the Church.

Indeed, a publicly heretical pope, who, by the commandment of Christ and the Apostle must even be avoided because of the danger to the Church, must be deprived of his power as almost all admit. But he cannot be deprived by a merely declaratory sentence.

Wherefore, it must be firmly stated that a heretical Roman Pontiff would by that very fact forfeit his power. Although a declaratory sentence of the crime which is not to be rejected in so far as it is merely declaratory would be such that the heretical pope would not be judged, but would rather be shown to have been judged.

Appendix 4

Quanta Cura and the Thirty-Second Edition of Denzinger's *Enchiridion Symbolorum*

On p. 13, para. 3 , when discussing the meaning of obstinacy (“*pertinaciter*” in Canon 1325) , which is a necessary element in the Canon Law definition of a heretic, I indicated that at a council of Catholics with the status of bishop, any one of them would inevitably be a pertinacious heretic the instant he signed a heretical document after debate and deliberation; this if only because none of them could fail to have at hand, at the very least, his copy of Denzinger's *Enchiridion Symbolorum* which contains the majority of the most important pronouncements by popes and councils.

Since, out of the numerous heresies contained in the “Vatican II” documents, the example I selected was the doctrine of religious liberty, I must add, for the sake of completeness, that in the 32nd edition of “Denzinger” published in 1963 - the year before John XXIII opened “Vatican II” – (and in subsequent editions), *Quanta Cura*, the most powerful and infallibly couched of all condemnations of the doctrine, was expurgated. With scarcely believable blatancy, the extract from *Quanta Cura* reproduced in the 32nd edition begins immediately after the passage (that I quote on p. 14, para. 5) condemning the doctrine of religious liberty.

This provides a remarkable example of the elaborate groundwork that was prepared in order to ensure that the various heretical documents promulgated at “Vatican II” (of which the Declaration on Religious Liberty was certainly the most important) should have the smoothest possible passage; for the omission of the relevant passage, which had of course appeared in every previous edition of “Denzinger”, is completely inexplicable except on the grounds of deliberate suppression.

I have mentioned the fact of this suppression as an item of general interest in connection with “Vatican II” and, as stated earlier, for the sake of completeness. What, it must be emphasized, the suppression does not do is diminish the “obstinacy” (required for heresy to be formal) of those signing the Declaration on Religious Liberty. In the first place there are a number of other documents in “Denzinger” which also condemn the doctrine and which were not suppressed in the 1963 Denzinger, such as Pope Gregory XVI's encyclical *Mirari Vos*. In the second place *Quanta Cura* and all the other papal condemnations of the doctrine were brought most emphatically to the attention of the bishops at the Council during the debate on the document in question, as can readily be seen in the published *Acta* of the Council. And anyway there are, as already mentioned, many other explicitly condemned heresies in the Conciliar documents.

Appendix 5

Additional Heresies in the Documents of “Vatican II”

Because only one heresy was needed in order to prove all the participants of “Vatican II” to be heretics and thus to have lost their offices, I concentrated on establishing the existence of but one heresy, which happened to be that concerning religious liberty. It must be emphasised, however, that this was by no means the only heresy promulgated by “Vatican II” Council and that there were many others. To establish this I draw attention to two particularly blatant ones.

1. “In the end, when He completed on the Cross the work of redemption whereby He achieved salvation and true freedom for man, He also brought His revelation to completion.” (Declaration on Religious Liberty – see p. 4, para. 3)

This contradicts the dogma that Divine revelation ended with the death of the last Apostle, St. John. And what a contradiction! Here are some of the items of revelation that are omitted: (1) Christ’s resurrection; (2) His establishment of the Sacrament of Penance; (3) the definitive establishment of the primacy of Peter and the papacy (“Feed my sheep” in *John* 21:15-17); (4) His mandate and mission to the Church; (5) His Ascension; (6) the descent of the Holy Ghost; (7) the prophecies in the *Apocalypse*. The passage also, incidentally, contradicts Christ Himself at the Last Supper, since He said: “I have many things to say to you but you cannot hear them now.”

2. “The brethren divided from us also carry out many liturgical actions of the Christian religion. In ways that vary according to the condition of each Church or community, these liturgical actions most certainly can truly engender a life of grace, and, we must say, can aptly give access to the communion of salvation... For the Spirit of Christ has not refrained from using them as a means of salvation which derive their efficacy from the very fulness of grace and truth entrusted to the Catholic Church.” (Declaration on Ecumenism – Marcel Lefebvre signed this document.)

But Pope Boniface VIII, in his Bull *Unam Sanctam* published in 1302, dogmatically defined: “We declare, say, define and pronounce that it is absolutely necessary for the salvation of every human creature to be subject to the Roman Pontiff.” And of course the false sects are a positive and pernicious hindrance to salvation, for the one thing on which they are all united is that it is not necessary to be a Catholic to be saved.

Appendix 6

St. Alphonsus Liguori On Whether It Is Necessary to Warn A Heretic Before Denouncing Him

See p. 26, para. 6, where the objection was raised as to whether *Matthew* 18:15-17 must be applied to the case of a heretical cleric. The argument was advanced that since Paul VI, John Paul II (and the rest of the “Conciliar” clergy) had not received canonical warnings, or warnings of any sort, the conditions for their having lost their ecclesiastical offices under Canon 188 no.4 were not fulfilled.

The authority I cited to counter the argument was St. Alphonsus Liguori in his famous treatise, *Theologia Moralis*, which more than any other of his works earned him the rare accolade of Doctor of the Church and which, as stated earlier, did for moral theology what St. Thomas Aquinas had done for philosophy and dogmatic theology in his *Summa Theologica*.

The principle under discussion is so important and so little known today that I am reproducing here the most important portions of what he says on the subject. And in introducing the passage I draw attention to the fact that, in addition to the unhesitating declaration that denunciation of a heretic must be immediate, St. Alphonsus teaches two other doctrines that today are often denied. The first is that the duty to denounce heretics is laid on laymen no less than clerics: this he makes clear in the passage, of which I shall be quoting a part, dealing with whether a father must denounce his son. The second, which will surprise many who hold too literal an interpretation of Our Lord’s “Judge not...”, is that he makes it clear in paragraph 194, that a layman can not only decide that a man is a heretic but can even, from the external evidence alone, discern that he is a formal, and not merely material, heretic.

Here is the extract from St. Alphonsus:

De Officio Accusatoris (The Duty of Accusing or Denouncing Another) . . .

240. Here it is asked whether fraternal correction must precede accusation. Several distinctions must be made with a view to answering this:

(1) If the crime is public, since for this reason infamy or notoriety is already present (e.g. before a number of people in the street), then no correction ought to precede. Thus St Thomas, Sanchez, Sotus, Paludanus and Salmant with the common opinion. The reason is that in such a case, to quote St Thomas, “The remedy must not be supplied only to him who has sinned that he may improve; but also to those to whose notice (the crime) has come.” And for this reason, a public crime ought to be punished.

(2) If the crime is not public, even if known to a few, then correction ought to precede if a result is hoped for; for then the common good need not be considered, but the good of the sinner who is more readily set right by private warning than by public punishment, as from Canon “*Si peccaverit*,” (caus.) 2.qu. Thus Sotus, Cajetan, Palaus, Lessius with Salmant.

Palaus agrees with an interesting distinction raised by Lessius. This refers to a case in which the crime committed can be juridically proven (e.g. by two witnesses). In such a case it is universally agreed that one is bound by charity to warn one’s neighbor, before accusing him, to desist from the crime, but the failure to do so

would be a sin only against charity and not against justice. The reason for this is that the punishment of crime is always of common benefit – and then the judge is bound to admit the accusation and proceed with the case if he fears that scandal to the State will otherwise arise. On the other hand, if there is no question of scandal, the contrary applies, since the judge is then bound by the natural precept of charity not to admit the accusation. Thus Salmant.

241. The truth is that you do not sin either against justice or against charity if you accuse without previous warning in two cases:

(1) When the crime gives injury to the common weal, as conspiracy, lese-majeste etc., and, above all, heresy; in which respect great attention must be paid to the fifth proposition condemned by Pope Alexander VII which affirmed: “Although it is perfectly clear to you that Petrus is a heretic, you are not bound to denounce him if you cannot prove this.” The reason is that, with these crimes, scarcely, if ever, is it to be hoped that correction will be fruitful and delay can be exceedingly harmful. Thus Lessius, Palau, Sanchez, Villalobos, Trulleuch, Bonacina, and Salmant, with the common opinion.

(2) When you can repair the loss which you have suffered, by no means except to accuse the offender; for then you may accuse so that your injury can be repaired at least by the punishment of the offence – as long as you have no feeling of vengeance (which, however, I consider to be most difficult). Salmant, with Sanchez, Palao, Trulleuch, Salon, etc.

249. But here it is asked, thirdly, if there is an obligation of denouncing heretics even in danger of weighty loss. We must distinguish: if those who are to be denounced are merely suspect of heresy, e.g. fortune-tellers, blasphemers, soliciting confessors, abusers of the Blessed Sacrament, the common opinion is that there is then no obligation. Thus Salmant, Potestas. Unless (according to Salmant) there is harm to the common good, e.g. if a priest of great authority frequently solicited penitents, etc. In deciding whether or not one is bound to denounce a formal heretic, some hold that one is excused from the duty of denunciation by danger of grave loss (as long as the heretic does not preach his doctrines) according to the following authorities – Mazzotta, Lessius, Navarrus, Filliucius, etc., cited by Salmant. But it is more correct to hold the opposite opinion with Potestas, Salmant, Suarez and Farinacio. The reason is that formal heresy, of its very nature creeps like a cancer and therefore is never far from injuring the community.

250. Are we bound to denounce relatives whom we know to be formal heretics?

Brothers are undoubtedly bound to denounce. Sons, however, are excused from denouncing their parents by Abulensis and Simancas. Likewise, too, Bonacina, Filliucius, Barbosa, etc. also excuse wives from denouncing their husbands.

But we are obliged to hold the opinion that everyone without exception is bound to denounce, for the same reason which has previously been given, namely that heresy is so poisonous a plague that it is cured with difficulty and easily leads to common injury. But this refers exclusively to formal heretics. (Emphases added)

Appendix 7 Works Consulted

Jus Canonicum (7 volumes) by the Rev. F.X. Wernz, S.J. and the Rev. P. Vidal, S.J.

A Commentary on Canon Law (8 volumes) by the Rev. P. Charles Augustine, O.S.B., D.D., Professor of Canon Law.

A Practical Commentary on the Code of Canon Law (in 2 volumes) by the Rev. Stanislas Woywod, O.F.M. L1.B., revised by the Rev. Callistus Smith, O.F.M., J.C.L.

Canon Law – A Text and Commentary by the Rev. T. Lincoln Bouscaren, S.J. L1.B., S.T.D., Professor of Canon Law, and the Rev. Adam C. Ellis, S.J., M.A., J.C.D., Professor of Canon Law.

The Sacred Canons – A Concise Presentation of the Current Disciplinary Norms of the Church (2 volumes) by the Rev. John A. Abbo, S.T.L., J.C.D., and the Rev. Jerome D. Hannan, A.M., L1.B., S.T.D., J.C.D.

Penal Legislation on the New Code of Canon Law by the very Rev. H.A. Ayrinhac, S.S., D.D., D.C.L., Professor of Moral Theology and Canon Law.

Traite de Droit Canonique (Treatise on Canon Law) by R. Naz *et al.*

Elements of Ecclesiastical Law (3 volumes) by the Rev. S.B. Smith, D.D., formerly Professor of Canon Law. This book, published in 1843 deals with Canon Law as it was prior to the 1917 Code.

Enchiridion Symbolorum (The Sources of Catholic Dogma), compiled by Heinrich Denzinger, various editions.

Extracts from *De Romano Pontifice* by St. Robert Bellarmine.

Theologia Moralis by St. Alphonsus Liguori.

Vindiciae Contra Justinium Febronium by St. Alphonsus Liguori.

Various editions of the documents of “Vatican II”.

The Conciliar Church’s *Code of Canon Law* promulgated by John Paul II on 25th January 1983.

Appendix 8

This essay was written before the long-awaited visit of John Paul II to the United Kingdom in the summer of 1982. In slightly condensed form it was submitted to *The London Times*, the editor of which displayed interest in it for some weeks before deciding to reject it. It was then submitted to *The Sydney Morning Herald* where again considerable initial interest was shown before it was finally rejected. The reader must make his own judgment as to whether or not the reasons for the rejections were valid ones, such as lack of relevance, the uninterestingness of the subject matter, incompetence in presentation of the argument, factual inaccuracy, or sufficient absence of literary merit.

Is John Paul II a Roman Catholic?

Author wishes to remain anonymous

“Militants’ plans raise anti-Pope riots fear,” said a headline in *The Times* the other day; and, as the date of his visit to this country approaches, the controversy surrounding the visit seems to become ever greater.

Since the question posed in the title of this article, which would normally be of real interest only to Catholics, happens now to concern a large number of non-Catholics also, the present moment is an especially appropriate one to give it careful consideration. Let us therefore do so – Catholics, ecumenists, anti-papists and all. And, as we start, let me emphasize, firstly, that the question is raised in all seriousness, and secondly, that this is not the first time that it has been raised. Indeed, very many Catholic laymen and quite a number of Catholic priests all over the world have already come to the conclusion that the answer to it is a resounding “no”. (Please note that what is being questioned is not the infallibility of the Church, but whether there presently is a head of the Church; or whether the office of head of the Church is temporarily vacant, as has happened often enough before, though never for so long – the previous record *being* three and a half years.)

“Is John Paul II a Roman Catholic?” Since for most people he is the head of the Catholic Church (and for most Catholics the infallible head), the question may seem ridiculous.

The Catholic Church holds truth to be a matter of what conforms with reality, however, and has always condemned the proposition that the truth of a statement depends on the number of people who happen to believe in it. Let us therefore investigate a little further.

Obviously, the first question we must ask if our examination is to be soundly based is: what exactly is a Catholic? And let it immediately be said that a Catholic is not defined as merely someone who calls himself a Catholic nor even as someone whom many other people call a Catholic.

“The word “Catholic” (which, although some Protestants may object, I shall treat in this essay as synonymous with Roman Catholic) is subject to definition like any other word. I am reminded of the story of Abraham Lincoln who said: “If I call a tail a leg, how many legs has my dog got?” Pause, while his audience wrestled with some mental arithmetic. “Five,” said someone at last. “Oh, no,” said Lincoln, “You don’t turn a tail into a leg just by changing its name.” And it is the same with any other word used to transmit an idea from one person to another.

Who decides on what the definition of “Catholic” is? There we have no difficulty. It is the job of any institution that wishes to do so to pronounce its own definition of itself and to lay down its own rules as to what constitutes its membership. Thus, if we wish to find out what constitutes an Englishman, we consult the laws established by the legal government of this country; if we wish to find out what constitutes membership of the Carlton Club, we ask the Carlton Club; and if we wish to discover exactly what a Christian Scientist is, we consult the First Church of Christ Scientist. We do not ask the Catholic Church for a ruling on the definitions of any of the above mentioned institutions, and similarly only the Catholic Church can appropriately tell us what a Catholic is.

So what, according to the Catholic Church, is a Catholic?

In summary, the Catholic definition of a Catholic is someone who has been baptized and believes and adheres to the teachings revealed by Jesus Christ to His Apostles – teachings which in sum total are known as the Deposit of Faith – and handed down by the Apostles and their successors without an alteration, addition or diminution, through generation after generation right up to the present day.

Now, any non-Catholic reading this article may not believe in this definition and indeed may well think it is some of the most fantastic nonsense he has ever heard. He would be entitled to that opinion; but if he thought that that settled the matter he would have missed the point, for the point is that Catholics do believe it. Indeed Catholics must believe it, for profession of this belief is the indispensable requirement for their joining or remaining a member of the Catholic Church. And, as we have already seen, it is not to non-Catholics that we must look for the definition of the word “Catholic”, but to the Catholics themselves.

So we can address ourselves anew to the question of whether or not John Paul II is a Roman Catholic by asking ourselves: does he believe wholly and without reservation in everything that, according to the Catholic Church, was revealed by Jesus Christ to the Apostles and has been handed down to the present day?

How can we tell? As is well known, the Catholic Church claims that not all that Christ taught was written down in the Bible; so if, for the sake of argument, a Catholic were to come forth with an apparently new doctrine, how could we prove that it does not come down from the Apostles?

Well, there are times when this may be difficult, but there are some occasions when there is no difficulty at all. This is when something that an innovative teacher is propounding is in direct contradiction to what has been previously taught and accepted by the Catholic Church, especially in the person of the Pope. This is only logical. We may not be able to prove directly that a doctrine comes from the Apostles, but we do know that two conflicting teachings cannot both come from the Apostles if, as the Church asserts, the Apostles were unanimous. If, therefore, a doctrine propounded today conflicts with traditional doctrine, there are only two possibilities: that today’s doctrine is wrong or that the traditional teaching is wrong. And while nonCatholics can believe the latter if they will, Catholics may not, under pain of excommunication. They have to believe that the traditional teaching of the Church can never err, and that anyone who contradicts even only one small part of this teaching is necessarily in error and therefore cannot be a Catholic; and if Catholics do not believe this they cease, under their own definition, to be Catholics themselves.

(This assertion by the Church that one is just as damned if one rejects a small part of the Church’s

teaching as if one rejects the whole is not, incidentally, as unreasonable as it might at first appear. If a person can bring himself to believe that what the Church teaches has been revealed to it by Almighty God, to reject even one of those teachings is to take the impertinent step of considering oneself wiser than God Himself.)

And the excommunication that I have just mentioned is quite automatic. It requires neither a trial nor an official pronouncement. “*Ipso facto*” or “by the fact itself” is the Church terminology. Simply by professing that he does not hold just one of the many beliefs that the Church proposes for acceptance, a Catholic (subject to a reasonable interval in which an obvious slip can be rectified) ceases to be a Catholic. The rules of the Church, such as those on fasting, can change from time to time as external circumstances change, but the teachings of the Church, which purport to be a revelation of unchangeable truths, clearly never.

So now we can address ourselves once more to John Paul II and ask: do any of his beliefs contradict traditional teachings of the Church? For not even the infallible head of the Church can do that. If he purported to, he would be merely tacitly asserting that, contrary perhaps to appearances, he was not the infallible head of the Church; for one of the few qualifications a person needs in order to be Pope is that he be a Catholic. “A man cannot be the head,” stated St. Robert Bellarmine succinctly, “of that of which he is not a member.”

I only need to produce one example and one example is therefore all that I shall produce. At the Second Vatican Council, held some fifteen years ago, a number of documents were issued recording the beliefs of those who signed them, and one of those documents is known as the Declaration on Religious Liberty. It includes these words: “The Council further declares that the right to religious freedom has its foundation in the very dignity of the human person... This right to religious freedom is to be recognised in the constitutional law whereby society is governed. Thus it is to become a civil right.”

Now it may appear to the reader that this is an eminently and obviously sound, humane, sensible, reasonable and wise statement to have made. To Catholics, however, such considerations, although important, are secondary to the main issue, which is: “Is this stated principle in conformity with traditional Catholic teaching?”

And of course the reader will have guessed that it is not. I quote from *Quanta Cura*, an encyclical written by Pope Pius IX in 1864: . . .and from this wholly false idea of social organization they do not fear to foster that erroneous opinion, especially fatal to the Catholic Church and the salvation of souls, called by our predecessor of recent memory, Gregory XVI, insanity: namely, that liberty of conscience and worship is the proper right of every man, and should be proclaimed by law in ever correctly established society.” (Perhaps, for the sake of those to whom at first sight the Second Vatican Council Declaration seems obviously true, I should add that the Catholic Church has always taught that an erroneous conscience carries with it a duty to obey that conscience, but has always denied that an erroneous conscience has a natural right. Thus, to take an extreme example, no matter how honestly you may believe that cannibalism is a religious duty, the Catholic Church will not accept that your right to practise it should be enshrined in the laws of the land.)

Thus Pius IX and Gregory XVI have in advance pronounced the Declaration on Religious Liberty not only as erroneous, and therefore contrary to what was given by Christ to the Apostles and

the Catholic Church, but even as insanity. They have in effect stated that the late Paul VI and all those who subscribed to the Declaration, and among their number was the present John Paul II, hold to a belief that is so far from being a teaching of the Catholic Church (“fatal to the Catholic Church” is the expression used by Pope Pius IX) as to be insane. And do not imagine that Gregory XVI and Pius IX invented this doctrine. They were merely passing on what they had inherited from their predecessors, as was not disputed at the time and has not been disputed since.⁴²

Now you, good reader, may think that John Paul II is right and that anyone who disagrees with him is wrong, but again I must emphasize that this is not the point. The question at issue is not whether John Paul II is right or wrong, which perhaps we can debate on another occasion, but whether or not he is a Catholic. And what is absolutely certain is that those who have adhered to traditional Catholic teaching on the subject of religious liberty (which is that the Church will sometimes find it expedient to tolerate it but will never admit it as a right) and those who signed the Vatican II Declaration cannot be members of the same Church; for we are talking not about a change in the rules but about a conflict on a matter of fundamental principle – and, incidentally, although it is the only teaching of the Second Vatican Council that is in opposition to traditional Catholic doctrine that I have mentioned, it is far from being the only one that exists.

So the answer to my question is: no, John Paul II is not a Roman Catholic and, not being a Roman Catholic, he cannot be Pope and was not even admissible for election. Nor was John Paul I Pope, nor Paul VI. So at present there is no Pope: the office is vacant and has been for a number of years, a situation which has happened before in the Church’s history. I can’t help it. I am only telling you what the situation is according to the Church’s own definition, to undisputed tradition, and according even to Catholic Canon Law. We are not taught that there will be a Pope during every second of the Christian era – the See becomes vacant whenever a pope dies, for example – but we are taught that only a Catholic can be a pope.

So relax, all you Protestants, militant or otherwise, who are so concerned about the forthcoming

⁴² Lest it be thought that to denounce a doctrine as “erroneous, fatal to the Catholic Church, fatal to the salvation of souls, and insanity” is to stop short of describing it as heretical, and thus also to stop short of pronouncing anyone who professes it a heretic and thus not a Catholic, it is also worth noting that *Quanta Cura* is an “*ex cathedra*” pronouncement made by what is technically known as the Church’s “Extraordinary Magisterium” (“teaching authority”) according to every single one of the criteria laid down by the Church, for instance, at the 1870 Vatican Council. That is: the Pope was invoking his apostolic authority; he was dealing with a subject concerning faith and/or morals; he was addressing the whole Church; and he made clear his intention to define a doctrine which was binding on all Catholics (or, rather, in this case, he made clear his intention to condemn a contrary doctrine which no Catholic was permitted to hold). Here is how he does it, in the last paragraph of the encyclical: “Therefore we, truly mindful of Our Apostolic duty,... have decided to lift Our Apostolic voice again. And so all and each evil opinion and doctrine individually mentioned in this letter [of which the doctrine of religious freedom is of course one - N.M.G.], by Our Apostolic authority We reject, proscribe and condemn; and we wish and command that they be considered as absolutely rejected, proscribed and condemned by all the sons of the Catholic Church.”

visit; and relax, all you Catholics who deplore the modern spirit of ecumenism. As far as I am concerned, the Archbishop of Canterbury and John Paul II can do what they like when they meet. Any claim that John Paul II may make to act on behalf of the Catholic Church will have as much validity as any claim I might make to act on behalf of the nation of Japan. And the Church of England and the Catholic Church will be no closer to union at the end of John Paul II's visit than before his arrival.

May 1982

2008 "box-note" on cover page