

# Traditionalists, Infallibility and the Pope

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**The very men who appear to possess authority in the  
Church teach errors and impose harmful laws.  
How reconcile this with infallibility?**

IF YOU NOW assist regularly at the traditional Latin Mass, it is because you concluded at some point that the old Mass and doctrines were Catholic and good, while the new Mass and modern teachings, somehow, were not.

But (like me) you probably had some initial worries: What if the traditional Mass I go to is not approved by the diocese? Am I defying the legitimate authority in the Church? Am I disobeying the pope?

This is the “authority issue,” and it seems to present a real dilemma. The Church teaches that the pope is infallible in faith and morals. Good Catholics, moreover, obey the laws of the pope and the hierarchy. Bad Catholics pick and choose what laws they want to obey. Yet at the same time, the very men who would appear to possess authority in the hierarchy command us to accept doctrines and a Mass which harm the faith or have other disastrous effects. What is a Catholic to do?

## Why Reject the Changes?

In order to solve the dilemma, we should begin by considering what drove us out of our Vatican II parishes in the first place. In most cases, it was either contradiction of established Catholic teaching or irreverence in worship. In other words, we instantly recognized some element of the new religion to be either a **doctrinal error** or an **evil**.

And we hardly thought that our objections concerned mere changes in minutiae. The new doctrines, rather, struck us as changes in *substance* — compromises, betrayals, or direct contradictions of immemorial Catholic teaching. Or we came to regard the new system of worship as evil — irreverent, a dishonor to the Blessed Sacrament, repugnant to Catholic doctrine, or utterly destructive to the faith of millions of souls. Weighty reasons like these — and not mere trifles — were what moved us to resist and reject the changes.

Once we have arrived at this point and recognized (as we do and must) that some *official* pronouncement or law emanating from post-Vatican II hierarchy contains error or evil, we are, in fact, well on the way to resolving the seemingly thorny issue of authority. Let us examine why.

## Some Errors and Evils

We begin by listing some of the errors and evils officially approved either by Vatican II or by Paul VI and his successors:

- Vatican II's teaching (and that of the 1983 Code of Canon Law) that the true Church of Christ "subsists in" (n.b., rather than "is") the Catholic Church. This implies that the true Church can also "subsist" in other religious bodies.
- Abolition in Vatican II and the 1983 Code of Canon Law of the traditional distinction between the primary (procreative) and secondary (unitive) ends of marriage, the placing of those ends on same level, and the reversal of their order. The change provides tacit support for contraception, since the prohibition against birth control was based on the teaching that procreation is marriage's *primary* end.
- The systematic suppression, in the original Latin version of Paul VI's new Missal, of the following concepts: hell, divine judgement, God's wrath, punishment for sin, the wickedness of sin as the greatest evil, detachment from the world, purgatory, the souls of the departed, Christ's kingship on earth, the Church Militant, the triumph of the Catholic Faith, the evils of heresy, schism and error, the conversion of non-Catholics, the merits of the saints and miracles. To purge these doctrines from the liturgy is to signal that they are no longer true, or at least sufficiently important, to merit a mention in the Church's official prayer.
- Paul VI's official approval of communion in the hand. This practice was imposed by 16th-century Protestants in order to deny transubstantiation and the sacramental nature of the priesthood.
- The official doctrinal introduction to the New Order of Mass which taught that the Mass is an assembly-supper, co-celebrated by the congregation and its president, during which Christ is present in the people, the Scripture readings, and in the bread and wine. This is a Protestant or modernist understanding of the Mass, and it provided the theoretical foundation upon which so many subsequent "abuses" would rest.

## **Benedict XVI's Teachings**

To the foregoing we could add many teachings of John Paul II and Benedict XVI, both falsely portrayed as doctrinal "conservatives." Their pronouncements and writings reveal a pervasive theological problem that goes far beyond the issue of traditional Mass vs. New Mass.

Benedict XVI, as Joseph Ratzinger, was a leading modernist theologian at Vatican II, and left a long paper trail of his errors. He was the chief architect of a new theology of the Church which posits a "People of God" and a "Church of Christ" not identical with the Roman Catholic Church — a Super-Church or a Frankenchurch created from "elements" of the true Church that are possessed either fully (by Catholics) or partially (by heretics and schismatics).

The bond holding this ecumenical beast together is Ratzinger's notion of the Church as "communion." As a cardinal and John Paul II's chief doctrinal advisor, he developed this idea in the 1992 CDF *Letter on Communion*, the 2000 Declaration *Dominus Jesus*, the 1983 Code of Canon Law and the 1997 *Catechism*. Here are some typical propositions from Ratzinger's teaching:

- Schismatic bodies are "particular Churches" united to the Catholic Church by "close bonds." (*Communion* 17).
- The universal church is the "body of [particular] churches." (*ibid.* 8)

- Schismatic churches have a “wounded” existence. (*ibid.* 17)
- The “universal Church becomes present in them [the particular churches] in all her essential elements.” (*ibid.* 17).
- The Church of Christ is “present and operative” in churches that reject the papacy. (*Dominus Jesus* 17)
- One becomes a member of the “People of God” by baptism. (*Catechism* 782)
- This whole People of God participates in the office of Christ. (*ibid.* 783)
- Christ’s Body, the Church, is “wounded.” (*ibid.* 817)
- Christ’s Spirit uses schismatic and heretical bodies as “means of salvation.” (*ibid.* 819)
- Each “particular Church” is “Catholic,” but some are “fully Catholic.” (*ibid.* 832, 834)

These teachings are contrary to an article of divine and Catholic faith: “I believe in *one* Church.” “One” in the Creed refers to that property of the Church by which she is “undivided in herself and separated from any other” in faith, discipline and worship. Ratzinger’s teachings are also contrary the teaching of the Church Fathers and the universal ordinary magisterium that heretics are “outside Catholic communion and alien to the Church.” (Pope Leo XIII)

## Church Cannot Give Evil

Such lists could probably continue for pages. Our point is that each item can be categorized either as an error (a contradiction or change in substance of teachings of the pre-Vatican II magisterium) or as an evil (something offensive to God, harmful to the salvation of souls). But the same faith that tells us that the changes are wrong also tells us that the Church cannot defect in her teaching or give evil.

One of the essential properties of the Catholic Church is her **indefectibility**. This means, among other things, that her teaching is “immutable and always remaining the same.” (St. Ignatius of Antioch.) It is impossible for her to contradict her own teaching.

Further, another essential property of Christ’s Church is her **infallibility**. This does not apply (as some traditional Catholics seem to think) only to rare *ex cathedra* papal pronouncements like those defining the Immaculate Conception and the Assumption. Infallibility also extends to the Church’s *universal disciplinary laws*.

The principle, set forth in classic dogmatic theology texts such as Salaverri (I:722), Zubizarreta (I:486), Herrmann (I:258), Schultes (314–7) and Abarzuza (I:447), is typically explained as follows:

*The Church’s infallibility extends to... ecclesiastical laws passed for the universal Church for the direction of Christian worship and Christian living.... But the Church is infallible in issuing a doctrinal decree as intimated above — and to such an extent that it can never sanction a universal law which would be at odds with faith or morality or would be by its very nature conducive to the injury of souls....*

If the Church should make a mistake in the manner alleged when it legislated for the general discipline, it would no longer

be either a loyal guardian of revealed doctrine or a trustworthy teacher of the Christian way of life. It would *not be a guardian of revealed doctrine*, for the imposition of a vicious law would be, for all practical purposes, tantamount to an erroneous definition of doctrine; everyone would naturally conclude that what the Church had commanded squared with sound doctrine. It would *not be a teacher of the Christian way of life*, for by its laws it would induce corruption into the practice of religious life. [Van Noort, *Dogmatic Theology*. 2:91. His emphasis.]

It is impossible, then, for the Church to give something evil through her laws — including laws regulating worship.

A recognition, on one hand, that the post-Vatican II hierarchy *has* officially sanctioned errors and evils, and a consideration, on the other, of the Church's essential properties thus lead us to a conclusion about the authority of the post-Vatican II hierarchy: Given the Church's indefectibility in her teaching (her teaching *cannot* change) and the Church's infallibility in her universal disciplinary laws (her liturgical laws *cannot* compromise doctrine or harm souls), it is **impossible** that the errors and evils we have catalogued could have proceeded from what is in fact the authority of the Church. There must be another explanation.

### Loss of Office through Heresy

The only explanation for these errors and evils that preserves the doctrines of the Church's indefectibility and infallibility is that the clerics who promulgated them somehow lost as individuals the authority of the offices in the Church they otherwise appeared to possess — or that they never possessed such authority before God in the first place. Their pronouncements became juridically void and could not bind Catholics — just as the decrees of the bishops in England who accepted the Protestant heresy in the 16th century became void and empty of authority for Catholics.

Such a loss of authority flows from a general principle in Church law: public defection from the Catholic Faith automatically deprives a person of all ecclesiastical offices he may hold. If you think about it, it makes sense: It would be absurd for someone who did *not* truly profess the Catholic Faith to have authority over Catholics who did.

The principle that someone who defects from the Faith automatically loses his office applies to pastors, diocesan bishops and other similar church officials. It also applies to a pope.

### Loss of Papal Office

Theologians and canonists such as St. Robert Bellarmine, Cajetan, Suarez, Torquemada, and Wernz and Vidal maintain, without compromising the doctrine of papal infallibility, that even a pope (as an individual, of course) may himself become a heretic and thus lose the pontificate. Some of these authors also maintain that a pope can become a *schismatic*.

In his great treatise on the Roman Pontiff, **St. Robert Bellarmine**, for example, asks the question: "Whether a heretical pope can be deposed." Note first, by the way, that his question assumes a pope *can* in fact become a heretic. After a lengthy discussion, Bellarmine concludes:

A pope who is a manifest heretic automatically (*per se*) ceases to be pope and head, just as he ceases automatically to be a

Christian and a member of the Church. Wherefore, he can be judged and punished by the Church. *This is the teaching of all the ancient Fathers* who teach that manifest heretics immediately lose all jurisdiction. [*De Romano Pontifice*. II.30. My emphasis.]

Bellarmino cites passages from Cyprian, Driedonus and Melchior Cano to support his position. The basis for this teaching, he says finally, is that a manifest heretic is *in no way* a member of the Church — neither of its soul nor its body, neither by an internal union nor an external one.

Other great canonists and theologians after Bellarmine have likewise supported this position. **Wernz-Vidal's** *Ius Canonicum*, an eight-volume work published in 1943 which is perhaps the most highly respected commentary on the 1917 Code of Canon Law, states:

Through *notorious and openly divulged heresy*, the Roman Pontiff, should he fall into heresy, by that very fact [*ipso facto*] is deemed to be deprived of the power of jurisdiction even *before* any declaratory judgement by the Church.... A pope who falls into public heresy would cease *ipso facto* to be a member of the Church; therefore, he would also cease to be head of the Church. [II:453. His emphasis.]

## Post-Vatican II Canonists

The possibility that a pope may become a heretic and lose his office is also recognized by an authoritative **commentary on the 1983 Code of Canon Law**:

Classical canonists discussed the question of whether a pope, in his private or personal opinions, could go into heresy, apostasy, or schism. If he were to do so in a notoriously and widely publicized manner, he would break communion, and according to an accepted opinion, lose his office *ipso facto*. (c. 194 §1, 2° ). Since no one can judge the pope (c.1404), no one could depose a pope for such crimes, and the authors are divided as to how his loss of office would be declared in such a way that a vacancy could then be filled by a new election. [J. Corridan *et al.*, eds., *The Code of Canon Law: A Text and Commentary* commissioned by the Canon Law Society of America (New York: Paulist 1985), c. 333.]

The principle that a heretical pope automatically loses his office, therefore, is widely admitted by a great variety of Catholic canonists and theologians.

## Popes Innocent III & Paul IV

Even popes have raised the possibility that a heretic could somehow end up on the throne of Peter.

**Pope Innocent III** (1198–1216), one of the most forceful champions of papal authority in the history of the papacy, teaches:

Still less can the Roman Pontiff boast, for he can be judged by men — or rather, he can be shown to be judged, if he manifestly 'loses his savor' in heresy. For he who does not believe is already judged. [*Sermo 4: In Consecratione* PL 218:670.]

During the time of the protestant revolt, **Pope Paul IV** (1555–1559), another vigorous defender of the rights of the papacy, suspected that one of the cardinals who stood a good

chance of being elected pope in the next conclave was a secret heretic.

On 16 February 1559, therefore, he issued the Bull *Cum ex Apostolatus Officio*. The pontiff decreed that if ever it should ever appear that someone who was elected Roman Pontiff had beforehand “deviated from the Catholic Faith or fallen into any heresy,” his election, even with the agreement and unanimous consent of all the cardinals would be “null, legally invalid and void.”

All the subsequent acts, laws and appointments of such an invalidly elected pope, Paul IV further decreed, “would be lacking in force, and would grant no stability and legal power to anyone whatsoever.” He ordered, moreover, that all those who would be appointed to ecclesiastical offices by such a pope would, “by that very fact and without the need to make any further declaration, be deprived of any dignity, position, honor, title, authority, office and power.”

The possibility of heresy, then, and a concomitant lack of authority on the part of an individual who appears to be the pope is not in the least far-fetched, and is in fact founded in the teaching of at least two popes.

## The Alternatives

Put simply, on one hand we know that **the Church cannot defect**. On the other, we know that theologians and even popes teach that **a pope as an individual can defect** from the Faith, and thus lose his office and authority.

Once we recognize the errors and evils of the post-Vatican religion, two alternatives thus present themselves:

- (1) The Church has defected.
- (2) Men have defected and lost their offices and authority.

Faced with such a choice, the logic of the faith dictates that we affirm the indefectibility of the Church, and acknowledge the defections of men.

Put another way, our recognition that the changes are false, bad and to be rejected is also an implicit recognition that the men who promulgated them did not really possess the authority of the Church. All traditionalists, one might therefore say, are in reality “sedevacantists” — it’s just that not all of them have realized it yet.

Thus the issue of authority is resolved. Catholics who are struggling to preserve the Faith after the post-Vatican II apostasy have no obligation whatsoever to obey those who have lost their authority by embracing error.

## Summary of Points

A summary of all the foregoing would perhaps be in order here:

1. Officially-sanctioned Vatican II and post-Vatican II teachings and laws embody errors and/or promote evil.
2. Because the Church is indefectible, her teaching cannot change, and because she is infallible, her laws cannot give evil.
3. It is therefore impossible that the errors and evils officially sanctioned in Vatican II and post-Vatican II teachings and laws could have proceeded from the authority of the Church.

4. Those who promulgate such errors and evils must somehow lack real authority in the Church.
5. Canonists and theologians teach that defection from the Faith, once it becomes manifest, brings with it automatic loss of ecclesiastical office (authority). They apply this principle even to a pope who, in his personal capacity, somehow becomes a heretic.
6. Even *popes* have acknowledged the possibility that a heretic could one day end up on the throne of Peter. Paul IV decreed that the election of such a pope would be invalid, and that he would lack all authority.
7. Since the Church **cannot** defect but a pope as an individual **can** defect (as, *a fortiori*, can diocesan bishops), the best explanation for the post-Vatican II errors and evils we have catalogued is that they proceeded (proceed) from individuals who, despite their occupation of the Vatican and of various diocesan cathedrals, did (do) not objectively possess canonical authority.

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WE HAVE AMPLY demonstrated here that it is against the Catholic Faith to assert that the Church can teach error or promulgate evil laws. We have also shown that Vatican II and its reforms have given us errors against Catholic doctrine and evil laws inimical to the salvation of souls.

The Faith itself therefore constrains us to assert that those who have taught these errors or promulgated these evil laws, no matter what appearance of authority they may have, do not in fact possess the authority of the Catholic Church. Only in this way is the indefectibility of the Catholic Church preserved. We must therefore, as Catholics who affirm that the Church is both indefectible and infallible, reject and repudiate the claims that Paul VI and his successors have been true popes.

On the other hand we leave it to the authority of the Church, when it once again will function in a normal manner, to declare authoritatively that these supposed popes were non-popes. We as simple priests cannot, after all, make authoritative judgments, whether legal or doctrinal, which bind the consciences of the faithful.

We traditional Catholics, finally, have not founded a new religion, but are merely engaged in a “holding action” to preserve the Faith and Catholic worship until better days. In the meantime, that goal will be best served if we address difficult issues with attentiveness not only to theological principles, but also to the theological virtue of charity.

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### *Appendix 1*

#### **Heresy and Loss of Papal Office**

IT MAY SEEM surprising to Catholics who have been taught the doctrine of papal infallibility that a pope, as a private teacher, can nevertheless fall into heresy and automatically lose his office. Lest it be thought that this principle is a fantasy invented by traditionalist “fanatics,” or, at best, just a minority opinion expressed by an obscure Catholic writer or two, we reproduce some texts from popes, saints, canonists and theologians.

Lay readers may not be familiar with the names of Coronata, Iragui, Badii, Prümmer, Wernz, Vidal, Beste, Vermeersch,

Creusen, and Regatillo. These priests were internationally recognized authorities in their fields before Vatican II. Our citations are taken from their massive treatises on canon law and dogmatic theology.

**Matthaeus Conte a Coronata (1950)** “*III. Appointment to the office of the Primacy* [i.e. papacy].

“1° What is required by **divine law** for this appointment: (a) It is required that the appointment be of a man who possesses the use of reason — and this at least because of the ordination the Primate must receive to possess the power of Holy Orders. Indeed, this is required for the validity of the 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.”...

“2° *Loss of office of the Roman Pontiff.* This can occur in various ways:...

“c) *Notorious heresy.* Certain authors deny the supposition that the Roman Pontiff can indeed become a heretic.

“It cannot be proven however that the Roman Pontiff, as a private teacher, cannot become a heretic — if, for example, he would contumaciously deny a previously defined dogma. Such impeccability was never promised by God. Indeed, Pope Innocent III expressly admits such a case is possible.

“If indeed such a situation would happen, he [the Roman Pontiff] would, by **divine law**, fall from office without any sentence, indeed, without even a declaratory one. He who openly professes heresy places himself outside the Church, and it is not likely that Christ would preserve the Primacy of His Church in one so unworthy. Wherefore, if the Roman Pontiff were to profess heresy, before any condemnatory sentence (which would be impossible anyway) he would lose his authority.” *Institutiones Iuris Canonici*. Rome: Marietti 1950. 1:312, 316. (My emphasis.)

**Pope Innocent III (1198)** “To this end faith is so necessary for me that, though I have for other sins God alone as my judge, it is alone for a sin committed against the faith that I may be judged by the Church. For ‘he who does not believe is already judged’.” *Sermo 2: In Consecratione* PL 218:656.

“You are the salt of the earth... Still less can the Roman Pontiff boast, for he can be judged by men — or rather, he can be shown to be judged, if he manifestly ‘loses his savor’ in heresy. For he who does not believe is already judged.” *Sermo 4: In Consecratione* PL 218:670.

**St. Antoninus (†1459)** “In the case in which the pope would become a heretic, he would find himself, by that fact alone and without any other sentence, separated from the Church. A head separated from a body cannot, as long as it remains separated, be head of the same body from which it was cut off.

“A pope who would be separated from the Church by heresy, therefore, would by that very fact itself cease to be head of the Church. He could not be a heretic and remain pope, because, since he is outside of the Church, he cannot possess the keys of the Church.” *Summa Theologica*, cited in *Actes de Vatican I*. V. Frond pub..

**Pope Paul IV (1559)** “Further, if ever it should ever appear that any bishop (even one acting as an archbishop, patriarch or primate), or a cardinal of the Roman Church, or a legate (as mentioned above), or even the Roman Pontiff (whether prior to his promotion to cardinal, or



prior to his election to be Roman Pontiff), has beforehand deviated from the Catholic Faith or fallen into any heresy, [We enact, decree, determine and define]:

“— Such promotion or election in and of itself, even with the agreement and unanimous consent of all the cardinals, shall be null, legally invalid and void.

“— It shall not be possible for such a promotion or election to be deemed valid or to be valid, neither through reception of office, consecration, subsequent administration, or possession, nor even through the putative enthronement of a Roman Pontiff himself, together with the veneration and obedience accorded him by all.

“— Such promotion or election, shall not through any lapse of time in the foregoing situation, be considered even partially legitimate in any way....

“— Each and all of the words, as acts, laws, appointments of those so promoted or elected — and indeed, whatsoever flows therefrom — shall be lacking in force, and shall grant no stability and legal power to anyone whatsoever.

“— Those so promoted or elected, by that very fact and without the need to make any further declaration, shall be deprived of any dignity, position, honor, title, authority, office and power.” Bull *Cum ex Apostolatus Officio*. 16 February 1559.

**St. Robert Bellarmine (1610)** “A pope who is a manifest heretic automatically (*per se*) ceases to be pope and head, just as he ceases automatically to be a Christian and a member of the Church. Wherefore, he can be judged and punished by the Church. This is the teaching of all the ancient Fathers who teach that manifest heretics immediately lose all jurisdiction.” *De Romano Pontifice*. II.30.

**St. Alphonsus Liguori (†1787)** “If ever a pope, as a private person, should fall into heresy, he would at once fall from the pontificate.” *Oeuvres Complètes*. 9:232

**Vatican I (1869), Serapius Iragui (1959)** “What would be said if the Roman Pontiff were to become a heretic? In the First Vatican Council, the following question was proposed: Whether or not the Roman Pontiff as a private person could fall into manifest heresy?

“The response was thus: ‘Firmly trusting in supernatural providence, we think that such things quite probably will never occur. But God does not fail in times of need. Wherefore, if He Himself would permit such an evil, the means to deal with it would not be lacking.’ [Mansi 52:1109]

“Theologians respond the same way. We cannot prove the absolute unlikelihood of such an event [*absolutam repugnantiam facti*]. For this reason, theologians commonly concede that the Roman Pontiff, if he should fall into manifest heresy, would no longer be a member of the Church, and therefore could neither be called its visible head.” *Manuale Theologiae Dogmaticae*. Madrid: Ediciones Studium 1959. 371.

**J. Wilhelm (1913)** “The pope himself, if notoriously guilty of heresy, would cease to be pope because he would cease to be a member of the Church.” *Catholic Encyclopedia*. New York: Encyclopedia Press 1913. 7:261.

**Caesar Badii (1921)** “c) *The law now in force for the election of the Roman Pontiff* is reduced to these points:...

“Barred as *incapable* of being validly elected are the following:

women, children who have not reached the age of reason, those suffering from habitual insanity, the unbaptized, heretics and schismatics...

"Cessation of pontifical power. This power ceases: ... (d) Through notorious and openly divulged *heresy*. A publicly heretical pope would no longer be a member of the Church; for this reason, he could no longer be its head." *Institutiones Iuris Canonici*. Florence: Fiorentina 1921. 160, 165. (His emphasis.)

**Dominic Prümmer (1927)** "*The power of the Roman Pontiff is lost: ... (c) By his perpetual insanity or by formal heresy. And this at least probably...*

"The authors indeed commonly teach that a pope loses his power through certain and notorious heresy, but whether this case is really possible is rightly doubted.

"Based on the supposition, however, that a pope could fall into heresy as a *private* person (for as pope he could not err in faith, because he would be infallible), various authors have worked out different answers as to how he would then be deprived of his power. None of the answers, nevertheless, exceed the limits of probability." *Manuale Iuris Canonici*. Fribourg in Briesgau: Herder 1927. 95. (His emphasis.)

**F.X. Wernz, P. Vidal (1943)** "Through notorious and openly divulged heresy, the Roman Pontiff, should he fall into heresy, by that very fact [*ipso facto*] is deemed to be deprived of the power of jurisdiction even *before* any declaratory judgement by the Church.... A pope who falls into public heresy would cease *ipso facto* to be a member of the Church; therefore, he would also cease to be head of the Church." *Ius Canonikum*. Rome: Gregorian 1943. 2:453.

**Udalricus Beste (1946)** "Not a few canonists teach that, outside of death and abdication, the pontifical dignity can also be lost by falling into a certain and insane loss of mind, which is legally equivalent to death, as well as through manifest and notorious heresy. In the latter case, a pope would automatically fall from his power, and this, indeed, without the issuance of any sentence, for the first See [i.e., the See of Peter] is judged by no one.

"The reason is that, by falling into heresy, the pope ceases to be a member of the Church. He who is not a member of a society, obviously, cannot be its head. We can find no example of this in history." *Introductio in Codicem*. 3rd ed. Colledgeville: St. John's Abbey Press 1946. Canon 221.

**A. Vermeersch, I. Creusen (1949)** "The power of the Roman Pontiff ceases by death, free resignation (which is valid without need for any acceptance, c. 221), certain and unquestionably perpetual insanity, and notorious heresy.

"At least according to the more common teaching, the Roman Pontiff as a private teacher can fall into manifest heresy. Then, without any declaratory sentence (for the supreme See is judged by no one), he would automatically [*ipso facto*] fall from a power which he who no longer a member of the Church is unable to possess." *Epitome Iuris Canonici*. Rome: Dessain 1949. 340.

**Eduardus F. Regatillo (1956)** "The Roman Pontiff ceases in office: ... (4) *Through notorious public heresy?* Five answers have been given:

"1. 'The pope cannot be a heretic even as a private teacher.' This is pious, but there is little foundation for it.

"2. 'The pope loses office even through secret heresy.' False, be-

cause a secret heretic can be a member of the Church.

"3. 'The pope does not lose office because of public heresy.' Improbable.

"4. 'The pope loses office by a judicial sentence because of public heresy.' But who would issue the sentence? The first See is judged by no one (Canon 1556).

"5. 'The pope loses office *ipso facto* because of public heresy.' This is the more common teaching, because he would not be a member of the Church, and hence far less could he be its head." *Institutiones Iuris Canonici*. 5th ed. Santander: Sal Terrae, 1956. 1:396. (His emphasis.)

## Appendix 2

### **Heresy: The Sin vs. the Crime**

SOME WRITERS have raised the following objection: No one can become a true heretic unless Church authority first warns or admonishes him that he is rejecting a dogma. Only after that does he have the "pertinacity" (stubbornness in false belief) required for heresy. No one issued warnings to the post-Conciliar popes about their errors, so they are not pertinacious. Thus they cannot be true heretics.

This argument confuses a distinction that canonists make between two aspects of heresy:

(1) *Moral*: Heresy as a **sin** (*peccatum*) against **divine** law.

(2) *Canonical*: Heresy as a **crime** (*delictum*) against **canon** law.

The moral/canonical distinction is easy to grasp by applying it to abortion. There are two aspects under which we can consider abortion:

(1) *Moral*: Sin against the 5<sup>th</sup> Commandment that results in the loss of sanctifying grace.

(2) *Canonical*: Crime against canon 2350.1 of the Code of Canon Law that results in automatic excommunication.

In the case of heresy, warnings only come into play for the *canonical crime* of heresy. These are not required as a condition for committing the *sin* of heresy against the divine law.

The canonist Michel draws the clear distinction for us: "**Pertinacity does not of necessity include long obstinacy by the heretic and warnings from the Church.** A condition for the sin of heresy is one thing; a condition for the canonical crime of heresy, punishable by canon laws, is another." (Michel, "Hérésie," in DTC 6:2222)

It is a pope's public *sin* of heresy in this sense that strips him of Christ's authority. "If indeed such a situation would happen," said the canonist Coronata. "he [the Roman Pontiff] would, **by divine law**, fall from office without any sentence." (See above)

## Appendix 3

### **Did the New Mass Come from the Church?**

WE NOTED ABOVE that, if the New Mass is Protestant, irreverent, sacrilegious, or otherwise harmful to the Catholic Faith or the salvation of souls, it *cannot* come from the authority of the Church, because her infallibility extends to universal disciplinary laws, including liturgical laws. Below are some quotes from theologians which explain this teaching.

The term "universal" refers to the *territory* where a law applies (everywhere vs. a limited geographical area), not the *rite* (Latin vs. Eastern). (See Prümmer, *Man. Jus. Can.*, 4)

Most theologians cite the anathema of Trent (also quoted here) against those who say that the ceremonies of the Catholic Church are “incentives to impiety.”

“Incentives to impiety,” most traditional Catholics would probably agree, is probably the best three-word description you can find for the rites and prayers of Paul VI’s *Novus Ordo*. It has done nothing but erode faith, promote error, and progressively empty our churches. The man who promulgated such a rite *could not*, therefore, have possessed the authority of Peter.

**Council of Trent (1562)** “If anyone says that the ceremonies, vestments and outward signs, which the Catholic Church uses in the celebration of Masses, are incentives to impiety rather than the service of piety: let him be anathema.” *Canons on the Mass*. 17 September 1562. Denziger 954.

**P. Hermann (1908)** “The Church is infallible in her general discipline. By the term general discipline is understood the laws and practices which belong to the external ordering of the whole Church. Such things would be those which concern either external worship, such as liturgy and rubrics, or the administration of the sacraments, such as Communion under one species....

“The Church in her general discipline, however, is said to be infallible in this sense: that nothing can be found in her disciplinary laws which is against the Faith or good morals, or which can tend [*vergere*] either to the detriment of the Church or to the harm of the faithful.

“That the Church is infallible in her discipline follows from her very mission. The Church’s mission is to preserve the integral faith and to lead people to salvation by teaching them to preserve whatever Christ commanded. But if she were able to prescribe or command or tolerate in her discipline something against faith and morals, or something which tended to the detriment of the Church or to the harm of the faithful, the Church would turn away from her divine mission, which would be impossible.” *Institutiones Theologiae Dogmaticae*. 4th ed. Rome: Della Pace 1908. 1:258.

**A. Dorsch (1928)** “The Church is also rightfully held to be infallible in her disciplinary decrees...

“By disciplinary decrees are understood all those things which pertain to the ruling of the Church, insofar as it is distinguished from the magisterium. Referred to here, then, are ecclesiastical laws which the Church laid down for the universal Church in order to regulate divine worship or to direct the Christian life.” *Institutiones Theologiae Fundamentals*. Innsbruck: Rauch 1928. 2:409.

**R.M. Schultes (1931)** “*The Infallibility of the Church in Enacting Disciplinary Laws*. Disciplinary laws are defined as ‘ecclesiastical laws laid down to direct Christian life and worship.’...

“The question of whether the Church is infallible in establishing a disciplinary law concerns the substance of universal disciplinary laws — that is, whether such laws can be contrary to a teaching of faith or morals, and so work to the spiritual harm of the faithful,...

“*Thesis. The Church, in establishing universal laws, is infallible as regards their substance.*

“The Church is infallible in matters of faith and morals. Through disciplinary laws, the Church teaches about matters of faith and morals, not doctrinally or theoretically, but practically and effectively. A disciplinary law therefore involves a doctrinal judgement....

“The reason, therefore, and foundation for the Church’s infallibility in her general discipline is the intimate connection between truths of faith or morals and disciplinary laws.

“The principal matter of disciplinary laws is as follows: a) worship....” *De Ecclesia Catholica*. Paris: Lethielleux 1931. 314-7.

**Valentino Zubizarreta (1948)** “*Corollary II*. In establishing disciplinary laws for the universal Church, the Church is likewise infallible, in such a way that she would never legislate something which would contradict true faith or good morals.

“Church discipline is defined as ‘that legislation or collection of laws which direct men how to worship God rightly and how to live a good Christian life....

“*Proof for the Corollary*. It has been shown above that the Church enjoys infallibility in those things which concern faith and morals, or which are necessarily required for their preservation. Disciplinary laws, prescribed for the universal Church in order to worship God and rightly promote a good Christian life, are implicitly revealed in matters of morals, and are necessary to preserve faith and good morals. Therefore, the Corollary is proved.” *Theologia Dogmatico-Scholastica*. 4th ed. Vitoria: El Carmen 1948. 1:486.

**Serapius Iragui (1959)** “Outside those truths revealed in themselves, the object of the magisterium’s infallibility includes other truths which, while not revealed, are nevertheless necessary to integrally preserve the deposit of the Faith, correctly explain it, and effectively define it...

“D) *Disciplinary Decrees*. These decrees are universal ecclesiastical laws which govern man’s Christian life and divine worship. Even though the faculty of establishing laws pertains to the power of jurisdiction, nevertheless the power of the magisterium is considered in these laws under another special aspect, insofar as there must be nothing in these laws opposed to the natural or positive law. In this respect, we say that the judgement of the Church is infallible...

“1°) This is required by the nature and purpose of infallibility, for the infallible Church must lead her subjects to sanctification through a correct exposition of doctrine. Indeed, if the Church in her universally binding decrees would impose false doctrine, by that very fact men would be turned away from salvation, and the very nature of the true Church would be placed in peril.

“All this, however, is repugnant to the prerogative of infallibility with which Christ endowed His Church. Therefore, when the Church establishes disciplinary laws, she must be infallible.” *Manuale Theologiae Dogmaticae*. Madrid: Ediciones Studium 1959. 1:436, 447.

**Joachim Salaverri (1962)** “3) Regarding disciplinary decrees in general which are by their purpose [*finaliter*] connected with things God has revealed.

“A. The purpose of the infallible Magisterium requires infallibility for decrees of this kind....

“Specifically, that the Church claims infallibility for herself in liturgical decrees is established by the law the Councils of Constance and Trent solemnly enacted regarding eucharistic communion under one species.

“This can also be abundantly proved from other decrees, by which the Council of Trent solemnly confirmed the rites and ceremonies used in the administration of the sacraments and the celebration of Mass.” *Sacrae Theologiae Summa*. 5th ed. Madrid: BAC 1962. 1: 722, 723.

## Appendix 4

### A Long Vacancy of the Holy See

SOME TRADITIONALISTS have offered another objection: Vatican I taught that St. Peter would have “perpetual successors” in the Primacy. (DZ 1825) Doesn’t this mean that it would be *impossible* for the Church to be without a true pope for such a long time — since Vatican II in the 1960s, as you seem to say?

No. Vatican I’s definition was in fact directed against heretics who taught that St. Peter’s special power from Christ *died with him* and was not passed along to his successors, the popes. “Perpetual successors” means that the *office* of the Primacy is perpetual — not limited to Peter, but “a power that will perpetually endure to the end of the world.” (Salaverri, *de Ecclesia* 1:385)

But this papal office can remain vacant for a long time without becoming extinct or changing the nature of the Church. Here is the explanation:

**A. Dorsch (1928)** “The Church therefore is a society that is essentially monarchical. **But this does not prevent the Church**, for a short time after the death of a pope, or **even for many years, from remaining deprived of her head**. Her monarchical form also remains intact in this state....

“Thus the Church is then indeed a headless body.... Her monarchical form of government remains, though then in a different way — that is, it remains incomplete and to be completed. The ordering of the whole to submission to her Primate is present, even though actual submission is not...

“For this reason, the See of Rome is rightly said to remain after the person sitting in it has died — for the See of Rome consists essentially in the rights of the Primate. These rights are an essential and necessary element of the Church. With them, moreover, the Primacy then continues, at least morally. **The perennial physical presence of the person of the head, however, is not so strictly necessary.**” (*de Ecclesia* 2:196–7)

## Appendix 5

### Where Would We Get a True Pope?

IF THE POST-VATICAN II popes are not true popes, how might the Church one day get a true pope again? Here are some theories:

1. *Direct Divine Intervention*. This scenario is found in the writings of some approved mystics.

2. *The Material/Formal Thesis*. This holds that should a post-Vatican II pope publicly renounce the heresies of the post-Conciliar Church, he would automatically become a true pope.

3. *An Imperfect General Council*. The theologian Cajetan (1469–1534) and others teach that, should the College of Cardinals become extinct, the right to elect a pope would devolve to the clergy of Rome, and then to the universal Church. (*de Comparatione* 13, 742, 745)

Each of these seems to present some difficulties. But this should not be surprising, because the precise solution to an unusual problem in the Church cannot always be predicted beforehand. This can be seen from the following comment in the 1913 *Catholic Encyclopedia*: “No canonical provisions exist regulating the authority of the College of Cardinals *sede Romanâ impeditâ*, i.e. in case the pope became insane, or personally a heretic; in such cases it would be necessary to consult the dictates of right

reason and the teachings of history.” (“Cardinal,” CE 3:339)

Moreover, an inability at present to determine exactly *how* another true pope would be chosen in the future does not somehow make Paul VI and his successors into true popes by default.

Nor does it change what we already *know*: that the post-Conciliar popes promulgated errors, heresies and evil laws; that a heretic cannot be a true pope; and that promulgating evil laws is incompatible with possessing authority from Jesus Christ.

To insist despite this that the post-Conciliar popes *must* be true popes creates an insoluble problem for the indefectibility of the Church — Christ’s representatives teach error and give evil. Whereas a long vacancy of the Holy See, as noted in Appendix 4, is *not* contrary to the indefectibility or the nature of the Church.

## Bibliography

- BADII, C. *Institutiones Iuris Canonici*. Florence: Fiorentina 1921.
- BELLARMINE, Robert. *De Romano Pontifice. De Controversiis, Opera Omnia*, t.1. Naples: Giuliano 1836.
- BESTE, U. *Introductio in Codicem*. 3rd ed. Collegeville: St. John’s Abbey Press 1946.
- CAJETAN, T. de Vio. *De Comparatione Auctoritatis Papae et Concilii*. Rome: Angelicum 1936.
- CORONATA, M. Conte a. *Institutiones Iuris Canonici*. Rome: Marietti 1950.
- CORRIDAN, James A. et al. editors. *The Code of Canon Law: A Text and Commentary* commissioned by the Canon Law Society of America. New York: Paulist 1985.
- DORSCH, A. *Institutiones Theologiae Fundamentalis*. Innsbruck: Rauch 1928.
- HERMANN, P. *Institutiones Theologiae Dogmaticae*. 4th ed. Rome: Della Pace 1908.
- IRAGUI, S. *Manuale Theologiae Dogmaticae*. Madrid: Ediciones Studium 1959.
- INNOCENT III, Pope. In *Consecratione: Sermo 2* (PL 216:654–60) and *Sermo 4* (PL 218:665–72)
- MICHEL, A. “Hérésie, Hérétique,” in *Dictionnaire de Théologie Catholique*. Paris: Letouzey 1913–50.
- PAUL IV, Pope. Bull *Cum ex Apostolatus Officio*. 16 February 1559.
- PRÜMMER, D. *Manuale Iuris Canonici*. Fribourg in Briesgau: Herder 1927.
- REGATILLO, E. *Institutiones Iuris Canonici*. 5th ed. Santander: Sal Terrae, 1956.
- SÄGMÜLLER, J.B.. “Cardinal,” *Catholic Encyclopedia*. New York: Appleton 1913. 3:333-41.
- SALAVERRI, J. *Sacrae Theologiae Summa*. 5th ed. Madrid: BAC 1962.
- SCHULTES, R.M. *De Ecclesia Catholica*. Paris: Lethielleux 1931.
- VAN NOORT, G. *Dogmatic Theology*. Westminster MD: Newman 1959.
- VERMEERSCH, A., I. Cruesen. *Epitome Iuris Canonici*. Rome: Dessain 1949.
- WERNZ, F.X., P. Vidal. *Ius Canonicum*. Rome: Gregorian 1943.
- WILHELM, J. “Heresy,” *Catholic Encyclopedia*. New York: Encyclopedia Press 1913.
- ZUBIZARRETA, V. *Theologia Dogmatico-Scholastica*. 4th ed. Vitoria: El Carmen 1948. (Internet, January 2006)

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