

CHAPTER XII

ON THE HERETICAL POPE

This chapter presents the discussed theological hypothesis of the heretical Pope, and proves that the theological solutions given to it do not invalidate the Thesis.

1. A simple observation raises the question of the “heretical pope.”

Many Catholics, troubled by the current crisis in the Church, have had recourse to the famous theological question of the heretical pope. Indeed, faced with the enormity of the outrageous statements and practices issued by the “Vatican II popes,” it is evident to anyone that many things professed by them are in contradiction to Catholic dogma.

In addition, Catholics who have come to the conclusion that they could not in good conscience follow the doctrines and practices imposed on them by the “Vatican II popes” must arrive at a question about authority. Based on the indefectibility of the Church, as we have explained, one should conclude that the “Vatican II popes”, for one reason or another, do not actually have the authority of Christ to rule the Church.

The most commonly known reason of loss of authority in a pope is the question of heresy: if the pope were to become a heretic, then he could lose the papacy. Abstracting from details and disputed questions, many Catholics have a basic understanding of this principle. It is therefore quite natural that one would inquire into this possibility to explain why the “Vatican II popes” are not in fact real popes, endowed with the authority and infallibility of Christ.

2. The Thesis does not use the argument of the “heretical pope.”

As we have explained in preceding chapters, the Thesis does not have recourse to the theological hypothesis of a heretical pope to prove the absence of authority in the “Vatican II popes.”

The crisis which we face is not a problem about the pope *as he is a private person*, to the point of perhaps being a public heretic, as a private individual.^[1] The problem which we

face is much wider: a new religion is being imposed on the Church, and this is absolutely incompatible with the authority of Blessed Peter. The “Vatican II popes” cannot be true popes because they are imposing a false religion.

We have analyzed in minute details how our argument can be articulated theologically: the intention to impose what is objectively a false religion is incompatible with the acceptance of the papacy. In other words, to validly accept the papacy, the person elected must intend to safeguard the traditional Catholic religion. For that is the very end and purpose of the papacy, as established by Christ.

Our argumentation is thus entirely independent of the personal status in the Church of the “Vatican II popes”: are they heretics, are they schismatics? This last consideration does not have any bearing on the value of the argument presented above: namely that one cannot become the pope unless one intends to uphold the Catholic religion. Whether one is a heretic or the most devout of Catholics does not in itself change the value of this argument.

The question of the personal status of the pope as he is a private person, and the question of the objective imposition of a false new religion are two entirely distinct questions.

3. Relations between the Thesis and the argument of personal heresy.

We feel compelled to address and explain the theological hypothesis of the heretical pope for a number of reasons.

First, as we have said, this possibility commonly comes to the mind of Catholics, when faced with the impossibility to obey the “Vatican II popes”: if they are not true popes, it may be because they are public heretics.

Secondly, a few Catholics have attempted to use the “heretical pope” argument against the Thesis, by claiming that, on account of public heresy, not only would the “Vatican II popes” lose the papacy, but also be canonically deposed, without the need of any declaration whatsoever, and without the possibility to recant and recover their office.

Thirdly, the argument itself is interesting, especially in our recent times, when the orthodoxy of Bergoglio is becoming more and more openly questioned, and rightly so.

What this study will show, actually, is that since the theological hypothesis of the heretical pope has been more developed and studied by theologians than the question of a lack of proper intention, a number of principles have already been clearly established by doctors and theologians on the subject of crisis in the papacy.

It is thus commonly accepted that a loss of authority happening *in fact* in a heretical pope would have to be *juridically* assessed and acknowledged by the Church for her to proceed to a new election. It seems also commonly accepted that if the accused individual were to recant his errors, he would then keep his office, without any further process.^[2]

These principles are also found in the explanation provided by the Thesis. The reader will therefore be able to verify for himself that they are perfectly traditional theological principles.

The study of the theological hypothesis of the heretical pope will thus show that the principles laid out by theologians not only do not contradict the Thesis, but actually confirm a number of its aspects.

FIRST ARTICLE

CLARIFYING THE ISSUE:

WHAT DO WE MEAN BY “HERETICAL POPE?”

4. Terms need to be defined.

When speaking about the issue of the heretical pope, let us first clarify what we are about to discuss. We need to define what a heresy is, what a heretic is and whether the pope could fall into heresy, before we proceed to answer the question as to what would happen if a pope were to fall into heresy.

5. Heresy is a doctrine contrary to the faith.

First, a heresy, taken in its stricter meaning, is a proposition denying a truth belonging to divine and Catholic faith. This means that a heresy denies a truth (1) revealed by God, and which (2) has been proposed by the Church as having indeed been revealed by God, either by a solemn pronouncement or in her universal ordinary magisterium. Indeed the deposit of revelation, namely, all that God has revealed to mankind, is contained in Sacred Scripture and Tradition. But Christ has instituted the Church so that she may safeguard and define the content of this deposit of revelation. A truth is thus said to belong to *divine and Catholic faith* when the Church has taught that such a truth has been revealed by God. In addition, some truths are qualified as being *of defined Catholic faith*, since they

have been solemnly defined. Such is the case, for example, of the truth of the Assumption of Our Lady. Accordingly, a heresy denies a truth which the Church has taught to have been revealed by God. Hence to deny the Assumption of Our Lady is a heresy, since it clearly contradicts the definition of Pope Pius XII. But truths proposed by the universal ordinary magisterium as revealed, although not solemnly defined, are also proposed by the Church to be believed *divine and Catholic faith*.

The Vatican Council defined the following:

Wherefore, by divine and catholic faith all those things are to be believed which are contained in the word of God as found in scripture and tradition, and which are proposed by the Church as matters to be believed as divinely revealed, whether by her solemn judgment or in her ordinary and universal magisterium.^[3]

Thus, to deny the doctrine of Guardian Angels is a heresy, because it contradicts the universal ordinary magisterium of the Church, although it was never solemnly defined.

6. A heretic pertinaciously denies a truth of the faith.

A heretic is thus defined by the law of the Church (can. 1325 §2):

After the reception of baptism, if anyone, retaining the name Christian, pertinaciously denies or doubts something to be believed from the truth of divine and Catholic faith, such a one is a heretic.

A heretic is, therefore, someone who adheres to a heresy, knowing that it is a heresy, viz. against the doctrine proposed by the Church as having been revealed by God. Thus for someone to be a heretic, two things are necessary: (1) that the doctrine adhered to is indeed truly heretical, such as *denying* a dogma of the Catholic Church; and (2) that this person is *pertinacious*, i.e. that he knowingly rejects a truth of the Catholic faith, and is not excused by ignorance, or perhaps by having employed incorrect expressions. He knows that the Church teaches that a certain truth has been revealed by God, and he denies it anyway.

7. Not every error or blasphemy is a heresy.

It follows from the above principles that not all the outrageous things uttered by the Modernists are heresies, but many of their errors would be worthy of some lower censure, because they deny a doctrine which is not considered to be immediately revealed or which has not yet been proposed by the Church as such. Nonetheless, the “Vatican II popes” have also clearly denied truths which would be classified as being of *divine and Catholic faith*. Thus the existence of hell has been denied by Bergoglio on a number of occasions.

8. The theological hypothesis of a “heretical pope” considers the case of a pope becoming a heretic *as a private person*.

Another point which should be made very clear before we proceed to answer the question of a heretical pope, is that when speaking of a *heretical pope*, theologians speak of the person of the pope becoming a heretic *as a private person*. Theologians agree that the pope could not teach heresy in his magisterium, as the Roman Pontiff. They only discuss the hypothesis of a pope falling into heresy *inasmuch as he is a private person*.

To express this in terms taken from Logic, the expression “heretical pope” should be understood as what is called a *material appellation*. By this we mean that the term “pope” refers to a concept composed of two ideas: a man (matter) determined by the papacy (form). In the context of this theological discussion, it is clear that the adjective “heretical” is attributed to “pope” not in its formal aspect (the papacy), but only in its material aspect (the man). Logicians classify this as a *material appellation*. An example of a famous material appellation is the expression “the good thief” employed to designate the man crucified on Calvary with Our Lord, who repented and obtained mercy from Christ. When speaking about “the good thief” it is evident that the appellative “good” is not applied to him *inasmuch as is a thief*, but rather *inasmuch as he is a man*. This means that the expression “the good thief” does not refer to him as being particularly crafty in the art of stealing, but rather it refers to the fact that he repented and converted. In the same way, the expression “the heretical pope” could never refer to a “heretical papacy,” which is something absolutely impossible, but rather it refers to the private individual, who happens to be the pope, *inasmuch as he is a private individual*.^[4]

As a consequence, the discussion of the heretical pope is entirely distinct from the argument based on the magisterium of the “Vatican II popes,” which proves them to have failed in situations where they should have been infallible. The fact that the “Vatican II popes” have not been infallible in teaching the faith or enacting universal discipline is very clearly proven by the contradiction existing between the Catholic faith and the Modernist heresy which has already been condemned by the Catholic Church, and which the “Vatican II popes” are nonetheless trying to impose on the universal Church. A true pope could never do such a thing, on account of the assistance of the Holy Ghost promised to him. Therefore we rightly conclude from this observation that the “Vatican II popes” do not possess the authority of Christ to rule the Catholic Church. This, however, does not of itself prove them to be heretics as private persons, since this demands on their part pertinacity, namely, knowledge and consent to this doctrine known to be heretical.

9. Difference between private heresy and heretical teaching.

These arguments are two entirely distinct arguments. On the one hand, from the fact that the “Vatican II popes” teach heresy we can conclude with absolute certainty that they are

not *in fact* true popes, since they show themselves to not be assisted by the Holy Ghost. On the other hand, the reason *why* they are not true popes cannot be deduced from this argument alone. It needs to be further studied, since (1) someone could lack infallibility without, however, necessarily being a pertinacious heretic, and (2) the argument presupposes that the papacy is certainly lost by the very fact of manifest heresy, and not by a deposition performed by the Church.

Hence, to use the argument of loss of office through public heresy, it is not enough to prove that the “Vatican II popes” have taught heretical doctrines (which however is enough to prove that they are not in fact popes), but one must also prove that (1) the “Vatican II popes” are in fact public heretics, whose pertinacity is also public to the whole Church; and that (2) the papacy is lost by that very fact.

As we shall see later, many theologians (such as St. Robert Bellarmine) did teach that the heretical pope would lose the papacy by the very fact of becoming a manifest heretic. We shall comment on this later. But let us here make the following remark, which flows from the principles explained above: even if by hypothesis the heretical pope would indeed lose at once the papacy, the act by which he would manifest his heresy and lose the papacy must necessarily precede the teaching of heresy as supreme pastor. For in teaching the Church, the pope is infallible, and could not fall into heresy. This falling into heresy would have to happen beforehand. *In other words, the act by which a pope would become a manifest heretic cannot be identical with the act by which he would try to impose heresy on the universal Church.* The promulgation of heresies and evil disciplines is certainly an infallible **sign** of absence of authority in a claimant to the Papacy, but it cannot be the cause of it (which necessarily must precede such a promulgation), just as fire must precede smoke.

10. A heretic losing the papacy, or a heretic unable to receive it in the first place?

Lastly, let us make another observation: we are discussing the question of a true pope who would fall into heresy as a private person, and thus lose the papacy, which he previously had. However, in this argument it is clear that the reason why heresy would make the pope lose the papacy is identical with the reason why someone would be impeded to receive the papacy in the first place in virtue of divine law. Nonetheless, for the sake of clarity, we will specifically address this question as well.

SECOND ARTICLE

THE DISPUTED QUESTION OF THE HERETICAL POPE

11. Purpose of this section.

We neither intend nor pretend to solve a question which has been discussed for centuries, but merely to present what is disputed, what is certain, and what are the practical conclusions which we may be able to draw from this discussion. Let us therefore present the different opinions which have been given to the theological hypothesis of the heretical pope. We shall see that they can ultimately be reduced to two main positions. From this observation, after exposing more completely the arguments defended by their proponents, we shall see that we may draw a common conclusion from both theological positions: that (1) the “Vatican II popes” are not true popes and do not have the authority to teach, rule and sanctify the Church, since this has already been proven independently of this argument anyway; and (2) that an intervention of the Church is still necessary, to declare this fact.

12. Can the pope fall into heresy as a private person?

The question is not about whether or not the pope as a private person could be mistakenly saying something against the faith. The question is about whether or not the pope could become a formal, i.e. pertinacious, heretic, as a private person. The opinion that even as a private person the pope could not fall into heresy has serious value, but since it cannot be certainly proven, theologians still studied the possible outcome of the hypothesis of a pope falling into heresy. St. Robert Bellarmine, an ardent defender of the papacy and Doctor of the Church, is of the opinion that a pope cannot become a heretic. He thus says:

Such an opinion [that a pope cannot become a heretic] is probable, and can easily be defended, as we will show in its proper place. Still, because it is not certain, and the common opinion is to the contrary, it will be worthwhile to see what the response should be if the pope could be a heretic.^[5]

13. The two main opinions.

The different positions of theologians are usually reduced to the following: (1) the heretical pope is either deposed by the very fact, or (2) he must be deposed by the Church, which in Latin terms is expressed as (1) *ipso facto depositus* (deposed, namely, by the very fact of becoming a manifest heretic) or (2) *deponendus* (to be deposed, namely, by the Church).

Thus the great doctor and bishop Saint Francis of Sales, when addressing this question, merely mentions these two opinions:

Now when he is explicitly a heretic, he falls *ipso facto* [that is, automatically, by this very fact] from his dignity and out of the Church, and the Church must either deprive him or, as some say, declare him deprived, of his Apostolic See.^[6]

14. Improbable opinion: *The heretical pope remains the pope and cannot be deposed.*

Theologians have examined pretty much any possibility you could think of in the study of this question, and since the Church has not pronounced on the matter, they adhered to different opinions, presenting different arguments in support of their opinion.

An improbable opinion is that, were the pope to become a formal heretic, he could not be judged or deposed, nor would he lose the papacy. This has been defended by Bouix, in his 1869 *Tract. De Papa*, Vol. II, P. III, C. III. This opinion has been universally rejected by the doctors. Let us however here notice that Bouix defended that in this case, however, the pope, although formally a heretic as a private person, *would not and could not impose and preach heresy to the Church*. Despite the different solutions offered to the theological question of the heretical pope, all theologians do indeed agree that it is impossible for a true pope to impose and preach heresy to the Church.

15. Another improbable opinion: *The heretical pope ceases to be the pope by mere internal or occult heresy.*

Another singular opinion is that, were the pope to become a formal heretic even only internally (in the mind only) or externally but in an occult way (not publicly known), he would by this very fact lose the papacy, despite the fact that the Church would not even be aware of this. This was defended by Juan de Torquemada, Alfonso de Castro and a few others, but has been abandoned and refuted by the consensus of major theologians, such as Canus, Azor, Suarez, St. Robert Bellarmine, John of St. Thomas, Garrigou-Lagrange.

St. Robert Bellarmine (*loc. cit.*) explains:

Jurisdiction is certainly given to the Pontiff by God, but with the agreement of men, as is obvious. Because this man, who beforehand was not Pope, has from men that he would begin to be Pope, therefore he is not removed by God unless it is through men.

Suarez answers this opinion in this way:

Against this opinion I say, secondly: in no case, even of heresy, is the Pontiff deprived of his dignity and power immediately from God Himself, without a preceding judgment and sentence of men.^[7]

16. How could an occult heretic continue to be the pope?

It is common knowledge that one loses membership in the Church through heresy. Pope Pius XII teaches, for example:

For not every sin, however grave it may be, is such as of its own nature to sever a man from the Body of the Church, as does schism or heresy or apostasy.^[8]

By internal or occult heresy, one loses the virtue of faith and, with it, all the graces called in theology *gratiae gratum facientes* (the graces given for our personal sanctification), such as sanctifying grace, the theological virtues, the moral virtues, and the gifts of the Holy Ghost. Although still being a member of the Church in the eyes of men, one really does not share in any spiritual communication from the Church as a private member.

Jesuits, with St. Robert Bellarmine (*loc. cit.*), commonly reply that an occult heretic is still a member of the Church, since they insist more on the external visibility of the Church, although they do recognize that it is so only by an external union. St. Robert says (*loc. cit.*): “Secret heretics are united and are members, but only by an external union.”

Many Dominicans, such as Billuart and Garrigou-Lagrange (against the opinion of the Dominican Cardinal Cajetan, however), consider occult heretics to not be anymore members of the Church, in this sense, that they do not even receive from Christ the communication of the virtue of faith. The great theologian Garrigou-Lagrange, in his commentary of St. Thomas’ *Summa Theologiae*, explains:

The conclusion we must come to is that occult heretics are only apparent members of the Church, which they externally and visibly profess to be the true Church.^[9]

Much confusion has followed from a lack of awareness of this theological distinction made by theologians.

The Jesuits, as we have said, commonly answer the above position by simply explaining that an occult heretic is still a member of the Church, and therefore can still be its head, without any further distinction. How then do the Dominicans answer this position, since they would consider that an occult heretic is strictly speaking only an apparent member? Here again (*loc. cit.*), Fr. Garrigou-Lagrange offers us a clear answer, which is worth quoting in length:

This condition is quite abnormal, hence it is of no wonder that something abnormal results from it, namely, that the pope becoming secretly a heretic would no longer be an actual member of the Church, according to the teaching explained in the body of the

article, but would still retain his jurisdiction by which he would influence the Church in ruling it. Thus he would still be nominally the head of the Church, which he would still rule as a head, though he would no longer be a member of Christ, because he would not receive that vital influx of faith from Christ, the invisible and primary head. Thus in quite an abnormal manner he would be in point of jurisdiction the head of the Church, though he would not be a member of it.

This condition could not apply to the natural head in its relation to the body, but such a condition is not repugnant in the case of the moral and secondary head. The reason is that, whereas the natural head must receive a vital influx from the soul before it can influence the members of its body, the moral head, such as the pope is, can exercise his jurisdiction over the Church, although he receives no influx of interior faith and charity from the soul of the Church [namely, the Holy Ghost]. More briefly, as Billuart says, the pope is constituted a member of the Church by his personal faith, which he can lose, but his headship of the visible Church by jurisdiction and power is compatible with private heresy. The Church will always consist in the visible union of its members with its visible head, namely, the pope of Rome, although some, who externally seem to be members of the Church, may be private heretics.

17. The debate on the heretical pope is therefore about the crime and not merely the sin of heresy.

As a consequence of what we have just said, both Jesuits or Dominicans commonly agree that the question of a pope falling into formal heresy is to be taken in consideration only inasmuch as it a *crime* (which does presuppose a formal *sin*, granted). Much confusion has been caused by the fact that some people, realizing they could not possibly make a clear case for the vacancy of the Roman See based on an argument of crime of heresy, have had recourse to the claim that the sin itself would deprive one of the papacy, were it to become *public*. They clearly have overlooked the fact that the *sin* of heresy, inasmuch as it is *external* and having *external consequences* is precisely what a crime is. So one cannot reject all the Church's legislation and the teaching of theologians and canonists under the pretext that one would be speaking of the *sin* of heresy and not the *crime*. And as we have seen, theologians commonly reject the idea that a mere sin of heresy would make a pope lose his authority. This happens only when heresy is a *public crime*.

Both Jesuits and Dominicans (to which we may, by a simplification which should not be understood too strictly, apply respectively the opinions *depositus* and *deponendus*, as explained above), all commonly agree on this point, and it will suffice us to quote a prominent author from both sides.

Thus the Jesuit theologian Suarez (*loc. cit.*) clearly teaches:

We shall later present other authors [to support this point], when treating the penalties of heretics, and we shall show in general that no one is deprived by divine law of any dignity or ecclesiastical jurisdiction on account of the sin [*“culpam”*] of heresy.

Similarly, Cajetan (*op. cit.*, c. XVII) explains that the entire discussion is about the crime of heresy:

There are different opinions concerning how a pope guilty of the crime of heresy would be deposed.

18. The debate between *depositus* and *deponendus* has existed for centuries.

Although certain opinions, presented above, have been very rare, the main opposition between the *depositus* and *deponendus* schools of thought has existed for centuries, that is, debating whether the heretical pope, once his heresy is manifest, is deposed immediately by Christ (*“ipso facto depositus”*), or must be deposed by Christ through the mediation of the Church (*“deponendus”*). We may broadly apply these opinions to a division between Jesuits and Dominicans, to simplify things, although this is not entirely accurate. And neither is it entirely accurate to simplify things by classifying theologians in these two camps. There exists a whole array of opinions on both sides, which are not entirely the same on every point. But before we explain precisely the import of each opinion, let us first prove that this debate has indeed existed for centuries, by quoting here a number of prominent theologians who have written on this question in the past:

In 1513, the camps were not yet as clearly defined, and many others opinions were also taught, but Cardinal Cajetan clearly indicates the existence of these two opinions:

There are different opinions concerning how a pope guilty of the crime of heresy would be deposed. ... And this is, in other words, what is said by others, that when the pope becomes a heretic, he is deprived of the papacy automatically [*“ipso facto”*] by the divine law by which the faithful are distinguished from the infidels. And when he is later deposed by the Church, it is not a Pope who is judged and deposed, but he who is already judged, since he does not believe, according to the word of Our Lord in Jn. III, and he who is already deposed, when by his own will he became an infidel and left the body of the Church, he is declared judged and deposed. ...

Although the said opinion is defended by illustrious men, and seems common, it does not please everyone. It is contradicted by two other propositions. The first is that the heretical pope is not automatically [*“ipso facto”*] deposed, but is to be deposed.^[10]

In 1588 appears the magistral work of St. Robert Bellarmine, in which he famously exposed five opinions, of which the first three have already been presented and left aside, while the fourth and fifth are the two opinions which we are now considering:

The fourth opinion is that of Cajetan. There he teaches that a manifestly heretical pope is not automatically [*ipso facto*] deposed; but can and ought to be deposed by the Church. ... Now the fifth true opinion is that a Pope who is a manifest heretic, ceases in himself to be Pope and head, just as he ceases in himself to be a Christian and member of the body of the Church; whereby he can be judged and punished by the Church.^[11]

In 1600, Azor already reduced the debate to two main sentences:

There are two opinions. The one affirms that he [the Roman Pontiff fallen into heresy] loses indeed the papacy by divine law, although he is afterwards declared by the sentence of the Church to have fallen from the Pontifical dignity because of his crime of heresy. ... The second opinion denies that the Pope who simply becomes a heretic is removed by divine law from his power and the dignity of his jurisdiction, but that he must be removed.^[12]

Let the reader notice here and in the other excerpts quoted that both opinions require at least some recognition of the Church. Even the "*ipso facto depositus*" opinion does not exclude a *legal* process of recognition of the *fact* of loss of office. This is necessary for an ordered process of succession in the papacy.

Sometime in the beginning of the XVIIth century, the great Doctor St. Francis of Sales (who died in 1620) was able to summarize the question thus:

Now when he is explicitly a heretic, he falls *ipso facto* [that is, automatically, by this very fact] from his dignity and out of the Church, and the Church must either deprive him or, as some say, declare him deprived, of his Apostolic See.^[13]

In 1622 was published the teaching of Suarez, who explains how he disagrees with Cajetan in a similar way that St. Robert did (despite a clear agreement on the essentials):

But now a third doubt is raised: by what right can the Pope be judged by this congregation, since he is superior to it? In this matter Cajetan surprisingly complicates himself [*se mire vexat*]...^[14]

In 1643, John of St. Thomas presents different opinions, among which are found the same two prominent opinions, which he explains as actually agreeing on the essentials, as we shall see later, but as disagreeing in the mode of deposition of the pope:

And secondly, with regard to the deposition itself, which happens after the declaratory sentence of the crime, a difficulty remains: whether it be done by the power of the Church; or rather by Christ the Lord himself, supposing the declaration.[\[15\]](#)

19. More recent authors.

The question has not been settled by the Church, and as a consequence, the two main opinions continue to be mentioned, although it seems very clear that the *depositus* opinion is favored by most. We do not need to quote every theologian that ever wrote on this issue; let it suffice to show a few examples.

In an 1896 edition of his works, Cardinal Mazzella presents the two opinions, repeating almost word for word the teaching of Azor:

There are two opinions, says Azor (*Inst. Mor.* p. 2. l. 4. c. 7.); the first affirms that the pope who has become a heretic is indeed automatically deprived of the pontificate by divine law; although he must afterwards be declared by the sentence of the Church to have fallen from the Pontifical dignity because of his crime of heresy. ... The second opinion denies that the Pope who becomes a heretic is automatically destitute of his power of jurisdiction, but that he is to be removed by judiciary sentence.[\[16\]](#)

In the early XXth century, multiple editions of Cardinal Billot's works were published. Cardinal Billot reduced the hypothesis of the heretical pope to the usual two opinions:

Some with Cajetan want the pope who has become a heretic to be subordinated to the ministerial power of the Church in order that he be deposed... Others however affirm that such [a heretical pope] would automatically fall from the pontificate, in such a way that on the part of the Church there would be no deposition but only a declaratory sentence of the vacancy of the see.[\[17\]](#)

As late as the middle of the XXth century, we still find the same opinions, presented by Charles Journet:

Some, like St. Robert, Suarez, have thought that the pope, by cutting himself off from the Church, would be '*ipso facto*' [automatically] deposed... Others, like Cajetan, John of St. Thomas, whose analysis seems to us more accurate, have thought that, even

after a manifest sin of heresy, the pope is not yet deposed, but must be deposed by the Church.^[18]

These excerpts should suffice to show that, although they might defend their own opinion with conviction, theologians acknowledge that the issue is disputed. And if such is the case, it is then impossible to try to impose either of them to all Catholics as obligatory. These opinions have the authority of their arguments, but neither of them has been officially endorsed by the authority of the Church.

The “heretical pope” argument, therefore, (1) leads nowhere, since there are no set rules about how to deal with the problem; (2) more importantly, is off the point, and often is a distraction, since the problem is not one of the personal heresy of a pope, but of the **imposition of heresy** on the Church.

20. The question of the heretical pope was briefly discussed at the 1870 Vatican Council.

Although this discussion is not part of the teaching of the Council, and could not be taken as an act of the Church’s magisterium, it does give us some precious information. The question was raised by one of the Council Fathers during the discussions, and another one indicated as a solution the explanation given by Suarez and St. Robert. Abp. Purcell of Cincinnati summarizes thus the exchange:

The question was also raised by a Cardinal, ‘What is to be done with the Pope if he becomes a heretic?’ It was answered that there has never been such a case; the Council of Bishops could depose him for heresy, for from the moment he becomes a heretic he is not the head or even a member of the Church. The Church would not be, for a moment, obliged to listen to him when he begins to teach a doctrine the Church knows to be a false doctrine, and he would cease to be Pope, being deposed by God Himself.

If the Pope, for instance, were to say that the belief in God is false, you would not be obliged to believe him, or if he were to deny the rest of the creed, ‘I believe in Christ,’ etc. The supposition is injurious to the Holy Father in the very idea, but serves to show you the fullness with which the subject has been considered and the ample thought given to every possibility. If he denies any dogma of the Church held by every true believer, he is no more Pope than either you or I; and so in this respect the dogma of infallibility amounts to nothing as an article of temporal government or cover for heresy.^[19]

This is particularly interesting since it does not only repeat the teaching of St. Robert^[20] and Suarez, but it also mentions the question of what to do if the pope begins to not only

hold privately a heretical doctrine, but actually begins to preach it to the Church:

The Church would not be, for a moment, obliged to listen to him when he begins to teach a doctrine the Church knows to be a false doctrine, and he would cease to be Pope, being deposed by God Himself.[\[21\]](#)

The Council did not, however, pronounce on the matter, and the more authoritative value we have from the Council is this answer issued by Bp. Zinelli, in the name of the Deputation of the faith. To understand its import, it is important to know that Bp. Zinelli is answering here arguments brought forth in opposition to the supremacy of the Pope over the Council:

And the completely hypothetical cases of a Pontiff having fallen into heresy as a private person or incorrigible have no weight, and these cases can be compared to the cases of a pope having fallen in a continual dementia, etc... Confident in the supernatural Providence, we esteem that these things will never happen. But God is not deficient in necessary things; and therefore if He should allow such an evil thing to happen, the means to remedy it shall not lack, and the doctrine of the truly full and supreme power of the Roman Pontiff is not weakened by these hypothetical cases.[\[22\]](#)

This intervention of Bp. Zinelli repeats as probable the opinion of St. Robert, that there will never be a heretical pope. It does also, at the end, refer to the main point of discussion between the *depositus* and *deponendus* schools: how to explain that the pope would be deposed by a general council on account of heresy while affirming the dogma of the superiority of the pope over the council. This leads us to further our understanding of St. Robert's teaching in the next question.

21. General classification.

Let us here classify a few theologians according to the main two positions given. This list is by no means exhaustive, and could certainly include more nuances. Our only aim is to thereby show the existence of a diversity of opinions on this hypothetical question.

The heretical pope must be deposed by the Church (<i>deponendus</i>).	The heretical pope is automatically deposed by Christ (<i>depositus</i>).
– Cajetan O.P. – Azor S.J. – Soto O.P. – Cano O.P. – John of St. Thomas O.P. – Passerini O.P. – Journet <i>And Dominicans in general.</i>	– St. Robert Bellarmine S.J. – Suarez S.J. – Palmieri S.J. – Billot S.J. – Muzzarelli S.J. <i>And Jesuits in general.</i>

THIRD ARTICLE

THE TEACHING OF SAINT ROBERT BELLARMINE

22. Importance of the teaching of St. Robert Bellarmine.

It should not surprise anyone that the teaching of this great doctor has influenced Catholic theology for centuries. St. Robert Bellarmine has been recognized by the Church as a Saint, and a Doctor of the Church, particularly glorious for his defense of the Papacy. This does not mean that the Church has in any way canonized his private opinions in discussed questions such as this one, but it certainly grants him a particular weight. We should therefore strive to explain his teaching as precisely as possible in what is relevant to our discussion, and for this purpose we need to deepen our exposition of the said debate.

23. The difficulty being discussed.

The debate between the *depositus* and *deponendus* opinions is rather speculative: it is about how to theologically reconcile two principles on which they agree, namely, (1) that the heretical pope loses the papacy only through manifest heresy, and under that aspect, it depends entirely on the estimation of this fact by the Church as a human body; (2) that nonetheless the Roman Pontiff is never subject to the judgment of the Church, but is always superior to any General Council. Both Cajetan and St. Robert admit these principles, but they disagreed on their theological conciliation. Let us briefly explain these two principles.

24. First principle: The heretical pope “is not removed by God unless it is through men.”

This principle which we quoted directly from St. Robert Bellarmine himself (*loc. cit.*), is admitted by both sides, who both clearly reject the idea that the pope would lose the papacy on account of his internal or occult heresy. In other words, the fact that the pope would lose the virtue of faith does not impede him from possessing the supreme authority of the Church. The contrary opinion, as previously said, has been refuted and abandoned. We have already presented how Father Garrigou-Lagrange explains that someone who is not a member of the Church inasmuch as he does not receive any interior supernatural communication of the virtue of faith from Christ, Head of the Church, can nonetheless be

the visible head of the Church. Suarez had already written a similar teaching on the heretical pope, before he is recognized as such by the Church:

The heretical Pope is not a member of the Church in regard to the substance and form by which someone is constituted as a member of the Church; but he is nonetheless the head in regard to office and influence. Which should not be surprising, since he is not the primary and principal head giving life by his own power, but he is a quasi-instrument and vicar of the first Head, who is able to grant a spiritual influence to the members even through a head of brass. Indeed for a similar reason, it is He [namely, Christ the principal Head of the Church] who sometimes baptizes and sometimes even absolves through heretics, as has been said.^[23]

On the other hand, when it becomes clear to the Church that the pope is a heretic, he is no longer a member of the Church under any consideration, according to St. Robert (*loc. cit.*):

A manifest heretic is in no way a member of the Church; that is, neither in spirit nor in body, and neither by internal union nor by external union.

25. Second principle: The Roman Pontiff is superior to the General Council.

A true pope can never be submitted to the authority and judgment of a General Council of the bishops of the Church. The contrary opinion has been condemned by the Church and we will not therefore need to prove it here. Let us merely observe that this principle is admitted by both St. Robert Bellarmine and Cajetan. The way in which Cajetan explains the loss of the papacy through heresy does not, however, safeguard this principle in a satisfying manner, in the opinion of St. Robert. This is the aspect of Cajetan's teaching which the Holy Doctor argues against. It is very important to understand that St. Robert Bellarmine wrote his argument in view of defending the principle of superiority of the pope over the General Council. As a consequence, St. Robert does not discuss a great number of questions relative to the loss of the papacy, which are addressed at length by other theologians, but he concentrates his argumentation on the safeguard of this principle: the pope is never subject to the judgment and authority of the General Council, not even when the Church would hypothetically be confronted to the case of a manifestly heretical pope.

26. Brief presentation of Cajetan's opinion.

The learned Cardinal teaches that a manifestly heretical pope is not automatically deposed by the very fact of being a manifest heretic, but can and ought to be deposed by the Church. Aware of the fact that the Church can never exercise authority over the pope, Cajetan argues that this would be done by Christ, but through the instrumentality of the

General Council. In other words, if a pope were to become a pertinacious heretic, the general Council (which consists of residential bishops, that is, bishops who have ordinary jurisdiction over a Church's diocese) would then have to depose the heretical pope from the pontificate *ministerially*, as an instrument of Christ. By comparison, the priest, although never superior to Christ, is able to exercise a certain authority over the Sacred Body of Christ, in the consecration of the Holy Eucharist, but only inasmuch as he is a minister of Christ. The *deponendus* position (that the heretical pope must be deposed) is similarly shared by a number of prominent theologians, such as Azor, Soto, Cano, De Córdoba, Bañez, John of St. Thomas and Journet.

27. St. Robert's answer to Cardinal Cajetan.

The holy Doctor is not satisfied by the explanation given by Cardinal Cajetan, and does not think that it is enough to safeguard the principle that the pope is never submitted to the judgment of the Council:

To be deposed from the pontificate against his will is without a doubt a penalty; therefore the Church deposing a pope against his will is without a doubt a penalty; therefore the Church deposing a pope against his will, without a doubt has punished him; but to punish is for a superior and a judge.

St. Robert also argues that this is not necessary, since the manifest heretic is not a member of the Church under any aspect, and therefore is unable to remain its head:

The reason is because he cannot be the head of that which he is not a member, and he is not a member of the Church who is not a Christian. But a manifest heretic is not a Christian, as St. Cyprian and many other Fathers clearly teach. Therefore, a manifest heretic cannot be Pope.

28. St. Robert does not contest the necessity of some acknowledgment on the part of the Church.

As we have said above, the holy Doctor does not clearly address (in chapter XXX of his work on the Roman Pontiff) a number of questions which have been discussed by other theologians, since he concentrates his argumentation on the safeguard of this principle: the pope is never subject to the judgment and authority of the general council, not even when the Church would hypothetically be confronted by the case of a manifestly heretical pope.

One thing which is often debated is the question of what the holy Doctor meant by the pope being a *manifest* heretic, as well as if he rejected any intervention of the Church.

These questions can be answered however by certain allusions made by the Saint himself, as well as by the historical context of this theological dispute.

The fact that St. Robert Bellarmine refuted *one aspect* of Cajetan's teaching does not mean that he would necessarily disagree with him on everything. Cardinal Cajetan saw the necessity for the general council to proceed to the deposition of the pope only once it had been established by the same council that the said pope was indeed a heretic. Cajetan thus explains that two formal warnings would first have to be given to the pope suspected of being a heretic, so that his pertinacity might become manifest to all. And only then, would the general council proceed to his deposition. Whereas in the mind of St. Robert, the very fact that the pope becomes a manifest heretic, through the same process, would be enough for him to lose the papacy. The general council would then only **declare the fact** that he is a manifest heretic and has lost the papacy.

29. The Council of Constance actually followed that exact procedure in the deposition of John XXIII and Benedict XIII.

St. Robert Bellarmine, and most authors who have discussed the question of the heretical pope have written after the happenings of the Council of Constance (1414-1418).

This Council put an end to the terrible crisis known as the "Great Western Schism" during which there were three claimants to the papacy, each with their cardinals, bishops, clergy, and people. The resolution obtained at the Council of Constance was not of determining exactly which of the claimants was right,^[24] but to obtain from all three claimants to agree to renounce the papacy, so as to proceed to the election of a new pope which would be received by everyone as the true pope. Each obedience (following of a claimant of the papacy) could consider the new elected pope (Martin V) as successor of their claimant, and thus everyone would agree, no matter what they thought about papal succession during the Great Western Schism, that henceforth Martin V would be the true and only Roman Pontiff.

In the course of the Council of Constance, two of the claimants were deposed (John XXIII and Benedict XIII), while the third one agreed to renounce any claim he had (Gregory XII).

Thus, John XXIII was deposed on May 29th, 1415; Gregory XII's resignation was received by the Council on July 4th, 1415; and lastly Benedict XIII was deposed on July 26th, 1415.

It is interesting to note that many steps were taken, before declaring John XXIII and Benedict XIII "deposed." The Council envisaged, indeed, the possibility that one of them

could be the true pope. Thus, for the sake of certainty in such an important matter, the Council proceeded to warn the claimants of the necessity in which they were to help bring this crisis to an end, by renouncing their claim. This, it was argued, was required for the common good, so that any claimant who would not agree to renounce his claims to the papacy would by that very fact alone show that he was not intending the common good of the Church, and would indeed show himself as a schismatic, fomenting divisions and schisms, and even as a heretic, argued the Council, for not truly believing in the unity of the Church, which is an article of faith.

The acts of the Council of Constance bear witness that such a procedure, with warnings, was carefully followed, lest anyone be able to contest its outcome. It is only after this careful procedure that the Council declared the two incorrigible claimants to be deposed.

Thus, the definitive sentence against Benedict XIII explains:

All these things have been clearly proved by the articles coming from the inquiry into faith and the schism held before this present synod, regarding the above and other matters brought against him, as well as by their truth and notoriety. The proceedings have been correct and canonical, all the acts have been correctly and carefully examined and there has been mature deliberation. Therefore this same holy general synod, representing the universal church and sitting as a tribunal in the aforesaid inquiry, pronounces, decrees and declares by this definitive sentence written here, that the same Peter de Luna, called Benedict XIII as has been said, has been and is a perjurer, a cause of scandal to the universal Church, a promoter and breeder of the ancient schism, that long established fission and division in God's holy Church, an obstructor of the peace and unity of the said Church, a schismatic disturber and a heretic, a deviator from the faith, a persistent violator of the article of the faith *One holy Catholic Church*, incorrigible, notorious and manifest in his scandal to God's Church, and that he has rendered himself unworthy of every title, rank, honor and dignity, rejected and cut off by God, deprived by the law itself of every right in any way belonging to him in the papacy or pertaining to the Roman Pontiff and the Roman Church, and cut off from the Catholic Church like a withered member. This same holy synod, moreover, as a precautionary measure, since according to himself he actually holds the papacy, deprives, deposes and casts out the said Peter from the papacy and from being the Supreme Pontiff of the Roman Church and from every title, rank, honor, dignity, benefice and office whatsoever. It forbids him to act henceforth as the pope or as the supreme and Roman Pontiff. It absolves and declares to be absolved all Christ's faithful from obedience to him, and from every duty of obedience to him and from oaths and obligations in any way made to him. It forbids each and every one of Christ's faithful to obey, respond to or attend to, as if he were pope, the said Peter de

Luna, who is a notorious, declared and deposed schismatic and incorrigible heretic, or to sustain or harbor him in any way contrary to the aforesaid, or to offer him help, advice or good will.

During the proceedings of the Council of Constance, and as it became evident that Benedict XIII was indeed of bad will and of a schismatic attitude, not desirous of accomplishing the common good of the Church, he was abandoned and denounced by St. Vincent Ferrer, who hitherto had been his greatest defender and advocate.

30. Theologians did not contradict this manner of proceeding.

Whether they be of the *deponendus* or *depositus* opinion, theologians have not contradicted the process followed by the Council of Constance. In fact, their teaching is quite in agreement with it, and as we have explained, the dispute between *deponendus* and *depositus* is independent of this procedure, and is more speculative: if the pope is above the council, how can it be that a heretical pope may be sentenced and declared deposed? The wording of the sentence of Constance appears nonetheless to be more in agreement with the explanation given by St. Robert Bellarmine, than with the explanation of Cajetan.

But neither opinion rejects the necessity of a process of acknowledgement by the Church of a fact of public heresy and loss of the papacy.

In fact, a Jesuit theologian, disciple of St. Robert Bellarmine, has examined the happenings of different councils of the Church. Commenting on the Council of Pisa, held in 1409, which happened before the Council of Constance, and which attempted to depose both Benedict XIII and Gregory XII (the then only two claimants to the papacy), this Jesuit theologian clearly exposes the principles defended by St. Robert Bellarmine in the hypothesis of a heretical pope as follows:

Thus it follows that the Roman Pontiff, when he becomes notoriously, manifestly, and pertinaciously a heretic or a schismatic, ceases by this very fact from being the head and a member of the Church; and nothing more is to be done but the declaratory sentence of the Church Herself, because of the order of law, and on account of the universal and undeniable certainty of his fall.^[25]

He further indicates that the Council of Pisa did not act well because it did not first warn the claimants to the papacy (Benedict XIII and Gregory XII) that it purposed to declare heretics and schismatics. The depositions attempted by the Council of Pisa were thus null and void, and the election of a third “pope” had the effect of making the confusion even

worse. Catholics had to wait for the Council of Constance to solve this schism in a satisfactory manner.

31. The procedure described above is found in St. Robert's writings.

First, St. Robert Bellarmine enumerates the hypothesis of a heretical pope as one of the reasons which could motivate the gathering of a general council:

The fourth reason is suspicion of heresy in the Roman Pontiff, if perhaps it might happen, or if he were an incorrigible tyrant; for then a general Council ought to be gathered either to depose the Pope if he should be found to be a heretic, or certainly to admonish him, if he seemed incorrigible in morals.[\[26\]](#)

In the strict sense of the term, someone becomes suspect of heresy when one says heretical doctrines, in a context in which a benign interpretation would be hard to give, or if one were to participate in non-Catholic worship. The general council is assembled to establish juridically the pertinacity of the heretical pope, and in this case the pope is declared a manifest heretic, having therefore lost the papacy. This is what St. Robert Bellarmine means when he says that the council would “depose the pope” since he has clearly explained that the council cannot “depose” the pope, understood strictly speaking. But it does clearly indicate that the heretical pope is “deposed” by the Council, in the sense that this *fact* is established through the process of a general council.

That this interpretation of St. Robert Bellarmine, saying that the council would “depose the pope” is correct, is explicitly stated by a more recent Jesuit theologian, Dominic Palmieri, who explains:

You ask what should be said of the teaching of theologians and canonists, who say that the pontiff can be deposed in the case of heresy. I answer (1) that the case is hypothetical, and perhaps has and will never be real; (2) supposing the hypothesis, this expression should be understood in this sense, that the Pontiff obstinate in heresy (I say *obstinate*, since if he harkens to the monition of the Church, there is nothing more to do) is deposed not by man but by God, who takes away from him the jurisdiction given; while the Church only declares him to be a heretic, and consequently deprived of jurisdiction by God.[\[27\]](#)

Palmieri, although himself a disciple of St. Robert Bellarmine and Suarez, whom he indicates both as a reference on this question, clearly did not exclude the intervention of the Church.

Second, the fact that St. Robert Bellarmine himself did not exclude the process of monitions is evident from the following statements which he also made in chapter XXX of his work on the Roman Pontiff:

For jurisdiction is certainly given to the Pontiff by God, but with the agreement of men, as is obvious. Because this man, who beforehand was not Pope, has from men that he would begin to be Pope, therefore, he is not removed by God unless it is through men.

And again:

The [argument of] authority is of St. Paul, who commands Titus, that after two censures, that is, after he appears manifestly pertinacious, a heretic is to be shunned; and he understands this before excommunication and sentence of a judge.

The famous Wernz-Vidal commentary of Canon Law is very faithful to St. Robert Bellarmine on this question, and correctly acknowledges what would then be the sentence of deposition which would be issued:

Therefore we must absolutely say that the heretical Roman Pontiff falls from his power *ipso facto* [by the very fact of being a manifest heretic]. And the declaratory sentence of the crime, which should not be rejected as it is *merely* declaratory, does not judge the heretical pope, but rather *it shows him to be judged*. This means that the general Council declares the *fact* of the crime, through which the heretical Pope separated himself from the Church and deprived himself of his dignity.^[28]

To summarize, then, according to St. Robert Bellarmine, the heretical pope loses the papacy automatically by becoming a manifest heretic, “manifestly pertinacious,” which fact is established “after two censures”, but “before excommunication and sentence of a judge.” This, the holy Doctor says, is how the Council shall “depose the pope,” because “he is not removed by God unless it is through men.”^[29]

32. Confirmation from the teaching of Cajetan himself.

That the process described above is the sense in which St. Robert’s writings must be understood is manifested by the fact that he was thus understood by contemporary and later authors.

First, it is confirmed by Cardinal Cajetan’s opinion. Indeed, the Cardinal, who wrote before St. Robert Bellarmine, had described (*op. cit.*, c. XVII-XIX) his opinion as a middle ground between the loss of the papacy through occult heresy, and the authoritative

deposition of the pope by the council. In fact, St. Robert Bellarmine and Suarez follow the same arguments as Cardinal Cajetan in refuting the idea of the loss of the papacy through occult heresy, and in refuting the idea of an authoritative judgment from the council over the pope. Where they disagree with Cajetan is only in the **manner** of explaining how the loss of the papacy through manifest heresy would in fact happen, but they do agree as to how to apply the process in the practical order. Neither Cajetan nor St. Robert Bellarmine reproved the procedure followed by the Council of Constance.

33. Confirmation from Suarez.

Secondly, our presentation of the teaching of St. Robert Bellarmine is confirmed by the explanation given by Suarez. As said earlier, the focus of St. Robert Bellarmine is to explain **how** the deposition happens. But his close disciple, the Jesuit theologian Suarez, is much more explicit on what it means for the pope to be manifestly a heretic in such a way as to lose the papacy: the pope should be a manifest heretic, not only *in fact*, but recognized as such *by law*. He explains (*loc. cit.*):

In no case, even heresy, is the Pontiff deprived of his dignity and power immediately by God Himself, without any antecedent judgment and sentence. This is the common opinion today.

This Jesuit theologian explains that even if the fact of the delict is known and no longer occult, a sentence is still necessary. He continues:

Because otherwise very grave inconveniences would follow: we would greatly fall in doubt of how great the infamy needs to be, in order that [the pope] may be esteemed to have lost his dignity.

Thus he concludes:

If the pope is a heretic and is incorrigible, he ceases to be the pope as soon as a declaratory sentence of the crime is pronounced against him by legitimate jurisdiction of the Church.

Suarez then describes how the heretical pope loses the papacy in the same way as St. Robert did, and gives reference to the holy Doctor's writings, while refuting the opinion of Cajetan. It is thus very clear that Suarez did not think that St. Robert Bellarmine was contradicting the need of a public process to deal with a heretical pope. Suarez would not have labeled it as the "common opinion" if that had been the case.

It must be said, however, that Suarez seems to go a little further than St. Robert Bellarmine, since the latter did not mention the need for a declaration of the crime of heresy (although clearly requiring a process to manifest the pertinacity), while the former does. St. Robert Bellarmine does not seem to be as stringent as Suarez on the necessity of a previous declaration of heresy. Again, St. Robert Bellarmine is not very explicit on this question, since it is not directly the object of his attention. Suarez says that a heretic remains the pope until he is actually declared to be a heretic by the Church, in absolutely every case.

Other disciples of St. Robert Bellarmine disagree with this absolute necessity, explaining that it could happen that the heretical pertinacity is so obvious to all, and in fact recognized by all that a declaration of his being a heretic would be superfluous, since no one would contest it. They also argue that such a declaration would still be an offense to the papal primacy of jurisdiction.^[30]

Because of this, the teaching of Suarez has been presented as equivalent to that of St. Robert Bellarmine by some later theologians, while others actually consider it to be closer to the “*deponendus*” opinion of John of St. Thomas.^[31]

34. Confirmation by John of St. Thomas.

This great Dominican theologian follows and defends the opinion of Cajetan, and argues against the arguments presented by St. Robert Bellarmine and Suarez. John of St. Thomas (*loc. cit.*) opposes the opinion of Cajetan to that of both Suarez and St. Robert, which latter opinion he describes as follows:

And therefore Bellarmine and Suarez think that the pope is immediately deposed by Christ, and not by any authority of the Church, but by the very fact that he is a manifest heretic and declared incorrigible.

35. Both sides agree that the pope is not deposed if he recants his errors before being deposed.

This discussion brings up to light another very important common agreement among canonists and theologians on both sides of this question: Whether the pope truly guilty of a crime of heresy but who recants his errors while receiving the monitions from the Church would keep the supreme power of the Church?

The answer is commonly answered in the affirmative, and both Cajetan and Suarez use this to prove the necessity of a process of deposition of the heretical pope, arguing against those who think that the pope falling into heresy, even occult, would automatically lose the papacy. Cajetan (*op. cit.*, c. XX) says against them:

That things are as we said is confirmed, even from those who think the opposite, since they affirm that the pope, although a heretic, if he is disposed to correct himself, is not deposed.

Suarez (*loc. cit.*) says the same:

Hence even the authors themselves of the contrary opinion confess that in this case he may retain the episcopacy, and truly be the pope, which is the common sentence of the Canonists.

More recently, this common teaching was again repeated by Palmieri (*loc. cit.*):

If the Pontiff harkens to the monition of the Church, there is nothing more to do.

This is clearly favorable to the Thesis, since it clearly lays out the principle that something still remains, for as long as the Church has not intervened to declare the see vacant, something which could be the basis for a continuation or restoration of authority.

36. The teaching of Cardinal Albani.

Gian Girolamo Albani (1509-1591) was an Italian cardinal of Albanian descent. He was an ardent defender of the superiority of the pope over the general council, and he has written extensively on this question. He is often quoted by classical theologians in many manuals as a reference on this matter, along with other renowned authors of the past, such as Azor.

While teaching in unmistakable terms that the heretical pope would cease to be the pope by the very fact of becoming a heretic, Cardinal Albani still holds the necessity of a declaration of this fact by the Church. “It is a declaration that the Pontiff is already deposed, rather than a new privation,” he explains.^[32] And this judgment of the general council would not be made with authority, but would rather be more akin to an investigation:

The council does not accomplish this as having jurisdiction over the Supreme Pontiff, but as preparing the foundation of a jurisdiction which is considered to belong to the council by reason of heresy.^[33]

This principle is in agreement with the teaching of St. Robert Bellarmine.

Cardinal Albani also discusses at length the question raised above: Whether the pope truly guilty of a crime of heresy but who recants his errors while receiving the monitions from the Church would keep the supreme power of the Church? The learned Cardinal answers in the affirmative, and gives a long and very interesting analysis of this case. Among other things, he teaches the following:

One could object that from the very fact that the pope becomes a heretic, he falls from the papal dignity, and he is outside the Church (as we have said earlier), and he therefore cannot recant, at least not in such a way that he would be pope again. Otherwise such a return would have the value of a new election, and thus the council^[34] would usurp the right to elect the pope from the cardinals, which according to Rosellus, is against the law. I answer to this objection that **the interpretation of the law is that the right of election returns to the cardinals only once the declaratory sentence of the crime has been made.** Indeed the penalties which are imposed by the law itself for heresy cannot be carried out unless they are preceded by a sentence of this kind. [Emphasis added]^[35]

This clearly expresses one of the more attacked points of the Thesis: that someone who would not be the pope, despite a valid election, on account of a given obstacle (such as heresy), would be able to receive or recover the papacy, once the obstacle is removed.

37. The teaching of Adam Tanner.

Adam Tanner (1571-1632) was a Jesuit theologian who devoted his life to the defense of the faith against the errors of the protestant heretics.

In one of his works, commenting on the Summa of St. Thomas Aquinas, he addresses the theological hypothesis of the heretical pope. Tanner references the great authors presented above (Cajetan, St. Robert Bellarmine, etc), and shows that he has taken time in examining the different arguments of the classical authors. He brings up a number of relevant principles.

Tanner follows St. Robert Bellarmine's teaching as the best way to explain how in the hypothesis of a heretical pope the council would not be superior to the pope, but he does admit that this principle is also saved by the other theologians:

But neither in the case of heresy can [the pope] be directly and per se divested and deprived of his power by the Church or a General Council. This also is the more common opinion particularly of those whom we will hereafter adduce in support of our proposition. Nor does it seem to be opposed to the [opinion of] the other theologians, who commonly teach that, presupposing the judicial examination and sentence of the

Church concerning the notorious heresy of the pontiff, he is deprived of his power by God himself.^[36]

Tanner explains that a sentence of the crime is more likely to not be necessary for the *de facto* (in fact) loss of the papacy. Yet he obviously does not deny the necessity of a judicial process of acknowledgment of this fact by the Church:

However in the case of a heresy which is notorious and plainly divulged in the Church, and which cannot be hidden by any tergiversation, it seems more probable that the pontiff would fall from his power by that very fact, and by divine law itself, even before the sentence and declaratory acknowledgment of the crime by the Church.^[37]

In proving his point, Tanner repeats the principle explained by Albani, namely that the heretical pope, if he recants, recovers the dignity of the papal office:

The minor is proven, since even a declaratory sentence of a crime requires jurisdiction, and the power to cite and examine the culprit. But the Church or a Council has no jurisdiction over the Supreme Pontiff, for as long as he has power, as we have said. Nor is it therefore necessary, that no inconvenient follows; for when in the case of this kind of notorious heresy, as we have said, the cause of such a pontiff cannot be defended as probable by anyone, nor is it evident, according to the opposite opinion, by whom and by what reason this sentence may be pronounced; and often many years pass, while the convocation of a general Council is discussed. Although, if he recants in time, he recovers this [pontifical] dignity, in virtue of the tacit consent of the Church.^[38]

It is thus evident that the idea of a heretical pope recovering or keeping the papacy by recanting his errors is a common theme among theologians,^[39] and is entirely compatible with St. Robert Bellarmine's teaching. It is in perfect agreement with the common principle indicated above by Palmieri:

If the Pontiff harkens to the monition of the Church, there is nothing more to do.^[40]

FOURTH ARTICLE

PUBLIC HERESY AS AN OBSTACLE TO BECOME THE POPE

38. The question is essentially the same as the hypothesis of the heretical pope.

As we have said at the beginning of this chapter, we do not believe the principles on this issue to be any different from those exposed above, on the hypothesis of a heretical pope.

In other words, public heresy impedes someone from being the pope, whether (1) he never becomes the pope, or (2) ceases to be and is no longer the pope. Just like water impedes wood from burning, whether the wood is wet before one tries to burn it, or the wood is no longer burning because the flames were doused with water. Hence, while addressing directly the question of a true pope losing the papacy through heresy, we also thereby indirectly addressed the question of someone who could not receive the papacy through the same impediment of heresy.

39. Divine law states that a heretic cannot be elected pope.

It is not surprising to anyone that, in order to be elected pope, the head of the Catholic Church, one must be a Catholic in the first place. That principle belongs to divine law, explain canonists. This means that this principle pertains to the very constitution of the Church, as it has been divinely instituted by Christ.

It is a principle as evident as the principle that only American citizens may be elected president of the United States. It is common sense.

Here are a few references of canonists laying out this principle:

Those capable of being validly elected are all who are not prohibited by divine law or by an invalidating ecclesiastical law... Those who are barred as incapable of being validly elected are all women, children who have not reached the age of reason; also, those afflicted with habitual insanity, the unbaptized, heretics, schismatics...[\[41\]](#)

III. Appointment of the office of the Primacy. 1. What is required by divine law for this appointment: ... Also required for validity is that the appointment be of a member of the Church. Heretics and apostates (at least public ones) are therefore excluded.[\[42\]](#)

For the validity of the election as regards the person elected, it suffices only that he not be barred from the office by divine law — that is, any male Christian, even a layman.

The following are therefore excluded: women, those who lack the use of reason, infidels, and those who are at least public non-Catholics.^[43]

40. A very important principle of interpretation: Terms should be understood in the sense meant by the author.

Even though it is very clear, in the teaching of canonists, that public heretics cannot be elected to the papacy, and this, by divine law, one must keep in mind that these canonists have a very precise understanding of the term “public heretic.” And since they are canonists, it is evident that they understand this term in the meaning given to it by Canon Law. But the Code of Canon Law, as shall be proven in the next chapter, does not invalidate elections of unsentenced heretics. Before the law, except in cases where one joins a non-Catholic sect or does not even claim anymore to be Catholic, such a heretic is not yet a public heretic in the full canonical sense of the term. His heresy might be materially public, but not yet formally so, meaning that his pertinacity is not a fact yet evident to all and acknowledged by all.

Certainly a Jew, a Methodist, a Greek schismatic, a Lutheran, etc, could never be validly elected pope. Nor could someone like Félicité de Lammenais or Loisy be elected, since they were declared excommunicated by name. These are people who are publicly and undeniably outside the Church, even in terms of a mere external appearance. These are the kind of persons which the canonists are excluding from a valid election in virtue of divine law. But the canonists referenced above obviously do not mean to be more stringent than Canon Law itself, in regard to Catholics who may be more or less suspected of heresy. In these cases, one ought to follow the principles laid down by the law of the Church.

These principles are explained at length in the next chapter, in which the bull *Cum ex apostolatus* of Paul IV is also analyzed.

41. Another important principle: Just as the loss of the papacy by a heretical pope must be acknowledged by the Church to proceed to a new election, so also must an invalid election.

Even if, for the sake of argument, we were to concede the election of the “Vatican II popes” to be invalid on account of public heresy, one would still be in need of some official acknowledgement from the Church, before proceeding to a new election.

The situation is quite similar to that of an invalid marriage, as we have explained in the chapter on the lack of intention: the presumption of law being in favor of the validity of the marriage, that presumption of law has to be broken juridically before one may be allowed to marry again.

In the same way, a doubtful or invalid election is not nothing: an election did happen, and is juridically presumed to be valid, until the contrary is duly established. Hence the invalidity of an election must be established, before the electors may proceed to a new election.

In addition, there is the general principle that an invalid election of a pope by the cardinals may be cured by the universal acceptance of the Church. We have already alluded to this principle. Even if by hypothesis, the election performed by the cardinals were invalid, this election would be cured of any vice by the universal acceptance and recognition of the election by the Catholic Church. Let it suffice to quote here Saint Alphonsus Liguori, a Doctor of the Church:

It is of no importance that in past centuries some pontiff was illegitimately elected, or took possession of the pontificate by fraud; it is enough that he was accepted afterwards by the whole Church as pope, since by such an acceptance he would become the legitimate and true pontiff.^[44]

We refer again the reader to the next chapter, in which the bull *Cum ex Apostolatus* of Paul IV is explained.

42. The Council of Constance explains that the invalidity of a papal election must be acknowledged by the council.

The principle presented above is not merely supported by common sense, theological principles, and Doctors of the Church. It was upheld explicitly by the Council of Constance.

In the 39th session,^[45] held on October 9th, 1417, the Council established a number of provisions, to avoid any future schism. It calls for the immediate convocation of a general council, if two or more persons were to claim to be the pope:

Each of those claiming to be the Roman Pontiff is bound to announce and proclaim the council as taking place at the end of the year, as mentioned, in the previously assigned place; he is bound to do this within a month after the day on which he came to know that one or more other persons had assumed the insignia of the papacy or was administering the papacy; and this is under pain of eternal damnation, of the automatic loss of any rights that he had acquired in the papacy, and of being disqualified both actively and passively from all dignities.

The Council then also provides for possible invalid elections happening through fear:

If it happens in the future that the election of a Roman Pontiff is brought about through fear, which would weigh upon even a steadfast man, or through pressure, then we declare that it is of no effect or moment and cannot be ratified or approved by subsequent consent even if the state of fear ceases.^[46] **The cardinals, however, may not proceed to another election until a council has reached a decision about the election, unless the person elected resigns or dies.** If they do proceed to this second election, then it is null by law and both those making the second election and the person elected, if he embarks upon his reign as pope, are deprived by law of every dignity, honor and rank, even cardinalatial or pontifical, and are thereafter ineligible for the same, even the papacy itself; and nobody may in any way obey as pope the second person elected, under pain of being a fosterer of schism. [emphasis added].

The principle laid down in this last excerpt is a principle which Catholics understand instinctively, and the reason why any attempt of a private conclave, in the present crisis, has always ended in ridicule and schism.

Even if a conclave is invalid, that *fact* of invalidity must be officially acknowledged in the Church, in one way or another, before proceeding to another election. This principle also shows that even an invalid election is not “nothing,” in the sense that it is an ecclesiastical act which enjoys a juridical presumption of validity, which must be broken. This is a key principle of the Thesis: even if the “Vatican II popes” are not true popes, they are not “nothing” in regard to the papacy. They enjoy the juridical presumption of a valid election, which would have to be positively proven to be invalid, if such is the case. And this has never been done. On the contrary, the “Vatican II popes” have been accepted by the whole Church as duly elected. It would be vain to claim that John XXIII or Paul VI were invalidly elected, for example. The universal acceptance of the election would have cured any defect of election, in any case. And certainly they were not considered to be public heretics before their election.

Let us repeat once again the words of the Council of Constance (Session XXXIX), as a key principle to this entire question:

The cardinals may not proceed to another election until a council has reached a decision about the election, unless the person elected resigns or dies.

This principle is essentially the same as the principle established in dealing with a heretical pope:

The interpretation of the law is that the right of election returns to the cardinals only

once the declaratory sentence of the crime has been made.^[47]

FIFTH ARTICLE

CONCLUSION AND PRACTICAL APPLICATIONS

43. Weakness of the “heretical pope” arguments.

All the arguments brought forth from the teaching of theologians do not allow private individuals to declare the Roman see juridically vacant, whether one applies the teaching of St. Robert Bellarmine or the teaching of Cajetan. These arguments do not in any way contradict the Thesis, but actually present arguments that confirm its principles, namely, that there is an **order of law** and an **order of fact**, and that a fact must be recognized by the Church in the order of law. Otherwise the Church resembles an unruly mob, which would cause the very confusion against which the great doctors have warned us.

In addition, even if theologians favor (and rightly so, it seems to us) the explanation given by St. Robert Bellarmine over that of Cajetan, the Church has not made this theological sentence obligatory to hold by Catholics. Hence someone could freely refuse to agree with St. Robert Bellarmine’s teaching on the question, and any argument based merely on that would have no constraining force. It certainly could not be used as a normative rule for Catholics, unless it were imposed authoritatively by the Church.^[48]

44. Consequence: Despite the fact that the “Vatican II popes” are not real popes, there must still be a juridical process to establish this fact.

While presenting the theological discussions on the case of the heretical pope, the reader might have forgotten that this exposition was not accomplished in order to establish the fact of absence of authority of the “Vatican II popes” since it has been already proven in its proper place. Therefore, the dispute between the *depositus* and *deponendus* opinions has little consequences in the practical order, since they both agree that a sentence of the Church is necessary to juridically establish the vacancy of the see. Thus, the canonist Sebastian Smith rightly concluded:

There are two opinions: one holds that [the heretical pope] is by virtue of divine appointment divested *ipso facto* [automatically] of the Pontificate; the other is that he is, *jure divino* [by divine law], only removable. Both opinions agree that he must at

least be *declared* guilty of heresy by the Church, i.e., by an ecumenical council or the College of Cardinals.^[49]

45. Conclusion.

An application of the principles presented in this article to the present crisis allows us to conclude the following:

(1) The “Vatican II popes” are not true popes and do not have the authority to teach, rule and sanctify the Church, since they lack the proper intention that is intrinsic to the papacy. This has already been proven independently of the “heretical pope” argument.

(2) The “heretical pope” argument is incapable of proving anything with certainty, since there is so much speculation and disagreement among theologians, and since the Church has not given us a set of official rules to follow. Also, the problem at hand is not the personal sin of heresy of a “pope”, but rather his promulgation of heresy.

(3) An intervention of the Church is still necessary, to declare the fact that the “Vatican II popes” are not true popes, and no one may proceed to a new election until this fact is officially acknowledged by the entire Church.

(4) In the meantime, if he were to recant his errors and amend his ways, the “Vatican II pope” could recover the papal authority, in virtue of the remaining juridical (or “material”) aspect of the papacy, which he has not yet lost.

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^[1] If this were the issue at hand, only the cardinals and the higher clergy would have to deal with it, and find a solution. None of us would ever have to even think about it.

^[2] These and other crises of the papacy, studied in theology, have also led many theologians to discuss certain possibilities of validation of jurisdiction and ecclesiastical acts for the Catholic clergy, and sometimes for the false pope himself. These questions are addressed in their proper chapter.

[\[3\]](#) Dogmatic Constitution *Dei Filius*, ch. 3, n. 8.

[\[4\]](#) The distinction between formal and material appellation is explained in any traditional Logic handbook.

[\[5\]](#) St. Robert Bellarmine, *De Romano Pontifice*, Bk. II, ch. XXX.

[\[6\]](#) St. Francis of Sales, *Les Controverses*, Partie II, Chapitre VI, Article XV.

[\[7\]](#) Suarez, *Opera Omnia*, T. XII, tract. *de Fide*, Disp. X, S. VI.

[\[8\]](#) Pius XII, Encyclical *Mystici Corporis*, n. 23.

[\[9\]](#) Fr. Garrigou-Lagrange O.P., *Christ the Savior*, Commentary on St. Thomas' IIIa pars, Qu. VIII, Art. III, translation by Dom Bede Rose.

[\[10\]](#) Thomas de Vio, known as Cajetan, *De Comparatione*, c. XVII-XVIII.

[\[11\]](#) St. Robert Bellarmine, *De Romano Pontifice*, Bk. II, ch. XXX.

[\[12\]](#) Juan Azor S.J., *Institutionum Moralium*, Pars II, p. 262. Although not very famous in our days, Azor is universally recognized as an important authority on this question, and referenced by all the great authors. Azor follows the *deponendus* opinion, explaining that the heretical pope needs to be declared guilty of the crime of heresy and deposed.

[\[13\]](#) St. Francis of Sales, *Les Controverses*, Partie II, Chapitre VI, Article XV.

[\[14\]](#) Suarez, *Opera Omnia*, T. XII, tract. *de Fide*, Disp. X, S. VI.

[\[15\]](#) John of St. Thomas, *Cursus Theologicus*, Vol. VII, Disp. II, art. III, n. XVII. Let us here notice that according to John of St. Thomas, the difference of opinions between St. Robert and Cajetan is only about this last detail concerning the mode of the deposition, and explains this explicitly in n. XX of the same chapter, where he confronts the two opinions. This observation will be confirmed further below.

[\[16\]](#) Cardinal Mazzella, *De Religione et Ecclesia*, disp. V, art. VI.

[\[17\]](#) Cardinal Billot S.J., *De Ecclesia Christi*, T. I, Th. XXIX.

[\[18\]](#) Charles Journet, *L'Église du Verbe Incarné*, Vol. I, Excursus VIII, DDB, 1941, p. 597.

[19] Abp. John B. Purcell, quoted in Rev. James J. McGovern, *Life and Life Work of Pope Leo XIII*, Chicago, IL: Allied Printing, 1903, p. 241. We were not able to find this exchange of the Council Fathers in the Mansi Collection. If someone has the reference, please let us know.

[20] It is clear from this answer that a deposition accomplished by the bishops is not incompatible with the notion that a heretical pope would be deposed by God. The “deposition by God” is the loss of authority, in the order of fact, and the “deposition by the bishops” is the juridical deposition and condemnation of the accused heretic, in the order of law. This is in perfect conformity with the teaching of St. Robert Bellarmine, as shall soon be clarified.

[21] *loc. cit.* Let us here notice once again the same principle: theologians might be discussing how a pope becoming a heretic as a private person would lose his supreme authority, but *all agree*, and this is again confirmed in this discussion of Vatican I, that a pope who would *teach* error to the Church would have no authority.

[22] Mansi, Vol. 52, col. 1010. Sadly the ellipsis “etc...” is not made by us, but is found in the Mansi collection itself. To know what was further said would perhaps have been helpful.

[23] Suarez, *op. cit.*, disp. X, sect. VI, n. VI.

[24] This question is still open to discussions among historians and theologians, although there seems now to be a consensus that the claimant of Rome was the true pope.

[25] Muzzarelli, *De Auctoritate etc*, p. 304.

[26] St. Robert Bellarmine, *On the Church*, Vol. I: *On Councils*, ch. IX.

[27] Palmieri, *Tractatus de Romano Pontifice*, Th. XXXII, Sch. I, Prati, 1891.

[28] Wernz-Vidal, *Jus Canonikum*, T. II, n. 453, Ed. 3^a, Rome, 1943. Emphasis in the original.

[29] This passage of St. Robert Bellarmine’s writings has been thus explained already decades ago by Thesis holders. Cf. Fr. Lucien, *La Situation Actuelle de l’Autorité dans l’Eglise*, Documents de Catholicité, 1985.

[30] See Wernz-Vidal, *Jus Canonikum*, T. II, n. 453, Ed. 3^a, Rome, 1943.

[31] In addition to Wernz-Vidal (*loc. cit.*), see also: Felix M. Cappello S.J., *De Curia Romana iuxta Reformationem a Pio X*, V. II, a. II, 2, Rome, 1912.

[32] Cardinal Gian Girolamo Albani, *De Potestate Papae et Concilii*, revised and augmented edition of 1561, Venice, n. 131: “Potius privati jam Pontificis declaratio est, quam nova privatio.”

[33] “Non mirum igitur si in casu dubio, quando scilicet, an Papa hereticus sit quaestio est, concilium cognoscere non prohibetur, quia non ut jurisdictionem habens in Pontificem Maximum id facit, sed utpote fundamentum jurisdictionis praeparans quam ad se ratione haeresis pertinere arbitratur.” (*op. cit.*, n. 150).

[34] Like other theologians, Cardinal Albani holds that a general council would be the juridical body competent to establish the observation that the heretical pope either is pertinacious, and therefore certainly not the pope anymore, or is recanting, and therefore continues to be the Supreme Pontiff.

[35] “Neque obst. Si diceretur, si eo ipso quod Papa haereticus est, a Pontificia dignitate cadit, et extra ecclesiam est (ut prediximus) ergo is redire non potest, saltem ut iterum Pontifex sit, alioqui hujusmodi reditus novae electionis vim haberet, et ita concilium Cardinalibus eligendi jus auferret, quod jure fieri non potest secundum Rosellum in dicto loco. Respondeo in proposita re jus eligendi interpretatione juris ita demum ad Cardinales devolvi, si sententia criminis declaratoria subsequatur: quoniam poenae quae pro heresi ipso jure imponuntur, exequi non possunt, nisi hujuscemodi praecedat sententia.” (Cardinal Albani, *op. cit.*, nn. 136-137).

[36] “Sed nec in casu haeresis, ab Ecclesia, seu Concilio generali, per se ac directe sua potestate exui ac privari potest. Est itidem communior sententia speciatim eorum, quos pro sequenti pronuntiatio adducemus; quamquam nec caeteris Theologis hoc adversari videatur, qui communiter docent, supposita cognitione, et sententia Ecclesiae, de notoria Pontificis haeresi, eum ab ipso Deo sua potestate privari.” (Tanner, *In 2. 2. D. Th., Disp. I, Quaest. 4, Dub. IV*, found in Rocaberti’s *Bibliotheca Maxima Pontificia*, T. I, Rome, 1695).

[37] “In casu tamen notoriae, et palam divulgatae in Ecclesia haeresis, quae nulla tergiversatione celari possit, probabilius videtur, Pontificem ipso facto, ipsoque jure divino, etiam ante sententiam, et cognitionem Ecclesiae declaratoriam criminis, excidere sua potestate.” (Tanner, *ibid.*).

[38] “Minor probatur; quia sententia etiam declaratoria criminis requirit jurisdictionem, et potestatem citandi, et examinendi reum: Ecclesia vero, aut Concilium in Summum

Pontificem quamdiu is potestatem hanc habet, nullam habet jurisdictionem, ut dictum. Neque ideo necesse est, ulla sequi incommoda; quando in casu ejusmodi notoriae haeresis, ut dictum, a nullo probabiliter talis Pontificis causa defendi potest, neque vero in opposita etiam sententia satis constat, per quos, et qua ratione ea sententia pronuntiari possit, et nebeat; et multi saepe anni labuntur, dum de generalis Concilii convocatione tractatur; esto, si tempestive resipiscat, ex tacito Ecclesiae consensu, ea dignitas redeat.” (Tanner, *ibid.*).

[39] In fact, what transpired from our research is that either one admitted that the heretical pope would lose authority by the mere fact of being a notorious heretic, with the possibility, however, of recovering the pontifical dignity for as long as he remained unsentenced; or one upheld that the heretical pope would remain truly pope until declared a notorious heretic by the Church. But it became clear that both sides of this discussion clearly agree that the heretical pope, amending his ways before his judicial deposition by the Church, could thereby keep (or recover) the pontifical dignity. That would certainly be the juridical presumption, in any case, unless a contrary decision were made authoritatively by a general council.

[40] Palmieri, *loc. cit.*

[41] Wernz-Vidal, *Jus Canonicum*, v. 1, n. 415, Rome, 1943.

[42] Coronata, *Institutiones Iuris Canonici*, v. 1, n. 312, Rome, 1950.

[43] Cocchi, *Commentarium in Codicem Iuris Canonici*, ed. 4a, v. 2, n. 151, Turin, 1940.

[44] “Niente ancora importa che ne’ secoli passati alcun pontefice sia stato illegittimamente eletto, o fraudolentemente siasi intruso nel pontificato; basta che poi sia stato accettato da tutta la chiesa come papa, attesoche per tale accettazione già si è renduto legittimo e vero pontefice.” (St. Alphonsus Liguori, *Verità della Fede*, P. III, C. VIII, §9, in *Opere di S. Alfonso Maria de Liguori*, Vol. VIII, Turin, 1880).

[45] This session also called for a very frequent convocation of general councils. It furthermore restored the use of a solemn profession to be made by the elect of a conclave before the publication of his election, as we have explained in an earlier chapter. All these provisions were abandoned, even if they had been approved by Martin V. For a Roman Pontiff is able to ignore the disciplinary laws that he or his predecessors have established. Nonetheless, these decrees keep a historical importance and are helpful to illustrate theological principles.

[\[46\]](#) This refers to the consent of the cardinals, and not to the universal acceptance of the Church. For this universal acceptance would certainly ratify an election and make it valid, even if the cardinals had first been constrained by fear.

[\[47\]](#) Albani, *loc. cit.*

[\[48\]](#) This might surprise the laypeople, but many questions of sacred theology are freely disputed among doctors and theologians. “To be right” is not a sufficient criteria to excommunicate those who disagree.

[\[49\]](#) Sebastian Smith, *Elements of Ecclesiastical Law*, 1881, p. 210.

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