

A.M.D.G.

Salaverri and Bellarmine on Papal Elections

by James Larrabee

My purpose in the present essay is to examine certain issues regarding a papal election in the present circumstances, brought about by five decades of inveterate heresy on the part of the Modernists who have usurped the highest offices in the Church since the Vatican Council. Admitting that the papacy has been vacant throughout this time, and the cardinals who were appointed by the last definitely valid Pope (Pius XII) are all dead, one is presented with a lack of valid papal electors. If the popes since John XXIII or Paul VI have been usurpers, it clearly follows that the cardinals appointed by them are equally spurious. Therefore they are incapable of electing a new Pope.

While this analysis is superficially plausible, and is frequently presented as a “killer” argument against Sedevacantism by theologically incompetent writers, there is much more to be said in this regard—and much more has been said by many past theologians. Cardinal Cajetan, Melchior Cano, Suarez, John of St. Thomas, St. Robert Bellarmine were all renowned in their time, and more than renowned, however unknown they may be today in an age devoid of both religion and true learning. St. Robert, at least, receives his due veneration every year as both saint and Doctor of the Church (and that on May 13, no less, the anniversary of the first apparition of Our Lady at Fatima). And it is singularly gratifying that, as one effect of no small importance, the controversies about Sedevacantism, from their inception in perhaps the obscurest corners of the Traditional resistance to the Council and its antipopes, to the present when the issue of heretical popes and Sedevacantism is being shouted from every housetop, it seems, both inside and outside the Church, that Bellarmine’s arguments have become widely known, if not necessarily well understood. Even more astonishingly, his entire (huge) treatise on the papacy has recently been published in not just one, but two English translations. (*Any* English translation of a Latin theological treatise is about as rare a sight as a unicorn or the Loch Ness monster.) The same, apart from the translations (except for snippets) might be said of the Dominican theologian, John of St. Thomas (more or less Bellarmine’s contemporary), though, ironically, this is entirely owing not to the considerable merits of this author, but solely to the fact that, on a single key point in regard to the deposition of a heretical pope, he takes issue with Bellarmine. Thus his importance is puffed up endlessly in the cloud of squid ink emitted by certain apologists for the “popes” of Vatican II.

My immediate subject, however, is not John of St. Thomas but a text from a much more recent theologian, one Fr. Joaquín Salaverri, a Spanish Jesuit writing in the era of Pope Pius XII, and particularly in regard to his comment on the manner of papal elections. Why this particular author, no better or worse, it seems to me, than many other theologians of the time, and his textbook on ecclesiology intended for seminarians, should have been singled out (again) for a complete English translation, entirely escapes me. Perhaps it was precisely to bring Salaverri’s point to be discussed here

into the English-language discussion of Sedevacantism, for the benefit of the many Catholics whether Traditionalist or Novus Ordo, almost entirely lacking any competence in Latin, since it can be made to appear at first glance as yet another devastating objection against the Sedevacantist position. Whatever the case, it is no such thing, as I will attempt to show first from St. Robert Bellarmine, and then from Fr. Salaverri himself. (Incidentally, one would like to know just what position Salaverri took towards the “new” ecclesiology presented at Vatican II, given his considerable expertise in the area.)

It seems that, according to Salaverri, a pope must be elected *hierarchico modo*, that is, “in hierarchical manner.” (How this is translated in the published English edition I do not know, but that is the plain meaning of the Latin.) The difficulty, then, for Sedevacantists, in the view of their neo-Modernist opponents, is, again, as with the cardinals, that the hierarchy at present, having been more or less *in toto* appointed by illegitimate popes, themselves lack legitimacy as the Catholic hierarchy. Therefore it would be impossible to elect a pope *hierarchico modo*, something which would require a validly-existing hierarchy. And again, as with the cardinals, this leads to a dead end, with no way to elect a Pope, and therefore in turn no way to get a hierarchy, etc. Thus the Church is at an end.

Leaving aside the much more serious (if possible) problem of the neo-Modernists, typically engulfed in their billows of squid ink, that if the extinction of the indefectible Church of Christ were possible, it took place at Vatican II itself, by its renunciation of Apostolic doctrine, taught by all prior Popes, in favor of liberalism and Modernism--leaving aside, as I say, this much broader issue, as well as the many aspects of the question of papal heresy and deposition, I will first present the teaching of St. Robert Bellarmine on the method of papal election, then explain Salaverri’s teaching as it has been cited in the present connection. From this it should become apparent how both are consistent with each other, and far from being an insoluble difficulty for the present situation, point the way to a solution that is (as it must be) entirely traditional and Catholic.

Bellarmino treats of the method of papal election in his *Secunda Controversia Generalis De Membris Ecclesiae Militantis* (Second General Controversy on the Members of the Church Militant).¹ He begins his treatment by explaining that the current method of electing the Pope (by the cardinals, as at the present) is the longest-standing and therefore the best, but that there have been several other methods over time. To illustrate this, he briefly discusses the methods of electing (that is, of choosing) bishops. The relevance of this is that the Pope holds his primacy as Sovereign Pontiff in virtue of being bishop of Rome. Therefore, the method of electing the Pope must necessarily correspond to that of electing bishops in general, so far as that is compatible with the papal office. As St. Robert points out, if the Pope were only the Supreme Pastor of the Church, and not the bishop of Rome, he would necessarily be elected by the bishops of the world, who are his immediate subordinates in the hierarchy, and possessors, in virtue of their office, of ordinary jurisdiction (i.e. ruling power deriving from the office itself, not delegated or exercised as the vicar of another). But the Pope is not merely the bishop of Rome in addition to being the Supreme Pastor; his very office as Supreme Pastor derives necessarily and *de iure* from his office as bishop of Rome, the successor of St. Peter in the primacy.

¹For Bellarmine’s text with translation, see p. 14 below.

With that understood, St. Robert lays down the various methods for the election of bishops, going back to the earliest centuries of the Church. Some of these methods are not compatible with the papacy, as, for instance, appointment by the Pope himself; or unacceptable on principle, as would be election by the Emperor or other secular powers. Leaving these aside, he concentrates on two salient methods.

(Bishops, it might be noted, have not always necessarily been appointed directly by the Pope, nor is that always the case under the present law, though that method has always been in use. As Bellarmine points out, it was particularly the case when founding—evidently by papal authority—new dioceses and sending new bishops to fill them. But apart from any method of election, what essentially constituted a bishop in his office was holding communion with the See of Rome, typically, I believe, by formal exchanges of letters of communion.)

In the first of these methods (the 2nd mentioned by Bellarmine), a bishop would be chosen by all the bishops of the ecclesiastical province, with the agreement of the clergy and people of the diocese concerned; not certainly in the manner of a democratic election, but rather in the manner of a consultation as to the suitability and moral character of the candidate, which would be best known to them (some at least). The same method was applied to patriarchs and metropolitans.

The other method with which we are concerned here (Bellarmine's 5th) was election by the diocesan or cathedral canons alone, a method which, as Bellarmine points out, survived in many places in Germany in his own time (as it perhaps does to the present).

Now, Bellarmine explains that the present method of electing the Pope is an amalgam of these two methods, which in his view are the best and most traditional. And consequently he concludes that this method of electing the Pope is best, not only because it is by far the longest-standing, but because it combines the features of the two best methods of appointing bishops. (It may be noted in passing that St. Robert even sees an element of the first method in the present mode of election, alluded to above, namely, appointment by the Pope himself; in other words, by his predecessor (one Pope appointing another). Without absolutely rejecting this possibility in theory, he does not think it has occurred in fact, and states it to be inexpedient (*non expedit ut praedecessor eligat successorem*). Nevertheless, he finds a certain application of this method not in the specific choice of a Pope, but in the fact that laws are laid down by Popes governing the method to be followed in the election of their successors.)

Bellarmino explains his position as follows. The first method (as described above) of electing a bishop is found in the papal election in the makeup of the College of Cardinals. The six cardinal bishops are the bishops of the Roman Province, the suburbicarian dioceses, so-called. That is the essential element of the first method, election by the bishops of the surrounding dioceses. As to the second method, the cardinal priests and deacons hold the position in the diocese of Rome of the cathedral canons in other dioceses. They are the senior clergy of the diocese. Having excluded the two remaining methods, St. Robert concludes his thesis that election by the cardinals, while not necessarily the oldest or exclusive method, is both the longest-lasting (going back, as he shows, much earlier than the 12th century), and the best that has been used.

This may not seem to help us now, in the absence of cardinals. But let us proceed to Bellarmine's next thesis, which could not be more apposite: "Eighth proposition. If there existed no pontifical constitution [i.e. law] on the election of the Supreme Pontiff: or if by some chance all the legally-designated electors, that is, all the cardinals were to perish at once, the right of election [*ius electionis*] would pertain to the neighboring bishops and to the clergy of Rome, with some dependency on a general council of bishops."

Here Bellarmine indicates that there is not complete agreement on his thesis among the authorities (he cites Cajetan, Franciscus de Victoria, and Sylvester Prierias; John of St. Thomas, we may note, also discusses this topic at length, in much the same terms as Bellarmine). It appears evident, however, that all agree that the right of election devolves on *somebody*: Cajetan and Victoria, on a council of bishops; Sylvester (or, at any rate, those whom he cites) on the clergy of Rome. Bellarmine says these positions can be reconciled. He allows that a council would by itself have the highest authority in this case; however, given the fact (as stated above) that the papacy has been joined to the diocese of Rome, that method should be allowed by the council which has always been practiced in the election of bishops, as already shown by Bellarmine and described above. Then, given that the Popes, by positive law, have taken the right of election from the clergy of Rome and assigned it to the cardinals alone (who form a certain part of that clergy), it is right that in their absence, that right should return to the clergy: "*Ergo Cardinalibus deficientibus, deberet redire ius eligendi ad omnes episcopos et clericos Romanae Ecclesiae.*" ("Therefore, when cardinals are lacking, the right of election should return to all the bishops and clergy of the Church of Rome [i.e. the diocese of Rome].") He further points out that it is unheard of that the bishops of the whole world have gathered for the electing of the Pope, except in a case where there is a doubt as to who the legitimate electors actually are. This is in reference to the Great Western Schism, an event very much in the minds of theologians dealing with matters of ecclesiology since that time (and it was no very remote event to Bellarmine and his contemporaries). Cardinals had then been appointed by the various contending popes, and therefore were all considered doubtful by one or other major portion of the Church. St. Robert concludes as follows: "In fact, this doubt must be resolved [*explicari debet*] by a general council, as was done in the Council of Constance."

The doubt was resolved in a perfectly straightforward manner. After the elimination of the three contending popes (two were deposed, one resigned under a certain amount of pressure), the council brought together all the existing cardinals (or "cardinals"). These proceeded to elect a Pope who was then accepted by the whole Church (with a considerable sigh of relief, one supposes). Any possible defects in this proceeding would then have been purged by the peaceful acceptance of the resulting pope by the Church. Underlying all this discussion is a fundamental principle (alluded to by Bellarmine) that when it is impossible to fulfill the conditions of human positive law, the law ceases to apply, and the more general provisions (which are also laws) of reason or, in the case of the Church, of the divine positive law, are then to be followed as necessity requires. The Church has its constitution and fundamental law as established by Christ Himself through His Apostles, and this is the positive law to be applied under such circumstances as we are now discussing.

Thus far St. Robert Bellarmine. Let us apply this doctrine to the moment in which we are living (hoping and praying daily for better news from Rome). It should be apparent from the above exposition that the absence of cardinals, and the presumed impossibility of getting new ones, is, in principle, no obstacle to electing a Pope, whatever difficulties it might create in the practical order. Therefore the idea that this constitutes a refutation of Sedevacantism is without foundation. Precisely the same is true of the text from Salaverri; let us, therefore, proceed to his analysis relating to the present subject.

We are concerned here, as noted above, with Salaverri's use of the term *modus hierarchicus*. In his theses on the founding and the indefectibility of the Church, after showing that Christ established the Church not only as a visible society but as a perfect society as well (that is, a government or state of law in the strict sense), he then considers its form of government. In addition to the well-known forms of monarchy and democracy, he mentions "hierarchy" (etymologically, "sacred rule" or "sacred government"), a form, as will be seen, unique to the Church. In his definition, this form has two aspects: direct foundation by God, who first conferred power on certain, thereby sacred, persons; and the continuation of this sacred power by the lawful designation of their successors, who thus also are made sacred. The manner of designation is also in accordance with the nature of the Church and its government established in the beginning by the original sacred rulers or "hierarchs" (the Apostles). In Salaverri's scholastic terminology, these persons are called the "subjects holding the power" (*subiectum potestatem tenens*) or the "subject of the power" (*subiectum potestatis*) or similar expressions. These are to become the successors in the ordinary powers of the Apostles by the "hierarchical manner of designation of the subject holding the power" (*modus hierarchicus designationis subiecti potestatem tenentis*), a cumbersome but precise term. It should be kept in mind that Salaverri generally uses the term "hierarchy" not as we do in English to designate the Pope and bishops collectively, but in the abstract sense described above, designating the form of government, and much in the sense of "theocracy," though that term has no very precise definition in English.

Church founded as hierarchy:

*"Christus tradidit Apostolis regendi, docendi et sanctificandi potestatem, cui ut sese submitterent homines obligavit: unde auctor est societatis hierarchicae, quam Ecclesiam appellavit. (Salaverri, Articulus III, p. 537, thesis 3.)"*²

("Christ handed over to the Apostles the power to rule, teach and sanctify, and put men under the obligation to be subject to them: hence He is the founder of a hierarchical society which He called the Church.")

Meaning of hierarchy:

²*Sacrae theologiae summa. I, Theologia fundamentalis : introductio in theologiam. De revelatione christiana. De Ecclesia Christi. De S. Scriptura.* Auctoribus P. Michaele Nicolau, S.I., P. Ioachim Salaverri, S.I. 3a. editio. (Matriti : Biblioteca de Autores Cristianos, 1955). Texts from both Bellarmine and Salaverri are quoted with the emphasis, punctuation, capitalization, etc. as in the edition cited. A few instances where I have added emphasis are so indicated. All translations are mine.

“... *Hierarchica [sc. societas] (ἱερά - ἀρχή = sacer principatus) erit illa societas, in qua supremam auctoritatem tenet persona sacra.*” (no. 121, p. 538)

(“That society will be hierarchical (*hiera – archē = sacred governance*) in which the supreme authority is held by a sacred person.”)

“*Dicitur sacra persona tenens auctoritatem in societate hierarchica, praesertim quia positive a Deo sive immediate sive mediate ad tale munus designata est.*” (Ib.) [emphasis added]

(“The person holding authority in a hierarchical society is called *sacred*, particularly because he has been positively designated to that office by God, *whether immediately or mediate.*”)

Designation of persons in authority:

“... *Sed designatio subiecti auctoritatem tenentis potest esse vel a Deo vel a membris societatis. Cum Deus positive designat subiectum tenens potestatem, tunc persona sive physica sive moralis a Deo designata vere minister Dei est et merito sacra dici debet, utpote divinitus muneri positive dicata.*” (no. 122)

(“But the designation of the subject holding authority can be either by God or by members of the society. When God positively designates the subject holding power, then the person designated by God, whether a physical person or a moral one, is truly the minister of God and rightly ought to be called *sacred*, because he is positively consecrated to the office *by divine power.*”)

Organization of the hierarchical society:

“*Vi huius divinae designationis subiectum potestatis obtinet iura propria, quibus alia societatis membra carent; atque inde oritur hierarchica inaequalitas, quae iuxta Patres Conc. Vaticani explicanda est, ‘non ideo tantum, quia fidelium alii clerici sunt alii laici; sed propterea maxime, quod in Ecclesia est potestas divinitus instituta, qua alii praediti sunt alii destituuntur.’*” (n. 122, p. 538)

(“In virtue of this divine designation, the subject of the power obtains proper rights which are lacking to the other members of the society; and from this arises a hierarchical inequality, which is to be explained, according to the Fathers of the Vatican Council [I], ‘not only on account of the fact that some of the faithful are clerics and others are laymen; but most of all because there exists in the Church a divinely established power with which some are endowed, and of which others are devoid.’”)

Opponents of this doctrine are listed. Marsilius of Padua, the Protestants, the Gallican jurist Richer, and the Synod of Pistoia held that power is derived from the community of the faithful; Protestant jurists such Pufendorf, Boehmer, and Jurieu maintained that the Church is a society of equals, with the power

of keys being given to “the people of the faithful.” More recently, Rationalist critics deny that Christ founded a society. (Sal. no. 123, 124, etc.) Hence they do not admit “hierarchy” in Salaverri’s sense.

Thus far, we see what Salaverri has in view at all times in his discussion of the hierarchical nature of the Church: that the Church is a *sacred* rule, governed exclusively by *sacred* persons, whose sacred character (in contrast to the rulers of secular governments, though they too have a certain sacred character, as all authority derives ultimately from God) comes from their appointment, immediate or mediate, by God Himself. The Apostles received their sacred office (*munus*) *immediately* from God; their successors also receive it from God, but *mediately* through the mediation of the Apostles and their successors throughout time. In no way is the author concerned with the specific manner in which the sacred power, whether of jurisdiction or orders, is conferred; nowhere, so far as I can see, does he discuss this. The opponents of this thesis mentioned above had no concern with the manner of transmission, as they did not admit any divinely founded office of bishops, or else held that their power only arose from the people. His thesis, elaborately proved from Scripture, the tradition of the early Church, and papal teaching throughout the ages, deals only with these generalities: that the Church was founded as a sacred rule, a hierarchy, and will necessarily continue as such until the end of time.

This will be evident from Salaverri’s treatment of *hierarchico modo*. These quotes occur in his discussion of the indefectibility of the hierarchy, or of “Hierarchy”:

“Ut Hierarchia in Ecclesia perennis sit, requiruntur duo: 1.º Ut perenne sit ipsum munus hierarchicum, id est, ut triplex potestas docendi, sanctificandi et regendi, a Christo instituta, in Ecclesia perennis sit. 2.º Ut perennis etiam sit modus hierarchicus constitutionis subiecti muneris, id est, ut muneris subiectum, non a communitate fidelium neque a saecularibus potestatibus, sed a Deo vel saltem a hierarchis iure divinitus dato constituatur.” (no. 306, p. 601)

(“In order that Hierarchy in the Church should be perduring³, two things are required: 1) That the *hierarchical office itself*, that is, the triple power of teaching, sanctifying, and ruling, instituted by Christ, should be perduring in the Church. 2) That the *hierarchical mode of constituting the subject* of the office should also be perduring, that is, that the subject of the office should be constituted not by the community of the faithful nor by the secular powers, but by God or at least by hierarchs, by their divinely given right.”)⁴

Thus, as I have said above, Fr. Salaverri intends *hierarchicus modus* only in the sense of a mode corresponding to the nature of the Church as “Hierarchy,” as opposed to a democracy or a department

³*Perennis* (lasting, permanent, perduring). Salaverri generally uses this word in his discussion of indefectibility. I have translated it “perduring” to preserve a possible nuance or distinction intended by the author from *indefectibilis* or other terms that he uses.

⁴*Iure divinitus dato*, a phrase which recurs, can variously be translated “by divinely given right,” “by a divinely given right,” or “by their divinely given right.” It is not defined by Fr. Salaverri. The sense seems to be that first the Apostles, and then the bishops, were given the right, and not merely a sacramental power, to appoint others who would be their successors *pleni iuris*, in accordance with the principle of formal succession, explained below.

of government under the secular power, etc. Nothing further is said as to the precise manner of handing on the power, except that the mode must be sacred, and carried out by sacred persons.

It will be noted that Salaverri in the above quote not only defines his “*hierarchicus modus*” but uses its “perennity,” so to speak, or its indefectibility (which he goes on to prove from Scripture and Tradition), as a premise for proving the indefectibility of the Church, and not vice versa. As examples of this hierarchical mode used in his proof, he mentions Christ’s immediate institution of the College of Apostles, and of the Primacy of Peter; and subsequently, the institution by the Apostles of their successors. About the latter he says:

“Iure divinitus dato ab Apostolis *in Ecclesia institutum est ut subiectum muneris modo hierarchico constituatur. Etenim S. Paulus* [citations omitted] *docet ab Apostolis in Ecclesia subiectum muneris constitui: 1) Modo hierarchico, quia in locis citatis constitutio alicuius subiecti in aliquo munere expresse dicitur a hierarchis fieri. 2) Iure divinitus dato ...*” (no. 309, p. 602)

(“By their divinely given right, it has been established in the Church by the Apostles that the subject of the office should be constituted *hierarchico modo*. Indeed St. Paul teaches ... that the subject of the office is constituted in the Church by the Apostles: 1) *modo hierarchico*, because in the places cited, the constituting of some subject in some office is expressly said to be done by hierarchs. 2) *By divinely given right ...*”

The latter aspect (“by divinely given right”) is illustrated by Scripture quotes in which those appointed by the Apostles are said to be *a Spiritu Sancto positi* (placed by the Holy Ghost), *dabatur gratia Dei* (were given the grace of God) by the laying on of hands, are called *Dei dispensatores (οἰκονόμοι)* (stewards of God), etc.

He continues his demonstration with quotes from the early Fathers, to the same effect: that the hierarchy of the Church, duly constituted, are the divine ministers, precisely because (in Salaverri’s view) of their having been constituted *hierarchico modo, iure divinitus dato, et ab hierarchis*. But in none of these passages does he describe the specific method of choosing or instituting a bishop or any other office, something which was of no concern to the opponents of this doctrine whom the author mentions.

Having shown that the Church was founded by Christ as “Hierarchy” (always in his sense of “sacred government”), Fr. Salaverri proceeds to prove that this hierarchy is perduring, i.e., indefectible. The form of his proof adds nothing essential to his understanding of “*hierarchico modo et ab hierarchis*,” but some points will be of interest in regard to the succession of the pope and bishops. Here is his thesis:

“*Thesis 8. Apostolis in ordinario eorum munere iure divino succedunt Episcopi, quorum singuli Ecclesiis particularibus singulis praesunt.*” (Art. 2, Thesis 8, p. 608)

“Thesis 8. Bishops are, by divine right, the successors of the Apostles in their ordinary office, and each of them presides over each particular Church.”⁵

Successors by divine right:

“IURE DIVINO succedere intelligimus eo sensu quo a Conc. Vaticano est intellectum, id est, ‘ex ipsius Christi Domini institutione’ (D. 1825) [citations omitted] Hoc autem duo praesertim importat: 1) obiective, ut munus ipsum a Deo positive sit institutum; 2) subiective, ut persona munus obiens, illud obtinuerit iuxta legem ad illud conferendum divinitus positive statutam. Unde tale munus non solum est in se ipso divinitus institutum, sed etiam est divinitus seu iuxta divinam legem positivam subiecto collatum; quare qui munus obtinet, illud possidet et exercet relate ad homines ut sibi proprium, non ut locum vel vices tenens alterius personae humanae.” (no. 334, p. 609)

“We understand the expression ‘are the successors by divine right’ in the sense in which it was understood by the Vatican Council [I], i.e. ‘by the institution of Christ Our Lord Himself.’ (D 1825) [other citations omitted] This signifies two things especially: 1) *objectively*, that the office itself have been instituted *positively* by God; 2) *subjectively*, that the person entering on the office have obtained it according to the law divinely/positively established for conferring it. Hence this office is not only divinely instituted in itself, but also divinely conferred on the subject, that is, conferred in accordance with the divine positive law. Therefore he who obtains the office possesses and exercises it in relation to men *as belonging to himself*, not as holding the place or substituting for another human person.”

Succession defined:

“SUCCESSIO est continuatio unius personae post aliam in aliquo officio. Successio duplex distinguenda est, alia materialis alia vero formalis: a) Successio materialis est mera temporalis continuatio alicuius personae post aliam in aliquo munere. b) Successio formalis est plena suffectio alicuius personae in iura et obligationes alterius in aliquo munere, seu est subiecti substitutio sine ulla iuris mutatione in aliquo munere.” (no. 334, p. 609)

“Succession is the continuation of one person after another in some office. A twofold succession is to be distinguished: one material, the other formal. (a) Material succession is the mere continuation in time of some person after another in some office. (b) Formal succession is the full substitution of some person in the rights and duties of another in some office, that is, the substitution of the subject, without any change of the rights, in some office.”

The indefectibility of the Church consists not only in a material succession of those holding authority, but in their formal succession. Material succession may be seen to a varying extent outside the Church,

⁵The ordinary powers of the Apostles are to be distinguished from their extraordinary powers, proper to the Apostles alone, for the purpose of establishing the Church; e.g., the gift of miracles, universal jurisdiction, individual inspiration and infallibility in teaching, etc. The bishops succeed only to their ordinary powers, of teaching, ruling, and sanctifying, as continued in the Church after the Apostolic era. Cf. no. 382, p. 627.

as with the Eastern schismatics and Nestorian heretics, or the Anglicans; however, they lack the lawful designation by the Church in which formal succession consists.

So we may put together the elements of the succession, as established by Christ on the Apostles and continued in the Church, as follows: *iure divinitus dato, hierarchico modo, ab hierarchis, iuxta legem ad illud conferendum divinitus positive statutam* (by divinely given right, in hierarchical manner, by hierarchs, according to the law divinely/positively established for conferring the office). It seems that Salaverri, though he does not state this clearly, is referring to the handing on both of the power of jurisdiction (implied in *iure divinitus dato*) and the sacramental power. The latter can be handed down in a merely material succession, the former only in the formal succession. Both, of course, are essential and indefectible, but the power of jurisdiction is what is formal in the Church, considered as a visible society.

From this exposition it should be evident that the *modus hierarchicus* as discussed by Salaverri is merely the general principle that the perennial succession in the Church is to be carried out according to the divinely instituted law of the Church, and therefore obviously, under her lawful authority; and not, specifically, by any democratic principle or under any exterior authority of secular powers. The same is clear from the various opponents to his thesis whom he mentions and refutes, as stated above. They were not concerned with the specifics of appointment to office but denied that the office was divinely instituted, or denied, in effect, that the manner of succession is governed by the law proper to the Church as it has been practised from the earliest times. But beyond specifying that the succession is provided for by hierarchs (the Pope and the bishops) alone, Salaverri nowhere discusses the issues involved in the current state of things: how to proceed in an extended vacancy of the papacy; indeed whether such a vacancy is possible, and if so, for how long; how to deal with hierarchs who have evidently departed from the tradition of the Church in both law and doctrine. As to whether a Pope may lapse into heresy, he mentions this question very much in passing (n. 447, p. 547, footnote 41), only quoting a remark made in Vatican I, to the effect that “God will provide”--which sentiment, I think, will be fervently shared by all true Catholics. (*At Deus in necessariis non deest; ac proinde, si Ipse permetteret tantum malum, non deerunt media ad providendum.* Words of the Relator Fidei Bishop Zinelli, Ms. 52, 1109)⁶

Thus far Salaverri on the general requirements of the succession of popes and bishops in order for the indefectibility of the Church. Only at the end of time will this indefectibility be absolutely apparent, because only then will it be absolutely accomplished. Thus it is not one of the Marks of the Church, by which the Catholic Church can be absolutely distinguished from all false “churches.” But in a relative sense, the continuing existence of the Church in her material and formal succession, stands as a clear sign of her divinity. Her competitors have passed away, or manifestly date from some time subsequent to the Apostles, lack the true succession, or have exhibited no continuity in their offices or the manner of conferring them. There is no need further to pursue Fr. Salaverri’s excellent exposition of this topic,

⁶“But God is not lacking as to necessities; and therefore, if He were to permit so great an evil, the means of dealing with it will not be lacking.” Sal. no. 657, p. 712. Cf. also p. 647, footnote 41.

as it is apart from the present subject, and its principles are disputed by no one, so far as I am aware, who is involved in the Sedevacantist controversy on one side or the other.

Thus it can be concluded that any solution to the present vacancy or apparent vacancy by electing an orthodox pope will be carried out *hierarchice et ab hierarchis*, and therefore *hierarchico modo*, if it is carried out in accordance with the law of papal election (*iuxta legem divinitus positive statutam*) by clerical electors (*hierarchice*) and under the supervision, or with the subsequent acceptance, of orthodox bishops (*ab hierarchis*) who may or may not be met in a council for the purpose. The question of jurisdiction in carrying out such an election does not arise, because the electors are not performing an act of jurisdiction, nor do they necessarily possess any, but are acting by authority of the law (*iure divinitus dato*) applicable to the time of *sede vacante*. Thus their action is not one of commanding, but of obeying. And evidently, since the Pope has no superior, there can be no jurisdiction in the Church to confer on him his office. Hence, as all the theologians state, his office is conferred by Christ directly. In accordance with this, it seems the only practical manner of proceeding (given the recalcitrance of the Modernist usurpers) is somehow to find or provide for orthodox members of the Roman clergy, whoever they may be, to carry out an election of one of their number, or of some traditional bishop, while seeking whatever support can be had from the putative Novus Ordo hierarchy (such as has occasionally been seen in fits and starts). Such quasi-hierarchs, if they show themselves willing to act against Bergoglio and take up the revision of Vatican II heresy, will be showing at least the preliminary signs of willingness to act against heresy and for the unity of the Church in faith and discipline. They could therefore be judged as purgating themselves of heresy and schism, and capable of becoming the hierarchs which they ostensibly are, and of proceeding as *subiectum potestatem tenens*. It might also be considered that Novus Ordo cardinals as ostensible electors (or at least as ostensible clerics of the Roman Church) could by a like purgation carry out an election by themselves (however few they may be), or with others having a *prima facie* standing in the Roman clergy. This would seem to be consistent with, or even follow from, the principles of Bishop Guérard des Lauriers' Cassiciacum theory.

It is not my present purpose to deal with all the ramifications of a papal election, but only with the question of Fr. Salaverri's *hierarchico modo*. Therefore, apart from a couple of addenda on related issues, I will leave the rest for other occasions and other writers who can treat of them with more competence than myself.

Addendum 1. State of the Church during a papal interregnum. Salaverri briefly refers to this question in answering an interesting objection to the Roman Primacy: If the existence of the Church depends on the Roman Pontiff as its necessary foundation, the Church would cease to exist during an interregnum. Salaverri's answer, in essence, is that during an interregnum, there exists an *exigentia Papae* together with the actual power arranged by the Pope for the time of the vacancy (*cum actuali potestate ab eo pro sedis vacantis tempore disposita*⁷). He gives no further explanation of this answer. It seems reminiscent of Billot's (or Franzelin's?) comment on the Great Western Schism, when the Church was in an effective state of *sede vacante* owing to the possible dubiety of all the competing popes. His remark,

⁷Sal., no. 448, p. 648.

however, is general. In a state of *sede vacante*, the Church is somehow not at full strength, so to speak, not being able actually to exercise those powers proper to the papacy, but that the continuity of the Church and the Papacy can be seen in the belief and expectation by the whole Church that the office of the papacy must be filled (Salaverri's "exigency," I suppose), and is to be filled by due observance of the laws of election, themselves appointed by Apostolic and papal mandate. *Hierarchice et ab hierarchis*. The present difficulty, of course, arises from the general belief that the See actually is filled. Thus the spreading awareness of the Sedevacantist thesis, owing not a little to the horror in the white cassock, might be a sign that the way may be opening, by the grace of God, to a return to Tradition. But in general, it must be recognized that the continuity of the offices in the Church, both of the papacy and of the bishoprics throughout the world, on which the indefectibility of the Church rests, is a continuity of the law, not a physical continuity like that of a natural family, or of the handing down of sacred orders. Thus it is compatible with an interregnum of indeterminate length (at least so far as any theologian has been able to determine it), not, in my view, indefinite, but still quite long as seen in the Western Schism. So long as a given successor to the Apostolic See is chosen *hierarchico modo*, he will be, and be seen to be, the legitimate continuer of the succession, however long the gap that intervened since his true predecessor.

Add. 2. Indefectibility of bishops. The question has arisen as to whether it would not be contrary to the indefectibility of the Church if all of the bishops (ordinaries), with or without the Pope, were to fall away into heresy or schism, as might well appear to be the case at present. While Salaverri considers the succession (and therefore the existence) of diocesan bishops, subordinate to the Pope, to be indefectible, he does not address this precise question. In his proof for this thesis, he mentions the texts from Vatican I that say such bishops will always exist. However, it is not apparent that such texts, true of course in their intended sense, necessarily exclude the possibility of a universal falling away for a time, or prior to the end of the world (which would also be for a time). The office of bishop has the same nature as the papacy (itself a bishopric), and therefore is compatible with interregna, as is self-evident. Furthermore, no particular diocesan see apart from Rome is indefectible; in fact, countless such sees have defected over the past two millennia. The indefectibility of the Church, in the teaching of Vatican I, rests on the indefectibility of the papacy. The indefectibility of the episcopacy, as proved by Salaverri, must take this into account. I have no view on the question, and see nothing wrong with Salaverri's proof of his thesis, but neither do I see a necessary incompatibility between that and a universal defection, in principle temporary, of the hierarchy. To look for unknown bishops, at present, who are by their orthodoxy maintaining the continuity of the Church, and to posit this as providing for the indefectibility of the Church, is to make bishops more orthodox and indefectible than the pope. It seems more in accordance with Vatican I and the indefectibility of the hierarchy to say that just as the hierarchy is likely to follow a papal heretic or schismatic out of the Church, so a restored pope will lead them back by his teaching and example, or make it his first priority to provide orthodox pastors throughout the world. Meanwhile, I see no reason in principle (leaving aside, again, practical considerations) why traditional bishops could not claim jurisdiction over a diocese where they are residing, in virtue of an election by the clergy and other bishops, in line with Bellarmine's presentation. The legitimacy of such an election would necessarily be supported by a profession of communion with the Holy See (*sede vacante*); and an assumption of jurisdiction under principles of epikeia—appealing

to the approval of the future Pope--in the current state of emergency, could likewise be justified. Supposedly there are historical precedents for such an action.

Add. 3. Nestorius. Salaverri makes no mention of the status of Nestorius after his fall into heresy, and in general, of how hierarchs, once having obtained their power *hierarchico modo*, can thereafter lose it. Nor does he mention the case of Liberius and St. Felix II, which figures prominently in the treatment of St. Robert Bellarmine, not to mention various other theologians such as those I mentioned above. This issue perhaps does not bear directly on the present subject, but it certainly is an important theme in a complete understanding of the nature of jurisdiction in the Church (and therefore of “hierarchy” in Salaverri’s term), and more generally of the nature of the Church as a visible society. This seems to me to be a lacuna in Salaverri’s ecclesiology, and perhaps of other theologians of his period, that helped open the way to the “new ecclesiology” of Congar at Vatican II, an Achilles heel which the Modernists struck at, to bring in their neo-Protestant and Illuminist “church of love.” This is a question that needs to be explored elsewhere.

BELLARMINE ON PAPAL ELECTION

The following is the text from Bellarmine dealing with the election of the pope, quoted with minor omissions, and followed by my translation.⁸ After dealing with various errors of the Protestants, such as that the ministers of the Church ought to be elected⁹ by the people or by God Himself, he proceeds to the election of popes. He gives several proofs for his proposition (that election by the cardinals alone is best), stated below. These proofs I have mostly omitted, as of less relevance to our present purpose, which is to see how Bellarmine describes the various methods of electing which have been in use, and how he connects them to a situation in which the usual electors (the cardinals) would be lacking (the 8th proposition).

“Caput IX. *Septima propositio. Ratio eligendi summum pontificem per solos cardinales, est omnium optima, et merito conservanda, etsi absolute posset pontifex eam mutare, si vellet.*

...

“Tertio [probatur], ex duratione ... Constat enim ab anno 1179. usque ad hoc tempus per annos 400. semper electos pontifices a duabus partibus cardinalium, juxta decretum Alexandri III. promulgatum in concilio lateranensi, ut habemus caput *Licet*, extra de electione, nec tamen tunc coepit electio fieri per solos cardinales, sed diu antea videtur incoepisse. Nam in illo cap. *Licet*, Alexander III. aperte indicat iam ante coepisse morem istum, ut soli cardinales eligerent, et solum se constituere, ut non sufficiat major pars cardinalium, sed requirantur duae partes. Porro ante hoc tempus per 1100. annos, 17. mutationes inveniuntur in electione romani pontificis, ut quidam annotarunt.

...

“Quinto probatur: nam haec forma eligendi temperata est ex omnibus aliis bonis et legitimis formis; sciendum est enim quinque modis praecipue consuevisse eligi episcopos. Primus modus fuit, ut ipse summus pontifex per se eligeret, qui modus praesertim servabatur olim in novis episcopis mittendis.

“Secundus modus fuit, ut episcopum eligerent episcopi omnes ejusdem provinciae vel major eorum pars, postulato tamen testimonio, et consensu cleri et populi ejus loci, cui episcopus dabatur: et eodem modo eligebantur metropolitani et patriarchae, et ipse summus pontifex, nimirum ab episcopis vicinis, seu provincialibus. Et hic modus antiquissimus fuit, et duravit satis diu. De hoc modo loquitur Cyprianus lib. 1. epist. 4. *Apud nos, inquit, et fere per universas provincias tenetur, ut ad ordinationes rite celebrandas, ad eam plebem, cui praepositus ordinatur, episcopi ejusdem provinciae proximi quique convenient, et episcopus deligatur plebe praesenti, quae singulorum vitam plenissime novit, et uniuscujusque actum de ejus conversatione perspexit.* Idem lib. 4. epist. 2. testatur, Cornelium papam electum fuisse a plurimis episcopis, de testimonio et suffragiis totius cleri et populi. De eodem modo

⁸The volume title of the edition cited reads: *Disputationum Roberti Bellarmini Politiani S.J., S.R.E. Cardinalis, De controversiis Christianae fidei adversus hujus temporis haereticos ... tomus secundus* (i.e. Disputations of Robert Bellarmine of Montepulciano, S.J., Cardinal of the Holy Roman Church, on the controversies of the Christian Faith against the heretics of the present time, volume 2). (Mediolani [Milan] : Edente Natale Battezzati, 1858). Reference to these Controversies is somewhat of a bibliographical challenge. The major divisions of the Controversies, to which reference must be made, are not indicated on the title pages (but they may be found somewhere inside). The section to which this quote belongs is entitled: *Secunda controversia generalis De membris Ecclesiae militantis, tribus libris explicata* (Second general controversy: On the members of the Church Militant, explained in three books). This title is found on p. [147] of the edition cited. The subsection is “*Lib. primus, De clericis*” (Book 1, On the clergy). The quote begins with chap. IX, on p. 162.

⁹In Latin, *eligere* means, indifferently, to choose or to elect. It has no necessary connotation of election by voting as does “elect” in English. But since, in this general context, we are dealing with formal appointment or election to public office, I have generally translated as “elect” rather than “choose,” regardless of the particular mode at issue.

legimus in concilio nicaeno, can. 4. episcopum debere constitui ab omnibus episcopis provinciae, et si id fieri nequit, saltem per literas debere haberi consensum absentium omnium, vel majoris partis, ut exponit can. 6. ejusdem concilii. Idem habetur in concilio antiocheno, can. 19. et in decretis collectis a Martino bracarensi, cap. 3.

“Tertius modus fuit, ut eligeret clerus et populus civitatis. Hic modus fuit in usu tempore Chrysostomi, Ambrosii, Augustini, Leonis, Gregorii, ut patet ex locis supra citatis.

“Quartus modus fuit, ut imperatores et reges, vel soli, vel cum clero et populo eligerent. Constat enim, Justinianum seniore post recuperatam Italiam, noluisse quemquam creari romanum pontificem, sine sua approbatione, quod servatum est usque ad Constantinum IV. ... Constat item, Carolo Magno jus eligendi romanum pontificem et alios episcopos concessum ab Adriano I. et deinde simile jus concessum Othoni a Leone VIII. ut patet ex Gratiano dist. 63. can. Adrianus, et can. in synodo, si tamen hi canones recipiantur, qui a Gratiano non ex decretis pontificum, aut conciliorum, sed ex chronica Sigeberti collecti sunt.

“Quintus modus fuit, ut soli canonici, idest, primarii clerici episcopum eligerent, qui modus servatur a longo tempore in multis Germaniae locis.

“Ex his quinque formis Prima non potest reperiri in electione summi pontificis, quia non expedit, ut praedecessor eligat successorem. Reperitur tamen aliquo modo, quatenus haec forma electionis ab ipsius pontificis decreto manavit. Secunda reperitur in hac forma, quantum ad id, quod erat in ea praecipuum; nam eligunt nunc episcopi vicini, ut tunc eligebant, nimirum sex episcopi cardinales. Tertia non reperitur, quia erat omnium maxime incommoda, ut supra ostendimus. Quarta non reperitur etiam, quia quod imperatores se miscuerint electioni, factum est vel vi, et quasi tyrannide imperatorum, ut quando graeci imperatores nolebant creari pontificem sine suo jussu, immo etiam nisi pecuniarum summam accepissent; quam consuetudinem tyrannicam fuisse affirmat s. Gregorius commentario psalm. 4. poenitentialis; vel quia pontifices ipsi id necessarium judicabant ad Ecclesiae defensionem, ut quando Carolo Magno et Othoni id pontifices concesserunt, si tamen concesserunt. At nunc nec imperatores tyrannice se ingerunt electioni, nec id requiritur ad Ecclesiae defensionem. Immo etiam vix invenitur aliquis pius imperator, qui hoc jure sibi concesso uti voluerit, et e contrario exstat aperta renunciatio huic juri facta a Ludovico Caroli filio ... Quinta denique reperitur; nam quod sunt canonici in aliis urbibus, id sunt presbyteri et diaconi cardinales in urbe.”

“Caput X. Octava propositio.

“Si nulla exstaret pontificia constitutio de electione summi pontificis: vel casu aliquo omnes electores a jure designati; idest, omnes cardinales simul perirent, jus electionis ad episcopos vicinos et clerum romanum pertineret, cum dependentia aliqua a concilio generali episcoporum.

“In hac propositione non videntur omnes convenire. Quidam enim existimant, secluso jure positivo, jus eligendi devolvi ad concilium episcoporum, ut Cajetanus tract. De potestate papae et concilii, cap. 13 et 21. et Franciscus Victoria relect. 2. quaest. 2. de potestate Ecclesiae. Alii, ut refert Sylvester verbo Excommunicatio, 9. § 3. docet [*sic*] ad clerum romanum pertinere jus eligendi in illo casu. Sed conciliari possunt hae duae opiniones. Nam ad episcoporum concilium pertinet sine dubio primaria auctoritas eligendi in illo casu; siquidem, mortuo pontifice, non est in Ecclesia ulla major auctoritas, quam generalis concilii: et si pontifex non esset episcopus romanus, nec alicujus particularis loci, sed solum generalis pastor totius Ecclesiae, ad episcopos pertineret, vel eligere successorem, vel designare electores: tamen posteaquam unitus est pontificatus orbis episcopatu urbis, immediata auctoritas

eligendi in illo casu deberet ab episcopis totius orbis permitti episcopis vicinis, et clericis romanae Ecclesiae, quod probatur dupliciter.

“Primo: Quia ab omnibus episcopis vicinis, et clericis romanis translatum est jus eligendi ad cardinales, qui sunt quaedam pars episcoporum et clericorum romanae Ecclesiae; ergo cardinalibus deficientibus deberet redire jus eligendi ad omnes episcopos et clericos romanae Ecclesiae.

“Secundo: Quia haec est antiquissima consuetudo, ut ex Cypriano supra ostendimus, ut episcopum tam romanum, quam alios eligant episcopi vicini, praesente clero. Nec unquam est auditum, quod episcopi, aut archiepiscopi totius orbis convenirent ad electionem summi pontificis, nisi in casu, in quo dubitatur, qui sint legitimi electores. Hoc enim dubium a concilio generali explicari debet, ut factum est in concilio constantiensi.” [End of Cap. X]¹⁰

TRANSLATION:

“Chapter IX. Seventh proposition. The best of all methods of electing the supreme pontiff is by the cardinals alone, and it is rightly to be preserved, although the pontiff could change it by his absolute power, if he wished.

“3rd [proof], by its longevity ... For it is evident that pontiffs, from the year 1179 up to the present, have been elected by two thirds of the cardinals, according to the decree of Alexander III promulgated in the Lateran Council, as we find in the chapter *Licet*, Extra de electione. And besides it was not at that time that election by the cardinals alone began, but it appears that it began long before. For in that chapter *Licet*, Alexander III clearly indicates that this custom of electing by the cardinals alone had already begun prior to then, and that he was only establishing that a majority of the cardinals would not suffice, but that two thirds would be required. Furthermore, for 1100 years prior to this time, 17 changes are found in the election of the Roman Pontiff, as certain men have pointed out.

...

“5th proof. This form of election is a combination of all the other good and legitimate forms; for it must be understood that there have been five principal modes that were customarily in use in choosing bishops. The first mode was that the Supreme Pontiff himself would choose by himself. This mode was especially observed formerly in erecting new bishoprics, and sending the new bishops.

“The second mode was that the bishop would be elected by all the bishops of the same province, or a majority of them, but after soliciting the testimony and consent of the clergy and people of the place to which the bishop was being given. Metropolitans and patriarchs were elected in the same manner, and the Supreme Pontiff himself, that is to say, by the neighboring bishops, or provincials (those of the province). Now this mode was the most ancient, and it lasted for a fairly long time. Cyprian speaks about this mode in his bk. 1, letter 4: *It is held in our area, he says, and throughout nearly all the provinces, that for the lawful celebration of ordinations, all the nearby bishops of the same province should meet together at the place of the people for whom a superior is being ordained, and a bishop should be chosen in the presence of the people, who have the fullest acquaintance of the lives of each one, and have observed the moral behavior of each one.* And again, in bk. 4, letter 2 he asserts that Pope Cornelius was elected by many bishops, on the testimony and favorable votes of the whole clergy and people. We read about the same mode in the Council of Nicea, can. 4: A bishop must be instituted

¹⁰Bellarmino, p. 162-163.

by all the bishops of the province, and if that cannot be done, at least the consent of all those who are absent ought to be obtained by letters, or that of the majority, as can. 6 of that council expounds. The same is had in the council of Antioch, can. 19 and in the decrees collected by Martinus Bracarenensis [Martin of Braga, apparently].

“The third mode was that the clergy and people of the city would elect. This mode was in use in the time of Chrysostom, Ambrose, Augustine, Leo, Gregory, as is evident from the texts cited above.

“The fourth mode was that election would be by emperors or kings, either alone or together with the clergy and people. For it is clear that Justinian the elder, after recovering Italy, did not want anyone to be created Roman Pontiff without his approval; and this was observed up to Constantine IV. ... It is also evident that the right of election of the Roman Pontiff and other bishops was conceded to Charlemagne by Adrian I; and afterwards, a similar right was granted to Otto by Leo VIII, as is seen from Gratian, distinct. 63 can. Adrianus, and the can. In synodo; if in fact these canons are to be received, which have been collected not from decrees of the pontiffs, or of the councils, but from the chronicles of Sigebert.

“The fifth mode was that only the canons, that is, the primary clergy would elect the bishop. This mode has long been observed in many places in Germany.

“Given these five forms, the first of them cannot be found in the election of the Supreme Pontiff, because it is not expedient that the predecessor should elect his successor. Nevertheless, it is found in some manner, to the extent that this form of election [i.e. the present one] has emanated from the decree of the pontiff himself. The second is found in this form, in regard to its principal feature; for the election is now by the neighboring bishops, just as it was then; namely, the six cardinal bishops. The third is not found, because it was the most troublesome of all, as we showed above. The fourth also is not found, because insofar as the emperors involved themselves in the election, it was done either by force exerted by the emperors, and that tyrannously, as when the Greek emperors did not wish that a pontiff be created without their command, and even without receiving a sum of money. St. Gregory affirms this custom to be tyrannical, in his commentary on the penitential Ps. 4; or because the pontiffs themselves judged it necessary for the defense of the Church, as when the pontiffs conceded this to Charlemagne and Otto, if they did actually concede it. But now, the emperors neither tyrannously interfere in the election, nor is this required for the defense of the Church. And besides, it would hardly be found that a pious emperor would wish to exercise this right if it were to be granted to him, and on the other hand, there exists a clear renunciation of this right by Louis, the son of Charles [Charlemagne]. ... Finally, the fifth [mode] is found; because that which the canons are in other cities, the cardinal priests and deacons are in the City [Rome].

“*Chapter X. Eighth proposition.*

“*If there existed no pontifical constitution on the election of the supreme pontiff, or if by some chance all the electors designated by law, that is, all the cardinals were to perish simultaneously, the right of election [jus electionis] would pertain to the neighboring bishops and the clergy of Rome, with some dependence on a general council of bishops.*

“In this proposition not all seem to concur. Some are of the opinion that, the positive law having been excluded, the right of electing devolves on a council of bishops, as Cajetan tract. De potestate papae et concilii, cap. 13 and 21; and Francis de Victoria relect. 2. quaest. 2. de potestate Ecclesiae. Others, as related by Sylvester under the word Excommunicatio, 9. § 3 teach that the right of election belongs to

the Roman clergy in that case. But these two opinions can be reconciled. Without doubt, the primary authority of electing belongs to a council of bishops in that case; given that, when the pontiff is dead, there is no greater authority in the Church than a general council: and if the pontiff were not the bishop of Rome, or of any other particular place, but only the general shepherd of the whole Church, it would belong 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 [Rome], the immediate authority of election in that case would have to be permitted, by the bishops of the whole world, to the neighboring bishops, and to the clergy of the church of Rome. This is proved in two ways:

“First. Because the right of electing was transferred from all the neighboring bishops and the Roman clergy to the cardinals, who are a certain part of the bishops and clergy of the Church of Rome; therefore in the absence of cardinals, the right of electing ought to return to all the bishops and clergy of the church of Rome.

“Second. Because this is the most ancient custom, as we showed above from Cyprian, that the neighboring bishops elect the bishops both of Rome and others, in the presence of the clergy. Nor has it ever been heard of that the bishops or archbishops of the whole world would meet for the election of the supreme pontiff, except in a case where it is doubtful who are the legitimate electors. For this doubt must be resolved by a general council, as was done in the Council of Constance.” [end of chap. X]