

CONCERNING A SSPX DOSSIER ON SEDEVACANTISM, BY REV. DOMINIQUE BOULET, SSPX.

by

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“The Society admits the possibility of discussion regarding whatever explanation it may advance with regard to the nature of John Paul II's authority.” (*Sedevacantism: A False Solution to a Real Problem*, Angelus Press, Kansas, 2003, p. 22)

This is a step-by-step consideration and refutation of the little book by Fr. Dominique Boulet of the SSPX, entitled, *Sedevacantism*. It is presented in the spirit of fraternal charity, in acceptance of the invitation extended by the priests of the Italian District of the SSPX in 2003, to discuss the “problem of the Pope.”

Our first task is to say what the sedevacantist thesis actually is.

If we were to summarise Archbishop Lefebvre's position, we could describe it as a *minimalist* approach to the mystery of this crisis. That is, he combined two principles:

1. We must obey God rather than men. It is licit to resist a superior who commands something sinful, because it is never lawful to sin for any reason.
2. We must not tempt God by taking extraordinary actions unless absolutely necessary. Thus St. Thomas More waited until after he was condemned to death before openly criticising the schismatic actions of Henry VIII. (And some *traditionalists* would doubtless have accused More of liberalism for this silence!)

If I were to define the sedevacantist thesis, I would also say that I agree that we must be minimalist, and thus be prepared to leave mysteries as mysteries if there are no clear answers, and we must be humble, and admit that we do not necessarily have the complete solution to every problem. Thus, to my mind the sedevacantist thesis consists essentially in denying the legitimacy of Paul VI when he promulgated the decrees of Vatican II (and therefore subsequently when he promulgated the *Novus Ordo Missae* also), and in denying the legitimacy of John Paul II from the beginning of his reign, but especially when he promulgated the 1983 Code. Benedict's claim must be rejected because it is identified with the same difficulties as his immediate predecessors, and of course he has added his own enormities to those of his immediate predecessors, revealing an equally defective faith.

And these points because otherwise the Church is involved in things she could not possibly have been involved in, according to the teaching of the theologians; and because otherwise we must identify the Catholic Church with the Conciliar Church – or make her a kind of Jekyll-Hyde monster consisting of open Modernists and traditional Catholics – and thus destroy any sound understanding of her visible unity in Faith and Charity.

Archbishop Lefebvre saw the problem of the Pope, and without claiming to have solved it, he consistently referred to it over many years, and it was at bottom the reason that he went ahead with the consecrations in 1988. That is, he knew that traditional Catholics could not be left to depend upon the Conciliar Church for sacraments or for the true Faith. It seems to me that many later SSPX priests have, in their enthusiasm to combat what they see as the dangers of *sedevacantism*, forgotten the thoughts of the Archbishop. It was most refreshing to see the recent chapter meeting of the Fraternity choose to quote a text from the Archbishop which particularly highlighted the lack of identity between the Conciliar Church and the Catholic Church.¹

We need to keep in view always that the founder of the SSPX famously declared, in 1976, “We are suspended *a divinis* by the Conciliar Church and for the Conciliar Church, to which we have no wish to belong. That Conciliar Church is a schismatic Church, because it breaks with the Catholic Church that has always been. It has its new dogmas, its new priesthood, its new institutions, its new worship, all already condemned by the Church in many a document, official and definitive.... The Church that affirms such errors is at once schismatic and heretical. This Conciliar Church is, therefore, not Catholic. To whatever extent Pope, Bishops, priests, or faithful adhere to this new Church, they separate themselves from the Catholic Church....”²

For the sake of simplicity each point of Fr. Boulet’s *dossier* is numbered and a response added.

1. Fr. Boulet lists some grave Conciliar scandals, and suggests:

“Some of us may now wonder if, in view of such shocking events, Archbishop Lefebvre would have kept in 2004 the same position he had in 1979.”

¹ This was written in 2006, and refers to the reaffirmation by the SSPX General Chapter of the famous 1976 Declaration of the Archbishop.

² Archbishop Lefebvre, Reflections on Suspension *a divinis*, June 29, 1976.

He then quotes the Archbishop from 1979. Why does Fr. Boulet omit to quote the directly relevant text of Archbishop Lefebvre from 1986, in which the Archbishop openly speculated that he might adopt the *sedevacantist* thesis himself? Has he not seen it?

This is the text in which Archbishop Lefebvre outlined his mature thought on the question of the status of the post-Vatican II Popes. It was delivered as a prepared speech on two occasions in early 1986, to American seminarians, and subsequently published in *The Angelus*, under the title, *The Archbishop Speaks*.

EVER SINCE the Protestant Reformation in the 16th century, society has revolted more and more against God. The apostasy is growing year by year, and slowly, slowly, all society has been coming under the influence of the freemasonic principles of liberty and independence from God - no more law, no more authority, freedom of conscience, freedom of religion. At the beginning of the 20th century, Pius X warned that these errors were penetrating inside the Church, into the clergy. At Vatican II we saw a conspiracy between churchmen and freemasons, and now the Pope, Cardinals and nearly all Bishops accept man's independence of conscience, the principle of religious liberty and its consequence, the ecumenism whereby all religions are good. This is absolutely against Jesus Christ Who taught us He is the door of heaven, and there is no other way to get into heaven.

For twenty years since the Council, we have waited for the Vatican to realize the error of its ways. The Society has waited for the Pope to realize that the result of these false principles is the self-destruction of the Church. However, we are bound to recognize that the situation is only getting worse, that the false ecumenism is escalating, that since last year's Synod in particular the crisis is merely advancing faster and faster towards the total destruction of the Church.

Since the Council we have been seeing the situation get graver and graver, year by year, but the Synod was gravest of all because there they said, "We are continuing! Despite all difficulties, the Council was the work of the Holy Ghost, a second Pentecost. We must continue in the spirit of the Council. There will be no restrictions, no reprimands, no return to Tradition." So now we see them saying, "Let's go even faster!" Naturally, since there were no objections at the Synod to the spirit of the Council put into practice over 20 years, and since all agreed with the changes in the Church, then there is no reason not to continue even faster, and we are arriving at the total destruction of the Church!

The escalation of this Church-destroying ecumenism is taking place in broad daylight. In Morocco last year the Pope told a crowd of Mohammedans that they pray to the same God as Catholics do. But it is not true. Mohammedans teach that to kill a Christian is good because he is an idolater, worshipping the man Jesus Christ as God. Also last year, in Togo, the Pope poured out on the ground a pagan sacrifice to the god of the animists or African

spirit-worshippers. Early this year, in India, he let some Hindu "priestess" mark him on the forehead with the sign of her sect!

Incredible! "All gods of the pagans are devils," says Scripture (Ps.95,5). How can the Pope receive the sign of the devil? Whatever god is not Jesus Christ is not the one and only true God. And most recently, the Pope has been into the synagogue of the Jews in Rome. How can the Pope pray with the enemies of Jesus Christ? These Jews know and say and believe that they are the successors of the Jews that killed Jesus Christ, and they continue to fight against Jesus Christ everywhere in the world. At the end of the Pope's visit, the Jews sang a "hymn" that included the line "I believe with all my heart in the coming of the Messiah," meaning they refuse Jesus as the Messiah, and the Pope had given permission for this denial of Christ to be sung in his presence, and he listened, with head bowed! And the Holy See announces that in the near future he will visit Taize to pray with the Protestants, and he himself said in public at St. Paul Outside of the Walls that later this year he will hold a ceremony gathering all religions of the world together to pray for peace at Assisi in Italy, on the occasion of the Feast of Peace proclaimed by the United Nations due to take place on October 24.

Now all these facts are public, you have seen them in the newspapers and the media. What are we to think? What is the reaction of our Catholic Faith? That is what matters. It is not our personal feelings, a sort of impression or admission of some kind. It is a question of knowing what our Faith tells us, faced with these facts. Let me quote a few words - not my words - from Canon Naz's Dictionary of Canon Law, a wholly official and approved commentary on what has been the Catholic Church's body of law for nineteen centuries. On the subject of sharing in the worship of non-Catholics (after all, this is what we now see Pope and bishops doing), the Church says, in Canon 1258-1: "It is absolutely forbidden for Catholics to attend or take any active part in the worship of non-Catholics in any way whatsoever." On this Canon the quasi-official Naz Commentary says, and I quote, "A Catholic takes active part when he joins in heterodox; i.e., non-Catholic worship with the intention of honouring God by this means in the way non-Catholics do. It is forbidden to pray, to sing or to play the organ in a heretical or schismatic temple, in association with the people worshipping there, even if the words of the hymn or the song or the prayer are orthodox." The reason for this prohibition is that any participation in non-Catholic worship implies profession of a false religion and hence denial of the Catholic Faith. By such participation Catholics are presumed to be adhering to the beliefs of the non-Catholics, and that is why Canon 2316 declares them "suspect of heresy, and if they persevere, they are to be treated as being in reality heretics."

Now these recent acts of the Pope and bishops, with Protestants, animists and Jews, are they not an active participation in non-Catholic worship as explained by Canon Naz on Canon 1258-1? In which case, I cannot see how it is possible to say that the Pope is not suspect of heresy, and if he continues, he is a heretic, a public heretic. That is the teaching of the Church.

Now I don't know if the time has come to say that the Pope is a heretic; I don't know if it is the time to say that. You know, for some time many people, the sedevacantists, have been saying "there is no more Pope," but I think that for me it was not yet the time to say that, because it was not sure, it was not evident, it was very difficult to say that the Pope is a heretic, the Pope is apostate. But I recognize that slowly, very slowly, by the deeds and acts of the Pope himself we begin to be very anxious.

I am not inventing this situation; I do not want it. I would gladly give my life to bring it to an end, but this is the situation we face, unfolding before our eyes like a film in the cinema. I don't think it has ever happened in the history of the Church, the man seated in the chair of Peter partaking in the worship of false gods.

What conclusion must we draw in a few months if we are confronted by these repeated acts of partaking in false worship? I don't know. I wonder. But I think the Pope can do nothing worse than call together a meeting of all religions, when we know there is only one true religion and all other religions belong to the devil. So perhaps after this famous meeting of Assisi, perhaps we must say that the Pope is a heretic, is apostate. Now I don't wish yet to say it formally and solemnly, but it seems at first sight that it is impossible for a Pope to be publicly and formally heretical. Our Lord has promised to be with him, to keep his faith, to keep him in the Faith - how can he at the same time be a public heretic and virtually apostatise? So it is possible we may be obliged to believe this Pope is not Pope.

For twenty years, Msgr. de Castro-Mayer and I preferred to wait; we said it was more prudent and more in conformity with Providence to wait because it is so important, so tragic, when it is not just a bishop, archbishop or cardinal, but the man in the chair of Peter. It is so important, so grave, so sad, that we prefer to wait until Providence gives us such evidence, that it is no longer possible to refuse to say that the Pope is a heretic. So, to say that I think we are waiting for the famous meeting in Assisi, if God allows it! Maybe war will break out, and here I take the opportunity to congratulate America and its President on their resolute action in Libya against an enemy of all civilization. In Europe they are all afraid, afraid, afraid of the Communists. Why? Until the Communists occupy all Europe. But President Reagan's action may have delayed war by making the Communists afraid; we don't know, because they are fanatics and could start war any time just to take power.

Now some priests (even some priests in the Society) say that we Catholics need not worry about what is happening in the Vatican; we have the true sacraments, the true Mass, the true doctrine, so why worry about whether the Pope is a heretic or an impostor or whatever; it is of no importance to us. But I think that is not true. If any man is important in the Church, it is the Pope. He is the centre of the Church and has a great influence on all Catholics by his attitudes, his words and his acts. All men read in the newspapers the Pope's words and on television they see his travels. And so, slowly, slowly, many Catholics are losing the Catholic Faith by the scandal of the Pope's partaking in false religions. This ecumenism is a scandal in the true sense of the word, an encouragement to sin. Catholics are losing faith in the Catholic Church. They think all religions are good because the Pope in this way befriends men of all religions. When the scandal comes from so high in the Church, from the

man in the chair of Peter and from almost all the bishops, then poor Catholics who are thrown back on their own resources and who do not know their Faith well enough to keep it despite all, or who do not have priests by their side to help them to keep the Faith, these Catholics are completely at a loss what to do. They are no longer practicing their Faith, or they give up praying, or they are losing the Faith altogether and are joining some sect or other. I ask, what people are keeping the Faith? Where are they? Where are they? And I ask even the Traditionalists!

For I think that many Traditional Catholics enjoy the traditions; they like the old Mass, they like the old sacraments, they like the old teaching of the Church, but they do not really believe in Jesus Christ as the one and only Saviour, God and Creator. That is the bad influence of all the modern errors coming through television and the media - they are so bad, so pagan, so opposed to Jesus Christ and the Catholic Faith that few people remain true Catholics wholly faithful to Jesus Christ. That is why we can't be indifferent to these scandalous events in Rome, we must judge them in the light of our Faith and help Catholics, traditional Catholics, to see that this bad example of the Pope is a great scandal, very dangerous for their souls.

It is very sad. Never in my life did I think I could be saying, the scandal of the Pope, but it is true. What can I do about it? I think we must pray, and pray, morning, noon and night and study our Catholic doctrine very deeply to stay true Catholics and keep the Faith.

Someone may say, I am on the way to saying the Pope is not Pope, in order to consecrate a bishop. That is not true. They are two different problems. Ever since the Council, year after year, I have been praying to God that Providence by the facts and the unfolding of events should show us what we must do. I pray for it to be clear beyond doubt, wholly evident. And I think that now we are in this time, I think that it is the answer of God. I would much prefer Providence to be showing us the Vatican returning to Tradition, but instead we see the Vatican plunging into darkness and error. And so it is sure that now it is not as difficult to see as it was one or two years ago, it is more clear and evident that they are no longer truly Catholic. No persecution or revolution in as these years since the Council, because today the Faith is being destroyed by men of the Church, by the Pope himself, by Cardinals, by bishops, priests and nuns. It is the wholesale, worldwide and radical destruction of the Faith.

Yet it is a great grace for us to live in this time. From before the destruction, we were chosen by God to continue the Catholic Church. Even if we are condemned by Rome, even if we are persecuted by the bishops, that is not important. What is important is to stay Catholic, to keep the grace we received at baptism, to save our souls. Nobody can say we are heretics or schismatics for believing as the Popes, Saints and Church of old believed for twenty centuries. It is a great grace of God to have been chosen to continue the Faith and the Church, but it is a great responsibility, and we must pray and remain very humble in order to be faithful to the grace that we receive.

You seminarians especially, future priests, must study the true Faith to become true

missionaries of Our Lord, even if you have to shed your blood, as the martyrs did in olden times. Then young girls would suffer heroic deaths rather than make one sacrifice or breathe one prayer to the pagan gods of ancient Rome, but now, no problem! You want me to say a prayer to your god? Sure! And so they are abandoning Jesus Christ and the true Faith in order to be friends with the enemies of the Church!

We refuse. Instead we resolve to follow the non-ecumenical martyrs, the Saints. Tomorrow at Ridgefield the Church will have three more priests. That is very important. It is not a question of numbers, it is a question of quality, it is a question of true priests. Jesus Christ began with twelve apostles so we need not feel bad that we are so few. Our work is really nothing compared with the world's needs. But that is not our problem, it is God's problem. He asked us to work and to believe in Him and to have confidence in Jesus Christ and in the grace of Jesus Christ. Success lies in God's hands. You know we have much to suffer, many, many sufferings, even in the Society. But we must carry the Cross of Jesus Christ and with the courage and resolution He gives us, we must have a great hope that one day the kingdom of Jesus Christ will return to this world.³

That is the carefully prepared and published thought of Archbishop Lefebvre on the “sedevacantist” position. There exists no other text of similar depth on the question. Indeed, there is no other text of comparable length – the Archbishop mentioned the possibility that the new Popes might be false Popes on numerous occasions, but when he did he generally refrained from any extensive comment, usually saying that they were doubtful and, for a brief period after John Paul II was elected and displayed good will towards traditionalists, appearing to rule out any such question. It seems odd, to say the least, to endeavour to reconstruct the Archbishop’s thought on this question from sparse and very brief comments made across decades, whilst ignoring the one text in which he expressed himself *in extenso* on the subject!

In 1984, in the wake of the promulgation of the heretical 1983 Code of canon Law, Archbishop Lefebvre had formed the judgement that John Paul II was in fact not a Catholic. The words of Archbishop Lefebvre were given by his biographer, Bishop Tissier de Mallerais, in an interview published in the French magazine of the Society of Saint Pius X, marking the tenth anniversary of the episcopal consecrations of June 1988.

The current state of the papacy renders insignificant the difficulties over jurisdiction, disobedience and apostolicity, because these notions suppose the reign of a Pope Catholic in his faith and government. Without entering into consideration of the consequences of an heretical, schismatic or non-existent Pope, which would lead to interminable theoretical discussions, in conscience could we not and ought we not, after the promulgation of the

³ Archbishop Lefebvre, *An Address to Seminarians*, March 30 and April 18, 1986, *The Angelus*, July 1986.

1983 Code of Canon Law which clearly affirms the new Church, and after his scandalous declarations concerning Luther, now affirm that Pope John Paul II is not Catholic? We say no more, but we say no less. We had waited for the measure to become full, and it is so henceforth.⁴

We know that subsequent to 1979, when he stated his determination not to enter into the question of the status of the Vatican II Popes, the Archbishop changed his mind and publicly suggested that he might indeed adopt the view that John Paul II was not Pope, as the text of the 1986 conference given above reveals.

In the *Fideliter* interview, Bishop Tissier summarised succinctly the mature stance of the Archbishop.

Fideliter: Yet Archbishop Lefebvre was very reserved about the situation of Popes Paul VI and John Paul II.

Bishop Tissier de Mallerais: That is correct. He said more than once about these Popes-about Paul VI from 1976, and about John Paul II, after the prayer meeting of religions at Assisi in 1986 - that he did not exclude the possibility that these Popes were not Popes, that one day the Church will have to examine their situation, that a future Pope and his cardinals might have to pronounce the finding that these men had not been Popes. But for himself, he preferred to consider them as Popes. This supposes that he did not feel that he possessed sufficient knowledge of the pertinent facts nor the necessary power for making such a judgment. This is of critical importance to bear in mind.

For instance, the abrupt logic of a Fr. Guérard des Lauriers led to the former conclusion: "The Pope promulgated a heresy [with religious liberty], hence he is a heretic, hence he is not formally Pope." But the wisdom of Archbishop Lefebvre made him feel, to the contrary, that the premises of this reasoning were as shaky as the authority that formulated it, be it that of a theologian or even a bishop.

Fideliter: How then did Archbishop Lefebvre resolve the dilemma?

Bishop Tissier de Mallerais: The Archbishop left the theological question open. Our venerable confrere, the late Alois Kocher used to say: "Let's leave this question to the theologians of the 21st century!" Our founder took the problem from a higher perspective and resolved it in the most down-to-earth manner possible. It is the mark of the supernatural intuition that he possessed, and of the action in him of the gift of wisdom, gift of the Holy Ghost.

⁴ *Fideliter*, n. 123, pp. 25-29. May-June 1998.

Since the Archbishop left the theological question open, it is difficult to understand the determination of some of his priests finally to decide it.

2. Fr. Boulet proceeds to provide a brief "Exposition of the Sedevacantist thesis," as follows:

"Let me first quote from a Sedevacantist author: 'Sedevacantism is the theological position of those traditional Catholics who most certainly believe in the papacy, papal infallibility and the primacy of the Roman Pontiff, and yet do not recognize John Paul II as a legitimate successor of Peter in the primacy. In other words, they do not recognize John Paul II as a true Pope. The word Sedevacantism is a compound of two Latin words which together mean the Chair is vacant.' (Bishop Pivarunas). Sedevacantism appears then to be a theological position or a theory kept by some traditional Catholics who think that the most recent Popes, the Popes of the Vatican II council, lost their pontifical authority on account of the grave heresies they have been promoting, and the crisis that came along."

Fr. Boulet is imprecise. Bishop Pivarunas has in these words defined the *sedevacantist* thesis as the denial of the claim of John Paul II to the papacy. And that is all. It is a very narrow definition, in keeping with the spirit I have mentioned above that demands a humble minimalism. Fr. Boulet, for reasons not apparent, proceeds to interpret Bishop Pivarunas' statement to mean that *sedevacantists* believe that "the Popes of the Vatican II council, *lost* their pontifical authority on account of the grave heresies they have been promoting..." But that inference is unjustified. Indeed, there are many *sedevacantists* who are content to follow St. Robert Bellarmine and the more common opinion of theologians, which is that Popes *cannot* lose the Faith, so that if the Vatican II Popes were not true Popes, then they must never have been Popes. The notion that *sedevacantists* believe that the Conciliar Popes *lost* their authority by public heresy is entirely absent from Bishop Pivarunas' words, as quoted by Fr. Boulet.

3. Fr. Boulet then provides the heading, "Theological argument of sedevacantists," under which title he presents one sentence of theological argument, viz.

"It consists of saying that a heretic cannot be head of the Church, but John-Paul II is a heretic, therefore he cannot be a true Pope."

The remainder of this brief section is devoted to highlighting the arrogance of the notorious dogmatic *sedevacantist*, Michael Dimond, the relevance of which escapes me. It would appear to be an attempt to smear all *sedevacantists* by employing guilt by association, but I am reluctant to accuse Fr. Boulet of something as crass as that. Perhaps he genuinely believes that Dimond is representative, in which case he is simply misinformed. Dimond is no more representative of *sedevacantists* than Fr. Matthew Fox is representative of *sedepplenists*.

In any case, the “theological argument[s] of sedevacantists” are extensive and thoroughly documented, and Fr. Boulet has not only failed to address them, he has not even noticed that they exist!

4. Immediately following this “theological argument” we are presented with the following:

“Canonical argument of sedevacantists: It is to consider that the laws of the Church invalidate the election of a heretic; but Cardinal Wojtyla was a heretic at the time of his election, therefore he cannot be a Pope. The Sedevacantists quote the Papal Bull *Cum ex Apostolatus Officio* of Pope Paul IV, which says that if anyone was heretic before the Papal election, he could not be a valid Pope, even if he is elected unanimously by the cardinals. They also base their argumentation on the Code of Canon Law, Can. 188, #4: “Any office becomes vacant *ipso facto* and without any declaration by tacit resignation recognized by the law itself if a cleric... #4 publicly defects from the Catholic faith.” (Emphasis in the original.)

Fr. Boulet, later in his booklet answers this argument, but suffice to say that it is a straw man. *Cum ex apostolatus* is a papal bull issued in the circumstance that it appeared that Cardinal Morone, who was suspected of Protestantism, might be elected to the papacy after the death of Paul IV. It was abrogated by the Code of 1917.

Sedevacantists do not generally think that Popes are subject to the Canons, insofar as these are purely ecclesiastical law, or that the penal provisions of *Cum ex apostolatus* survived the promulgation of the Code in 1917, except insofar as they were contained in the Code. The argument, then, is *not* that Benedict XVI, John Paul II or Paul VI were disqualified by canon law as expressed in *Cum ex apostolatus* or that they lost their offices by virtue of Canon 188,4, but merely that only a Catholic is valid matter for the papacy (or any ecclesiastical office) and therefore a non-Catholic cannot under any circumstances hold an office. The mind of the Church on this point is shown both by *Cum ex apostolatus* and by Canon 188,4, which illustrate the radical incompatibility of the status of non-Catholic and possession of habitual jurisdiction. Other sources for the same doctrine are St. Robert Bellarmine, who goes so far as to assert that this is the constant tradition of

Holy Church, and cites several Popes for his position, and St. Thomas Aquinas, who says that schismatics immediately lose all jurisdiction. Likewise pretty much every theologian and canonist appears to agree that only a Catholic is valid matter for the papacy, thus confirming that it is divine law that only Catholics may possess ecclesiastical offices.

It appears therefore that Fr. Boulet has mistaken for a *canonical* argument what is in fact a *theological* argument. Here is St. Robert Bellarmine explaining the distinction, "There is no basis for that which some respond to this: that these Fathers based themselves on ancient law, while nowadays, by decree of the Council of Constance, they alone lose their jurisdiction who are excommunicated by name or who assault clerics. This argument, I say, has *no value at all*, for those Fathers, in affirming that heretics lose jurisdiction, did not cite any human law, which furthermore perhaps did not exist in relation to the matter, *but argued on the basis of the very nature of heresy.*" Emphasis added.

5. Fr. Boulet next presents the reader with a summary of the work of the brilliant and learned Brazilian layman Arnaldo Xavier da Silveira on the so-called *Five Opinions* regarding the "heretical Pope thesis." Fr. Boulet has, unfortunately, used the unauthorised English translation as his source.

Keeping this qualification in view, let us consider each of the Five Opinions in turn, with Fr. Boulet. He writes:

1st Opinion: "God would never allow a Pope to fall into heresy" The defenders of such opinion argue that Our Lord would never allow a Pope to fall into heresy. For Cardinal Billot, the hypothetical possibility of a Pope falling into heresy would never come to reality, according to the promise of Our Lord: "*And the Lord said: Simon, Simon, behold Satan hath desired to have you, that he may sift you as wheat: But I have prayed for thee, that thy faith fail not: and thou, being once converted, confirm thy brethren.*" (Luke XXII, 31-32). For Billot, this promise should apply not only to St. Peter, but also to all his successors, as it was always understood by Tradition. Against that opinion, we have the case of Pope Honorius (625-638), who was condemned in 680, by the 3rd Council of Constantinople on account of his letters to Patriarch Sergius, which favoured the Monothelite heresy⁵. Let me quote from that Council: "*Having found that (Honorius' letters) are in complete disagreement with the apostolic dogmas and the definitions of the holy councils, and of all the approved Fathers; and that, on the contrary, they lead to the false doctrines of the heretics, we absolutely reject and condemn them as being poisonous to the souls... We also state that Honorius, formerly Pope of the elder Rome, had been also rejected from the God's Holy Catholic Church and is being anathemized, on account of the writings he sent to Sergius, where he adopted his ideas in everything, and reaffirmed his impious principles.*" Let us note that such condemnation happened 42 years after the death of Honorius. Also, no matter what kind of judgement can

be passed on Pope Honorius, it is a matter of fact that we have an official pontifical document which admits that a Pope could possibly fall into heresy. Such document is from Pope Adrian II, more than 200 years after the death of Honorius: *“After his death, Honorius was anathemized by the Eastern Church; but we should not forget that he was accused of heresy, the only crime that would make lawful the resistance of inferiors to the orders of their superiors, and the refusal of their malicious doctrines.”* As we see, St. Robert Bellarmine’s 1st Opinion has reasons in favour and against it. Thus we can say that this 1st opinion is only probable. [Emphasis in the original.]

Against this, we note the following.

a) St. Robert Bellarmine, Cardinal Billot, along with the vast majority of theologians, held that a Pope could never become a heretic. They were all aware of the case of Honorius. Thus, any argument such as that developed here by Fr. Boulet is in fact an argument against those great and numerous authorities; and because of the notoriety of the case, to argue as he does here is implicitly to accuse those great men of the most facile error – viz. that they held something to be impossible which had famously already occurred. Nobody can admit such an argument.

b) The acts of the Council are of doubtful authenticity. Indeed Cardinal Baronius (the greatest Catholic historian), and St. Robert Bellarmine also, held that the acts of the Council had been falsified by the Greek schismatics. To quote these (possibly falsified) acts to the effect that Honorius’s letter to Sergius was *“in complete disagreement with the apostolic dogmas and the definitions of the holy councils,”* is therefore rash and unnecessarily injurious to the reputation of a sovereign pontiff, and furthermore, it is incompatible with the words of Pope Leo II, who condemned Honorius *not* for teaching heresy or for believing it, but because he *“did not, as became the Apostolic authority, extinguish the flame of heretical teaching in its first beginning, but fostered it by his negligence.”* Indeed, as is commonly admitted by Catholic authorities, the letter to Sergius was in itself completely orthodox. Its fault lay in its failure to condemn what it ought, in that context, to have condemned.

c) Pope Honorius was not actually a heretic, but only fostered heresy by his failure to condemn it. Pope Leo II did not condemn him for holding a heretical opinion, but only in the sense just expressed.

d) Pope Honorius was not a *manifest* heretic, and nobody has ever claimed that he was. Even John Chapman in the Catholic Encyclopedia admits that *“Pope Honorius was much respected and died with an untarnished reputation.”* Therefore even if we were to admit the claim that Honorius really was a heretic, which we do not admit, he was certainly not a *manifest* heretic, and thus his case has

no bearing on the question of the incompatibility of the status of “manifest heretic” and the possession of an ecclesiastical office.

e) Fr. Boulet is imprecise once more in claiming that in the words of Adrian II “we have an official pontifical document which admits that a Pope could possibly fall into heresy.” This is simply unsupported by the text quoted, which reads, “*After his death, Honorius was anathemized by the Eastern Church; but we should not forget that he was accused of heresy, the only crime that would make lawful the resistance of inferiors to the orders of their superiors, and the refusal of their malicious doctrines.*” As can readily be seen, Pope Adrian II in no way admits that a Pope really can fall into heresy, but merely comments on the actions and beliefs of others. And this is yet another case of arguing against Bellarmine and all the rest, by claiming against them that Popes really can fall into heresy. Which only shows that Fr. Boulet did not consider these matters in sufficient depth. To be fair to him, in this case he has been deceived by the very poorly executed English translation of da Silveira, the error of which on this point Fr. Boulet has adopted uncritically.

Incidentally, I doubt the authenticity of that text from Adrian II, on the grounds that it appears to express erroneous doctrine on the nature of true obedience. We certainly may resist the commands of superiors even when they are not heretical, if they are evil in some other way. It would be interesting to hear what SSPX thinkers say about this. That is, if heresy is truly “the only crime that would make lawful the resistance of inferiors to the orders of their superiors, and the refusal of their malicious doctrines,” then what are we to do with the (they say) non-heretical laws and doctrines of Vatican II and its Popes?

6. Returning then, to Fr. Boulet’s text.

2nd Opinion: “As he falls into heresy, even only internal, the Pope would *ipso facto* lose his pontificate”. Such opinion is now abandoned by theologians. Because the Church is Visible, it is necessary that its government be visible, and not depends on internal acts.

3rd Opinion: “Even if he falls into notorious heresy, the Pope will never lose his pontificate.” Xavier de Silveira comments: “*among the 136 authors we have consulted (for the book LNM), Bouix is the only one to defend such opinion*”⁶We could say like St. Robert Bellarmine that such opinion is very improbable, because it goes against the unanimous consent of the Tradition of the Church.

4th Opinion: “The heretical Pope would lose effectively his pontificate only upon an official declaration of heresy.” It is clear that such declaration cannot be judicial one, for the Pope doesn’t have any superior on earth, capable to judge him. It would be only a non-judicial act by which Jesus-Christ would Himself dismiss the Pope. Even though such opinion is defended by serious theologians, like Cajetan and Suarez, it is not admitted by St. Robert

Bellarmino. I can see two dangers that can rise from such opinion - to fall into the heresy of *Conciliarism*, which was condemned by the Church - or at least, to fall into subjectivism. What can tell us, for sure, that a declaration of heresy coming from a group of bishops is not an attempt to make an act of deposition?

a) Obviously the 2nd and 3rd opinions require no further comment.

b) In relation to Fr. Boulet's comment on the 4th opinion, I am reluctant to follow him in discussing the *danger* that might arise from the doctrine expressed. Either the doctrine is *true* or it is *false*. It may well be true and still be occasion for some danger. But I do not think it is true, and in fact St. Robert Bellarmine refuted it in his usual masterful manner. It would be a shame to consider this erroneous opinion without reading the refutation of St. Robert Bellarmine, so here it is.

This principle is *most certain*. The non-Christian cannot in any way be Pope, as Cajetan himself admits (ib. c. 26). The reason for this is that he cannot be head of what he is not a member; now he who is not a Christian is not a member of the Church, and a manifest heretic is not a Christian, as is clearly taught by St. Cyprian (lib. 4, epist. 2), St. Athanasius (Scr. 2 cont. Arian.), St. Augustine (lib. de great. Christ. cap. 20), St. Jerome (contra Lucifer.) and others; therefore the manifest heretic cannot be Pope.

To this Cajetan responds (in Apol. pro tract. praedicto cap. 25 et in ipso tract. cap. 22) that the heretic is not a Christian "simpliciter" [i.e. without qualification, or absolutely], but is one "secundum quid" [i.e. in a qualified or relative sense]. For, granted that two things constitute the Christian - the faith and the [baptismal] character - the heretic, having lost the faith, is still in some way united to the Church and is capable of jurisdiction; therefore, he is also Pope, but ought to be removed, since he is disposed, with ultimate disposition, to cease to be Pope: as the man who is still not dead but is "in extremis" [at the point of death].

Against this: in the first place, if the heretic remained, "in actu" [actually], united to the Church in virtue of the character, he would never be able to be cut or separated from her "in actu", for the character is indelible. But there is no one who denies that some people may be separated "in actu" from the Church. Therefore, the character does not make the heretic be "in actu" in the Church, but is only a sign that he was in the Church and that he must return to her. Analogously, when a sheep wanders lost in the mountains, the mark impressed on it does not make it be in the fold, but indicates from which fold it had fled and to which fold it ought to be brought back. This truth has a confirmation in St. Thomas who says (Summ. Theol. III, q. 8, a. 3) that those who do not have the faith are not united "in actu" to Christ, but only potentially - and St. Thomas here refers to the internal union, and not to the external which is produced by the confession of faith and visible signs. Therefore, as the character is something internal, and not external, according to St. Thomas the character

alone does not unite a man, "in actu," to Christ.

Further against the argument of Cajetan: either faith is a disposition necessary "simpliciter" for someone to be Pope, or it is only necessary for someone to be a *good* Pope ["ad bene esse," to exist well, to be good, as opposed to simply existing]. In the first hypothesis, in case this disposition be eliminated by the contrary disposition, which is heresy, the Pope immediately ceases to be Pope: for the form cannot maintain itself without the necessary dispositions. In the second hypothesis, the Pope cannot be deposed by reason of heresy, for otherwise he would also have to be deposed for ignorance, immorality, and other similar causes, which impede the knowledge, the morality, and the other dispositions necessary for him to be a *good* Pope ("ad bene esse papae"). In addition to this, Cajetan recognises (tract. praed., ca. 26) that the Pope cannot be deposed for the lack of dispositions necessary, not "simpliciter", but only "ad bene esse."

To this, Cajetan responds that faith is a disposition necessary "simpliciter", but partial, and not total; and that, therefore, even if his faith disappears he can still continue being Pope, by reason of the other part of the disposition, the character, which still endures.

Against this argument: either the total disposition, constituted by the character and by faith, is necessary "simpliciter," or it is not, the partial disposition then being sufficient. In the first hypothesis, the faith disappearing there no longer remains the disposition "simpliciter" necessary, for the disposition "simpliciter" necessary was the total, and the total no longer exists. In the second hypothesis, the faith is only necessary "ad bene esse", and therefore its absence does not justify the deposition of the Pope. In addition to this, what finds itself in the ultimate disposition to death, immediately thereafter ceases to exist, without the intervention of any other external force, as is obvious; therefore, also the Pope heretic ceases to be Pope by himself, without any deposition.⁵

Thus we see why the 4th opinion decreased rapidly in theological respectability from the time of St. Robert Bellarmine. It had been completely demolished as only the greatest master of apologetics and polemics could do. It is worth noting once more that the argument put forth by St. Robert applies equally to a heretic who claims the papacy and to a Pope who disappears into heresy – in either case, the heretic cannot be Pope – that is, a heretic cannot *become* or *remain* Pope. In St. Robert's pithy words, "This principle is most certain. The non-Christian cannot in any way be Pope."

7. Fr. Boulet then provides this summary of the so-called Fifth Opinion.

⁵ St Robert Bellarmine, *De Romano Pontifice*, lib. II, cap. 30. Emphasis added.

5th Opinion: "If he was to fall into a manifest heresy, the Pope would ipso facto lose his pontificate". Some authors say that the Pope would lose his pontificate *ipso facto* at the very moment when his heresy becomes external; some others maintain that the heretical Pope would lose his pontificate only when his heresy becomes notorious and publicly spread. Among the 5 opinions studied by St. Robert Bellarmine, this 5th opinion appears to be the most probable.

a) Let us be completely clear. Bellarmine does not say that it is the *most probable*. He says that it is "true," and that it is the doctrine of *all* of the Fathers.

"Therefore, the true opinion is the fifth, according to which the Pope who is manifestly a heretic ceases by himself to be Pope and head, in the same way as he ceases to be a Christian and a member of the body of the Church; and for this reason he can be judged and punished by the Church. This is the opinion of all the ancient Fathers, who teach that manifest heretics immediately lose all jurisdiction, and outstandingly that of St. Cyprian..."⁶

b) Bellarmine then cites several fathers, other doctors and Popes, to prove that this opinion is *the constant tradition of Holy Church*.

8. Fr. Boulet proceeds at this point to open up the question of whether a Pope may teach heresy when acting as Pope – that is, *officially*.

3. The heretical Pope:

3.1. Can a Pope be heretic? It has been taught by various Popes that a Pope can teach heresy against the Faith. Pope Adrian VI († 1523) stated that: "*If by the Roman Church you mean its head or pontiff, it is beyond question that he can err even in matters touching the faith. He does this when he teaches heresy by his own judgement or decretal. In truth, many Roman pontiffs were heretics. The last of them was Pope John XXII († 1334).*" Venerable Pope Pius IX († 1878) recognised the danger that a future Pope would be a heretic and "*teach [...] contrary to the Catholic Faith*", and he instructed, "*do not follow him*". He said: "*If a future Pope teaches anything contrary to the Catholic Faith, do not follow him.*" (Letter to Bishop Brizen).

⁶ St Robert Bellarmine, *De Romano Pontifice*, lib. II, cap. 30.

Now this is frankly scandalous doctrine. It seems that Fr. Boulet has been deceived by fraudulent quotes which he has carelessly lifted from some place unknown, but since he does not provide references we cannot check.

A little research has revealed, however, two modern sources for the first of those two quotes. Apparently it may be found in a book by the theologian Viollet, *Papal Infallibility and the Syllabus*, (1908). This book was placed on the Index of Forbidden Books by St. Pius X. The same scandalous and erroneous, if not heretical, quote may also be found in the anti-Catholic work entitled *Vicars of Christ, the Dark Side of the Papacy*, by Peter De Rosa (p. 204).

Here are two reviews of this latter work, found on Amazon.com:

From Publishers Weekly

De Rosa (*Prayers for Pagans and Hypocrites*) is an angry Catholic. In the worst proselytizing tradition, this devil's advocate overstates familiar arguments, bludgeoning the reader with his dossier against the Church. Among De Rosa's tamer charges: Jesus renounced possessions, but his vicars celebrate high mass garbed in cloth of gold; the Church has never lifted strictures against usury, yet the Vatican operates a bank. De Rosa sweeps through Church history to parade Popes who begat children, Popes who fornicated on a grand scale, Popes who married. Then in the second half of this polemic, he addresses Church teaching, conjoining the "immaculate conception" doctrine to decrees governing birth control, abortion, celibacy. The doctrine of papal infallibility is dealt with, as is Church anti-Semitism through the ages leading to the Holocaust silence of Pius XII, the "one man in the world whose witness Hitler feared." And in wrapping up his catalog of "the sins of the papacy," De Rosa virtually dismisses internal reform: "It is not Catholics but other Christians who chiefly can make the papacy what it ought to be."

From Library Journal

In his history of the papacy, former Jesuit De Rosa aims to undermine belief in papal infallibility. Although he claims to be a friend of the Catholic Church, and does at times express admiration for the holiness of many of the Popes, his book is so heavily weighted with information on the corruption of the Papacy that it would be hard for any reader to see any good in the office. The book cannot be faulted historically or stylistically, though most of the information including the most sordid can be found in the standard Roman Catholic sources. Patrick Grainfield's *The Limits of the Papacy* (Crossroad, 1987) offers a more balanced view of the expansion of papal power. Augustine J. Curley, Newark Abbey, N.J.

So much for the first of the two quotes which aim to prove the scandalous doctrine that Popes may officially teach heresy. The other quote refers to a letter to "Bishop Brizen." Once again, no

reference is given by Fr. Boulet. Now, my best guess as to the identity of this person is Bishop Vincent Ferrer Gasser, who was Bishop of *Brixen* from 1856-79. He was also Relator of the Faith at the Vatican Council. Pope Pius IX would probably have written him letters, but no particular letter or published source is provided. The content of the quote is less scandalous than that of the first, but still clearly erroneous.

9. Next we enter the thorny paths of heresy, membership in the Church, jurisdiction, excommunication, canon law, and divine law. Fr. Boulet has not considered all of the things that must be considered to treat this matter properly. Here is his text.

3.2. Incompatibility between heresy and ecclesiastical jurisdiction: Both Holy Scripture and Tradition teach clearly that there is a deep incompatibility *in radice* (in the root) between the condition of a heretic and the possession of an ecclesiastical jurisdiction, because a heretic ceases to be member of the Church. However, such incompatibility is not absolute, that is why theologians are using the term *in radice* (in the root). In the same manner as a plant can still stay green for a while after it had been rooted up, likewise, jurisdiction could be maintained, in a precarious manner though, even after the Churchman had fallen into heresy (cf. Suarez). Theologians are basing their argumentation mostly on Canon Law, Can. 2314: *"All apostates from the Christian faith and each and every heretic and schismatic incur the excommunication ipso facto. Unless they respect warnings, they are deprived of benefice, dignity, pension office ... and if clerics, with the warning being repeated, they are deposed."* Then, Can. 2264 declares unlawful, but not automatically invalid, the acts of jurisdiction coming from someone who has been excommunicated: *"An act of jurisdiction carried out by an excommunicated person, whether in the internal or the external forum, is illicit; and if a condemnatory or declaratory sentence has been pronounced, it is also invalid, without prejudice to c. 2261, §3; otherwise it is valid."* Thus the heretical cleric does not lose automatically his functions, but he has to be deposed by the lawful authority. From this, we can conclude that heresy, even external, does not automatically eliminate jurisdiction. Against it, it may be argued from Canon 188 # 4: *"Any office becomes vacant upon the fact and without declaration by tacit resignation recognized by the law itself if a cleric: 4. publicly defects from the Catholic faith."* Sedevacantists are using this canon as a weighty proof of their thesis, however, such canon cannot be considered as a final proof that a heretical Pope had lost his office. One has to remember that the Pope is always above the dispositions of the positive law, as the one of Can. 188. Such argument would be final only if it was being proved that the canonical disposition of Can. 188 belongs to the divine-positive law of the Church. One would have also to prove that this divine-positive law applies properly to the specific case of the Pope. But, it is precisely on that matter that the greatest theologians have been in disagreement for centuries.

Having admitted, following da Silveira, that there is a radical incompatibility between the status of heretic and the possession of habitual jurisdiction, Fr. Boulet makes the startling comment that

“such incompatibility is not absolute, that is why theologians are using the term *in radice* (in the root).” There is no basis that I am aware of for this remarkable claim, and indeed I think the correct inference is quite the contrary – it is precisely to emphasise *absolute* incompatibility that theologians and philosophers employ the term *radical*. Fr. Boulet, instead, proceeds with the analogy, “In the same manner as a plant can still stay green for a while after it had been rooted up, likewise, jurisdiction could be maintained, in a precarious manner though, even after the Churchman had fallen into heresy (cf. Suarez).” Here he follows da Silveira, who appears to have confused *habitual* with *supplied* jurisdiction, a failure which disorders the entire subject.

Here is St. Thomas on the point. “On the other hand, the power of jurisdiction is that which is conferred by a mere human appointment. Such a power as this does not adhere to the recipient immovably: so that *it does not remain* in heretics and schismatics; and consequently they neither absolve nor excommunicate, nor grant indulgence, nor do anything of the kind, and if they do, it is invalid.”⁷

St. Robert Bellarmine summarises this as follows, “St. Thomas also teaches (S. Theol., II-II, q. 39, a. 3) that schismatics *immediately lose all jurisdiction*, and that anything they try to do on the basis of any jurisdiction will be null.” (Emphasis added.)

St. Thomas and St. Robert are both referring to that jurisdiction which is attached to an ecclesiastical office – which is *habitual* jurisdiction. (Ordinary jurisdiction, the jurisdiction of bishops, is a kind of habitual jurisdiction.) In my reading this is the common doctrine, as one would expect, since all Catholic teachers are bound by the doctrine of St. Thomas. But let’s take a look at da Silveira, Fr. Boulet’s source, for he argues this away with what appear to be solid authorities.

Scripture and Tradition make clear the existence of a profound incompatibility, *in radice* (in its root) between the condition of heretic and the possession of ecclesiastical jurisdiction, since the heretic ceases to be a member of the Church.

This incompatibility is such that normally the condition of heretic and the holding of ecclesiastical jurisdiction cannot be harmonized. Nevertheless, this is not *absolute*, or, that is, it is not such that, falling into internal heresy, or even external, the holder of ecclesiastical jurisdiction is destituted of his charge *ipso facto*, in every case and immediately.

⁷ S. Th. II-II, Q. 39, Art 3. Emphasis added.

The arguments presented by the divers authors in connection with this ultimate point are decisive, and particularly the arguments drawn from the practice of the Church: by the Code of Canon law the heretic only loses jurisdiction when a condemnatory and declaratory sentence is passed against him; priests who have abandoned the Church have jurisdiction to give absolution to persons in peril of their lives; it is commonly admitted that the schismatic eastern rite bishops (they are also heretics) possess a jurisdiction which the Popes tacitly concede to them; etc.

Therefore, we do not qualify that incompatibility as *absolute*, but we speak only of *incompatibility in radice*. Heresy cuts the root and foundation of jurisdiction, this is, the faith and the condition of being a member of the Church. But it does not eliminate *ipso facto* and necessarily the jurisdiction itself. Just as a tree can conserve life even for some time after its roots are cut off, so also, in frequent cases, the jurisdiction perdures even after the fall into heresy of him who possessed it.⁸

Before proceeding to examine these arguments a fundamental point must be made. There can be no intelligible discussion of this matter if the distinction between *occult* and *manifest* heresy is omitted, for it is upon the relative *publicity* of the crime of heresy that membership in the Church depends; and it is upon membership in the Church that the loss of (habitual) jurisdiction depends, as da Silveira has noticed. And as this erudite man has also noted, whilst the authors are not all exactly consistent with each other in their use of these terms, and they do differ subtly in their understanding of each of the degrees of publicity and precisely where to draw each line, there is certainly sufficient agreement for practical purposes. This agreement could be summarised, I think, as that occult heresy does not result in loss of membership in the Church, and public heresy does. “Manifest” as employed by St. Robert Bellarmine appears to equate to “public” as defined by the Code of Canon Law.

Da Silveira, however, appears to have covered this ground in a hurry, for he makes the most inexplicable error, right at the beginning. He admits, following Bellarmine’s lucid teaching, that “Scripture and Tradition make clear the existence of a profound incompatibility, *in radice* (in its root) between the condition of heretic and the possession of ecclesiastical jurisdiction, since the heretic ceases to be a member of the Church.” And in those few words traces the *effect* and the *cause* with complete precision, viz. that the loss of jurisdiction – the effect – is caused by the loss of membership in the Church. This is entirely clear and sound. Only a *member* of the Church may possess habitual jurisdiction, as Bellarmine says.

⁸ Arnaldo Xavier da Silveira, *op.cit.*

But then da Silveira proceeds to state that this loss of jurisdiction “is not *absolute*, or, that is, it is not such that, *falling into internal heresy*, or even external, the holder of ecclesiastical jurisdiction is destituted of his charge *ipso facto*, in every case and immediately.” We see here perhaps the key to this whole treatment, which is that da Silveira seems to forget that *internal* heresy has no effect whatsoever upon membership in the Church. Heresy which remains hidden in the culprit’s breast is a sin, but not a crime. That is, it has no effect on the social unity of the Church, and does not result in the culprit incurring any censures, and it does not cause the loss of ecclesiastical membership, or the loss of office which follows automatically upon that loss of membership. This was demonstrated above.

So why does da Silveira mention *internal* heresy, in a discussion about the loss of jurisdiction resulting from the loss of membership in the Church? Either he adopts the discredited minority view that merely internal heresy results in the loss of membership of the Church, which does not seem to be apparent in his text, and seems exceedingly unlikely given his propensity to learn chiefly from the weightiest authorities, or at this point of his study he simply winked, as even the best scholars do occasionally.

At any rate, it is true that if somebody falls into interior heresy he does not lose any jurisdiction he may possess *ipso facto*. But that is not relevant to the thesis under discussion, and mentioning it in this place only serves to confuse the entire question.

Building upon this confusion, da Silveira then immediately claims, “by the Code of Canon law the heretic only loses jurisdiction when a condemnatory and declaratory sentence is passed against him.” I answer, insofar as his heresy is *occult*, this is conceded. But insofar as his heresy is *public*, I deny. Canon 188,4 establishes that in cases of *public* heresy, all offices are automatically vacated *ipso facto* and without any need for a declaration.

Da Silveira further asserts, “priests who have abandoned the Church have jurisdiction to give absolution to persons in peril of their lives.” I answer, this relates to *supplied* jurisdiction, which is granted to such ministers for the act, and only for the act, for which they need it. But we are not discussing supplied jurisdiction, we are discussing habitual jurisdiction, which St. Thomas teaches, “*does not remain* in heretics and schismatics.”

To supply jurisdiction means to give it *in the very acts* which are placed without jurisdiction from any other source. Hence when jurisdiction is supplied by the Church, the person acting

is entirely without jurisdiction both before and after the act in question; he has jurisdiction, supplied by the Church, only in the act itself.⁹

Finally, it is alleged by da Silveira that, “it is commonly admitted that the schismatic eastern rite bishops (they are also heretics) possess a jurisdiction which the Popes tacitly concede to them.” If he refers to *ordinary* jurisdiction, then I deny that this is factual. It is not “commonly admitted” at all. It is commonly denied, as far as I have read. What is *somewhat* commonly admitted, but by no means universally, is that the *priests* of the Oriental schismatic sects may absolve validly *by supplied jurisdiction*.

For example, speaking of the oriental schismatics, Mura says, “As a rule we must make exception for the sacrament of penance, which requires for its validity not only the power of order but also the power of jurisdiction. Since jurisdiction resides only in legitimate pastors, it follows that schismatics are habitually deprived of it and cannot absolve validly except in danger of death, when the Church grants jurisdiction to all priests.”¹⁰ This is the pure doctrine of St. Thomas and indeed, the common teaching of theologians, as far as I am aware.

But of course, this has nothing to do with habitual jurisdiction, with which we are exclusively concerned.

Consequent upon each of these points, da Silveira’s conclusion is also denied, by which he argues that heresy “does not eliminate *ipso facto* and necessarily the jurisdiction itself. Just as a tree can conserve life even for some time after its roots are cut off, so also, in frequent cases, the jurisdiction perdures even after the fall into heresy of him who possessed it.” This conclusion is directly contrary to the doctrine of St. Thomas, and of St. Robert, and to the Code of Canon Law, and as I hope has been illustrated, it rests upon faulty arguments anyway.

10. Returning to Fr. Boulet, we see that next he addresses the question of *papal* jurisdiction and heresy.

⁹ Bouscaren & Ellis, *Canon Law, A Text and Commentary*, 2nd Ed. Bruce, Milwaukee, 1953, p. 141. Emphasis in the original.

¹⁰ *The Nature of the Mystical Body*, Ernest Mura, R.S.V., Herder, 1963 (translated from the French, first published in 1936), p. 275.

3.3. Jurisdiction of the heretic: Being cut off at the root, the jurisdiction of the heretic does not disappear automatically, but it will remain [sic] as much and as long as it is maintained by a superior authority. This will happen if the Pope maintains the jurisdiction of a heretical bishop who has not yet been punished according to Canons 2264 and 2314. But, what happens if the Pope himself falls into heresy? Who has the power to maintain him in his jurisdiction? It is not the Church, or even a group of bishops, for the Pope is always superior to the Church, and he is not bound by ecclesiastical law. According to LNM⁷, Christ Himself could maintain, at least for a while, the jurisdiction of a heretical Pope. What would be the reason that would justify maintaining the jurisdiction of a heretical Pope? Theologians have considered different answers to that question. The most serious answer to that key question is to say that Christ would maintain the jurisdiction of a heretical Pope as long as his heresy is not notorious enough and widely publicised. Meanwhile, all the acts of jurisdiction of such a heretical Pope would be valid and, if he was to proclaim a dogmatic definition, such definition would likewise be valid. In such case, the Holy Ghost would speak through the mouth of that Pope, like He spoke through the mouth of Balaam's ass (Numbers XXII, 28-30). Such conclusion of Xavier de Silveira is perfectly consistent with the thought of St. Robert Bellarmine. The famous Dominican Father Garrigou-Lagrange⁸ reaches the same conclusion. Basing his reasoning on Billuart, he explains in his treatise *De Verbo Incarnato* (p. 232) that a heretical Pope, while no longer a member of the Church, can still be her head. For, what is impossible in the case of a physical head is possible (albeit abnormal) for a *secondary moral* head. The reason is that, whereas a physical head cannot influence the members without receiving the vital influx of the soul, a moral head, as is the Roman Pontiff, can exercise jurisdiction over the Church even if he does not receive from the soul of the Church any influx of interior faith or charity. In short, the Pope is constituted a member of the Church by his personal faith, which he can lose, but he is head of the visible Church by the jurisdiction and authority which he received, and these can coexist with his own heresy.

Against this, we note the following.

a) Fr. Boulet suggests, with no apparent basis, that jurisdiction is maintained in a heretical bishop by the Pope, in the case that the heretic "has not yet been punished according to Canons 2264 and 2314." Frankly, this is a startling notion and I cannot see whence it arises, unless Fr. Boulet has also adopted the strange idea that an occult heretic loses membership in the Church, and therefore his jurisdiction with it (unless it is sustained by another power). Da Silveira does not provide any proof of this thesis, and as we have seen already, it seems to conflict with divine law as explained by St. Robert and other authorities, and with canon law (CIC 188,4). In any case, what is asserted without proof falls with a simple denial.

But there is a further point to make in relation to this claim, which is that it omits to mention the other half of the Bellarmine position, viz. that not only would a Pope who became a heretic lose his office *ipso facto*, but also that if a heretic claimed the papacy his claim would be null from the beginning. Would Fr. Boulet (or da Silveira) argue that Our Lord would not only *sustain* jurisdiction in a bishop who disappeared into heresy, but also that He would *provide* ordinary jurisdiction to a heretic who was somehow appointed to an episcopal office?

b) In relation to the papacy, it is alleged by Fr. Boulet that Our Lord Jesus Christ would maintain the jurisdiction of a heretic “Pope” for some period after his disappearance into heresy. He writes, “According to LNM [i.e. da Silveira], *Christ Himself could maintain, at least for a while, the jurisdiction of a heretical Pope.*” Once again, this is contrary to Bellarmine, and omits mention of the question of a heretic who is elected Pope. But da Silveira offers an interesting proof for it. Let’s read the entire proof and consider its validity.

We judge that the revealed major premise from which we must start is the dogma that the church is a visible and perfect society. As a minor premise, we must put the principle, drawn from nature itself, according to which the events of the public and official life of a visible and perfect society ought to be *notorious and publicly divulged*. Thence one would conclude that the eventual destitution of the chief of the Church would not be a juridically consummated fact as long as it did not become *notorious and publicly divulged*.

In scholastic form, we would be able to draw up the following sorites:

- The Church is a visible and perfect society.

- Now, the facts of the official and public life of a visible and perfect society, only become juridically consummated when they are notorious and publicly divulged.

- Now, the loss of the Papacy is a fact of the public and official life of the Church.

- Consequently, the loss of the Papacy only becomes juridically consummated when it is notorious and publicly divulged.

Such a conclusion, flowing from a revealed truth and a premise evident to the natural reason, expresses the sure will of Our Lord. It would not be a *formally revealed truth*, but a *virtually revealed truth*, a *theological conclusion*.

Jesus Christ Himself, therefore, would *sustain* the jurisdiction of a heretical Pope up to the moment in which his defection in the faith became “notorious and publicly divulged”.¹¹

Da Silveira’s major is accepted as is. But his minor is at best ambiguous, simply false in one sense, and of no use in his syllogism in its other possible sense, and unfounded on any authority anyway.

Let’s examine this in detail. I say that his minor is ambiguous, because, at least as it is given to us in English, it only states what *ought* to happen, not what *must of necessity* happen. If it was meant in this relative sense, and not as an expression of a metaphysical necessity, then it is of no assistance to the syllogism. If, on the other hand, it was meant in the absolute sense, that only those events and facts which are *notorious and publicly divulged* have effects in “the public and official life” of the Church, then it is plainly false.

- The Code, for example, says that all offices are lost if a delinquent is guilty of merely “public” heresy. “Public” and “notorious” are distinct and mutually opposed categories in the Code – cf. *CIC* 2197.
- Bellarmine says that a “manifest” heretic could not become or remain Pope (or indeed hold any office). The technical term “notorious” as a degree of publicity was in common use in his time and he chose not to use it in this place.
- A Pope who dies leaves the Holy See vacant the moment he passes from this world, even if nobody is present.
- A cardinal who accepts election to the papacy is Pope from the moment he accepts, before anybody outside the conclave is informed.

Numerous other proofs could be given, for this “principle” laid down by da Silveira conflicts with reality.

¹¹ Da Silveira, *op. cit.*

Da Silveira makes his point even more clearly when he presents it in formal terms, viz. “Now, the facts of the official and public life of a visible and perfect society, only become juridically consummated when they are notorious and publicly divulged.” Which is, as we have already seen, a complete invention for which no authority is cited and for which none could be cited.

And as if this weren’t sufficiently clear, da Silveira provides his own final nail, so to speak, by admitting that he differs with the only authorities he has referred to in the course of his tortuous and unsuccessful argument that Our Lord Jesus Christ would sustain the jurisdiction of a Pope who disappeared into heresy. He writes, “Note that the argumentation of which we avail ourselves is not the same as that of Saint Robert Bellarmine, taken up again by Wernz-Vidal. *They* start from the principle that he who is not, in any way, a member of the Church, cannot be its head. Such argument appears true to us, *provided that one adds a clause* to it according to which Our Lord would sustain the jurisdiction of a Pope heretic as long as his heresy had not become *notorious and publicly divulged*. However even formulated thus, this argument raises another question, very much disputed: that of the exact moment when a heretic ceases to be a member of the Church. According to what we think, whatever be that moment, the Pope eventually heretic would only effectively fall from the Pontificate when his defection in the faith turned *notorious and publicly divulged*.” (Some emphasis added.)

Here we have a complete admission that da Silveira is *not* presenting and defending the position of Bellarmine (or Wernz-Vidal), and further, that he has developed his own position – if you like, a “sixth opinion” in this long-standing discussion. He even goes so far as to contrast his own argument with the Bellarmine and Wernz-Vidal approach, which rests solidly on the cause and effect stated above – that is, that a non-member of the Church cannot possess habitual jurisdiction. Da Silveira is so far from basing his own argument on that same truth, that he brings in the irrelevant discussion about the exact degree of publicity which suffices to strip a man of membership in the Church. It is *certain* that a public (or “manifest”) heretic is not a member. That is all that this particular discussion needs, which is why Bellarmine, who was certainly familiar with the degrees of publicity of crimes, did not bring it in. The same observation can be made concerning the greatest of modern canonists Wernz and Vidal, so that one could not argue that since Bellarmine’s time this particular question developed any differently.

Interestingly, Fr. Boulet states that da Silveira’s theory is “perfectly consistent with the thought of St. Robert Bellarmine.” I don’t see how he could have concluded such a thing. When Fr. Boulet adds that “Father Garrigou-Lagrance reaches the same conclusion,” and proceeds to outline briefly the theory of the saintly Dominican, which is entirely contrary to Bellarmine’s, we must part company completely. Garrigou-Lagrance teaches that a heretic Pope would remain Pope; Bellarmine teaches that he would lose the papacy *ipso facto* by operation of divine law. The two theories are diametrically opposed.

11. Fr. Boulet next discusses the degrees of publicity of crimes.

3.4. Public and Notorious heresy: It is to be understood according to the Canon Law principles. A Public crime, according to the law of the Church is not necessarily something which is done in the open and witnessed by Television cameras, as most people think. Let me quote the famous canonist Bouscaren: “*Classification as to Publicity. A crime is: 1. Public, if it is already commonly known or the circumstances are such as to lead to the conclusion that it can and will easily become so; [...] ‘Commonly known’ (divulgatum) means known to the greater part of the inhabitants of a place or the members of a community; but this is not to be taken mathematically, but in prudent moral estimation. A crime may remain occult though known to a number of persons who are likely to keep it quiet, whereas it may be public though known to only a few who are sure to divulge it.*”⁹ As the Pope is the Universal pastor of the entire Church, how can we apply such principles to the case of his heresy? According to the canonists, for an act of heresy by a Pope to be Public, the knowledge of it would either have to be either already widely spread amongst the faithful of the universal Church, being known to most of them, or at least such as that it will be in practice impossible to stop it from becoming so known and it certainly will. Such heresy would have to be widely publicised, as well as Notorious – in order to be Public in canonical terms. For a Pope’s heresy to be Notorious, not only would the heretical act have to be widely known of, as we have seen, but it would also have to be *an act whose criminality had been legally recognised*. In other words, for the criminality of a Pope’s heresy to be legally recognised, such that his heresy would be canonically Notorious, not only would a knowledge of his heresy have to have spread widely through the Church, as we have seen above, but it would also have to have been widely recognised as a *morally imputable crime*.

a) Having quoted the Code (as translated by Bouscaren) to the effect that a crime is *public* “if the circumstances are such as to lead to the conclusion that it can and will easily become [commonly known]” Fr. Boulet tells us that for this note to apply to heresy by a Pope, “the canonists” tell us that it “would have to be widely publicised, as well as Notorious – in order to be Public in canonical terms.” Now, since no canonists are quoted or even cited in support of this claim, and since it conflicts with the definition of the term “public” given in the Code, I think we can safely leave it aside.

Here is the actual canon – 2197 – followed by the translation of Bouscaren & Ellis.

Delictum est:

1.º *Publicum*, si iam divulgatum est aut talibus contigit seu versatur in adiunctis ut prudenter iudicari possit et debeat facile divulgatum iri;

2.° *Notorium notorietate iuris*, post sententiam iudicis competentis quae in rem iudicatam transierit aut post confessionem delinquentis in iudicio factam ad normam can. 1750;

3.° *Notorium notorietate facti*, si publice notum sit et in talibus adiunctis commissum, ut nulla tergiversatione celari nulloque iuris suffragio excusari possit;

4.° *Occultum*, quod non est publicum; *occultum materialiter*, si lateat delictum ipsum; *occultum formaliter*, si eiusdem imputabilitas.

Classification as to Publicity. A crime is:

1. Public, if it is already commonly known or the circumstances are such as to lead to the conclusion that it can and will easily become so;
2. Notorious in law, after judgment by a competent judge which has become *res iudicata* (cf. c. 1902), or after confession by the culprit in open court according to canon 1750;
3. Notorious in fact, if it is publicly known and was committed under such circumstances that no maneuver can conceal nor any legal defense excuse it;
4. Occult, if not public; materially occult if the crime itself is hidden, formally occult if its imputability is hidden (c. 2197).¹²

Note that “notorious” and “public” are quite distinct, and that for something to be “public” it certainly does not need to be “notorious” or “widely publicised,” so it is not apparent why Fr. Boulet thinks what he does on this point. The remainder of his comments in this section are no more cogent – for example, he appears to conflate the two different kinds of notoriety, that of fact and of law.

b) The concept introduced by da Silveira into the definition of “notorious” – that of “the grand public” – is surely nothing more than a relic of the Revolution. He writes, “Can one understand as occult heresy that which is already known to many persons, but has still not reached the grand public, has still not become *notorious and publicly divulged?*” Thus he brings in the French cliché, “le grand public,” with no clear and ascertainable meaning in any law, let alone canon law. What could this mean, in this context, other than that so long the organs of the secular press treat somebody as orthodox, then he is not a public heretic?

The problem here is that what the canons have in view is an *objective rule* for classifying the nature of a crime, not a subjective measure determined by how many people actually *notice* the crime. Several considerations illustrate this.

¹² Bouscaren and Ellis, *Canon Law: A Text and Commentary*, page 858.

- i) It assists to remember that *divulgatum* and *publice* are distinct terms, the first of which means “commonly known” whilst the second is a technical term defined in the Code. Much confusion is generated by those who equate the terms so that *publice* loses its objective character and depends instead upon the dispositions of the editors of the press and the interest of the populace.
- ii) The Code tells us that something is “public” even if it is not known by many, but only that “the circumstances are such as to lead to the conclusion that it can and will easily become” commonly known. That is, such a crime is *already* public even though *hardly anybody* knows about it. An analogy may assist. Consider, instead of the concept of “publicity,” the notion of “danger.” Something may be *dangerous* even though no actual harm occurs in a given case. It is true that in assessing *degrees of danger* we would properly take into account actual harm which has occurred in cases, and so if great harm had frequently occurred in a given set of circumstances, we would certainly classify those circumstances as “dangerous.” But having introduced this consideration of actual harm, we would upset the entire concept of “danger” as distinct from “harm” if we were subsequently to measure danger in actual cases only by virtue of the harm which arose in each of those cases. Thus all would see the absurdity of a claim that a man driving through crowded streets at very high speed could only be described as acting dangerously if somebody gets hurt on that occasion. The classification arises from a consideration of actual harm in past cases; the usefulness of the classification is precisely in its applicability to cases in which actual harm has not yet been caused. But, of course, we would classify as “dangerous” any actual circumstances which subsequently *did* result in actual harm. The point is that we would certainly not consider it reasonable to deny the tag “dangerous” to a concrete case merely on the grounds that actual harm was avoided.

Likewise degrees of publicity of crimes are generic classifications built up based on cases – but to argue that something is not “public” merely because the common man has not yet heard about it is to submit to the arbitrary rule of the mass media instead of abiding by the rules of reason.

Hence Bouscaren & Ellis explain, ‘Commonly known’ (*divulgatum*) means known to the greater part of the inhabitants of a place or the members of a community; but this is not to be taken mathematically, but in prudent moral estimation. A crime may remain occult though known to a number of persons who are likely to keep it quiet, *whereas it may be public though known to only a few who are sure to divulge it*. It may be public in one

place and occult in another, or may become occult even in the same place after a lapse of years."¹³

- iii) Notoriety chiefly relates to guilt, not to the element of divulgation. The Canonist Augustine explains, "It is this element of inexcusability or of knowledge of the criminal character of the deed that appears to distinguish a public from a notorious crime. For the text manifestly lays stress on divulgation with regard to public crimes and emphasizes the criminal character as known and inexcusable."¹⁴

- iv) This is also made clear by Woywod, who employs "publicly known" as an equivalent term to "public." He writes, "The distinction between occult and public offenses is explained in general terms by the Code. Canonists have given more specific rules by which one may judge whether an offense is to be considered *publicly known*. In the first place, the number of people who were witnesses to an offense and the number of inhabitants of the place where the offense was committed, must be taken into consideration to determine whether an offense may be said to be *public*. It is maintained by many canonists that at least six persons in a small town or community must know of the offense before it can be called public, and more persons in proportion to the greater number of inhabitants before it can be called public in larger places. However, canonists consider, not only the relative number in determining whether an offense is occult or public, but also the character of the perhaps few persons who witnessed the commission of the offense – whether they are reserved and taciturn or talkative and eager to make known what they have witnessed. The Code calls an offense public when knowledge of it has been spread among the people (*divulgatum*), or when it was committed under circumstances which make it practically impossible to keep the offense secret."¹⁵

It should be sufficiently clear that in the language of canon law the term "notorious" is a technical term with a very specific definition, and the way in which we use the same term in common discourse is quite different. Sometimes these matters appear to be approached with a lack of discipline which causes technical terms to be understood in their everyday sense, which of course can be and often is fatal to a proper

¹³ Bouscaren and Ellis, *Canon Law: A Text and Commentary*, page 858.

¹⁴ Augustine, *A Commentary on Canon Law*, volume 8, page 17.

¹⁵ *A Practical Commentary on the Code of Canon Law*, Woywod Smith, volume 2, p. 403.

understanding of them (*cf. CIC 18*). This certainly appears to be true of da Silveira when he enters into this question of the degrees of publicity.

- v) Summarising these points, we see that something may be notorious with a notoriety of fact if it is known to few, but talkative, persons, and was committed under such circumstances as to be inexcusable. That is, if it meets the definition of “*publice*” and also could not be excused by any legal defence.

I am not here arguing that Paul VI, John Paul II, or Benedict XVI have all been notorious heretics in the legal sense, although that case could be made. I think it may easily be demonstrated that all three of these men have been *public* heretics, and that suffices.

12. Having (incorrectly, I believe) explained the terms “public” and “notorious,” Fr. Boulet then applies them as follows.

3.5. Notoriety of law and notoriety of fact:

1. Notoriety of law: A crime becomes Notorious with a *notoriety in law* only when a judicial sentence has been rendered by a competent judge - but the Pope has no superiors and no one has juridical competence to judge him: “*The first See can be judged by no one.*”¹⁰

- Hence any heretical act of John-Paul II cannot be Notorious with a *notoriety of law*.

2. Notoriety of fact: Can we say the same thing about the *notoriety in fact* of the Pope’s heresy? For it to be so, it would have to be widely recognised as both heretical and morally imputable – as Pertinacious (persistent and determined to the point of stubbornness). That is to say that it must be not only *materially notorious*, the heretical act being widely known, but also *formally notorious*, the act being widely recognised as a morally imputable crime of *formal heresy*. We may see this from the comments of the canonists: “*An offense is Notorious by notoriety of fact, if it is publicly known and committed under such circumstances that it cannot be concealed by any subterfuge, nor excused by any excuse admitted in law, i.e., both the fact of the offense and the imputability or criminal liability must be publicly known.*”¹¹ So a papal act of heresy would be *notorious in fact* only if both the act were “*publicly known*” – and the “*imputability or criminal liability*” were “*publicly known*”. There is no competent judge who could rule of a Pope that guilt was involved, and so the guilt could be Notorious only by being widely publicly known – it would have to be widely known that the act was morally imputable. And it would be necessary that it could not be excused by an appeal to an “*accident*”, some sort of “*self-defence*”, or some other

legally admissible excuse; it would also be necessary that “*no subterfuge*” could possibly conceal it.

a) Against Fr. Boulet’s first point, in which he cites the divine law, *The First See can be judged by no one*, we may consider the Decretal *Si papa*, and the commentary upon it of Innocent III, who famously taught as follows.

He [the Roman Pontiff] can be judged by men, or rather can be shown to be already judged, if for example he should wither away into heresy; because he who does not believe is already judged.” (*Sermo 4*); see *Decreta Gratiani*, III, d. 40, c.6. ¹⁶

And the Decretal itself reads,

“Let no mortal being have the audacity to reprimand a Pope on account of his faults, for he whose duty it is to judge all men cannot be judged by anybody, unless he should be called to task for having deviated from the faith.”¹⁷

The Abbé de Nantes provides a parallel text from the same Roman Pontiff, as follows.

“The great Innocent III comments on this, applying it humbly to himself: ‘For me the faith is so necessary that, whereas for other sins my only judge is God, for the slightest sin committed in the matter of the faith I could be judged by the Church.’ (*Serm. Consecrat. Pontif. Rom.*, P. L. CCXVII, col. 656).

Nothing turns on the point, but it appears to be inaccurate to say that no act of Paul VI’s, John Paul II’s, or Benedict XVI’s could be notorious with a notoriety of law, on the grounds that nobody may judge “the Pope.” For if any of the three *were* guilty of public heresy he would lose his papal status by the very fact, and could therefore be declared a heretic by an imperfect general council. This would render his heresy notorious with a notoriety of law.

¹⁶ Quoted by Mgr. G. Van Noort, *Dogmatic Theology*, Vol. II, “*Christ’s Church*” - Mercier Press, 1958, p. 310.

¹⁷ Ia, dist. XL, c. 6, *Si papa*; ex *Gestis Bonifacii martyris*.

b) Fr. Boulet's failure accurately to define the terms "notorious" and "pertinacious" now really causes some mischief. He avers that for heresy to be *notorious* "it would have to be widely recognised as both heretical and morally imputable," which is simply wrong, as I hope has been demonstrated. There is no such requirement for "wide recognition" – although if it *were* widely recognised it would certainly be notorious. Likewise, Fr. Boulet informs us that, "guilt could be Notorious only by being widely publicly known." Whence this novel term, *widely publicly known*?

c) Pertinacity also seems to cause some difficulties. Fr. Boulet tells us it means, "persistent and determined to the point of stubbornness." But perhaps he has been deceived by an English dictionary, for that is the kind of definition he has given. Da Silveira himself has quoted several canonists on this point in his *Essay on Heresy*.

Moreover, it must be noted that the word "pertinacity" has, in the definition of heresy a different sense from that which it has in everyday usage. In the usual dictionary meaning, "pertinacious" means very tenacious, obstinate, secretive, persistent, continuing for a long time, perseverant. This is also the meaning of the Latin word.

If pertinacity, so understood, were essential to the sin of heresy, this would only exist in the cases of intrinsic malice which may be frequent, but is difficult to prove; it could only be determined after a long period of observation; it would never be committed in a moment of weakness, for example of anger.

Now the moralists and canonists are unanimous in affirming that the Code of Canon Law (can. 1325,D.2) does not use the term in this sense. As Tanquerey teaches, "pertinacity refers to denying or doubting a truth of the faith", "Scienter et volente", that is to say, with full knowledge that this truth is a dogma, and with full adhesion of will. "For there to be pertinacity", he adds, "it is not necessary that the person should be admonished several times and persevere for a long time in his obstinacy, but it is sufficient that consciously and willingly (sciens et volens) he refused a truth proposed in a sufficient manner, be it through pride or delight in contradiction or for any other reason." (Tanquerey, "Syn. Th. Mor. et Past.", pg.473.) Even if he denies it "brevi mora", ie. for a moment, a very brief space of time (Tanquerey, "Brevior Syn. Th. Mor.", pg.95) because pertinacity in this context "does not indicate duration of time, but perversity of reason" (Zalba, pg.28). There can be pertinacity in a sin of heresy committed by simple weakness (cf. Caietano in II; II, II.2.).

Concerning the canonical meaning of "pertinacity" in the definition of heresy, see also: St. Thomas "Summa Theol." II; II, II. 2,3; "Super Ep. ad Titum Lect.", n.102; Wernz-Vidal, pgs. 449-450 Merkelbach, pg.569; Prummer, pg. 364; Noldin. vol. II, pg.25; Avis, pg. 292; Peinador, pg.99; Regatillo, pg. 142; Journet pg.709.¹⁸

¹⁸ Arnaldo Xavier da Silveira, *Essay on Heresy*, translated by John S. Daly.

13. Next Fr. Boulet sums up the many reasons why, in his opinion, John Paul II's heresies were not sufficiently public to disqualify him as a true Pope.

3.6. Can John-Paul II be declared Notorious and Pertinacious heretic? As much as the concepts of Notorious and Pertinacious are clear in theory, nevertheless, their concrete application is extremely difficult, especially in the case of the Pope. The main reason is that such pertinacity is finally determined by the public acknowledgement of the heresy coming from the legitimate authority. It would have to be necessary not only that a knowledge that John Paul II had committed heresy had spread through the universal Church— which obviously is not so, as only a tiny, tiny minority, far less than 0.1% of the Church, even claim that he has – but it would also be necessary that a knowledge of a guilt on his part of formal, pertinacious heresy, had likewise spread through the Church. It would be necessary that no resort could conceal the act or the guilt: no appeal to dodgy translations of the original text or to camera tricks; no appeal to faulty speech writers; no appeal to old age; no appeal to ignorance of, or confusion as to, the doctrine in question; no appeal to an accident of writing or speech; no appeal that his saying was “in some way compatible with the doctrine of the Faith if we understood his modern ‘philosophical’ speech”; no appeal to some kind of ecclesial self-defence in the present hostile liberal social or ecclesial climate. Even if the crime could not be covered up and there were no legally admissible defence or excuse for the act, nevertheless the greater part of the Church would still have to know of his moral guilt and that the act was legally inexcusable. It would be necessary that the priests and the Catholic press could not cover up the crime to the people in any way, by any device. The fact is that the Church is most resourceful and the Faithful are most docile and deferential and next to *no one* has recognised the heresy of the Pope, let alone any moral culpability and legal inexcusability. And anyway, the priests and the people themselves have embraced the very same heresies as John Paul II and think that he is *just fine*, or even “the greatest Pope ever”, as many have been heard to say. Even the vast majority of the comparatively very few who have not embraced all the same heresies as he do not see or accept that the Pope is in heresy – and the tiny, tiny number who can see it tend to excuse it as not pertinacious but rather due to the overall situation in the Church, especially since “Vatican II”, which has blinded almost everyone to many of the true doctrines of the Faith. The heresy of John Paul II obviously is *formally secret* in canonical terms, regardless of how clear it might seem to the occasional “traditionalist”: his acts have been recognised neither as heretical nor as morally imputable and legally inexcusable. Hence, his heresy is not legally recognised as notorious in fact; accordingly it is not notorious; and the legal conditions have not been fulfilled which canonists have specified for a Pope to lose his office by heresy.

A preliminary comment before wading into this may be useful. Fr. Boulet, in agreement with Archbishop Lefebvre, thinks that John Paul II was a heretic. Indeed, a multiple heretic – a heretic on at least several grounds. There can be no mistaking this. He writes that, “the priests and the people themselves have embraced the very same heresies as John Paul II,” and a number of similar expressions, couched not in hypothetical terms but as direct assertions. In this he is merely being candid, because most traditional priests in my experience think that John Paul II was actually a heretic – but like Fr. Boulet, they think that there are some complex legal difficulties which prevented this fact from being sufficiently “public” or “legally established” so as to be openly acknowledged by all and to effect his removal from the papal office they imagined that he held.

Against Fr. Boulet’s assertions in the above paragraph we may consider the following.

a) This assertion appears to be a mere *ipse dixit*: “pertinacity is finally determined by the public acknowledgement of the heresy coming from the legitimate authority.” If Fr. Boulet means that once pertinacity has been determined by a legitimate authority then the crime is notorious with a notoriety of law, I concede. If he means by this to deny the existence of the category of publicity, *notoriety of fact*, then I deny. And this latter alternative seems to be the intended meaning of his statement.

b) It has already been shown that a crime is already public – even notorious – before there is widespread knowledge of it, if the men who know about it are likely to publish it. In this case it has actually *been* published.

c) Fr. Boulet really has some sport coming up with potential defence strategies for John Paul II, but the most pungent fact remains unable to be washed away: *John Paul II employed none of those strategies*. Indeed, he never answered his critics or sought to defend himself in any way. He kissed the Koran and remained silent afterwards. He offered a mixture of flour and water in an ancestor worshipping ceremony at Lake Togo in Africa, and made no excuses. He praised Martin Luther, prayed with Jews, made a pact with the Oriental Schismatics to prevent conversions, and declared Archbishop Lefebvre excommunicate – but he never defended himself. Nor could he have done so successfully, in any case, because Fr. Boulet’s strategies are not capable of concealing the acts, which were witnessed by the entire world and photographed, nor of disguising the pertinacious mind that conceived and accomplished them. Pertinacity is evident when the culprit clearly knows better. In this case is it conceivable that Fr. Boulet or anybody else really can believe that John Paul II *did not know* that kissing the Koran was contrary to divine law, or that universal salvation is a heresy?

14. Fr. Boulet then raises and refutes the possibility of a *presumption* of guilt.

3.7. Could the pertinacity of John-Paul II be presumed? Could we make such a statement looking at the insistence of the Pope on the new ways, and this in the face of all tradition and its present-day witnesses? Perhaps; but not socially, which means, as regards loss of office, etc., which must not be presumed but proven, otherwise societies would collapse. One can understand that a quick and imprudent answer to such difficult question could easily lead someone to sink in the quicksand of Sedevacantism. If John Paul II often enough makes heretical affirmations or statements that lead to heresy, it cannot easily be shown that he is aware of rejecting any dogma of the Church. It appears that, in his conduct, John-Paul II is deeply convinced that he is doing his best for the service of the Church. How is it possible for subjects to prove with moral certainty that the Pope, in his heart of hearts (*i.e.*, within himself), actually hopes and wishes to cause and bring evil upon his subjects and that it is on account of this evil will that he promulgates evil laws? It is not possible. As a typical liberal, John-Paul II is multiplying the ambiguous statements, and concessions, in order to please the world. It may happen that he is making heretical statements without even realizing it: *thus he cannot be found as a formal heretic*. Therefore, as long as there is no sure proof, it is more prudent to refrain from judging. This was Archbishop Lefebvre's prudent line of conduct.

a) I am sure most traditional Catholics will agree that we may not *presume* pertinacity, but when something is *manifest* it does not need to be presumed. Did John Paul II *know* that the Church teaches that we are forbidden to do the many, many, things he did, and that we are forbidden to believe in the heretical notions that he was plainly in love with, such as universal salvation? Well, he was granted a Doctorate in Sacred Theology by the *Angelicum*, and the sponsor of his thesis was the famous anti-Modernist Fr. Garrigou-Lagrange. It is ridiculous to suppose that such a student did not know the basics of the Catholic Faith. To review the facts is to behold the answer.

b) As for quicksand, that is an apt term to describe the anti-sedevacantist arguments presented in this booklet of Fr. Boulet's. If it were not apparent that he had been deceived by a badly-translated version of a work which already suffered a few defects, one would be tempted to think that the arguments had been constructed from scratch for a pre-determined end, so bad do they appear.

For example, what are we to make of this? "How is it possible for subjects to prove with moral certainty that the Pope, in his heart of hearts (*i.e.*, within himself), actually hopes and wishes to cause and bring evil upon his subjects and that it is on account of this evil will that he promulgates evil laws? It is not possible."

Whence the relevance of John Paul II's belief that he is doing good in spreading his ideas? The question is not what self-deceptions he may have adopted as salves of his conscience, but rather we need to know only two things, viz. Are his ideas contrary to dogma? And, does he *know* that his ideas are contrary to dogma? The answer can only be yes, to both questions. But the poverty of the argument can be observed even without noticing its falsity, for Fr. Boulet has in no place prior to this even *claimed* that we must read someone's heart to identify actual heresy.

But let St. Pius X answer this objection, he who knew the Modernists so well, and fought them so valiantly *and successfully*.

Although they express their astonishment that We should number them amongst the enemies of the Church, no one will be reasonably surprised that We should do so, if, *leaving out of account the internal disposition of the soul*, of which God alone is the Judge, *he considers their tenets, their manner of speech, and their action*. Nor indeed would he be wrong in regarding them as the most pernicious of all the adversaries of the Church. For, as We have said, they put into operation their designs for her undoing, not from without but from within. Hence, the danger is present almost in the very veins and heart of the Church, *whose injury is the more certain from the very fact that their knowledge of her is more intimate*. Moreover, they lay the axe not to the branches and shoots, but to the very root, that is, to the faith and its deepest fibres. And once having struck at this root of immortality, they proceed to diffuse poison through the whole tree, so that there is no part of Catholic truth which they leave untouched, none that they do not strive to corrupt. Further, *none is more skilful, none more astute than they, in the employment of a thousand noxious devices*; for they play the double part of rationalist and Catholic, and this so craftily that they easily lead the unwary into error; and as audacity is their chief characteristic, there is no conclusion of any kind from which they shrink or which they do not thrust forward with pertinacity and assurance. To this must be added the fact, which indeed is well calculated to deceive souls, that they lead a life of the greatest activity, of assiduous and ardent application to every branch of learning, and that they possess, as a rule, a reputation for irreproachable morality. Finally, there is the fact which is all but fatal to the hope of cure that their very doctrines have given such a bent to their minds, that *they disdain all authority and brook no restraint; and relying upon a false conscience, they attempt to ascribe to a love of truth that which is in reality the result of pride and obstinacy*.¹⁹

c) In principle, certainly all good and sensible Catholics subscribe to Fr. Boulet's comment, "Therefore, as long as there is no sure proof, it is more prudent to refrain from judging. This was

¹⁹ Pope St. Pius X, *Pascendi*.

Archbishop Lefebvre's prudent line of conduct.” The question is entirely – or at least it should be – a question of fact.

15. Fr. Boulet has now completed his explanation of the principles which he believes govern judgements of heresy and the loss of papal office attendant upon public (or notorious) heresy. Now he highlights difficulties inherent in the *sedevacantist* theories he has seen.

4. Problems with the Sedevacantist thesis: After the study of the theological and canonical possibility for a Pope to fall into heresy, let me go to the subject that concerns us, namely what can we think about the Sedevacantist theories which are being promoted around us.

Before reviewing these difficulties, please recall that the theory of the bulk of *sedevacantists* is rather dull in comparison with some explanations of the crisis. As already explained, it consists simply in denying that Paul VI was Pope when he promulgated the documents of Vatican II and the *Novus Ordo Missae*, and denying that John Paul II was Pope when he promulgated his numerous erroneous and even heretical encyclicals, as well as the 1983 Code, and consequent upon these twin denials, that Benedict XVI as the open and unrepentant follower and successor of these two anti-Popes has made his own the acts of these two revolutionaries, and thus involves his “papacy” in their common condemnation. The root and cause of this theory is that the infallibility and indefectibility of the Church demands it. The “Pope heretic” thesis is a *solution* resorted to as a result of difficulties inherent in considering that the Vatican II revolution was prosecuted by legitimate ecclesiastical authority. In other words, we look to the classical discussions of the “Pope heretic” thesis by the great theologians as a *solution* to the otherwise-insoluble problems of ecclesiology posed by the revolution of Vatican II.

It will immediately be recognised that this is a minimalist position. That we do not seek to assert things we do not know with certitude. That where there is insoluble mystery we leave it aside, rather than pose a rash and false solution. In other words, our *sedevacantism* is the least we can honestly assert, not the most. We only hold these claimants to be false claimants because we cannot avoid doing so.

16. Fr. Boulet too is concerned with ecclesiology, but he seems to tell him that *sedevacantism* is impossible.

4.1. Dealing with the qualities of the Church: Visibility and Indefectibility of the Church: The main difficulty of Sedevacantism is to explain how the Church can continue to exist in a visible manner, while being deprived from her head. St. Robert Bellarmine exposes the universal and constant belief in the visibility of the Church. He says that it is proven by the necessity to obey the visible head of the Church, under pain of eternal damnation¹⁴. The Visibility of the Church is directly linked to the Roman Pontiff. The Council Vatican I taught that the permanence and the source of unity of the Church and its visible foundation depend on the perpetual existence of the Roman Pontiff: *“ In order, then, that the episcopal office should be one and undivided and that, by the union of the clergy, the whole multitude of believers should be held together in the unity of faith and communion, He set blessed Peter over the rest of the apostles and instituted in him the permanent principle of both unities and their visible foundation... And since the gates of hell trying, if they can, to overthrow the Church, make their assault with a hatred that increases day by day against its divinely laid foundation, we judge it necessary, with the approbation of the Sacred Council, and for the protection, defence and growth of the Catholic flock, to propound the doctrine concerning the 1. Institution, 2. Permanence and 3. Nature of the sacred and apostolic primacy, upon which the strength and coherence of the whole Church depends. This doctrine is to be believed and held by all the faithful in accordance with the ancient and unchanging faith of the whole Church. Furthermore, we shall proscribe and condemn the contrary errors which are so harmful to the Lord's flock.”*¹⁵ Father Gréa is using some very strong terms to explain the perpetuity of the See of Peter: *“Such is the institution of St. Peter that through him, and him alone, Jesus-Christ, chief of the Church, is made visible. Thus, it is manifest that such institution has to remain as long as the Church; for the Church cannot be deprived even for one instant of the communication of life flowing forth from her chief. If so, the Church cannot be deprived even for a day of the presence of the exterior and visible government of her divine spouse, it had been necessary to provide for the succession of St. Peter.”*¹⁶This quote from Fr. Gréa has to be understood properly. Between the death of a Pope and the election of the next one, there is a time of interregnum where the day to day exterior and visible government of the Church is kept by the offices of the Holy See. This is how the permanence of the institution of St. Peter is kept from one to the next successor. Popes St. Pius X, Pius XI, Pius XII, John XXIII, Paul VI and John-Paul II set up precise rules for the time of vacancy of the Apostolic See, between the death of a Pope and the election of his successor. Such rules precise the powers of the Cardinals and of the Roman Curia during the interregnum. The longest interregnum that happens in the history of the Church was of 3 years. Now, for those who follow the Sedevacantist theory, the Church would be without a Pope for 40 years or more. The Sedevacantists¹⁷ claim that they do not reject the papacy, the primacy and the indefectibility of the Church, but it is a matter of fact that they cannot come up with an objective way to tell us when and by whom the next Pope will be elected. This is the main problem with their thesis.

Answering these points:

a) The Church is visible even during an *interregnum*. Therefore the absence of a Pope at any given time, even for an extended period, cannot *essentially* conflict with her visibility. Nor is she deprived of her Head during such a vacancy – her Head is Jesus Christ. She is merely deprived of a *visible* head on earth, Christ’s Vicar.

But in any case, what is visible must be Catholic, or it is of no value whatsoever. The Greek schismatic Church is visible. It has a visible head, a body of bishops and lesser clergy, a set of doctrines to which all of its members subscribe, chapels, churches, even monasteries. If anybody seeks it he will find it readily. Any man in the street in any town in Greece can point it out to him with ease. But it is not Catholic, because it lacks the true Faith and it lacks the true unity of government and worship which the Catholic Church always possesses and must always possess, because it refuses subjection to the Roman Pontiff and it refuses communion with Catholics.

Likewise, it is of no value to say that those who admit Benedict’s claim have a *visible* Church and those who deny him have an *invisible* Church. We readily grant that Benedict is more visible, than, for example, a traditional Catholic priest or even a traditional Catholic bishop. We also readily grant that he constitutes a kind of figure-head for nearly all who call themselves “Catholic” (but obviously not *sedevacantists*).

But having granted all that may be granted, with all possible generosity, what have you? In truth Benedict is nothing more than a cardboard cut-out, for display purposes only (as Fr. Cekada has aptly and wittily commented). And this is true for both Conciliar “Catholics” and for traditional Catholics. As one *sedepenist* traditional priest once said to me, “None of us *really* thinks he is *really* Pope.” Which is true. And within the Conciliar *milieu*, there is no thought of treating Benedict really as though he had personal and direct jurisdiction over every Catholic. The collegiality-devoted bishops treat him as merely a figurehead as much as the contraception-addicted laymen do.

When one loves the Pope one does not stop to debate about what he advises or demands, to ask how far the rigorous duty of obedience extends and to mark the limit of this obligation. When one loves the Pope, one does not object that he has not spoken clearly enough, as if he were obliged to repeat into the ear of each individual his will, so often clearly expressed, not only *viva voce*, but also by letters and other public documents; one does not call his orders into doubt on the pretext – easily advanced by whoever does not wish to obey - that they emanate not directly from him, but from his entourage; one does not limit the field in which he can and should exercise his will; one does not oppose to the authority of the Pope that of other persons, however learned, who differ in opinion from the

Pope. Besides, however great their knowledge, their holiness is wanting, *for there can be no holiness where there is disagreement with the Pope.*²⁰

b) There can be no value in opposing to these considerations the truth expressed in *Pastor Aeternas* as follows,

“In order, then, that the episcopal office should be one and undivided and that, by the union of the clergy, the whole multitude of believers should be held together in the unity of faith and communion, He set blessed Peter over the rest of the apostles and instituted in him the permanent principle of both unities and their visible foundation...”²¹

I say, no value, because this argument cuts the other way, if properly formulated. The primacy exists to be the foundation of the two bonds of unity of the Church – Faith and Charity (which latter is often expressed as unity of government or communion). Benedict and his Conciliar predecessors have manifestly undermined both bonds of unity with all of their will. If Popes exist to preserve and strengthen the unity of the Church, then the actions of the Conciliar Popes in denying the essential unity of the Church in both Faith and Charity, and doing all in their power to destroy both of these bonds of unity, are only further proofs that they have not been true Vicars of Christ.

c) Further, it is a plain fact that any “body” which consists of the Conciliar hierarchy and laity, as well as the traditional Catholic clergy and laity, has no unity whatsoever, in Faith or Charity. We do not share the official beliefs of the Conciliar Church or the actual beliefs of most of the members of the Conciliar Church and we do not share in the same sacraments and we are not subject to the same pastors. Their laymen will no more assist at our traditional Masses than we will assist at their Modernist ones.

There can be no value, I say, in asserting that Benedict is the principle and foundation of the unity of the Church in Faith and Charity whilst also asserting that the “body” of which he is visible head consists of men who possess no unity either of Faith or of Charity. Nor is any such unity demanded by “rome.”

²⁰ St Pius X, to the priests of the Apostolic Union, 18th November 1912, AAS 1912, p. 695. Translated by John S. Daly.

²¹ Pope Leo XIII, *Pastor Aeternas*.

Which is merely another way of saying that by acknowledging Benedict as Pope you may keep your *visibility*, but you immediately lose your *unity*. Which hardly appears to be a worthwhile achievement. It seems to me that the *sedepenist* theory is for this reason bankrupt.

d) Is it true that the Church is *invisible* if she does not have a Pope at present? Obviously I do not think that she is invisible or I would change my theory, for it is agreed by all that she must necessarily always possess her visible unity – the fundamental and visible unity of Faith and of Charity. Once again, as with all such matters, the common sense of the Faithful provides a strong guide to the true solution. Let us consider it.

The Faithful perceive that there are two religions, propagated, preserved, and presided over by two quite distinct groups of men. On the one hand are the Modernist clergy and the New Religion; on the other hand the traditional Catholic religion and the traditional clergy. Amongst those who have the virtue of Faith still alive in their souls there is a deep and abiding distrust of the Modernists. This is true even within the Conciliar church, insofar as genuinely religious people who remain entrapped there place no trust in their pastors. Amongst those who have seen their way clear of the *Novus Ordo*, there is a fear, not even explicitly rational in many cases, of compromises like the Indult, which present the Mass without the Faith – or at least, without the kind of energetic defence of the Faith which reassures the simple and strengthens the forthright.

Converts find their way, sometimes by stages, but often directly to, the traditional chapels in which the true Faith is preached and the true sacraments administered. The *Novus Ordo* has no intrinsic attraction, and what converts it garners it deceives by extrinsic means, for example by posing as the true home of St. Thomas Aquinas and the rest of the saints.

These considerations lead to the conclusion that the Catholic Church consists of the traditional Catholics, as well as those of the faithful still mired in the *Novus Ordo* who continue to profess the true Faith.

On this theory we may assert with confidence that the Church is visible.

[T]he visibility of the Church consists in the fact that she possesses such signs and identifying marks that, when moral diligence is used, she can be recognised and discerned...²²

²² Wernz-Vidal, *Commentary on the Code of Canon Law*. 454 *Scholion*. Translated by John S. Daly.

Thus we are assured that the visibility of the Church is an objective thing, but this does not mean that it is so clear that no effort is required to see it.

In the beautiful metaphorical language of the Fathers, the moon is a symbol of the Church as the sun is a type of Christ. Like the moon, she receives her light from the Sun of Justice Who rose in the East, and like the moon, she may be hidden to a greater or lesser extent, by the *world* interposing. But she is always visible, as she is always *one*. We may say that the Church at present is visible even though obscured, like the moon partially eclipsed by the shadow of the earth.

The Church, considered as the body of traditional Catholics, is *one* in the profession of the same faith by all of her members; she is *one* in the sacrificial and sacramental worship her members offer and assist in offering; she is *one* in her laws which they seek to obey. Each of these factors suffers, as part of the eclipse, some degree of diminution compared with the state of the Church in her most glorious moments, and yet each exception only serves to prove the rule. For the Holy Ghost is her soul, and He acts in His suave and hidden manner in countless Christian personalities, moulding them to Christ, leading them to safety, *sifting* them from the world and the snares of the Devil – especially from the snares of the New Church – and uniting them through the preaching of their pastors and the charity imbibed from the sacraments – especially the Blessed Sacrament – and the sweet yoke of the sacred canons.

This is really the mind of Archbishop Lefebvre, who expressed from the beginning his recognition of two churches – the ancient and true Catholic Church, and the new Conciliar sect. This is the doctrine proclaimed with such clarity and solidity by the 2006 General Chapter of the Fraternity, quoting the great Archbishop. *“We adhere with all our heart and all our soul to Catholic Rome, guardian of the Catholic Faith and of the traditions necessary for the maintaining of that Faith, to eternal Rome, mistress of wisdom and of truth. On the contrary, we refuse, and we have always refused, to follow the Rome of neo-modernist and neo-protestant tendencies, which showed itself clearly in the Second Vatican Council and in the reforms that issued from it.”*

e) What about these “precise rules for the time of vacancy of the Apostolic See, between the death of a Pope and the election of his successor”? Fr. Boulet asserts that “Between the death of a Pope and the election of the next one, there is a time of interregnum where the day to day exterior and visible government of the Church is kept by the offices of the Holy See. This is how the permanence of the institution of St. Peter is kept from one to the next successor.” Surely we are entitled to point out that if these rules constitute the “permanence of the institution of St. Peter,” then what happened during the Great Western Schism, when two and then three “Curias” operated in three

different cities must have been some kind of true *fracturing* of the See of Peter. Which, of course, is impossible.

It seems to me that all of these rules and the like are merely *accidental* in relation to the unity of the Church. They are *effects* of it, and *means* for preserving it. But they are not that unity *per se*. The essential unity of the Church is given in the theology manuals. As was expressed by the Vatican Council, there are two external bonds of unity – Faith and Charity. These consist in the profession of the same Faith by all of the members of the Church, and by their mutual communion with each other, especially in their common public worship. This unity is continually protected, fostered, and even as it were *generated* by the Roman Pontiff, who preaches the true Faith authoritatively, condemns error, promulgates good laws for the whole Church, corrects abuses, settles disputes, and generally ensures the existence and continuation of that faithfulness, peace and unity which is a *note* of the Church.

It is the teaching of Holy Writ that when the shepherd is struck the sheep will scatter; but even if it weren't so revealed, it follows logically from the truth that the Roman Pontiff is "the permanent principle of both unities and their visible foundation," and of course we know this same truth as a fact of history. When the Church has suffered a lengthy vacancy of the Holy See, or confusion over the identity of the Roman Pontiff, or difficulty communicating with the Holy See, then the bonds of unity have been weakened.

But of course the sheep cannot, by the very nature of the sheepfold (i.e. the Church) scatter beyond certain limits. If any individual does scatter too far, he is lost to the Church and ceases to be a part and member of her, and thus her unity is unaffected by his defection. But within those limits the members of the Church may and do suffer a scattering and a disunity which is distressing to a very great degree. We are witnesses to the greatest extreme of this accidental disunity that the Church has ever suffered, and the scandal of it is very great.

f) Fr. Boulet informs us, presumably to suggest that a forty-year long *interregnum* is impossible, that the "longest interregnum that happens in the history of the Church was of 3 years. Now, for those who follow the Sedevacantist theory, the Church would be without a Pope for 40 years or more. "

Here is an old theologian addressing this question.

The great schism of the West suggests to me a reflection which I take the liberty of expressing here. If this schism had not occurred, the hypothesis of such a thing happening

would appear to many chimerical. They would say it could not be; God would not permit the Church to come into so unhappy a situation. Heresies might spring up and spread and last painfully long, through the fault and to the perdition of their authors and abettors, to the great distress too of the faithful, increased by actual persecution in many places where the heretics were dominant. But that the true Church should remain between thirty and forty years without a thoroughly ascertained Head, and representative of Christ on earth, this would not be. Yet it has been; and we have no guarantee that it will not be again, though we may fervently hope otherwise. What I would infer is, that we must not be too ready to pronounce on what God may permit. We know with absolute certainty that He will fulfil His promises; not allow anything to occur at variance with them; that He will sustain His Church and enable her to triumph over all enemies and difficulties; that He will give to each of the faithful those graces which are needed for each one's service of Him and attainment of salvation, as He did during the great schism we have been considering, and in all the sufferings and trials which the Church has passed through from the beginning. We may also trust He will do a great deal more than what He has bound Himself to by His promises. We may look forward with a cheering probability to exemption for the future from some of the troubles and misfortunes that have befallen in the past. But we, or our successors in future generations of Christians, shall perhaps see stranger evils than have yet been experienced, even before the immediate approach of that great winding up of all things on earth that will precede the day of judgment. I am not setting up for a prophet, nor pretending to see unhappy wonders, of which I have no knowledge whatever. All I mean to convey is that contingencies regarding the Church, not excluded by the Divine promises, cannot be regarded as practically impossible, just because they would be terrible and distressing in a very high degree.²³

g) Fr. Boulet is convinced that if we adopt the *sedevacantist* position, the future of the papacy is impossible. How would we ever be sure we had another true Pope? What means could suffice to establish certitude about a particular future claim, once we admit the principle that such claimants as the Conciliar Popes are not valid? He says that *sedevacantists* “cannot come up with an objective way to tell us when and by whom the next Pope will be elected.” And he even asserts, “[t]his is the main problem with their thesis.”

But we inquire, how will Fr. Boulet know when there is a “good” Pope in the Vatican? What “objective” rule will he apply to measure whether he is faced with yet another Modernist with whom the Fraternity cannot “do a deal,” or a sincere Catholic who must be submitted to because he really does have immediate jurisdiction over the entire Church? Whatever means Fr. Boulet intends to employ, I am confident they will suffice for us too.

²³ Fr. Edmund James O'Reilly S.J., *The Relations of the Church to Society - Theological Essays*, 1882.

Actually, the theologians have considered various hypothetical cases and their teachings sufficiently clarify the situation.

Consider firstly the teaching of St. Robert Bellarmine.

If there were no papal constitution on the election of the Supreme Pontiff; or if by some chance all the electors designated by law, that is, all the Cardinals, perished simultaneously, the right of election would pertain to the neighbouring bishops and the Roman clergy, but with some dependence on a general council of bishops.

In this proposition, there does not appear to be universal agreement. Some think that, exclusive of positive law, the right of election would devolve on a Council of Bishops, as Cajetan, tract. De Potestate Papae & Concilii, cap. 13 & 21 & Francis Victoria, relect. 2. quest. 2. De potestate Ecclesiae. Others, as Sylvester relates s.v. Excommunicatio, 9. sec. 3, teach that in that case the right of election pertains to the Roman clergy. But these two opinions can be reconciled. Without a doubt, the primary authority of election in that case pertains to a Council of Bishops; since, when the Pontiff dies, there is no higher authority in the Church than that of a general Council: and if the Pontiff were not the Bishop of Rome, or any other particular place, but only the general Pastor of the whole Church, it would pertain to the Bishops either to elect his successor, or to designate the electors: nevertheless, after the Pontificate of the world was joined to the bishopric of the City [*posteaquam unitus est Pontificatus orbis Episcopatus Urbis*], the immediate authority of electing in that case would have to be permitted by the bishops of the whole world to the neighbouring bishops, and to the clerics of the Roman Church, which is proved in two ways.

First, because the right of election was transferred from all the neighbouring bishops and the Roman clergy to the Cardinals, who are a certain part of the bishops and clergy of the Roman Church; therefore, when the Cardinals are lacking, the right of election ought to return to all the bishops and clergy of the Roman Church.

Second, because this is a most ancient custom (as we showed above from Cyprian), that the neighbouring bishops, in the presence of the clergy, should elect both the Bishop of Rome and others also. And it is unheard of that the Bishops or Archbishops of the whole world should meet for the election of the Supreme Pontiff, except in a case where it is doubtful

who should be the legitimate electors. For this doubt ought to be resolved by a general Council, as was done in the Council of Constance.²⁴

In other words, if there are no cardinals, the lesser Roman clergy can elect, or an imperfect general council (i.e. a general council without Pope) could do so.

The great Cardinal Louis Billot S.J., teaches the same doctrine concerning a general council in more detail.

The legitimate election of a pontiff today depends *de facto* on pontifical law alone, as is easily demonstrated by the obvious argument that the law regulating the election was promulgated by the supreme pontiffs. Therefore, until such time as it is abrogated by the pontiff himself, it remains in force and there is no power in the Church, even when the See is vacant, by which it can be changed. "For the Pope ordains those things which relate to the election and changes and restricts the manner of the election in such a way that any other manner would be invalid. In the Church, however, or in a council, this power does not reside in the absence of a Pope, whence it arises that even the entire Church cannot authoritatively change a law made by the Pope so that, for instance, true and indubitable cardinals would not be necessary for the election or so that one who had been elected by fewer than two thirds of the cardinals might be Pope. But, on the other hand, the Pope is perfectly capable of ordaining this..., since it belongs to the same person to abolish who can authoritatively impose in all matters of positive law". (Cajetan, *Tract.1 de auctoritate Papae et Concilii*, c.13.) And therefore, if, for example, the See had chanced to fall vacant during the Vatican Council, a legitimate election could not have been conducted by the Fathers of the Council, but only by the usual electors, as was even expressly laid down in a special bull by Pius IX.

There can, therefore, be only a hypothetical question, namely whether any authority besides the pontifical authority might in any circumstances be able to assign the conditions of an election. In this matter, indeed, no doubt is raised concerning the authority of an oecumenical council which cannot be distinguished from pontifical power, since it is of the nature of oecumenical decrees that they are confirmed by the pontiff. Hence there is matter for doubt only in the case of some lower authority. But in all such cases the conclusion must be negative, since the primacy, for himself and his successors, was granted to Peter alone, and to him alone, therefore, i.e. to the supreme pontiff alone, does it belong to determine

²⁴ St. Robert Bellarmine, *Controversies, De clericis*, bk. I, ch. 10. Translated by James Larrabee.

the mode of transmission of the power which is to be passed on and, consequently, the mode of the election by which this transmission takes place.

Any law, moreover, related to the order of the universal Church, exceeds by its very nature the scope of any power less than the supreme power. But the election of the supreme bishop pertains without doubt to the order of the universal Church. It is, therefore, reserved, by its very nature to the determination of him to whom the care of the entire community was committed by Christ. And indeed it is incontrovertible that these conclusions are valid in normal circumstances. Let us now investigate, nevertheless, how the law would apply if perchance an extraordinary situation were to arise in which it was necessary to proceed to the election of a pontiff while it was no longer possible to comply with the conditions determined by previous pontifical law; as some think was the case at the time of the Great Schism in the election of Martin V.

Well, once we grant the occurrence of such circumstances, it is to be admitted without difficulty that the power of election would devolve upon a general council. For the natural law itself prescribes that in such cases the attribute of a superior power descends, by way of devolution, to the power immediately below insofar as it is indispensably necessary for the survival of the society and for the avoidance of the tribulations of extreme lack. "In case of doubt, however (e.g. when it is unknown if someone be a true cardinal or when the Pope is dead or uncertain, as seems to have happened at the time of the Great Schism which began under Urban VI), it is to be affirmed that the power to apply the papacy to a person (the due requirements having been complied with) resides in the Church of God. And then by way of devolution it is seen that this power descends to the universal Church, since the electors determined by the Pope do not exist" (Cajetan, *ibidem*). This, I say, is understood without difficulty if the occurrence of the case be admitted. But whether, in fact the case has ever occurred is a completely different question. For indeed it is now held as more or less certain among learned men that the election of Martin V was not done on the private authority of the Council of Constance, but by faculties expressly granted by the legitimate Pontiff Gregory XII before he had renounced the papacy, so that Cardinal Franzelin correctly and appropriately says: that there is "reason for us with humble praise to wonder at the providence of Christ the King, the spouse and head of the Church, by which He calmed those huge crowds of men driven and sustained by covetousness and ignorance, with all laws being observed to the letter; most clearly demonstrating that the indefectibility of the rock upon which He built His Church, so that the gates of Hell would not prevail against Her, is supported not by human effort, but by the divine fidelity in promises and omnipotence in government" (Franzelin *loc. cit.*).²⁵

²⁵ Billot, *De Ecclesia Christi*, translated by John S. Daly.

St. Alphonsus Liguori, another Doctor of the Universal Church, states the same thing simply and directly. "A Council can elect the Pope in case of a doubtful Pope."²⁶

From these texts we may conclude with certitude that in the hypothesis that there are no valid cardinals remaining, the Church retains radically the right and power to provide herself with a new visible head, either by election by the Roman clergy or by an imperfect general council.

17. The next section of this booklet consists of two parts – viz. the erroneous doctrine of Fr. Brian Harrison, who evidently knows almost nothing at all about the question he addresses, and a brief comment of Archbishop Lefebvre which demonstrates that he did know the subject, as one would expect.

4.2. Election of the recent Popes: John XXIII, Paul VI, John-Paul I & II: The Apostolic Constitution *Cum ex Apostolatus* of Pope Paul IV (1555-1559) declares invalid the election of a heretic to any ecclesiastical office, including the supreme pontificate. However, it cannot be used to prove the invalidity of the election of Paul VI and John-Paul II. First, it should be reminded that such bull was merely disciplinary, and not doctrinal. Since that time, the Church has judged that it would be better for her to be validly governed by a heretic than to be invalidly governed by the same, with all of his acts void and giving no power. The law governing papal elections which was in force for the elections of Popes John XXIII and Paul VI was that of Pope Pius XII († 1958) who legislated, on 8 December 1945, as follows: *"None of the Cardinals may, by pretext or reason of any excommunication, suspension, or interdict whatsoever, or of any other ecclesiastical impediment, be excluded from the active and passive election of the Supreme Pontiff. We hereby suspend such censures solely for the purposes of the said election; at other times they are to remain in vigour."* Now, to participate in an election 'actively' means to vote in the election and to participate 'passively' means to be elected to the office, to be the 'passive' (acted upon) object of the election. Thus, no cardinal subjected to *"any excommunication"* was *"excluded from the active and passive election of the Supreme Pontiff"* and any of them could have become Pope. Hence, even if John XXIII and Paul VI had been subject to excommunications for any reasons whatsoever, due to heresy or Masonic membership or whatever, they would still have been validly elected to the papacy. The same conclusion would apply to John Paul I and John Paul II, who were elected to the papacy under the substantially identical legislation which Pope Paul VI issued on October 1, 1975. They too were validly elected Popes. Fr. Brian W. Harrison comments: *"Thus, if the Church's law required that a Cardinal be free from all ecclesiastical censure in order to be eligible for the papacy, the voters in general would have no guarantee that any given candidate was not in fact ineligible because of some secret*

²⁶ Quoted in *The Theological Defense of Papal Power* By St. Alphonsus de Liguori, by David John Sharrock, C.S.S.R., S.T.L., Studies in Sacred Theology, no. 119, Catholic University of America Press, Washington, 1961.

crime by which he had incurred excommunication. They might unwittingly carry out an invalid election, in which case the "Pope" they elected would not be true Pope. The invalidity of his acts would then be a kind of spiritual cancer, quietly destroying the Church's vital structures from within: the Bishops appointed by him would have no true right to govern their respective dioceses; no laws he passed would be binding on the Church; and in particular, the Cardinals named by him would not be valid electors of a future Pope. How, then, could a true Pope be restored, if at all? Who would be competent to decide? When the fact of this hidden excommunication finally came to light, the resulting chaos would be unimaginable. Nobody would know with certainty who, if anyone, still had any real authority in the Church, and schism - perhaps a series of schisms - would seem almost inevitable. The Church's law therefore foresees and avoids the possibility of this catastrophic situation by allowing that even a secret heretic or apostate, if elected as Pope, would ascend the Chair of Peter with full juridical rights over the universal Church on earth" Archbishop Lefebvre spoke also about another problem that may affect the value of the election of the recent Popes: "Does not the exclusion of the cardinals of over eighty years of age, and the secret meetings which preceded and prepared the last two Conclaves render them invalid? Invalid: no, that is saying too much. Doubtful at the time: perhaps. But in any case the subsequent unanimous acceptance of the election by the Cardinals and the Roman clergy suffices to validate it. That is the teaching of the theologians."

a) Note that Archbishop Lefebvre's comment illustrates the proper Catholic attitude to the doctrine of the theologians. We accept it. It is not optional; it is not to be quibbled about; we sit at their feet.

b) Fr. Boulet comments that *Cum ex apostolatus* "was merely disciplinary, and not doctrinal." But in fact all discipline is doctrinal, insofar as it must be (at least) consistent with true doctrine. In this case we have a papal document of very great weight (a bull) which expresses the doctrine of St. Robert Bellarmine on the question of heretics claiming offices in the Church. It expresses in the strongest possible language the *mind of the Church* on this subject. If we accept the assertions of St. Robert to the effect that his doctrine is the constant tradition of Holy Church (and why would anybody not accept those assertions of a Doctor of the Church, and supported as they are by a forest of quotes from the Fathers and Popes?), then this papal bull is merely another piece of evidence of the mind of the Church on this point, entirely consistent with all that has preceded and succeeded it. And of course, if we look at the footnotes in the Code we find that the essential theme of this bull was incorporated in the Code, in canon 188,4.

c) There is no foundation whatsoever for the extraordinary comment that "the Church has judged that it would be better for her to be validly governed by a heretic than to be invalidly governed by the same, with all of his acts void and giving no power." None at all. This notion is founded upon Fr. Brian Harrison's complete ignorance of the doctrine of Bellarmine, which is the common doctrine of the theologians.

It will be useful at this point to recall St. Robert Bellarmine's explanation of the tradition of the Church. He states,

"There is no basis for that which some respond to this: that these Fathers based themselves on ancient law, while nowadays, by decree of the Council of Constance, they alone lose their jurisdiction who are excommunicated by name or who assault clerics. This argument, I say, has no value at all, for those Fathers, in affirming that heretics lose jurisdiction, did not cite any human law, which furthermore perhaps did not exist in relation to the matter, but argued on the basis of the very nature of heresy. The Council of Constance only deals with the excommunicated, that is, those who have lost jurisdiction by sentence of the Church, while heretics already before being excommunicated are outside the Church and deprived of all jurisdiction. For they have already been condemned by their own sentence, as the Apostle teaches (Tit. 3:10-11), that is, they have been cut off from the body of the Church without excommunication, as St. Jerome affirms."²⁷

According to this doctrine two things are apparent.

i) Public heretics cannot possess authority in the Church because there is a radical incompatibility between their non-membership of the Church and the possession of authority within her. This applies *a fortiori* to the papacy, for one cannot be visible head of that of which one is not even a member. And as St. Robert has already explained, it is *most certain* that "the non-Christian cannot in any way be Pope."

ii) No merely ecclesiastical law can make a non-Catholic into valid matter for the papacy. Lifting excommunications and the like was not intended to, and cannot, make compatible that which is radically incompatible – viz. the possession of an office and the status of non-Catholic. Fr. Brian Harrison's doctrine is based on the crass misconception that the only reason a heretic cannot be Pope is because he has been excommunicated. This is quite false. And neither Pope St. Pius X nor Pope Pius XII, in their apostolic constitutions laying down laws which would govern future papal elections, mentioned heresy or indeed any crime against the unity of the Church, by which men sever themselves completely from her, for there was no practical need to do so – no Catholic theologian admits that a non-Catholic is valid matter for the papacy.

²⁷ St Robert Bellarmine, *De Romano Pontifice*, lib. II, cap. 30.

d) Fr. Boulet adds, “with all of his acts void and giving no power.” This is an entirely understandable clause to add to any discussion of *Cum ex apostolatus*, which of course states, that “each and all of their words, deeds, actions and enactments, howsoever made, and anything whatsoever to which these may give rise, shall be without force and shall grant no stability whatsoever nor any right to anyone,” thus rendering null all of the acts of such public heretics who might perchance claim an office in the Church.

But as already stated, *Cum ex apostolatus* was abrogated by the Code (of 1917), except insofar as its provisions were included in the text of the Code, so that this global invalidation of the acts of false claimants is no longer in force, except insofar as it is divine law. And, the supply of jurisdiction by Holy Mother Church, in cases of common error and in positive and probable doubt of fact or law is certainly a part of the 1917 Code, and therefore even if this provision of *Cum ex apostolatus* were considered to have survived the Code, or to be divine law (which in fact I believe it is), the Church would still supply jurisdiction in the circumstances mentioned. Habitual jurisdiction is lacking to them, but supplied jurisdiction is an entirely different question. Of course there can be no doubt that there has been *at least* common error in relation to the Vatican II “Popes.”

The principle that the Church supplies jurisdiction in common error and in positive and probable doubt of fact or law will obviously have had far-reaching effects in this crisis. Determining the exact extent of these effects would require some study of both law and fact. It should suffice in this place to mention it in order to dismiss the objection that a vacant See implies universal nullity of official acts.

e) Fr. Harrison’s reasoning is really quite alarming. He argues in favour of his thesis as follows. “The invalidity of his acts would then be a kind of spiritual cancer, quietly destroying the Church’s vital structures from within: the Bishops appointed by him would have no true right to govern their respective dioceses; no laws he passed would be binding on the Church; and in particular, the Cardinals named by him would not be valid electors of a future Pope.” Surely this alarmist rhetoric is nothing more than a way of condemning Pope Paul IV, whose bull is under consideration in this place. What Fr. Harrison is actually saying is that Pope Pius XII acted just in the nick of time to prevent the immoderate and irresponsible bull, *Cum ex apostolatus*, from unleashing all manner of confusion and distress upon the Church, 300 years after it was issued. Now apart from the obvious question of whether there might be a less obnoxious interpretation of the various papal legislation under consideration, there is a sense of unreality engendered by this kind of argument. For it seems as though Fr. Harrison is expressing his gladness that in 1945 Pope Pius XII by his legislation wonderfully prevented *confusion* about the papacy and *distress* amongst Catholics, by ensuring that public heretics could be elected Popes without anyone challenging their validity. The events of the past forty years hardly support his idea that the admission of heretics into positions of authority in the Church could produce or preserve a wonderful *peace* and *security* in the Church. Surely the

almost universal *doubt* and *confusion* amongst Catholics today is a sufficient *reductio ad absurdum* of such an interpretation.

I also have to express my complete disagreement with Fr. Harrison about the *nature* of the papal legislation of 1945, which did not touch on the question of public heretics at all.

Really, if this example illustrates anything at all, it is that traditional Catholics ought not to rely upon Conciliar ministers for explanations of anything.

18. Next Fr. Boulet treats of the Siri thesis, a most interesting explanation of the origin of the crisis.

4.3. The Case of Cardinal Siri: It is being argued by some Sedevacantists that some very serious defects affected the Conclaves that elected Popes John XXIII, Paul VI, then, consequently John-Paul I and John-Paul II. It is being claimed that Cardinal Giuseppe Siri, the former Archbishop of Genoa, Italy was elected Pope in the 1958, 1963 conclaves, and possibly also in 1978. Cardinal Siri was extremely popular in Italy, mostly for his strong social accomplishments in Genoa. He was also considered as a strong conservative, even though he did not publicly stand in defence of Tradition during the Vatican II council. So, apparently, Cardinal Siri had been 'elected' Pope at the conclave that followed the death of Pope Pius XII. Some are going as far as telling us that he had accepted the election of his fellow cardinals, and had taken the name of Gregory XVII. Shortly before such 'election' was to be made public to the world, a group of cardinals would have revolted against him, and forced him to renounce to the supreme pontificate. Then, Cardinal Roncalli was chosen and appeared to the world as Pope John XXIII. Some Sedevacantist pulled out a recent report from the FBI to prove such thesis. They added on that 'Pope Siri' secretly appointed cardinals to succeed to him in the future. Frankly, such theory doesn't make sense, for a number of reasons. First of all there is a Church law that binds under secrecy all the proceedings of a conclave, under the penalty of excommunication for whoever would break such seal. Even if Cardinal Siri was properly elected as a Pope, it is a matter of fact that he never showed it in public. He was among the cardinals that paid allegiance to both Popes John XXIII and Paul VI. After the 1958 and 1963 conclaves, he went back to his diocese of Genoa. In 1969, though reluctantly, he adopted the *Novus Ordo Missae*. Meanwhile, a French priest, Father Guérin, had established a 'conservative' community of priests in Genoa. Back in the seventies, Father Guérin was living in Paris, France, where he used to say a weekly *Novus Ordo* Mass all in Latin, with biretta and incense, which I attended a couple of times. I know personally two members of Fr. Guérin's community that have been ordained priests by Cardinal Siri. They have now an apostolate in France, and say the *Novus Ordo*

Mass. Their ordination was held with the New Mass, though in a more conservative way. Finally, Cardinal Siri died in 1989. But, the most important reason why we must discard the “Pope Siri” theory is the fundamental principle that a peaceful acceptance of a Pope by the Universal Church is the infallible sign and effect of a valid election. All theologians agree on that point. Cardinal Billot says: *“God may allow that a vacancy of the Apostolic See last for a while. He may also permit that some doubt be risen about the legitimacy of such or such election. However, God will never allow the whole Church to recognize as Pontiff someone who is not really and lawfully. Thus, as long as a Pope is accepted by the Church, and united with her like the head is united to the body, one can no longer raise any doubt about a possible defective election... For the universal acceptance of the Church heals in the root any vitiated election.”*

a) It is certainly granted that the acceptance by Cardinal Siri of the “reforms” of Vatican II is evidence that he was not a true Pope, even if he was somehow still a Catholic, which possibility I think we must grant. But in any case, a doubtful Pope is no Pope.

b) With respect to the alleged *peaceful acceptance of the whole Church* of Paul VI, however, let us review the comments and questions of Fr. Boulet’s master in these questions, Xavier da Silveira.

A more attentive examination of the question would reveal, nevertheless, that even on purely theoretical grounds, an important difficulty arises, which would consist in determining precisely what is the concept of pacific and universal acceptance by the Church. For such acceptance to have been pacific and universal would it be enough that no Cardinal had contested the election? Would it be enough that in a Council, for example, almost the totality of the Bishops had signed the acts, recognizing in this way, at least implicitly, that the Pope be the true one? Would it be enough that no voice, or practically no voice had publicly given the cry of alert? Or, on the contrary, would a certain very generalized, though not always well defined, distrust be sufficient to destroy the apparently pacific and universal character of the acceptance of the Pope? And if this distrust became a suspicion in numerous spirits, a positive doubt in many, a certainty in some, would the aforementioned pacific and universal acceptance subsist? And if such distrusts, suspicions, doubts and certainties cropped out with some frequency in conversations or private papers, or now and again in published writings, could one still classify as pacific and universal the acceptance of a Pope who was already a heretic on the occasion of his election by the Sacred College?²⁸

In the Church as in society generally, the following wisdom applies to the present situation. “We must recognize the chief characteristic of the modern era – *a permanent state of what I call violent peace.*” Admiral James D. Watkins, USN (Ret.), former Chief of Naval Operations.

²⁸ Da Silveira, *op. cit.*

19. Fr. Boulet proceeds to mention, with no apparent reason or effect, the career of Archbishop Thuc. Suffice to say that I agree with his judgement that, “he was a good man much abused by many on account of his own readiness to consecrate bishops...”

Immediately after the comments on Archbishop Thuc are presented various arguments regarding the so-called “sedevacantist attitude.” Let us consider these one by one.

20. Firstly, the refusal to name the Vatican II “Popes” in the Canon of the Mass.

5.1. Mass Una Cum: Bishop Guérard des Lauriers used to say that “to cite John Paul II at the *Te Igitur of the Holy Mass is to commit, objectively and ineluctably, the double crime of sacrilege and capital schism.*” On the contrary, the expression *Una Cum* in the Canon of the Mass does not mean that one affirms that he is ‘in communion’ with the erroneous opinions of the Pope, but rather that one wants to pray for the Church ‘and for’ the Pope, her visible head. In order to be sure of this interpretation, let us report the rubric of the missal for the occasion of a bishop celebrating Mass. In this case, the bishop must pray for the Church “Una cum... me indigno famulo tuo”, which does not mean that he prays ‘in communion with... myself, your unworthy servant’ (which doesn’t make sense!), but that he prays ‘and for... myself, your unworthy servant.’ We should then consider that those who refuse to name the Pope during the canon of the Mass think that the Church lost her visible head. This attitude is schismatic!

a) Fr. Boulet is quote right about the meaning of the so-called “*una cum*” clause of the Mass. This is indisputable, and I am not aware of any of Bishop Guerard’s followers who still maintains the erroneous exegesis of it. Which is not to say that they disown his conclusion. They do not. They maintain that a priest ought not to name *as Pope* in the Canon of the Mass a man that is in fact not Pope. This is surely an entirely reasonable position to take. The only alternative is to admit the legitimacy of lying.

b) In any case, all know that it is *not* schismatic to reject the claim of a Pope which one considers to be at best doubtful, so that Fr. Boulet’s comment, “this attitude is schismatic!” is incorrect and actually unjust.

Finally, one cannot consider as schismatics those who refuse to obey the Roman Pontiff because they would hold his person suspect or, because of widespread rumours, doubtfully elected (as happened after the election of Urban VI), or who would resist him as a civil authority and not as pastor of the Church.²⁹

21. Secondly, the denial of the validity of the *Novus Ordo Missae*.

5.2. Validity of the New Sacraments: Many Sedevacantists hold that the New Mass and the New Sacraments are always invalid. They consider that all priests ordained in the new rite, after 1969, are not priests. On that topic, let me quote Archbishop Lefebvre: *“Now it is easy to show that the New Mass manifests an inexplicable rapprochement with the theology and liturgy of the Protestants. The following fundamental dogmas of the Holy Sacrifice of the Mass are not clearly represented and are even contradicted... Must one conclude further that all these Masses are invalid? As long as the essential conditions for validity are present (matter, form, intention, and a validly ordained priest), I do not see how one can affirm this. The prayers at the Offertory, the Canon and the Priest's Communion which surround the words of Consecration are necessary, not to the validity of the Sacrifice and the Sacrament, but rather to their integrity. It is clear, however, that fewer and fewer Masses are valid these days as the faith of priests is destroyed and they possess no longer the intention to do what the Church does, an intention which the Church cannot change. The current formation of those who are called seminarians today does not prepare them to celebrate Mass validly.”*

Fr. Boulet quotes Archbishop Lefebvre, who in his wonderfully humble manner expressed his judgement that the *Novus Ordo* seemed to him to be a valid Mass, even though he thought it thoroughly evil and even heretical. “I do not see how one can affirm [invalidity].”

As far as I can see, this is a question which theologians would classify as “free.” That is, since the Church has not judged it, it is possible for good men to differ concerning it. It is however worth pointing out that the Archbishop as a rule took great pains to ensure that the priests who joined him had been ordained in the traditional rite, and the few exceptions he permitted to this rule created grave problems in conscience both for the priests of the Fraternity and for the Faithful.

²⁹ Wernz-Vidal, *Ius Canonikum* [Rome: Gregorian 1937], 7:398.

The Bishops of England and Wales in their *Vindication of the Bull Apostolicae Curae* laid down the fundamental principle traditional Catholics have always applied to everything coming from the Conciliar Church:

[T]hey must not omit or reform anything in those forms which immemorial Tradition has bequeathed to us. For such an immemorial usage, whether or not it has in the course of ages incorporated superfluous accretions, must, in the estimation of those who believe in a divinely guarded, visible Church, at least have retained whatever is necessary; so that *in adhering rigidly to the rite handed down to us we can always feel secure; whereas, if we omit or change anything, we may perhaps be abandoning just that element which is essential.* And this sound method is that which the Catholic Church has always followed, as Morinus testifies in a well-known passage.

As should already be clear, Archbishop Lefebvre did not affirm the validity of the *Novus Ordo Missae*. What he said, many times, is that he did not believe that one could conclude with certainty that it is invalid. The reason he said this was twofold. One, theologians that he respected had examined the new rite and formed the view that it was not certainly invalid. Two, the Archbishop always disliked and rejected dogmatic attitudes towards controversial matters. His preference always was for permitting legitimate dispute (but with discretion, of course). His view was always to the common good, bringing the mass and sacraments to those who requested them, and not permitting legitimately disputed points to become causes of division and bitterness. This also explains why he is accused of keeping within the Society "liberals" and "sedevacantists." He remained above such disputes, tolerating whatever he didn't agree with for the sake of the greater good, so long as the faith itself was maintained with complete integrity, and that the priests did not make their own views the cause of division.

In practice he conditionally re-ordained nearly every priest who came to the Society from the *Novus Ordo*. The exceptions, as far as I have been able to discover, were cases in which the priest refused conditional ordination. These were very few - perhaps three or four - and the faithful were not happy with them. There was all manner of controversy over them.

In relation to the Apostolic Succession itself, even those who insist that the Conciliar rites retain all that is essential for validity, accept that in practice a very great number of invalid ordinations and consecrations are conducted. The Society of St. Pius X, following the policy of Archbishop Lefebvre, investigates the ordination of each priest prior to admitting him to share its altars, and in many, if not most, cases re-ordains the subject. We are now into the second and even the third generation of those ordained and consecrated according to these new rites, with all of the sloppiness and heterodoxy which are concomitant with them. Bishop Williamson has described this as a process of progressive invalidity. In future, is the Fraternity going to assess each ordination or consecration, not

only in itself, but also in its antecedents, back to prior to 1968? And what is such a question but a practical allegation that the New Church cannot be trusted to secure the Apostolic Succession? Could such an allegation be made against the true Catholic Church? The thought is impious.

22. The next section of Fr. Boulet's booklet is really the most unfortunate so far. He has read a truly nasty little article by an anonymous writer calling himself "Dionysius," published originally in *Si, Si, No, No* many years ago. This writer seems to have been personally affected by the various controversies of the period extending from the late 1970s into the early 1980s. He descends into personal criticisms which, apart from their deep malice, are simply puerile. For the maintenance of dignity I will not quote all of the relevant material, since there is no need anyway.

5.3. Misunderstanding of the true nature of the Church: At this point, I would like to give a diagnosis of the Sedevacantist attitude. *"Sedevacantists are truly obsessed by the question of the papacy. One may well wonder if in many of them this is not due to some psychological trauma. Their understandable ancestral veneration for the Pope seems to unleash a veritable panic at the idea of contrasting their cherished, idealized image of the papacy with such Popes as Paul VI and John Paul II. Sedevacantism appears to be more of a psychological than a theological problem..."*

I think it can be safely observed that this "analysis" owes more to Freud than it does to any Catholic principle or spirit. But one comment seems worthwhile. Let it be the Archbishop who answers this allegation that we are *"truly obsessed by the question of the papacy."*

Now some priests (even some priests in the Society) say that we Catholics need not worry about what is happening in the Vatican; we have the true sacraments, the true Mass, the true doctrine, so why worry about whether the Pope is a heretic or an impostor or whatever; it is of no importance to us. *But I think that is not true. If any man is important in the Church, it is the Pope.* He is the centre of the Church and has a great influence on all Catholics by his attitudes, his words and his acts. All men read in the newspapers the Pope's words and on television they see his travels. And so, slowly, slowly, many Catholics are losing the Catholic Faith by the scandal of the Pope's partaking in false religions. This ecumenism is a scandal in the true sense of the word, an encouragement to sin. Catholics are losing faith in the Catholic Church. They think all religions are good because the Pope in this way befriends men of all religions. When the scandal comes from so high in the Church, from the man in the chair of Peter and from almost all the bishops, then poor Catholics who are thrown back on their own resources and who do not know their Faith well enough to keep it despite all, or who do not have priests by their side to help them to keep the Faith, these

Catholics are completely at a loss what to do. They are no longer practicing their Faith, or they give up praying, or they are losing the Faith altogether and are joining some sect or other. I ask, what people are keeping the Faith? Where are they? Where are they? And I ask even the Traditionalists!³⁰

In other words, it is *normal* for a Catholic to see the Pope as crucial to the state of the Church. Any other view of the matter would be *abnormal*.

23. Fr. Boulet proceeds to allege that the *sedevacantist* position is essentially subjectivist.

5.4. Subjectivism: No matter how they try to justify their position, we have to admit that the Sedevacantist thesis is not based on objective facts, but rather on subjectivism. The objective criterion required by Catholic theology for recognizing who is a true Pope is the recognition of the one elected by the Cardinals, Bishops and by the Whole Church. In the Sedevacantist mind, such criterion cannot any longer be objective, but will necessarily make appeal to a fundamentally subjective source, even if an effort is made to make it appear as objective. Because the Sedevacantist attitude is not based on safe and objective principles of Catholic theology, we should not be surprised to witness some astounding reversals and turnabouts. Let me give one example among others: back in the 1980's, Father Olivier de Blignières, then an outspoken supporter of the Sedevacantist thesis of Fr. Guérard des Lauriers, had founded in France a religious community. Then, in the wake of the 1988 Motu Proprio *Ecclesia Dei Afflicta* of Pope John-Paul II, the same Father de Blignières flipped over and put himself under the *Ecclesia Dei* commission. His community, called the Fraternity of St. Vincent Ferrer, was immediately recognized by the Roman authorities, and granted the status of Pontifical Right. In the doctrinal field, back in the 1980's, Fr. de Blignières thought that Religious Liberty was heretical. Now, he is writing books to justify Vatican II's Religious Liberty.

a) It is granted that the usual means for identifying the Pope is to accept the common judgement of the cardinals and after them, the entire Church. This is entirely correct and cannot be disputed. Such is the manner in which Divine Providence has sweetly arranged things so that even the simplest of the Faithful may be completely sure about the identity of the Vicar of Christ.

³⁰ Archbishop Lefebvre, *An Address to Seminarians*, March 30 and April 18, 1986. *The Angelus* July 1986 edition.

b) Despite the fact that this is the usual criterion, it has not sufficed at certain times in the past, most famously at the beginning of the Great Western Schism, when all but one cardinal denied that Urban was the true Pope and proceeded to elect a new claimant. The Church around the world was at a loss to discover the truth with any certitude, and even canonised saints were divided over the question of fact. This lack of certitude about the identity of the Pope was clearly a trial permitted by God.

c) It is not apparent that the allegation of “subjectivism” in this matter has any substance. It seems to be nothing more than rhetoric. The truth is that we all, *sedepplenists* and *sedevacantists*, judge by externals. That is, we judge based on the evidence before us. Now, it is simply indisputable that *sedevacantists* judge based on much of the same evidence that is admitted by *sedepplenists*, and which *sedepplenists* even use to form their own judgements. That is, the *sedepplenist* will judge that the documents of Vatican II contain dangerous errors, and that the *Novus Ordo Missae* is an incitement to impiety, and numerous other such judgements. But it is also true that the very points upon which *sedepplenists* form these judgements are points that are *usually* judged by the authority of Holy Mother Church. That is, these are *not* matters about which individual priests would normally be concerned to form their own judgements. It is certainly not *normal* for a priest to reject as dangerous the doctrine promulgated by a general council of the Church, or the sacred liturgy promulgated by the Roman Pontiff!

d) Whether or not our position is “based on safe and objective principles of Catholic theology,” is a matter of controversy towards which it is hoped this present work will make a contribution. But the career of Father de Blignières does not appear to be *apropos*, partly because he was a Guerardian rather than a pure *sedevacantist*, but more importantly because if we were to decide which position was *true* based on a comparison of men who have flip-flopped in and out of each position, I think that the *sedepplenist* view might well have the worst of it. For it is well-known that *sedevacantists*, with all of our faults and disorders, tend to stick with our position, whereas it is equally well-known that very large numbers of *sedepplenist* traditional Catholics have changed position – sadly very often by returning to the *Novus Ordo*. If the compromise of Fr. de Blignières was caused by alleged “instability” due to his Guerardianism, then what cancer was at work at Le Barroux, where Dom Gerard Calvet surrendered to the Modernists in 1988? And what of *sedepplenist* Campos?

24. Fr. Boulet’s next section asks and answers the question, is the *sedevacantist* thesis a tolerable opinion?

6. Judgement on Sedevacantism: Could we say that the Sedevacantist thesis is simply a wrong thesis, but that we should tolerate it in a spirit of charity? No, I think that

Sedevacantism is very dangerous. It leads to an attitude which is not Catholic, but schismatic.

a) It is difficult to understand how any son of the Archbishop could take such a stance, when the great man openly speculated that he might adopt the *sede vacante* position himself.

b) I agree that “conclavism” is schismatic.

c) Fr. Boulet adds, “Among the people who follow the Sedevacantists theories, there are a number of confused Catholics who are being attracted by these ‘simple’ and ‘clear’ answers to the problems of the situation of the Church coming from the masters of Sedevacantism. It is mostly to these confused Catholics that this study is addressed: beware of the mirages of Sedevacantism. It will lead you astray from the Church and the Sacraments!”

It seems worth pointing out that *sedevacantism* does not lead most of those who decide that it is the true explanation of the crisis “away from the Church” by “conclavism.” Indeed, only very few *sedevacantists* have suffered that fate. I think in this regard the *sedevacantist* position compares extremely favourably with the very dangerous *sedeplenism*, which has resulted in many thousands of casualties – including the entire traditional diocese of Campos, dozens of priests, and tens of thousands of the faithful.

Any such comment on a position as a whole (describing it as “dangerous”) tends to invite comparison, for danger is a relative matter. Which is the more dangerous position, one wonders? Which has truly been responsible for greater losses of souls? It should not be difficult to appreciate that from the *sedevacantist* perspective, the *sedeplenist* position looks both complacent and dangerous. *Complacent* because it does not obey the divine injunction to flee heretics, but rather considers it more Catholic and sensible to remain in some kind of verbal communion with them. *Dangerous* because by thinking of these public heretics as the hierarchy of the Catholic Church, there is a natural tendency for Catholic-minded souls to wish to submit to them in some real manner. This is what produced the Campos disaster. It will likely produce additional disasters yet.

25. We are next faced with another kind of analysis of the so-called “*sedevacantist* mind,” under the heading of a *spiritual illness*.

6.2. Spiritual illness of Sedevacantism:

1. Intellectual desolation: How could we understand the state of a Sedevacantist mind? I think it is characterised by a fixed idea, which is almost an obsession. Their mind seems to freeze on the problem of the Pope, which appears to them as being very serious and urgent. This is a typical case of *Intellectual Desolation*, by which their soul is being disturbed as long as a 'clear answer' has not been found for such a serious problem. Sedevacantists claim that it is urgently needed to make a judgement on the Vatican II Popes. For them, it appears to be THE fundamental problem all Traditional Catholics should focus on. For example, let me quote Bishop Pivarunas: *"As unpleasant as this subject may be, traditional Catholics are confronted by the terrible and burning questions: Is the Conciliar Church the Catholic Church? Is John-Paul II, as the head of the Conciliar Church, a true Pope?... Suffice it to say, the issue of the Pope is a difficult one, and unpleasant one, and a frightful one; yet it is a necessary and important issue which cannot be avoided."* Let me summarise how Sedevacantists approach the question of the Pope: #1 it is a question they have at heart; #2 they want to get a final answer with absolute certainty; #3 such problem is so urgent that it becomes the focus of their attention, up to the point that they cannot see anything else. Thus, they direct their arguments not much against the Modern Church, for which they care less, but against those fellow Traditional Catholics who do not share their conclusions. St. Francis de Sales suffered similar *Intellectual Desolation*. It was on the matter of predestination. His intellect froze on that question, and his heart was filled with the anguish that he may be damned no matter what. The more he was studying, the more he was finding serious objections against predestination. This was driving him nuts. How did St. Francis manage to free himself from that intellectual prison? One day, he fell on his knees before a statue of Our Lady and said: *"O Holy Virgin, I think that I am going to be damned. If I have to curse God for all eternity, let me at least offer you this day in honour of God."* When St. Francis de Sales got up, he was healed, being able to relocate his 'problem' at the second place, which is after the humble fulfilment of his daily duty. Let me apply that example to the sedevacantist bug: *"Who knows if John-Paul II is Pope? Who knows if the Society of St. Pius X is schismatic, as they recognise the Pope, and don't obey to him?"* In a sedevacantist mind, such questions are producing deep emotional reactions, which lead to anger and panic: the Sedevacantist is looking for a final answer right now. This kind of *Intellectual Desolation* is very dangerous. It is threatening pious souls, who are being convinced that they would betray their consciences if they were to ignore these fundamental issues. Such problem affects persons tempted to intellectual pride, and having a tendency to look for the most extreme and desperate solutions, like Brother Michael Dimond, from Most Holy Family Monastery. By the way, Mr. John Vennari, the editor of *Catholic Family News*, was monk in that monastery. He left them because he did not agree with their attitude.

There is a bit to be said about this material.

a) Recall what Archbishop Lefebvre said in 1986. “Now some priests (even some priests in the Society) say that we Catholics need not worry about what is happening in the Vatican; we have the true sacraments, the true Mass, the true doctrine, so why worry about whether the Pope is a heretic or an impostor or whatever; it is of no importance to us. *But I think that is not true. If any man is important in the Church, it is the Pope.*” So much for the supposed obsession of *sedevacantists*.

b) I certainly think that the unbalanced and blatantly erroneous material churned out in a vain attempt to exorcise the *sedevacantist* monster doesn’t assist in keeping the matter in perspective. There is nothing quite so provoking for many people as to be accused of believing things they don’t believe – it is analogous to a Catholic’s reaction to the Protestant accusation that we worship statues. Some of us laugh. Others of us ignore the allegation. And some of us get angry. Well, some *sedevacantists* spend a lot of time thinking about *sedevacantism* instead of praying their prayers and reading spiritual books, partly because men who should know better have employed bad arguments which have placed them in a position in which their own SSPX pastor thinks they are quasi-*schismatic*, their fellow traditional Catholics think they are *psychologically unbalanced*, and *Pharisees* – and all the rest of the buckets of injustice poured upon *sedevacantists* by immoderate rhetoricians in season and out of season.

c) There have certainly been plenty of unjust attacks on *sedeplenists* by *sedevacantists* over the years, too. Let’s forgive each other and move on. A good step in this direction would be for various parties to withdraw from circulation their unjust and erroneous works. Where this cannot be done, a retraction should be published. If it was good enough for St. Augustine, it should be good enough for us.

d) Fr. Boulet suggests a rather dramatic psychology, as follows. “*Who knows if John-Paul II is Pope? Who knows if the Society of St. Pius X is schismatic, as they recognise the Pope, and don’t obey to him?*” In a *sedevacantist* mind, such questions are producing deep emotional reactions, which lead to anger and panic: the *Sedevacantist* is looking for a final answer right now.”

I have to admit, I am not angry, nor do I panic about this question. I do not think that the Fraternity is schismatic. I assist exclusively at Holy Mass offered by priests of the SSPX. I have no problem achieving certitude concerning the claims of the Conciliar “Popes.” Nor do I find myself particularly tempted to confuse my own certitude with the certitude which comes from a judgement of the Church. To my mind the *sedevacantist* thesis is merely the best solution to the problem posed by the Vatican II crisis. I say “best” meaning that it solves more problems and creates no new ones, as far as I can see. It does not resolve all mysteries, but it resolves *more* mysteries. And it permits me to believe what I read in the theology manuals, rather than progressively pick bits out and overturn them as the years roll by, which is what I see the *sedeplenist* thinkers doing. In the beginning it was the notion that an authorised liturgy of the Catholic Church could be an incitement to impiety; a few

years ago it was that solemn canonisations are not really infallible – or at least, not any more. And there are many points in between. Each of these novelties – each of them an overturning of Tradition – is a choice. The choice is very simple – “I will have Paul VI at the expense of this doctrine contained in the manuals”; and then, “I will have John Paul II at the expense of this other doctrine contained in the manuals”; and finally, “I will have Benedict XVI at the expense of yet another doctrine contained in the manuals.” Where will this end, if not with the loss of Faith itself?

26. And now the solution to the “problem” which *sedevacantism* apparently constitutes.

2. Remedy: In the book of the Spiritual Exercises, St. Ignatius of Loyola gives some rules for Discerning the Spirits. Here are the ones that should be used to deal with the *Intellectual Desolation* of Sedevacantists: do not make any change to your previous resolutions (5th rule); counter attack the temptation, by prayer and penance (6th rule); make an act of will by which you will refuse to be locked in a controversy that you are not qualified to settle (12th rule). You need to practice intellectual self-discipline and mortification of the will, in other words humility. In our daily life, there are many problems which we are unable to settle, because we do not have the tools. Let us humbly recognise it. Moreover, I think it is important to de-passionate and de-dramatise the problem of the Pope: when you will appear before him, do you think that St. Peter will ask you for your opinion on one of his successors? Let me be clear: I do not want to evacuate the real problem of the Church since Vatican II, but to give some simple rules of intellectual self-discipline in order to de-dramatise the Sedevacantist issue, which appears very clearly to be a case of *Intellectual Desolation*. Always remember that the devil is a liar. He is using the Sedevacantist bug to draw some pious souls away from the means of sanctification, the Mass and the Sacraments. Beware!

a) We all need greater humility, me most of all. But I will be surprised if humility, which is truth, will cause the arguments presented above to reverse themselves.

b) In our daily life there are many problems which we are unable to settle. This is true. But we must not employ this generalisation as an excuse to avoid effort.

c) I do not think that solving this particular problem is a matter of salvation in itself, but it is certainly important, for several reasons.

- i) For those who see that the Conciliar Church cannot be the true Church, there is a necessity to identify the true Church. Otherwise faith is threatened.
- ii) Fleeing the heretics is a divine injunction, and this for our own safety and God's honour.
- iii) If these men were not Popes, then there is no guarantee that the sacramental rites promulgated by them are valid. This is a practical problem of the greatest magnitude.

d) The Devil is indeed a liar, and he has used the false authority of the Conciliar Popes to impose his revolution on the Catholic Church, with unprecedented effectiveness. *The entire force of the Conciliar revolt comes from the fact that it has apparently been imposed by the authority of the Church.* How many bishops, priests, religious, and laymen, would have swallowed the lies of the heretics if they had not believed themselves bound to do so by the voice of Christ's Vicar on earth? Questioning the authority of these men renders their revolution of *doubtful authenticity*. This is enormously helpful to souls – *especially* simple souls, who may not appreciate the relatively sophisticated arguments of the Fraternity concerning true versus false obedience and the infallibility (or lack thereof) of the ordinary *magisterium*.

e) That great liar, the Devil, is using the "authority" of the Conciliar "Popes" to draw *millions* of pious souls away from the means of sanctification, the Mass and the Sacraments, by providing counterfeits in their place.

The prophecies of the Apocalypse show that Satan will imitate the Church of Christ to deceive mankind; he will set up a church of Satan in opposition to the Church of Christ. Antichrist will assume the role of Messiah; his prophet will act the part of Pope, and there will be imitations of the Sacraments of the Church. There will also be *lying wonders* in imitation of the miracles wrought in the Church.³¹

And, "there seems to be no reason why a false Church might not become universal, even more universal than the true one, at least for a time."³²

³¹ Rev. E. Sylvester Berry, D.D., *The Church of Christ, An Apologetic and Dogmatic Treatise*. Herder, St. Louis and London, 1927 & 1941. p. 119.

³² Rev. E. Sylvester Berry, D.D., *op. cit.* p. 155.

27. One of the more interesting and yet confusing areas of sacred doctrine would have to be the infallibility and authority of the ecclesiastical *magisterium*. Fr. Boulet is convinced that the *magisterium* may not only err, but also that it may actually teach *heresy*.

7. The true nature of the Infallible Magisterium:

7.1. Is it conceivable that we could find any heresy in any document from the Magisterium? A superficial study of the theologians who deal with the problem of a heretical Pope would lead to a negative answer to that question. Viewed with the Sedevacantist glasses, the conclusion would be that the existence of heresies in the Magisterium of John-Paul II is another proof that he is not a Pope, and that all his Magisterium is null and void. However, it is a matter of fact that all the authors who studied the possibility of a heretical Pope only imagined the possibility of a Pope heretic as a *private person*, and considered the matter of a possible heresy in an *official document* of the Magisterium as being out of question, as it is recorded by Xavier de Silveira. Accordingly, in his article on the Infallibility of the Pope, Dublanchy says that it cannot be concluded that, because the Infallibility, the Pope could never fall into heresy as a *private doctor*.

Fr. Boulet is here again following (the English translation of) da Silveira, whose treatment of this question is really quite perplexing, and in its conclusion positively daring, if not actually worthy of censure.

a) A “superficial” study of the theologians insofar as they study the problem of the heretic-Pope is one thing; a study of the nature of the *magisterium* is another thing entirely. The two subjects are found in entirely different parts of works on dogmatic theology. Da Silveira himself quotes numerous theologians discussing the nature of the *magisterium*, and even mentions the doctrine of Franzelin and Billot that there can be no dangerous error in pontifical documents. And yet in studying this question – whether there can be *heresy* in pontifical documents – he refers exclusively to theologians discussing the Pope-heretic thesis, in which thesis the infallibility and authority of the *magisterium* is only ever treated in passing. This procedure of da Silveira’s is inexplicable and really illogical. It is certainly invalid and can only lead to error, which in this case it does.

b) It is clear that we have moved away from the subjects that da Silveira has considered carefully and scientifically, for he states the opinion (which is probably *heretical*) that, “the Bishops, when they speak alone or together, can err – unless, in council or outside of it, they define a dogma, solemnly, with the Supreme Pontiff.” This is quite false. The infallibility of the ordinary universal *magisterium* means that the bishops cannot err when they teach the same thing in moral unanimity. I say, “probably heretical” rather than heretical without qualification because da Silveira’s ambiguous words, “or outside of it, they define a dogma, solemnly” may perhaps be taken to mean

the bishops scattered throughout the world teaching authoritatively, even though in addressing the infallibility of the scattered episcopate the theologians universally describe such teaching activity as *ordinary* and not *solemn*.

Here is the correct doctrine as expressed by a popular manualist. Note how Zapalena equates *solemn* and *extraordinary*.

The episcopal college, the successor to the Apostolic College, is infallible in proposing revealed doctrine or things connected with revealed teachings, as we saw in the preceding thesis [on ecumenical councils]. But this College is not less present in the ordinary and scattered teaching of the bishops, than in the extraordinary and conciliar. Therefore the bishops are no less infallible when they teach in unison by their ordinary magisterium, than when they exercise the solemn or extraordinary magisterium...³³

Van Noort explains this dogma in greater detail.

PROPOSITION. The college of bishops, whether gathered in an ecumenical council, or dispersed throughout the world but morally united to the supreme pontiff, in its teaching on matters of faith and morals, is infallible.

This proposition is *of faith*.

In the analysis of this proposition, keep in mind the principles laid down above (see nos. 77—99) about the object, nature, and conditions of infallibility.

The *first* part of this proposition states that the college of bishops is endowed with the charism of infallibility when it is assembled together somewhere in an ecumenical council. What is required to constitute an ecumenical council will be explained in detail below (no. 207). Here we emphasize simply one point: there cannot be an ecumenical council without the consent and cooperation of the supreme pontiff (CIC 222).

The *second* part of the proposition states that the college of bishops is also endowed with infallibility when dispersed throughout the world, but morally united with the Roman pontiff. In other words, when the individual bishops, residing in their home dioceses, unanimously propose the same doctrine as the Pope and impose that doctrine in unqualified

³³ Timotheus Zapalena, S.J. *De Ecclesia Christi, pars altera*, Rome, 1940, p. 67. Translated by James Larrabee.

fashion, they are infallible.

The doctrinal agreement of the bishops dispersed throughout the world can be discerned in a variety of ways: for example, from the catechisms they allow to be published for the instruction of the faithful; from the pastoral instructions the bishops issue to oppose some erroneous doctrine which is beginning to spread; from the decrees of local councils held in various parts of the world; from the fact that a given doctrine is normally preached throughout the entire Catholic world in sermons to the people, or is found regularly in prayerbooks possessing episcopal approbation, and so forth.

It hardly needs stating that the unanimity of the bishops does not have to be mathematically universal, as though the dissent of one or two bishops would cripple the teaching power of the rest of the episcopal college. What suffices is a *morally* universal unanimity which in most instances will not be difficult to determine, even though it is impossible to fix mathematically the minimum requirements for such unanimity. On the other hand, no matter how unanimous the agreement of bishops might conceivably be, such unanimity would never suffice for infallibility if the Roman pontiff were to be in opposition to it. We deliberately use the phrase, "might conceivably be," because the more probable opinion of theologians maintains that factually it could never happen that a majority of the bishops would depart from the doctrine of the Pope.

Even though the proposition as laid down above has never been explicitly defined, it is a dogma of faith in both its parts. For ecumenical councils have really been proclaiming their own infallibility every time they exercised it; and they have exercised it every time they have handed down a definitive decree condemning heresies. As for the second part of the proposition, the infallibility of the episcopal college dispersed throughout the world was implicitly asserted by the Vatican Council when it stated: "By divine and Catholic faith must be believed all those matters which are contained in the written or handed-down word of God and which are proposed by the Church to be believed as divinely revealed, whether she does so by a solemn judgment or by her ordinary and universal magisterium" (DB 1792).³⁴

c) At any rate, the paragraph of Fr. Boulet's above is nothing more than a proof that there are *zero* authorities for the startling and unorthodox notion that one might find heresies in documents of the *magisterium*. Let's see whether or not anything better can be mustered as the argument proceeds.

28. Fr. Boulet's next paragraph does not assist his case at all, as far as I can tell.

³⁴ Mgr. G. Van Noort, *Dogmatic Theology*, Vol. II, "Christ's Church" - Mercier Press, 1958, pp. 330-331.

7.2. Fallible or Infallible? Only recently, after the definition of the Infallibility at Vatican I, the matter of the infallibility of the Ordinary Magisterium had been included in the theological debate. It is very important to get clear ideas about the nature of the Pope's Infallible Magisterium. Let me recommend the book *Pope or Church*³⁵, which contains two essays on the Infallibility of the Ordinary Magisterium. This book was summarized in an article published in the January 2002 issue of the SiSi NoNo magazine: *"What worries Catholics most in the current crisis in the Church is precisely the "problem of the Pope." We need very clear ideas on this question. We must avoid shipwreck to the right and to the left, either by the spirit of rebellion or, on the other hand, by an inappropriate and servile obedience. The serious error which is behind many current disasters is the belief that the "Authentic Magisterium" is nothing other than the "Ordinary Magisterium."* It is very important to keep the proper understanding of what is and what is not infallible in the teachings of the Pope. Xavier de Silveira says that we cannot exclude the existence of a possible heresy in a non-infallible pontifical document³⁶. Fr. Le Floch, superior of the French Seminary in Rome, announced in 1926: *"The heresy which is now being born will become the most dangerous of all; the exaggeration of the respect due to the Pope and the illegitimate extension of his infallibility."* One of his students was none other than the future Archbishop Marcel Lefebvre.

a) The first thing to be noticed here is that, according to *SiSi NoNo*, the "problem of the Pope" is "what worries Catholics most in the current crisis in the Church." What worries Catholics *most*? This may well be true, although I think perhaps it is an exaggeration. Perhaps it is an autobiographical comment by the writer?

In any case, this is refreshing candour. Let us examine these matters in peace, striving above all to maintain a spirit of honest submission to the teaching of the Catholic Church, and avoiding all bitterness or unjust polemics. Let our speech be Yes, yes, no, no, and all will be God's.

b) The two points made at the end of the paragraph – the one from da Silveira and the other from Fr. Le Floch – do not appear to relate to each other at all. The first simply repeats the unsupported conclusion drawn by da Silveira (and opposed by the best theologians) that we may indeed find heresies in documents of the *magisterium*. The second speaks of the danger of an exaggerated notion of infallibility. Perhaps the voice of Dom Paul Nau will be the best to point out that *infallibility* and *heresy* are not the only points to be discussed; nor is it true that if a Pope is not speaking infallibly he may therefore express heresy. No pre-Vatican II theologian appears ever to have admitted this latter notion, *as da Silveira discovered when researching this very question*. In this matter Fr. Boulet seems not to make the necessary distinctions. Dom Paul Nau highlights several of them right at the beginning of his essay. viz.

But it is one thing to assign limits to the circumstances in which the conditions of a solemn judgment are verified; another thing to limit to the solemn judgment alone the authentic modes of the presentation of the rule of faith by the sovereign pontiff; yet another to impose as an object of faith all that is taught as revealed by the normal and universal magisterium; another again to limit the obligation of believing to this sort of teaching alone.³⁵

c) On the question of heresy (or even dangerous error) in magisterial documents, Fr. Boulet relies on da Silveira once again. Unfortunately for Fr. Boulet's case, however, Dom Nau does not in any way suggest, imply, or teach that Popes may teach *heresy* in papal documents.

In fact, Dom Nau refuses to draw the conclusion da Silveira draws (tentatively and without authoritative support) by over-simplifying magisterial documents into two categories, "fallible" and "infallible." He writes:

The most serious danger is not that of "overestimating the teachings of the Magisterium" but rather that of disturbing the confidence and adhesion of the faithful. *It would be particularly dangerous to contrast the solemn Magisterium with the ordinary one, according to the too indiscriminate categories of fallible and infallible; so forgetting the wise warning which the Faculty of Paris gave in 1682: Whatever opinions one may profess on the infallibility of the Pope, it is just as disrespectful to proclaim publicly that he can be wrong, as to say to children: your parents may be lying to you.*³⁶

But even da Silveira admits (against his own thesis that one may find *error* in documents of the *magisterium*), that even lesser doctrinal errors are excluded *a priori* according to the best authorities (i.e. Franzelin and Billot) that one could quote. He writes, "according to some authors of weight, as the Cardinals Franzelin and Billot, even the non-infallible documents are guaranteed against any error by the assistance of the Divine Holy Spirit." It is true that he attempts to undermine the position of these holy doctors, but his arguments lack cogency and at any rate for us one Franzelin is worth a hundred laymen such as da Silveira.

But I repeat, no pre-Vatican II theologian appears ever to have admitted the notion that one might find *heresy* in the documents of the *magisterium*.

³⁵ Dom Paul Nau, *Pope or Church?* p. 15.

³⁶ Dom Paul Nau, *op. cit.* pp. 36,37. Emphasis added.

Fr. Boulet proceeds to a discussion of infallibility in relation to the Conciliar church, and the question of whether a liberal may remain a Catholic. The unifying idea of this paragraph is *liberalism*.

7.3. The case of the Conciliar Magisterium: There is also a very thorough article from Fr. Alvaro Calderon, SSPX, published in *Le Sel de la Terre*³⁷ Father Calderon overviews the conditions required for the Infallibility of the Ordinary Magisterium. He concludes that the conciliar Magisterium (Vatican II and post-conciliar) is not covered by the charisma of infallibility. *“Both in the field of the Ordinary and of the Extraordinary Magisterium, the conciliar and post-conciliar authorities did not want to teach with infallibility. Why? Being infected with Liberalism, the said authorities refused to use the extraordinary charisma, and prevented the Ordinary Magisterium from being Universal, thus preventing it from being infallible. That is why, the conciliar Magisterium is not infallible, and cannot be so in any way as long as the ecclesiastical authorities will not depart from liberalism.”*³⁸ Let us remember that both Popes John XXIII and Paul VI did not want the Vatican II Council to be a dogmatic Council making infallible statements, but rather, a Pastoral Council, to reach forth the needs of the modern man. Such fear of using the charisma of infallibility is typical of the liberal attitude. Archbishop Lefebvre spoke about the liberalism of Pope Paul VI: *“The liberalism of Paul VI, recognized by his friend, Cardinal Danielou, is thus sufficient to explain the disasters of his pontificate. Pope Pius IX in particular spoke often of the liberal Catholic, whom he considered a destroyer of the Church. The liberal Catholic is a two-sided being living in a world of continual self-contradiction. While he would like to remain Catholic, he is possessed by a thirst to appease the world. He affirms his faith weakly, fearing to appear too dogmatic, and as a result his actions are similar to those of the enemies of the Catholic Faith. Can a Pope be liberal and remain Pope? The Church has always severely reprimanded liberal Catholics, but she has not always excommunicated them.”*³⁹

Several considerations appear necessary in this connection.

a) Infallibility is not a toggle switch turned on at will by the authoritative teachers in the Catholic Church. Rather, it is an ineluctable condition of all universal ordinary or solemn teaching. That is, when all of the bishops teach the same doctrine of faith or morals, they are infallible; and when the Pope or the Pope and the bishops together teach solemnly, they are infallible.

Consider the practical and essential notion presented below of the *proximate rule of faith*. How would such a thing be explained if it were true that Popes could teach dangerous errors in official documents?

The Church's preaching is the *proximate* rule of faith because all the faithful as such, be they uneducated or learned, can safely and directly determine the material object of their belief on the basis of that preaching and indeed they must. For precisely as believers, i.e., as far as regulating their belief is concerned, they can never be obliged to do research in Scripture and Tradition. For by granting the Church the gift of infallibility, God has seen to it that its preaching will never waver from the data of Scripture and Tradition in even the slightest detail.³⁷

And further, we might ask ourselves, how could the faithful ever be secure or possess any real confidence in the Church if the *magisterium* may one minute be infallible, and the next positively dangerous, depending upon which technical formula the bishops chose to employ? And we must remember in this connection, that several of the documents of Vatican II were entitled "Dogmatic Constitution," so that the faithful could not, in this regard, rely upon the titles of such documents to give them a lead about whether they are being taught infallibly, or being fed poisonous error, but must instead find some other less obvious flaw in the promulgation of such teaching, so as to keep themselves safe.

If this really were how Our Lord Jesus Christ left things, then we would bow in humble submission. But in fact we know with the assurance of theological certainty that He did *not* provide such a misleading and insecure basis for the faith of the members of the Church, and instead we observe that some traditional Catholics, in their zeal to defend the claims of the post-Vatican II Popes, have lost sight of the true nature of the *magisterium*.

Of course, we are not here discussing the question of whether we must believe all that our forbears believed, or whether the Pope can change the faith, or whether we must reject novelties. All of that we agree upon. It's true that nobody can justifiably abandon the truth, not even the bishops or the Pope. We are not discussing whether the faith can change. We are discussing the conditions under which the bishops are understood to teach infallibly. That is, we are trying to understand what objective criteria will signify that we are being taught infallibly by Holy Mother Church.

Here is the post-Vatican II theologian Canon Berthod giving the SSPX position on the infallibility of the ordinary, universal, *magisterium*.

³⁷ Monsignor G. Van Noort, S.T.D., Dogmatic Theology, Volume III, *The Sources of Revelation, Divine Faith*, Translated and Revised by John J. Castlot, S.S., S.T.D., S.S.L. & William R. Murphy, S.S., S.T.D., The Newman Press, Westminster, Maryland, 1961. p. 7.

"To summarize: the ordinary magisterium of the Church is infallible when it is truly universal (in space and in time), that is to say, when it is in conformity to and continuous with the teaching of Faith of the Church."³⁸

Now common sense tells us that something is wrong with this statement. The Pope and the bishops are our proximate (i.e. "near") rule of faith. We are supposed to be able to pick up a catechism authorised by them and *trust it*. We are not obliged to be scholars, to learn Latin and Greek, and to engage in debates with other scholars over the particular degree of antiquity of a given doctrine. The whole approach suggested by this statement of Canon Berthod's cannot be reconciled with any sound understanding of how the Faithful receive their faith from the Church, or how it is guarded and fostered by the Church. At best, it dismisses the Pope and bishops as proximate rules of faith and replaces them with the traditional clergy, rendering the Pope and bishops a "remote rule of faith." That is, a "rule" that one measures one's doctrine against in the last resort, and even then, provisionally.

At worst, this statement of Canon Berthod is a fundamental denial that the ordinary *magisterium* is a teaching office at all, and makes it instead a body of doctrine, so that *we know when the doctrine has been proposed infallibly if we find that it agrees with what we already knew*. And, such an approach strips the simple folk of the possibility of *safety*, and makes religion something only enjoyed with any security by the most intelligent and learned. It would be difficult to imagine a notion more opposed to Catholic truth.

The same book, *Pope or Church?*, contains a perfectly sound essay by the pre-Vatican II theologian, Dom Paul Nau. The origin of this odd idea expressed by Berthod may perhaps be guessed if we read what Dom Nau explains:

In the case of the universal magisterium, this whole complex is that of the concordant teaching of the bishops in communion with Rome; in the case of the pontifical magisterium, it is the continuity of teaching of the successors of Peter: in other words, it is the tradition of the Church of Rome.³⁹

Note the distinction between the "universal" *magisterium* and the "pontifical" one. The key difference is that in the case of the universal *magisterium* we may judge that the Church has committed herself on a particular point when all of the bishops agree – time is irrelevant, and so is

³⁸ Canon Berthod in *Pope or Church?* Angelus Press, p. 61.

³⁹ Dom Paul Nau in *Pope or Church?* Angelus Press.

tradition – whereas with the pontifical *magisterium* we form the same judgement when a series of Popes has taught the same thing, so that their acts taken together assure us that we are not seeing merely a transitory comment but something permanent.

Could it be that a misunderstanding of the nature of the *pontifical magisterium* – that is, the teaching office of the Roman Pontiff – has produced the Berthod error? I don't know, but it is certainly the case that the ability to reduce the ordinary *magisterium* to "whatever has been taught always, everywhere, and by all," is extremely attractive if one is trying to defend the Conciliar authorities as the hierarchy of the Catholic Church.

Here is a standard passage from a pre-Vatican II manual – that of Fr. Timothy Zapalena, S.J.

The episcopal college, the successor to the Apostolic College, *is infallible in proposing revealed doctrine or things connected with revealed teachings*, as we saw in the preceding thesis [on ecumenical councils]. But this College is not less present in the ordinary and scattered teaching of the bishops, than in the extraordinary and conciliar. *Therefore the bishops are no less infallible when they teach in unison by their ordinary magisterium*, than when they exercise the solemn or extraordinary magisterium...

3. *The agreement of the scattered episcopate*, since it is by no means as solemn as that of a council, is not so easily perceived; the same is true of the intention to teach from the fullness of the magisterial power. Hence, since in accordance with the norm of Canon Law, 'No matter is to be understood as dogmatically defined unless this fact is manifestly evident', this makes it difficult to discern with certainty in regard to a particular dogma from the Ordinary Magisterium alone. Nevertheless, suitable means are not lacking by which it can be known sufficiently: for example, from catechisms published for the use of the people and approved by the bishops, from encyclicals and pastoral letters, from the decrees of particular councils; or from the fact that the doctrine, everywhere in the world, in sermons to the people, is habitually preached as Catholic, or condemned as heretical ... [sic] Finally, even disciplinary laws and liturgical usages contribute in their manner in showing this agreement.⁴⁰

Please note that Zapalena makes no suggestion whatsoever that the bishops are only to be considered as speaking infallibly if they "agree with Tradition" or "agree over time" etc. *Time* doesn't

⁴⁰ Timotheus Zapalena, S.J. *De Ecclesia Christi, pars altera*, Rome, 1940, p. 67. Translated by Mr. James Larrabee. Emphasis added.

come into it. Nor does the suggestion that the laity get to sift these teachings for age. The mark of the universal ordinary *magisterium* is merely that the episcopate *agrees* in binding the faithful on a point. That is all. Their agreement need be extended over time no more than their agreement in a general council needs to be extended over time. If they agree that something must be held by all of the faithful then they are infallible, period.

As stated at the beginning of this argument, it is true that nobody can justifiably alter the Faith, not even the Pope. But we are not discussing that point. We are discussing the conditions under which the bishops are understood to teach infallibly. Obviously they are not infallible if they depart from the faith, but that's an *a posteriori* argument. That is, they failed, so we can't say that they acted infallibly. But Canon Berthod is arguing something more – he is arguing that unless the bishops teach what has always been taught, they are not infallible. Which seems clearly to be nothing more nor less than a post-Vatican II invention of traditional Catholics trying to make sense of the mess that Vatican II created.

We need to know the conditions which, if verified, will assure us that our bishops are teaching us infallibly. This is *a priori*. There is absolutely no value in the modern traditional Catholic theory which effectively makes the question circular. We can't make the *content* of the doctrine the test as to whether it is infallibly presented. That is axiomatic. It would really only be another way of saying, "The bishops are infallible when they are right."

Nor would any such suggestion be compatible with the scope of infallibility in any case. Because infallibility covers things connected with revelation as well as revelation itself. See above, where I have italicized Zapalena's "is infallible in proposing revealed doctrine or things connected with revealed teachings." Bishop Gasser explained at the Vatican Council that the use of the word "held" (*tenendas*) instead of, for example, "believed," was intended to signify the truth that the scope of infallibility is greater than divine revelation. Not that this is controversial – all know that canonisations, the legitimacy of general councils and of past Popes, and such matters, are subjects of infallible definition by the Church. Likewise are solemn condemnations of errors and the definition of truths so closely connected with revelation as to demand defence so as to secure sacred doctrine itself.

Now, if things such as dogmatic facts and doctrinal points not directly revealed are included in the scope of infallibility, which they certainly are, then we cannot expect that the episcopate may only teach infallibly when it agrees with Tradition, which by definition goes back at least to the Apostles. We can, of course, expect that the episcopate will not contradict Tradition, but that is a separate point. Our enquiry at present is the general one – how do we know when the Church speaks infallibly?

And the answer again is, in brief, when we find that the bishops are morally unanimous in teaching a particular doctrine. *Time* is irrelevant.

Monsignor Van Noort expresses the same doctrine.

Since it was established in the volume, *Christ's Church*, that the Church's infallible teaching power extends to matters *connected* with revelation and that its infallible authority deserves an *absolutely firm assent*, the only question which remains is what name to give that assent and how to describe its nature. These points will be discussed in just a moment.

Meantime, notice that the Church possesses infallibility not only when she is defining some matter in solemn fashion, but also when she is exercising the full weight of her authority through her ordinary and universal teaching. Consequently, we must hold with an absolute assent, which we call "ecclesiastical faith," the following theological truths: (a) those which the Magisterium has infallibly defined in solemn fashion; (b) those which the ordinary magisterium dispersed throughout the world unmistakably proposes to its members as something to be *held* (*tenendas*). So, for example, one must give an absolute assent to the proposition: "Pius XII is the legitimate successor of St. Peter"; similarly (and as a matter of fact if this following point is something "formally revealed," it will undoubtedly be a dogma of faith) one must give an absolute assent to the proposition: "Pius XII possesses the primacy of jurisdiction over the entire Church." For — skipping the question of how it begins to be proven infallibly for the first time that this individual was legitimately elected to take St. Peter's place — when someone has been constantly acting as Pope and has theoretically and practically been recognized as such by the bishops and by the universal Church, it is clear that the ordinary and universal magisterium is giving an utterly clear-cut witness to the legitimacy of his succession.⁴¹

Clearly, Canon Berthod's notion that "the ordinary magisterium of the Church is infallible when it is truly universal (in space and in time), that is to say, when it is in conformity to and continuous with the teaching of Faith of the Church," cannot be reconciled with Mons. Van Noort's use of the term "ordinary and universal Magisterium." Because in this place Mons. Van Noort tells us that the ordinary *magisterium* is universal when guaranteeing the legitimacy of a living Pope, which is hardly a matter of antiquity!

⁴¹ Monsignor G. Van Noort, S.T.D., Dogmatic Theology, Vol. III, *The Sources of Revelation, Divine Faith*, Newman Press, Westminster, Maryland, 1961, p.265. Emphasis in the original.

Fr. Boulet now completes his work with an exposition of what he believes to be the soundest Catholic response to the crisis in the Church.

8. A Catholic attitude for our times:

8.1. Recognition: As Catholics, we are bound to believe everything that the One, Holy, Catholic and Apostolic Church believes and teaches, and we wish to live and die in this Faith, for outside of the Church, there is no salvation. We also profess a perfect communion with Peter, and with his legitimate successor, and for nothing in the world shall we dissociate ourselves from Peter, the Rock upon whom Jesus Christ founded the Church. We firmly believe in the papal infallibility, as defined by the first Vatican Council. We acknowledge that the power of the Pope is not absolute, but is limited by Sacred Scripture and Tradition. Unconditional and unlimited obedience we owe only to God.

With respect to these points, we note:

a) *Sedevacantists* are no less devoted to the Roman Pontiff than *sedeplenisists*. The difference is one of fact. That is, *sedevacantists* think the current claimant is a fraud. *Recognition* is not obligatory when there is an objective basis for doubt.

b) Whilst it is true that nobody, not even a Pope, has the right to obedience to sinful commands, it is also true that no (pre-Vatican II) theologian admits that Popes may legislate evil for the universal Church, so the problem ought not to arise except in respect of private or particular commands. But the whole problem with Vatican II is its *universal and official* nature.

8.2. Resistance: We resist the ecclesiastical authorities when they depart from Tradition. Let me be clear: it is not by a private judgment that we 'pick and chose' what we want to follow in the teachings of Pope John-Paul II, but it is in virtue of an objective criterion, which is Tradition. The Society of St. Pius X made a clear and definite commitment to Tradition. Thus, it gives us a right to refuse the official documents that departs from these 2000 years of Tradition. Let me quote from some approved theologians. St. Thomas Aquinas teaches that, in extreme situations, it is licit to publicly oppose a papal decision, like St. Paul resisted St. Peter (Galatians II, 14). *"It must be observed, however, that if the faith were endangered, a subject ought to rebuke his prelate even publicly. Hence Paul, who was Peter's subject, rebuked him in public, on account of the imminent danger of scandal concerning faith, and,*

as the gloss of Augustine says on Gal. 2:11, "Peter gave an example to superiors, that if at any time they should happen to stray from the straight path, they should not disdain to be reproved by their subjects." (Summa Theologica II, II, Qu. 33, article 4, ad2). St. Robert Bellarmine says: "It is licit to resist a Sovereign Pontiff who is trying to destroy the Church. I say that it is licit to resist him in not following his orders and in preventing the execution of his will" (De Romano Pontifice, Lib.II, c.29). Pope Leo XIII says: "But where the power to command is wanting, or where a law is enacted contrary to reason, or to the eternal law, or to some ordinance of God, obedience is unlawful, lest, while obeying man, we become disobedient to God." (Encyclical Libertas, #13). Abbot Guéranger: "When the pastor becomes a wolf, it is first of all for the flock to defend itself. Without a doubt, doctrine normally descends from the bishops to the faithful people, and the subjects, in the order of faith, are not to judge their leaders. But in the treasure of revelation there are essential points concerning which every Christian, by virtue of his very title as a Christian, has the necessary knowledge and obligatory custody. The principle does not change, whether it concerns belief or conduct, morality or dogma. Treasons like that of Nestorius are rare in the Church; but it can happen that the pastors remain silent, for one reason or another, in circumstances where religion itself is at stake. The true faithful are those who, in such circumstances, draw from their own baptism the inspiration for a line of conduct, not those pusillanimous persons who, under the specious pretext of submission to the established powers, await a program-which is not at all necessary and which ought not to be given them-before chasing away the enemy or opposing his undertakings"⁴⁰. Archbishop Marcel Lefebvre: "No authority, even the very highest in the hierarchy, can constrain us to abandon or to diminish our Catholic faith, such as it has been clearly expressed and professed by the Church's Magisterium for nineteen centuries."But though we, or an angel from heaven, preach a gospel to you besides that which we have preached to you, let him be anathema". (Gal. I. 8.) Is this not what the Holy Father is repeating to us today? And if a certain contradiction is apparent in his words and actions, as well as in the acts of various Roman Congregations, then we choose what has always been taught, and we turn a deaf ear to the innovations which are destroying the Church."⁴¹

In response:

a) This is all true and necessary. We must resist evil. All agree with this much.

b) Entering into a diocese and erecting an altar without permission of the ordinary, is not merely a matter of disobeying an illicit command. It is a question of completely ignoring the government of the Church – if indeed there is any true government of the Church in those dioceses. Likewise, consecrating the four bishops in 1988 was not a question of disobeying a sinful command – it was a prudent action dictated by a just assessment of the needs of the Church. But that is the role and

prerogative of the Pope. This is why, I think, Bishop de Castro Mayer was content to take part in the consecrations but insisted on telling all who would listen on the day, "We have no Pope."

c) The *sede vacante* thesis is an alternative solution to "the problem of the Pope," which so worries the faithful. It should be aired candidly, as Archbishop Lefebvre did in 1986, instead of being buried with bad arguments.

Fr. Boulet next encourages prayers for the Conciliar Popes.

8.3. Prayer for the Pope and for the Church: Could we say that, on account of the heretical teachings of Pope John-Paul II, traditional Catholics are not bound to pray for him? First of all, I would say that to refuse to pray for the Pope is not a Catholic behaviour. When St. Peter had been thrown in jail by King Herod, the whole Church was praying for him: "*But prayer was made without ceasing by the church unto God for him.*" (Acts XII, 5). We are now in a different situation, though we could say that the Vatican II Popes are like prisoners of their false ideas. Their liberalism is preventing them from fulfilling their mission of confirming their brethren in the Faith: "*and thou, being once converted, confirm thy brethren.*" (Luke XXII, 32). We need to pray for the Pope, so that he will get the strength to fulfill his mission of successor of St. Peter, as defined in Vatican I Council: "*For the Holy Spirit was promised to the successors of Peter not so that they might, by his revelation, make known some new doctrine, but that, by his assistance, they might religiously guard and faithfully expound the revelation or deposit of faith transmitted by the apostles.*"⁴² Also, if we want to gain indulgences, we need to pray for the intentions of the Pope. If we refuse to pray for the intentions of the Pope, we will not be able to gain most indulgences, and we will have to roast for a longer time in purgatory for that reason. Canon 934§ 1: "*If to gain an indulgence a general prayer for the intention of the Supreme Pontiff is prescribed merely mental prayer does not suffice; a vocal prayer at the option of the faithful is acceptable, unless a particular one is assigned.*"

With respect to these points, we note:

a) To refuse to pray for the Pope is not a Catholic behaviour – agreed. But this merely begs the question. Is Benedict the Pope?

b) *Sedevacantists* do indeed pray the “prayers for the Holy Father” and thus gain indulgences, because those prayers are for set, objective, intentions, not some personal intentions of any given occupant of the Holy See (even legitimate ones).

The attitude of Archbishop Lefebvre, always edifying in its gentleness and humility, is now presented.

8.4. Attitude of Archbishop Lefebvre: *“Here, too, we must continue in the spirit of the Church. We must refuse Liberalism from whatever source it comes because the Church has always condemned it. She has done so because it is contrary, in the social realm especially, to the Kingship of Our Lord. As with the question of the invalidity of the Novus Ordo, those who affirm that there is no Pope over simplify the problem. The reality is more complex. If one begins to study the question of whether or not a Pope can be heretical, one quickly discovers that the problem is not as simple as one might have thought. The very objective study of Xavier de Silveira on this subject demonstrates that a good number of theologians teach that the Pope can be heretical as a private doctor or theologian, but not as a teacher of the Universal Church. One must then examine in what measure Pope Paul VI willed to engage his infallibility in the diverse cases where he signed texts close to heresy if not formally heretical.”⁴³*

In case anybody thinks that this was the limit of the Archbishop’s thinking, a reminder of what the Archbishop said in his 1986 conference on this subject.

What conclusion must we draw in a few months if we are confronted by these repeated acts of partaking in false worship? I don't know. I wonder. But I think the Pope can do nothing worse than call together a meeting of all religions, when we know there is only one true religion and all other religions belong to the devil. So perhaps after this famous meeting of Assisi, perhaps we must say that the Pope is a heretic, is apostate. Now I don't wish yet to say it formally and solemnly, but it seems at first sight that it is impossible for a Pope to be publicly and formally heretical. Our Lord has promised to be with him, to keep his faith, to keep him in the Faith - how can he at the same time be a public heretic and virtually apostatise? So it is possible we may be obliged to believe this Pope is not Pope.⁴²

⁴² Archbishop Lefebvre, *An Address to Seminarians*, March 30 and April 18, 1986, *The Angelus*, July 1986.

Fr. Boulet now presents what can only be described as a very confused notion.

9. Conclusion:

9.1. Was Our Lord sedevacantist? As He was preaching in Palestine, and even when He was arrested and condemned to death, Our Lord kept recognizing the authority of the Mosaic priesthood. *“Then Jesus spoke to the multitudes and to his disciples, saying: The scribes and the 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. For they say, and do not.”* (Matthew XXIII, 1-3). Moreover, Our Lord did not fire St. Peter after his triple betrayal during the night of the Passion, but confirmed him in his functions after Peter made reparation for his sin (John XXI, 15-17).

Against this we note:

a) The Old Testament Church was not the perfect unity of Faith and Charity which the Mystical Body of Christ is, and therefore a lack of Faith did not result in loss of membership in that Church as it does in ours. Instead, the Church of the Old Law was a body of men united chiefly by natural bonds of blood, and this was so much the case that even the heretical Sadducees, who denied the resurrection of the body, were still regarded as members of the Old Testament Church, Israel. For these reasons the comparison fails.

b) Our Lord did not “fire” St. Peter, but that would not have been possible in any case – for St. Peter was not yet Pope. He was only made Pope when the promise of the primacy was actually fulfilled after the Resurrection, after Our Lord extracted from St. Peter his triple profession of Charity. This comparison therefore fails also.

9.2. Was Our Lady sedevacantist? When she appeared at Fatima, Our Lady requested the consecration of Russia to be made by the Pope in union with the bishops of the world. As we know, such consecration has not yet been done. If there is no more Pope, it would follow that Our Lady was mistaken when she foretold that the consecration will be done, but late.

Against this, it suffices to point out that it is no part of the *sedevacantist* thesis to assert that there will never again be a Pope. Quite the contrary. We expect another true Pope with as much faith and hope as our *sedepenist* confreres expect another *good and Catholic* Pope.

9.3. Words of wisdom: At the end of this study, I would like to apply the words of great Abbot Marmion to our topic: *“When we appear before Christ on the last day, He will not ask us if we have fasted a great deal, if we have passed our life in penance, if we have given many hours to prayer: no, but if we have loved and helped our brethren. Are the other commandments, then, put aside? Certainly not, but our observance of them will have served for nothing if we have not kept this precept of loving one another -this precept which is so dear to Our Lord, since it is His commandment.”*⁴⁴ Let me paraphrase: when we will appear before Christ, He will not ask us what was our opinion on the legitimacy of Pope John-Paul II’s Pontificate. Rather, He will ask us if we had kept the Faith, and fed it by attending valid Mass and receiving valid Sacraments. Such is the mission of the priests of the Society of St. Pius X to provide souls with these necessary means of sanctification.

I agree with this wholeheartedly. But the reason given by Mr. Michael Davies for security in his belief that the new sacramental rite of Holy Orders is valid was that a true Pope cannot promulgate an invalid sacramental rite. This is a true principle. The problem, however, is that the argument may cut the other way, in which case many people are receiving invalid sacraments because they are mistaken about the identity of the Pope. With Fr. Boulet, I’m sure that God won’t hold them accountable for mere mistakes, but I am equally sure that the sacraments are irreplaceable, so that without them we are in a significantly worse position than we are with them.

Once we admit Archbishop Lefebvre’s stand, as expressed in 1984 concerning John Paul II, any security which might be based upon his putative papacy evaporates, in the same way and for the same reason that many of the difficulties concerning jurisdiction, disobedience and apostolicity disappear – viz. that a doubtful Pope cannot give any guarantees for anything.

The current state of the papacy renders insignificant the difficulties over jurisdiction, disobedience and apostolicity, because these notions suppose the reign of a Pope Catholic in his faith and government. Without entering into consideration of the consequences of an heretical, schismatic or non-existent Pope, which would lead to interminable theoretical discussions, in conscience could we not and ought we not, after the promulgation of the 1983 Code of Canon Law which clearly affirms the new Church, and after his scandalous declarations concerning Luther, now affirm that Pope John Paul II is not Catholic? We say no

more, but we say no less. We had waited for the measure to become full, and it is so henceforth.⁴³

Ultimately, this was the basis for going ahead with the episcopal consecrations in 1988. Note, I am not suggesting that the Archbishop proceeded because he believed that the See of Rome was vacant, but merely that he no longer regarded the difficulties over jurisdiction, disobedience and apostolicity as bearing the same weight as he regarded them before he came to the judgement that John Paul II was truly a heretic. Leaving aside the question of whether this might mean John Paul II was not really Pope, the Archbishop was content to draw the limited inference that his authority was terminally compromised, so that the validity of his commands was rendered doubtful, and a doubtful law does not bind.

For as long as one is convinced that the proof is lacking, prudence does dictate reluctance to form a judgement. This is evident, and no good Catholic would criticise another on the grounds that he did not form such a judgement because he did not see the proofs. We are required by the canons of true spirituality to be *diffident* – that is, to distrust our own judgement. We are required by the truth which is humility to see our faults and others' virtues. It is incumbent on us to think well of all men unless it is impossible any longer in some case or other to do so. We must therefore, for many reasons, *judge not*.

But what are we to do if the honour of Holy Mother Church demands defence? If having learned the basics of apologetics or dogmatic theology we see that what our instincts told us was true – that is, that Holy Mother Church *cannot* give stones when her children ask for bread? That we know that she *cannot* cease to exist according to the essential nature granted her by Our Lord Jesus Christ in the beginning? If we are aware, for example, that she *must always* possess a visible unity in the profession of Faith by all of her members?

Must we, in such a case, excuse *one man* but condemn the entire Church? In defending this *one man*, must we overthrow all the certitudes of the theology manuals? Is Holy Mother Church now only *theoretically* united in Faith, whilst *certainly* united to Benedict XVI? Can we no longer employ this manifest fact – the city seated on a mountain whose light cannot be hid – as the starting point and foundation of our apologetics? Must we now explain to Protestants that yes, we obey and believe the Roman Pontiff – when he is *right*? Are solemn canonisations no longer infallible? Are the general disciplinary provisions of the Church now apt to conflict with divine law? Is the public prayer of Holy Mother Church now an *incentive to impiety*?

⁴³ *Fideliter*, n. 123, pp. 25-29. May-June 1998.

In a word, the *sedevacantist* responds, if I must choose between Paul VI and these truths, I have little difficulty. If I must defend Holy Mother Church, or John Paul II, there can surely be no real hesitation. If I must believe the pre-Vatican II theologians or believe in the claim of Benedict XVI, then there is no actual choice. The answer is forced upon us. And if we are wrong in our reluctant judgement of these men, then we have acted in honesty in defence of Holy Mother Church.