

CHAPTER X

ON THE LACK OF INTENTION TO ACCEPT THE PAPACY

This chapter articulates the argument of the Thesis which explains why the “Vatican II popes” are not true popes, namely, because they lack the proper intention required for a valid act of acceptance of the papacy.

1. Introduction.

The first issue of the *Cahiers de Cassiciacum* (published by the *Association Saint-Herménégilde*, Nice, May 1979) discusses at great length the subject of *intention*. In a section numbering some fifty-two pages, Bishop Guérard des Lauriers O.P. explains how a man who, despite the external appearances of being the pope, might internally posit an obstacle to his receiving the form of the papacy from Christ. In other words, whereas in normal circumstances, there is nothing to prevent Our Lord from bestowing upon the elected candidate the keys of St. Peter and the supreme authority over the Church, in the present circumstances, something in the intention of the elected candidate hinders his reception of this supreme authority. Following is a presentation of this argument.

2. The “Vatican II popes” are not in fact true popes.

The Thesis agrees with total sedevacantism (sometimes called “totalism”) in saying that the Vatican II popes *are not true popes*. This is a fact admitted by both sides using an indirect argument based on the Church’s infallibility: the Vatican II popes, who have appeared to enjoy supreme authority over the Church, have universally promulgated errors in doctrine, liturgy, and discipline; they have done so in circumstances where the indefectibility of the Church in doctrine, worship and discipline was engaged. Therefore, either they are not popes, or the Church has defected. Since the Catholic faith forbids us from professing the latter, the former must be true.

3. Explanation given by “total sedevacantism.”

Where the Thesis disagrees with totalism is in the explanation of *how* these claimants to the papacy were not true popes. Totalism begins with an attempt to establish a fact of public heresy among the “Vatican II popes.” It proceeds to assert that a public heretic cannot be validly elected to the papacy, and concludes that the “Vatican II popes” were invalidly elected to the papacy.

4. Explanation given by the Thesis.

The Thesis presents an entirely different argument, based on metaphysical considerations of the act of acceptance of the papacy and the nature of authority. *These are two completely distinct arguments.* Adherents to the Thesis reject the totalist argument as false. The reason for this is that Canon Law clearly indicates that undeclared heretics can validly elect and be elected in the Church, at least for as long as their delict of heresy is not recognized (this will be thoroughly studied in its proper chapter).

On the other hand, the argument presented by Bishop des Lauriers can be briefly summarized thus: in order to become the pope and receive authority from Christ, the elect must truly accept the papacy.

This argument is therefore proper to the Thesis: The “Vatican II popes” are not true popes on account of the fact that they did not properly accept their election to the papacy.

FIRST ARTICLE

MATTER AND FORM IN THE PAPACY

5. Elements involved in the making of a pope.

Let us consider the requisite determinations which are brought together in the person of a pope. The 1917 Code of Canon Law, can. 219, indicates:

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

There are therefore three elements which support the affirmation that someone is the pope:

1. legitimate election

2. acceptance of the election by the elected person

3. the full power of supreme jurisdiction, received directly from Christ.

These three elements have separate causes: election is carried out *by the electors*; acceptance is given *by the person elected*; and the supreme power is communicated to him *by God*.

We can therefore clearly distinguish the three stages of the formation of a pope. First, a group of men (the college of cardinals) lawfully elect a candidate. Second, this candidate accepts the papacy. Third, God bestows upon the elected man the supreme authority over the Church, thus making him *the pope*.

6. Matter and form in the papacy.

Theologians who have described this process have used the analogous terms of *matter* and *form*, which in man, for example, are the body and the soul, respectively. These terms have been applied analogously by philosophers and theologians for making distinctions in the sphere of human morality. The application of these concepts (*matter, form*) to sacramental theology, for example, is well-known.

In the administration of the sacrament of baptism, the washing with water on the forehead is the *matter* of the sacrament: it could be made into a sacrament, if one were to say the *form*, the formula of baptism, to determine that this washing is indeed no mere cleansing, but the sacrament of baptism.

Thus, also, in moral theology something is said to be a *material* sin if it is objectively wrong. It becomes a *formal* sin if it was deliberately intended. For example, to eat meat on Friday is objectively wrong, it is a *material* sin, it is the *matter* of sin, and will indeed be a true sin, a *formal* sin, if it was done deliberately. But if someone were to eat meat on Friday by mistake, it would only be a *material* sin, which is no sin at all and does not need to be confessed.

In the case of the pope, theologians have also made a distinction between the *subject* (the person) receiving the papacy, and the *authority* of the papacy itself, describing the former as the *matter* of the pope, whereas the latter is the *form* of the papacy. By the process of election and acceptance, a subject, the *matter*, is prepared and disposed to receive from God the *form* of the papacy, that is, the supreme authority over the Church. The union of this matter and this form produces a valid pope.

St. Robert Bellarmine (*De Romano Pontifice*, Bk. II, c. XXX) writes:

Therefore, when Cardinals create the Pontiff, they exercise their authority not over the Pontiff, because he does not yet exist; but over the **matter**, that is, over the person whom they dispose in a certain measure through election, that he might receive the **form** of the pontificate from God.

The same distinction is accepted by St. Antoninus and Cardinal Cajetan. It is therefore false to claim, as many have done, that the Thesis is a novelty in applying these distinctions to the papacy.^[1]

It is also clearly false to say that by conceding to the “Vatican II popes” a *material* aspect of the papacy, the Thesis is really conceding power and authority to them. In the same way that washing your forehead is no baptism, or that eating meat on Friday by mistake is no sin, so also a *material* pope (a person elected to the papacy) is no pope. However, just as you cannot confer baptism without the *material* element of the washing with water; or just as you cannot have a sin unless there is something objectively, *materially*, sinful (at least as perceived by the person), so also you cannot ever have a real, *formal*, pope, unless you have, first, a *matter* disposed to receive the papacy, viz., a man elected by the conclave.

7. Matter and form of the papacy in the absence of a pope.

When the pope dies, the papacy is thus said to remain under its *material aspect* in the ability of the Church to elect a successor, and under its *formal aspect* in Christ, ready to grant authority to the elect. Such is the teaching of St Antoninus (1389-1459):

Such [papal] power remains in the Church and in the College [of Cardinals] with respect to that which is **material** in the papacy, since after the death of the pope the College is able, through election, to determine a person to the papacy, that it be such or such a one. ... Hence, if by the name of papacy we understand the election and determination of the person (which is the **material** thing in the papacy, as has been said before) then such power remains in the College after the death of the pope. But if by the name of papal power we understand his authority and jurisdiction (which is the **formal** thing), then such power never dies, because it always remains in Christ.^[2]

As long as these two aspects of the papacy remain: the *material aspect* in the Church, and the *formal aspect* in Christ, the papacy is not lost. Neither is the teaching of the 1870 Vatican Council denied, which teaches that St. Peter will have perennial successors.

To expect Christ to provide not only the formal aspect of the papacy, which is the supreme authority of the pope, but also its material aspect, which is the designation of a man to receive the papacy, would be logically committed to the admission of the loss of

apostolicity in the Roman See and in the universal Church. For even if a pope were named directly from heaven, he would not be the true *successor of St. Peter*. By analogy, a man created directly from God without being *procreated* by human parents could not be a descendant from Adam. Therefore, any system unable to explain the continuation of the material aspect of the papacy in the Church ought to be abandoned.

8. The Thesis maintains that the “Vatican II popes” are not popes *formally*, but only *materially*.

This shall be proved later. Let it suffice for now to explain its meaning. The Thesis says that the “Vatican II popes” are not *formally* popes, that is, they are not really popes and have no authority. However, the Thesis says that they are popes *materially*, meaning that they have received one of the aspects of the papacy: the election. A person elected to be pope is no pope, certainly, just like a mere washing of the forehead is no baptism. But just like water poured on the head of a person *could be made* into the sacrament of baptism, if someone were to pronounce the words of baptism, so also a person elected to the papacy *could be made into a real pope* if he were to accept the papacy and receive authority from God.

SECOND ARTICLE

THE ULTIMATE DISPOSITION

OF THE MATTER: THE ACCEPTANCE

9. The acceptance of the election.

By its nature, the intellect seeks to know the essence of a reality of which it grasps the existence. Now, the absence of authority in the Vatican II popes is known as a *fact*, as we have explained, but it is not yet understood as to the manner by which this lack of authority is brought into being.

We know as a *fact* that the “Vatican II popes,” despite apparently valid elections, have not received the supreme authority from Christ. Is this possible? The answer is in the affirmative, since between a legitimate election and the reception of authority from God there is required a middle act, as we have seen: the acceptance of the election by the person elected. This is an act of the will, on the part of the elect, which should be manifested externally, but by its very nature needs also to be internal to be valid. In other

words, it is necessary that the elect sincerely **have** and **express** his acceptance of the election. By a simple act of the will, therefore, the elect can choose to receive the supreme authority of the Church, or refuse it. He may also accept it for a time, and then willingly resign it later on; Pope St. Celestine (who reigned between July and December of 1294) is a well-known example of this. This simple act of the will is called the acceptance. It is said to be the ultimate disposition of matter, in the sense that it is the last preparation necessary on the part of man in order that someone may receive the pontifical authority from God.

10. Role of the acceptance.

According to Bonacina,^[3] acceptance does not mean that the pope constitutes himself as a pope, or joins the papacy to himself,

because the consent to the election is not the election or creation or constituting of a pope, but a condition required for the complete effect of the election and the constitution of a pope.^[4]

Cardinal Cajetan^[5] teaches similarly:

Ever since the immediate institution of the first “Peter” by Christ Himself, the union between the papacy and Peter does not come from God but from man. This is made evident from the fact that this union is produced through the intermediary of a human election. Two human acts of consent contribute to this effect, namely that of the electors and that of the elect. **It is indeed necessary** that the electors elect voluntarily, and **that the elect accepts the election voluntarily, for otherwise nothing happens.**^[6]

Passerini^[7] explains:

The elect is not pope except after his consent, and by virtue of the consent, which by nature precedes the Pontificate.^[8]

Bonacina says again in equivalent terms (*ibid.*):

The fourth condition is that the person elected consent. The reason for this is, first, that no one can begin to possess something in a moral manner without his consent; therefore in order that someone begin to possess the papacy or Pontifical power, his consent is necessary. Also, because by the conferral of the papacy the person elected contracts many obligations, and is obliged as if by a contract (*quasi ex contractu*); but

an obligation from a contract or quasi-contract is not contracted without consent, as Cajetan rightly says in chapter 26 of his first book *De Comparatione Papae et Concilii*.

11. Interval between election and acceptance.

In the interval between the election and the acceptance, the elect alone has the material aspect of the papacy (still requiring to be completed by the acceptance), but not yet the formal aspect. The duration of this interval is able to be determined by the electors, but in itself is indefinite.

Bonacina explains again (*ibid.*):

A greater difficulty is whether the College of Cardinals has any power over the person elected, who has not yet accepted the election. It seems to me that one should answer with Sopranus (in the above-quoted place) that they have the power to order him that he accept the election as soon as possible, or that he decline it, if he be unwilling to accept it. The reason is that during the vacancy of the See the whole College has power over each single Cardinal, at least in those things that pertain to the election, [as can be seen in] the above-quoted chapter *Ubi Periculum*: hence it can force the elected to person to accept the election or to decline it, if he is unwilling to accept it.

12. Different alternatives are possible in the interval between election and acceptance.

As a matter of fact, the elect can either accept or refuse the election, or do neither. In the case of acceptance, he becomes a true pope. In the case of refusal, he returns to the state he was before the election, and someone else could, and should, be elected in his place. In the case of neither acceptance nor refusal, which is the more interesting, he remains the elect of the conclave without as yet being a true pope, endowed with supreme authority, for as long as he does not make a decision. The current situation of the papacy, as we shall explain, is somewhere in between someone who has truly accepted and someone who has neither accepted nor refused: the elect has indeed accepted exteriorly (as is evident), but not internally (as we shall prove).

The situation during this interval is therefore not one of pure vacancy of the Roman See. Again, Bonacina says it in clear terms (*ibid.*, emphasis added):

Secondly, it does not follow that the Apostolic See is simply (*simpliciter*) vacant while the election has been made by the Cardinals and the person elected has not yet given his consent, as when the person elected is an absent Cardinal (as happened to Adrian VI who was in Spain in 1521), for even though the election has not yet achieved its full effect and the Apostolic See is not yet said to be occupied, for as long as the consent of the person elected has not followed; but the Apostolic See is not vacant on

account of this, because **the See is said to be vacant when it does not have a Pontiff in any way, but in our case it does have a Pontiff in a certain way, since a pope has already been elected, and even though he has not yet been created, he nevertheless has been as though conceived and exists, so to speak, in the womb.**

The last determination of the matter, prepared to receive the form of the papacy, is therefore the internal consent of the elect. Even in the case of a legitimate election, and assured of the promise of Christ to grant authority to the legitimate successor of St. Peter, the last condition still needs to be posited for validity: a sincere internal acceptance of the papacy by the elect.

13. The “Vatican II popes” may be said to be popes *materially*.

By this it is not meant that they really are popes, since the form of the papacy is what makes a man to be the pope, ultimately, as we have seen. But the elect of a conclave has *some material element* of the papacy, that is, some disposition to receive the papacy, that no other man on earth has.

Ultimately, the proximate matter of the papacy, ready to receive the form of the papacy from God, requires the consent of the elect. But the elect is remotely the matter of the papacy, just like water is the remote matter of baptism. What will be done with this matter will determine whether or not a pope is created, or a baptism is conferred.

The distinctions are thus summarized by the Benedictine Charles Bachofen:

Election is, we might say, the remote material element, whilst the consent of the elect is *materia proxima*, to which is added the divine form of the primacy embodied in the Roman bishop.^[9]

Following this distinction, it is clear that it is legitimate to speak of a pope-elect as having some material aspect of the papacy, namely the remote material element, the election. Hence the Thesis says that although the “Vatican II popes” are not *formally* popes (they do not have the papacy which comes from God), yet they can be said to be *materially* popes (they have been elected by men).

THIRD ARTICLE

COULD AN EXTERNAL CONSENT BE RENDERED INVALID BY AN INTERNAL OBSTACLE?

14. The act of acceptance is a *human act*.

So far, we have underlined the necessity that the acceptance of the papacy be not only externally manifested but also internally sincere in order to be valid. It is now time for us to prove it.

The acceptance of the papacy (like the election, or any legitimate ecclesiastical act) is what is called a *human act*. In theology, *human acts* are distinguished from *acts of man* in that they are not mere acts done by a subject independently of his control, but that they imply knowledge and consent of the subject. To work, to talk, to paint are *human acts*, for example. To digest, to grow, to fight a sickness with your immune system are *acts of man*, over which we have no control, and therefore for which we have no moral responsibility.

Indeed any *moral act* is a *human act*. Thus a sin, in order to be such, should not only have been objectively committed, but should have been so through knowledge and consent. If you deliberately and willfully eat meat on Friday, you consent, and therefore you sin. But if you were mistaken, and were convinced it was Thursday, and ate meat, you did not sin, because your decision was not to eat meat on Friday, but on the day you thought was a Thursday.

Knowledge and consent are the very elements of a *human act*, they are intrinsic to it, and belong to its very nature. Legitimate ecclesiastical acts, such as election, are *human acts*. Indeed, canon 167 of the 1917 Code of Canon Law clearly denies any right of election to someone unable to produce a human act, if for example one should fall into dementia. Similarly, an election obtained through grave threats imposed on the electors is invalid, because they would have lacked the freedom to give the proper consent which ought to be given to such an action, despite the external vote.

That juridical acts (or more precisely, *legal transactions*) require a proper intention to posit them is universally recognized by moralists and canonists. Thus, a dictionary of moral theology reads as follows:

By legal transaction is ordinarily understood a juridical act consisting in a direct manifestation of intention or will to produce a juridical effect. **Hence, the essential requisites of every legal transaction are: (a) *will* or intention of the subject or**

subjects; (b) their *competence* (natural or legal), for the will-factor alone has no effect before the law, unless it emanates from a competent subject; (c) *external manifestation*, without which the internal will has no legal force or value.^[10]

As a consequence, just as if you ate meat on Friday thinking it was a Thursday, you did not sin because you did not intend to actually eat meat on Friday, so also, whenever the internal intention does not correspond to the legal transaction posited externally, this latter is invalid. Thus the same dictionary continues:

When the external manifestation does not coincide with the internal will, or when the external manifestation is executed in a manner or form other than that prescribed by the law, the act or transaction is considered to be null and void.

15. Knowledge and consent are required for a valid acceptance.

The acceptance of the election is a human act, which therefore ought to be made with proper knowledge and consent; otherwise it would be invalid. Thus a person deprived of the use of reason cannot truly accept the papacy (even if one were to obtain an external expression of acceptance from him), because such a person is incapable of a human act, and therefore also incapable of understanding and accepting the implications of his acceptance. When the elect of the conclave accepts his election to the Sovereign Pontificate, by his very act of accepting the election, he also accepts and assumes the role and functions of the Sovereign Pontificate. The role and functions of the Pontificate are independent of his will; they are found in the very nature of things as established by Christ. He who accepts the papacy agrees to be pope, to fulfill the functions of the papacy, and to embrace the essential properties of this role. And since the finality of the papacy is determined by God, the elect is not allowed to invent it. **He could not validly accept the election with the intention to exercise the papacy as something different than what was established by Christ.**

16. The teaching of John of St. Thomas indicates the intention to be a requirement of natural law.

This condition necessary for a valid acceptance is not a new condition, implemented by any human law. It rather belongs to the very nature of a *human act*, and is therefore a necessary condition belonging to the *natural law*. Such “conditions” of natural law did not need to be positively established by any authority, nor were they rejected by theologians. The Dominican John of St. Thomas, for example, enumerates how an election (and by this term he here includes both the vote of the electors and the acceptance by the elect) could be invalid, and explains:

Similarly other exceptions of the natural law can be admitted: if the elect is not a man, if he is deprived of reason, etc.[\[11\]](#)

Later on, while discussing the question of the universal acceptance of a pope by the universal Church,[\[12\]](#) this great theologian mentions that this would be a sign that the pope

was elected by true electors, and with a real intention, and all the other requirements.[\[13\]](#)

Here, and again a little later in the same article, he clearly indicates explicitly the proper intention of the electors (“*intentio eligentium*”) as an obvious requirement for a valid election, which does apply as well, for an even greater reason, to the act of acceptance, on the part of the elect.

17. The consent of the electors could be deficient, and could be remedied without a new election.

We have seen how John of St. Thomas explains that the electors have to truly consent to the election, just as the one elected has to also truly consent to the acceptance of his election. While the Thesis is applying common principles of theology to the problem of consent on the part of the pope-elect, the question of consent on the part of the electors has already been explicitly studied. While some people claimed that the election of Pope Urban VI (1378-1389) had been invalid on account of an invalid consent of the cardinals to a forced election, the most influential jurist of the XIVth century, the Italian Baldus of Perugia (1327-1400) wrote, at the request of the Holy See, an entire defense of the validity of the election of Pope Urban VI. In his work,[\[14\]](#) the learned canonist, who was at the time nicknamed “the king of both civil and canon law” (“*monarcha utriusque juris*”), addresses the objection that the election, although externally accomplished according to the rules of Canon Law, would nonetheless be invalid on account of an absence of internal consent of the cardinals, who would have been forced, the objection goes, to elect Urban VI. Baldus of Perugia refutes this false historical claim. But he also addresses an interesting question: What if, by hypothesis, the Cardinals had indeed been forced? Would it then be necessary that the election be redone? The canonist, indicating various references to support his answer, says without hesitation:

I prove it, secondly, by magistral theory, since where there is a defect by reason of consent, for as long as the power of the efficient cause remains, if the consent is later given it strengthens the act against nullity.[\[15\]](#)

In other words, for as long as the election has not been revoked and declared null, a mere internal consent suffices to ratify the election which was performed externally. The same canonist continues:

I prove it, thirdly, because an act which depends on a consent, although it is otherwise null, can be validated if it is retained.^[16]

He clarifies further:

Nor is it a valid objection, if it is said that that which is null cannot be ratified... because this is true when a certain solemnity which has not been accomplished is required, but it is otherwise when a simple consent is required, either because it is at least confirmed, as in our case, by the nature of a tacit repetition of act... or because the impeding cause ceases, and a confirming cause comes...^[17]

In other words, since the external solemnity of the papal election has already taken place, and has not been nullified, if only an internal consent is missing, it is enough that the obstacle to this consent goes away, in order that the consent to the election be validated.

Let the reader notice that, although the consent to the election is here discussed on the part of the electors, it is evident that the same common principles referred to by Baldus of Perugia^[18] would also apply to the consent of the person elected, and this is what the Thesis asserts.

18. The hypothesis of an election being first refused, and later accepted.

We have just seen that an internal lack of consent to the papal election could make its acceptance invalid, despite it being externally celebrated. But, the reader could further ask, what would happen if a pope-elect were to explicitly refuse the election? Ordinarily, evidently, the cardinals would proceed to a new election. But, one might ask, what happens if they do not proceed to another election, and still await until the pope-elect would accept it?

Reality sometimes precedes speculations: this case did in fact already occur. Pope Victor III was elected in 1086, but strongly refused to accept it. The Cardinals and the Roman populace tried to force him into accepting the papacy, and actually made him pontiff by force, until he was able to flee from Rome, after having deposed his pontifical insignia. He returned only one year later, in 1087, convinced at last to accept the papacy, at the sight of so many prayers and tears. This fact is presented by Passerini^[19] when discussing the necessity of the consent of the person elected. In the next page of his tract, Passerini gives the principle already given above:

The elect is not pope except after his consent, and by virtue of the consent, which by nature precedes the Pontificate.

19. The acceptance of the papacy is compared to a marriage contract.

The acceptance of the papacy is thus a quasi-contract with Christ and with the Church, and it should therefore not surprise anyone that Thesis-holders, following the steps of past theologians such as Cajetan, Passerini and Bonacina, have compared it to a marriage contract,^[20] using this analogy to clearly show how a consent, despite having been given externally, could in fact be insincere and therefore invalid.

Bonacina thus explains:

Just as marriage cannot be validly celebrated with a infant, or with an insane person during the time of madness or insanity, so neither can he be validly elected to become pope, who does not have the use of reason, since **the papacy is like a sort of matrimony between the pope and the Church, as the Doctors teach** by a comparison concerning him to whom a benefice is conferred.^[21]

Bonacina testifies that this analogy is commonly used in theology. Cardinal Cajetan thus compares the consent of the electors and the person elected (“Peter”) to the consent given by the spouses in matrimony:

Since two acts of consent concur to the bond of marriage, namely, that of the husband and that of the wife, and the total cause of this bond consists in this twofold consent, one spouse cannot cause this bond without the consent of the other spouse. In our case two acts of consent also concur in the establishment of the bond between Peter and the Papacy, namely, that of the electors and that of Peter elected; and both consents taken together are the total cause of this union.^[22]

20. A marriage consent given externally could be internally invalid.

It is well-known that the consent given outwardly during a marriage ceremony could be vitiated by an internal lack of proper intention, if one of the spouses does not truly intend what marriage objectively is, or what it requires. Moral theologians explain that this is clearly the case (1) when the intention does not correspond to the objective *essence* of marriage (if one were to refuse to the other spouse the right to procreate children, for example), or even in some cases (2) when certain *essential properties* (such as indissolubility) are *positively* excluded, despite an apparent acceptance of the nature of marriage.^[23]

Thus if one of the spouses were to posit internally a defect of consent with regards to the primary end of marriage, the marriage, although juridically recognized by the Church, would not be valid in the eyes of God. There would really be no contract, no sacrament, and the spouses would not be truly married. This would be a very serious sin on the part of the spouses who thus simulated the matrimonial consent and consequently rendered the marriage invalid. However, from the perspective of human law, the marriage has happened, and is presumed to be valid until otherwise established. At the same time, under the law, the spouses are not free to marry again, but are legally married. If they are aware of this invalidity, they cannot in good conscience ask one another to render the marital debt, since they know that they are not married before God. But since they enjoy the external presumption of the law, any child born of them is recognized as legitimate by the law. The situation could be remedied by petitioning the Church for a juridical declaration of nullity of the marriage bond, called an *annulment*. Even better, the guilty spouse could internally amend and correct his or her intention, now accepting the indissolubility of marriage, thus rendering the marriage truly valid. This could happen even without the knowledge of the other spouse, supposing the other spouse kept the first intention to marry.^[24]

21. Application to our case.

The analogy with the acceptance of the papacy should be evident to the reader. Let Fr. Ricossa make it clear for us:

In the same way, the elect of the conclave who has only externally and not truly given his consent to the election is not in the same situation as he was before the conclave (when he was not yet elected) and before the acceptance (when he was only the elect without having given his external acceptance). He is a ‘putative’ Pontiff [i.e. he appears to be the pope] or *materially* ‘pope’ [i.e. having been elected, but not having truly accepted]. The See is occupied by him, and cannot be occupied by someone else for as long as the election has not been declared null by the Church. Certain juridical acts which are indispensable for the life of the Church can have juridical effect (either in themselves, or by suppliance of Christ, Head of the Church). And finally, the acceptance of the election can be validated, by means of the removal of the obstacle which was placed earlier and brought about the defect in the consent...^[25]

22. Traditional principles of convalidation.

The analogy with matrimony brings us to briefly present the moral principles of convalidation. These are regularly studied in moral theology while discussing the sacrament of matrimony, but they are actually principles of natural law, as the moralists themselves say.

Convalidation is a way to render valid a marriage which suffers from invalidity.

Merkelbach thus presents the principles of a simple convalidation of a marriage:

A simple convalidation is a convalidation by which is supplied that which was missing at the beginning, and renders the marriage valid. A marriage can be invalid for three reasons: 1) on account of the inability of a person through a diriment impediment; 2) because of a defect or vice of the consent; 3) from a defect of form. There are therefore three different ways to revalidate a marriage.^[26]

Hence a marriage can be invalid 1) because of an impediment, which means that, either by divine or ecclesiastical law, the person is not capable of matrimony. 2) it can be invalid on account of a defective consent, as we have explained. 3) Lastly, it can be invalid due to a defect of form, that is, the marriage has not been celebrated according to the prescriptions of Canon Law.

The analogy with the papal election is evident. A papal election could be invalid, 1) firstly, because the person is not able to be elected, through an obstacle of either divine or ecclesiastical law. 2) Secondly, the election could be invalid on account of a defect of consent. 3) A papal election could be invalid because the proper rules of election have not been followed.

It is interesting to notice that in all these three cases, the matrimony can sometimes be convalidated. In the same way, an invalid papal election is often able to be remedied.

If we consider the third case, for example, which is the defect of form. It is commonly agreed by theologians that the universal acceptance of the Church would always remedy any defect in the process of election. In other words, supposing that the cardinals have not followed the rules of the conclave as they have been obliged to by previous decrees of the Roman pontiffs, yet the election would be ratified or *convalidated*, should the whole Church passively recognize the new pope as legitimate successor of St. Peter.

If we consider the first case, that of an impediment which would make a person unable to be elected, the general principle is that if the impediment were to cease, the marriage (or the papal election) could then become valid. Hence theologians such as Passerini^[27] have deduced that, were a heretic elected pope, he could still accept the election validly if he were to remove this impediment by embracing the true faith.^[28]

Lastly, if we consider the second possibility, which is a defect of consent, we have already shown how this has been applied by Baldus of Perugia on the part of the electors, and

how it can be applied in the same manner on the part of the person elected.

To conclude, therefore, it is evident that the analogy with matrimony is a valuable didactic tool to present and apply general principles of moral theology on questions of invalidity of contract, impediments, vices of form, defect of consent, etc.

23. Confirmation from the Code of Canon Law itself.

Canon 104 of the 1917 Code of Canon Law confirms that a substantial error would render an act invalid. Such would be the case of accepting the papacy as what it is not. The canon reads as follows:

Error renders an act invalid if it concerns something that constitutes the substance of the act or if it amounts to a condition *without which not*; otherwise the act is valid unless otherwise provided by law.

It is interesting to note that the 1983 Code of Canon Law repeats the same principle in its canon 126, but this new code also establishes the general principles of law explained above in a more explicit fashion. Thus canon 124 reads as follows:

§1 For the validity of a juridical act, it is required that it be performed by the person who is legally capable, and it must contain those elements which constitute the essence of the act, as well as the formalities and requirements which the law prescribes for the validity of the act.

§2 A juridical act which, as far as its external elements are concerned, is properly performed, is presumed to be valid.

We find here the two principles supporting the Thesis. On the one hand, a juridical act is invalid if it lacks one of its essential elements (such as consent and proper intention). On the other hand, if the juridical act was properly performed, externally, it enjoys by law the presumption of validity.

On the first principle is established the fact of an invalid acceptance of the papacy by the “Vatican II popes”, on account of a lack of proper intention (or substantial error). We can thus conclude that the “Vatican II popes” are not truly popes, *formally*, and in reality.

On the second principle is established the fact that the acceptance of the papacy by the “Vatican II popes” nonetheless enjoys a presumption of validity, by law, since the act has been properly posited externally. We can therefore conclude that the “Vatican II popes” possessed the *material* aspect of the papacy, namely a presumption of law in their favor.

FOURTH ARTICLE

WHAT INTENTION IS REQUIRED TO RECEIVE AUTHORITY?

24. To accept the papacy is to accept what the pope is *objectively* meant to do.

To accept the papacy validly, the elected candidate must accept it as it is objectively, i.e. as established by Christ. This is to say that the acceptance of the papacy ought to be a human act: done with proper knowledge and consent. The person elected to the papacy must have the intention of doing what popes do in order to be the pope.

Similarly, the president of the United States is elected in November, but he receives legitimate authority only in January, when he takes the oath of office. In the meantime, therefore, he is a president-elect, but has no authority, until he swears to uphold the constitution of the United States:

I do solemnly swear that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.

Something similar happened when the coronation oath was imposed on the pope-elect, as is explained below.

25. What matters is therefore the *objective* intention, manifested externally, which is necessarily included in the *subjective* intention, which is internal.

We are not here dealing with the personal, subjective, intention motivating someone to do something, which would answer the question: *why do you do this? Why do you want to do this thing?* It is sufficient to observe that, whatever his personal motives are, the person in fact clearly manifests the intention *to do something*. One could accept to marry for a bad or a good motive, for example, and still marry validly (whether it be for the sake of lust, for the sake of money, or for the sake of giving glory to God, etc).

The *subjective motivation* could be evil or virtuous. Strictly speaking, we are not even concerned about the morality of the intention. In either case, it is still possible for the person to accept marriage as it is objectively.

The same is true of the papacy: one could accept to become the pope for the sake of vanity, pride, ambition, avarice, etc. This is irrelevant to the problem at hand: one would still accept to become the pope. The intention which we are speaking about, therefore, is not the *finis cuius gratia opus fit*, the end for which one does something, which is extrinsic to it, but the very *finis operis*, the intrinsic end of the work itself. Personal motivations (the *subjective intention*) could be very difficult to determine, and are often a combination of many different reasons. But the fact remains obvious that, for whatever personal reasons, the person wants to do something (in our previous example, to marry).

These distinctions are commonly explained in philosophy and theology. For example, a philosophy manual in usage in the twentieth century reads as follows:

The intention is mainly ordered to the goal, but *it cannot abstract from the means it employs*: these means are thus *willed* as well, although secondarily. [\[29\]](#)

Hence if someone makes a donation to the poor for the sake of vanity, his intention is primarily ordered to vanity, but cannot exclude the *end of the work* (helping the poor) which he decides to use as a means to reach that primary goal (vanity). Whether an almsgiving is done for vanity or the love of God, it will always remain true that it is objectively ordered to the help of the poor.

26. The *objective* intention is able to be known.

Although the personal motive can sometimes be very difficult to judge and determine, the objective intention itself can easily become evident. It is sometimes difficult to determine why a person does such and such an action. But the intrinsic end of these actions is usually evident in itself. For example, it might be unclear as to why someone is cultivating land, while it is evident that the intrinsic end of his action is the cultivation of land. It might be unclear as to why someone wants to enter the convent, while it is very clear that this person wants to enter the convent, etc. Hence the argument of the Thesis is not based on the *subjective intention* of the person, but on the *objective intention* intrinsic to the very actions posited by the person.

Some theologians have thus thought of the hypothesis of a pope who, for example, would not want to exercise the duties of the papacy in its spiritual power, but merely behave as a temporal ruler of the Church's States. This is the theological question of the schismatic pope, which we shall now briefly present.

27. Can a pope become schismatic?

The question of the schismatic pope has not been studied as extensively as has been the hypothesis of the heretical pope. However, the latter hypothesis necessarily presupposes

the former, since schism will naturally follow heresy:

All heresy implies schism: hence the possibility of a schismatic pope was by that very fact admitted.^[30]

Few theologians, however, have considered the possibility of a *pure* schism, meaning a schism which would not be the consequence of heresy.

Cardinal Cajetan has explicitly stated that possibility:

This would indeed happen in the mind of the pope, if he were to refuse communion with the Church as one of his members, as its head in spiritual things, but would only behave as a temporal ruler. This would happen indeed, if he were to do that, or if he presumed to excommunicate the Church. For it is evident that the person of the pope could fall into evil of this sort, and in this case he would truly be schismatic.^[31]

The learned theologian explains (*ibid.*):

The person of the pope could refuse to correspond to the office of the pope, which is temporarily found in him as an accident. And if he were to have this pertinacious mind, he would be schismatic by separating himself from the union of the head.^[32]

Cajetan means by these last words that the person of the pope would separate himself from the union with Christ, Head of the Church. In other words, such a person would lose the papacy. The conclusion is then evident (*ibid.*):

The Church is in the Pope when he behaves like a pope, as the head of the Church. But when he refuses to behave as the head of the Church, neither would the Church be in him, nor would he be in the Church.^[33]

Other theologians have made a similar analysis of this question. Thus Suarez says the following:

And the pope could become a schismatic if he would refuse union and communion with the whole body of the Church, as he should, as if he were to try to excommunicate the whole Church, or if he would want to abolish all the ecclesiastical ceremonies which have been confirmed by apostolic tradition.^[34]

Before them, the question of the schismatic pope was studied in depth by Cardinal Torquemada. One of the ways in which the pope could become schismatic, says the famous ecclesiologist, is if the pope were to separate himself from Christ, Head of the Church:

The pope can recede from Christ who is the principal head of the Church... by disobedience, by not obeying His law or by prescribing things which are contrary to natural or divine law; and consequently the pope can separate himself from the body of the Church of Christ.^[35]

Hence, when presenting the Thesis, Bp. Guérard des Lauriers O.P. referred to the situation of the “Vatican II popes” as *capital schism*,^[36] meaning the kind of schism, proper to the pope, which is to separate himself from Christ, Head of the Church, by a defect of intention. As Cajetan says,

The Church is in the Pope when he behaves like a pope, as the head of the Church. But when he refuses to behave as the head of the Church, neither would the Church be in him, nor would he be in the Church.

28. Pope Leo XIII on the question of intention in the case of Anglican orders.

Pope Leo XIII declared the invalidity of the Anglican orders by the Bull *Apostolicae curae*, of 1896, on account of a defect both of form and of intention. Concerning the intention of the minister, Pope Leo XIII explains:

The Church does not judge about the mind and intention, in so far as it is something by its nature internal; but in so far as it is manifested externally she is bound to judge concerning it.

Pope Leo XIII makes it clear that an intention is by nature something internal, and which is manifested externally. He further confirms that this intention is able to be judged not inasmuch as it is internal, but inasmuch as it is being manifested externally, which is the same principle used by the Thesis in the present argument.

A further comment may be here made on the following words of Leo XIII in the same Bull:

If the rite be changed, with the manifest intention of introducing another rite not approved by the Church and of rejecting what the Church does, and what, by the institution of Christ, belongs to the nature of the Sacrament, then it is clear that not

only is the necessary intention wanting to the Sacrament, but that the intention is adverse to and destructive of the Sacrament.

Pope Leo XIII clearly explains that to deliberately reject a rite of the Church, replacing it with another that does not anymore reflect “what, by the institution of Christ, belongs to the nature of the Sacrament,” is tantamount to not having the required intention. We shall see later how to safeguard the sacraments of the Church and in particular to safeguard the Holy Sacrifice of the Mass must be intended by the person who accepts the election to the papacy. It appears then very clearly as a consequence that to intend to deliberately reject the traditional Roman rite and to replace it with another that does not anymore reflect “what, by the institution of Christ, belongs to its nature,” would also, by analogy, be a clear defect of intention in the acceptance of the papacy.

29. Authority has an essential order to the common good.

What is therefore the objective intention required to validly accept the papacy? It is the objective end for which it was established by Christ. Now the end of any authority is the common good of the society over which it rules. This is true even of civil authorities. Authority has an essential order to the common good, so much so that a law issued against the common good is no law at all.^[37]

30. Comparison and differences between the papacy and a natural authority.

As we have said, a law issued against the common good is no law at all. In civil powers, one illegitimate law would not however necessarily render its lawgiver illegitimate, if the latter preserves a habitual order to the common good. One would have to ignore the illegitimate law and observe the other ones.

There is, however, this important difference with the supreme authority of the Church. In the case of the papacy, as we have seen previously, the supreme authority is constituted by an immediate communication from Christ. Now, the assistance of the Holy Ghost has been divinely promised with this habitual communication from Christ. The Roman Pontiff is therefore infallibly assisted by Christ, and could never promulgate a universal law which would be harmful to the Church (as is explained in the chapter on the indefectibility of the Church).

Hence, while it is sometimes justified to “recognize” a civil government while “resisting” its unjust laws, this policy can never be justified with regard to the supreme government of the Holy Catholic Church and its universal laws.

As a consequence, the Roman Pontiff either possesses supreme authority, or he does not possess supreme authority. There is no middle ground possible. The habitual intention to

procure the common good of the Church is still required, however, in order to receive this authority from Christ, since it is the essential end for which was instituted the papacy.

FIFTH ARTICLE

WHAT IS THE COMMON GOOD OF THE CHURCH, WHICH THE ELECT MUST OBJECTIVELY INTEND?

31. The supreme law of the Church indicates its common good.

Since a law is ordered to the common good, the supreme law of the Church is an accurate indication of its supreme good. This supreme law of the Church is the glory of God and the salvation of souls, *salus animarum suprema lex*.

This salvation of souls can be further explained by considering the threefold mission of the Church: to teach, to rule, and to sanctify the faithful, in order to lead them to heaven. It is therefore clear that the end of the Church includes the preaching of the faith (which demands condemnation of heresy as a consequence), the maintaining of holy disciplinary laws, and the sanctification of the faithful by the administration of sacraments.

32. Pope Pius XII provides us with an example of one thing which must be intended in order to accept the papacy.

The Apostolic Constitutions on papal elections do not specify what the acceptance of the election imports. Nevertheless Pope Pius XII himself has indicated at least one thing which the elect should intend: if he be layman, he must intend to be consecrated a bishop in order to be able to accept the election:

Even if a layman were elected pope, he could accept the election only if he were fit for ordination and willing to be ordained.^{[\[38\]](#)}

Indeed the pope is the bishop of Rome, and as we have said, one must accept the papacy as established by Christ. According to Pope Pius XII, therefore, Christ established the papacy in such a way that the elected candidate must be a bishop, or at least must agree

to be consecrated a bishop. Pope Pius XII does not require the layman elected to the papacy to be consecrated a bishop *in order to then become the pope*; he merely indicates that a non-bishop must have the will to be consecrated a bishop in order to have a valid acceptance of the papacy. The layman, if he did so, would be pope at once, even before being ordained a priest and consecrated a bishop. To be deprived of the power of orders, therefore, does not deprive him of the pontificate, but of an intention contrary to the pontificate. A lack of intention to be consecrated a bishop introduces a defect in the consent, and therefore prevents the elect from being able to properly accept the election. This would, for a greater reason, be true of someone who, in a more general way, does not have the habitual intention to procure the good of the Church. It would thus be possible for an elect to pronounce acceptance invalidly, because he lacks the necessary intention.

33. Another example taken from Church history.

During the terrible crisis of the great Western Schism, there were up to three simultaneous claimants to the papacy, three “popes” at the same time, each claiming to be the only real one. One claimant was residing in Rome (Gregory XII), another in Avignon (Benedict XIII), and the last one in Pisa (John XXIII). Ultimately, two of them (John XXIII and Benedict XIII) were deposed by the Council of Constance, and the other (Gregory XII) renounced the papacy. It was very difficult in this period for Catholics to know which pope was the true pope, and this has continued to be discussed by historians, although there seems to now be a consensus that Gregory XII was the true pope. This touches on the question of a doubtful pope. *Papa dubius, papa nullus*, says the axiom, *a doubtful pope is no pope*. But it could happen (and this was the case of Gregory XII) that a true pope, validly elected, and therefore truly possessing the supreme authority over the universal Church may become doubtful, not before God and in reality (*coram Deo*), but in the common estimation of men and in the eyes of the Church (*coram Ecclesia*). On account of the supreme necessity for the Church to know with certainty the identity of her supreme pastor, the Church is in this case entitled to assess the situation and require from doubtful popes that they resign, following a process similar to that reserved to the heretical pope. After the general Council has asked the doubtful pope to resign, even if he should refuse, he would have proven guilty of a schismatical attitude by not attending to this extreme need of the Church, and therefore clearly deprived of the authority of Christ, if in fact he formerly had it. In other words, even if, by hypothesis, a true pope before God and in reality, but doubtful before the Church, would refuse to resign his claim, he would by this refusal actually lose the papacy anyway, since to refuse to cooperate in such a grave matter is tantamount to schism. This is the explicit teaching of great theologians such as Azor, Cajetan, Suarez, John of St. Thomas, Zapelena, etc. And these were the principles applied by the Council of Constance to solve the great Western Schism. Incidentally, a false council in Pisa tried to do something similar, and pretended to depose

the two other claimants, in favor of the claimant of Pisa, called John XXIII. This Council was illegitimate, however, and did not follow the necessary process, as explains Muzzarelli in his work where he also explains the principles presented above.[\[39\]](#)

It appears very clearly in this example that to intend the common good of the Church is a requirement of the papacy, and that to not intend this good of the Church would make a pope lose the papacy. In this particular case, the good of the Church was to willingly cooperate in ending the schism by renouncing any claim to the papacy, so as to proceed to a single election that might unite all.

SIXTH ARTICLE

A CONFIRMATION FROM THE HISTORY OF THE PAPAL CORONATION OATH

34. Is there such a thing as a papal oath?

The existence of an oath which the pope-elect would take has been one of the things which are sometimes much spoken about without ever really knowing if it is true, or exactly what it entails. There is indeed such a thing as a papal oath, and it has been in use for many centuries. The “Vatican II popes” have sometimes been accused of perjury for having broken the papal oath, but nowhere is it proven that they took this oath in the first place. This oath does however give an adequate presentation of what the office of the papacy is all about, and, in that regard, certainly the “Vatican II popes” have not fulfilled the requirements of the papacy as they are put forth in this traditional oath. And under this last aspect, an overview of the history of the papal oath is relevant.

35. The *Liber Diurnus*.

What is commonly referred to as “the papal oath” refers to a formula contained in the *Liber Diurnus*, of which we shall give a brief presentation.

After the quick spreading of the faith in the Roman Empire and the conversion of Constantine, the prestige of the supreme office of the papacy steadily increased. The Roman Pontiff was able to govern the Church in a way which was everyday more stable, and, as a consequence, more regular and standardized. Soon appeared books in which the acts of the Roman Pontiffs were described and regulated. These acts could be of two

sorts: the priesthood and the government (or *order and jurisdiction*), since the Roman Pontiff belongs to the supreme degree of these two aspects of the Catholic hierarchy. The liturgical functions exercised by the Roman Pontiff were codified in a book called the *Ordo Romanus*; while the rules of government and administration were gathered in another book called the *Liber Diurnus*.^[40] This book, whose Latin name could be broadly translated as “the daily book,” contains all the formulas which the Roman Pontiff, assisted by his chancellery, would need to govern the Church: formulas to institute bishops, formulas to send to civil powers for different purposes, formulas for the concession of relics, formulas for all kinds of privileges.

Although, as we have explained, the *Ordo Romanus* was the book dedicated to liturgical functions, while the *Liber Diurnus* was a collection of administrative formulas, certain acts of the Roman Pontiff would sometimes contain both an exercise of the power of orders and of the supreme power of jurisdiction, and in this case whatever was the predominant character of the act would determine whether it was placed in the *Ordo Romanus* or in the *Liber Diurnus*. Thus the *Ordo Romanus* contains the formula of the decree of election of a bishop in the same place where it describes the rite of episcopal consecration. While, on the other hand, the coronation of the pope, which certainly is a magnificent liturgical rite, is registered in the *Liber Diurnus*, since it is part of the election of the successor of St. Peter. And thus it is that the ceremonies of consecration and coronation of the newly elected pope, which ceremonies include the profession of the famous papal oath, are contained in the *Liber Diurnus*, and not in the *Ordo Romanus*, as one could have expected.

The history of this *Liber Diurnus* has been the object of much research and controversy, both concerning its exact origin and content, and its recovery, centuries later.^[41] This book having been used for many centuries, it is not a surprise that different editions would present small corrections or changes in the formulas which they contain. Thus the editions which Ivo of Chartres and Gratian were able to study in the XIth and XIIth centuries contained a few additions missing in former editions.

The author of the *Liber Diurnus* is unknown, but he was certainly working in the papal chancellery, as is evidently shown by the style, the knowledge of Roman formulas and privileges, as well as by his absolute mastery of ecclesiastical laws and customs.

The *Liber Diurnus* is estimated by E. de Rozière to have been written sometime between the end of the seventh century and the beginning of the eighth century.^[42] According to Leclercq, however (*loc. cit.*), the diverse formulas have been gradually written at different periods of history, from the beginning of the seventh century to the IXth century.

Certain formulas of the *Liber Diurnus* present indeed similarities with previous acts of the Roman Pontiffs. In many instances, a new decree issued by one pope would essentially be a copy of an act of his predecessors, having only changed names, dates, and places. Thus it has been observed that as early as under Pope Gelasius (492-496), certain diplomatic acts were made into standard formulas by erasing proper names and places. And many formulas used under Pope Gelasius and Pope Gregory the Great (590-604) have striking similarities with the formulas contained in the *Liber Diurnus*.

The *Liber Diurnus* slowly fell in disuse, in favor of formulas more adapted to the new condition of Christian society in the Middle-Ages. It was still listed by canonists of the XIth and XIIth century as a source of ecclesiastical law, although historical documents show that its formulas were no longer used.

36. The formula LXXXIII, or *papal oath*.

We shall not debate here the exact content of this formula, since this is a disputed question, due to the fact that the extant manuscripts present small variations. We do not need to pursue such a scholarly work, since the different versions all contain essentially the same ideas, and particularly what matters most in our present discussion: the new pope professes to keep the traditional doctrine, discipline, and liturgy of the Church, in most solemn terms.

We here provide the profession attributed to the newly elected Pope Conon, who reigned for less than a year (from October 681 to his death in September 682). This profession would therefore date from the year 681. It is found, among other places, in the famous *Patrologia Latina* published by J.-P. Migne in Paris in 1864.^[43] Here is an English translation^[44] of this text:

In the name of the Lord and God, our Savior Jesus Christ, etc. Declaration ..., month ... I, ... by the mercy of God priest and elected, and about to become the humble bishop of the Apostolic See by the grace of God, I profess to thee, blessed Peter prince of the Apostles, (to whom the Creator and Redeemer of all, the Lord Jesus Christ, has given the keys of the kingdom of heaven to bind and to loose in heaven and on earth, saying: *Whatsoever thou shalt bind upon earth, it shall be bound also in heaven: and whatsoever thou shalt loose upon earth, it shall be loosed also in heaven*), and I profess also to thy holy Church, which I received today to govern by thy assistance.

I profess to safeguard by all my efforts, up to my life and my blood, this rectitude of the true faith which, having been given by its author, Christ, has been transmitted by

thy successors and disciples until my lowliness, and is found in thy holy Church, and I shall suffer patiently, with thy help, the difficulties of times.

I profess to safeguard the faith of the mystery of the holy and undivided Trinity, which is one God. I profess to safeguard the faith of the mystery of the dispensation, accomplished according to the flesh, of the only begotten Son of God Our Lord Jesus Christ. I profess to safeguard the faith of all the other dogmas of the Church, as they have been bequeathed in the universal councils, and in the decrees of the most illustrious and apostolic pontiffs, and in the writings of the doctors of the Church. Similarly I profess to safeguard everything which was handed from thee for the preservation of your and our orthodox faith.

I profess to keep integrally, to the iota, the holy and universal councils, namely, the council of Nicea, the council of Constantinople, the first council of Ephesus, the council of Chalcedon, and the second council of Constantinople, which was celebrated during the reign of the Emperor Justinian, of pious memory. And I profess to safeguard, thoroughly and wholly, together with the other councils, with the same honor and veneration, the sixth council, which was recently gathered under my apostolic predecessor Agatho, and the emperor Constantine [IV] of pious memory. I profess to preach what they have preached, and to condemn, by mouth and heart, what they have condemned.

I yet profess to confirm and keep intact, and to safeguard in the stability of their vigor, as has been established, with great diligence and tenacity, all the decrees of our predecessors, the apostolic pontiffs, whatever they have established and approved in synods. I profess to condemn by a sentence of equal authority whatever or whomever they have condemned or repudiated.

I profess to keep inviolate the discipline and rite of the Church as I found it, and as it has been transmitted to me by my predecessors.

And I profess to work to keep entirely the things of the Church, and to ensure that they are entirely kept.

I profess to change or diminish nothing of the tradition which has been kept by my illustrious predecessors, nor to admit any novelty. On the contrary I profess to fervently safeguard and venerate with all my strengths and efforts what they have transmitted, as their true disciple and follower.

I profess to correct anything contrary to canonical discipline; and I profess to safeguard the sacred canons and constitutions of our pontiffs as if they were divine and heavenly commandments, being aware that I shall give you a strict account of all things which I profess, in the divine judgment, as occupying your place, through God's design, and fulfilling this role, helped by your intercession.

I profess that if I should presume to do or allow anything contrary to these, you shall be unpropitious to me in the day of divine judgment.

I also beseech thee to grant me help to be careful to keep these things diligently and carefully in this corruptible life, that I may appear blameless in front of the judge of all, Our Lord Jesus Christ, when He shall come to strictly judge on the things which He has entrusted, that He may make me partake the lot of the right, and place among your faithful disciples and successors.

I have written this profession with my own hand, as it is contained above and was indicated to me by the notary and archivist. And with a pure mind and a devout conscience, I have sincerely presented by a physical oath this profession to you, blessed Peter, apostle and prince of all the apostles.

37. History of the formula LXXXIII.

As said above, the formula LXXXIII first appeared in the *Liber Diurnus* no later than the eighth or ninth century, but was probably already being used earlier, in some form or other.

An eminent canonist of the XIth century, Ivo of Chartres (1040-1115), reproduced in his works two fragments of the formula LXXXIII, which is the profession of faith of the newly elected pontiff.^[45] Another prominent canonist of this period, Cardinal Deusdedit (XIth century), reproduced in his works not only the formula of the profession of faith of the newly elected pope, but also the formulas of his election and consecration.^[46] Bishop Anselm of Lucca (1036-1086) and the great canonist Gratian (XI-XIIth century) both reproduced in their works some fragments of the formula LXXXIII, which is the profession of faith made by the newly elected pope.

This formula LXXXIII, which is the object of our attention, is said by E. de Rozière to be the formula which survived best the passage of time. Thus in addition to the references given above, it is proven that this formula was still known in the XVIth century, when even the name of the book *Liber Diurnus*, which contained it, had long been forgotten.

Hence, Antonio Agustín y Albanell (1516–1586), archbishop of Tarragona, and a pioneer in the historical research of Canon Law, reproduced the formula in his work on pontifical law.^[47] But when commenting on the Decree of Gratian, which contained a passage of the same formula, indicating its origin as being from the *Liber Diurnus*, the learned archbishop candidly confessed being ignorant of any book bearing the name of *Liber Diurnus*.^[48]

Baronius^[49] also reproduced the formula in his famous work of history, the *Annales*, when discussing the year 869 (n. 59), to show that the eighth ecumenical council, celebrated in Constantinople^[50] under Pope Hadrian II, was received by the whole Church, and that profession of adherence to this council was included in the professions of faith, including the profession of faith made by the newly elected pope (i.e., the “papal oath”, or formula LXXXIII of the *Liber Diurnus*).

It is difficult to assert whether the formula continued to be used after the XIth century, when the *Liber Diurnus* itself slowly began to be forgotten.

Some historians have contended that the formula of the papal oath (the formula LXXXIII of the *Liber Diurnus*) has been used by Pope Boniface VIII (1230-1303).^[51] Other historians have contested the authenticity of the profession made by Boniface VIII, but it is clear that the formula was known to William of Nogaret and his jurists, who, contesting the legitimacy of Boniface VIII, argued that Pope Celestine V was not able to renounce the papacy, as he did in 1294. Nogaret adduced a number of reasons^[52] to support his argument, and the reason 24th is based on the formula of the papal oath contained in the *Liber Diurnus*. Although recognizing that this formula is not anymore in use, Nogaret rightly argues that the content of the old formula is still relevant inasmuch as it shows the extent of the acceptance of the papacy. He wrongly argues, however, that it implicitly contains a promise to never resign from the papacy. We here provide a translation of his argument:

The 24th reason is that to the state of the papacy is attached a profession and a vow, as it appears from the content of the profession of the Roman Pontiff which is found in the *Liber Diurnus*, of which a part is also found in the Canon. And in this profession it explicitly says that the Roman Pontiff makes profession and promises to God and to Peter the Prince of the Apostles, that for as long as he lives he shall take care of the fold of the Lord entrusted to him, and he shall govern the Church according to the decrees and canons of the holy councils, and of the Fathers, and by the counsel of the Cardinals of the holy Roman Church. He is therefore bound by a vow and a profession, and he is obliged to fulfill his duties for as long as he lives. But it is notorious and evident that one cannot renounce his vows and professions and what he is obliged to by

a vow and a profession. All agree to this, and no one says the opposite. Hence the pope is not able to renounce, since he is obliged for as long as he lives, since he is bound by a vow and a profession. **And if one were to object that in the past the Roman Pontiffs used to make this profession, but that today they do not anymore profess it verbally, the answer is very obviously evident, that those who receive the papacy tacitly vow and profess all of these things.** Indeed the profession is attached to the office, and all agree that an interpretative vow obliges just as much as an explicitly emitted vow. This can be seen in the sacred orders of the subdiaconate, the diaconate and the priesthood, in which reception in the Western Church the ordinands are understood to be obliged to chastity in just as if they made open profession of it. The same thing must be said here about the vow and profession of the supreme pontificate. And it is thus evident, very clearly, that the pope cannot renounce. [Emphasis added]^[53]

It is clear from this argumentation of Nogaret that the formula of the *Liber Diurnus* was no longer being used at the time of Boniface VIII. He is right in arguing that what is stated in this formula represents the extent of the acceptance of the papacy by the pope-elect, even if the formula is no longer in use. He is wrong in trying to interpret this formula as equivalent to some sort of vow to never renounce the papacy.

38. The profession imposed by the Council of Constance.

Although the formula of the *Liber Diurnus* was abandoned, the idea itself of imposing some sort of profession of the newly elected pope will occasionally make a new appearance in Church history. The Council of Constance, in 1417, had to address and solve the horrendous crisis of the Western Schism, during which there were simultaneously two or three claimants to the papacy. The Council of Constance urged them to renounce their claims, for the sake of the common good of the Church, which required that one new pope be universally accepted. The Council of Constance thus became very aware of the necessity for any Roman Pontiff to look for the glory of God and the salvation of souls, and not for his own ambition and glory.

The Council of Constance thus imposed on the pope-elect a profession of faith which includes a promise to keep the Catholic Faith and the traditional rites of the Church:

In the name of the holy and undivided Trinity, Father and Son and Holy Ghost. Amen. In the year of our Lord's nativity one thousand etc., I, N., elected pope, with both heart and mouth confess and profess to almighty God, whose church I undertake with his assistance to govern, and to blessed Peter, prince of the apostles, that as long as I am in this fragile life I will firmly believe and hold the catholic faith, according to the traditions of the apostles, of the general councils and of other holy fathers, especially of the eight holy universal councils, namely the first at Nicea, the second at

Constantinople, the third at Ephesus, the fourth at Chalcedon, the fifth and sixth at Constantinople, the seventh at Nicea and the eighth at Constantinople, as well as of the general councils at the Lateran, Lyons and Vienne, and **I will preserve this faith unchanged to the last dot and will confirm, defend and preach it to the point of death and the shedding of my blood, and likewise I will follow and observe in every way the rite handed down of the ecclesiastical sacraments of the Catholic Church.** This my profession and confession, written at my orders by a notary of the holy Roman Church, I have signed below with my own hand. I sincerely offer it on this altar N. to Thee, almighty God, with a pure mind and a devout conscience, in the presence of the following. Made etc. [\[54\]](#)

This profession presents a few differences from the formula LXXXIII of the *Liber Diurnus*, but was clearly meant to be its continuation and revival, and essentially contains the same promises: to safeguard the deposit of Divine Revelation entrusted by Christ to the Church and, for that purpose, to faithfully protect and safeguard the traditions of the Church.

We have not been able to determine the historical length of use of this new formula.

39. Did the “Vatican II popes” take the papal oath?

No they did not. We are certain of this fact, thanks to a number of reasons.

Firstly, it is certain that it was no longer part of the ceremony of the papal coronation, already before Vatican II. Some authors, such as Charles Pichon, [\[55\]](#) describe in the most minute details every single ceremonial step happening from the last agony of a dying pope (which itself is accompanied by a number of ceremonies), through the convocation and proceedings of the conclave, up to the solemn crowning and enthronement of the new pope. Never do they mention any oath being taken by the newly elected pontiff. It *seems*, therefore, that the papal oath was no longer part of the coronation ceremony, already at the time of Pope Pius XII, and probably has been in disuse for a long time before that.

Secondly, the official booklets [\[56\]](#) published by the Holy See to help the assistants to follow the ceremonies of coronation of John XXIII and Paul VI are very detailed, and they do not indicate any oath being taken at any time. Neither did any historical witness ever assert such a fact.

Thirdly, after the definite deposition of the tiara by Paul VI, the “Vatican II popes” have no longer gone through any coronation ceremony at all. It is in this ceremony that the pope, in the past, would pronounce this papal oath.

Hence we must conclude that the “Vatican II popes” have never explicitly taken such an oath.

40. The existence of this oath proves nonetheless the necessity of having the proper intention.

It is sufficient for our purpose here to have shown that a papal oath has existed, and has been used for a few centuries. Despite its different versions, it is clear that it included a solemn promise to faithfully preserve the doctrine, discipline, and liturgy of the Church. This is indeed the purpose of the papacy; this is why it was established by Christ. It is why someone would ever become pope in the first place. The oath is only making official and solemn something which is always understood when a man accepts the office of the papacy.

Hence, under this aspect, the historical existence of this oath shows very clearly the mind of the Church on this matter: one who is elected pope must necessarily agree and consent to promote the glory of God and the salvation of souls, through the careful safeguarding of the doctrine, discipline, and liturgy of the Church.

The oath is there only to make it more evident, as the oath taken by the U.S. president makes it evident that he intends to safeguard the American Constitution. Should he refuse, he could not become the president. Should the pope-elect refuse the content of the coronation oath, he could not be accepted as a legitimate Roman Pontiff.

This is true not merely on account of a question of ceremony which would have been infringed, but rather because by its very nature the papacy is ordered to the ends presented in the oath, and that to refuse them is tantamount to refusing to become the pope.

As a conclusion, therefore, this oath is a clear exposition of what accepting the papacy really means, and a positive proof that if a pope-elect were to refuse the papacy as it is thus objectively described, he could not become a true pope.

SEVENTH ARTICLE

DID THE VATICAN II POPES LACK THE PROPER INTENTION?

41. “They have changed the religion.”

It is obvious to any sincere observer that the Vatican II popes are not exercising the papacy as it has been exercised for centuries, since the time of St. Peter up to Pope Pius XII. Instead, they are taking advantage of the influence of the papacy in order to preach a dogma-less humanism which is in total opposition to the Catholic religion. This is true independently of their subjective intention; but whether they are in good conscience or not, the fact remains that they do not objectively intend the good of the Church.

The proofs of this kind have been numerous in number, but they are particularly obvious during the time of the present incumbent Jorge Bergoglio. Of his own accord he set aside the title “vicar of Christ” among the “historical titles”, clearly indicating that in his mind the pope is not anymore the vicar of Christ, and does not claim to be so. He has manifested endless efforts to suppress Catholic doctrine, the Catholic Mass, and traditional discipline. He clearly does not intend to be what the pope traditionally is, by the design of Christ Himself.

42. The very existence of the “traditionalist movement” is proof positive of this lack of intention.

Any traditional Catholic who refuses the changes of Vatican II and the New Mass as something contrary to the glory of God and the salvation of souls is a living witness to this fact. Thus, Bishop Guérard des Lauriers said: “By its very existence, Ecône witnesses in concrete terms to what we affirm intelligibly.” Indeed the entire apostolate of the SSPX is based upon the idea that the preservation of Tradition is necessary for the salvation of souls, and that the present hierarchy and particularly the “Vatican II popes” are not objectively doing what they should, but are actually perverting souls. In this last point they are right. We hope and pray that this lengthy theological study may equip them with principles able to adequately explain this fact, and able to be reconciled with the Church’s indefectibility, presented in a previous chapter.

43. If Vatican II is a substantial change of religion, then to intend to implement and maintain Vatican II is to lack the proper intention.

In this chapter, we have endeavored to explain at length how a lack of proper intention may invalidate an apparent act of acceptance of the papacy. We have clearly established that acceptance of the papacy requires the intention to uphold the traditional doctrine, discipline, and liturgy of the Church. The “Vatican II popes” have accepted the papacy with the manifest intention of imposing on the Catholic Church the new religion of Vatican II.

The Roman Catholic Institute asserts that this lack of intention can be traced with moral certainty back to John XXIII. This would become evident by a thorough study of his life

and pontificate, which we cannot produce here. It is however acknowledged by John-Paul II himself, in the apostolic constitution *Sacrae Disciplinaes Leges*, of January 25th, 1983, in which he directly ascribes to John XXIII's intention the new ecclesiology taught by Vatican II and established by the 1983 Code of Canon Law:

One cannot fail to see that John XXIII's insight was most accurate, and his proposal must rightly be acknowledged as one which looked well ahead to the good of the Church. [...]

Turning our thoughts today to the beginning of that long journey, that is to January 25th, 1959, and to **John XXIII himself, the originator of the review of the Code, we must acknowledge that this Code drew its origin from one and the same intention, namely the renewal of Christian life. All the work of the Council drew its norms and its shape principally from that same intention.** [emphasis added]

If the Vatican II religion is a substantial change from the Catholic religion (and we here refer the reader to the preceding chapters), then it is evident that the "Vatican II popes" accepted the papacy as something which it is not meant to be, namely, as a vehicle of this new modernist religion. They have not accepted the papacy as it was instituted by Christ, as the office of guarding the traditional faith, traditional discipline, and traditional sacraments. Instead they have abused this most sacred office in an attempt to gradually transform the Church from within, as a fulfillment of the dreams of the worst enemies of the Church.

EIGHTH ARTICLE

CONCLUSION

44. The argument proper to the Thesis is the argument of lack of objective intention in the acceptance of the papacy.

The Thesis maintains that the "Vatican II popes" do not have authority to rule the Church, and therefore are not true popes. This fact is proven by the doctrine of indefectibility of the Catholic Church, which forbids us to ascribe to the supreme authority of the Church the defection of Vatican II. The Thesis explains this fact of absence of authority in the "Vatican II popes" by an analysis of the "making of a pope." The "Vatican II popes", argues the Thesis, when giving an apparent acceptance of their

election, did not intend to be pope as what a pope traditionally is, and what was instituted by Christ, but rather they accepted the papacy with the intention of using this sacred office to impose on the Church a new religion, and change the Catholic Church from within. This argument is independent from any personal motive of the pope-elect, and is based on a purely objective observation. It is clear that by assuming the sovereign pontificate they did not intend to do what the pope is meant to do.

45. The “Vatican II popes” could be said to be “materially” popes.

By this we mean that although they are not real popes, the “Vatican II popes” had some *material aspect* of the papacy, namely the election to the papacy, to which they gave an apparent acceptance. This *material aspect* is not nothing. Indeed, for as long as they have it, only the “material pope” is entitled to become pope, to the exclusion of everyone else, and he could become the pope by a convalidation of the election, which would happen by a correction of his defective acceptance.

This human element of the papacy, namely the designation by the electors, is not sufficient to make someone a pope. But it is nonetheless a necessary disposition to the reception of the papacy from Christ. It is the human element or disposition of the papacy, so to speak, which doctors and theologians have called the “material aspect” of the papacy. Hence the use of the expression “material pope” is justified for describing this strange situation of a person having received some human (“material”) element of the papacy, namely the election, and an apparent acceptance, while not having received the papacy itself from Christ, namely the divine authority to rule the Church, which theologians have described as being the “form” or “formal element” of the papacy.

46. The acceptance of the papacy could be invalidated by an internal defect of intention.

The Thesis uses traditional philosophical and theological principles about human acts, and particularly about juridical acts, and applies these principles to the acceptance of the papacy. The papacy is indeed a sort of contract, to which the pope-elect engages himself, and has traditionally been compared to a marriage contract.

According to traditional principles, therefore, it is not impossible for an apparent external consent to be rendered invalid on account of a defective internal obstacle. This would happen if a person does not internally accept the substance of a contract to which he gives external consent. The papacy is not indeed accepted by mere external words, but the consent has to be real.

The same would be true of a sacrament. The mere external recitation of the words of a sacrament is not sufficient for validity. The minister must truly intend to do what the

Church does. So the person elected pope must truly intend what the Church intends and what Christ intends as the role of the papacy. The mere recitation of the words “I accept” is not sufficient.

Hence, someone without the use of reason could not possibly accept to become the pope, even if external words of acceptance were obtained from him. Hence also, someone could not validly accept the papacy with the intention to substantially change the Catholic religion. As has been explained, this is objective, and entirely independent of any personal motivation, good faith, or evil will.

47. The objective intention must be the salvation of souls through the safeguard of traditional doctrine, discipline, and liturgy.

We have seen that this was the end for which the papacy was instituted by Christ. We have seen this being explicitly required from popes in the past, in the form of a solemn oath, which was part of the papal coronation ceremony. Different historical examples have confirmed this principle.

One cannot become the pope unless one agrees, sincerely, to uphold the traditional Catholic religion, for this is precisely what the papacy was instituted for by Christ.

48. The “Vatican II popes” have a defective acceptance of the papacy.

The “Vatican II popes” are, objectively, imposing and maintaining a new modernist religion instead of the Catholic faith. This has been analyzed in the preceding chapters. Independently of the personal motives of the “Vatican II popes”, which could sometimes be difficult to know with certainty, we can observe objectively a substantial change of religion, introduced by the Vatican II reforms in doctrine, discipline, and liturgy. If that is the case, the intention of the “Vatican II popes” was defective in accepting the papacy, since the intention to impose this new modernist religion is inconciliable with the very end of the papacy, which is the safeguard of the Catholic religion. One cannot become the pope unless one agrees, sincerely, to uphold the traditional Catholic religion.

[\[1\]](#) And even if, by hypothesis, no theologian had done it previously, this would not invalidate the Thesis merely for that reason. The science of theology has been developed over the centuries by theologians who have slowly deepened our understanding of the faith. Every step of this development, in that sense, could be accused of being a “novelty.” This attitude, found among some, of refusing to meditate upon and theologically analyze the present crisis is deeply alarming. It is contrary to the life of faith, which should permeate our whole life, and particularly our highest faculty, which is our intellect. Many Catholics want to find a “quote” from a previous theologian describing entirely our situation. There is none, other than the writings of Bishop Guérard des Lauriers. The present situation was never imagined even speculatively by any theologian prior to the Second Vatican Council. One should not therefore try to read the works of past theologians as if they were commenting on the present crisis in the Church. Such a reading would be to take them out of context. Rather, one should understand the universal principles perennially taught by the Church’s approved theologians, in order to apply them harmoniously to the present crisis. As Bp Guérard des Lauriers remarked: “Theology, at least sometimes, consists in thinking, and not merely in repeating.” In this presentation of the Thesis, however, we purposely make appeal to many approved theologians who have studied *similar* cases, to show that, if the Thesis cannot be entirely found, as a whole, in the speculations of past theologians, its principles, however, are common in traditional theology.

[\[2\]](#) St. Antoninus of Florence, *Summa Sacrae Theologiae, Juris Pontificii et Caesarei*, Tertia Pars, Tl. 21, Venetiis 1581.

[\[3\]](#) Martin Bonacina (1585-1631) was a theologian, Auxiliary Bishop of Prague, and Titular Bishop of Utica. He is one of the few theologians to have dedicated an entire tract to the thorough analysis of the election of the pope.

[\[4\]](#) Bonacina, *Tractatus de Legitima Summi Pontificis Electione*, Venetiis 1638, Apud Petrum Turrinum, pp. 50-53.

[\[5\]](#) Tommaso de Vio Gaetani Cajetan (1469-1534) was a Dominican cardinal, philosopher, theologian, and exegete. He is one of the greatest commentators of St. Thomas Aquinas’ works.

[\[6\]](#) Cajetan, *De Comparatione Auctoritatis Papae et Concilii*, chapter XX. Emphasis added.

[\[7\]](#) The Rev. Peter Mary Passerini O.P. is a prominent thomist of the 17th century, whose works continued to be studied in the following centuries. He also was the vicar general of the Dominican order. He is one of the few theologians who have written an

entire treaty dedicated to the thorough analysis of the election of the pope. Fr Garrigou-Lagrange O.P. praises him greatly, and follows him, for example, on the question of what formally constitutes christian perfection. In his work *Christian Perfection and Contemplation*, Fr Garrigou-Lagrange refers to him as “the great canonist Passerini, O.P., who was a profound theologian and most faithful to St. Thomas”.

[8] Passerini, *Tractatus de Electione Papae*, Rome, 1670, p. 155.

[9] Charles Augustine Bachofen, *A Commentary on the New Code of Canon Law*, Vol. II, London, 1918, p. 210.

[10] Dr. Pio Ciprotti, article *Act, Juridical*, in the *Dictionary of Moral Theology* of Roberti and Palazzini, Westminster MD, 1962. Emphasis added.

[11] John of St. Thomas, *Cursus Theologicus*, Vol. VII, Disp. II, art. II.

[12] The universal acceptance of a pope by the Church may be presented against the Thesis as an interesting objection. It will be thoroughly answered in another chapter.

[13] *Ibid.*: “quod a veris electoribus, et per veram intentionem sit electus, et caetera alia requisita.”

[14] This work, written in 1380, and entitled *Allegationes secundae pro Urbano*, is reproduced by Cardinal Baronius in his *Annales Ecclesiastici* (Tomus VII, Lucca, 1752, pp. 613-631).

[15] “Secundo probo per theoricam magistralem, quia ubi est defectus ratione consensus, ibi stante potestate causae efficientis consensus superveniens firmat actum contra nullitatem.” (Baldus of Perugia, *op. cit.*, n. 20, quoted in Baronius, *op. cit.*, p. 592).

[16] “Tertio probo, quia actus qui dependet a consensu, licet alias sit nullus, si retineatur potest valere, et valet.”

[17] “Non obstat si dicatur quod id, quod est nullum, non potest ratificari, ut notatur ext. de elec. auditis, quia id est verum ubi requiritur certa solemnitas, et illa non intervenit, secus ubi requiritur simplex consensus quia saltem confirmatur, ut ex nunc ex natura tacitae repetitionis actus, *ut de le. 1 legata inutiliter, et ff. de mili. te. tribunus § ult.*, vel quia cessat causa impediens, et supervenit causa confirmans, ut *ext. qui talit. vel notatur c. insinuante, et notatur per glo. et Cy. c. de nup. si contra.*”

[18] An interesting study on this event has been written by Marc Dykmans S.J., where the historical context is presented, and where the sentence of Baldus of Perugia on the question of convalidation of a papal election is confirmed as being the common teaching. Cf. Marc Dykmans, *La troisième élection du Pape Urbain VI*, in *Archivum Historiae Pontificiae*, 1977, Vol. 15, pp. 217-264.

[19] *Op. cit.*, p. 154. Passerini indicates different historians for references on this event.

[20] St. Paul himself is the first to have compared the union between Christ and the Church to the marriage contract: “Because the husband is the head of the wife, as Christ is the head of the church.” (Eph. V, 23).

[21] Bonacina, *Tractatus de Legitima Summi Pontificis Electione*, Venetiis 1638, Apud Petrum Turrinum, pp. 48-49. Emphasis added.

[22] Cajetan, *De Comparatione Auctoritatis Papae et Concilii*, chapter XXI.

[23] See for example: Merkelbach, *Summa Theologiae Moralis*, T. III, n. 804, DDB, 1956.

[24] Merkelbach, *op. cit.*, n. 931.

[25] Fr Ricossa, *Pope, papacy and the Vacant See*, Sodalitium n. 66, available in English on the MHT website mostholytrinityseminary.org.

[26] Merkelbach, *op. cit.*, n. 929.

[27] Passerini, *op. cit.*, p. 148.

[28] Hence, although totalism differs from the Thesis in ascribing what is the cause of invalidity of the papacy of the “Vatican II popes”, both systems should actually agree on the fact that a convalidation of the election is still possible. The Thesis maintains that the problem is primarily a defect of intention; totalism argues that the person elected was, by divine law, unable to be elected. In either case, however, as we have shown, the problem could be remedied, and the election convalidated.

[29] “L’intention se porte au but, mais *elle ne peut faire abstraction des moyens qu’elle emploie*: ces moyens, eux aussi, sont donc *voulus*, quoique secondairement.” (Régis Jolivet, *Traité de philosophie, IV Morale*, 3e édition, Paris, 1949, p. 189). The author (*ibid.*) makes a very clear distinction between the interior end of the agent, and the end

which is intrinsic to the action itself. The Thesis' argument is about the end of the action itself, that is, the objective end, independently of any personal motive, end, or intention.

[30] “Toute hérésie impliquant schisme, on admettait par le fait même la possibilité, pour le pape, de devenir schismatique.” (Article *Schisme* in the *Dictionnaire de Théologie Catholique*).

[31] “Contingeret autem hoc in animo quidem Papae, si nollet communicare cum Ecclesia ut pars illius, ut caput illius in spiritualibus; sed habere se tantum ut dominus temporalis. In opere vero, si facto hoc faceret; vel si excommunicare praesumeret Ecclesiam. Constat namque quod in hujusmodi mala posset persona Papae incidere: ac per hoc vere schismaticus esset.” (Cajetan, *In Sum. Theol.*, IIa-IIae, q. XXXIX, a. 1, n. 6).

[32] “Persona Papae potest renuere subesse officio Papae, quod per accidens est pro tunc in ipso. Et si hoc in animo pertinaciter gereret, esset schismaticus per separationem sui ab unitate capitis.”

[33] “Ecclesia est in Papa quando ipse se habet ut Papa, ut caput Ecclesiae. Quando autem ipse nollet se habere ut caput ejus, neque Ecclesia in ipso, neque ipse in Ecclesia esset.”

[34] “Et hoc secundo modo posset Papa esse schismaticus, si nollet tenere cum toto Ecclesiae corpore unionem et conjunctionem quam debet, ut si tentaret totam Ecclesiam excommunicare, aut si vellet omnes ecclesiasticas caeremonias apostolica traditione firmatas evertere.” (Suarez, T. XII, Disp. XII *De Schismate*).

[35] “Papa potest a Christo qui est principale caput ecclesiae, et respectu cujus maxime unitas ecclesiae attenditur per inobedientiam recedere non obediendo legi ejus aut praecipiendo ea quae naturali aut divino juri contraria sunt, et per consequens separare se a corpore ecclesiae Christo...” (Torquemada, *Summa de Ecclesia*, p. I, L. IV, c. XI).

[36] Cf. *Cahiers de Cassiciacum*, 3-4, Nice, 1980, p. 63. Bp. Guérard des Lauriers O.P. carefully makes the distinction between *personal* schism and *capital* schism. He does not assert that the “Vatican II popes” are necessarily schismatic as private persons.

[37] St. Thomas Aquinas, *Summa Theologiae*, I-II, q. 90, art. 2 and 3. This topic has been extensively explained by Bishop Donald Sanborn, *On Being a Pope Materially*, Second Section.

[38] Pope Pius XII, *Address to the Second World Congress of the Lay Apostolate*, October 5th, 1957.

[39] Alphonse Muzzairelli S.J., *De Auctoritate Romani Pontificis in Conciliis Generalibus*, T. II, Gandavi, 1815, p. 364.

[40] More recently, it has been speculated that the manuscripts which we have would actually not be copies of the official *Liber Diurnus* itself, which was used by the Holy See, but rather these manuscripts would be a school-book, bearing the same name, and containing copies of the official formulas, for the training of young notaries. We leave these controversies to historians. In the practical order, it is clear that these formulas have been in use, and particularly the formula of the papal oath, formula LXXXIII, which is the object of our attention. On that more recent theory, see L. Santifaller, *Die Verwendung des Liber Diurnus in den Privilegien der Päpste von den Anfängen bis zum Ende des 11 Jahrhunderts*, (*Mitteilungen des Instit. f. Öster. Geschichtsf.*, vol. xlix, 1935, pp. 224-366).

[41] Cf. E. de Rozière, *Liber diurnus, ou recueil des formules usitées par la chancellerie pontificale du Ve siècle au XIe siècle*, Paris, 1869; H. Leclercq, *Liber diurnus Romanorum pontificum*, in *Dictionnaire d'Archéologie Chrétienne et de Liturgie*, Paris, 1930; L. Santifaller, *Die Verwendung des Liber Diurnus in den Privilegien der Päpste von den Anfängen bis zum Ende des 11 Jahrhunderts*, in *Mitteilungen des Instit. f. Öster. Geschichtsf.*, vol. xlix, 1935, pp. 224-366.

[42] This is deduced from different historical references contained in the formulas of the *Liber Diurnus*. “The redaction of the *Liber Diurnus* must have taken place between the year 681, time of the closure of the sixth general council, and the year 751, time of the fall of the exarchate [of Ravenna].” (E. de Rozière, *op. cit.*, p. XVIII).

[43] P. L., Tomus CV, col. 39-49.

[44] To make more sense of the text, we have taken the liberty to repeat the expression “I profess” which in Latin is said at the beginning and is implicitly understood throughout the profession. We have also taken the liberty to divide long sentences, to facilitate the reading. The suspicious reader is invited to verify the original Latin in the *Patrologia*.

[45] Ivo of Chartres, *Panormia*, L. II, c. 103; *Decretum*, part. IV, c. 132 and c. 197. He also quotes a passage from this same formula in a letter addressed to the archbishop of Lyons (*Epist.* LX).

[46] Cf. de Rozière, *op. cit.*, p. XXXIV.

[47] Antonius Augustinus, *Epitome juris pontifici*, L. V, tit. X, c. 54, Tarragona, 1587.

[48] “Is liber non extat, quod sciam, hoc titulo.” (Antonius Augustinus, *De emendatione Gratiani*, L. I, d. 20, ed. Baluz., p. 233).

[49] Cardinal Caesar Baronius (1538-1607) was a prominent member of the Congregation of the Oratory, and faithful disciple of St. Philip Neri. Asked by the Saint to give lectures of history in Rome for three decades, he eventually wrote them down as the *Annales Ecclesiastici*, a milestone of Church history. Cardinal Baronius also undertook an important reform of the Roman martyrology. He is considered by all as one of the most learned historians of the Church.

[50] The Council of Constantinople celebrated under Pope Hadrian II in 869 is the fourth ecumenical council of Constantinople, and the eighth ecumenical council of the Church.

[51] Cf. E. de Rozière, *op. cit.*, p. 174.

[52] These were entitled *Rationes quibus probatur quod Bonifacius legitime ingredi non potuit Celestino vivente*, and they are reproduced in P. Dupuy, *Histoire du Différend d'entre le Pape Boniface VIII et Philippe le Bel Roy de France*, Paris, 1655, pp. 448 and ff.

[53] “Vigesimo quarto, quia annexa est statui Papatus professio et votum, sicut apparet ex tenore professionis Romani Pontificis, quae habetur in libro Diurno, cuius etiam professionis pars habetur in Canone, et in illa professione habetur expresse quod profitetur et promittit Deo et Principi Apostolorum Petro, quod quamdiu vivet curam gerit gregis Dominici sibi commissi, et gubernabit Ecclesiam secundum decreta et canones sanctorum Conciliorum, et Patrum, et de consilio Cardinalium sanctae Romanae Ecclesiae: Ergo obligatus est ad curam gerendam quamdiu vivit ex voto et professione astrictus. Illud autem notorie constat, quod votis et professionibus, et iis ad quae quis voto et obligatione obligatur, secundum omnes, nemine contradicente renuntiari non potest, et sic nec Papa renuntiare potest, obligatus quamdiu vivit ex voto et professione astrictus. Et si dicatur quod ita profitebantur antiquitus Romani Pontifices, sed hodie non profitentur de facto verbaliter: responsio manifestissime patet, quia recipientes nunc Papatum tacite vovent et profitentur haec omnia : nam statui professio est annexa, et secundum omnes votum interpretativum ita obligat, sicut expresse emissum: quod est videre in sacris ordinibus, Subdiaconatu, Diaconatu, et Sacerdotio, ex quorum susceptione perinde interpretative in Occidentali Ecclesia obligantur, sicut si profitentur expresse castitatem : sic dicendum est hic in voto et professione summi pontificatus. Et sic patet manifestissime quod renuntiare non possit.” (in P. Dupuy, *Histoire du Différend.*, p. 459).

[54] Council of Constance, Session 39, October 9th, 1417. Emphasis added.

[\[55\]](#) Charles Pichon, *Le Pape, le Conclave, l'Élection et les Cardinaux*, Paris, 1955. This book is a goldmine of information for anyone interested in this question.

[\[56\]](#) These have now been made public. Cf. Bartłomiej Krzysztof Krzych, *Sollemnia Coronatio Summi Pontificis. The "Ordines" of the Coronation Masses of Popes John XXIII and Paul VI*, published in *Ruch Biblijny i Liturgiczny*, Volume 72, Number 1, 2019 (link available on caeremonialeromanum.com).

Chapter IX

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Chapter XI

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